

Council – 9th January 2012

Pay and Reward Policy

Service Area: Resources

Wards: None

1. Summary of report

Walsall Council has recently finalised a Pay and Grading exercise in relation to all NJC and Hay posts within the Council's structure. Walsall Council understands the importance of having a clear written Pay and Reward Policy for all staff employed at the Council to provide a framework to ensure that all staff are rewarded fairly and objectively, without discrimination for the work they undertake on behalf of the Council. There is also a statutory requirement under the Localism Act 2011 for the local authority to prepare a pay policy statement on an annual basis. This statement must include specific details regarding the remuneration of chief officers, details of the remuneration of the Council's lowest paid employees, and the relationship between chief officer remuneration, and the remuneration of its employees who are not chief officers. This is known as pay dispersal.

Council is required by the legislation to pass a resolution approving the Pay Policy statement. It would be unlawful for the Council not to have a senior pay policy statement as it is a requirement of Localism Act 2011.

The Council recognises that financial reward is only one element of a total reward package in remunerating its employees for the work they do on behalf of the Council. The Council therefore tries to ensure that all staff enjoy good working conditions. The policy also reflects fairness and equality of opportunity; the need to encourage and enable people to perform; the need to recruit and retain employees in a competitive market; and the desire to operate a transparent pay and grading structure.

The Council has to ensure that it has an appropriately staffed organisational structure that enables the Council to discharge all of its functions.

The Pay and Reward policy statement provides openness and accountability in how the Council rewards staff. This builds upon the Secretary of State's published code of recommended practice for local authorities on data transparency, of 29 September 2011, which enshrined principles of transparency and provided recommendations on the publication of data on senior salaries, and the structure of the Council's workforce. The Council already publishes data on chief officers pay in its annual accounts, which is a public document, and on the Council website.

Council policy in respect of the recruitment and appointment of Chief Officers is established in the Council's Constitution at Part 4.6, as part of the Officer Employment Procedure Rules. Chief Officers are appointed by Council, a committee or sub-committee of Council. This is a public document. All of these appointments are subject to the well-founded objection process involving Members of the Executive.

2. Recommendations

2.1 That Council approves the Pay and Reward Policy, with attached appendices.

2.2 (A) That Council re-affirms the procedure for the appointment of Chief Officers as set out in the Constitution:

OR

(B) That Council considers reserving to itself the power to approve the future level of remuneration in respect of Chief Officers on appointment that would be in excess of £100,000.00.

3. Resource and legal considerations

As stated previously the Council is required under the Localism Act 2011, section 38(1) to prepare a pay policy statement for the financial year 2012-2013, and each subsequent financial year.

Under section 39(1) the Councils pay policy statement must be approved by a resolution of Council before it comes into force. In addition the first statement must be prepared and approved before the end of March 2012. Each subsequent statement must be prepared and approved before the end of 31 March immediately preceding the financial year to which it relates.

There is a legal requirement under the Localism Act 2011 for the Council to publish its Pay Policy statement as soon as is reasonably practicable after the policies approved or amended.

The Pay and Reward Policy is not retrospective and establishes a framework for remuneration on an ongoing basis. There is no resource impact.

4. Citizen impact

This policy provides citizens of the borough with clear and transparent data in relation to the total reward package paid to Council employees.

5. Environmental impact

None

6. Performance and risk management issues

A fair and transparent Pay and Reward policy will minimise the risk of inequalities in pay, and provide an objective mechanism to review pay dispersal throughout the Council.

7. Equality implications

A published fair and transparent Pay and Reward policy will help to facilitate equality in pay. As an employer the Council is subject to the Equalities Act 2010 and subsequent amendments. This requires employers to ensure that men and women in the same employment, carrying out equivalent work (as defined below), receive the same level of pay.

8. Consultation

In future the Council will consult with all stakeholders in respect of the Pay and Reward policy. The current policy does not make any substantive changes to existing personnel procedures, and consolidates existing policies. The policy will be reviewed on an annual basis.

