

UNION / EMPLOYEE CONSULTATION COMMITTEE

AGENDA

**Monday 9th June 2014 at 1100 hours in Chamber Suites 1 & 2,
The Arc, Clowne**

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	To receive apologies for absence, if any.	
2.	Election of Chair (Management side).	
3.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
4.	Members should declare the existence and nature of any personal or prejudicial interest in respect of:- a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and, if appropriate, withdraw from the meeting at the relevant time.	
5.	Minutes of a meeting held on 12 th March 2014.	3 to 8
6.	Appraisal Policy and Procedure.	9 to 32
7.	Baseline Personnel Security Standard.	33 to 35
8.	Disclosure and Barring Service Policy.	36 to 51
9.	Sickness Absence/Occupational Health Statistics 2013/14.	52 to 57
10.	Local Government Pension Scheme Discretions.	To Follow

UNION/EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in Chamber Suite 1, The Arc, Clowne, on Wednesday 12th March 2014 at 1100 hours.

PRESENT:-

Council Representatives:-

Councillors E. Watts, K. Reid and Mrs P.M. Bowmer.

Unison Representatives:-

J. Wilmot and K. Shillitto.

Unite Representatives:-

None attended.

Officers:-

T. Morrell (Senior HR Advisor), A. Wylie (Principal Solicitor), N. Blaney (ICT Manager) (to Minute No. 0926) and A. Bluff (Governance Officer).

0920. APOLOGIES

Apologies for absence were received on behalf of Councillor V.P. Mills and J. Clayton (Unison).

0921. ELECTION OF CHAIR FOR MEETING

Moved by J. Wilmot, seconded by K. Shillitto

RESOLVED that E. Watts be elected as Chair for the meeting.

Councillor E. Watts in the Chair

0922. URGENT ITEMS OF BUSINESS

The Chair informed the meeting of an urgent item of business to be considered being the Whistleblowing Policy which would be discussed as the last item on the agenda.

(Senior HR Advisor, NEDDC)

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0923. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0924. MINUTES – 11th DECEMBER 2013

Minute 0667 – Urgent Item of Business – Driving at Work Policy

A Unison representative informed the meeting that Unison did not agree with the content and resolution of Minute Number 0667 of the last minutes as it was felt that it did not represent fully what was discussed at the meeting.

The Driving at Work Policy was still in a draft format and had not yet been approved at Council but the Council's Intranet site (ERIC) was advising staff that from 1st December 2013 employees who drive their own car on council business were required to submit their driving licence and car insurance certificate indicating their car was insured for business use to HR and Payroll for verification.

The Senior HR Advisor replied that staff needed to be insured for business purposes if they used their car for council business and the relevant paperwork needed to be provided to HR and Payroll. Unison replied that until the policies changed, staff shouldn't be required to produce the documents.

Moved by Councillor E. Watts, seconded by J. Wilmot

RESOLVED that subject to Minute 0667 being amended to reflect that staff are not asked to produce their driving licence and insurance documents until detail in the Driving at Work Policy had been considered by the Unions, the Minutes of a Union/Employee Consultation Committee held on 11th December 2013 be accepted as a true record.

(Governance Manager)

0925. ICT POLICIES AND MEMBERS ICT CHARTER

Members considered a report of the ICT Manager in relation to joint ICT policies.

The meeting was advised that the Members ICT Charter was included in the report for Committee's information and was not being presented for approval.

It was acknowledged that a common approach for ICT was needed as joint working between the partners increased.

The Information Commissioner's Office was now levying substantial fines on councils and Government departments where personal data became available in the public domain - these fines were often in excess of £100,000

The ICT policies presented to Members provided the guidance and correct working practices to minimise the risk of personal data leakage.

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To enable access to Government systems, exchange data and send secure emails the Authority must comply with a 'Code of Connection' (CoCo), which was audited annually by external security assessors. To satisfy key criteria of the CoCo the Authority must demonstrate that key policies were in place and enforced. Failure to do so would result in a loss of the Council's CoCo connection to the following services;

- Department of Work and Pensions CIS system which is used by the Benefits team to investigate fraud,
- Exchange of Electoral Roll information with Central Government,
- Access to the 'Tell us Once' service for registration of births and deaths,
- Ability to send secure email between public bodies including the police, NHS and Central Government departments.

Discussion took place and Members asked questions.

It was suggested that key points from each of the relevant policies be put in a guidance note for staff so they did not have to check 4 or 5 separate policies. It was also suggested that reference be made to North East Derbyshire District Council's Home Working Policy.

Unison highlighted the paragraph in relation to a 'Clear Desk' policy and the Senior HR Advisor noted that this was 'aspirational' and no disciplinary action or sanctions would be applied if not carried out by staff, although it was also acknowledged that protected and restricted paperwork must be stored away.

A discussion took place and it was agreed that the wording in the paragraph, 'At the end of each day, wherever possible' desks should be cleared of all documents ' be changed to, 'At the end of each day desks **must** be cleared of all documents'.

Moved by K. Shillitto, seconded by Councillor K. Reid

RECOMMENDED that subject to the change of wording in the paragraph as detailed above, the Joint ICT Policies be presented to Executive for adoption.

(ICT Manager/Governance Manager)

The ICT Manager left the meeting.

0926. PAY POLICY - RELIEF CENTRAL CONTROL OPERATORS

Committee approval was sought to make minor additions to the Pay Agreement to reflect current practice relating to the pay entitlement for employees carrying out central control duties on a relief basis.

At Council on 9th September 2009, Members approved the decision of UECC to include the pay arrangements for full time and part time central control operators in the Council's Pay Agreement.

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For operational reasons, a number of employees now provided relief cover for this service. This has introduced a third category of central control operators which the pay agreement does not cover. Pending formal agreement this new group of workers have been paid the appropriate rate of pay for central control operators with the accrual of annual leave in accordance with paragraph 3.2.10.

The 34% enhancement paid to part time central control operators does not apply to relief workers because reliefs are not required to work regular unsocial hours, regular shift working or provide regularly cover.

To reflect current practice, it was proposed that the following paragraph be added to paragraph 3.2.12 of the Council's Pay Policy:-

"Relief Central Control Operators will receive Grade 7 for all hours worked and will accrue annual leave in accordance with paragraph 3.2.10 above."

Moved by J. Wilmot, seconded by Councillor E. Watts

RESOLVED that (1) the report be received,

(2) the following paragraph be added to paragraph 3.2.12 of the Council's Pay Policy:-

"Relief Central Control Operators will receive Grade 7 for all hours worked and will accrue annual leave in accordance with paragraph 3.2.10 above."

(Assistant Director HR and Payroll)

0927. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS OCTOBER TO DECEMBER 2013

The Senior HR Advisor presented a report of the Assistant Director of Human Resources in relation to sickness absence/occupational health statistics for the period October to December 2013 with comparisons for the same period in 2012.

The outturn for the period was 2.21 days per full time employee compared with 2.38 days in the same period in 2012.

The target for October to December 2013 was 2 days per full time employee. A breakdown of the figures by department and by long term/short term sickness absence was included in the report for information.

The total number of days lost had reduced in 2013 by 212 days. The number of days lost due to long term sickness had reduced by 183.5 days and the number of days lost due to short term sickness had reduced by 28.5 days.

The outcome of occupational health referrals for the October to December 2013 period were;

- Rehabilitated – 5
- Continuing – 5

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- Ill Health – 0

The figures for the same period in 2012 were;

- Rehabilitated – 4
- Continuing – 2
- Ill Health – 0

Routine health surveillance clinics had been held on 17th October 2013 and 7th November 2013 and had covered topics such as Hand Arm Vibration, Audiometry and Driver Medicals.

Moved by Councillor E. Watts, seconded by Councillor Mrs P.M. Bowmer
RESOLVED that the report be received.

0928. EQUALITIES MONITORING OCTOBER TO DECEMBER 2013

Members considered a report in respect of Equalities Monitoring data for the period October to December 2013 on the Council's performance on equality issues in relation to its employment practices.

Moved by J. Wilmot, seconded by Councillor E. Watts
RESOLVED that the report be received.

0929. WHISTLE BLOWING POLICY

The Principal Solicitor presented a report in relation to the Council's Whistleblowing Policy.

The meeting's attention was drawn to paragraph 7.1 of the Policy and the Principal Solicitor advised Members that this paragraph would be removed and also the wording, 'and you act reasonably and in good faith,'... from paragraph 7.3

Whistleblowing policies were aimed at fostering a climate of openness and transparency in which individuals in the workplace did not feel that they would be victimised if they raised concerns about wrongdoing in their organisation to an appropriate officer within the organisation.

As part of best practice, the government expects all public bodies to have written whistleblowing policies. It was therefore necessary that the Council's Whistleblowing Policy was up to date and fit for purpose.

Key changes had recently been brought about by the Enterprise and Regulatory Reform Act 2013 and therefore the Policy had been updated to include the following:-

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Firstly, there was now an express requirement that whistleblowing by employees or workers was made in the public interest. Although the ERRA does not define the meaning of public interest, it was implicit that disclosure of any wrongdoing by an employee must exclude those which can be characterised as being purely of a personal nature.

A disclosure no longer had to be made “in good faith” to be protected. Therefore, disclosures made purely out of malice or with the intention of personal gain would be protected as long as they were made with the reasonable belief that they were in the public interest.

