

# Document Pack



sirgar.llyw.cymru  
carmarthenshire.gov.wales

**THURSDAY, 2<sup>ND</sup> MARCH 2023**

**TO: ALL MEMBERS OF THE COUNTY COUNCIL**

I HEREBY SUMMON YOU TO ATTEND THE **MULTI LOCATION MEETING OF CARMARTHENSHIRE COUNTY COUNCIL** WHICH WILL BE HELD IN THE **CHAMBER - COUNTY HALL, CARMARTHEN. SA31 1JP AND REMOTELY AT 10.00 AM, ON WEDNESDAY, 8TH MARCH, 2023** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Wendy Walters*

**CHIEF EXECUTIVE**

**Democratic Officer:**

**Martin Davies**

**Telephone (direct line):**

**01267 224059**

**E-Mail:**

**msd Davies@carmarthenshire.gov.uk**

**THE MEETING CAN BE VIEWED ON THE AUTHORITY'S WEBSITE VIA THE FOLLOWING LINK:-**

<https://carmarthenshire.public-i.tv/core/portal/home>

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

# **A G E N D A**

- 1. APOLOGIES FOR ABSENCE.**
- 2. DECLARATIONS OF PERSONAL INTERESTS**
- 3. CHAIR’S ANNOUNCEMENTS**
- 4. SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR 2023/24** 3 - 20
- 5. PAY POLICY STATEMENT 2023/24** 21 - 268
- 6. SECOND HOMES AND EMPTY PROPERTIES COUNCIL TAX PREMIUMS** 269 - 300
- 7. PROPOSED COMMUNITY REVIEW IN COUNTY OF CARMARTHENSHIRE** 301 - 312
- 8. TO RECEIVE THE REPORT OF THE MEETING OF THE CABINET HELD ON THE 20TH FEBRUARY 2023** 313 - 322
- 9. PUBLIC QUESTIONS (NONE RECEIVED)**
- 10. QUESTIONS BY MEMBERS:-**
  - 10.1 QUESTION BY COUNCILLOR HEFIN JONES TO COUNCILLOR EDWARD THOMAS, CABINET MEMBER FOR TRANSPORT, WASTE AND INFRASTRUCTURE SERVICES.**

“It’s concerning to hear of the Welsh Government’s intention to remove the Emergency Bus Subsidy scheme. Despite a short extension to the scheme it’s worrying that the Welsh Government seems quite content to cut the essential travel lifeline for many. Though it’s not exclusively a rural problem, as we’ve heard by colleagues in the chamber, it’s likely that rural areas will suffer the brunt of this, and the consequences could be far reaching. Will the cabinet member responsible for transport please outline the potential impact here in Carmarthenshire please?”
- 11. MINUTES FOR INFORMATION (AVAILABLE TO VIEW ON THE WEBSITE)**
  - 11.1 PLANNING COMMITTEE - 16TH FEBRUARY 2023**

## COUNTY COUNCIL 8<sup>TH</sup> MARCH 2023

### SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR 2023/24

#### Recommendations / key decisions required:

That Members adopt the recommendations contained within the report.

#### Reasons:

To set the Council Tax for the year 2023/24.

Cabinet Decision Required: YES

Council Decision Required: YES

#### CABINET MEMBER PORTFOLIO HOLDER:

Cllr. Alun Lenny (Resources)

Directorate:  
Corporate Services

Chris Moore

Report Author:  
Randal Hemingway

Designations:

Director of Corporate  
Services

Head of Financial  
Services

Tel No. 01267 224120

E Mail Address:

[CMoore@carmarthenshire.gov.uk](mailto:CMoore@carmarthenshire.gov.uk)

[RHemingway@carmarthenshire.gov.uk](mailto:RHemingway@carmarthenshire.gov.uk)

**EXECUTIVE SUMMARY  
COUNTY COUNCIL  
8<sup>TH</sup> MARCH 2023**

**SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR 2023/24**

The County Council is required annually to set its Council Tax for the forthcoming Financial Year.

This report sets out the financial details relevant to the setting of the Council Tax for 2023/24 together with the Council Tax amounts in respect of the different Council Tax Valuation Bands, as applicable to each of the individual Community and Town Council area.

**DETAILED REPORT ATTACHED?**

**YES**



# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Chris Moore**

**Director of Corporate Services**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

**1. Policy, Crime & Disorder and Equalities**

The Budget has been prepared having regard for the Corporate Strategy

**2. Legal**

Budget setting process complies with legislative requirements

**3. Finance**

The Authority's Council Tax (exclusive of Town/Community Council precepts) will increase by 6.8% with the Band D Council Tax = £1,490.97

Average Council Tax (Band D) inclusive of Community/Town Council precepts will be set at £1,596.02 as per section 33 of the Local Government Finance Act 1992.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Chris Moore

Director of Corporate Services

**1. Scrutiny Committee request for pre-determination**

YES/NO/N/A – Delete as appropriate

If yes include the following information: -

**Scrutiny Committee**

**Date the report was considered:-**

**Scrutiny Committee Outcome/Recommendations:-**

All scrutiny committees have been consulted during January 2023, with the feedback included in the Revenue Budget Strategy report to full Council on 1st March 2023.

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2023/24 to 2025/26 report to County Council on 1st March 2023.

**4. Relevant Partners**

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2023/24 to 2025/26 report to County Council on 1st March 2023.

**5. Staff Side Representatives and other Organisations**

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2023/24 to 2025/26 report to County Council on 1st March 2023.

**CABINET PORTFOLIO HOLDER(S) AWARE / CONSULTED?**

YES

(Include any observations here)

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

<b>Title of Document</b>	<b>File Ref No.</b>	<b>Locations that the papers are available for public inspection</b>
Council Tax Base – 2023/24 Base report to Cabinet 12th December 2022		County Hall, Carmarthen.
Revenue Budget Strategy 2023/24 to 2025/26 and Capital Investment Programme 2023/28 - County Council Reports 1st March 2023		County Hall, Carmarthen.
Dyfed Powys Police Authority precept Town/Community Council precepts		County Hall, Carmarthen.
Local Government Act 1992		County Hall, Carmarthen

This page is intentionally left blank

# REPORT OF THE DIRECTOR OF CORPORATE SERVICES COUNTY COUNCIL

8<sup>th</sup> March 2023

SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR BEGINNING 1<sup>st</sup> APRIL 2023

<b>Name:</b> C Moore, Director of Corporate Services	<b>DIRECTORATE</b> Corporate Services	<b>TELEPHONE NO.</b> 01267 224120
<b>AUTHOR &amp; DESIGNATION</b> R Hemingway, Head of Financial Services	<b>DIRECTORATE</b> Corporate Services	<b>TELEPHONE NO</b> 01267 224886

The Revenue Budget 2023/24 was finalised and presented to County Council on the 1<sup>st</sup> March 2023 and the Authority has now received all the precept requirements from the Town and Community Councils and Police and Crime Commissioner for Dyfed Powys.

This report now concludes the formal budget setting process and requires County Council to formally set the Budget Requirement and Council Tax for 2023/24.

## Recommendations

1. That it be noted that the Revenue Budget 2023/24, together with outlook for 2024/25 and 2025/26, and the Five Year Capital Programme (Council Fund) 2023-28 was approved by County Council on the 1<sup>st</sup> March 2023.
2. That it be noted that:
  - a. the County Council General Fund Reserve at 31<sup>st</sup> March 2023 is estimated to be £10.0m and that the Revenue Budget for 2023/24 includes no proposals for the use of the General Fund Reserve.
  - b. the Director of Corporate Services after taking account of the above confirms that the estimated level of financial reserves is adequate for the financial year 2023/24.
  - c. the Director of Corporate Services confirms that the build-up of the County Council estimates for the purpose of the calculation under section 32 of the Local Government Finance Act 1992 has been undertaken in a robust manner.
3. That it be noted that at its meeting on 12<sup>th</sup> December 2022, the Cabinet calculated the following amounts for the year 2023/24 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992: -
  - (a) **75,071.95** being the amount calculated by the Council, in accordance with the Local Authorities (Calculation of Tax Base) (Wales) Regulations 1995, as its council tax base for the year.

(b)

<b>COMMUNITY</b>	<b>TAX BASE</b>	<b>COMMUNITY</b>	<b>TAX BASE</b>
ABERGWILI	742.78	PENCARREG	556.41
ABERNANT	135.04	NEWCASTLE EMLYN	468.37
BRONWYDD	278.57	CARMARTHEN TOWN	5729.02
CILYMAENLLWYD	343.22		
CYNWYL ELFED	462.72	AMMANFORD	1959.69
EGLWYSCUMMIN	193.71	CWMAMAN	1599.92
GORSLAS	2054.42	LLANDEILO	800.82
HENLLANFALLTEG	225.46	LLANDOVERY	799.42
LAUGHARNE	573.71	BETWS	896.00
LLANARTHNE	417.57	CILYCWM	230.15
LLANBOIDY	444.38	CYNWYL GAEO	442.06
LLANDDAROG	559.65	DYFFRYN CENNEN	534.83
LLANDDOWROR & LLANMILOE	344.65	LLANDDEUSANT	123.17
LLANDYFAELOG	648.62	LLANDYBIE	4473.69
LLANGAIN	295.53	LLANEGWAD	727.29
LLANGYNDEYRN	1586.75	LLANFAIR-AR-Y-BRYN	276.11
LLANGUNNOR	1163.86	LLANFIHANGEL ABERBYTHYCH	601.66
LLANGYNIN	134.70	LLANFYNYDD	229.52
LLANGYNOG	237.58	LLANGADOG	641.47
LLANLLAWDDOG	359.21	LLANGATHEN	261.32
LLANPUMSAINT	336.88	LLANSADWRN	229.78
LLANSTEFFAN & LLANYBRI	575.61	LLANSAWEL	200.20
LLANWINIO	204.48	LLANWRDA	233.60
MEIDRIM	268.63	MANORDEILO & SALEM	786.75
NEWCHURCH & MERTHYR	316.02	MYDDFAI	182.07
PENDINE	165.19	CWARTER BACH	967.76
ST CLEARNS	1340.90	TALLEY	245.75
ST ISHMAELS	789.83		
TRELECH A'R BETWS	332.69	LLANELLI TOWN	8865.66
WHITLAND	751.62	LLANELLI RURAL	8478.10
CENARTH	547.37	PEMBREY & BURRY PORT	3323.06
LLANFIHANGEL-AR-ARTH	934.64	KIDWELLY TOWN	1420.50
LLANFIHANGEL RHOS-Y-CORN	218.24	LLANEDI	2374.37
LLANGELER	1510.47	LLANGENNECH	1982.22
LLANLLWNI	327.80	LLANNON	1999.59
LLANYBYDDER	613.58	PONTYBEREM	1023.61
LLANYCRWYS	105.73	TRIMSARAN	866.20
		<b>TOTAL</b>	<b>75,071.95</b>

being the amounts calculated by the Council, in accordance with Regulation 6 of the above Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

