

**RAUNDS TOWN COUNCIL****PERSONNEL COMMITTEE**

Minutes: 16 April: Start Time 7.30pm

**PRESENT**

Cllr B Tirebuck (Chairman), Cllr L Wilkes, Cllr R Levell, Cllr H Howell, Cllr S Hughes.

**IN ATTENDANCE**

Ms Kate Houlihan, Town Clerk (Minutes)

- 716.18 To receive apologies for absence.**  
None received
- 717.18 Notification of requests from members of the public to address the meeting in compliance with adopted protocol.**  
None received
- 718.18 Notification of members questions in compliance with the council's standing orders.**  
None received
- 719.18 Declarations of Interest.**  
COUNCILLORS ARE REMINDED THAT IF THEY HAVE EITHER A DISCLOSABLE PECUNIARY INTEREST OR OTHER INTEREST IN ANY ITEM THEN THEY SHOULD DECLARE THE INTEREST AND LEAVE THE MEETING FOR THAT ITEM  
None received
- 720.18 Minutes:** confirm the minutes of the Personnel Committee meeting held 15 January 2019.  
  
**RESOLVED that the minutes of the meeting held on 15 January 2019 be confirmed as a true record.**
- 721.18 Accidents and Near Misses Policy:** To review the council's Accidents and Near Misses policy  
  
Members reviewed the accidents and near misses policy and subject to minor amendments as shown in Appendix 1 it was...  
  
**RESOLVED to recommend to the Full Council the Accidents and Near Misses policy be adopted as shown in Appendix 1**
- 722.18 Time off in Lieu Policy:** To review the council's Time off in Lieu Policy  
  
Members reviewed the Time Off in Lieu Policy and subject to minor amendments as shown in Appendix 2 it was...  
  
**RESOLVED to recommend to the Full Council that the Time off in Lieu policy be adopted as shown in Appendix 2**

**723.18 LGPS Employer Discretions Policy:** To review the council’s Employer Discretions Policy

Members reviewed the LGPS Employer Discretions Policy and subject to minor amendments as shown in Appendix 3 it was...

**RESOLVED to recommend to the Full Council that the LGPS Employer Discretions policy be adopted as shown in Appendix 3**

**724.18** *The press and public will be excluded from the following agenda item due to the confidential nature of the business under the Public Bodies (Admission to Meetings) Act 1960*

**RESOLVED that the public and press be excluded from the meeting**

**725.18 Establishment Report:** To receive a report from the Clerk on various staffing matters

Members reviewed the confidential report of the Clerk and it was noted that the training plans were being implemented.

It was agreed that the entire staff team were working well together and had successfully delivered a number of projects.

There being no other business the meeting closed at 19.48

Approved: ..... (Town Mayor)

Meeting date: ..... 14 May 2019 .....(Council)

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Confirmed: ..... (Chairman)

Meeting date: .....(Committee)

## Appendix 1 - ACCIDENTS OR NEAR-MISSES POLICY

1. The Council has adopted this policy document to enable a corporate approach to be made in respect of the rules relating to accidents (involving loss, injury or damage) or near misses.
2. This policy document will form part of employees' contracts of employment.
3. All incidents likely to give rise to claims against the Council must be reported immediately to the Clerk to the Council and thereafter confirmed in writing as quickly as possible.
4. Particular care should be taken so as to ensure that no statements are made at the time of such incidents on questions as to who might be responsible for the incident.
5. You are reminded that the conditions of the Council's insurances require that all reasonable steps must be taken to prevent accidental loss, damage or injury. Statistically speaking, there are numerous near-misses before you have an accident, therefore it is imperative that all near-misses are reported.
6. Where actual or potential physical injury occurs to an employee or visitor to Council premises or to an employee in the course of his/her duties on other premises, the accident must be reported to the Clerk to the Council and recorded in the accident book. In addition, an accident on premises owned or operated by another company or organisation should be recorded in their accident book. All employers are required by law to keep such records.
7. Raunds Town Council does not have insurance cover for items of personal property damaged or destroyed during the course of employment except where that damage is caused by an assault on the employee.
8. Accidents and/or significant near-misses should be reported to Raunds Town Council under the Health & Safety caveat.

