

AGENDA

EMPLOYMENT COMMITTEE

FRIDAY, 30 JUNE 2023

3.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
MARCH**

Committee Officer: Linda Albon
Tel: 01354 622229
e-mail: memberservices@fenland.gov.uk

This is a public meeting, and members of the public are encouraged to watch via our You Tube channel: <https://youtube.com/live/O77iWanhD08?feature=share>

- 1 Appointment of the Chairman for the Municipal Year
- 2 To receive apologies for absence
- 3 Appointment of a Vice-Chairman for the Municipal Year
- 4 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified.
- 5 To receive members' declarations of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 6 Grievance Policy (Pages 3 - 24)

The purpose of this report is to inform the Employment Committee of the updated Grievance Policy

- 7 Pension Discretions (Pages 25 - 40)

The purpose of this report is to inform and make recommendation for the adoption of an updated Fenland District Council pension discretions document.


8 Proposed Restructure of Property and Assets Service (Pages 41 - 50)

To seek members approval for the proposed structural changes within the following teams, slight changes following consultation with all team members, wider staff representatives and officers of the senior management team.

9 Items which the Chairman has under Item 4 deemed urgent

Thursday, 22 June 2023

Members: Councillor G Christy, Councillor Dr H Nawaz, Councillor I Benney, Councillor J Clark, Councillor Mrs M Davis, Councillor A Gowler and Councillor S Imafidon

Agenda Item No:	6	
Committee:	Employment Committee	
Date:	30 June 2023	
Report Title:	Revised Grievance Policy	

Cover sheet:

1 Purpose / Summary

The purpose of this report is to inform the Employment Committee of the updated Grievance Policy


2 Key issues

- The Council has a comprehensive framework of people and health and safety policies in place. These policies are reviewed in accordance with an ongoing programme of reviews
- The Council has reviewed and updated the existing Grievance Policy, which was first implemented in 2009.
- This policy outlines Fenland District Council's approach to dealing with all grievance issues that may arise. This policy sets out the responsibilities of both Fenland District Council and its employees (permanent/fixed term/casual). All employees may seek redress for grievances relating to their employment.
- It is to the mutual benefit of the individual and the Council that any grievance should be settled as quickly as possible.
- The aim of the policy is to ensure:
 - That a fair and consistent approach is applied throughout the Council in addressing grievances.
 - a step-by-step approach for staff and managers, and also outlines the recommended timescales for action to be taken.
- The recent review of the policy has recommended the following changes:
 - The revised policy (with tracked changes) is shown at Appendix 1.
 - A 'clean copy' of the revised policy is shown at Appendix 2.
- A comprehensive consultation process has also been undertaken on this revised policy with CMT, the Council's wider Management Team and also with the Management and Trade Union and Staff Partnership group (MTSP, who have endorsed the changes.
- This revised policy is now being recommended for formal adoption and communication to staff.

3 Recommendations

It is recommended that Employment Committee notes the attached policy and approves the adoption of the revised Grievance Policy.

Wards Affected	All
Portfolio Holder	Cllr Boden - Finance Portfolio Holder and Leader of the Council
Report Originator and Contact Officer	Sam Anthony - Head of HR & OD santhony@fenland.gov.uk 01354 622268

 <p>Broad Horizons · Clear Vision PEOPLE POLICIES</p>	<p>DRAFT PEOPLE POLICY: Grievance</p>
<p>Date Agreed With UNISON:</p>	<p>Date of Effect: 17.01.2011</p>

1.0 ~~POLICY OUTLINE~~ Policy Outline

This policy outlines Fenland District Council's approach to dealing with all grievance issues that may arise. This policy sets out the responsibilities of both Fenland District Council and its employees (permanent/fixed term/casual). All employees may seek redress for grievances relating to their employment.

It is to the mutual benefit of the individual and the Council that any grievance should be settled as quickly as possible. (Disputes about the grading of a post do not fall within the grievance procedure)

2.0 ~~PURPOSE~~ Purpose

The purpose of ~~the~~is policy is to ensure that a fair and consistent approach is applied throughout ~~Fenland District~~The Council in addressing grievances. This policy provides a step-by-step approach for staff and managers, and also outlines the recommended timescales for action to be taken.

3.0 ~~REASONS FOR COMPLAINT AND DEFINITIONS~~ Reasons for Complaint and Definitions

Please see Appendix A for definitions of matters that could be referred to this grievance policy.

4.0 ~~Legislation~~

~~Individuals are protected by law against the harmful conduct of others and should not be subjected to harassing or discriminatory treatment during the course of their employment. The relevant Acts include:~~

- ~~• Employment Rights Act 1996~~
- ~~• Employment Act 2002~~
- ~~• Employment Act 2002 (Dispute Resolution) Regulations 2004~~
- ~~• Protection from Harassment Act 1997~~
- ~~• Employment Rights Act 1996~~
- ~~• Disability Discrimination Act 1995~~
- ~~• Criminal Justice and Public Order Act 1994~~
- ~~• Sex Discrimination Acts 1986 and 1975~~
- ~~• Race Relations Act 1976~~
- ~~• Race Relations (Amendment) Act 2000~~
- ~~• Health and Safety at Work Act 1974~~
- ~~• Human Rights Act 1998~~

~~Where an employee has committed a criminal offence, Fenland District Council will notify the Police if it is appropriate to do so. The responsibility to pursue claims rests with the victim of the offence.~~

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54.0 STANDARD PROCEDURE ~~Standard Procedure~~

All grievance issues should be resolved as quickly as possible using the following guidelines:

	Action	Guideline Timescale (These timescales are to be used as a guideline all timescales will be adhered to unless if delayed for unavoidable reasons it which will be stipulated and communicated to all parties at that time)
1	<p>Employees should raise the issue informally with their line manager in the first instance. Minor issues should be settled by an informal discussion at this stage.</p> <p>Mediation will be considered and discussed to facilitate an early resolution to the issue (if appropriate).</p>	<p>Settlement/agreement reached within 10 5-working days of informal discussion with line manger</p>
2	<p>If the informal discussion does not resolve the issue, formal proceedings will commence. Employees need to write to their line manager setting out the exact reasons for their grievance, using the form at Appendix B.</p> <p>A <u>written</u> copy of the grievance must be forwarded to HR.</p> <p>Grievances will be acknowledged by the line manager (or HR where appropriate).</p> <p>Mediation will be considered and discussed to facilitate an early resolution to the issue (if appropriate).</p> <p><u>Please be aware that the case may be referred back to informal action.</u></p>	<p>Grievance will be acknowledged within 5 working days of receipt</p>
3	<p>An investigation meeting will be arranged.</p> <p>An independent officer will be appointed to conduct the investigation (where necessary). It is likely that this independent officer will be at <u>an appropriate a managerial</u> level which is appropriate to grievance issue being raised. It may be necessary to arrange more than one investigation meeting.</p> <p>If the grievance is about another employee, the</p>	<p>Meeting will be arranged within 10 working days of receipt of the grievance (where this is deemed appropriate by the Investigating Officer)</p>

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	details of the grievance must be disclosed to that employee at the time the investigation meeting is set up.	
4	The outcome of the investigation process will be communicated to the member of staff who raised the grievance, by the Investigating Officer.	Outcome communicated within 10 5-working days of the final investigation
5	If the matter is still unresolved, the employee who raised the grievance should lodge a written appeal to the Investigating Officer/Head of HR & OD. The appeal should set out in writing the grounds for the appeal which should include the individual's reasons why they feel that the matter remains unresolved.	Appeal should be received 10 working days from receipt of the outcome of the investigation
6	The appeal will be acknowledged by the Investigating Officer/Head of HR & OD.	The appeal will be acknowledged within 5 working days of receipt
7	A meeting will be arranged to address/hear the appeal. The meeting will include: 1. The appellant and their representative 2. The Appeal Panel, comprised of: 12 members of the Corporate Management Team, 1 Head of Service and an HR officer 3. The investigating officer or other party (as appropriate) 4. HR officer(s) to support the investigating officer as necessary 5- A note taker	Within 15 working days from receipt of the appeal
8	The outcome of the appeal meeting will be communicated to the member of staff who raised the grievance, by the chair of the Appeal Panel. This is the final stage of the formal procedure – no further internal appeal is available.	Outcome communicated within 5 working days of the appeal meeting

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The above recommended process and timescales provide the framework for a grievance to be resolved within a minimum recommended timeframe of 45-70 working days. Where possible, these timescales will be followed as far as reasonably practicable, unless delayed for unavoidable reasons, in which case these will be stipulated and communicated at that time.

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All employees who attend investigation or appeal meetings have the right to be accompanied by a work colleague or trade union representative. The role of the accompanying person is a supportive one.

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65.0 MODIFIED PROCEDURE ~~Modified Procedure~~

When an employee no longer works for ~~Fenland District~~The -Council, a modified procedure will be used to resolve a grievance, as follows:

- i). The ex-employee provides a written statement of grievance within 3 months of their leaving date.
- ii). The Council writes back to the ex-employee giving their response to the points raised.