Whistleblowers were now protected from suffering detriment, bullying or harassment from another employee. Previously, employees were protected from adverse treatment only in relation to their employer's activity. Employment tribunals would be able to hold employees or workers personally liable for victimising a whistleblower.

An employer could be held liable for any detriment inflicted on the whistleblowing employee or worker by his or her colleagues. The employer would have a defence if it could demonstrate that it took all reasonable steps such as compliance with its whistleblowing policy to prevent such detriment being inflicted on the whistleblower.

Members raised questions and a discussion took place.

Further to a question raised by Unison, it was noted that currently, there were no guidance cases for information.

It was noted that the Whistleblowing Policy was owned by the Monitoring Officer.

Moved by Councillor K. Reid, seconded by K. Shillitto

RESOLVED that subject to the above amendments being made, the Policy be forwarded to Standards Committee.

(Principal Solicitor/Governance Manager)

The meeting concluded at 1145 hours.

Bolsover District Council

Union/Employee Consultation Committee

9th June 2014

<p>Appraisal Policy and Procedure</p>
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Report of the Assistant Director – Human Resources

This report is public

Purpose of the Report

- For UECC to consider the Appraisal Policy attached as an appendix and to note the associated documentation.

1 Report Details

- 1.1 Bolsover District Council and North East Derbyshire District Council currently use appraisal schemes, BDC's being the Appraisal scheme and NEDDC's being the EDPR scheme.
- 1.2 Both schemes currently assess the work undertaken by the employee/manager, set objectives for the employee/manager for the forthcoming months and highlight any learning and development requirements.
- 1.3 Both schemes currently use competencies to assess employees and managers against a set of pre determined criteria.
- 1.4 Employees are currently assessed at six (interim) and 12 (full review) month periods.

2 Conclusions and Reasons for Recommendation

- 2.1 UECC are asked to consider adopting one policy for use at both NEDDC and BDC for appraisal, see appendix.
- 2.2 With the formation of the Strategic Alliance, Bolsover District Council and North East Derbyshire District Council are working closer together. The formation of joint services working on behalf of both Councils means that some managers are currently undertaking an appraisal for some staff on the BDC scheme and others on the NEDDC scheme, however employees are working to the same or similar service plans and manager.
- 2.3 The adoption of one joint policy for all staff at BDC and NEDDC would assist managers and staff in working to one policy and set of guidelines without confusion.

- 2.4 An email was sent to Assistant Directors and Service Managers to inform them that HR were planning to review the appraisal scheme and to ask anyone who was interested in being involved to come forward. Encouragingly 13 managers responded to the request.
- 2.5 The HR manager met with the managers interested to discuss their comments and feedback and to incorporate this into policy and procedures wherever possible.
- 2.6 It is envisaged that should UECC agree the attached policy a communications plan will be put together to detail how and when this will be communicated to staff and managers via managers forums, NEDi and briefing sessions from HR.

3 Consultation and Equality Impact

- 3.1 As discussed above at 2.4 of this report, managers have been consulted with on the attached policy and documentation.
- 3.2 At their meeting on the 21st of March 2014 SAMT agreed in principle to a joint policy which included the changes to the policy and associated documentation as attached.
- 3.3 An informal meeting with Trade Unions took place on 30 April 2014. Minor amendments were suggested at the meeting and have been made to the attached documentation.
- 3.4 The Policy applies to all employees at NEDDC and BDC with the exception of some staff (maternity leave, long term sick leave etc) as detailed in the policy.

4 Alternative Options and Reasons for Rejection

- 4.1 Each Council could continue to follow its own policy for appraisal of staff. This option has been rejected as each organisation would be working towards similar criteria and the same or similar service and corporate plans but working to different timescales and using different policies and documentation. This would be inefficient as the teams involved undertake a significant amount of work twice and are unable to streamline the deadlines and plans, therefore being unable to be involved in supporting other work areas and projects.

5 Implications

- 5.1 If UECC were to agree to a Joint policy for appraisal the policy will be rolled out to employees and managers with effect from January 2015. Briefings will be undertaken by HR alongside presentations at appropriate forums e.g. Service Manager forum and Staff Roadshows etc.

6 Finance and Risk Implications

- 6.1 There are no direct financial implications arising from this report.
- 6.2 The risk of duplication of work has been highlighted at 4.1.

7 Legal Implications including Data Protection

- 7.1 There are no direct legal implications or data protection issues associated with this report.

8 Human Resources Implications

- 8.1 The opportunity to develop one policy on appraisal for the Strategic Alliance would represent Human Resource efficiencies in terms of several teams across the Council, including most significantly management and HR.

9 Recommendations

- 9.1 That Bolsover District Council adopt the attached policy for appraisals for staff and managers.
- 9.2 That Human Resources staff progress the timescales highlighted in the policy for future appraisals.
- 9.3 That briefings with staff and managers take place on the new policy as appropriate utilising Service Managers Forum, Staff Roadshows, ERIC etc.

10 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	Strategic Organisational Development - Continually improving our organisation

11 Document Information

Appendix No	Title
N/A	N/A
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
Report Author	Contact Number
NA	NA

Report Reference –

Appraisal Review Preparation Form

1) What aspects of your job performance do you feel proud of and why?
2) In what ways have you met the requirements of your job?
3) What aspects of your job performance have made you feel disappointed and why?
4) What areas of your job performance do you feel you could improve?
5) What factors have influenced your achievement of your objectives? Mention here any obstacles/problems
6) Looking ahead, what objectives would you set for yourself?
7) What do you feel are your development needs?
8) How could your manager support you in developing your potential?
9) What are your future career development and personal aspirations for the year(s) ahead?
10) Any additional comments or points that you want to raise during your review meeting?

If you require a copy of your job description please contact HR and Payroll

APPRAISAL SCHEME

Employees are the major resource for achieving objectives. Effective people management is directly related to improvements in service delivery and can affect both the employee in terms of motivation and commitment and the Council in delivering excellent services and achieving results.

INTRODUCTION

This document outlines the procedure of the Appraisal Scheme. It describes the action to be taken by line managers (appraiser) and their employees (appraisee) in preparing for, conducting and following up the review meeting.

SCOPE

This scheme applies to all employees, with variations as follows:

New Starters - all new starters must have had an appraisal within the first six months of their employment in line with the Probationary Procedure. Joint Assistant Directors must then ensure that these employees are included into the fixed cycle of the appraisals and reviews from then on.

Casuals - where casual employees work less than **9 hours** per month they should be excluded from the scheme. Any queries on the determination of casuals can be obtained from the HR and Payroll Team.

Fixed term staff – on 9 month contracts or less. Training needs will have been identified at Induction or during the probationary period.

Long-Term Absences – the appraisals for employees who have been on long-term absence should be picked up as soon as reasonably practicable.

Group appraisals - These can be completed for groups of employees. There is a form designed specifically for this, which is available on the Intranet. Whilst it is permissible to have a Grouped Performance Appraisal Plan and Grouped Learning and Development Plan completed at the initial appraisal (April-June) all employees in the Group Appraisal must be assessed against competencies at the Appraisal Review on an **individual** basis and have an **individual** Learning and Development Plan completed. The Assistant Director's consent is required for carrying out grouped appraisals and this should be obtained in advance.

PERFORM – Joint Assistant Directors should ensure that they use the appropriate long-term absence codes when entering appraisal details onto PERFORM. All appraisal and review dates will be maintained within the PERFORM system by managers.

FREQUENCY

A meeting will be carried out after the individual has been in post for six months. Following this there will be an annual meeting, with a review every six months of performance against the action plan and the continuing

relevance of the plan itself. These are the minimum requirements. Additional reviews may be carried out where appropriate/necessary and many service areas conduct these supporting 1:1s.

RECORDS/CONFIDENTIALITY

Records of the interviews will be treated in the strictest confidence and be retained on the employee's personal file in accordance with the Data Protection Act 1998.

Appraisal Meeting (Jan – March)	Appraisal Review Meeting (July - September)
Appraisal Preparation Form completed by Appraisee (Optional)	Appraisee and Appraiser complete self assessment of competencies individually
Review Performance Appraisal Plan for previous year noting outcomes. Discuss new objectives and how these link to Corporate/Service Plan Targets.	Review Performance Appraisal Plan for April to September of current year noting outcomes. Check progress towards objectives in next six months and review past 6 months
Review Learning and Development undertaken in previous year and complete relevant Post Learning and Development Evaluation Forms	Complete competency framework assessment
Complete Learning and Development Plan for current year	Review Learning and Development undertaken April to September of current year and complete relevant Post Learning and Development Evaluation Forms and submit to Joint Assistant Director to compile Departmental Evaluation Report . Joint Assistant Director to complete by mid-January and forward to HR and Payroll.
Review Job Description/Health & Safety Risk Assessment/Check employee being treated appropriately	Produce individual Learning and Development Plan for next year and submit to Joint Assistant Director.
Complete Appraisal Checklist Form to indicate the above actions have been completed and agree date of Appraisal Review Copy to be provided to Joint Assistant Director for entry into PERFORM	Joint Assistant Director to compile Departmental Learning and Development Plan from all individual Appraisal Review Learning and Development Plans by mid-January and forward to HR and Payroll

Joint Assistant Director to enter Appraisal date in PERFORM	Complete Appraisal Review Checklist Form and agree date of next Appraisal Meeting (April-June). Copy to be provided to Joint Assistant Director for entry into PERFORM
Provide a signed copy of documents to appraisee. Appraiser to retain one copy.	Joint Assistant Director to enter Appraisal Review date in PERFORM
	Provide a copy of updated documentation to appraisee

PURPOSE

The purpose of the scheme can be defined in terms of four main activities:

Plan

- reviewing role requirements and how performance will be measured
- identifying learning and development needs to improve contribution
- identifying an action plan to meet any needs which have been highlighted through the Appraisal process

Do

- encourage performance and provide support

Review

- past performance
- assess and reviewing competencies

Revise

- seek improvements where performance standards have not been achieved and make adjustments for next planning round as necessary

AIMS

It has two main aims which are:

1. To support each employee to achieve a high standard of performance in the work which is necessary to enable their service to meet its own and the Council's priorities and objectives.
2. To identify employees' learning and development needs.