4. That the following amounts be now calculated by the Council for the year 2023/24 in accordance with sections 32 to 36 of the Local Government Finance Act 1992: -
- (a) **£706,257,951** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act (including Community Council Precepts totaling £7,885,739)
  - (b) **£248,282,388** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
  - (c) **£457,975,563** being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
  - (d) **£338,159,429** being the aggregate of the sums which the Council estimates will be payable for the year into its council fund in respect of redistributed non-domestic rates, revenue support grant, or additional grant less discretionary non-domestic rate relief.
  - (e) **£1,596.02** being the amount at 4(c) above less the amount at 4(d) above, all divided by the amount at 3 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year.
  - (f) **£7,885,739** being the aggregate amount of all special items referred to in Section 34(1) of the Act.
  - (g) **£1,490.97** being the amount at 4(e) above less the result given by dividing the amount at 4(f) above by the amount at 3 above, calculated by the Council, in accordance with section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

(h)

COMMUNITY	BASIC AMOUNT OF COUNCIL TAX	COMMUNITY	BASIC AMOUNT OF COUNCIL TAX
	£		£
ABERGWILI	1,533.82	LLANYCRWYS	1,505.16
ABERNANT	1,516.89	PENCARREG	1,515.23
BRONWYDD	1,530.97	NEWCASTLE EMLYN	1,559.10
CILYMAENLLWYD	1,514.28	CARMARTHEN	1,629.39
CYNWYL ELFED	1,528.48	AMMANFORD	1,625.51
EGLWYSCUMMIN	1,524.53	CWMAMAN	1,721.68
GORSLAS	1,550.76	LLANDEILO	1,588.48
HENLLANFALLTEG	1,528.99	LLANDOVERY	1,579.12
LAUGHARNE	1,546.40	BETWS	1,549.01
LLANARTHNE	1,547.62	CILYCWM	1,512.69
LLANBOIDY	1,567.99	CYNWYL GAEO	1,505.90
LLANDDAROG	1,525.57	DYFFRYN CENNEN	1,528.37
LLANDDOWROR & LLANMILOE	1,530.14	LLANDDEUSANT	1,527.80
LLANDYFAELOG	1,530.10	LLANDYBIE	1,531.21
LLANGAIN	1,529.06	LLANEGWAD	1,511.59
LLANGYNDEYRN	1,544.04	LLANFAIR-AR-Y-BRYN	1,503.65
LLANGUNNOR	1,523.62	LLANFIHANGEL ABERBYTHYCH	1,522.96
LLANGYNIN	1,560.75	LLANFYNYDD	1,528.00
LLANGYNOG	1,520.43	LLANGADOG	1,523.71
LLANLLAWDDOG	1,513.65	LLANGATHEN	1,525.41
LLANPUMSAINT	1,520.97	LLANSADWRN	1,521.43
LLANSTEFFAN & LLANYBRI	1,525.72	LLANSAWEL	1,518.44
LLANWINIO	1,510.53	LLANWRDA	1,512.37
MEIDRIM	1,537.50	MANORDEILO & SALEM	1,513.85
NEWCHURCH & MERTHYR	1,511.54	MYDDFAI	1,510.19
PENDINE	1,535.80	CWARTER BACH	1,609.65
ST CLEARNS	1,571.91	TALLEY	1,535.73
ST ISHMAELS	1,536.97	LLANELLI TOWN	1,654.52
TRELECH A'R BETWS	1,490.97	LLANELLI RURAL	1,623.40
WHITLAND	1,574.11	PEMBREY & BURRY PORT	1,700.70
CENARTH	1,507.41	KIDWELLY	1,709.20
LLANFIHANGEL-AR-ARTH	1,539.12	LLANEDI	1,631.26
LLANFIHANGEL RHOS-Y-CORN	1,520.75	LLANGENNECH	1,628.00
LLANGELER	1,512.32	LLANNON	1,687.23
LLANLLWNI	1,536.97	PONTYBEREM	1,611.21
LLANYBYDDER	1,621.35	TRIMSARAN	1,587.88

being the amounts given by adding to the amount at 4(g) above, the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 3(b) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.



(i)

COMMUNITY	2023/24								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
ABERGWILI	1,022.55	1,192.97	1,363.40	1,533.82	1,874.67	2,215.51	2,556.37	3,067.64	3,578.91
ABERNANT	1,011.26	1,179.80	1,348.35	1,516.89	1,853.98	2,191.06	2,528.15	3,033.78	3,539.41
BRONWYDD	1,020.65	1,190.75	1,360.87	1,530.97	1,871.19	2,211.40	2,551.62	3,061.94	3,572.26
CILYMAENLLWYD	1,009.52	1,177.77	1,346.03	1,514.28	1,850.79	2,187.29	2,523.80	3,028.56	3,533.32
CYNWYL ELFED	1,018.99	1,188.81	1,358.65	1,528.48	1,868.15	2,207.80	2,547.47	3,056.96	3,566.45
EGLWYSCUMMIN	1,016.35	1,185.74	1,355.14	1,524.53	1,863.32	2,202.10	2,540.88	3,049.06	3,557.24
GORSLAS	1,033.84	1,206.14	1,378.46	1,550.76	1,895.38	2,239.98	2,584.60	3,101.52	3,618.44
HENLLANFALLTEG	1,019.33	1,189.21	1,359.11	1,528.99	1,868.77	2,208.54	2,548.32	3,057.98	3,567.64
LAUGHARNE	1,030.93	1,202.75	1,374.58	1,546.40	1,890.05	2,233.69	2,577.33	3,092.80	3,608.27
LLANARTHNE	1,031.75	1,203.70	1,375.67	1,547.62	1,891.54	2,235.45	2,579.37	3,095.24	3,611.11
LLANBOIDY	1,045.33	1,219.54	1,393.77	1,567.99	1,916.44	2,264.87	2,613.32	3,135.98	3,658.64
LLANDDAROG	1,017.05	1,186.55	1,356.07	1,525.57	1,864.59	2,203.60	2,542.62	3,051.14	3,559.66
LLANDDOWROR & LLANMILOE	1,020.09	1,190.11	1,360.13	1,530.14	1,870.17	2,210.20	2,550.23	3,060.28	3,570.33
LLANDYFAELOG	1,020.07	1,190.07	1,360.09	1,530.10	1,870.13	2,210.14	2,550.17	3,060.20	3,570.23
LLANGAIN	1,019.37	1,189.27	1,359.17	1,529.06	1,868.85	2,208.64	2,548.43	3,058.12	3,567.81
LLANGYNDEYRN	1,029.36	1,200.92	1,372.48	1,544.04	1,887.16	2,230.28	2,573.40	3,088.08	3,602.76
LLANGUNNOR	1,015.75	1,185.03	1,354.33	1,523.62	1,862.21	2,200.78	2,539.37	3,047.24	3,555.11
LLANGYNIN	1,040.50	1,213.91	1,387.34	1,560.75	1,907.59	2,254.41	2,601.25	3,121.50	3,641.75
LLANGYNOG	1,013.62	1,182.55	1,351.50	1,520.43	1,858.31	2,196.17	2,534.05	3,040.86	3,547.67
LLANLLAWDDOG	1,009.10	1,177.28	1,345.47	1,513.65	1,850.02	2,186.38	2,522.75	3,027.30	3,531.85
LLANPUMSAINT	1,013.98	1,182.97	1,351.98	1,520.97	1,858.97	2,196.95	2,534.95	3,041.94	3,548.93
LLANSTEFFAN & LLANYBRI	1,017.15	1,186.67	1,356.20	1,525.72	1,864.77	2,203.81	2,542.87	3,051.44	3,560.01
LLANWINIO	1,007.02	1,174.85	1,342.70	1,510.53	1,846.21	2,181.87	2,517.55	3,021.06	3,524.57
MEIDRIM	1,025.00	1,195.83	1,366.67	1,537.50	1,879.17	2,220.83	2,562.50	3,075.00	3,587.50
NEWCHURCH & MERTHYR	1,007.69	1,175.64	1,343.59	1,511.54	1,847.44	2,183.33	2,519.23	3,023.08	3,526.93
PENDINE	1,023.87	1,194.51	1,365.16	1,535.80	1,877.09	2,218.37	2,559.67	3,071.60	3,583.53
ST CLEARS	1,047.94	1,222.59	1,397.26	1,571.91	1,921.23	2,270.53	2,619.85	3,143.82	3,667.79
ST ISHMAELS	1,024.65	1,195.42	1,366.20	1,536.97	1,878.52	2,220.06	2,561.62	3,073.94	3,586.26
TRELECH A'R BETWS	993.98	1,159.64	1,325.31	1,490.97	1,822.30	2,153.62	2,484.95	2,981.94	3,478.93

COMMUNITY	2023/24								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
WHITLAND	1,049.41	1,224.30	1,399.21	1,574.11	1,923.92	2,273.71	2,623.52	3,148.22	3,672.92
CENARTH	1,004.94	1,172.43	1,339.92	1,507.41	1,842.39	2,177.37	2,512.35	3,014.82	3,517.29
LLANFIHANGEL-AR-ARTH	1,026.08	1,197.09	1,368.11	1,539.12	1,881.15	2,223.17	2,565.20	3,078.24	3,591.28
LLANFIHANGEL RHOS-Y-CORN	1,013.83	1,182.80	1,351.78	1,520.75	1,858.70	2,196.64	2,534.58	3,041.50	3,548.42
LLANGELER	1,008.21	1,176.25	1,344.29	1,512.32	1,848.39	2,184.46	2,520.53	3,024.64	3,528.75
LLANLLWNI	1,024.65	1,195.42	1,366.20	1,536.97	1,878.52	2,220.06	2,561.62	3,073.94	3,586.26
LLANYBYDDER	1,080.90	1,261.05	1,441.20	1,621.35	1,981.65	2,341.95	2,702.25	3,242.70	3,783.15
LLANYCRWYS	1,003.44	1,170.68	1,337.92	1,505.16	1,839.64	2,174.12	2,508.60	3,010.32	3,512.04
PENCARREG	1,010.15	1,178.51	1,346.87	1,515.23	1,851.95	2,188.66	2,525.38	3,030.46	3,535.54
NEWCASTLE EMLYN	1,039.40	1,212.63	1,385.87	1,559.10	1,905.57	2,252.03	2,598.50	3,118.20	3,637.90
CARMARTHEN	1,086.26	1,267.30	1,448.35	1,629.39	1,991.48	2,353.56	2,715.65	3,258.78	3,801.91
AMMANFORD	1,083.67	1,264.28	1,444.90	1,625.51	1,986.74	2,347.96	2,709.18	3,251.02	3,792.86
CWMAMAN	1,147.79	1,339.08	1,530.39	1,721.68	2,104.28	2,486.87	2,869.47	3,443.36	4,017.25
LLANDEILO	1,058.99	1,235.48	1,411.99	1,588.48	1,941.48	2,294.47	2,647.47	3,176.96	3,706.45
LLANDOVERY	1,052.75	1,228.20	1,403.67	1,579.12	1,930.04	2,280.95	2,631.87	3,158.24	3,684.61
BETWS	1,032.67	1,204.78	1,376.90	1,549.01	1,893.24	2,237.46	2,581.68	3,098.02	3,614.36
CILYCWM	1,008.46	1,176.53	1,344.62	1,512.69	1,848.85	2,184.99	2,521.15	3,025.38	3,529.61
CYNWYL GAEO	1,003.93	1,171.25	1,338.58	1,505.90	1,840.55	2,175.19	2,509.83	3,011.80	3,513.77
DYFFRYN CENNEN	1,018.91	1,188.73	1,358.55	1,528.37	1,868.01	2,207.64	2,547.28	3,056.74	3,566.20
LLANDDEUSANT	1,018.53	1,188.29	1,358.05	1,527.80	1,867.31	2,206.82	2,546.33	3,055.60	3,564.87
LLANDYBIE	1,020.81	1,190.94	1,361.08	1,531.21	1,871.48	2,211.74	2,552.02	3,062.42	3,572.82
LLANEGWAD	1,007.73	1,175.68	1,343.64	1,511.59	1,847.50	2,183.40	2,519.32	3,023.18	3,527.04
LLANFAIR-AR-Y-BRYN	1,002.43	1,169.50	1,336.58	1,503.65	1,837.80	2,171.94	2,506.08	3,007.30	3,508.52
LLANFIHANGEL ABERBYTHYCH	1,015.31	1,184.52	1,353.75	1,522.96	1,861.40	2,199.83	2,538.27	3,045.92	3,553.57
LLANFYNYDD	1,018.67	1,188.44	1,358.23	1,528.00	1,867.56	2,207.11	2,546.67	3,056.00	3,565.33
LLANGADOG	1,015.81	1,185.10	1,354.41	1,523.71	1,862.32	2,200.91	2,539.52	3,047.42	3,555.32
LLANGATHEN	1,016.94	1,186.43	1,355.92	1,525.41	1,864.39	2,203.37	2,542.35	3,050.82	3,559.29
LLANSADWRN	1,014.29	1,183.33	1,352.39	1,521.43	1,859.53	2,197.62	2,535.72	3,042.86	3,550.00
LLANSAWEL	1,012.29	1,181.01	1,349.73	1,518.44	1,855.87	2,193.30	2,530.73	3,036.88	3,543.03