76.0 Sources of Help ~~SOURCES OF HELP~~

- Your line manager
- Your Director/[Assistant Director](#)
- The **HR Team** will provide advice and support to all staff – you can contact them as follows:

Sam Anthony 01354 622268 (santhony@fenland.gov.uk)
Marie Harley 01354 622267 (mharley@fenland.gov.uk)
~~Rebecca Black 01354 622228 (rblack@fenland.gov.uk)~~
~~Nichola Stanford 01354 622277 (nstanford@fenland.gov.uk)~~
~~Ross Potter 01354 622435 (rpotter@fenland.gov.uk)~~
~~Peter Burrows 01354 622266 (-)~~
~~Stacey Manze 01354 622435 (smanze@fenland.gov.uk)~~

- An **Employee Assistance Programme** is provided for all staff ~~by BHSF. PPC offer Lifeworks this is accessed via the employee benefits portal available on the intranet. They are able to offering~~ 24 hour counselling and legal advice. ~~Contact details can be found on the intranet; on Freephone 0800 282193 0800 169 1920 alternatively information can also be accessed via the HR team.~~

~~MTSP Representatives Staff Side representatives~~

- Unison

87.0 REVIEW ~~Review~~

Human Resources will monitor the Policy and Procedure to help ensure fair and consistent application. This Policy will be reviewed at intervals to ensure that it remains fit for purpose.

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Broad Horizons · Clear Vision

PEOPLE POLICIES

DRAFT PEOPLE POLICY:

Grievance

Date Agreed With UNISON:

Date of Effect: 17.01.2011


Author	Human Resources
Date	30/07/08
Status	Approved
Date of revisions (if applicable)	17/01/11 22/11/2022 22/06/2023
Date agreed	12/06/09
Date for revision	November 2024 June 2025 January 2014
Associated policies	Disciplinary

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 <p>Broad Horizons · Clear Vision PEOPLE POLICIES</p>	<p>DRAFT PEOPLE POLICY:</p> <p>Grievance</p>
<p>Date Agreed With UNISON:</p>	<p>Date of Effect: 17.01.2011</p>

APPENDIX A

REASONS FOR COMPLAINT

Issues that staff may want to raise grievances for include:

- Application of Policy or processes
- Working conditions
- Disagreements with co-workers
- Discrimination
- Not receiving your statutory employment rights
- Unfair treatment

This list is not exhaustive but is intended as a guide only

Disagreements with co-workers

Where possible, the Council hopes that disagreements between employees can be resolved by informal means, and therefore instead of raising a grievance, disagreements can be resolved by:

Mediation

In mediation, an impartial expert talks to both sides separately, as well as together if needed and helps come up with a solution that both can accept. It's usually a quick process, and can last less than one day. Both sides must agree to mediation.

The mediator doesn't just tell the parties what they should do, but advises on issues, asking questions that help people look at their own behaviour.

Mediation is best used early in a dispute.

The Council will therefore refer disagreements or disputes of this kind for mediation at the earliest opportunity before the matter can be progressed through the Grievance Policy and process.

The Council has trained and accredited mediators who can provide this mediation service. In addition to this, organisations like Acas offer professional mediation services.

Agreements reached through mediation aren't legally binding, unless this is agreed in advance.

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Broad Horizons · Clear Vision

PEOPLE POLICIES

DRAFT PEOPLE POLICY:

Grievance

Date Agreed With UNISON:

Date of Effect: 17.01.2011

APPENDIX B

PRIVATE & CONFIDENTIAL: Record of Grievance

Name:

Service Area/Team:

I wish to formally raise a grievance

My grievance is:

.....
.....
.....

The points I wish to raise at my grievance meeting are:

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Date of meeting:

Interview conducted by:

Details of agreed actions:

.....
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.....

Date actions to be completed by (if relevant):

I confirm that the grievance described above has been discussed and the actions completed.

Signature (employee): Date:

Signature (Manager): Date:

Signature (representative): Date:


Copies to: Employee, Employee Representative, Manager, HR (personal file)

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 <p>Broad Horizons · Clear Vision PEOPLE POLICIES</p>	<p>DRAFT PEOPLE POLICY: Grievance</p>
<p>Date Agreed With UNISON:</p>	<p>Date of Effect: 17.01.2011</p>

APPENDIX C

Appeal Process

This process will be used for appeals within the Council concerning:

- disciplinary and dismissal issues,
- dignity at work complaints,
- grievances,
- restructuring and redeployment issues,

This appeal process will **not** be used for any appeals concerning:

- job evaluation,
- flexible working requests,
- request to work beyond retirement age,

as each of these processes has their own defined appeal process.


Process:

1. Any appeal must be set out in writing and sent to the Head of HR & OD (unless otherwise stated) within ten working days (of receipt of the written notice, or the confirmed outcome of the grievance or dignity at work investigation etc.).
2. The appeal will be acknowledged by the Head of HR & OD within 5 working days of receipt.
3. A meeting will be arranged, ideally -within 15 working days from receipt of the appeal, to address the appeal.

The meeting will include:

- The appellant and their representative
 - The appeal panel, comprised of 1 member of the CMT team, 1 Head of Service?
~~members of the Corporate Management Team~~ and an HR officer
 - The investigating officer
 - HR officer(s) to support the investigating officer as necessary
 - A note taker
 - The employee shall be given notice in writing at least five working days in advance of the time and place of the meeting and must be advised of their right to be accompanied by a trade union representative or a work colleague. The employee shall be able to call witnesses and produce documents relevant to their case at the meeting; any such documentation should be provided at least 2 working days in advance of the meeting, and the names of witnesses disclosed to HR at least 2 working days before the meeting.
 - The procedure for this meeting is shown at Appendix D.
4. The outcome of the appeal meeting will be communicated to the member of staff who raised the grievance, by the impartial member of CMT within 5 working days of the appeal meeting.

This is the final stage of the formal procedure – no further internal appeal is available.

 <p>Broad Horizons · Clear Vision PEOPLE POLICIES</p>	<p>DRAFT PEOPLE POLICY:</p> <p>Grievance</p>
<p>Date Agreed With UNISON:</p>	<p>Date of Effect: 17.01.2011</p>

APPENDIX D

Appeals Meeting Procedure

1. Person chairing the meeting will open the meeting. Each party present will introduce themselves, in the following order:

- Chair/Panel
- Officers
- Appellant
- Representatives
- Note-taker

Person chairing the hearing will then confirm procedure as set out below:

2. Appellant/representative will clarify their grounds for appeal. (e.g. what issue(s) they are seeking to resolve)

Presentation of the Appellant's case

- a. Appellant/representative to present details of their case
- b. Questions from the chair/panel to the Appellant/representative
- c. Questions from the other party/their representative to the Appellant/representative
- d. (If required) Appellant can call a witness in support of their case
- e. Questions to witness from panel, and other party/representative
- f. Summary of Appellant's case

3. Presentation of the other party's case

- a. Other party/ representative presents details of case
- b. Questions from the chair/panel to the Other party /representative
- c. Questions from the Appellant/representative to the other party/their representative
- d. (If required) Other party can call a witness in support of their case
- e. Questions to witness from panel, and Appellant/representative
- f. Summary of other party's case

4. Person chairing the meeting to confirm if further clarification is required by any party on any of the details presented from:

- Panel
- Appellant/representative
- Other party/representative

5. Closing submission from Appellant/representative.

6. Closing submission from other party/representative.

7. Chair to ask Appellant whether they feel they have had a full opportunity to be heard.

8. Panel adjourn to make decision.

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Broad Horizons · Clear Vision

PEOPLE POLICIES

DRAFT PEOPLE POLICY:

Grievance

Date Agreed With UNISON:

Date of Effect: 17.01.2011

9. The meeting will then be reconvened, and a verbal decision communicated. This decision will be confirmed in writing within 5 working days of the meeting. The chair will then close the meeting.

~~9-10.4.~~ In order for accurate notes to be taken during the meeting there will be a recording device set during the meeting. This will be saved and referred to as and when necessary.

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 <p>Broad Horizons · Clear Vision PEOPLE POLICIES</p>	<p>DRAFT PEOPLE POLICY:</p> <h2>Grievance</h2>
<p>Date Agreed With UNISON:</p>	<p>Date of Effect: 17.01.2011</p>

1.0 POLICY OUTLINE

This policy outlines Fenland District Council's approach to dealing with all grievance issues that may arise. This policy sets out the responsibilities of both Fenland District Council and its employees (permanent/fixed term/casual). All employees may seek redress for grievances relating to their employment.

It is to the mutual benefit of the individual and the Council that any grievance should be settled as quickly as possible. (Disputes about the grading of a post do not fall within the grievance procedure)

2.0 PURPOSE

The purpose of the policy is to ensure that a fair and consistent approach is applied throughout The Council in addressing grievances. This policy provides a step-by-step approach for staff and managers, and also outlines the recommended timescales for action to be taken.

3.0 REASONS FOR COMPLAINT AND DEFINITIONS

Please see Appendix A for definitions of matters that could be referred to this grievance policy.