Adopted 1<sup>st</sup> January 2010. Amended April 2015  
To be reviewed ~~Tri-annually.~~ **Triennially**

## Appendix 2 - TOIL (Time off In Lieu) POLICY

It is accepted by many employers within our society that *time off in lieu*, widely known by the acronym TOIL, is advantageous both to employers and employees.

The basic concept is that hours worked over and above normal hours may be saved and subtracted from standard working hours at a later date.

This may prove beneficial to employers in times of work pressure, and to employees in managing their home life and social relationships, and the widespread move towards more flexible working hours has led to it being a part of some work environments.

In addition to reductions in organisational efficiency, the appropriate and reasonable use of TOIL can create a positive and flexible working environment. However, there is a need for guidelines in order to ensure that this option is not misused or otherwise abused on either side.

Where an employee works additional hours over and above their normal contracted hours they may, subject to these conditions, elect to be granted an equal amount of TOIL.

Employees must record TOIL that they have worked on their timesheet. Completed timesheets are held on file by The Clerk.

The maximum amount of TOIL which can be accrued by full time staff is 24 hours. This will apply on a pro-rata basis for part time staff.

TOIL should be taken within three calendar months of being accrued.

Where operational requirements make it impracticable for it to be taken within three calendar months, a maximum of six months can be allowed for the TOIL to be taken.

In exceptional circumstances the Clerk, with the written approval of the Town Mayor, may agree to vary these conditions.

TOIL should be taken at times agreeable to the employee, provided this does not have a detrimental effect on the workings of the Council offices or Saxon Hall staffing arrangements. Such arrangements to be managed by the Clerk and in the case of the Clerk to be managed by the Mayor.

**Adopted October 2008. Reaffirmed January 2013 Reaffirmed December 2016. To be reviewed Tri-annually Triennially.**

## Appendix 3 - LOCAL GOVERNMENT PENSION SCHEME 2014, POLICY ON EMPLOYER'S DISCRETIONS

### 1.0 Introduction

1.1 The Local Government Pension Scheme Regulations 2013 and Local Government (Transitional Provisions, Savings and Amendment) Regulations 2014 amend the Local Government Pension Scheme (LGPS) with effect from 1 April 2014.

1.2 As a result of the changes, Raunds Town Council, as an employer participating in the LGPS, must formulate, publish and keep under review a Statement of Policy on certain discretions which they have the power to exercise in relation to members of the CARE Scheme.

### 2.0 Participation in the pension scheme

2.1 All Raunds Town Council employees are entitled to join the Local Government Pension Scheme and auto-enrolment rules will apply.

### 3.0 Policy on determination of the rate of employees' contributions

3.1 For new employees, eligible to join the LGPS, a determination shall be made at the time of their appointment.

3.2 For existing employees, the Council will determine and reassess bands on an annual basis, with effect from 1 April each year.

3.3 The banding will be determined on actual basic salary plus any additional contractual payments or regularly expected payments e.g. honoraria, market supplement payments.

3.4 Hourly paid employees will be placed into band 1 unless there is a clear indication due to grade and expected amount of hours to be worked, that their actual pay will exceed £13,500 the threshold for the lowest contribution band in the year.

3.5 Where a member receives an increase or decrease in their salary during the course of a year (whether as a result of job evaluation, promotion, change of hours or some other reason) and this involves a significant change to their actual pay, their contribution banding will be reassessed and where appropriate a revised contribution rate will apply from the effective date of the salary change.

3.6 However changes in salary relating to pay awards and incremental progression within a grade would not normally trigger a change to the contribution banding mid-year.

3.7 Employees have the right to appeal the decision on banding by following the Internal Dispute Resolution Procedure.

3.8 The Town Clerk, as Responsible Financial Officer, shall have delegated authority to make the contribution determinations.