COMMUNITY	2023-24								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
LLANWRDA	1,008.25	1,176.28	1,344.33	1,512.37	1,848.46	2,184.53	2,520.62	3,024.74	3,528.86
MANORDEILO & SALEM	1,009.23	1,177.44	1,345.65	1,513.85	1,850.26	2,186.67	2,523.08	3,027.70	3,532.32
MYDDFAI	1,006.79	1,174.59	1,342.39	1,510.19	1,845.79	2,181.38	2,516.98	3,020.38	3,523.78
CWARTER BACH	1,073.10	1,251.95	1,430.80	1,609.65	1,967.35	2,325.05	2,682.75	3,219.30	3,755.85
TALLEY	1,023.82	1,194.45	1,365.10	1,535.73	1,877.01	2,218.27	2,559.55	3,071.46	3,583.37
LLANELLI TOWN	1,103.01	1,286.85	1,470.69	1,654.52	2,022.19	2,389.86	2,757.53	3,309.04	3,860.55
LLANELLI RURAL	1,082.27	1,262.64	1,443.03	1,623.40	1,984.16	2,344.91	2,705.67	3,246.80	3,787.93
PEMBREY & BURRY PORT	1,133.80	1,322.76	1,511.74	1,700.70	2,078.64	2,456.56	2,834.50	3,401.40	3,968.30
KIDWELLY	1,139.47	1,329.37	1,519.29	1,709.20	2,089.03	2,468.84	2,848.67	3,418.40	3,988.13
LLANEDI	1,087.51	1,268.75	1,450.01	1,631.26	1,993.77	2,356.26	2,718.77	3,262.52	3,806.27
LLANGENNECH	1,085.33	1,266.22	1,447.11	1,628.00	1,989.78	2,351.55	2,713.33	3,256.00	3,798.67
LLANNON	1,124.82	1,312.29	1,499.76	1,687.23	2,062.17	2,437.11	2,812.05	3,374.46	3,936.87
PONTYBEREM	1,074.14	1,253.16	1,432.19	1,611.21	1,969.26	2,327.30	2,685.35	3,222.42	3,759.49
TRIMSARAN	1,058.59	1,235.01	1,411.45	1,587.88	1,940.75	2,293.60	2,646.47	3,175.76	3,705.05

being the amounts given by multiplying the amounts at 4(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

5. That it be noted for the year 2023/24 that the Police and Crime Commissioner for Dyfed Powys has stated the following amounts in a precept issued to the Council, in accordance with Sections 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below: -

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Band I
£	£	£	£	£	£	£	£	£
208.43	243.17	277.91	312.65	382.13	451.61	521.08	625.30	729.52

6. That, having calculated the aggregate in each case of the amounts at 4(i) and 5 above, the Council in accordance with Section 30(2) of the Local government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2023/24 for each of the categories of dwellings shown overleaf:-

COMMUNITY	2023/24								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
ABERGWILI	1,230.98	1,436.14	1,641.31	1,846.47	2,256.80	2,667.12	3,077.45	3,692.94	4,308.43
ABERNANT	1,219.69	1,422.97	1,626.26	1,829.54	2,236.11	2,642.67	3,049.23	3,659.08	4,268.93
BRONWYDD	1,229.08	1,433.92	1,638.78	1,843.62	2,253.32	2,663.01	3,072.70	3,687.24	4,301.78
CILYMAENLLWYD	1,217.95	1,420.94	1,623.94	1,826.93	2,232.92	2,638.90	3,044.88	3,653.86	4,262.84
CYNWYL ELFED	1,227.42	1,431.98	1,636.56	1,841.13	2,250.28	2,659.41	3,068.55	3,682.26	4,295.97
EGLWYSCUMMIN	1,224.78	1,428.91	1,633.05	1,837.18	2,245.45	2,653.71	3,061.96	3,674.36	4,286.76
GORSLAS	1,242.27	1,449.31	1,656.37	1,863.41	2,277.51	2,691.59	3,105.68	3,726.82	4,347.96
HENLLANFALLTEG	1,227.76	1,432.38	1,637.02	1,841.64	2,250.90	2,660.15	3,069.40	3,683.28	4,297.16
LAUGHARNE	1,239.36	1,445.92	1,652.49	1,859.05	2,272.18	2,685.30	3,098.41	3,718.10	4,337.79
LLANARTHNE	1,240.18	1,446.87	1,653.58	1,860.27	2,273.67	2,687.06	3,100.45	3,720.54	4,340.63
LLANBOIDY	1,253.76	1,462.71	1,671.68	1,880.64	2,298.57	2,716.48	3,134.40	3,761.28	4,388.16
LLANDDAROG	1,225.48	1,429.72	1,633.98	1,838.22	2,246.72	2,655.21	3,063.70	3,676.44	4,289.18
LLANDDOWROR & LLANMILOE	1,228.52	1,433.28	1,638.04	1,842.79	2,252.30	2,661.81	3,071.31	3,685.58	4,299.85
LLANDYFAELOG	1,228.50	1,433.24	1,638.00	1,842.75	2,252.26	2,661.75	3,071.25	3,685.50	4,299.75
LLANGAIN	1,227.80	1,432.44	1,637.08	1,841.71	2,250.98	2,660.25	3,069.51	3,683.42	4,297.33
LLANGYNDEYRN	1,237.79	1,444.09	1,650.39	1,856.69	2,269.29	2,681.89	3,094.48	3,713.38	4,332.28
LLANGUNNOR	1,224.18	1,428.20	1,632.24	1,836.27	2,244.34	2,652.39	3,060.45	3,672.54	4,284.63
LLANGYNIN	1,248.93	1,457.08	1,665.25	1,873.40	2,289.72	2,706.02	3,122.33	3,746.80	4,371.27
LLANGYNOG	1,222.05	1,425.72	1,629.41	1,833.08	2,240.44	2,647.78	3,055.13	3,666.16	4,277.19
LLANLLAWDDOG	1,217.53	1,420.45	1,623.38	1,826.30	2,232.15	2,637.99	3,043.83	3,652.60	4,261.37
LLANPUMSAINT	1,222.41	1,426.14	1,629.89	1,833.62	2,241.10	2,648.56	3,056.03	3,667.24	4,278.45
LLANSTEFFAN & LLANYBRI	1,225.58	1,429.84	1,634.11	1,838.37	2,246.90	2,655.42	3,063.95	3,676.74	4,289.53
LLANWINIO	1,215.45	1,418.02	1,620.61	1,823.18	2,228.34	2,633.48	3,038.63	3,646.36	4,254.09
MEIDRIM	1,233.43	1,439.00	1,644.58	1,850.15	2,261.30	2,672.44	3,083.58	3,700.30	4,317.02
NEWCHURCH & MERTHYR	1,216.12	1,418.81	1,621.50	1,824.19	2,229.57	2,634.94	3,040.31	3,648.38	4,256.45
PENDINE	1,232.30	1,437.68	1,643.07	1,848.45	2,259.22	2,669.98	3,080.75	3,696.90	4,313.05
ST CLEARS	1,256.37	1,465.76	1,675.17	1,884.56	2,303.36	2,722.14	3,140.93	3,769.12	4,397.31
ST ISHMAELS	1,233.08	1,438.59	1,644.11	1,849.62	2,260.65	2,671.67	3,082.70	3,699.24	4,315.78
TRELECH A'R BETWS	1,202.41	1,402.81	1,603.22	1,803.62	2,204.43	2,605.23	3,006.03	3,607.24	4,208.45