4.0 STANDARD PROCEDURE

All grievance issues should be resolved as quickly as possible using the following guidelines:

	Action	Guideline Timescale (These timescales are to be used as a guideline if delayed for unavoidable reasons it will be communicated to all parties.)
1	<p>Employees should raise the issue informally with their line manager in the first instance. Minor issues should be settled by an informal discussion at this stage.</p> <p>Mediation will be considered and discussed to facilitate an early resolution to the issue (if appropriate).</p>	<p>Settlement/agreement reached within 10 working days of informal discussion with line manger</p>
2	<p>If the informal discussion does not resolve the issue, formal proceedings will commence. Employees need to write to their line manager setting out the exact reasons for their grievance, using the form at Appendix B.</p> <p>A written copy of the grievance must be forwarded to HR.</p> <p>Grievances will be acknowledged by the line manager (or HR where appropriate).</p> <p>Mediation will be considered and discussed to facilitate an early resolution to the issue (if appropriate).</p> <p>Please be aware that the case may be referred back to informal action.</p>	<p>Grievance will be acknowledged within 5 working days of receipt</p>
3	<p>An investigation meeting will be arranged.</p> <p>An independent officer will be appointed to conduct the investigation (where necessary). It is likely that this independent officer will be at an appropriate level which is appropriate to grievance issue being raised. It may be necessary to arrange more than one investigation meeting.</p> <p>If the grievance is about another employee, the details of the grievance must be disclosed to that employee at the time the investigation meeting is set up.</p>	<p>Meeting will be arranged within 10 working days of receipt of the grievance (where this is deemed appropriate by the Investigating Officer)</p>

4	The outcome of the investigation process will be communicated to the member of staff who raised the grievance, by the Investigating Officer.	Outcome communicated within 10 working days of the final investigation
5	<p>If the matter is still unresolved, the employee who raised the grievance should lodge a written appeal to the Investigating Officer/Head of HR & OD.</p> <p>The appeal should set out in writing the grounds for the appeal which should include the individual's reasons why they feel that the matter remains unresolved.</p>	Appeal should be received 10 working days from receipt of the outcome of the investigation
6	The appeal will be acknowledged by the Investigating Officer/Head of HR & OD.	The appeal will be acknowledged within 5 working days of receipt
7	<p>A meeting will be arranged to address/hear the appeal.</p> <p>The meeting will include:</p> <ol style="list-style-type: none"> 1. The appellant and their representative 2. The Appeal Panel, comprised of: 1 member of the Corporate Management Team, 1 Head of Service an HR officer 3. The investigating officer or other party (as appropriate) 4. HR officer(s) to support the investigating officer as necessary 	Within 15 working days from receipt of the appeal
8	<p>The outcome of the appeal meeting will be communicated to the member of staff who raised the grievance, by the chair of the Appeal Panel.</p> <p>This is the final stage of the formal procedure – no further internal appeal is available.</p>	Outcome communicated within 5 working days of the appeal meeting

The above recommended process and timescales provide the framework for a grievance to be resolved within a minimum recommended timeframe of 70 working days. Where possible, these timescales will be followed as far as reasonably practicable, unless delayed for unavoidable reasons, in which case these will be stipulated and communicated at that time.

All employees who attend investigation or appeal meetings have the right to be accompanied by a work colleague or trade union representative. The role of the accompanying person is a supportive one.

5.0 MODIFIED PROCEDURE

When an employee no longer works for The Council, a modified procedure will be used to resolve a grievance, as follows:

- i). The ex-employee provides a written statement of grievance within 3 months of their leaving date.
- ii). The Council writes back to the ex-employee giving their response to the points raised.

6.0 SOURCES OF HELP

- Your line manager
- Your Director/Assistant Director
- The **HR Team** will provide advice and support to all staff – you can contact them as follows:

Sam Anthony	01354 622268	(santhony@fenland.gov.uk)
Marie Harley	01354 622267	(mharley@fenland.gov.uk)
Rebecca Black	01354 622228	(rblack@fenland.gov.uk)
Nichola Stanford	01354 622277	(nstanford@fenland.gov.uk)
Ross Potter	01354 622435	(rpotter@fenland.gov.uk)

- An **Employee Assistance Programme** is provided for all staff offering 24-hour counselling and legal advice. Contact details can be found on the intranet; alternatively, information can also be accessed via the HR team.


MTSP Representatives

- Unison

7.0 REVIEW

Human Resources will monitor the Policy and Procedure to help ensure fair and consistent application. This Policy will be reviewed at intervals to ensure that it remains fit for purpose.

Author	Human Resources
Date	30/07/08
Status	Approved
Date of revisions (if applicable)	17/01/11 22/06/2023
Date agreed	12/06/09
Date for revision	June 2025
Associated policies	Disciplinary

 <p>Broad Horizons · Clear Vision PEOPLE POLICIES</p>	<p>DRAFT PEOPLE POLICY: Grievance</p>
<p>Date Agreed With UNISON:</p>	<p>Date of Effect: 17.01.2011</p>

APPENDIX A

REASONS FOR COMPLAINT

Issues that staff may want to raise grievances for include:

- Application of Policy or processes
- Working conditions
- Disagreements with co-workers
- Discrimination
- Not receiving your statutory employment rights
- Unfair treatment

This list is not exhaustive but is intended as a guide only

Disagreements with co-workers

Where possible, the Council hopes that disagreements between employees can be resolved by informal means, and therefore instead of raising a grievance, disagreements can be resolved by:

Mediation

In mediation, an impartial expert talks to both sides separately, as well as together if needed and helps come up with a solution that both can accept. It's usually a quick process and can last less than one day. Both sides must agree to mediation.

The mediator doesn't just tell the parties what they should do, but advises on issues, asking questions that help people look at their own behaviour.

Mediation is best used early in a dispute.

The Council will therefore refer disagreements or disputes of this kind for mediation at the earliest opportunity before the matter can be progressed through the Grievance Policy and process.

The Council has trained and accredited mediators who can provide this mediation service. In addition to this, organisations like Acas offer professional mediation services.

Agreements reached through mediation aren't legally binding, unless this is agreed in advance.

APPENDIX B

PRIVATE & CONFIDENTIAL: Record of Grievance

Name:

Service Area/Team:

I wish to formally raise a grievance

My grievance is:

.....

.....

.....

.....

The points I wish to raise at my grievance meeting are:

.....

.....

.....

.....

Date of meeting:

Interview conducted by:

Details of agreed actions:

.....

.....

.....

Date actions to be completed by (if relevant):


I confirm that the grievance described above has been discussed and the actions completed.

Signature (employee): Date:

Signature (Manager): Date:

Signature (representative): Date:

Copies to: Employee, Employee Representative, Manager, HR (personal file)

 <p>Broad Horizons · Clear Vision PEOPLE POLICIES</p>	<p>DRAFT PEOPLE POLICY: Grievance</p>
<p>Date Agreed With UNISON:</p>	<p>Date of Effect: 17.01.2011</p>

APPENDIX C

Appeal Process

This process will be used for appeals within the Council concerning:

- disciplinary and dismissal issues,
- dignity at work complaints,
- grievances,
- restructuring and redeployment issues,

This appeal process will **not** be used for any appeals concerning:

- job evaluation,
- flexible working requests,
- request to work beyond retirement age,

as each of these processes has their own defined appeal process.


Process:

1. Any appeal must be set out in writing and sent to the Head of HR & OD (unless otherwise stated) within ten working days (of receipt of the written notice, or the confirmed outcome of the grievance or dignity at work investigation etc.).
2. The appeal will be acknowledged by the Head of HR & OD within 5 working days of receipt.
3. A meeting will be arranged, ideally within 15 working days from receipt of the appeal, to address the appeal.

The meeting will include:

- The appellant and their representative
 - The appeal panel, comprised of 1 member of the CMT team, 1 Head of Service and an HR officer
 - The investigating officer
 - HR officer(s) to support the investigating officer as necessary
 -
 - The employee shall be given notice in writing at least five working days in advance of the time and place of the meeting and must be advised of their right to be accompanied by a trade union representative or a work colleague. The employee shall be able to call witnesses and produce documents relevant to their case at the meeting: any such documentation should be provided at least 2 working days in advance of the meeting, and the names of witnesses disclosed to HR at least 2 working days before the meeting.
 - The procedure for this meeting is shown at Appendix D.
4. The outcome of the appeal meeting will be communicated to the member of staff who raised the grievance, by the impartial member of CMT within 5 working days of the appeal meeting.

This is the final stage of the formal procedure – no further internal appeal is available.

 <p>Broad Horizons · Clear Vision PEOPLE POLICIES</p>	<p>DRAFT PEOPLE POLICY: Grievance</p>
<p>Date Agreed With UNISON:</p>	<p>Date of Effect: 17.01.2011</p>

APPENDIX D

Appeals Meeting Procedure

1. Person chairing the meeting will open the meeting. Each party present will introduce themselves, in the following order:
 - Chair/Panel
 - Officers
 - Appellant
 - Representatives
 - Note-taker

Person chairing the hearing will then confirm procedure as set out below:

2. Appellant/representative will clarify their grounds for appeal. (e.g. what issue(s) they are seeking to resolve)

Presentation of the Appellant's case

- a. Appellant/representative to present details of their case
- b. Questions from the chair/panel to the Appellant/representative
- c. Questions from the other party/their representative to the Appellant/representative
- d. (If required) Appellant can call a witness in support of their case
- e. Questions to witness from panel, and other party/representative
- f. Summary of Appellant's case

3. Presentation of the other party's case

- a. Other party/ representative presents details of case
- b. Questions from the chair/panel to the Other party /representative
- c. Questions from the Appellant/representative to the other party/their representative
- d. (If required) Other party can call a witness in support of their case
- e. Questions to witness from panel, and Appellant/representative
- f. Summary of other party's case

4. Person chairing the meeting to confirm if further clarification is required by any party on any of the details presented from:

- Panel
- Appellant/representative
- Other party/representative

5. Closing submission from Appellant/representative.

6. Closing submission from other party/representative.

7. Chair to ask Appellant whether they feel they have had a full opportunity to be heard.

8. Panel adjourn to make decision.

Grievance

Date Agreed With UNISON:

Date of Effect: 17.01.2011

9. The meeting will then be reconvened, and a verbal decision communicated. This decision will be confirmed in writing within 5 working days of the meeting. The chair will then close the meeting.
10. In order for accurate notes to be taken during the meeting there will be a recording device set during the meeting. This will be saved and referred to as and when necessary.

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Agenda Item No:	7	
Committee:	Employment Committee	
Date:	30th June 2023	
Report Title:	Pension Discretions Update	

Cover sheet:

1 Purpose / Summary

- 1.1 The purpose of this report is to inform and make recommendation for the adoption of an updated Fenland District Council pension discretions document.
- 1.2 The pension discretions are to be exercised under the Local Government Pension Scheme (LGPS) Regulations from 1 April 2014 in relations to member of the Career Average Revalued Earnings (CARE) Scheme.