### 4.0 Policy and Guidelines on all other discretions

4.1 Policy: The Council will consider every eligible application as follows:

- The Council will consider every application upon its own merits, using the financial information and professional guidance obtained in respect of the application.
- At the time of formulating its decision the Council shall fully consider the extent to which the exercise of its discretionary powers could lead to a serious loss of confidence in the public service.
- In addition, the Council will use the following guidelines to help it in its decision making.

4.2 Guidelines:

- Consideration shall be given to the employee's circumstances, employment history and contribution made to the Council and for the people of Raunds during their period of employment. However, such consideration shall be given only to the extent that the Council is able to do so in compliance with current equality law and the procedure set out below.
- Assess the reasonableness of the costs of implementing the request against the resources of the Council and the burden placed on the taxpayers of the town and any resultant loss of confidence that might result in the Town Council.

### 5.0 Procedure on Discretions

5.1 In respect of those areas of policy Raunds Town Council can exercise discretion; the Council's procedure shall be as follows:

*Initial discretion decision process:*

- Convene an Initial Decision Panel formed of the Mayor and two other personnel committee members, together with the Town Clerk.
- The panel shall have responsibility for formulating a recommendation to Council on the application.

- The Panel will first agree with the applicant precisely what is being requested to avoid any later confusion.
- Prior to considering any pension member's request for the Council to use its discretionary powers, the Panel shall obtain from its Local Government Pension Scheme provider full details of the costs associated with the request.
- Next, obtain professional advice on the full implications of the request and any implications the decision may have in respect of discrimination or equality.
- Gather all relevant information, professional advice and evidence required to enable an impartial decision to be arrived at.
- Make recommendation to Council on a decision; stating fully the reasons behind the proposed decision.
- Council shall then formally consider the recommendation and make a resolution.
- The outcome will then be conveyed to the applicant by the Town Clerk together with any rights of appeal.
- In the absence of either the Mayor or Town Clerk the Council shall appoint an alternative person in their respective role.

5.2 In the event the decision is appealed by the applicant an independent panel will be convened.

*Internal Dispute Resolution Procedure*

- The panel will consist of three Members not previously involved in the original deliberations.
- The panel shall be entitled to call on any professional advice if feels necessary to enable it to hear the appeal.
- Make such recommendations to the Council as it feels appropriate having reviewed all documentation, evidence and further submissions from interested parties.

## 6.0 Policy Review

6.1 The Council shall keep this policy under review having regard to legislative, regulatory or other changes and to further review this policy on an annual basis if no intervening change has been necessary.

## 7.0 Breadth of the Council's discretion

7.1 The Council will employ this policy, associated guidelines and procedures against any applications made in respect of the undermentioned discretionary provisions within the Pension Scheme:

	<b>Discretion</b>	<b>Regulation/notes</b>
Granting additional Pension	Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a.)	R31
Shared cost APCs	Whether, where an active Scheme member wishes to purchase extra annual pension of up to £6,500 (figure at 1 April 2014) by making Additional Pension Contributions (APCs), to (voluntarily) contribute towards the cost of purchasing that extra pension via a shared Cost Additional Pension Contribution (SCAPC)	R16(2)(e) R16(4)(d)
Flexible retirement	Whether all or some benefits can be paid if an active member aged 55 or over and with at least 2 years qualifying service reduces their hours or grade (flexible retirement)	R30(6) & TP11(2)
Flexible retirement	Whether to waive, in whole or in part, actuarial reduction to benefits paid on flexible retirement	R30(8)
85 Year Rule	Whether to "switch on" the 85 year rule for a member voluntarily drawing benefits at or after age 55 and before age 60.	TP Sch 2, paras 1(1)(c), 1(2) and 2(2)