KEY PRINCIPLES

1. Achievement of individual, team and corporate priorities.
2. Commitment to the process of performance improvement .
3. The system will not be linked to an employee's pay.
4. It will not be used as a tool for selecting employees for redundancy.
5. It will not be used to rate employees against one another.
6. It will be operated separately from any disciplinary process.

BENEFITS OF THE APPRAISAL AND PERFORMANCE REVIEW SCHEME

A properly conducted Appraisal scheme benefits:

- the employee
- the manager
- the Council

In the following paragraphs, the benefits to each are explored.

Employees will benefit from the Appraisal scheme by having the opportunity to:

- understand more clearly what is expected in the job;
- find out how their manager views their work, receiving praise for jobs well done and receiving support and guidance for any areas which require improvement;
- be given the chance to contribute ideas and views as to how the service should operate;
- discuss any learning and development support they are likely to need;
- discuss and agree a learning and development plan if appropriate.

Managers conducting the reviews will benefit from the Appraisal scheme by gaining an opportunity to:

- review in detail the performance of members of the team
- assess learning, development and support needs
- understand how individuals perceive their own performance, learning and development needs
- understand individual's ambitions
- gain an overview of the balance of workload across the team
- uncover areas of confusion or overlap between members of the team
- realise constraints which inhibit employee performance
- understand how their management style contributes to the performance of their employees
- direct the work of members of the team by agreeing key objectives and how these will be met
- agree realistic learning and development opportunities with individuals
- agree any necessary updating of work programmes
- ensure equality in the treatment of employees
- encourage self assessment

The Council will benefit from the Appraisal scheme by gaining:

- improved performance from employees;
- improved motivation and job satisfaction on the part of employees;
- more accurate identification of training needs;
- better use of development opportunities in the workplace;

- greater prominence being given by all to learning and continuous improvement;
- improved opportunities being offered to groups that before have been under-represented in access to resources for training and development;
- an increased awareness of where both employee, team and organisation are going, need to go and how best to get there;
- improved quality of service given to public;
- better use of resources;
- better understanding between employees and their line manager.

RESPONSIBILITIES

Overview

The Joint Chief Executive, Joint Directors and Joint Assistant Directors interview their Service Managers who, in turn, interview the staff that they line manage and so on. This gives managers experience of being reviewed before conducting meetings themselves and ensures that the objectives they set for their staff are in line with overall corporate objectives.

Across the Council there are a range of responsibilities for performance:

Members and Senior Managers are responsible for:

- endorsing the Appraisal scheme
- ensuring that resources are targeted
- cascading corporate visions, objectives and plans down to team and individual performance level
- linking the management of people's performance with service plans
- setting targets and monitoring performance
- regularly monitoring, reviewing and evaluating the Appraisal scheme
- auditing the management processes which underpin the scheme

Line Managers are responsible for:

- translating corporate, directorate and service objectives into personal targets
- agreeing job descriptions and targets with their teams
- conducting at least monthly one-to-one meetings with each employee
- undertaking regular discussion and formal appraisals with individuals on the achievement of objectives
- identifying learning, development and other support needs and determining priorities for meeting these
- encouraging staff discussion concerning career progression and personal progression and personal development
- ensuring that six-monthly reviews take place for all employees
- recognising and communicating achievements

- evaluating developmental activity and ensuring that training evaluation forms are completed

Employees are responsible for:

- checking that their individual objectives fit with Council, service and team objectives
- ensuring that their job meets service delivery needs and that any issues of concern are fed back to their manager
- regularly communicating with their manager
- identifying personal development needs and how to achieve them
- preparing for meetings
- participating in any training, learning, development and other support opportunities that are offered
- reflecting on how development opportunities have improved the way they work and that this learning is shared with others

EQUALITY IN EMPLOYEE DEVELOPMENT

It is essential that managers treat all employees fairly and equitably in the employee development process.

As a mechanism for measuring performance, the process of Appraisal helps to identify employee development and training needs and other specific requirements to enable continuous satisfactory performance.

The Council is committed to providing equality of opportunity for its workforce and it is essential that each job-holder's performance is considered in an impartial and objective manner.

Managers must be particularly alert to the possibility of unintentional discrimination. This can occur when assumptions are made about the abilities, expectations and ambitions of employees, or when judgements are based on stereotypes rather than an individual's performance. This can prevent employees from being allowed the opportunity to develop to their full potential and as a result may have an adverse impact on the way we conduct our business.

It is recognised that individual employees have different needs. The meeting should identify the barriers to performance and development which stem from disadvantage or discrimination.

The appraisal meetings are, and should be, regarded as part of the normal managerial/supervisory role in terms of continuous monitoring of performance and agreeing objectives.

COMPETENCIES

There are six competencies which are considered to be integral to the effective performance of all employees. There are also four competencies which are considered to be integral to the effective performance of those who have managerial or supervisory responsibilities. Appraisers and appraisees are asked to prepare for this section by identifying where the core skills have been effectively demonstrated and examples of where the core skill areas need improvement. Where areas for improvement are identified, agreement should be reached on how this improvement will be achieved. For example, this could be through a change in behaviour; formal training; coaching or further structured experience in the workplace (see 2.3). The competencies should be viewed in the context of the job requirements.

Employees will be assessed against the following 6 competencies

- Communication (non-managerial)
- Performance
- Team Working
- Customer Service
- Personal Effectiveness
- Knowledge and Skills

Managers will be assessed against the following 10 competencies

- Performance
- Team Working
- Customer Service
- Personal Effectiveness
- Knowledge and Skills
- Leadership and influence
- Strategic Planning
- Managerial
- Performance Management
- Communication

PROCEDURE

The procedure has three distinct stages: preparation, meeting and follow-up. The term 'manager' is used to indicate the person responsible for conducting the appraisal meeting. The term does not relate directly to any job title. The reviewing manager will usually be the employee's line manager or supervisor.

Preparation

Initially some training is needed to help the manager operate the scheme. The training takes place before an individual conducts an appraisal meeting.

For the meeting to be effective it is important that the manager and the employee take some time to prepare for the meeting.

For the Manager

Arrange the meeting well in advance, giving reasonable notice to the employee of the meeting.

At this stage employees should also be given access to useful documentation such as records of past appraisal meetings, a copy of their current job description, relevant extracts from service plans, performance standards, Council's Corporate Plan and any other useful information.

For the Individual

The employee should look back over the previous twelve months and consider achievements and any suggestions they might have for improving the way their work is done. The employee should also consider the future. The employee should complete Appendix A.

For Both

1. Fix a mutually convenient time, allowing sufficient time for a relaxed, constructive meeting.
2. The manager and employee should each complete a preparation sheet prior to the meeting.

Appraisal is not about discussing current operational issues, which should be discussed as part of the normal day-to-day management process of the service. It is a review of key tasks and a process to identify learning and development needs. Long-term barriers to effective performance and working relationships are suitable topics for discussion.

The Meeting

No manager will conduct an appraisal meeting without first undergoing appropriate training.

Anything that detracts from the main purpose of the meeting, or interrupts this, is to be avoided. It is, therefore, essential that sufficient time is set aside (usually a minimum of one hour), that a suitable venue is booked if necessary and that all telephone calls and callers are stopped.

The purpose of the meeting is to:-

- review the employee's current job description, identifying any variations between this and the actual work being carried out
- review the actual job being done - what is involved and how well it is being done, by looking at both strengths and areas for improvement
- identify any changes which could make the job more effective
- encourage the further development of the employee within their current job
- identify any training, development and support needs the employee may have

- draw up an action plan

An appraisal record form is to be completed after each meeting.

Action Plans

These need to be realistic with definite timescales so as to be clear on who is going to do what, by when and how. Any goals should be specific, measurable, achievable, realistic and timed. They also need individuals' commitment so it is worth spending time reaching agreed goals as opposed to the manager imposing these.

Setting achievable goals is not easy. Items need to be selected that will make a significant difference to performance. It is important to focus on behaviours or outcomes that can be measured, rather than personal qualities or approaches which are open to subjective interpretation. Both parties, when setting or reviewing performance, must be aware of the need to separate the influence of other people or external factors from individual effort.

Learning and development needs should relate to competencies. They should be categorised as:-

Essential - those which are necessary to improve performance or because of changes, such as a change in job, job content, technology, work systems or methods or any other circumstances which need to be addressed to ensure that performance and service delivery is acceptable.