2 Key issues

- The Council has a comprehensive framework of people policies in place. These policies are reviewed in accordance with an ongoing programme of reviews.
- The Council has an extensive (cost neutral) employee benefit offering to all staff, something the Council looks to continuous review and improve.
- The Council is introducing a new salary sacrifice Shared Cost Addition Voluntary Contribution Scheme (AVC Wise) to provide employees, who are members of the Local Government Pension Scheme, with an opportunity to gain National Insurance Contributions savings on additional voluntary contributions made into the Local Government AVC Scheme.
- Under the Shared Cost AVC arrangement with AVC Wise, the Council will agree to pay an employee's chosen contribution amount to their AVC fund and, in return, the employee agrees to enter a salary sacrifice arrangement under which they accept a reduction in their gross salary, which is equal to the contribution amount.
- A key requirement for the Council is to have pensions discretions as required by the LGPS in form of a written statement. The addition of AVC salary sacrifice prompted the review of the pension discretions.
- The main purpose of the discretions is that it is Fenland District Council's decision on which benefits to release for payment, this can be a combination of at least pre April 2008 and/or April 2008 - March 2014, April 2014.
- The changes to the pension discretions are shown in track changes on page 4 and are minimal.
- A comprehensive consultation process has also been undertaken on this revised document with CMT and also with the MTSP (Management, Trade Union & Staff Partnership) group, who have endorsed the changes.
- This policy is now being recommended for formal adoption and communication to staff.

3 Recommendations

- Members are asked to approve the recommended changes to the discretions statement to be exercised under the LGPS Regulations.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	
Report Originator(s)	Marie Harley - HR Business Partner Email: mharley@fenland.gov.uk Tel: 01354 622267
Contact Officer(s)	Sam Anthony - Head of HR & OD Email: santhony@fenland.gov.uk Tel: 01354 622268 Marie Harley - HR Business Partner Email: mharley@fenland.gov.uk Tel: 01354 622267
Background Paper(s)	

Report:

1 Background / introduction

- 1.1 Pension discretions are required to be provided to the LGPS in form of a written statement from each employer authority. The main purpose of these discretions is to enable Fenland District Council to decide on which pension benefits to release for payment, this can be a combination of at least pre April 2008 and/or April 2008 - March 2014, April 2014.
- 1.3 As an Employing authority, the Council has operated under the provisions of:
- The Local Government Pension Scheme Regulations (LGPS) 1997, and
 - The Local Government (Early Termination of Employment) (Discretionary Compensation) England and Wales Regulations 2000.
- 1.2 As a result of the above, Fenland District Council is required to prepare and publish a written statement of policy on certain discretions under the LGPS which Fenland District Council has the power to exercise on and from 1 April 2014 in relation to members of the CARE Scheme. This statement has been included with the appendices and highlights the changes on page 4 relating to the addition of a salary sacrifice scheme for pension.
- 1.3 The Council is introducing a new salary sacrifice Shared Cost Addition Voluntary Contribution Scheme (AVC Wise) to provide employees, who are members of the Local Government Pension Scheme, with an opportunity to gain National Insurance Contributions savings on additional voluntary contributions made into the Local Government AVC Scheme.
- 1.4 As you are aware, the Council offers the LGPS and the LGPS rules allow employees to build up their pension benefits for retirement by paying Additional Voluntary Contributions (AVCs) by way of a tax-free deduction through payroll. If an employee chooses to pay

AVCs, they are invested separately from the main LGPS pension benefits and provide additional income upon retirement.

- 1.5 The LGPS has a provision within its regulations to allow the employer to also contribute to an AVC arrangement. This is known as a 'Shared Cost' AVC which can be provided through a salary sacrifice arrangement. This is AVC Wise.
- 1.6 Under the Shared Cost AVC arrangement with AVC Wise, the Council will agree to pay an employee's chosen contribution amount to their AVC fund and, in return, the employee agrees to enter a salary sacrifice arrangement under which they accept a reduction in their gross salary, which is equal to the contribution amount.
- 1.7 The addition of the new employee benefit means The Council needed to update its pension discretion document.

2 Considerations

- 2.1 When the Council intends to adopt new, or change existing, discretionary policies it should give notice to the recognised union (UNISON) via the MTSP group. The changes are now for Member approval.
- 2.2 A comprehensive consultation process has also been undertaken on this revised policy with CMT and the wider management team, who have endorsed the changes. Comments have been considered and incorporated where appropriate to do so.

3 Effect on corporate objectives

Any changes to the Pension discretions to be exercised under the LGPS Regulations from 1 April 2014 will take immediate effect from the date members agree it.

4 Conclusions

- 4.1 The recommendations contained within this report, if approved, will form Fenland District Council's policies on pension discretions. It should be noted that:
 - The policies will not change any contractual rights.
 - Fenland District Council will retain the right to change the policies at any time without prior notice or consultation although will endeavour to discuss any future changes.
 - Only the policy which is current at the time a relevant event occurs to an employee/scheme member will be the one applied to that employee/member.

No.	Discretion	Regulation	Fenland District Council's Policy
Discretions to be exercised on and after 1 April 2014 under the LGPS Regulations in relation to active scheme members and members who cease active membership after 31 March 2014 (excluding Councillors)			
1	Whether to grant additional pension of up to £6,822 (as at 1 April 2018) to an active member or within 6 months of leaving to a member whose employment is terminated on the grounds of redundancy or business efficiency.	R31	FDC will not make use of the discretion to grant extra annual pension of up to £6,822 (as at 1 April 2018)
2	Whether, where an active Scheme member wishes to purchase extra annual pension of up to £6,822 (as at 1 April 2018) by making Additional Pension Contributions (APC's), FDC will voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC).	R16(2)(e) & R16(4)(d)	FDC will not contribute to a Shared Cost APC.
3	<p>Whether to permit flexible retirement for staff aged 55 or over who, with the agreement of FDC, reduce their working hours or grade and, if so, as part of the agreement:</p> <ul style="list-style-type: none"> • Whether, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw if flexible retirement is agreed), to permit the member to choose to draw: <ul style="list-style-type: none"> • All, part or none of the pension benefits they accrued after 31 March 2008 and before 1 April 2014, and/or • All, part or none of the pension benefits they accrued after 31 March 2014, and • Whether to waive, in whole or in part, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before normal pension age. 	<p>R30(6) & TP11(2)</p> <p>R30(8)</p>	<p><u>Flexible retirement</u> FDC will not agree to flexible retirement except in circumstances where FDC considers it is in its financial or operational interests to do so. Each case:</p> <ul style="list-style-type: none"> • Will be considered on the merits of the financial and/or operational business case put forward, • Will set out whether, in addition to any pre 1 April 2008 benefits, the member will be permitted to take all, some or none of their post 31 March 2008 benefits, and • Will require the approval of CMT and Staff Committee. <p><u>Waiver of any actuarial reduction on flexible retirement</u> Where flexible retirement is agreed, the benefits payable will be subject to any actuarial reduction applicable under</p>

No.	Discretion	Regulation	Fenland District Council's Policy
			the LGPS Regulations 2013 and LGPS Regulations 2014. FDC will only waive any such reductions, in whole or in part, where it considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and /or operational business case put forward and will require approval of CMT and Staff Committee.
4	Whether, as the 85 year rule does not (other than on flexible retirement) automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.	TPSch 2, paras 1(1)(c), 1(2) and 2(2)	FDC will not agree to switch the 85 year rule on in full where members choose to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where FDC considered it is in its financial or operational interests to do so. Each case: <ul style="list-style-type: none"> • Will be considered on the merits of the financial and/or operational business case put forward, • Will require the approval of CMT and Staff Committee.
5	For active members voluntarily retiring on or after age 55 and before Normal Pension Age who elect under regulation 30(5) of the LGPS to immediately draw benefits, and for deferred members and suspended tier 3 ill health pensioners who elect under regulation 30(5) of the LGPS to draw benefits (other than ill health grounds) on or after age 55 and before Normal Pension Age, and who: <ul style="list-style-type: none"> • were <u>not</u> members of the LGPS before 1 October 2006, whether to: • waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits, 	TP3(1), TPSch 2, paras 2(1) and 2(2), B30(5) and B30(8) R30(8)	FDC will not agree to waive on compassionate grounds any reduction on benefits for employees where members choose to voluntarily draw their benefits on or after age 55 and before Normal Pension Age except in circumstances where FDC considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so. <p>Each case:</p> <ul style="list-style-type: none"> • will be considered on the merits of the financial and/or operational business case put forward, or • will be considered on the merits of the

No.	Discretion	Regulation	Fenland District Council's Policy
	<p>if any, accrued before 1 April 2014, and/or</p> <ul style="list-style-type: none"> • waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2014 • were members of the LGPS before 1 October 2006 and <u>will</u> be 60 or more on 31 March 2016 whether to: <ul style="list-style-type: none"> • waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits, accrued before 1 April 2016, and/or • waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2016 • were members of the LGPS before 1 October 2006 and will not be 60 or more on 31 March 2016 and will not attain age 60 before 1 April 2016 and 31 March 2020, whether to: <ul style="list-style-type: none"> • waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits, accrued before 1 April 2014, and/or • waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2014 • were members of the LGPS before 1 October 2006 and will not be 60 or more on 31 March 2016 but will attain age 60 between 1 April 2016 and 31 March 2020, whether to: 		<p>compassionate case put forward, and</p> <ul style="list-style-type: none"> • will require the approval of CMT and Staff Committee.