9. Background papers

Pay and Reward Policy at Appendix 1

Signed:



Rory Borealis
Executive Director (Resources)

Date: 3rd January 2012

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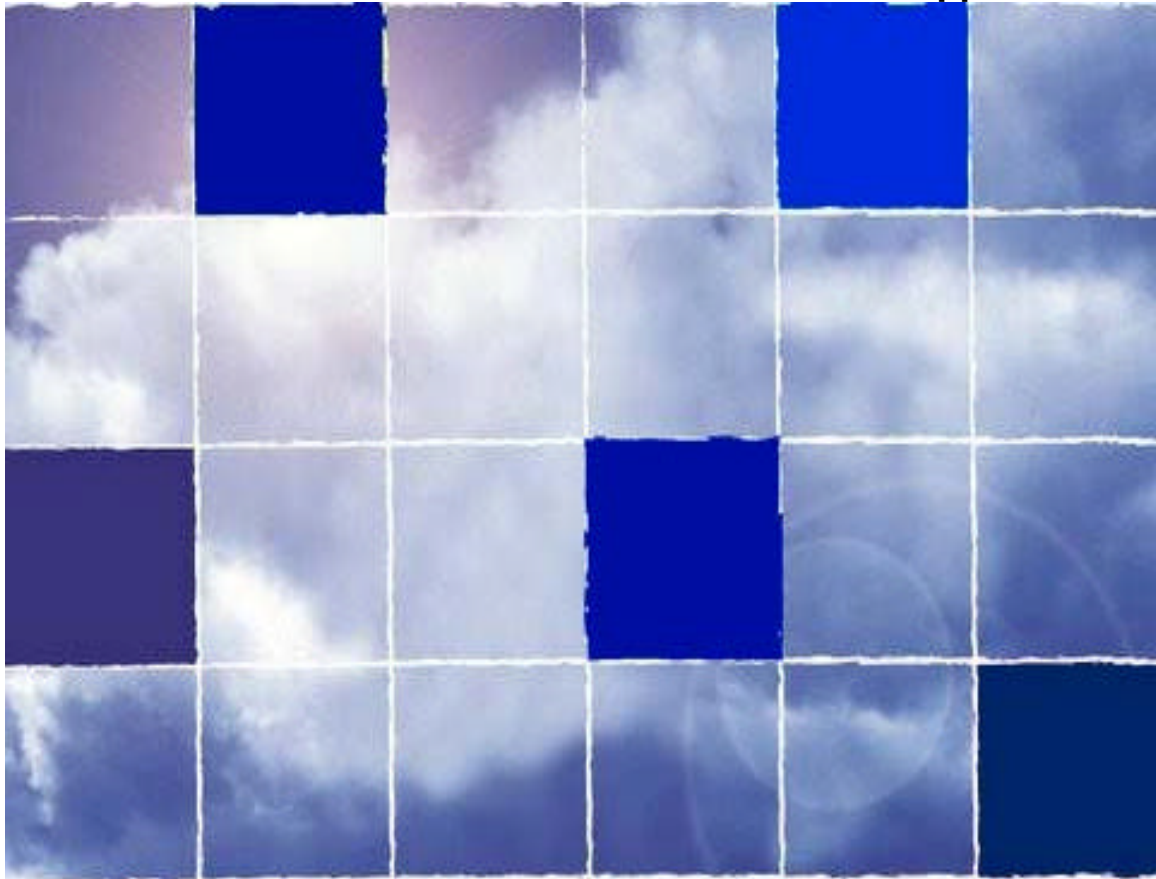
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Pay and Reward Policy

 Walsall Council	HUMAN RESOURCES & DEVELOPMENT Vision statement "To be an excellent employer we will create an environment which enables managers to develop, manage and lead people to achieve the council's vision"
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Document title:	Pay and Reward Procedure		
Version:	10	Owner: B.Evans	Head of People Services
Status:	DRAFT	Approved on:	Tbc 09 January 2012
Review date:	Autumn 2012		
Last updated date:	December 2011	Last updated by: B.Evans	HR Resourcing Team
Purpose:	To comply with legislative requirements under the Localism Act 2011 and consolidate policy in respect of Pay and Reward of Council Employees		

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(England) Regulations 2001**

Summary

Walsall Council recognises the importance of managing pay fairly and in a way that motivates staff to make a positive contribution to the Council. All staff should be appropriately rewarded and valued for their work.

The decisions that are taken to determine starting salaries or to recognise a change in duties and responsibilities are crucial to maintaining equality of pay across the Council.

All NJC and Hay positions within the Council's organisation structure have gone through a pay and grading evaluation since 2008, and the new Pay Scheme that was implemented in October 2011, as approved by Council has been objectively and independently evaluated by Northgate Arinso. The new Pay Scheme is still subject to pending appeals from employees.

The Pay and Reward Policy also incorporates the Councils Senior Pay Policy Statement as required by the Localism Act 2011.