Desirable - those which assist in career development or which would help with improved performance and personal development.

Disputes

It is anticipated that disputes will be minimal, considering that the scheme relies on mutual respect and commitment to work amicably to resolve disagreements. However, it is recognised that there may be occasions when an employee feels dissatisfied with their treatment under the scheme, and in this case the matter will be dealt with under the Council's Grievance Procedure.

The appraisal process provides an opportunity to consider future career developments or personal aspirations for the year(s) ahead. The range of issues covered may vary; for some employees it might be their career aspirations for different roles within the Council, for others, who may be approaching a time when their pension becomes payable, it may cover where they see themselves working in the Council. The appraisee will not be held to anything which is said in this discussion; however, it does provide the opportunity to think about the longer term and succession planning. In summary:

If the Appraisee	The Appraiser should.....
Highlights specific career aspirations	Consider appraisee's learning and development needs and manage aspirations of Appraisee objectively
Highlights a wish to retire in the next 2 years	Inform HR of this intention.
Highlights a wish to retire at their Statutory Retirement Age, or at some point beyond their Statutory Retirement Age.	Inform Appraisee that they should give the relevant contractual notice as stated in their contract of employment.

Health and Safety

The appraisal process provides an opportunity to review and agree the employee's individual Health and Safety Risk Assessment. Risk Assessments should not be viewed as a one off activity but an evolving document which should be reviewed on a regular basis or when the assessment may no longer be considered to be suitable and sufficient. Examples of when this may be necessary are:

- A change in the nature of the work;
- Introduction of new plant/ work equipment
- An increased appreciation of hazards and risks;
- Following an Accident/ incident
- Due to changes in the occupational capabilities of the individual.

Departmental Learning and Development Plans

As well as agreeing individual Learning and Development Plans a Departmental Learning and Development Plan will be produced each year in April by the Joint Assistant Director. This will form part of the Service Plan and should further prioritise identified needs within the whole service. This is important for the equitable allocation of resources across the Council. Once completed a copy of this plan must be sent to the HR and Payroll Team.

On completion of the Appraisal process, using PERFORM, a record should be made that Appraisals are complete along with the date they were carried out. If you require help with this please contact Customer Service and Improvement Department.

Monitoring and Review

The HR and Payroll Team are responsible for monitoring implementation of the Scheme and its effectiveness. The HR and Payroll Team, as part of the continuous monitoring of the Appraisal Scheme, will access a random sample of appraisal records for coverage, consistency and effective people management.

North East Derbyshire District Council

Union Employee Consultation Committee

9th June 2014

Baseline Personnel Security Standard

Report of the Assistant Director – Human Resources

This report is public

Purpose of the Report

- To update Union Employer Consultation Committee on the requirements regarding the Baseline Personnel Security Standard.

1 Report Details

- 1.1 There is now a requirement from the Cabinet Office that all users of the Public Service Network (PSN) must be validated to the Baseline Personnel Security Standards (BPSS) by June 2015.
- 1.2 An interim requirement is that all users of PSN services must be validated to the BPSS by June 2014. This includes all users of secure GCSX email, DWP CIS system users, Individual Electoral Registration users and staff with access to the Tell Us Once system.
- 1.3 The BPSS is the minimum standard required to ensure the identity and integrity of an employee with access to official information. It involves four main elements:-
 - Identity Check;
 - Nationality and Immigration Status;
 - Employment History (past 3 years);
 - Verification of Criminal Record (unspent convictions only).
- 1.4 The first three elements of the BPSS have always been carried out at part of normal recruitment practices. However, unless a post requires a DBS Disclosure (previously CRB Disclosure) there has not been a check to determine whether an employee has any unspent convictions, and a self disclosure of a criminal record was sufficient.
- 1.5 There are to be stages for employers to become compliant with the Standard:-
 - All users of PSN services must be validated to BPSS by end of June 2014;
 - All users of a PSN connected network must be validated to BPSS by June 2015.

- 1.6 Initially 114 staff will need full BPSS checks by June 2014. These users have been recently validated with Service Managers which has reduced the overall number.
- 1.7 Potentially up to 400 staff will need to become compliant with the BPSS by June 2015.
- 1.8 At its meeting on 21 March 2014, SAMT gave approval to apply to become a Registered Body with Disclosure Scotland, as they are the body responsible for carrying out the Basic Disclosures. The annual charge for becoming a Registered Body is £75 which includes the Lead Signatory and up to four counter-signatories.

2 Conclusions and Reasons for Recommendation

- 2.1 Implementation of the BPSS is mandatory.
- 2.3 Non-compliance with the full BPSS checks would lead to disconnection from the PSN.

3 Consultation and Equality Impact

- 3.1 None.

4 Alternative Options and Reasons for Rejection

- 4.1 The issues for consideration were set out at paragraphs 3.1 to 8.1. There were no other issues considered and rejected.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The cost of a Basic Disclosure through Disclosure Scotland is £25 so the potential cost could be £10,000 across the Council.
- 5.1.2 There is an annual charge of £75 on becoming a Registered Body with Disclosure Scotland payable for each Council.
- 5.1.3 Funding for the initial tranche of unspent conviction checks with Disclosure Scotland can be funded from under-spends in the ICT budgets.
- 5.1.4 Funding will be required if the one off unspent conviction checks are required for all staff at a cost of approximately £7,150.

5.2 Legal Implications including Data Protection

- 5.2.1 Full implementation of the BPSS, including a 100% application of the 'unspent' criminal record check, is now explicitly mandated as part of the Security Policy Framework introduced in October 2008.

5.3 **Human Resources Implications**

- 5.3.1 Having recruitment processes that attract, retain and develop a skilled and flexible workforce, while achieving value for money in service delivery and fairness is a key area for Human Resources.

6 **Recommendations**

- 6.1 That the Union Employer Consultation Committee note the requirements of the BPSS.

7 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	

8 **Document Information**

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Human Resources Advisor	x7013

North East Derbyshire District Council

Union Employee Consultation Committee

9th June 2014

<p>Disclosure and Barring Service Policy</p>

Report of the Assistant Director – Human Resources

This report is public

Purpose of the Report

- To advise the Union Employer Consultation Committee of the updated Disclosure and Barring Service Policy 2014.

1 Report Details

- 1.1 The Disclosure and Barring Service Policy replaces the previous Criminal Records Bureau Policy.
- 1.2 As part of the agreed actions following a LEAN review in 2013 into DBS procedures, an audit of all posts has been undertaken to identify which posts are considered regulated activity relating to children and/or adults.
- 1.3 The DBS no longer issue certificates to employers, so employees/prospective employees are required to bring their certificates into HR and Payroll for verification.
- 1.4 The DBS have introduced an online update service which lets applicants keep their DBS certificates up to date online and allows employers to check if updated information is held on an individual.
- 1.5 At its meeting on 21 March 2014, SAMT agreed that employees/prospective employees would be required to register with the DBS online update service so that status checks can be carried out on an annual basis, and the cost would be reimbursed.

2 Conclusions and Reasons for Recommendation

- 2.1 Failure to comply will be a criminal offence.

3 Consultation and Equality Impact

- 3.1 None

4 Alternative Options and Reasons for Rejection

4.1 None

5 Implications

5.1 Finance and Risk Implications

5.1.1 The current cost of a DBS Enhanced Disclosure with Barred List check is £44.

5.1.2 The current cost of the online update service is £13 per employee, which is paid annually.

5.1.3 To date approximately 132 established and casual posts require a DBS Enhanced Disclosure check on a three year rolling programme, which at a cost of £44 each amounts to just over £5,800. The need for these re-checks will reduce once employees are registered on the DBS online update service.

5.2 Legal Implications including Data Protection

5.2.1 Employing an individual to work in regulated activity while knowing they are barred will be a criminal offence and will carry a significant penalty.

5.3 Human Resources Implications

5.3.1 Having recruitment processes that attract, retain and develop a skilled and flexible workforce, while achieving value for money in service delivery and fairness is a key area for Human Resources.

6 Recommendations

6.1 That the Union Employer Consultation Committee supports the Disclosure and Barring Service Policy 2014 and recommends its approval by Council.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
A.	Disclosure & Barring Service (DBS) Policy
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Human Resources Advisor	x7013

DISCLOSURE AND BARRING SERVICE (DBS) POLICY

(DBS is the new name for the Criminal Records Bureau – CRB)

1 Policy Statement

This policy applies to all employees of Bolsover District Council and North East Derbyshire District Council and includes both paid and volunteer positions.

The Council aims to promote equality of opportunity for all and welcomes applications from all members of the community.

The Council is committed to safeguarding the welfare of those accessing our services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act (2006) and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013. However, this duty must be carried out with due regard to all other legislation including the Protection of Freedoms Act 2012, the Data Protection Act (1998) and the Human Rights Act (1998).

As an organisation using the Disclosure and Barring Service (DBS), formerly the Criminal Records Bureau (CRB), the Council fully complies with the DBS Code of Practice.

The Council recognises the importance of employment in the rehabilitation of ex-offenders and will only take criminal records into account for recruitment purposes when the conviction is relevant. After a certain length of time, some sentences are considered spent and must be disregarded. Unless the nature of the work means that a role is exempt, applicants are not required to disclose convictions which are spent under the Rehabilitation of Offenders Act 1974.