No.	Discretion	Regulation	Fenland District Council's Policy
	<ul style="list-style-type: none"> waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits, accrued before 1 April 2020, and/or waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2020. 		
6	Whether, how much, and in what circumstances to contribute to a shared-cost AVC arrangement entered into on or after 1 April 2014 and whether, how, and in what circumstances to continue to contribute to any shared-cost AVC arrangement entered into before 1 April 2014.	R17(1) & definition of SCAVC in RSch 1 TP15(1)(d) & A25(3)	FDC will not enter into a shared-cost AVC arrangement. <u>FDC will pay Shared-Cost AVC contributions where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer Shared Cost AVC contributions will not exceed the amount of salary sacrificed by the employee. This is a discretion of FDC which is subject to the employee meeting the conditions for acceptance into the salary sacrifice Shared Cost AVC scheme and may be withdrawn or changed at any time.</u>
7	Whether, with the agreement of the Pension Fund administering authority, to permit a scheme member to elect to transfer other pension rights in the LGPS if they have not made such an election within 12 months of joining the LGPS.	R100(6) R22(8)(b) R22(7)(b)	Subject to the agreement of the relevant administering authority in any individual case, FDC will extend the 12 month period: <ul style="list-style-type: none"> where the member is initially appointed on a fixed term contract for a period of a year or less and the contract is subsequently extend to a period of greater than one year, or where FDC agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration. <u>In the event of other extenuating circumstances. Each request will be judged on</u>

No.	Discretion	Regulation	Fenland District Council's Policy
			<p>case by case basis, and will be subject to CMT approval.</p>
8	<p>How the pension contribution band to which an employee is to be 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 following a material change which affects the member's pensionable pay in the course of a Scheme year (1 April – 31 March).</p>	<p>R9(1) & R9(3)</p>	<p>FDC will assess an employee's contribution rate based on their annual salary rate.</p> <p>FDC will reassess an employee's contribution rate as from the date from which a change in their annual salary rate is effective. This can result in a retrospective reallocation to a different contribution rate with a consequential adjustment to the employee contributions due.</p> <p>NB: Annual salary will be based on actual rate for a part-time employee</p>
9	<p>Whether or not, when calculating assumed pensionable pay when a member is:</p> <ul style="list-style-type: none"> • on reduced contractual pay or no pay due to sickness or injury, or • absent during ordinary maternity, paternity or adoption leave or during paid additional maternity, paternity or adoption leave, or • absent on reserve forces service leave, or • retires with a Tier 1 or 2 ill health pension, or • dies in service <p>to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health</p>	<p>R21(5)</p>	<p>In assessing Assumed Pensionable Pay FDC will not include in the calculation any regular lump sum payment, except:</p> <ul style="list-style-type: none"> • shift allowance • market premia • honorarium.

No.	Discretion	Regulation	Fenland District Council's Policy
	retirement or death occurred.		
10	Where in the Employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months preceding the commencement of Assumed Pensionable Pay (AP), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay received by the member in the previous 12 months.	R21 (5a) & R21 (5b)	FDC will assess an employee's contribution rate based on their annual salary rate, however FDC will reassess an employee's contribution rate as from the date from which a change in their annual salary rate is effective. Based on any 3 months prior this can result in a retrospective reallocation to a different contribution rate with a consequential adjustment to the employee contributions due.

No.	Discretion	Regulation	Fenland District Council's Policy
Discretions to be exercised on and after 1 April 2014 under the LGPS Regulations in relation to scheme members who ceased active membership between 1 April 2008 and 31 March 2014 (excluding Councillors)			
1	Whether to grant applications for the early payment of deferred pension benefits on or after age 55 and before age 60.	B30(2)	Where a former scheme member who left the scheme between 1 April 2008 and 31 March 2014 requests early release of deferred benefits on or after age 55 and before age 60, approval will only be given on compassionate grounds. Each a case will be considered on its merits and will be subject to the approval of CMT and Staff Committee. Subject to item 2 (below), the benefits payable in such circumstances will be subject to any actuarial reduction applicable under the relevant LGPS regulations.
2	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.	B30(5)	Each case will be considered on its merits and will be subject to the approval of Staff Committee.
3	Whether to grant applications for the early payment of a suspended tier 3 ill health pension on or after age 55 and	B30A(3)	Where a former scheme member who left the scheme between 1 April 2008 and 31 March 2014 requests early

No.	Discretion	Regulation	Fenland District Council's Policy
	before age 60.		<p>release of a suspended tier 3 ill health pension on or after age 55 and before age 60, approval will only be given on compassionate grounds.</p> <p>Each case will be considered on its merits and will subject to the approval of Staff Committee. Subject to item 4 (below), the benefits payable in such circumstances will be subject to any actuarial reduction applicable under the relevant LGPS regulations.</p>
4	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to any suspended tier 3 ill health pension benefits awarded before 1 April 2014 which are brought back into payment before age 65.	B30A(5)	Each case will be considered on its merits and will be subject to the approval of Staff Committee.
5	Whether, within 6 months of the date of termination, to grant extra membership in the pension scheme to a Scheme Member whose employment was terminated before 1 April 2014 on the grounds of redundancy or business efficiency.	B12	FDC will not grant extra pension scheme membership to a Scheme member whose employment was terminated before 1 April 2014 on the grounds of redundancy or business efficiency.

No.	Discretion	Regulation	Fenland District Council's Policy
	Discretions to be exercised on and after 1 April 2014 under the LGPS Regulations in relation to scheme members who ceased active membership between 1 April 1998 and 31 March 2008 (excluding Councillors)		
1	<p>Whether to grant applications for the early payment of pension benefits on or after age 50* and before 60.</p> <p>* benefits paid on or after age 50 and before age 55 will be subject to an unauthorised payment charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on</p>	31(2)	Where a former scheme member who left the scheme between 1 April 1998 and 31 March 2008 requests early release of deferred benefits on or after age 50 and before age 60, approval will only be given on compassionate grounds. Each a case will be considered on its merits and will be subject to the approval of CMT and Staff Committee. Subject to item 2 (below), the benefits

No.	Discretion	Regulation	Fenland District Council's Policy
	any benefits built up after 5 April 2006.		payable in such circumstances will be subject to any actuarial reduction applicable under the relevant LGPS regulations.
2	Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to benefits which are paid before age 65.	31(5)	Each case will be considered on its merits and will be subject to the approval of Staff Committee.

No.	Discretion	Regulation	Fenland District Council's Policy
Discretions to be exercised on and after 1 April 2014 under the LGPS Regulations in relation to scheme members who ceased active membership before 1 April 1998 (excluding Councillors)			
1	Whether to grant applications for the early payment of deferred pension benefits on or after age 50* and before 65 on compassionate grounds. * benefits paid on or after age 50 and before age 55 will be subject to an unauthorised payment charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, but there would be no Scheme sanction charge.	D11(2)(c)	Each request will be considered on its merits and will be subject to the approval of Staff Committee.

No.	Discretion	Regulation	Fenland District Council's Policy
Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (excluding Councillors)			
1	Whether to base a redundancy payment on an employee's actual weeks' pay where this exceeds the statutory week's pay limit of, currently £464 per week (as at 6 April 2014).	5	Any redundancy payment will be calculated on the employee's actual week's pay. Continuous local government service, as defined under the Redundancy Payments (Continuity of Employment in

No.	Discretion	Regulation	Fenland District Council's Policy
			Local Government, etc.) (Modification) Order 1999, will be taken into account in the calculations of redundancy payments.
2	Whether to make a termination payment (inclusive of any redundancy payment) of up to a maximum of 104 weeks' pay.	6	Redundant staff will receive a severance payment (to incorporate statutory redundancy pay) calculated using the statutory redundancy payment formula but based on actual pay, as per policy.

No.	Discretion	Regulation	Fenland District Council's Policy
	Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (excluding Councillors)		
1	How a person's annual compensatory added years payment is to be abated during, and following the cessation of, any period of re-employment by an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS (except where the employer is an Admitted Body, in which case abatement only applies if the person is in the LGPS in the new employment)	17 19 21(7) 21(5)	<p>FDC will, during any period of unemployment in local government (see note below) abate a person's annual compensatory added year's pension payment by the 'excess' if the aggregate of:</p> <ul style="list-style-type: none"> • the annual compensation, and • the annual pension from the LGPS, and • the annual rate of pay from the new employment exceeds the pay the person would have received from the employment in respect of which the compensatory added years were granted, based on the annual rate of pay at the date of casing the formal employment as increased by the retail Prices Index. <p>Where compensatory added years were awarded on or after June 2000, FDC will reduce a person's annual compensatory added year's payment following the cessation of a period of re-employment in local government (see note below) to the extent necessary to</p>

No.	Discretion	Regulation	Fenland District Council's Policy
			<p>secure that if:</p> <ul style="list-style-type: none"> • the period of compensatory added years granted in respect of the former employment. <p>Plus</p> <ul style="list-style-type: none"> • the period of membership the person has accrued in the LGPS (or would have accrued had they joined the scheme when first eligible to do so) during the periods of re-employment in local government, counted at its part-time length, if the person was part-time, <p>exceeds</p> <ul style="list-style-type: none"> • the period of membership the person would have accrued during the period from the cessation of the former employment until age 65 on the assumption that they had continued in that former employment to age 65 (again counted at its part-time length if the person was part-time at the date of cessation of the former employer), <p>then</p> <ul style="list-style-type: none"> • the annual pension and lump sum from the first job combined with the annual pension and lump sum from the second job (based on the assumption that the employee joined the LGPS when first eligible to do so), plus the annual compensation and lump sum compensation, shall not in aggregate exceed the pension and lump sum the person would have achieved if they had remained in the first job through to age 65.