1.0 Introduction

- 1.1 Walsall Council has a clear written policy on salaries for all staff employed at the Council to ensure that all staff are rewarded fairly, without discrimination for all the work they do.
- 1.2 When reviewing the pay policy, all relevant stakeholders including Trades Union Representatives will be consulted as appropriate and their views taken into account when deciding the pay policy.
- 1.3 Walsall Council recognises that financial reward is not the only means of supporting staff and the Council will try to ensure that all staff have good working conditions.
- 1.4 This policy will aim to reflect:-
 - Fairness and equality of opportunity
 - The need to encourage and enable people to perform to the best of their ability
 - The need to recruit and retain in a competitive market
 - The desire to operate a transparent pay and grading structure.
- 1.5 Walsall Council's employment offer includes a wider range of benefits alongside pay – access to learning and development, flexible working, performance management and the opportunity to undertake work of a public value.
- 1.6 To make these principles work Walsall Council needs remuneration arrangements which:-

- Are based on a clear and rational process for setting and reviewing the pay of employees;
 - Provide a pay practice and levels of remuneration which are sufficiently flexible and reasonably competitive taking account of relevant data on pay markets and recruitment and retention factors;
 - Are affordable by the Council and support the provision of quality public service.
- 1.7 Walsall Council will make this policy and any related procedures available to all staff ensuring that any appeal or other concerns are managed promptly, fairly and objectively.
- 1.8 Walsall Council wishes to ensure that promotion and development opportunities, where possible, are available to all employees.
- 1.9 Walsall Council will not promote staff through the grading system nor use other pay mechanisms in order to assist in securing an employee's improved pension entitlement on retirement.

2.0 Legal Framework

- 2.1 The primary legislation governing equal pay is the Equalities Act 2010 and subsequent amendments. This requires employers to ensure that men and women in the same employment, carrying out equivalent work (as defined below), receive the same level of pay. The following terms are contained in Equal Pay Legislation:
- 'Like work' is defined as work which is the same or broadly similar
 - 'Work rated as equivalent' is defined as work which has achieved the same or similar number of points under a job evaluation scheme.
 - 'Work of equal value' is defined as work which is broadly equal in value when compared under headings such as effort, skill and decision making responsibility.
- 2.2 In addition, indirect discrimination has been incorporated into equal pay as a result of case law in the UK and Europe. Indirect discrimination may arise when pay policy has a disproportionate impact on one particular sex.
- 2.3 Differences in pay may be justified where it is established that the difference is for a genuine and material reason which is not related to gender.

3.0 Definition of Pay

- 3.1 For the purposes of this policy and in line with legislation, pay is defined by Article 141 of the Treaty of Rome as:

The ordinary basic or minimum wage or salary and any other consideration, whether in cash or kind, which the worker receives, directly or indirectly, in respect of his (or her) employment from his (or her) employer.

- 3.2 Pay therefore includes allowances, pensions, discretionary bonuses and sick pay as well as other non-financial benefits such as vocational training.

4.0 Principles

- 4.1 Pay Ranges - National Joint Council (NJC)

4.1.1. Walsall Council operates NJC pay structure, ranging from spinal column point (SCP) 5 to SCP 49. The NJC scale is extended locally from SCP50 to SCP 56. Single salaries for Chief Officers exist outside this range. A number of other staff are on local conditions outside those outlined below.

4.1.2. The pay range for a large proportion of staff will be based on the national agreement for Local Government. (The Green Book). The national pay spine will apply for posts Scale 1 to PO 58. Arrangements for these scales provide for individuals to receive annual incremental progression within the grade.

4.1.3. Salary on recruitment in all pay ranges should be set at a level within the range consistent with attracting good calibre people. Flexibility exists, to pay a higher incremental point or a higher salary within the range for both recruitment and retention purposes. Such practice must be made within budgetary arrangements.

4.1.4. The lowest remuneration for Council employees is G1, Gradeline 291, SCP 5 £12,312. These are in essence the council's "lowest paid employees", by the fact that this grouping comprise the lowest paid workers in the council. These jobs as with all NJC jobs have been objectively evaluated against their job content in the course of the pay and grading project. The evaluation has been audited, and subject to an equality assessment by Northgate Ariso.

- 4.2 Pay Ranges Hay

4.2.1. Walsall Council operates the Hay pay scale, and overlaps with the top of the locally agreed NJC payscale.

4.2.2. Posts Scoring 739 or more on the NJC scheme have been judged as higher level posts and were evaluated according to the Hay scheme.

4.2.3. The cut-off score of 739 was selected through analysis of what a typical Hay graded postholder could expect to achieve on the NJC scheme. This process was agreed in conjunction with the trade unions.