Having an unspent conviction will not necessarily bar applicants from employment.

2 DBS Checks

For applicants who are offered employment in posts which require undertaking any form of regulated activity an Enhanced DBS Check must be undertaken and this must include a check to ensure that the successful candidate is not barred from working with children and/or adults in vulnerable circumstances. (See Appendix A)

Regulated activity is defined by the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012, and includes roles where individuals are required to work unsupervised with children or in a limited range of establishments with opportunity for contact with children; or working with adults

providing healthcare, personal care, social work, assistance with cash, bills and/or shopping, assistance in the conduct of a person's own affairs or conveying children or adults for particular reasons. The definition of regulated activity with regard to children is detailed in Appendix B and definition of regulated activity with regard to adults is detailed at Appendix C.

It is an offence for individuals on the Barred Lists to apply for posts in Regulated Activity. We will not employ someone to work in Regulated Activity with children if they have been barred through the DBS Children Barred List, or someone to work with vulnerable groups who are barred through the DBS Adult Barred List. In addition if the Council receives an application from a person for either paid or voluntary work who is barred from working with children or adults, the Council will make a referral to the DBS to notify them of the individual's attempt to apply for barred work.

The minimum age that someone can have a DBS check is 16 years old.

3 Roles and Responsibilities

The HR and Payroll team along with the Strategic Alliance Management Team and managers will determine if a post involves regulated activity and therefore requires a DBS check.

An audit of all relevant posts will take place annually to ensure that safeguards continue to be met and we are fully compliant with the DBS Code of Practice.

4 Cost of Disclosure

The cost of the DBS Disclosure checks relating to appointments to Council posts will be met by the Council

Checks for volunteers are free. A volunteer is currently defined by the DBS as a person who performs an activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.

5 Requesting a Disclosure

A disclosure is only requested for the successful candidate following the selection process.

Re-checks for existing employees who are subject to a DBS clearance should be completed every three years until ratification with the DBS Online Update Service.

As the DBS no longer issue Disclosure Certificates to organisations, when an individual receives their certificate from the DBS they must take it into HR and Payroll for verification. This applies to prospective employees as well as current employees.

6 Update Service

All existing employees who require an enhanced DBS check will need to subscribe to the online update service (DBS Online Update Service). This means that if an employee moves to another position within the Council, providing it is with the same workforce that is on their DBS certificate, they will not need another DBS check as the Council will be able to carry out an online status check to ensure that their disclosure is still valid. The online status check will be carried out on an annual basis.

For new applicants to the Council who already have an enhanced DBS certificate for the relevant workforce and who are signed up to the online update service, the Council will accept this disclosure and carry out an online status check to ensure that their disclosure is still valid.

If the online status check reveals a change in the disclosure status then a new DBS check will be required.

If existing or new employees are applying for a position within a different workforce - moving from adult workforce to children's workforce or vice versa - then a new DBS check will be required.

The Council will reimburse employees the cost of the annual subscription to the online update service.

7 Spent or Unspent Convictions

If a disclosure or online status check reveals information about spent or unspent convictions which may make the individual unsuitable for the applied post, or continuing in their current post, the appointing or line manager, along with HR and Payroll, will discuss the situation with the individual in line with the DBS Code of Practice and through use and completion of Appendix D – Checklist for Employees with Adverse Disclosures. The individual will be asked to sign the completed risk assessment to verify the information provided and give permission for the risk assessment to be stored securely and later destroyed in accordance with the policy on the secure storage, handling, use, retention and disposal of disclosures and disclosure information.

When assessing any disclosure or declared conviction information received, consideration will be given to a range of issues and the risk assessment will support

a manager's decision enabling them to assess the suitability of the applicant for their proposed position in light of matter(s) disclosed on their DBS certificate.

If a candidate has made a false declaration on their application form then the Council will not be able to confirm the appointment. If the disclosure certificate contains information that was not revealed by the candidate or additional information from the Police is received, it will be necessary to hold a further discussion with the candidate and undertake a further review against any risk assessment before deciding to confirm or withdraw the offer of employment. HR and legal advice should be sought at this point.

8 Security and Confidentiality

Disclosure information will be treated with the utmost confidentiality and will be kept in a secure place in line with the Data Protection Act. Access to disclosure information is restricted to only those individuals who have a requirement to see it in the course of their duties. Information will only be disclosed to third parties in exceptional circumstances and with the consent of the DBS.

9 Retention

Disclosures will be kept by the Council for a maximum of 6 months after a recruitment decision has been made. Disclosures will then be destroyed by secure means.

10 Disputes

If an employee believes that the information provided in a DBS check is inaccurate or incorrect, then it is the responsibility of the individual to raise this with the DBS. The Council will base any decision on the information provided by the DBS and this decision will be final.

11 Employees with Adverse Disclosures

Where existing employees, who have not been previously checked, or their post requires a re-check and subsequently have an adverse disclosure result, HR and Payroll will discuss this with the employee and relevant line manager. Legal advice may also be sought. It may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable groups depending on the nature of the disclosures and pending the outcome of a full investigation. If there are no suitable duties the employee could undertake during this period which does not bring them into contact with children/vulnerable adults the manager will give consideration to suspending the employee on full pay pending the outcome of a disciplinary investigation.

APPENDIX A

<u>POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED ACTIVITY RELATING TO CHILDREN AND ADULTS</u>		
DIRECTORATE	BDC	NEDDC
GROWTH		Affordable Warmth Energy Assistant
		Affordable Warmth Energy Co-ordinator
		Handyperson
		Neighbourhood Outreach Project Assistant
		Neighbourhood Outreach Project Co-ordinator
		Senior Community Employment Advisor
OPERATIONS	ASB Investigating Officer	Community Safety Manager
	Benefits Visiting Officer	Visiting Officer
	Community Ranger	
	Domestic Violence Officer	
	Housing Enforcement Manager	
	Housing Needs Manager	
	Revenues Visiting Officer	
	Senior Parenting Practitioner	
TRANSFORMATION		Housing Strategy and Young Persons Manager
<u>POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED ACTIVITY RELATING TO CHILDREN</u>		
TRANSFORMATION	Arts Development Officer	Duty Officer
	Community Sports Coach	Fitness Instructor
	Exercise/Fitness Improvement Coach	Gymnastics Coach
	Exercise/Fitness Referral Officer	Head Attendant
	Extreme Sports Coach	Health Referral Operations Officer
	Facilities Plan/Dev Officer	Healthy Lifestyles Instructor
	Instructor	Leisure Attendant
	Leisure Attendant	Senior Duty Officer
	Leisure Supervisor	Sports Coach
	Leisure Trainer Assessor	Swimming Instructor
	Manager (PVOAC)	Trampoline Coach
	Outdoor Recreation Officer	
	Play Area/Open Spaces Warden	
	Ranger/Instructor	
	Senior Leisure Supervisor	
	Senior Sports Development Officer	
	Special Projects Officer	
	Sports Coach	
	Sports Development Officer	
	Sports Dev Officer (Wheeled Sports)	
	User Engagement Officer	
<u>POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED ACTIVITY RELATING TO ADULTS</u>		
GROWTH		Housing Strategy and Older Persons Manager
		Private Sector and Housing Options Manager
		Housing Options Officer
OPERATIONS	Mobile Warden	

	Scheme Manager	
	Support Officer	

APPENDIX B

REGULATED ACTIVITY RELATING TO CHILDREN

General exceptions:

Regulated activity relating to children does not include:

- Family arrangements and personal, non-commercial arrangements.
- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children.

Regulated activity relating to children is:

1. Teaching, training or instruction of children:

- Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);
- NOT supervised – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity;
- NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
- NOT activity merely incidental to activity with adults

2. Care or supervision of children (except that covered by points 6 or 7):

- Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);
- NOT supervised – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity (unless providing relevant personal care or health care by or under a professional – see point X and X below);
- NOT health care provided otherwise than by or under a health care professional;
- NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
- NOT activity merely incidental to activity with adults.

3. Advice or guidance:

- a. Provided wholly or mainly for children;
- b. Relating to their physical, emotional or educational well-being;
- c. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);
- d. NOT legal advice; and
- e. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose.

4. Moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period; and
- b. NOT activity by a person who does not have access to the content of the matter or contact with users.

5. Driving a vehicle being used only for conveying children and their carers/supervisors

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period; and
- b. Done under an agreement, either with the driver or with a person with whom the driver works, for gain or not.

6. Relevant personal care

- a. Either:
 - i. Physical help with eating or drinking necessary due to illness or disability;
 - ii. Physical help with toileting, washing, bathing or dressing necessary due to age, illness or disability;
 - iii. Prompting, with supervision, in relation to i or ii where the child is otherwise unable to decide; or
 - iv. Any form of training, instruction, advice or guidance given to the child in relation to i or ii.
- b. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
- c. NOT activity merely incidental to activity with adults.

7. Health care provided for children

- a. By, or under the direction or supervision of, a health care professional;

- b. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
- c. NOT activity merely incidental to activity with adults.

8. Childminding

- a. On domestic premises, for reward; and
- b. With a requirement to register, or voluntary registration, under Childcare Act 2006.