COMMUNITY	2023/24								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
WHITLAND	1,257.84	1,467.47	1,677.12	1,886.76	2,306.05	2,725.32	3,144.60	3,773.52	4,402.44
CENARTH	1,213.37	1,415.60	1,617.83	1,820.06	2,224.52	2,628.98	3,033.43	3,640.12	4,246.81
LLANFIHANGEL-AR-ARTH	1,234.51	1,440.26	1,646.02	1,851.77	2,263.28	2,674.78	3,086.28	3,703.54	4,320.80
LLANFIHANGEL RHOS -Y-CORN	1,222.26	1,425.97	1,629.69	1,833.40	2,240.83	2,648.25	3,055.66	3,666.80	4,277.94
LLANGELER	1,216.64	1,419.42	1,622.20	1,824.97	2,230.52	2,636.07	3,041.61	3,649.94	4,258.27
LLANLLWNI	1,233.08	1,438.59	1,644.11	1,849.62	2,260.65	2,671.67	3,082.70	3,699.24	4,315.78
LLANYBYDDER	1,289.33	1,504.22	1,719.11	1,934.00	2,363.78	2,793.56	3,223.33	3,868.00	4,512.67
LLANYCRWYS	1,211.87	1,413.85	1,615.83	1,817.81	2,221.77	2,625.73	3,029.68	3,635.62	4,241.56
PENCARREG	1,218.58	1,421.68	1,624.78	1,827.88	2,234.08	2,640.27	3,046.46	3,655.76	4,265.06
NEWCASTLE EMLYN	1,247.83	1,455.80	1,663.78	1,871.75	2,287.70	2,703.64	3,119.58	3,743.50	4,367.42
CARMARTHEN	1,294.69	1,510.47	1,726.26	1,942.04	2,373.61	2,805.17	3,236.73	3,884.08	4,531.43
AMMANFORD	1,292.10	1,507.45	1,722.81	1,938.16	2,368.87	2,799.57	3,230.26	3,876.32	4,522.38
CWMAMAN	1,356.22	1,582.25	1,808.30	2,034.33	2,486.41	2,938.48	3,390.55	4,068.66	4,746.77
LLANDEILO	1,267.42	1,478.65	1,689.90	1,901.13	2,323.61	2,746.08	3,168.55	3,802.26	4,435.97
LLANDOVERY	1,261.18	1,471.37	1,681.58	1,891.77	2,312.17	2,732.56	3,152.95	3,783.54	4,414.13
BETWS	1,241.10	1,447.95	1,654.81	1,861.66	2,275.37	2,689.07	3,102.76	3,723.32	4,343.88
CILYCWYM	1,216.89	1,419.70	1,622.53	1,825.34	2,230.98	2,636.60	3,042.23	3,650.68	4,259.13
CYNWYL GAEO	1,212.36	1,414.42	1,616.49	1,818.55	2,222.68	2,626.80	3,030.91	3,637.10	4,243.29
DYFFRYN CENNEN	1,227.34	1,431.90	1,636.46	1,841.02	2,250.14	2,659.25	3,068.36	3,682.04	4,295.72
LLANDDEUSANT	1,226.96	1,431.46	1,635.96	1,840.45	2,249.44	2,658.43	3,067.41	3,680.90	4,294.39
LLANDYBIE	1,229.24	1,434.11	1,638.99	1,843.86	2,253.61	2,663.35	3,073.10	3,687.72	4,302.34
LLANEGWAD	1,216.16	1,418.85	1,621.55	1,824.24	2,229.63	2,635.01	3,040.40	3,648.48	4,256.56
LLANFAIR-AR-Y-BRYN	1,210.86	1,412.67	1,614.49	1,816.30	2,219.93	2,623.55	3,027.16	3,632.60	4,238.04
LLANFIHANGEL ABERBYTHYCH	1,223.74	1,427.69	1,631.66	1,835.61	2,243.53	2,651.44	3,059.35	3,671.22	4,283.09
LLANFYNYDD	1,227.10	1,431.61	1,636.14	1,840.65	2,249.69	2,658.72	3,067.75	3,681.30	4,294.85
LLANGADOG	1,224.24	1,428.27	1,632.32	1,836.36	2,244.45	2,652.52	3,060.60	3,672.72	4,284.84
LLANGATHEN	1,225.37	1,429.60	1,633.83	1,838.06	2,246.52	2,654.98	3,063.43	3,676.12	4,288.81
LLANSADWRN	1,222.72	1,426.50	1,630.30	1,834.08	2,241.66	2,649.23	3,056.80	3,668.16	4,279.52
LLANSAWEL	1,220.72	1,424.18	1,627.64	1,831.09	2,238.00	2,644.91	3,051.81	3,662.18	4,272.55

COMMUNITY	2023/24								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
LLANWRDA	1,216.68	1,419.45	1,622.24	1,825.02	2,230.59	2,636.14	3,041.70	3,650.04	4,258.38
MANORDEILO & SALEM	1,217.66	1,420.61	1,623.56	1,826.50	2,232.39	2,638.28	3,044.16	3,653.00	4,261.84
MYDDFAI	1,215.22	1,417.76	1,620.30	1,822.84	2,227.92	2,632.99	3,038.06	3,645.68	4,253.30
CWARTER BACH	1,281.53	1,495.12	1,708.71	1,922.30	2,349.48	2,776.66	3,203.83	3,844.60	4,485.37
TALLEY	1,232.25	1,437.62	1,643.01	1,848.38	2,259.14	2,669.88	3,080.63	3,696.76	4,312.89
LLANELLI TOWN	1,311.44	1,530.02	1,748.60	1,967.17	2,404.32	2,841.47	3,278.61	3,934.34	4,590.07
LLANELLI RURAL	1,290.70	1,505.81	1,720.94	1,936.05	2,366.29	2,796.52	3,226.75	3,872.10	4,517.45
PEMBREY & BURRY PORT	1,342.23	1,565.93	1,789.65	2,013.35	2,460.77	2,908.17	3,355.58	4,026.70	4,697.82
KIDWELLY	1,347.90	1,572.54	1,797.20	2,021.85	2,471.16	2,920.45	3,369.75	4,043.70	4,717.65
LLANEDI	1,295.94	1,511.92	1,727.92	1,943.91	2,375.90	2,807.87	3,239.85	3,887.82	4,535.79
LLANGENNECH	1,293.76	1,509.39	1,725.02	1,940.65	2,371.91	2,803.16	3,234.41	3,881.30	4,528.19
LLANNON	1,333.25	1,555.46	1,777.67	1,999.88	2,444.30	2,888.72	3,333.13	3,999.76	4,666.39
PONTYBEREM	1,282.57	1,496.33	1,710.10	1,923.86	2,351.39	2,778.91	3,206.43	3,847.72	4,489.01
TRIMSARAN	1,267.02	1,478.18	1,689.36	1,900.53	2,322.88	2,745.21	3,167.55	3,801.06	4,434.57

This page is intentionally left blank





**COUNTY COUNCIL  
8<sup>TH</sup> MARCH 2023  
EXECUTIVE SUMMARY**

**PAY POLICY STATEMENT 2023-2024**

**Summary**

The Localism Act received Royal Assent on 15th November 2011. The Act's provisions include a requirement for Local Authorities to prepare a pay policy statement for each financial year. This is the twelfth Pay Policy produced by the Council. It takes account of the most recent "Pay Accountability in Local Government in Wales" Statutory Guidance issued by the Welsh Government in November 2021.

The pay policy statement for a financial year will require the approval of full Council, and cannot be delegated to the Authority's Executive, and must set out the Authority's policies for the financial year relating to the remuneration of its Chief Officers, the remuneration of its lowest-paid employees and the relationship between the remuneration of its Chief Officers and its employees who are not Chief Officers.

The politically balanced Pay Policy Advisory Panel will have input into the formulation of the Pay Policy Statement, before it is put before Council for approval.

The Pay Policy includes a revised pay model which reflects the NJC National Employer/Trade Unions agreement that SCP1 is removed from payscales.

**DETAILED REPORT ATTACHED?**

**YES**

## IMPLICATIONS

**I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:**

**Signed: P R Thomas, Assistant Chief Executive – People Management**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

### **Policy, Crime & Disorder and Equalities**

The Pay Policy will form part of the employers policy framework.

### **Legal**

Under Section 38(1) of the Localism Act 2011, the Council is required to approve its Pay Policy Statement by 31st March each year.

### **Finance**

The contents of the Pay Policy reflect the Revenue Budget approved by Council

### **Risk Management Issues**

The Council is statutorily bound to have a pay policy in place by 31st March each year prior to the commencement of the forthcoming financial year.

### **Staffing Implications**

This Pay Policy is applicable to all staff except for teachers who are covered by their own statutory pay framework.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed P R Thomas – Assistant Chief Executive (People Management)

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

<b>1. Scrutiny Committee request for pre-determination</b>	N/A
<b>If yes include the following information: -</b>	
<b>Scrutiny Committee</b>	
<b>Date the report was considered:-</b>	
<b>Scrutiny Committee Outcome/Recommendations:-</b>	

**2. Local Member(s)**

N/A

**3. Community / Town Council**

N/A

**4. Relevant Partners**

N/A

**5. Staff Side Representatives and other Organisations**

The politically balanced Pay Policy Advisory Panel will have input into the formulation of the Pay Policy Statement, and the recommendations of that Panel will be incorporated into the final document for approval by County Council

**CABINET MEMBER PORTFOLIO  
HOLDER(S) AWARE/CONSULTED**

To be arranged

**Include any observations here**

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

This page is intentionally left blank

# Datganiad Polisi Tâl

Yn cynnwys Polisi Digolledu Dewisol Cyflogwr  
y Cynllun Pensiwn Llywodraeth Leol

## Pay Policy Statement

Including LGPS Employer's Discretionary  
Compensation

2023 / 2024

Mawrth / March 2023



## Contents

1. Leader's Introduction .....	3
2. Chief Executive's Introduction .....	6
3. Purpose .....	9
4. Legislative Framework.....	9
5. Scope of the Pay Policy .....	10
6. Terms and Conditions of Employment.....	11
7. Decision Making Including Consideration of Value for Money .....	20
8. Collective Bargaining Arrangements with Trade Unions.....	22
9. Senior Pay Remuneration.....	22
10. Talent Management.....	30
11. Performance Related Pay.....	32
12. Support for Lower Paid Staff .....	32
13. Off Payroll Arrangements.....	32
14. Exit Policy .....	33
15. Pay Relativities within the Council .....	36
16. Publication.....	38
17. Appendices.....	39



## 1. Leader's Introduction

- 1.1. Carmarthenshire Council recognises the public interest in public sector pay and is committed to being open, transparent, and accountable and, as Leader, I want to ensure that our Council Taxpayers have access to information about how we pay people.
- 1.2. The Council is committed to taking an open and transparent approach to pay, which will enable the local taxpayer to readily access our pay policy statement and understand and take an informed view of whether local decisions on all aspects of remuneration are fair and make best use of public funds.
- 1.3. To assist with this, Carmarthenshire County Council has a cross party politically balanced Members' Pay Advisory Group that advises the Council on the content of its Pay Policy Statement.
- 1.4. As one of the major employers in Carmarthenshire, and the 4th largest local authority in Wales, the County Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice, including ensuring fairness in the way that it pays and rewards its existing and future employees.
- 1.5. Recruitment has proved challenging with reducing numbers of job applicants and competitive pay and benefits being offered by other employers. It is important therefore that the Council's pay policy sets out clearly the pay and benefits offered to its workforce which can help to inform and improve its recruitment strategy.
- 1.6. During 2022, the People Services Team worked hard to secure additional benefits for staff to be launched during 2022. These include "reward hub" which will provide a one stop shop for staff to access discounts and other benefits across a wide range of national and local retailers. We have also engaged with Salary Finance to provide a financial wellbeing service. Both benefits should offer some help to staff during these challenging times.
- 1.7. This year's statement once again demonstrates how we are continuing to ensure that our employees can expect a fair salary. I am pleased to confirm the Pay Policy



Advisory Panel has endorsed the recommendation to continue to pay a Real Living Wage supplement, as we have done over the last five years, to ensure that our lowest paid receive the equivalent of £10.90 per hour (including fixed allowances). However, we are working with Cynnal Cymru to explore the possibility of consolidating our approach and becoming an accredited Living Wage Employer. In addition, the Council will be implementing the National Employers 2022/2023 agreement which includes removing point 1 of the NJC national pay scales plus increasing annual leave entitlements for NJC staff by one day.

- 1.8. We continue to face extreme budgetary pressures, and decisions are becoming more challenging as we try to maintain service provision and continue to keep our residents at the heart of what we do, against a background of continuing Government cuts.
- 1.9. Over the last 10 years or so, the Council has bridged a £120m budget shortfall and the reductions in funding have been exacerbated by the requirement to fund pressures in a number of service areas including statutory social care (both for adults and children), the delivery of Waste Services, and our Education service provision. The amount therefore available for all other services has consequently fallen in real terms over the same period. Even looking forward to the 2023/24 proposed increase in budget allocation by Welsh Government the Council's budget shortfall will increase further due to the significant funding requirements in the areas of pay and social care workforce pressures.
- 1.10. In light of the budget challenges facing the Council, a number of initiatives have been successful, such as the Council's TIC (Transform, Innovate & Change) team that applies the principles of lean systems thinking and process re-engineering, and has added value by helping the Council deliver over £20m of savings. There is still much to do, and whilst engaging with staff, Councillors and the public, we will now use our new Transformation Strategy to bring a renewed focus to the identification and delivery of efficiency savings, maximise Income Generation potential, and continue to reduce waste, duplication and bureaucracy over the next couple of years, so that we can protect our frontline services.