4.3 Pay Ranges JNC

4.3.1 Walsall Council operates the JNC pay scale for senior management grades. These are locally agreed salary scales which are reviewed annually having regard to the JNC pay award for chief officers, market conditions and the financial situation of the council.

4.4 Salary Progression

4.4.1. Increments are due on the 1st April each year, or 6 months after appointment if less than 6 months in the new grade by 1st April, ie, an increment is paid after 6 months if the employee is appointed between 1st October and 31st March.

4.4.2. Posts are usually advertised within salary bands, where the top of the salary band advertised represents the maximum incremental point within that pay range. In practice most appointments are not made at the maximum of the pay range for jobs. Incremental progression for NJC evaluated jobs is automatic within the pay range for the job.

4.4.3. Incremental progression for Hay evaluated jobs is not automatic and is performance related.

4.4.4. Incremental progression for Chief Officer posts, under JNC terms is not automatic and is performance related

4.4.5. Incremental progression takes place until the maximum SCP of the job is achieved. Thereafter, the employee is only eligible for the annual cost of living award as negotiated by the appropriate bodies.

4.5 Pay Review

4.4.1. All pay ranges are reviewed in line with the national pay award.

4.6 Market Supplement

4.6.1. Basic pay may be supplemented by a market supplement as long as market evidence on demand for these skills supports it.

This market supplement will apply to a relatively small number of people.

4.6.2 Supplements will be reviewed annually and can be adjusted or removed in line with market changes.

4.7 Pay Data

4.7.1. Walsall Council will obtain local, regional and if appropriate national pay data to inform decision making on local pay awards and market levels alongside relative factors e.g. labour turnover rates.

4.8 Allowances

- Overtime – Any overtime worked over 37 hours and on Saturdays, Sundays and public holidays will be paid at time plus 1/2. This is only applicable to those on grade 6 or below. Overtime is not normally paid on management grades. All overtime must be agreed by the relevant manager and closely monitored.
- Callout/Standby – payments are made to reflect the unsociability of working in particular circumstances. These will be locally agreed.
- Relocation - Walsall Council may provide relocation assistance to new recruits as part of the employment package. The Council does not make payments to employees to reflect increased travel to work if the employee's work location changes.
- Professional Subscriptions – these will be paid by the council where it is an essential requirement of the job. Essential would normally relate to a statutory reason, not a selection criteria that could be unfairly restrictive in obtaining good candidates and conflict with equality of opportunity.
- Car Allowances - Where the Council requires and authorises an employee to use a private car on official business, the employee will receive an allowance for the use of their motor vehicles. The Council will decide whether the use is casual or essential.
- Performance related pay for all employees has been removed.

4.9 Annual Leave

- All employees have an entitlement to annual leave and bank holidays, which, if the employee is part time, is pro-rata of full time.
- If an employee works term time only, the annual leave calculation will be:

Number of weeks of term (including inset days if required)/52.143 x full time equivalent holiday entitlement.

- Annual leave entitlement varies according to grade and length of service:
- Part time employees are entitled to pro-rata leave in proportion to the hours worked. A part time employee works less than 37 hours per week.

Grade	Holidays	After 5 years continuous local government service
1-4	24	29
5-6	25	30
7-9	27	32
10+	28	33

- Employees transferring from another local authority will have their previous service counted for annual leave purposes provided there has been no break in service.
- 4.10 Sickness Benefit – for all staff will be in accordance with the National Agreement for Local Government. The Council has a policy and practice in place for monitoring absence and long term ill-health.
- 4.11 Equal Opportunity Considerations – pay and conditions will apply equally to employees working full-time and part-time in accordance with the Part-time Employment (Prevention of Less Favourable Treatment) Regulations 2000.

5.0 Pensions

- 5.1 All Council employees are entitled to join the local government pension scheme (LGPS) which is offered by Local Government Employers. If staff are eligible for membership of the LGPS, they will automatically become a member of the “scheme”, to be able to join the LGPS, employees need to have a contract employment for at least three months duration and be under the age of 75. Employees have the right to decide not to join the “scheme”. The benefits and contributions payable under the Fund are set out in the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended).