9. Fostering a child

- a. NOT care arranged by family members, not for reward; and
- b. NOT LA fostering a child with a barred person who is, or lives with, a relative of the child.

10. Day-to-day management or supervision on a regular basis of a person providing regulated activity as described by points 1-7 and 11 (or in relation to points 1, 2 and 11, activity which would be regulated activity if it was unsupervised).

11. Activity carried out at certain establishments:

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period;
- b. Carried out for in connection with the purposes of the establishment;
- c. Gives the person the opportunity, in carrying out their work, to have contact with children;
- d. NOT activity by a person contracted or volunteering to provide temporary or occasional services (and not mentioned in points 1-7 above);
- e. NOT supervised volunteering – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity; and
- f. Carried out at one of the following establishments:
 - i. A school;
 - ii. A pupil referral unit;
 - iii. A nursery school;
 - iv. An institution for the detention of children;
 - v. A children's home;
 - vi. A children's centre; or
 - vii. Any childcare premises, including nurseries (but not including the home of a parent of at least one child to whom the childcare is provided).

REGULATED ACTIVITY RELATING TO ADULTS

General exception:

Regulated activity relating to adults does not include:

- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity relating to adults.

Regulated activity relating to adults is:

1 Health care provided for adults:

- g. By, or under the direction or supervision of, a health care professional.
- h. Includes first aid provided by a person acting on behalf of an organisation established for the purpose of providing first aid.

2 Relevant personal care:

- a. Either:
 - i. Physical help with eating, drinking, toileting, washing, bathing, dressing, oral care or care of skin, hair or nails, necessary due to age, illness or disability;
 - ii. Prompting, with supervision, in relation to i where the person is otherwise unable to decide; or
 - iii. Any form of training, instruction, advice or guidance given to the person in relation to i.

3 Relevant social work:

- a. Provided by a social care worker to an adult who is a client or potential client; and
- b. Required in connection with any health, education or social services provided.

4 Day to day assistance in relation to general household matters:

- a. Either:
 - i. Managing the person's cash;
 - ii. Paying the person's bills; or
 - iii. Shopping.
- b. Necessary by reason of age, illness or disability.

5 Relevant assistance in the conduct of an adult's own affairs:

- a. Anything done on behalf of a person by virtue of:
 - i. A lasting power of attorney;
 - ii. An enduring power of attorney;

- iii. A court order appointing a deputy or making decisions on the person's behalf;
- iv. The appointment of an independent mental health/capacity advocate;
- v. The provision of independent advocacy services; or
- vi. The appointment of an appointee to receive the person's benefit payments.

6 Conveying:

- a. Necessary by reason of age, illness or disability;
- b. Transporting to, from or between places where the person receives health care, personal care or social work; and
- c. NOT by family, friends or taxi drivers.

[Note: The above definition of conveying is currently only in Home Office guidance, the relevant Regulations are yet to be produced.]

7 Certain inspection functions

8 Day-to-day management or supervision on a regular basis of a person carrying out regulated activity as described by points 1-6.

Note: There is *no* requirement for the above activities to be done a certain number of times before they become regulated activity.

NAME OF CANDIDATE/EMPLOYEE: _____

CHECKLIST FOR EMPLOYEES WITH ADVERSE DISCLOSURES

When deciding on the relevance of offences to particular posts the following risk assessment must be completed

General

- How serious is the offence and its relevance to the safety of other employees, customers, clients or property
- How long is it since the offence occurred?
- Was the offence a one-off, or part of a history of offending?
- Has the individual's circumstances changed since the offence was committed, making re-offending less likely?
- Has the offence been decriminalised by Parliament?
- In which country was the offence committed? (Some activities are offences in Scotland and not in England and Wales and vice versa?)

Post Specific

- Does the post involve contact in any way with vulnerable groups?
- What is the post-holder's level of supervision?
- Does the post involve responsibility for finance or valuable items?
- Does the post holder come into direct contact with the public in general?
- Will the nature of the job present the opportunity in the workplace for the post holder to re-offend?
- If the post-holder did re-offend would this have a detrimental effect on the reputation of the Council?

Date of interview to discuss criminal record history

Record of discussion (key points)

Decision (including rationale)

Bolsover District Council**Union/Employee Consultation Committee****9th June 2014****Sickness Absence/Occupational Health Statistics 2013/14****Report of the Joint Assistant Director Human Resources**

This report is public.

Purpose of the Report

To provide Sickness Absence/Occupational Health Statistics 2013/14 for the Committee to consider.

1 Report Details**1. Sickness Absence/Occupational Health Referral Statistics 2012/13 and 2013/14.**

- 1.1 The sickness absence outturn for 2013/14 are shown below, with comparisons for 2012/13:

Target 2013/14	Out turn 2012/13	Out turn 2013/14
8 days	8.41 days	9.10 days

A breakdown of these figures for 2013/14 by Department, and by long term/short term sickness absence, is attached for information.

- 1.2 The outcome of occupational health referrals 2013/14, with comparisons for 2012/13 is shown below:

	2012/13	2013/14
Rehabilitation	33	38
Ill Health Retirement	3	-
Dismissed/Capability	2	1
Outstanding	4	2

Retired	-	1
TOTAL	42	42

1.3 The top three causes of sickness absence for 2012/13 and 2013/14 are as follows:

2012/13		2013/14	
Cause	Days Lost	Cause	Days Lost
Musc/Skeletal	806	Musc/Skeletal	878
Stress	735	Stress	698
Stomach/Digestion	705	Back/Neck	471
TOTAL	2246	TOTAL	2047

1.4 A breakdown of the reasons for all long term sickness absence is as follows:

Reasons for Long Term Sickness Absence 2013/14	
Reason for Absence	No. of Employees Citing this Reason
Stomach/Digestion	1
Back/Neck	7
Muscular/Skeletal	15
Stress/Depression	7
Ear/Nose/Mouth	4
Other	3
Neurological	1
Infections	2
Heart/BP	2

1.5 The following routine health surveillance clinics have been held during the financial year 2013/14:

- 20th June 2013
- 16th July 2013
- 15th August 2013
- 19th September 2013
- 17th October 2013
- 31st October 2013
- 7th November 2013
- 9th January 2014
- 18th February 2014
- 26th March 2014

and covered topics such as Hand Arm Vibration, audiometry, driver medicals, blood tests and hepatitis B immunisation to 'at risk' groups.

There have been 14 employees undergoing counselling during this period.

2 Conclusions and Reasons for Recommendation

N/A

3 Consultation and Equality Impact

3.1 Sickness absence data is considered at the UECC and quarterly performance review meetings.

4 Alternative Options and Reasons for Rejection

N/A

5 Implications

N/A

5.1 Finance and Risk Implications

N/A

5.2 Legal Implications including Data Protection

N/A

5.3 Human Resources Implications

Contained in the report

6 Recommendations

6.1 For the Committee to note the report.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
N/A	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Linda Charity	2436

Report Reference –

BVPI12 - APRIL 2013 TO MARCH 2014 OUT-TURN LONG TERM/SHORT TERM SPLIT							
DEPARTMENT	AVERAGE EMPLOYEES 12 MTHS	DAYS LOST	FTE DAYS	LONG TERM ABSENCE NO OF DAYS	SHORT TERM ABSENCE NO OF DAYS	LT ABSENCE PER FTE	ST ABSENCE PER FTE
SENIOR MANAGERS GROUP	3.25	25	7.69	0	25	0	7.69
	3.25	25	7.69	0	25	0	7.69
GROWTH DIRECTORATE							
LEGAL AND LAND CHARGES	8.99	16	1.780	0	16	0.000	1.780
DEMOCRATIC	8.29	28.5	3.438	0	28.5	0.000	3.438
PARTNERSHIP TEAM	5.50	28.5	5.182	28.5	0	5.182	0.000
ECONOMIC GROWTH_ HOUSING STRATEGY	2.40	28	11.667	0	28	0.000	11.667
PLANNING	18.35	17	0.926	0	17	0.000	0.926
	43.53	118	2.711	28.5	89.5	0.655	2.056
OPERATIONS DIRECTORATE							
PROCUREMENT	2.81	0	0.000	0	0	0.000	0.000
FINANCE	9.52	54	5.672	35	19	3.676	1.996
PROPERTY/ESTATES	21.49	157	7.306	92	65	4.281	3.025
REVENUES	37.95	189	4.980	81	108	2.134	2.846
COMMUNITY SAFETY	10.38	13	1.252	0	13	0.000	1.252
STREET SERVICES	78.05	973	12.466	689.5	283.5	8.834	3.632
HOUSING (REPAIRS AND MANAGEMENT)	115.00	1494	12.991	1100	394	9.565	3.426
	275.20	2880	10.465	1997.5	882.5	7.258	3.207
TRANSFORMATION DIRECTORATE							
IMPROVEMENT	7.85	13.5	1.720	0	13.5	0.000	1.720
HUMAN RESOURCES AND PAYROLL	7.00	19	2.714	0	19	0.000	2.714
CUSTOMER SERVICE	25.04	540.5	21.585	437	103.5	17.452	4.133
LEISURE	41.54	76	1.830	0	76	0.000	1.830
	81.43	649	7.970	437	212	5.367	2.603
GRAND TOTAL	403.41	3672.00	9.10	2463.00	1209.00	6.105	2.997
Street Services include Depot Resources, Street Scene and Waste Services							
Housing includes Repairs and Maintenance and Supporting People Service							
Legal includes Land Charges							
Planning includes Housing Strategy							
Senior Managers Group includes Joint CEO, Joint Directors and Joint Assistant Directors at 50%							