- 1.11. We are committed to providing quality services which offer value for money in a way that balances concern for our lower paid employees with job security and affordability. We continue to strive to deliver high-quality essential services to Carmarthenshire's citizens in an increasingly challenging financial climate.
- 1.12. Under the direction of our Chief Executive, Wendy Walters, work continues to be under way to identify further ways to reduce costs whilst keeping citizens at the heart of everything we do.
- 1.13. The following information outlines the Council's operating basis and general position in respect of employment, pay and conditions of service and is pertinent to the current statutory requirements of the Localism Act and the Transparency Code.

Councillor Darren Price



Leader Carmarthenshire County Council

## 2. Chief Executive's Introduction

2.1. Welcome to Carmarthenshire County Council's twelfth annual Pay Policy Statement. The statement sets out the Council's approach to setting pay and conditions for Chief Officers and those for the workforce. This year's statement once again demonstrates how we are continuing



to ensure that our employees can expect a reasonable wage, therefore I am pleased to confirm that, with the endorsement of the Authority's Pay Policy Advisory Panel, the Living Wage supplement will continue to form part of all our lowest paid employees' salaries, and that the Council has increased the hourly rate to £10.90 from 1 April 2023.

2.2. I also welcome the fact that the Living Wage has seen the multiple between the annual salary of our lowest paid Council employee and the Chief Executive as a ratio, yet again drop within the last 12 months, from 1:8.47 to 1:7.61

2.3. This pay policy outlines the basis on which Carmarthenshire County Council can compete in labour markets at all levels and for all roles, enabling the Council to attract, retain, and fairly reward people with the knowledge, experience, skills and attributes that are essential to the effective delivery of services to residents, businesses, and other stakeholders in Carmarthenshire.

2.4. With the support of the private sector, the Council has in place a detailed Economic Recovery and Delivery plan to support Carmarthenshire's economy to recover as quickly as possible from the impacts of the pandemic. A Key recovery priority is to reduce unemployment rates. We will achieve this by increasing the level of our procurement spend in Carmarthenshire to support local businesses to grow, delivering training courses to job seekers to ensure that they have the necessary skills to fill vacant roles and working closely with businesses throughout the County to understand their employability requirements and assist them in filling vacant

roles. This has been a crucial service during a time where sectors such as Care, Hospitality and Social Care have been experiencing acute recruitment challenges against a backdrop of increasing demand for their services. It is anticipated that new employment opportunities will be generated in the Green Energy and Digital sectors. New skills and training will be made available to ensure that maximum opportunity is afforded to the residents of Carmarthenshire to upskill, retrain, or follow a career in these new emerging industries.

- 2.5. We are mindful of our obligations as an equal opportunities employer and want to ensure that people are treated fairly and with respect in all its activities and processes. The Council aims to be an organisation that recruits and retains a diverse and skilful workforce from the local community and beyond, and its approach to the pay and conditions of its workforce is intended to support this objective.
- 2.6. Furthermore, we continue to provide the opportunity for our workforce to take advantage of a number of benefits such as the purchasing of additional annual leave and agile working which provide much needed flexibility for employees as well as assisting us to manage the continued financial burdens that we face in balancing our budget and thereby enabling us to protect jobs and essential services, which is one of my key priorities.
- 2.7. The Council continues to work hard to preserve jobs and front-line services and provide fair pay to our employees despite the on-going budget reductions. These reductions continue to impact on us as a Council, which means that some difficult decisions will need to be made during the coming financial year, and the years to follow. However, we will focus on making the best use of the money we have, and the resources available to us. We will focus on making sure that our pay structures are designed to better fit our future challenges whilst still enabling us to attract, retain and motivate our staff and be an Employer of Choice.
- 2.8. The Welsh language is key to the identity of many of our residents and people are often able to better express their opinions and needs in their first language. It is therefore our duty to facilitate the language choice of our customers and residents and ensure our employees have the required skills. We are making sure that our staff

are able to access learning via a range of methods, in the language of their choice and on a range of topics. We are also building on our success as being Welsh Employer of the Year, an award for employers who support their staff to learn Welsh.

- 2.9. Finally, it gives me great pleasure to acknowledge that we have, within the last few months, achieved the Gold Investors in People (IIP) standard. We are achieving outstanding outcomes because of the how our people are encouraged and empowered to be agile, innovative, and collaborative. This assessment came at a challenging time. Post Covid we are all still getting used to better ways of working, including hybrid working, with intense political instability and concerns across the wider population about cost of living, mental health, and sustainability to the forefront. Because of our progressive and open culture, the IIP assessment recognised that our employees are equipped to respond to these challenges with a positive attitude. I am therefore incredibly proud and grateful to the staff who continue to deliver the first-class services that our residents and communities deserve. The flexibility and commitment of our staff reinforce the powerful effect that a 'One-Team,' approach can create. Having said all this, we are not complacent, and are working to ensure our staff are supported to deliver the best services possible to the residents of Carmarthenshire.

Wendy



Chief Executive - Carmarthenshire County Council

### 3. Purpose

- 3.1. The purpose of the statement is to provide transparency regarding the Council's approach to setting the pay of its employees (excluding Teachers) by identifying the methods by which salaries of all employees are determined. As a 'relevant authority' under Sections 38 to 43 of the Localism Act 2011 ('the Act') we are required under 38 (1) to prepare a pay policy statement. These statements must articulate an authority's own policies on a range of matters relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.
- 3.2. This requires English and Welsh Local Authorities to produce and publish a Pay Policy Statement for each financial year detailing:
- The Council's policies for all aspects and elements of the remuneration of its Officers and Chief Officers, which are included within Appendices A to O of this Pay Policy Statement.
  - The approach to the publication of, and access to, information relating to all aspects of the remuneration of Chief Officers.
  - The Council's policy on the remuneration of its lowest paid employees.
  - The relationship between the remuneration of its Chief Officers and other employees.
- 3.3. This is Carmarthenshire County Council's twelfth annual Pay Policy Statement and covers the period 1st April 2023 to 31st March 2024.
- 3.4. Once approved by the full Council, this policy statement will supersede the 2022/2023 Pay Policy Statement and will be subject to review in accordance with the relevant legislation prevailing at that time.

### 4. Legislative Framework

- 4.1. Under Section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the Authority thinks fit”. This Pay Policy Statement (the ‘statement’) sets out the Council’s approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011. It takes account of the “Pay Accountability in Local Government in Wales” Statutory Guidance first issued by the Welsh Government in May 2017 and updated in November 2021.
- 4.2. Under Section 39 of the Localism Act, the Pay Policy Statement must be approved by a resolution of the Authority before it comes into force and be approved before 31<sup>st</sup> March immediately preceding the financial year to which it applies.
- 4.3. In determining the pay and remuneration of all its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and, where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. With regard to the Equal Pay requirements contained within the Equality Act, the Council aims to ensure there is no pay discrimination within its pay structures and that pay differentials can be objectively justified through the use of equality proofed job evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.
- 4.4. In accordance with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, the Authority also undertakes an equal pay audit and the report is published on our website:

<https://www.carmarthenshire.gov.wales/home/council-democracy/equality-diversity/>

## **5. Scope of the Pay Policy**

- 5.1. The Localism Act 2011 requires local authorities to develop and make public their Pay Policy on all aspects of Chief Officer remuneration (including on ceasing to hold office), and also in relation to the “lowest paid” in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups.



- 5.2. The provisions in the Localism Act 2011 which relate to Pay Policy statements only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school Head Teachers/Governing Bodies are, therefore, not required to be included within the scope of Pay Policy statements. This reflects the unique employment legislation position whereby school employees are employed by the local authority but decisions about the appointment and management of such employees are mostly discharged by Head Teachers/Governing Bodies, as appropriate. However, all Governing Bodies within Carmarthenshire (including Voluntary Aided Schools) have formally agreed to adopt the pay structure and associated terms and conditions of employment for all locally employed NJC 'green book' staff. Teachers are employed under nationally agreed Teachers Pay and Conditions.
- 5.3. In the interests of consistency, the pay-related data which is set out in this Pay Policy statement does not include data for employees who are appointed and managed by Head Teachers/Governing Bodies.
- 5.4. This document also includes the Council's Local Government Pension Scheme Employers' Compensation Discretions Policy (Appendix G) which the Council is required to produce. This will be kept under review pending any revised exit pay cap regulations which are re-introduced during the life of this Policy.

## **6. Terms and Conditions of Employment**

6.1. The Council's workforce numbers are approximately 8,788 people, 644 of whom work for us on a casual basis with 8,144 people employed on a permanent, temporary or fixed-term basis. Their employment is covered by a range of terms and conditions drawn from either:

- National Joint Council for Local Government Services (Green Book)
- Joint National Council for Chief Executives
- Joint National Council for Chief Officers

- Soulbury Committee
- School Teachers Pay and Conditions

To operate flexibly, the Council's workforce operates with a mix of contract types. Contracts are kept under review particularly in relation to the use of casual workers who provide valued flexibility and cover for services. These arrangements are kept under review to ensure that where casual working arrangements become more regular, the service is asked to consider using different types of contracts subject to that being acceptable to the worker. A proportion of casual workers value the flexibility and lack of obligation and often do not want to move to temporary or permanent contracts. During 2023/24, the Authority will be reviewing its use of agency workers.

6.2. The following are provided as Appendices to this policy:

- Carmarthenshire County Council's Pay Grades - Local Government Services Employees (Appendix A)
- Carmarthenshire County Council's JNC Chief Executive and Chief Officer Pay Grades (Appendix B)
- Officer Employment Procedure Rules (Appendix C) - Part 4.8 of the [Council's Constitution \(gov.wales\)](#).
- National Pay Grades - Soulbury (Appendix D)
- Local Government Services Employees - Acting Up and Honoraria Schemes (Appendix E)
- Market Supplement Scheme (Appendix F)
- LGPS Employer Discretions Compensation Policy (Appendix G)
- Severance Scheme (Appendix H)
- Flexible Retirement Policy (Appendix I)
- JNC Local Authority Chief Executives Conditions of Service (Appendix J)
- JNC Local Authority Chief Officers Conditions of Service (Appendix K)
- Sample Written Statement of Particulars (Appendix L)
- Pay rates for Modern Apprentices and other Trainee positions (Appendix M)

- Returning Officer Fee Structure (Appendix N)

6.3. A breakdown of staff numbers by pay band and gender is included in the Equal Pay Audit and Equalities Report which are published separately.

6.4. National Pay Awards

6.4.1. For all employee groups, any nationally agreed pay awards, negotiated by the local government employers in conjunction with the recognised trade unions will be applied, including to Chief Officers and the Chief Executive. The Council will pay these nationally agreed pay awards as and when determined unless full Council decides otherwise.