- 5.2 The current level of contribution to the scheme by employees is :

Whole-time pay rate	You pay (%)
Up to £12,900	5.5
£12,901 to £15,100	5.8
£15,101 to £19,400	5.9
£19,401 to £32,400	6.5
£32,401 to £43,300	6.8
£43,301 to £81,100	7.2
Over £81,100	7.5

- 5.3 The Councils current published statements relating to pensions are contained at Appendix A of this document. The statements cover the councils policy on making discretionary payments on early termination employment under regulation seven of the local government (Early Termination Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, and the Council's policy on increasing an employees total pension scheme membership and on awarding additional pension under Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008

6.0 Notice periods

The minimum period of notice to which employees are entitled to from the Council is:

(other than in circumstances of gross misconduct or gross negligence or otherwise, in accordance with the contract of employment where the Council is entitled to give summary notice):

Continuous service	Minimum notice
Grade 1-6	4 weeks
Grade 7-9	8 working weeks
Grade 10 and above	12 weeks

7.0 Senior Pay

- 7.1. The salary levels of chief officers on appointment have been set by elected members, at the relevant committee of council, for over ten years. The salary details for Chief Officers is published at <http://opendata.walsall.org.uk/opendata/opendata-datasets/opendata-employees.htm>. This information has been published since April 2011 and was updated in November 2011 in the interests of openness and transparency, and shows levels of remuneration for chief officers for the previous financial year. The public data also show Employee Analysis across the Council as of October 2011. The definition of Chief Officer is contained in Appendix B.
- 7.2 Regulation 4 of the Accounts and Audit (Amendment Nb2) (England) Regulations 2009 [SI 2009 No.3322] the Council has a legal requirement

to report the remuneration of senior employees as part of its published salaries information. This requirement has now been reinforced under section 38 (1) of the Localism Act 2011 which requires the Council to produce a pay policy statement on an annual basis.

- 7.3 The process for the recruitment and remuneration of chief officers is set out in Part 4.6 of the council's constitution.

Whether Council proposes to appoint the Chief Executive or an executive director the post will be advertised externally unless there are exceptional circumstances, the Council will:

(a) draw up a statement specifying:

- (i) the duties of the officer concerned; and
- (ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (1) (a) to be sent to any person on request.

In carrying out the recruitment and selection process the Council, Committee or Sub-Committee will be guided by best practice on recruitment and selection and the advice of the Head of Personnel and Development. The Committee or Sub Committee will have received training in equal opportunities in recruitment and selection.

- 7.4 The Council will appoint the Chief Executive following the recommendation of such an appointment by a Committee or Sub-committee of the Council. That Committee or Sub-committee must include at least one Member of the Executive. The Council may only make or approve the appointment of the Chief Executive where no well founded objection has been made by any Member of the Executive. The appointment of the Chief Executive will be in accordance with Schedule 1, Part II of the Local Authorities (Standing Orders) (England) Regulations 2001, recited at Appendix C. No offer of appointment will be made until the Proper Officer has followed the notification requirements set out in Schedule 1, Part II 5(2) of the said Regulations.
- 7.5 The Chief Executive's total remuneration package includes fees payable for local election duties. Where appropriate fees for European and National elections and referenda are set out and paid by central government.
- 7.6 The remuneration of the Chief Executive as published is £189,533.00 per annum. The median basic remuneration for a full time equivalent is £19,126 per annum. The mean basic pay based on 5,102 posts ranging

in pay from the Chief Executive's remuneration to G1, Gradeline 291, SCP 5 £12,312, is £21,922.47. The Hutton report on Fair Pay in the public sector was asked to explore the case for a fixed limit on pay dispersion in the public sector, through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. There are advantages and disadvantages of using a maximum pay multiple. The current pay multiple from top to bottom of the organisation is 1:15. The ratio from the median pay to the Chief Executives pay is 1:9. The Hutton Report concluded that the most appropriate metric is top to median earnings. Transparency in relation to the same will ensure that organisations delivering public services are accountable for the relationship between the pay of their executives and the wider workforce ("pay dispersion").

- 7.7 Chief Officers on the Corporate Management Team of the council are paid a maximum of £114,328.00 basic salary. The current pay multiple from this pay scale to the lowest paid in the organisation is 1:9. The ratio from the median to Corporate Management Team remuneration is 1:5. The Council will monitor these ratios on an annual basis to ensure that there is not undue wage inflation in Chief Officer pay rates.
- 7.8 A Committee or Sub-committee of the Council will appoint Directors and Assistant Directors graded, above Scale 59. That Committee or Sub-Committee must include at least one Member of the Executive. An offer of employment as a Director Assistant Director shall only be made where no well-founded objection from any Member of the Executive has been received. The appointment of those staff will be in accordance with Schedule 1, Part 2 of the Local Authorities (Standing Orders) (England) Regulations 2001, and no offer of employment will be made until the Proper Officer has followed the notification requirements set out in Schedule 1, Part II 5 (2) of the said Regulations.
- 7.9 The Council's Appointments Board approves remuneration levels for the Chief Executive, Executive Directors and Assistant Directors (other than those associated with the National Pay Awards) on appointment, subject to negotiation. The Appointments Board also has delegated authority from council in respect of the actual appointment and dismissal of Executive Directors and Assistant Directors in accordance with the Employment Procedure Rules.
- 7.10 Chief Officers do not receive performance related pay or bonuses.
- 7.11 In addition to the basic remuneration Chief Officers receive the following payment by way of car allowance:
- the Chief Executive receives essential car user allowance of £1239.00 per annum
 - the Executive Directors receive £2670.48 per annum
 - the Assistant Director (Neighbourhood Services) receives £1239.00 per annum
 - Assistant Directors casual allowance is only claimed on a per journey