No.	Discretion	Regulation	Fenland District Council's Policy
			<p>Where there is an excess, the annual compensation must be reduced by the excess pension, and if the annual compensation is not reduced to nil, the amount of the remaining (reduced) basic annual compensation (excluding cost of living increases) must then be suspended until the excess lump sum (if any) is recovered.</p> <p>In calculating whether or not, in aggregate, the annual pension and lump sum from the first job, plus the annual pension and lump sum (if any) from the second job (based on the assumption that the employee joined the LGPS at the first opportunity), plus the annual compensation and lump sum compensation, exceeds the pension and lump sum the person would have achieved if he/she had remained in the first job through to age 65 it will be necessary to compare:</p> <ul style="list-style-type: none"> a) the actual LGPS pre 1 April 2009 1/80th pension and 3/80th lump sum, plus the actual LGPS post 31 March 2008 1/60th pension (ignoring commutation for a lump sum), plus the actual 1/80th annual compensation and 3/80th lump sum compensation, with b) the 1/80th LGPS pension and 380ths lump sum the member would have achieved in their first job to 31 March 2008, plus the 1/60th LGPS pension the member would have achieved in their first job

No.	Discretion	Regulation	Fenland District Council's Policy
			<p>(ignoring any potential commutation for a lump sum), if the member had stayed in the first job through to age 65.</p> <p>In determining the benefits the employee could have achieved had he/she remained in the first employment through to age 65 it will be necessary to determine the pensionable pay to be used in the calculation of the pension benefits in the first job will be used as brought up to date, at the date of cessation of the period or re-employment, by increasing it in line with the rate at which an "official pension" would have been increased under the Pensions (Increase) Act 1971.</p>
2	How any surviving spouse's or civil partner's annual compensatory added years is to be apportioned where the deceased person is survived by more than one spouse or civil partner.	21(4)	FDC will apportion any surviving spouse's or civil partner's annual compensatory added years where the deceased person is survived by more than one spouse or civil partner in such proportions as, at its sole discretion, it sees fit (based on the merits of the individual case).
3	Whether, if the spouse of a person who ceased employment before 1 April 1998 remarries, enters into a civil partnership or cohabits after 1 April 1998, the normal annual compensation suspension rules will be dis-applied i.e. the survivor's annual compensatory added years will continue to be paid.	21(7)	If the spouse of a person who ceased employment before 1 April 1998 remarries, enters into a civil partnership or cohabits after 1 April 1998, the normal annual compensation suspension rules will be dis-applied i.e. the spouses annual compensatory added years will continue to be paid.

No.	Discretion	Regulation	Fenland District Council's Policy
	Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Payments) (Injury Allowances) 2011(excluding Councillors)		

No.	Discretion	Regulation	Fenland District Council's Policy
1	<p>Whether to make an injury award to those who sustain an injury or contract a disease as a result of anything they were required to do in performing the duties of their job and in consequence of which they:</p> <ul style="list-style-type: none"> • suffer a reduction of remuneration, or • cease to be employed as a result of an incapacity which is likely to be permanent and which was caused by the injury or disease, or • die leaving a surviving spouse, civil partner or dependant, and <p>if so, how the amount of injury allowance to be paid is to be determined.</p>	3(1)	<p>FDC will not make any injury award to those who sustain an injury or contract a disease as a result of anything they were required to do in performing the duties of their job.</p> <p>FDC holds Employer's Liability Insurance and has provision for employees within the Sickness Absence Policy in line with National Agreement on pay and conditions of service (Green Book).</p>

FDC reserve the right to change the policy at any time without prior notice or consultation, although FDC will endeavour to discuss proposed changes with the recognised Trade Unions.

Agenda Item 8

Agenda Item No:	8	
Committee:	Employment Committee	
Date:	30th June 2023	
Report Title:	Proposed Restructure of Property and Assets Service	

1 Purpose / Summary

- 1.1 To seek members approval for the proposed structural changes within the following teams, slight changes following consultation with all team members, wider staff representatives and officers of the senior management team.

2 Key issues

- 2.1 The Estates and Assets team provide professional support to all council services covering the areas of property management (excluding housing), Facilities management and asset support including, but not limited to the management, maintenance, design, and construction of physical assets within the district including street lighting, street furniture, car parks, and water treatment works.
- 2.2 The service has undergone significant flux over the preceding 2 years with a significant number of staff changes at all levels resulting in a loss of historical knowledge and over reliance of agency staff.
- 2.3 The areas covered are reliant on experienced qualified staff with specific knowledge in their respective fields of operation. The report seeks to reinforce this service by providing clear structures and rewards for these staff members.

3 Recommendations

- 3.1 Members are now requested to: -
1. Note the contents of the report now presented.
 2. Give approval to the implementation of the proposed restructure as now reported including the regarding of existing posts and appointment of staff to the new posts as proposed.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Cllr Ian Benney - Portfolio Holder for Economic Growth
Report Originator(s)	Mark Greenwood – Manager Property, Assets and Major Projects
Contact Officer(s)	Mark Greenwood
Background Paper(s)	

1.0 Purpose

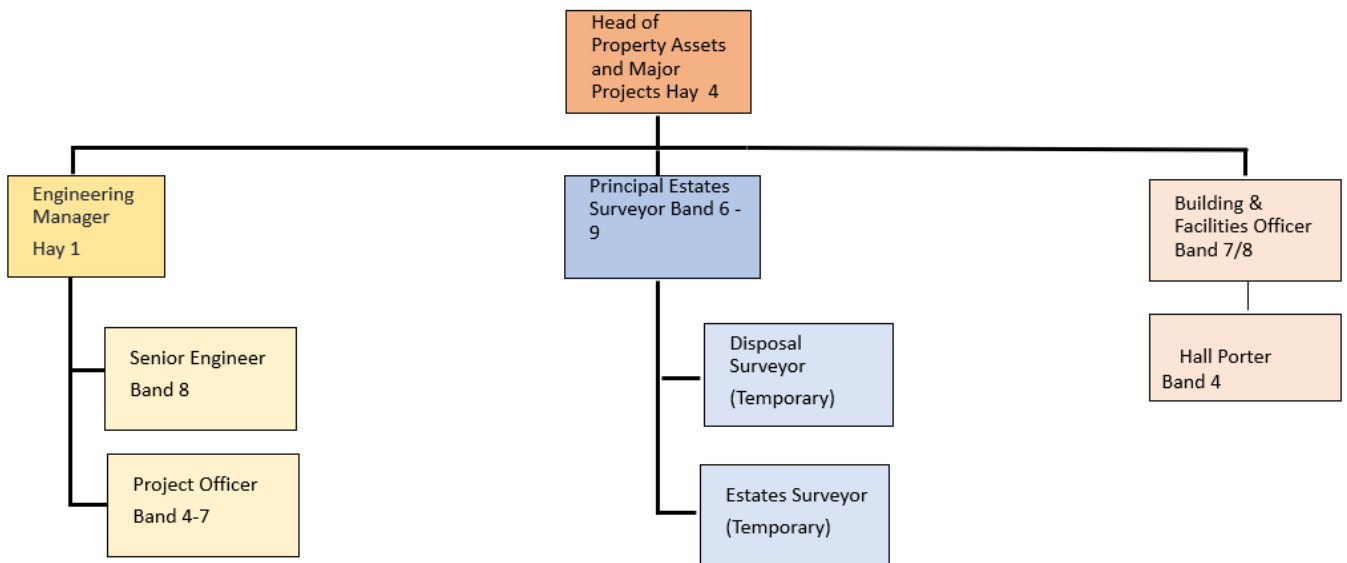
- 1.1 This paper is to brief members and seek their approval to the proposed structural changes within the following teams:

Estates	Responsible for the management of all Council owned / leased physical property assets including Council occupied sites investment estate and land. The team are also responsible for the holding of all property ownership records.
Engineers	Responsible for the management, maintenance, design, and construction of physical assets within the district including street lighting, street furniture, car parks, and water treatment works.
Facilities	Responsible for the maintenance and delivery of services of Council buildings and assets not within the remit of the Engineering team or other Council sections.

- 1.2 During the last 2 years the Facilities and Estates team has seen significant staff changes including the entire established Estates team leaving the Authority during 2021.
- 1.3 A new Head of Service was appointed and took up the position of the 1st of January 2022 and has since that time undertaken a comprehensive review of the functions of each of the respective teams in the service area.