6.4.2. The Council will ensure that its lowest paid continue to receive the equivalent of the Real Living Wage which is currently £10.90 per hour via the payment of a non-contractual supplement with effect from 1<sup>st</sup> April 2023.

6.4.3. The calculation of the Real Living Wage takes account of all pay including allowances such as the Council's weekend working supplement and term time allowance so many of our lower paid employees are in receipt of total pay higher than the Real Living Wage. Modern Apprentices and other Trainee positions fall outside of our NJC Terms and Conditions and are not covered by Living Wage arrangements. See Appendix M for details of their pay rates.

6.5. Job Evaluation

6.5.1. Job evaluation is a systematic way of determining the value of a job in relation to other jobs within an organisation. It aims to make a systematic comparison between jobs to assess their relative value for the purpose of

establishing a rational pay structure and pay equity between jobs. The Council completed a job evaluation exercise in 2010/2011 in relation to posts governed by NJC employee conditions of service. The grading structure, which was consulted upon with the recognised trade unions and based on the outcome of the job evaluation exercise, has been in place since 2011/12 and modified only to add Grade O in 2016/17.

- 6.5.2. The Council uses the Greater London Provincial Council (GLPC) Scheme for evaluating all NJC jobs. This is a recognized scheme within local government and was developed in conjunction with trade unions.
- 6.5.3. All NJC jobs are allocated a grade which maps across to the Council's pay structure which is based upon the nationally negotiated pay spine. This determines the salaries of the large majority of the Council's non-teaching workforce.
- 6.5.4. The pay and grading structure is based on the NJC for Local Government Services (LGS) nationally agreed pay spine as revised during 2019.
- 6.5.5. All other pay-related terms and conditions are the subject of national and/or locally negotiated arrangements and referred to the Cabinet and/or Full Council as appropriate.
- 6.5.6. The senior manager grade (O) was introduced during 2016/17 to address the differential between the top of this locally agreed grading structure and the bottom of the JNC Chief Officer pay scales. This is to provide the Authority with greater flexibility in the reallocation of responsibilities following the reduction in the number of Head of Service posts. It is intended that a small number of posts will fall into this grade. Any proposal to apply Grade O to any post must be agreed and authorised by the Chief Executive via the Assistant Chief Executive.

## 6.6. Starting Salaries

- 6.6.1. The Council's practice is that all appointments to jobs with the Council are made at the minimum of the relevant pay grade, although this can be varied where justified subject to the Council's policy and guidance.
- 6.6.2. The Appointments Panel 'A' (for Corporate Directors) will determine the starting salary of Directors and Panel 'B' (for Heads of Service) will determine the starting salary of Heads of Service within agreed pay scales.

## 6.7. Other Pay-Related Terms and Conditions

- 6.7.1. All other pay-related allowances are the subject of national and / or locally negotiated agreements.
- 6.7.2. The terms and conditions of employment relating to annual leave, hours of work, overtime payments, weekend working arrangements and sick pay for all employee groups (except for teaching staff) are set out in our relevant People Management policies. As mentioned previously, the NJC National Agreement includes an increase of 1 day's annual leave entitlement (pro-rata for non 5 day working patterns).
- 6.7.3. Whilst COVID service continuity payments have ceased, the Residential Care Service has agreed separate enhanced pay arrangements for casual workers to cover during the Christmas period. Casual workers will receive bank holiday hourly payments in a bid to encourage them to work during Christmas and New Year. This is a more cost-effective way of maintaining service continuity compared to using Agency workers.

## 6.8. Acting Up and Honoraria Payments

- 6.8.1. There may be occasions when an employee is asked to carry out duties which are of a higher responsibility to those of their substantive post for a

period, or to 'act up' into a more senior job within the Council, covering the full range of duties of the higher job. In such circumstances an additional payment may be made in line with the Council's policy on payment of acting up or honoraria. The scheme can be found at Appendix E.

6.8.2. The Chief Executive must approve any acting up or honoraria payments proposed for Chief Officers. Where the acting up or honoraria payments would result in the total pay package exceeding £100,000, then approval must be sought from full Council.

6.8.3. Payment of honoraria will only apply to situations of more than four weeks duration and will normally be for the maximum period of up to 12 months, and subject to three monthly interval review unless otherwise agreed.

#### 6.9. Market Supplement Scheme

6.9.1. The use of job evaluation enables the Council to set appropriate remuneration levels based on internal job size relativities within the Council. However, in exceptional circumstances it may be necessary to take account of the external pay market in order to attract and retain employees with a competitive salary where the experience, skills and capacity are in short supply.

6.9.2. The Council has a Market Supplement Scheme (see Appendix F) to ensure that the requirement for any market pay supplements is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources. It is the Council's policy that any such additional payments are kept to a minimum and reviewed on a regular basis so that they can be withdrawn where no longer considered necessary for recruitment and retention. The principles underpinning this Market Supplement Scheme are equally

applicable to all other employee groups within the Council and may be implemented accordingly.

6.9.3. Currently the Council pays the following market supplements in recognition of the significant recruitment and retention difficulties the service faces:

- Approved Mental Health Practitioners – £1,000 allowance p.a. for 33 sessions on day rota and £2000 p.a. allowance for 24 sessions on out of hours rota. This arrangement is under review but will continue until such time as full consideration of the appropriate remuneration for AMHP roles is agreed.
- The market position for **social work** pay, along with the recruitment and retention position, have been reviewed, and the pay deficit and recruitment challenges endure. Carmarthenshire’s social work pay rates remain adrift of the best payer’ in the market at the experienced end of the pay scale. Following the review, further payments have been made in October 2022, with another payment scheduled for March 2023. The same requirement to repay if leaving a qualifying role within a year remain.

The market supplements paid in October 2022, and scheduled for March 2023 are:

- Social Workers - Grade I – 2 payments of £1,091 (equivalent of 2 increments on the top of the grade)
- Senior Practitioners & Specialist Roles – Grade J - 2 payments of £1,018 (equivalent of 2 increments on the top of the grade)
- Assistant Team Managers – Grade K - 2 payments of £512 (equivalent of 1 increment on the top of the grade).

- In December 2022 it was agreed that **Casual Care staff** would be paid double time on Bank Holidays, in line with Bank Holiday payments made to our permanent and temporary Care Workers.

The services in scope for the marker supplement payment to casual workers are:

- Residential Care Homes (older adults)
- Home Care Service
- Tir Einon Respite Care Home
- Children’s Respite Care Homes (Llys Caradog & Blaenau)
- Garreglwyd

A flat rate retention and recruitment supplement of £1,256 (pro-rata) payable quarterly in arrears has been agreed to support recruitment and retention in the Dyfed Pensions Administration team which has suffered high turnover and recruitment difficulties over the last two to three years.

#### 6.10. Local Government Pension Scheme (LGPS)

6.10.1. Subject to qualifying conditions, employees have a right to join the Local Government Pension Scheme (or the Teachers’ Pension Scheme, where applicable) and are contractually enrolled into the LGPS. The Authority operates within the auto-enrolment framework set out within the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010. The most recent auto-enrolment exercise was undertaken in 2022.

6.10.2. The employee contribution rates, which are defined by statute, currently range between 5.5% and 12.5% of actual pensionable pay depending on the full-time equivalent salary levels. The employer contribution rate is set by actuaries who advise the Dyfed LGPS Fund and is reviewed on a



triennial basis in order to ensure that it is appropriately funded. The next triennial review will be undertaken in March 2023. The employer's contribution rate effective from 1<sup>st</sup> April 2023 is 16.2%.

6.10.3. Employees who are active members of the LGPS can join the salary sacrifice shared cost Additional Voluntary Contributions (AVC) Scheme, which assists employees who wish to increase pension benefits at retirement by paying into the LGPS AVC Scheme.

#### 6.11. Other Employee Benefits

6.11.1. The Council is responsible for supporting the health, safety, wellbeing, and welfare of its employees to ensure that they can perform at their best. As part of this approach and in common with other large employers the Council provides a number of other benefits such as eye test reimbursement for users of display screen equipment at work, health care benefits, discounts with local businesses, financial advice and participation in the Cycle to Work and Car salary sacrifice schemes.

6.11.2. The Council was re-awarded the Platinum Corporate Health Standard in February 2020 because of the work it does to support the health and wellbeing of our staff. We were the first Council in Wales to hold this award and have done so continuously since 2009.

6.11.3. We develop and support the implementation of Health & Wellbeing initiatives and have invested in Health and Wellbeing Coordinators who work across the Authority to promote healthy lifestyle choices, such as encouraging activity, improving diet, giving advice, motivation, and health education for all staff. The Team also develop bespoke interventions in line with departmental needs and proactively promote and assist positive attendance management.

- 6.11.4. We have recruited a team of volunteer departmental Health and Wellbeing Champions who work with colleagues to raise awareness of key health topics, support health initiatives and events.
- 6.11.5. An in-house team of medical experts within our Occupational Health Centre, give advice in support of positive mental and physical health, and, as an authority, we have signed the 'Time to Change' pledge to assist with improving public attitudes and behaviour towards people with mental health problems and reduce the stigma that people with mental health problems report in their personal relationships, social lives and at work.
- 6.11.6. Additionally, we deliver bespoke Managing Mental Health training to our managers and Mental Health awareness raising sessions for all staff. We have also trained a network of Mental Health First Aiders, who can offer informed support to colleagues.
- 6.11.7. During 2022/23 we encouraged our workforce to have flu vaccinations, the cost of which was reimbursed where appropriate.
- 6.11.8. The authority encourages all its staff to have COVID-19 vaccinations. An extensive package of health, safety and wellbeing support and online resources have been made available to employees to support them during the COVID-19 pandemic and return to the workplace. The Employee Wellbeing team has been the competent source of well-informed advice and guidance to support the organisation during the emergency and recovery stages of the pandemic and ensures risks are assessed and new safe ways of working are developed in line with legislation and guidance.
- 6.11.9. During 2021/2022 the Council introduced a new Staff Rewards hub. The platform provides a range of financial benefits, discounts, and advice for staff.

## 7. Decision Making Including Consideration of Value for Money

7.1. As in previous years, a politically balanced Pay Policy Advisory Panel has been established to consider the Council's Pay Policy prior to its submission to County Council for approval.

7.2. The Local Government and Housing Act 1989 provides that:

- 1) It shall be the duty of every relevant authority -
  - a) to designate one of their officers as the head of their paid service; and
  - b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.
  
- 2) It shall be the duty of the head of a relevant authority's paid service, where he<sup>1</sup> considers it appropriate to do so in respect of any proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out proposals.
  
- 3) Those matters are -
  - (a) the manner in which the discharge by the authority of their different functions is co-ordinated.
  - (b) the number and grades of staff required by the authority for the discharge of their functions.
  - (c) the organisation of the authority's staff; and
  - (d) the appointment and proper management of the authority's staff.
  
- 4) It shall be the duty of the head of a relevant authority's paid service, as soon as practicable after he has prepared a report under this section, to arrange for a copy of it to be sent to each member of the authority.

---

<sup>1</sup> Reference to he/him is directly quoted from legislation and not intended to be exclusive

5) It shall be the duty of a relevant authority to consider any report under this section by the head of their paid service at a meeting held not more than three months after copies of the report are first sent to members of the authority; and nothing in section 101 of the M1 Local Government Act 1972 or in section 56 of [F1, or Schedule 10 or 20] the M2 Local Government (Scotland) Act 1973 (delegation) shall apply to the duty imposed by virtue of this subsection.