BVPI12 - 2012/13 OUT-TURN LONG TERM/SHORT TERM SPLIT							
DEPARTMENT	AVERAGE FTE 12 MONTHS	DAYS LOST	FTE DAYS	LONG TERM ABSENCE NO OF DAYS	SHORT TERM ABSENCE NO OF DAYS	LT ABSENCE PER FTE	ST ABSENCE PER FTE
CHIEF EXECS DIRECTORATE							
CHIEF EXECUTIVES AND PARTNERSHIP	6.50	10.5	1.615	0	10.5	0.000	1.615
STRATEGY/PERFORMANCE	11.10	18.5	1.667	0	18.5	0.000	1.667
HUMAN RESOURCES AND PAYROLL	11.25	18	1.600	0	18	0.000	1.600
APPRENTICES	47.00	117	2.489	30	87	0.638	1.851
DEMOCRATIC	10.10	77.5	7.673	42.5	35	4.208	3.465
LEGAL AND LAND CHARGES	8.69	76	8.746	47	29	5.409	3.337
RESOURCES DIRECTORATE							
FINANCE	9.52	34.5	3.624	26	8.5	2.731	0.893
PROCUREMENT	2.81	0	0.000	0	0	0.000	0.000
CUSTOMER SERVICE	24.37	454.5	18.650	339	115.5	13.911	4.739
REVENUES	38.12	238	6.243	119	119	3.122	3.122
HEALTH AND WELL BEING							
LEISURE	45.70	170.5	3.731	106	64.5	2.319	1.411
NEIGHBOURHOODS							
COMMUNITY SAFETY	11.00	0	0.000	0	0	0.000	0.000
STREET SERVICES	85.73	1301.5	15.181	1023	278.5	11.933	3.249
HOUSING (REPAIRS AND MANAGEMENT)	115.80	1274.5	11.006	873.5	401	7.543	3.463
DEVELOPMENT							
PLANNING/HOUSING STRATEGY	18.60	70	3.763	48	22	2.581	1.183
REGENERATION	26.09	111.5	4.274	34	77.5	1.303	2.970
GRAND TOTAL	472.38	3972.50	8.41	2688	1284.50	5.690	2.719
Street Services include Depot Resources, Street Scene and Waste Services							
Housing includes Repairs and Maintenance and Supporting People Service							
Legal includes Land Charges							
Planning includes Housing Strategy							
Directors included as 50% in Leisure, Finance, Development Admin, CEPT, Street Services							
Assistant Directors included as 50% in Customer Service, Strategy/Performance, HR and Payroll, Legal, Finance, Leisure, Planning, Regeneration							

Bolsover District Council

Union Employee Consultative Committee

09 June 2014

<p>Local Government Pension Scheme Discretions 2014</p>
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Report of the Joint Assistant Director (Human Resources)

This report is public

Purpose of the Report

- To consult on the proposed policy on those discretions which the Council has to make, publish and keep under review under the Local Government Pension Scheme following new Regulations.
- To consult on delegating the authority to vary the general policy where individual circumstances dictate that considering a variation to the standard policy is appropriate.
- To consult on the approach where consideration to vary the standard policy is appropriate.
- To consult on reflecting the content of this report in the Redeployment and Early Retirement Policy and the Worklife Balance Policy.
- To feed the outcome of consultation to Council for the approval of the proposed policy changes.

1 Report Details

- 1.1 A new Local Government Pension Scheme (LGPS) has been introduced and changes to the pension arrangements have taken place with effect from 1 April 2014. Employees have received separate notification about the changes and how they will be affected.
- 1.2 Under the LGPS regulations, employers are required to formulate, publish and keep under review a policy statement in relation to the exercise of a number of discretions that are available.
- 1.3 In addition to producing a new Policy Statement in respect of certain discretions available under the 2014 Scheme, it is necessary to draw up a new separate list of discretions which may still apply in respect of leavers after 31 March 2008 and before April 2014.
- 1.4 Some discretions available prior to 2014 have been removed and others have been replaced and this will necessitate updating the Council's Redeployment and Early Retirement Policy which incorporate the Policy Statement on discretions.

- 1.5 The Council's existing discretions relating to the compensation regulations are not affected by this report.
- 1.6 The Council Policy statement has to be made within three months of 01 April 2014 and due to the time scales involved relating to the receipt of final information, guidance and the meeting's schedule, it has not been possible to submit this report to an earlier Union and Employee Consultative Committee.
- 1.7 Whilst the common aspect in the Council's current LGPS discretionary policies is that generally the discretion will not apply, it is necessary to allow for this general approach to be varied should the circumstances of a particular case make this stance inappropriate. When making such decisions, each case will be considered on its own merits and full reasons will be given for the outcome. The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.
- 1.8 Attached at Appendix 1 is the list of discretions for which employers must consider in a policy statement under the 2014 Scheme. The Council's proposed position which is based on the discretions approved by Derbyshire County Council except where the existing Council policy varies from the County Council's policy.
- 1.9 The following minor changes are needed to the Council's Redeployment and Early Retirement Policy for the reasons stated:-
- The LGPS 2014 changes the "Normal Retirement Age of 65" to the "State Pension Age".
 - Reference is made to retiring before 31/03/2010 will be removed as it not relevant.
 - Under Ill Health Retirement the statement that "No Notice Pay shall be paid in the cases of ill-health retirement..." will be removed as this practice may not be contractually appropriate.
 - The Flexible Retirement section will be amended to reflect the changes to the discretionary powers. These are set out in Appendix I.
 - Reference to the strain on the fund costs being repaid within a period of five years will be changed to "repayment of any strain on the fund costs will be made at the end of each financial year unless the County Council request earlier payment." This is because the option to pay within five years is no longer available.
- 1.10 The Council's Worklife Balance Policy will be update in line with the approvals arising from this report.

2 Conclusions and Reasons for Recommendation

- 2.1 Because of ongoing strains on the Pension Fund, and continuing wider budgetary pressures upon all local authorities, the position of this Council has been – and continues to be – that discretions will only be applied where there this does not involve additional strain on the pension fund or additional cost to the Council. The LGPS guidance advises that policies should not lead to “a loss of public confidence in the public service and therefore be affordable.
- 2.2 The Council’s policy is generally in line with that adopted by Derbyshire County Council, while our overall approach is consistent with that of other local authorities.
- 2.3 Whilst the general approach is not to exercise any discretion where there is a cost to the Council, there may be some circumstances where this approach is too restrictive and the discretionary powers need further consideration. Whenever such circumstances arise, the case would firstly be considered by the Chief Financial Officer and if appropriate budgetary provision would be recommended to Council. Where the decision is not to vary the standard policy the individual would have a right to appeal to Council.

3 Consultation and Equality Impact

- 3.1 None arising directly from this report.

4 Alternative Options and Reasons for Rejection

- 4.1 Given that all of the alternatives would potentially entail significant additional costs to the Council it is not considered appropriate to exercise any discretions as a matter of policy as this is considered to be an unfair burden on local taxpayers. The Council will, however, where requested review individual cases on their merits.

5 Implications

5.1 Finance and Risk Implications

All of the proposed responses to the discretions under the LGPS 2014 are made on the basis of no additional costs being incurred. The financial impact of any exercise of discretions in individual cases will be considered as such cases arise.

5.2 Legal Implications including Data Protection

None arising directly from this report.

5.3 Human Resources Implications

None other than those included within the report.

6 Recommendations

- 6.1 That UECC consider the report and proposals, and approve the submission of these to Council for adoption.
- 6.2 To submit the report and outcome of the UECC consideration to Council so that the policy can be approved within the deadline of 30 June 2014.
- 6.3 That subject to Council approval the Council's Redeployment and Early Retirement Policy which incorporates the Policy Statement on LGPS discretions is updated to reflect the decisions.
- 6.4 Whilst the general approach is not to exercise any discretion where there is a cost to the Council, there may be some circumstances where this approach is too restricting and the discretionary powers need further consideration. Whenever such circumstances arise, the case would firstly be considered by the Chief Financial Officer and if appropriate budgetary provision would be recommended to Council for its consideration. Where the decision is not to vary the standard policy the individual would have a right to appeal to Council.
- 6.5 That the Councils existing policies are amended as set out in points 1.9 and 1.10 of this report.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
1	Local Government Pension Scheme 2014 Employer Discretions

2	Local Government Pension Scheme Employer Discretions for leavers from 31 March 2008 to 1 April 2014	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
LGPS HR Guide to the 2014 Scheme		
Derbyshire Pension Fund Local Government Pension Scheme Employers' Newsletter Number 119 and 123 which refers to Derbyshire County Councils' policy		
Report Author		Contact Number
Tania Morrell Lorraine Johnson		01246 217006 01246 242474