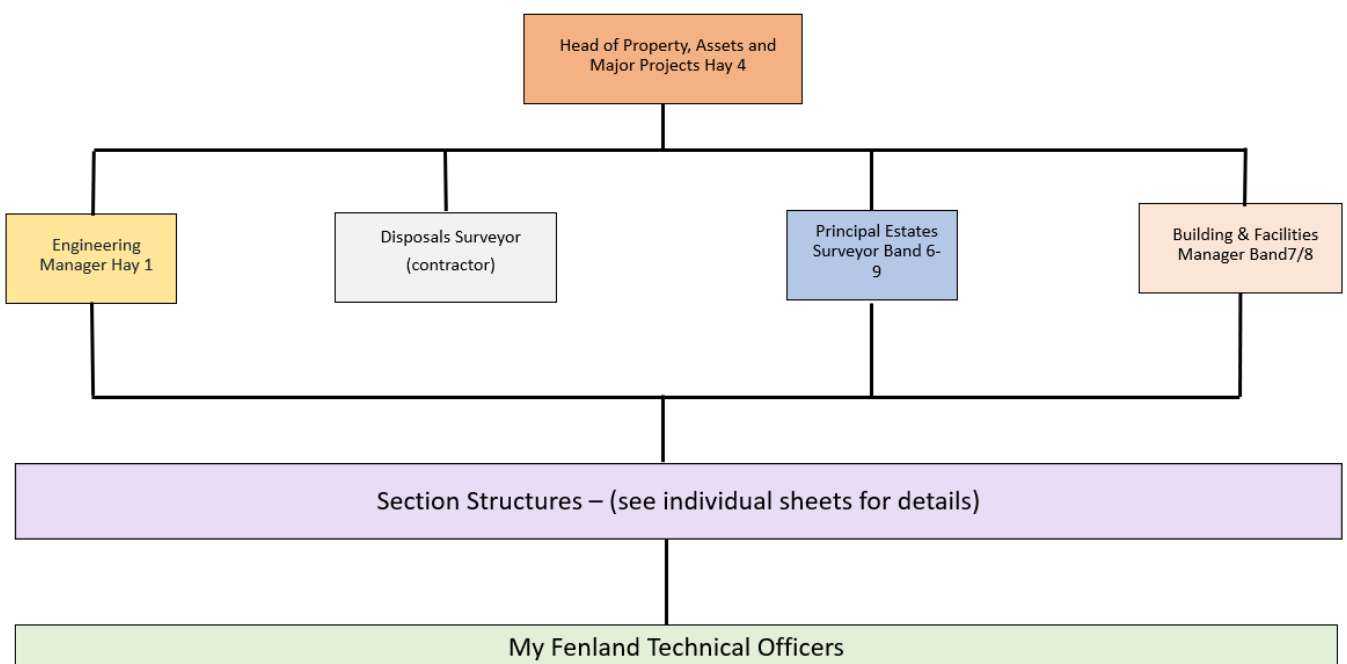
2 Existing Structure

- 2.1 The current structure of the department sees the service separated into three distinct areas as detailed below:



3 Proposed Structures

- 3.1 To provide a sustainable long-term solution the proposal is to now agree a sustainable deliverable structure with roles that will provide the existing function, other council services and stakeholders with a professional well focused team.
- 3.2 The proposal will see a section management structure similar to the one existing at the current time and detailed below:



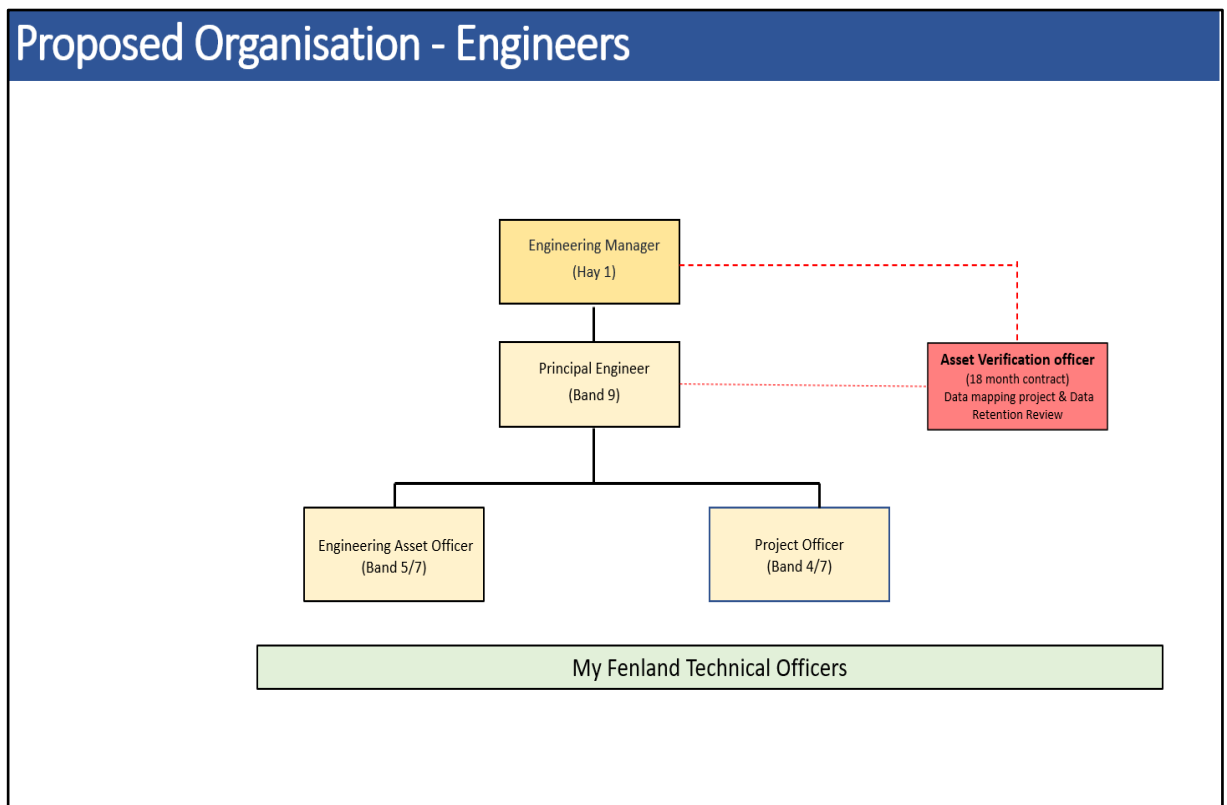
3.3 Engineers

3.4 The Engineering team are responsible for the management, maintenance, design, and construction of physical assets within the district including street lighting, street furniture, car parks, and water treatment works.

3.5 The proposed structure will allow for an additional FTE post to be created (with an additional temporary post dependent on the outcome of a separate business case) :

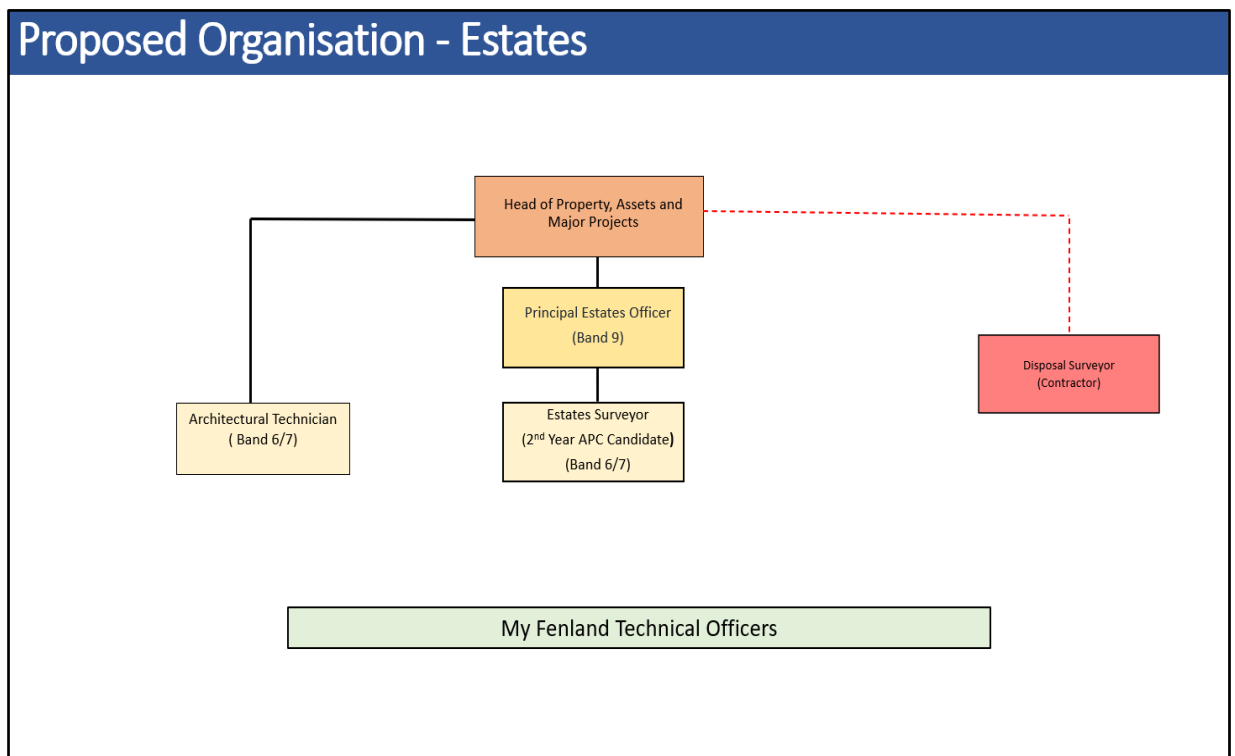
3.6 Engineering Asset Officer – This post holder will assist the senior engineers with the day-to-day management, maintenance, and inspection of FDC owned assets across the district. This resource will have the benefit of reducing the time senior engineers need to spend on these tasks and allowing them to concentrate on the in-depth technical programme of works overseen within this section an appropriate to their experience / qualifications.

3.7 Asset Verifications Officer - The Asset Verification Officer post is intended to be assessed in a future funding application as part of the asset tagging and verification programme the first phase of which, tree identification and tagging, is being implemented presently and the acquisition process for the ezyasset system is being considered as part of the transformation review project.