basis. The level of payment is based on national NJC car allowances.

- 7.12 In relation to the termination of employment, the Council will have due regard to making any appropriate payments where it is in the Council's best interests. Any such payments will be in accordance with contractual or statutory requirements and take into account the potential risks and liabilities to the Council, including any legal costs, disruption to services, impact on employee relations and management time. This is consistent with the risk management practices of well governed organisations in private, public and voluntary/charitable sectors.
- 7.13 Where appropriate, the arrangements are reported to a committee of the council [as required by the Council's Constitution]. Furthermore external auditors are consulted about severance packages where appropriate.
- 7.14 The Council will, of course, have regard to the specific legal requirements which apply to the termination of employment of the Head of Paid Service, the Section 151 Officer and the Monitoring Officer.

8 Review of the Policy

- 8.1 This policy will be kept under review and developments considered in the light of external best practise and legislation, internal data on recruitment and retention and external pay data etc.
- 8.2 The Council will discuss any changes with all stakeholders including the recognised Trade Unions and present any proposals for amendment to Council. Council will approve any amendments to the Pay and Reward Policy, on an annual basis at the time of the formulation of the council's budget proposals normally in August/September.



Walsall Council

Pension Policy Statement: 1 April 2010

Local Government Pension Scheme (LGPS) Regulations Policy Statement for all eligible employees

Under Regulation 66 of the LGPS Regulations 2008 each scheme employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pension Regulations. Where references are made, A Reg refers to the "Administration" Regulations and B Reg to the Benefit" Regulations

This statement is applicable to all employees of Walsall Council who are eligible to be members of the LGPS.

Before the exercise of any discretion it will be necessary in each individual case to consider the full financial cost implications to the council and the Pension Fund.

All other past policies and discretions will be revoked following the approval of this policy. The discretions detailed in this policy will be the only ones that will apply from 1 April 2010.

Policy Statement

PART 1 - DISCRETIONS TO BE APPLIED CONTAINED IN THE ADMINISTRATION REGULATIONS

At the start of the employment contract

1. Regulation 15 A: Reg: Re-employed and rejoining deferred members

No policy change.

Explanation	Council Policy
This discretion allows the extension of the 12 month time limited election to aggregate previous periods LGPS service.	The council has <u>NOT</u> adopted this discretion.

2. Regulation 25 A: Reg: Shared cost AVC (additional voluntary contributions)

No policy change.

Explanation	Council Policy
This discretion allows the council to maintain and contribute to an employee's Additional Voluntary Contribution Scheme	The council has <u>NOT</u> adopted this discretion.

3. Regulation 83 A Reg: Power to allow inwards transfer values to be accepted after 12 months' Membership

No policy change.

Explanation	Council Policy
This discretion allows the extension of the 12 month time limited transfer of pension rights from previous funds to be extended	To allow this discretion in limited circumstances only. Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.

PART 2 - DISCRETIONS TO BE APPLIED CONTAINED IN THE BENEFITS REGULATIONS

At the start of the employment contract

1. Regulation 3 B Reg: Contributions Banding payable by active members

No policy change.

Explanation	Council Procedures – How the Regulation is to be administered
Employers will determine the contribution rate payable based on whole time pensionable pay for existing members at 1 April 2010 or at the start of their membership and where there is a material change in pay	The council will review the contribution rate bands at six monthly intervals. Account will be taken when determining the rate of any impending pay award

Discretions to be applied during employment

2. Regulation 12: B Reg: Power to increase total membership of Active Members (augmentation)

No policy change.

Explanation	Council Policy
This discretion allows for an employees membership to be increased but any increase must not exceed, including earlier periods of added years, 10 years	The council has <u>NOT</u> adopted this discretion.

3. Regulation 13: B Reg: Power to award additional pension

No policy change.