6) Under the Local Authorities (Standing Order) (Wales) (Amendment) Regulations 2014 any decision to determine or vary the remuneration of those to be appointed as Chief Officers, where salaries are £100,000 or more it must be ratified by full Council.

7.3. This principle is applied to all posts which become vacant or via restructuring if appropriate, to ensure that the service can be provided as effectively and cost efficiently as possible.

## 8. Collective Bargaining Arrangements with Trade Unions

8.1. The following trade unions are part of the national machinery for pay bargaining and terms and conditions:

NJC for Local Government Services	JNC for Chief Officers	Soulbury Committee	Teachers
<ul style="list-style-type: none"> <li>• UNISON</li> <li>• GMB</li> <li>• UNITE</li> </ul>	<ul style="list-style-type: none"> <li>• UNISON</li> <li>• GMB</li> </ul>	<ul style="list-style-type: none"> <li>• Association of Educational Psychologists (AEP)</li> <li>• PROSPECT</li> <li>• NEU</li> </ul>	<ul style="list-style-type: none"> <li>• NAHT</li> <li>• NASUWT</li> <li>• NEU</li> <li>• UCAC</li> <li>• ASCL</li> </ul>

- 8.2. Trade union recognition is for the purposes of consultation and negotiation on a collective basis in relation to relevant matters, which are not determined by national negotiating bodies, which both parties agree are both appropriate and beneficial to be determined by agreement. Negotiations are conducted with the aim of reaching agreement and avoiding disputes. Recognition also relates to representation on individual trade union member basis.

## 9. Senior Pay Remuneration

### 9.1. The Chief Executive

- 9.1.1. Wendy Walters was appointed Chief Executive of Carmarthenshire County Council in June 2019 after 16 years of service with the Authority. Mrs Walters has previously served the Council as Director of Regeneration and Policy, Assistant Chief Executive and Head of Economic Development, as well as in other senior management positions. Prior to joining the Council, she has worked in the private and voluntary sectors.
- 9.1.2. Mrs Walters was born, raised, and has spent much of her life living in Carmarthenshire, and is a proud fluent Welsh speaker.
- 9.1.3. As Chief Executive, Mrs Walters has overall responsibility to deliver the Council's key corporate and partnership priorities as set out in the Corporate Strategy, working with Elected Members, and providing strategic leadership, advice and direction to the Council in delivering its vision.
- 9.1.4. Mrs Walters leads the Corporate Management Team and works closely with Elected Members to deliver the strategic objectives of the Council.
- 9.1.5. She plays a key role in several regional collaborations and her role also includes being Clerk to the Lieutenancy, the Proper Officer for the Coroner

Service, and Returning Officer for Parliamentary, National Assembly, County Council and other elections.

- 9.1.6. As Chief Executive, Mrs Walters works within the national conditions of service covered by the JNC for Chief Executives. The four Corporate Director posts are covered by the JNC for Chief Officers. Together with Head of Administration and Law (Monitoring Officer) and the Assistant Chief Executive (People Management) these posts constitute the Council's Corporate Management Team (CMT).
- 9.1.7. The Chief Executive has overall corporate management and operational responsibility for all staff and ensures the provision of professional and impartial advice in the decision-making process to the Executive Board, Scrutiny committees, the Full Council and other committees. The Chief Executive is also required to represent the Authority on partnership and external bodies (as required by statute or the council) and provides these services, on a politically neutral basis. The Chief Executive is the senior officer who leads and takes responsibility for the Council.
- 9.1.8. The Council is a large organisation with an annual revenue budgeted spend of around £685m proposed for 23/24, and a 5-year capital investment programme of £265m, delivering a wide and diverse range of services, which the citizens of the County depend upon. Responding to the ongoing reductions in public service spending requires authorities to significantly change the way that they manage their services. Additionally, the Housing Revenue Budget for 23/24 is £54m, with a capital budget of £34m allocated for 23/24 to improve its housing stock.
- 9.1.9. The role of the Chief Executive is a full-time and permanent position, and the post holder is selected on merit, against objective criteria, following public advert. The Chief Executive is appointed by full Council.

- 9.1.10. The salary of the current Chief Executive with effect from the 1<sup>st</sup> April 2022 is £156,172 per annum.
- 9.1.11. The Council has a statutory duty to appoint a Returning Officer for specified Elections and Referenda. The Chief Executive undertakes this role. The Returning Officer is personally responsible for a wide range of functions in relation to the conduct of Elections and Referenda and is paid for discharging these functions in accordance with prescribed fees.
- 9.1.12. Whilst the fees for local elections were initially agreed by the Policy and Review Committee in April 1999, these have now been reviewed and benchmarked against other Local Authorities and a new payment framework for local elections has been introduced (see Appendix N). Fees for non-local elections are set and reimbursed by the Cabinet Office or Welsh Government over which the Council has no jurisdiction.
- 9.1.13. Expenses in relation to car mileage, public transport, overnight accommodation, and parking etc. are claimed back in accordance with the Council's Travel and Subsistence Policy.
- 9.1.14. The Chief Executive is an active member of the Local Government Pension Scheme as detailed in the Authority's published Statement of Accounts. There have been no increases or enhancements to the pension outside of standard arrangements. Details of the Chief Executive's pay, including any additional payments are published in the Statement of Accounts.

## 9.2. Chief Officers – Senior Staff

- 9.2.1. Employees defined by the Localism Act as Chief Officers, including Service Directors, work within the national conditions of service covered by the JNC for Chief Officers.

9.2.2. All other employees, other than a small number covered by national terms and conditions for Soulbury staff (whose pay is also determined through national bargaining), work within the national conditions of service covered by the NJC for Local Government Employees

9.2.3. The Council has 22.5 Chief Officer posts within the substantive structure at Carmarthenshire County Council which fall within the statutory definition of Section 43. As at 1<sup>st</sup> March 2023 these are:

- Chief Executive (1 post)
- Corporate Directors (4 posts)
- Assistant Chief Executive (1 post)
- Heads of Service (16.5 posts)

9.2.4. In addition to the substantive structure the following posts are shared regionally with our partners:

- Head of Integrated Services (funded by CCC/Health)
- Head of Strategic Joint Commissioning (funded CCC/Pembs)
- Programme Director, Swansea Bay City Deal (funded by Regional Partners)
- County Director - jointly funded by CCC and Hywel Dda Health Board<sup>2</sup>

9.2.5. The Council does not permit an employee occupying any post on the Council's agreed establishment to be paid other than via the Council's payroll, except in the cases of jointly funded / shared posts when they may be on the payroll of another local authority or the Health Board.

### 9.3. Pay

9.3.1. The Pay Advisory Group recommends that Senior Officer Remuneration be subject to the relevant National Pay Awards only.

---

<sup>2</sup> Hywel Dda Health Board employee



9.3.2. For the purposes of this statement, senior management means ‘Chief Officers’ as defined within S43 of the Localism Act. The posts falling within the statutory definition are set out below, with details of their basic salary as at 1<sup>st</sup> April 2022, <sup>3</sup> (not including 2022/24 national negotiations). These details are available on the Council’s website.

- Chief Executive - fixed salary point of £156,172 (includes national pay award).
- Corporate Directors as statutory and non-statutory chief officers - the salary of the posts fall within a range of four incremental points between £126,187 rising to a maximum of £135, 622per annum.
- Assistant Chief Executive as direct report to the Head of Paid Service - the salary of the post falls within a range of four incremental points between £107,306 rising to a maximum of £113,595 per annum.
- Heads of Service as direct reports to statutory and non-statutory chief officers - the salary of the posts fall within a range of four incremental points between £94,200 rising to a maximum of £100,348 per annum.

9.3.3. Following appointment and on completion of a satisfactory probationary period, progression through the incremental scale of the relevant grade is subject to satisfactory performance assessed on an annual basis. The Council does not pay bonus or performance related pay to any of its staff.

9.3.4. Details of Chief Officers’ pay are published in the Statement of Accounts.

#### 9.4. Additions to Salary of Chief Officers

9.4.1. Chief Officers are remunerated in accordance with their contracts of employment, which provide for a four-point incremental salary scale and

---

<sup>3</sup> At the time of publication pay negotiations had not been concluded so 2020/2021 salaries are quoted.

pension contributions. However, the salary for the Chief Executive is a fixed-point salary.

9.4.2. Where Chief Officers (and all other employees) use their private vehicles on Council business, the Council pays the standard HMRC mileage rate of 45 pence per mile. The Council also reimburses any other reasonable expenses, incurred by the Chief Officer whilst on Council business, on production of receipts and in accordance with JNC conditions and other local conditions.

9.4.3. In addition to the above, the Chief Officers who undertake the following roles receive an additional allowance of 10% of basic salary:

- Deputy Chief Executive
- JNC Heads of Service fulfilling a statutory role

#### 9.5. Changes to Chief Officer Remuneration

9.5.1. Any determination of the level, or changes to the level, of remuneration to be paid to a Chief Officer at appointment, where the salary is £100,000 and over will be determined by Full Council in line with the requirements of the Local Authorities' (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014.

9.5.2. The Council employs Chief Officers under JNC terms and conditions which are incorporated into individual contracts of employment. The JNC for Chief Officers negotiates on national (UK) annual cost of living pay increases for this group, and any award of the same is determined on this basis. Chief Officers employed under JNC terms and conditions are contractually entitled to any national JNC determined pay rises and this Council will therefore pay these as and when determined in accordance with current contractual requirements.

## 9.6. Recruitment and Appointment of Chief Officers

- 9.6.1. The Council's Policy and Procedure relating to the recruitment of Chief Officers is contained within the Officer Employment Procedure Rules as set out in the Council's Constitution. (Appendix C).
- 9.6.2. The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the approved pay structure and relevant Council policies in place at the time of recruitment.
- 9.6.3. Any salary that exceeds the threshold of £100,000 must be approved beforehand by Full Council.
- 9.6.4. Where the Council remains unable to recruit Chief Officers under a contract of employment or there is a need for interim support to provide cover for a vacant substantive Chief Officer post, the Council will, where necessary, consider temporary internal acting up arrangements in line with the Council's Payment of Acting Up and Honoraria Policy or external interim appointments. Internal acting up arrangements can be appointed up to a maximum of 12 months in line with the Standing Order Regulations.

## 9.7. Joint Appointments

- 9.7.1. The Welsh Government has introduced a Local Government and Elections (Wales) Bill, which includes a greater general power of competence, a power for local authorities to make an application to merge voluntarily, and powers to facilitate regional working through corporate joint committees.
- 9.7.2. To maintain transparency in matters relating to pay the intention is to require CJs to prepare, annually, a statement setting out the CJC's policies on the remuneration of its chief officers, the remuneration of its lowest paid

employees and the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.

## 9.8. Independent Remuneration Panel

9.8.1. Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting section 143A. This enables the Panel to take a view on anything in the Pay Policy Statements of local authorities that relates to the salary of the head of paid service. Section 39 of the Local Government (Wales) Act 2015 further amended the Measure extending this function to include Chief Officers of Principal Councils. However, this function ceased on 31 March 2020.