Local Government Pension Scheme 2014 – **Employer Discretions Bolsover District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
<p>Additional Pension Contributions Regulation 16(2) (e) and 16(4)(d) of the LGPS Regulations 2013</p> <p>Whether, how much, and in what circumstances to contribute to a shared cost Additional Pension Contribution (APC) scheme.</p> <p>An APC is payment of pension contributions to cover a break in pensionable service. If the break in service is an authorised break, for example, the no pay period of maternity leave and the person opts to pay for the break within 30 days from the end of the break, the shared costs APC automatically applies. The shared cost is split two thirds employer, one third scheme member.</p> <p>The Council needs to consider a shared cost APC in exceptional circumstances, where a person opts to pay for the break after 30 days up to a period of 12 months, from the end of the break.</p>	<p>If the person opts to pay an APC to buy extra pension after 30 days and within one year of the break the shared cost option does not apply.</p>
<p>Flexible Retirement – Regulation 30 (6) and Transitional Provision Regulations 2014 Regulation 11(2)</p> <p>Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)</p>	<p>That in accordance with the Council’s existing policy on flexible retirement, this discretion would normally be awarded only in cases where there is no additional cost to the Council.</p>

Local Government Pension Scheme 2014 – **Employer Discretions Bolsover District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
<p><i>Flexible Retirement (Routine Cases) – Regulation 30 (8) of the LGPS Regulations 2013</i></p> <p>Whether to waive, in whole or in part actuarial reduction on benefits on flexible retirement.</p>	<p>That the Council has a general policy that any flexible retirement must normally be at no cost to the Council.</p> <p>Where there is no cost to the Council approval of flexible retirement requests are delegated to the Chief Executive Officer, with a right of appeal to the Council's Elected Member Appeal Panel, should a flexible retirement request be refused.</p> <p>However, where the Council is seeking volunteers for flexible retirement as a way to avoid compulsory redundancies etc., the Council may consider bearing the cost to ensure there is no reduction in the employee's pension in order to secure the financial benefits arising from reducing employee numbers. In these exceptional cases, a report will be submitted to Full Council its consideration.</p>

Local Government Pension Scheme 2014 – **Employer Discretions Bolsover District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
<p>Policy for Flexible Retirement (Routine Cases) - Regulation 30 (8) of the LGPS Regulations 2013</p> <p>An employer can consent to a reduction in an employee's hours or grade and consent to the release of pension benefits where the employee is aged 55 and over.</p> <p>For the purpose of this policy, requests for flexible retirement can be categorised as follows:</p> <ul style="list-style-type: none"> • Category one - Employee is age 60 or over - There is no cost to the council as the employee is at or past their earliest retirement date. If they do not meet the Rule of 85 (*1) their pension benefits will be reduced to reflect early payment. • Category two - Employee is age 55 or over but less than 60 and does not meet the Rule of 85 until on or after their 60th birthday. In this case the regulations allow for the cost of the early payment of pension benefits to be borne by the employee so as to avoid a pension fund shortfall. The benefits are actuarially reduced to reflect the fact that they are paid early. • Category three - Employee is age 55 or over but less than 60 and does meet the Rule of 85 either at the date of flexible retirement or at a later date that is before their 60th birthday. In this case we would have to meet the Pension 	<p>That the Council has a general policy that any flexible retirement for category one and category two cases must normally be at no cost to the Council.</p> <p>Where there is no cost to the Council approval of flexible retirement requests are delegated to the Chief Executive Officer, with a right of appeal to the Council's Elected Member Appeal Panel, should a flexible retirement request be refused.</p> <p>However, where the Council is seeking volunteers for flexible retirement as a way to avoid compulsory redundancies etc., the Council may consider bearing the cost to ensure there is no reduction in the employee's pension in order to secure the financial benefits arising from reducing employee numbers. In these exceptional cases, a report will be submitted to Full Council its consideration.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council</p>

Local Government Pension Scheme 2014 – Employer Discretions Bolsover District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)	
Discretion	Recommendation
<p>Fund shortfall arising from the early payment of pension benefits from the date when the Rule of 85 is met.</p> <p>(*1 The Rule of 85 is where the sum of the scheme member's age plus period of membership in the Pension Scheme (both in whole years) is 85 or greater).</p>	<p>recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p>NOTE</p> <p>Increases in hours after taking flexible retirement</p>	<p>Where an employee has been allowed to reduce their hours for the purposes of flexible retirement they will not be allowed to increase them on a permanent basis. Where it is in our interests, a temporary increase in hours for a period not exceeding six months can be permitted. The temporary increase in hours must be authorised by the chief officer.</p> <p>An employee who has reduced their hours and taken flexible retirement must only be allowed to work additional hours or overtime at the same level that applied prior to the reduction in contractual hours. The aim is to prevent employees compensating for a reduction in contractual hours by working additional hours and overtime. The chief officer must approve requests for temporary increases in additional hours and overtime in advance.</p>

Local Government Pension Scheme 2014 – **Employer Discretions Bolsover District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
<p>Retirement at age 55 - Regulation 30(8) of the LGPS Regulations 2013</p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.</p>	<p>That the Council has a general policy not to agree to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p>Additional Pension - Regulation 31 of the LGPS Regulations 2013</p> <p>Whether to grant additional pension to an active member or within six months of ceasing to be an active member by</p>	<p>That the Council has a general policy not to agree to grant additional pension to an active member or within six months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500</p>

Local Government Pension Scheme 2014 – **Employer Discretions Bolsover District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
<p>reason of redundancy or business efficiency (by up to £6,500 p.a.)</p>	<p>p.a.)</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p>Switching on the Rule of 85 - Transitional Provision Schedule 2, paragraph 2(2) of the Transitional Provision Regulations 2014</p> <p>Whether to 'switch on' the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.</p>	<p>That the Council has a general policy not to agree to switch on the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.</p>

Local Government Pension Scheme 2014 – Employer Discretions Bolsover District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)	
Discretion	Recommendation
	<p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p>Compassionate Grounds - Transitional Provision 3(1), Transitional Provision Schedule 2, paragraph 2(1) and 2(2), of the Transitional Provision Regulations 2014 and Regulations B30(5) and B30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007</p> <p>Decide whether to waive any actuarial reduction on pre and/or post April 2014 benefits paid early on compassionate grounds.</p>	<p>That the Council has a general policy not to waive any actuarial reduction on pre and/or post April 2014 benefits paid early on compassionate grounds.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the</p>

Local Government Pension Scheme 2014 – **Employer Discretions Bolsover District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
	<p>application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>

Local Government Pension Scheme 2008 – Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014	
Discretion	Recommendation
<p>Augmented Pension - Regulation B12 of the LGPS (Benefits, Membership and Contributions) Regulations 2007</p> <p>Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014, to augment membership (by up to 10 Years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30th September 2014.</p>	<p>That the Council has a general policy not to agree to augment membership (by up to 10 Years) for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p> <p>The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30th September 2014.</p>

Local Government Pension Scheme 2008 – Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014	
Discretion	Recommendation
<p>Early Payment of Deferred Benefits - Regulation B30(2) of the LGPS (Benefits, Membership and Contributions) Regulations 2007</p> <p>Whether to grant an application for the early payment of deferred benefits on or after age 55 and before age 60.</p>	<p>That the Council has a general policy not to grant application for the early payment of deferred benefits on or after age 55 and before age 60 where there is a cost to the council.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p>Compassionate Grounds - Regulation 30(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007</p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30</p>	<p>That the Council has a general policy not to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is</p>

Local Government Pension Scheme 2008 – Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014	
Discretion	Recommendation
	appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.
Suspended Tier 3 Ill Health – Regulation 30A (3) of the LGPS (Benefits, Membership and Contributions) Regulations 2007 Whether to grant an application for reinstatement of a suspended tier 3 ill health pension on or after age 55 and before age 60. (i.e. if an employer has discontinued the ill health retirement benefits where an ex employee is in gainful employment or is capable of being in such employment, the ex employee may, on reaching age 55, choose to receive the retirement pension immediately)	That the Council would grant an application for early payment of a suspended tier three ill health pension on or after age 55 and before age 60, where there is no cost to the council.
Compassionate Grounds - Regulation 30A(5) of the LGPS (Benefits, Membership and Contributions) Regulations 2007	That the Council has a general policy not to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid

Local Government Pension Scheme 2008 – Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014

Discretion	Recommendation
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A.	<p>early under B30A.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>

Local Government Pension Scheme 1997 –Discretions in relation to active councillor members and councillor members who ceased active membership on or after 1 April 1998 and any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008

Discretion	Recommendation
<p>Early Payment - Regulation 31(2) of the LGPS Regulations 1997</p> <p>Whether to grant application from a post 31 March 1998/pre 1 April 2008 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60.</p>	<p>That the Council approve granting an application from a post 31 March 1998/pre 1 April 2008 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60, where there is no cost to the council.</p>
<p>Compassionate Grounds - Regulation 31(5) of the LGPS Regulations 1997</p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31 March 1998/pre 1 April 2008 leaver or councillor leaver.</p>	<p>That the Council has a general policy not to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31 March 1998/pre 1 April 2008 leaver or councillor leaver.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Council recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to the Full Council for a review of that decision. Such an Appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to full Council. The employee / former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p>Optant Out Payments - Regulation 31(7) of the LGPS Regulations 1997</p> <p>Decide whether councillor optants out and pre 1 April 2008 employee optant outs only get benefits paid from normal retirement date (NRD) if employer agrees.</p>	<p>That councillor optants out and pre 1 April 2008 employee optant outs will only be allowed to get benefits paid from normal retirement date (NRD).</p>