Explanation	Council Policy
This discretion allows the employer to award a scheme member additional pension benefits of not more than £5,000 a year, payable from the same date as scheme benefits. This is in addition to Regulation 12 B Reg	The council has <u>NOT</u> adopted this discretion.

4. Regulation 22 A Reg: Applications to make absence contributions

No policy change.

Explanation Employer has the discretion to extend the period of 30 days for a period of unpaid absence if person applies in writing	Council policy The council has <u>NOT</u> adopted this discretion.
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Discretions to be applied at the termination of employment

5. Regulation 18 B Reg: – Flexi Retirement

This is a revised policy – due to Regulation change.

Explanation A member who is aged 55 or over and with their employers' consent reduces their hours/or grade, can, but only with the agreement of the employer, make an election to the administering authority (West Midlands Pension Fund) for all or part payment of their accrued benefits without having retired from that employment. If payment occurs before the age of 65, the benefits are actuarially reduced. The employer may chose to waive the reduction in whole or part. The cost of the waiving will have to be paid to the fund.	Council Policy The council will consider a waiver in exceptional circumstances only. The criteria for exceptional circumstances are defined in the detailed guidelines. Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.
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6. Regulation 30 B Reg: Early payment of Retirement benefits at the employees request

This is a revised policy due to Regulation change.

Explanation From age 55 members have the right to apply for early payment of their retirement benefits. Payment will be subject to the employers consent. For a member who joined the Scheme prior to 1 October 2006 where the members age and pension service (in whole years) equals less than 85 then reduced benefits would be payable. For a member who joined the scheme on or after 1 October 2006, then reduced benefits would be payable if taken before	Council Policy a) The council has adopted this regulation to be used in exceptional circumstances only. The criteria for exceptional circumstances are defined in the detailed guidelines. b) Where early retirement is granted the conditions opposite will apply. Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.
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age 65	
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7. Regulation 30 B Reg – Former Members Request for Early Payment of Benefits

This is a revised policy due to Regulation change.

Explanation	Council policy
From age 55 former members with deferred benefits have the right to apply for early payment of their retirement benefits. Early payment will be subject to the employers consent.	The council has adopted this regulation to be used in exceptional circumstances only.
For a member who joined the Scheme prior to 1 October 2006 where the members age and pension service (in whole years) equals less than 85 then reduced benefits would be payable.	The criteria for exceptional circumstances are defined in the detailed guidelines.
For a member who joined the scheme on or after 1 October 2006, then reduced benefits would be payable if taken before age 65	The council will consider each specific case which will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.

PART 3 - EARLY TERMINATION OF EMPLOYMENT (DISCRETIONARY COMPENSATION)

1. Regulation 5 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

No limit on weekly pay for calculation of redundancy payment.

No policy change

Explanation	Council Policy
The council may decide to calculate a redundancy payment entitlement as if there had been no limit on the amount of the week's pay used in the calculation	The council has decided to adopt this discretion and base redundancy payment calculations on an unrestricted week's pay

2. Regulation 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

Additional lump sum compensation payment

No policy change

Explanation	Council Policy
A one-off lump sum compensation payment may be awarded to an employee up to a maximum value of 104 weeks pay (2 years) inclusive of any redundancy payment made.	The council has decided to adopt this discretion in part and will award an additional lump sum compensation payment equal to the value of the statutory redundancy payment – maximum payment 30 weeks – but only in cases of some compulsory redundancies

	<p>Each award will be subject to a cap to be paid to an employee who is paid less than the full time equivalent of scale point 29.</p> <p>Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs.</p>
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PART 4 – INJURY ALLOWANCES

1. Local Government Discretionary Payment Regulations 1996 - Part V –

This is a new policy decision

<p>Explanation</p> <p>The council operates The Walsall Council Injury Allowance Scheme under the permissive powers of The Discretionary Payment Regulations 1996.</p> <p>The scheme is unique to Walsall Council employees and is operated within the regulatory guidelines.</p>	<p>Council Policy</p> <p>The council has decided that all claims are to be submitted to and agreed by an Injury Allowance Panel. The panel will consist of The Head of Legal Services, The Head of Corporate Finance and the Head of Human Resources and Development or their nominees.</p> <p>Both temporary and permanent allowances are available within the terms of reference of the scheme. Each award will be judged on the relevant evidence presented to the panel.</p> <p>Payment will be made from the service budget.</p> <p>There is no separate internal appeals process as designated by thru Injury allowance panel.</p>
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PART 5 – APPEAL PROCESS

1. Regulation 57 A Reg: Internal Dispute Resolution Procedure (IDRP)

No change proposed.