	Discretion	Regulation/notes
Waive reduction	Whether to waive, on compassionate grounds, any actuarial reduction on pre and/or post April 2014 benefits	TP3(1), TP Sch 2, paras 2(1) and 2(2), B30(5) and B30A(5)
Waive reduction	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.	R30(8)
Shared AVCs	Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements entered into on or after 1/4/14	R17(1) & definition SCAVC in RSch 1
Shared AVCs	Whether, how much, and in what circumstances to contribute to a shared cost AVC arrangement entered into before 1/4/14	TP15(1)(d) A25(3)
Transferring in non LGPS pension rights	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS	R100(6)
Joining LGPS membership	Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment	R22(8)(b)
Joining LGPS membership	Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with an ongoing concurrent employment	R22(7)(b)
Employee contributions rate	How the pension band to which an employee is to allocated on joining the scheme, and at each subsequent April, will be determined and the circumstances in which the employer will, in addition to the review each April, review the pension contribution band to which an employee has been allocated following a material change which affects the member's pensionable pay in the course of a scheme year (1 April to 31 March)	R9(1) & R9(3)  <b>Note: See special policy provision (para 3.0 above) for this discretion</b>
Regular lump sum payments	In determining Assumed Pensionable Pay, whether a lump sum payment made in the previous 12 months is a "regular lump sum"	R21(5)
Employer consent retirement	Whether to grant application for an early payment of deferred benefits on or after age 55 and before age 60	B30(2)
Waive reduction	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30	B30(5)
Granting additional membership	Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31 March 2014, to augment membership (by up to 10 years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30 September 2014	<b>B12</b>
Employer consent retirement following Tier 3 ill health award	Whether to grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60.	B30A(3)
Waive reduction	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A	B30(5)
Employer consent retirement	Grant application from a post 31.3.98 / pre 1.4.08 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60	31(2)

	<b>Discretion</b>	<b>Regulation/notes</b>
Waive reduction	Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early before for a post 31.3.98 / pre 1.4.08 leaver or a councillor leaver.	31(5)
Employer consent at NRD for optant	Pre 1.4.08 employee optants out (Not Councillors) who are still in the same employment only to get benefits paid from NRD if employer agrees.	31(7A)
Employer consent retirement	Grant application from a pre 1.4.98 leaver for early payment of deferred benefits on or after age 50 on compassionate grounds	D11(2)(c)
Redundancy Pay on actual weeks pay	To base redundancy payments on an actual weeks pay where this exceeds the statutory weeks pay limit.	5
Lump sum compensation	To award lump sum compensation of up to 104 weeks pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.	6
Abatement during re-employment	Whether and to what extent to reduce or suspend the member's annual compensatory added years payment during any period of re-employment in local government	17
Reduction following cessation of re-employment	How to reduce the member's annual compensatory added years payment following the cessation of a period of re-employment in local government.	19
Apportionment of survivor benefit	How to apportion any surviving spouse's or civil partner's annual compensatory added year's payment where the deceased person is survived by more than one spouse or civil partner	21(4)
Effects of remarriage, new civil partnership or co-habitation on survivor's compensation payments	Whether in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be disapplied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid.	21(7)
Effects of remarriage, new civil partnership or co-habitation on survivor's compensation payments	If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation	21(5)
Injury allowances	Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	3(1)
Injury allowances	Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job	3(4) and 8
Injury allowances	Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1)	3(2)

	<b>Discretion</b>	<b>Regulation/notes</b>
Injury allowances	Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties	4(1)
Injury allowances	Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job	4(3) and 8
Injury allowances	Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1).	4(2)
Injury allowances	Whether to suspend or discontinue injury allowance awarded under regulation 4(1) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.	4(5)
Injury allowances	Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a reg 3 payment was being made at date of cessation of employment but reg 4 does not apply	6(1)
Injury allowances	Determine amount of any injury allowance to be paid under regulation 6(1).	6(1)
Injury allowances	Determine whether and when to cease payment of an injury allowance payable under regulation 6(1)	6(2)
Injury allowances	Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependant of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	7(1)
Injury allowances	Determine amount of any injury allowance to be paid under regulation 7(1).	7(2) and 8
Injury allowances	Determine whether and when to cease payment of an injury allowance payable under regulation 7(1)	7(3)

**Re-Adopted June 2015**  
**Review on requirement from the LGPS**  
**To be reviewed Triennially**