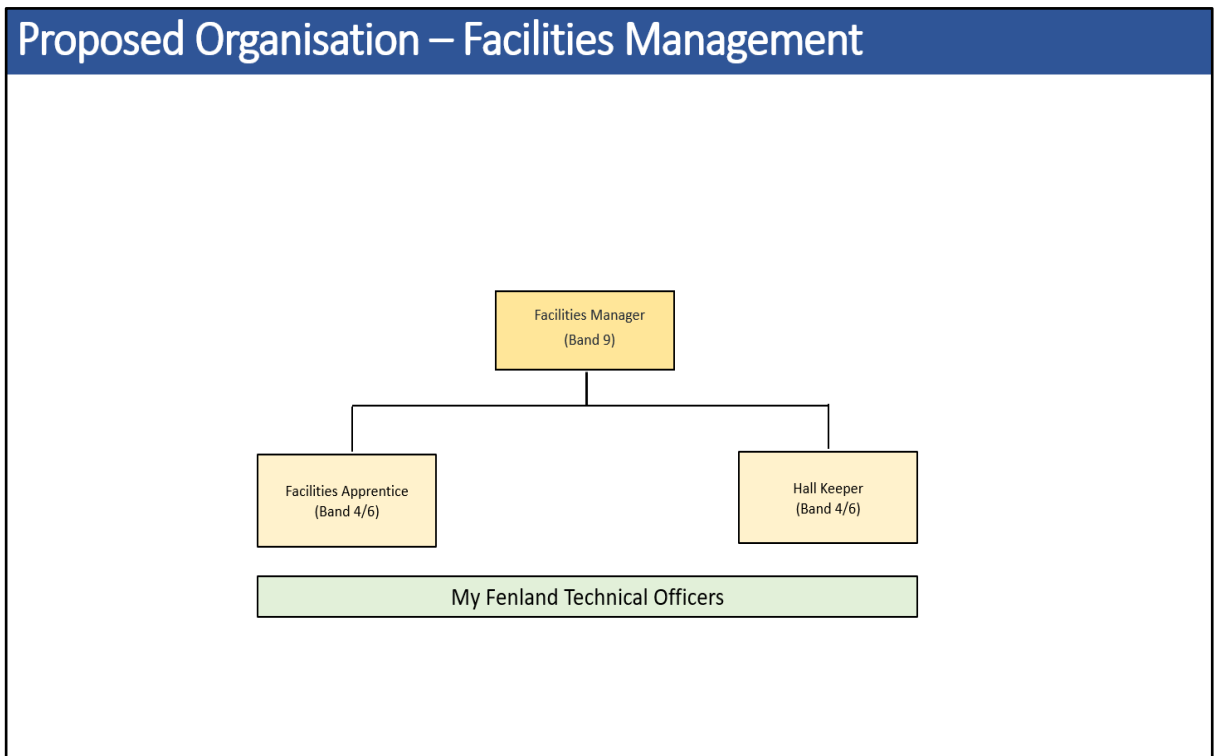
3.8 Estates

- 3.9 The proposal within the section is to bring in two additional team members being a 2nd year RICS APC student and an Architectural technician.
- 3.10 Estates Surveyor - The APC or Assessment of Professional Competence is a 2year assessment and is the final practical stage of a student having finished their degree moving onto becoming a fully qualified chartered surveyor.
- 3.11 The employment of this candidates will result in the release of the current contract surveyor at a projected annual saving of £59K pa.
- 3.12 Architectural Technician – The council are increasingly relying on external providers for survey and minor works e.g., March High Street Toilets and surplus land disposal planning applications, for example in FY 22/23 to date £16k has been spent on basic designs for planning application for site disposals alone.
- 3.13 It is intended that the post holder would undertake these works as well as assist with scheduled building inspections. The technician will also be required to assist with CDM and H&S inspections as well as provide support and guidance to the procurement team in the review of construction related tenders and contract awards.



3.14 **Facilities Management**

- 3.15 The proposed structure will see the post holder maintain the head of section role on a permanent basis and delete the current Hay 1 post of the former section head a permanent basis to lead the section.
- 3.16 The proposals are for additional resource to be brought in at a career grade level to be trained to provide support to the head of section allowing the senior post holder to focus on legal compliance issues, performance reporting and more significant incidents and projects.
- 3.17 The additional resource will also add additional support to the current Hall Keeper by providing cover during times of leave, sickness or when the current Hall keeper is deployed elsewhere. In addition, the current post holder in the Hall Keeper role has indicated a desire and willingness to also pursue the training for the FM role and this has been agreed and included within this proposal.



3.18 **My Fenland**

- 3.19 The My Fenland technical officers provide 3 team members to cover the estates department working in a shift pattern to ensure coverage throughout the normal working hours of the Council. This work includes the creation of invoices, call handling, debt query support and other ad hoc functions to support the team.
- 3.20 A review of service delivery by the My Fenland team is to commence shortly and will include a review of the level of service provision currently available to support the Service as a whole.

3.21 The proposals now reported will result in this service support continuing going forward with enhanced integration following the restructure as detailed and implementation of property and facilities software as detailed below.

4 Financial Considerations

4.1 The Estates section has a budget allocation for staff for the FY 22/23 of £583,008. The proposals if accepted and enacted in full will see a cost reduction to £567,672 equivalent to a 2.6%.

4.2 Since the significant staff changes in 2021 several roles have been filled by interim professional staff. In the year to date these interim staff have added approximately £93,500 to the cost of the department, however this is offset somewhat by underspend on the budget due to permanent posts remaining unfilled. If the existing structure were to be filled using interim staff on a longer-term basis the cost would exceed amounts incorporated into the current budget and the indicative cost of the revised structure,

4.3 The proposed approach looks to provide opportunities for professionals at an early stage of their career and it is hoped that with appropriate supervision and guidance this will provide for a greater level of resilience as well as support succession planning within the team.

5 Consultation Process

5.1 The review has been undertaken with full and extensive discussions with all members of the current service areas affected by the proposals.

5.2 These discussion shave resulted in amendments being made and as a result the proposals now presented have been approved by the staff affected, Management Team and the MTSP liaison panel.

5.3 The timetable of the discussions and consultations is set out below:

Date	Meeting / Action
Monday 27th March 2023	Initial meeting with Management, Trade Union, and Staff Partnership (MTSP) group – COMPLETE & APPROVED
Wednesday 5 th April 2023	Informal workforce engagement process begins. Presentations of proposal & rationale to all team. Copy updated to intranet. COMPLETE 06/04/2023
Friday 14th April 2023	Closing date for comments on proposals – agree slightly shorter consultation period as no direct impact and no redundancies COMPLETE
Week commencing 17th April 2023	Review feedback and make any potential changes to proposal COMPLETE
Week commencing 17th April	Final proposals shared with CMT COMPLETE
24th April 2023	Share comments and management responses with MTSP and confirm final proposal COMPLETE
25th April 2023	Update team on final proposal and next steps COMPLETE
30 th June 2023	Employment Sub Committee

w/c 3 rd July 2023	1-2-1 meetings/formal notification to staff impacted. Communication process to all workforce
July 2023	Recruitment to new structure

6 Redundancies

6.1 No redundancies are proposed as a part of the proposed structural re-organisation reported herein.

7 Costs

7.1 Costs Attributed to Present Structure

	Original Budget 2022/23
Engineers	£171,580.35
FM	£151,686.52
Estates	£259,741.40
Total	£583,008.27

7.2 Costs Attributed with Proposed Structure

	Original Budget 2022/23
Engineers	£257,699.90
FM	£125,621.39
Estates	£184,350.95
Total	£567,672.24

8 Recommendations

8.1 Members are now requested to: -

1. Note the contents of the report now presented.
2. Give approval to the implementation of the proposed restructure as now reported including the regarding of existing posts and appointment of staff to the new posts as proposed.

Appendix

SENIOR MANAGEMENT SALARY BANDS

<u>BAND</u>	<u>SCP</u>	<u>SALARY</u> <u>01/04/2022</u> £	Hourly rate	
Hay 1	1	47,575	24.66	
	2	48,590	25.19	
	3	49,593	25.71	
	4	124	50,637	26.25
	5	125	51,708	26.80
	6	126	52,807	27.37
	7	127	53,926	27.95
Hay 2	1	126	52,807	27.37
	2	127	53,926	27.95
	3	128	55,067	28.54
	4	129	56,235	29.15
	5	130	57,434	29.77
Hay 3	1	130	57,434	29.77
	2	131	58,650	30.40
	3	132	59,904	31.05
	4	133	61,182	31.71
Hay 4	1	133	61,182	31.71
	2	134	62,479	32.38
	3	135	63,814	33.08
	4	136	65,173	33.78

NJCLGS SALARIES

<u>BAND</u>	<u>SCP</u>	<u>SALARY</u> <u>01/04/2022</u> £	<u>Set Hourly rate</u>
1	1	£20,258	10.50
	2	£20,441	10.60
2	3	£20,812	10.79
	4	£21,189	10.98
3	5	£21,575	11.18
	6	£21,968	11.39
	7	£22,369	11.59
	8	£22,777	11.81
	9	£23,194	12.02
4	10	£23,620	12.24
	11	£24,054	12.47
	12	£24,496	12.70
	13	£24,948	12.93
	14	£25,409	13.17
5	15	£25,878	13.41
	16	£26,357	13.66
	17	£26,845	13.91
	18	£27,344	14.17
	19	£27,852	14.44
6	20	£28,371	14.71
	21	£28,900	14.98
	22	£29,439	15.26
	23	£30,151	15.63
	24	£31,099	16.12
7	25	£32,020	16.60
	26	£32,909	17.06
	27	£33,820	17.53
	28	£34,723	18.00
	29	£35,411	18.35
8	30	£36,298	18.81
	31	£37,261	19.31
	32	£38,296	19.85
	33	£39,493	20.47
	34	£40,478	20.98
9	35	£41,496	21.51
	36	£42,503	22.03
	37	£43,516	22.56
	38	£44,539	23.09
	39	£45,495	23.58
	40	£46,549	24.13
	41	£47,573	24.66
	42	£48,587	25.18
	43	£49,590	25.70