<p>Explanation</p> <p>Responsibility for determination of LGPS disputes under the first stage of the procedure now lies with a “Specified Person” at the employing authority.</p> <p>The Executive Director (Resources) is the appointed Specified Person for the purposes of the Internal Dispute Resolution Process. If this presents a conflict of interest when the complaint relates to a member of the Resources</p>	<p>Council Policy</p> <p>Any disputes about decisions made under the LGPS should be sent in writing to:</p> <p>The Executive Director (Resources) The Council House Walsall Council WS1 1TW or</p> <p>The Chief Executive if the complaint</p>
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<p> directorates, the Chief Executive will act as the Specified Person </p>	<p> relates to member of the Resources Directorate. </p>
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Guidance on how to apply the policy will form part of the policy statement

February 2010

Definition of Chief Officer

The description of “chief officer” is defined both under statute and under Article 11 of the council's constitution.

Under the Localism Act 2011 Part One Chapter 8, section 43(2), “chief officer”, in relation to a relevant authority, means each of the following-

- (a) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- (b) its monitoring officer designated under section 5(1) of that Act;
- (c) a statutory chief officer mentioned in section 2(7) of that Act;
- (d) a non-statutory chief officer mentioned in section 2(7) of that Act;
- (e) a deputy chief officer mentioned in section 2(8) of that Act.

The Local Government and Housing Act 1989 provides the following definitions at section 2:

2(6) In this section “the statutory chief officers” means—

(a) the chief education officer **[F2**or director of education] appointed under **[F3**section 532 of the Education Act 1996]**[F2**or section 78 of the **M5**Education (Scotland) Act 1980];

(b).....

(c) the director of social services or **[F4**chief social work officer] appointed under section 6 of the **M7**Local Authority Social Services Act 1970 or section 3 of the **M8**Social Work (Scotland) Act 1968; and

(d) the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, section 73 of the **M9**Local Government Act 1985, section 112 of the **M10**Local Government Finance Act 1988 or section 6 below or for the purposes of section 95 of the **M11**Local Government (Scotland) Act 1973, for the administration of the authority's financial affairs.

(7) In this section “non-statutory chief officer” means, subject to the following provisions of this section—

- (a) a person for whom the head of the authority's paid service is directly responsible;
 - (b) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority's paid service;
- and

(c) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority.

(8) In this section “deputy chief officer” means, subject to the following provisions of this section, a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.

Article 11-Officers (W MBC Constitution)

This article sets out the senior management structure. It defines the roles of the Chief Executive and Directors and the Statutory Officer functions.

11.01 - Management Structure

(a) **General** - The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers** - The Council will engage persons for the following posts, who will be designated Chief Officers with responsibilities as determined from time to time by the Chief Executive:-

Chief Executive

Executive Director for Children's Services

Executive Director for Resources

Executive Director for Neighbourhoods

Executive Director for Regeneration

Executive Director for Social Care and Inclusion

(c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate those posts are shown:-

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Assistant Director for Finance	Chief Finance Officer with Section 151 Responsibilities

Local Authorities (Standing Order) Regulations 2001, Part II

Authority with Leader and Cabinet Executive:

1. In this part:

“the 1989 Act” means the Local Government and Housing Act 1989;

“the 2000 Act” means the Local Government Act 2000;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“executive” and “executive leader” have the same meaning as in Part II of the 2000 Act;

“member of staff” means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” means an officer appointed by the authority for the purposes of the provisions in this part.

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority’s paid service or by an officer nominated by him.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) the officer designated as the head of the authority’s paid service;
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

4. (1) Where a Committee, Sub-Committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the

head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

(2) Where a Committee or a Sub-Committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) or paragraph 3, at least one member of the Executive must be a member that Committee or Sub-Committee.

5. (1) In this paragraph "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a Committee, Sub-Committee or officer is discharging the function of appointment on behalf of the authority, that Committee, Sub-Committee or officer, as the case may be.

(2) An offer of appointment as an officer referred in sub -paragraph (a), (b), (c) or (d) of paragraph 2 must not be made by the appointor until:

- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the proper officer had notified every member of the executive of the authority of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
- (c) either:
 - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any member of the executive has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the executive leader; or
 - (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

6. (1) In the paragraph, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a Committee or Sub-Committee or another officer is discharging the function of dismissal on behalf of the authority, that Committee, Sub-Committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub -paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the executive of the authority of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
- (c) either:
 - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
 - (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
 - (iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

7. Nothing in paragraph 2 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the authority to consider any appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.