9.8.2. The Welsh Government issued amended guidance to the Panel which can be found at Amended WG Guidance. This sets the basis on which the Panel will carry out the function contained in the legislation.

9.8.3. Section 143A of the Local Government (Wales) Measure 2011 refers to the Independent Remuneration Panel in Wales (“the IRP”) and sets out their functions in relation to salaries of heads of paid service. The IRP may make recommendations about any policy in this Pay Policy Statement which relates to the salary of the council’s Chief Executive and any proposed change to the salary of the council’s Chief Executive. The council, will, as required, consult the IRP in relation to any change to the salary of the Chief Executive which is not commensurate with a change of the salaries of the council’s other staff, and will have regard to any recommendation received from the IRP when deciding whether or not to proceed with making the change.

9.8.4. The council is required to identify in this pay policy statement whether any such referral has been made to the IRP, and if so, the nature of the referral, the IRP’s decision and the council’s response.

9.8.5. An authority which chooses not to follow the advice of the Panel may become subject to a Ministerial direction to reconsider their position. The Act also provides that authorities will be able to reduce (but not increase) the salary payable to their Chief Executive in advance of a recommendation from the IRP, so long as the contract under which the salary is payable does not prevent the authority from changing the salary after receiving a recommendation.

9.8.6. The council has not made a referral to the IRP relating to the salary payable to the Chief Executive.

## **10. Talent Management**

10.1. Our strategic approach to supporting talent management across the Council is underpinned by our People Strategy and the standards which we aim to achieve as an Investors in People employer.

10.2. We aim to support a workforce that is innovative, skilled, motivated, well informed, high performing, proud to work for Carmarthenshire County Council and committed to delivering high quality services to the public.

10.3. Key to delivering this is our ability to successfully recruit, retain and develop our employees to realise their full potential. The following provides an overview of our strategic approach to talent management:

### **10.3.1. Supporting a Learning Culture**

10.3.2. In modernising our approach to learning, all our employees will have the opportunity for more effective learning experiences, allowing them to access knowledge-based resources in a more agile way, whilst maximising

digital tools and skills for improved personal, team and organisational performance.

- i. Performance Management - Our annual review process celebrates employee's achievements during the year as well as providing support with developing skills for their current roles, career development and succession planning. We have a supportive framework for Mentoring and Coaching at all levels and collaborate with key partners in providing this support.
- ii. Career Development – In addition to operating internal and external secondment opportunities, we encourage effective Career Development Conversations – providing potential future leaders and managers with the means to identify effective learning opportunities e.g. shadowing /attachments to projects that support organisational improvement such as our Transform, Innovate and Change programme, Internal Reviewers for Investors in People as well as those that offer both experiential and qualification opportunities e.g. Future Leaders Programme, Academi Wales Summer School.
- iii. Succession Planning – Our Future Workforce Team has successfully supported Apprentices and Graduates to gain permanent employment in key service areas. Some of our most critical and effective areas for succession planning include occupations within social care. Our new Care Academi is an innovative way to grow our own future care workforce and we will be looking to build on this model to create career paths in other areas with skill shortages across the organisation. Our Workforce Development programme equips newly qualified Social Workers with the advanced knowledge, skills and qualifications they need as they progress to experienced practitioners and, in some cases to more senior practice roles. Our Language Skills Strategy not only supports statutory requirements for Welsh Language but ensures that we are planning for future skills development to sustain excellent service provision.

## **11. Performance Related Pay**

11.1. The Council does not pay any bonuses or performance related pay to its staff.

## **12. Support for Lower Paid Staff**

12.1. All employees, regardless of whether they are over the statutory age of 25, are paid at a minimum of the voluntary Real Living wage rate, and this on-going principle was a recommendation of the cross-party Pay Policy Advisory Panel that met on 18<sup>th</sup> February 2022.

12.2. This Authority pays supplements for weekend working (8%) and term time only working (4%) which increase the pay of mainly lower paid employees.

12.3. With the above-mentioned supplements, many of our lower graded posts now attract a total remuneration higher than the Real Living Wage.

## **13. Off Payroll Arrangements**

13.1. Where the Council is unable to recruit to a job under a contract of employment or where there is a need for specialist support for a specific project, the Council will, where necessary, consider engaging individuals under a contract for services. These will be sourced through the relevant procurement process contained within the Council's Contract Procedure Rules, ensuring the Council is able to demonstrate value for money from competition in securing the relevant service.

13.2. Where the contract for service is to provide cover for a vacant post, in addition to ensuring adherence to Contract Procedure Rules, decision making in relation to the appointment will be in line with the Council's rules in relation to appointments i.e. Council will determine appointments at Chief Executive Level, Appointments Committee A will determine appointments at Director level, Appointments Committee B will determine appointments at Heads of Service.

- 13.3. With effect from April 2017, the UK Government introduced “Intermediaries Legislation” known as IR35 that reformed tax rules of off payroll working in the public sector. The Council is compliant with this legislation.

## **14. Exit Policy**

### **14.1. Early Retirement, Voluntary Redundancy and Compulsory Redundancy**

- 14.1.1. The Council’s approach to statutory and discretionary payments on termination of employment of employees, prior to reaching normal retirement age, is set out within its Employers Discretionary Compensation Policy (Local Government Pension Scheme) statement. This discretionary policy is included as Appendix G. This will be kept under review pending any re-introduction of exit pay cap regulations during the life of this Pay Policy.
- 14.1.2. Any other payments falling outside the provisions, or the relevant periods of contractual notice shall be subject to a formal decision made in accordance with the Scheme of Delegation as contained within the Council’s Constitution.
- 14.1.3. The Council operates a Severance Scheme for all its employees, payments under which are authorized in accordance with the above discretionary policy. Our current Severance Scheme is attached at Appendix H.
- 14.1.4. The Authority will comply with the Welsh Government’s guidance that full Council should be given the opportunity to vote before large severance packages beyond a particular threshold are approved for Chief Officers leaving the organisation. The guidance states that “as with salaries on appointment, the Welsh Ministers consider £100k is the right level for that threshold to be set. Members must be made aware of any statutory or contractual entitlements due to the employee and the consequences of a



non-approval by Council, in which failure to fulfil the statutory or contractual obligations may enable the employee to claim damages for breach of contract". When calculating the value of a severance package, the following payments will be included:

- a. Salary paid in lieu of notice
- b. Lump sum redundancy/severance payment
- c. Cost to the Council of the strain on the pension fund arising from early access to an unreduced pension.

## 14.2. Flexible Retirement

- 14.2.1. Chief Officers and all other eligible Council employees are permitted to take flexible retirement in accordance with the provisions of the Local Government Pension Scheme and the Council's Flexible Retirement Scheme.

## 14.3. Re-employment

- 14.3.1. Employees who voluntarily leave the Council's employment under the Council's Severance Scheme cannot usually be re-employed in any capacity including on a casual basis, until at least 1 year has elapsed. Under no circumstances should an employee be re-appointed into the same or similar job to the one in which they were employed at the time of leaving. All such appointments should be made via the usual Authority's recruitment procedures.

- 14.3.2. However, in exceptional circumstances only, employees may be re-employed by the Council prior to 1 year, subject to the agreement of the Chief Executive and Leader of the Council. In approving a re-employment, the Authority will need to be satisfied that:

- The employee is not being re-employed in a role or capacity, which is broadly similar to the role which they left voluntarily

- The rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grading which applied to the employee prior to the end of their current contract
- The employment should be for a fixed term, not exceeding one year, unless there are exceptional circumstances; and
- The arrangement must provide financial / operational advantage to the Council.

14.3.3. This will be operated entirely at the Council's discretion and the decision in respect of each application will be final.

14.3.4. Other restrictions on re-employment may apply and reference will be made to the appropriate Conditions of Service when any re-employment is being considered.

#### 14.4. £95k Exit Payment Cap

14.4.1. On Friday 12 February 2021, HM Treasury announced that the Restriction of Public Sector Exit Payments Legislation has been revoked with immediate effect, due to 'unforeseen consequences' of the legislation. On 25 February 2021, The Restriction of Public Sector Exit Payments (Revocation) Regulations 2021 were made and laid before parliament and will come into force on 19 March 2021. These regulations confirm the effect of the disapplication Directions made on the 12 February 2021 but are not retrospective. As a consequence of the Treasury announcement the following applies to the Fund and employers:

14.4.1.1. For exits from 12 February 2021, LGPS administering authorities must continue to pay qualifying scheme members an unreduced pension under regulation 30(7) of the LGPS 2013 regulations. Scheme employers will be required to pay full strain costs in relation to those unreduced benefits.

- 14.4.1.2. No further regulations have been introduced to replace the disappplied directions as at the date of writing. However, the Government has stated that the cap will be re-introduced so the Policy will be amended as and when any new regulations are introduced.

## **15. Pay Relativities within the Council**

### **15.1. Lowest Paid Employees**

The Council's definition of lowest paid persons for the purposes of this statement is:

- Those employed under a contract of employment with the Council who are employed on full time 37 hours per week equivalent salaries; and
- Employees whose remuneration is equivalent to the lowest spinal column point of the nationally negotiated pay spine, plus any pay supplement bringing the salary up to the level of the Real Living Wage, used within the Council's local grading structure.

15.2. This definition is adopted to correlate with the National Joint Council (NJC) for Local Government Services recognition of lower paid employees within the national pay spine.

15.3. The relationship between the rate of pay for the "lowest paid" employees and the Council's Chief Officers is regulated by the processes used for determining pay and grading structures as set out in this Pay Policy Statement.

15.4. The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton "Review of Fair Pay in the Public Sector" (2010).

- 15.5. Will Hutton was asked by the UK Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organization.
- 15.6. Hutton concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between the highest rate of pay and the median average pay of the whole of the Council's workforce (but excluding teachers and other employees appointed and managed by schools, in the case of local authorities).
- 15.7. As part of its commitment to pay transparency and following the recommendations of the Hutton "Review of Fair Pay in the Public Sector" (2011), the Council publishes the following information on an annual basis. The information for this Pay Policy is as follows (please note these ratios may change following the introduction of National Pay Awards which are yet to be agreed):

15.7.1. Multiple of Salary Ratio

- The multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio 1:7.61
- The multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio 1:5.28
- The multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio 1:6.16
- The multiple between median earning of Council employees and the average Chief Officer (full-time equivalent basis) as a ratio 1:4.27

- 15.7.2. The median salary in the Council is £25,049 (all staff managed by schools have been excluded from the calculation).
- 15.7.3. All other pay related allowances are subject to either nationally or locally negotiated rates, that are determined in accordance with collective bargaining machinery and/or Council Policy. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money against the ability to recruit and retain appropriately skilled and experienced employees that can deliver high quality services to the public.
- 15.7.4. New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary subject to the qualifying criteria within the Council's Recruitment Salaries Guidance.

## **16. Publication**

- 16.1. Upon approval by the full Council, this Pay Policy statement will be published on the Council's website.
- 16.2. In addition, for posts where pay is at least £60,000 per annum, as required under the Accounts and Audit (Wales) (Amendment) Regulations 2014, the Council's Annual Statement of Accounts will include a note setting out the total amount of:
- a) Salary, fees or allowances paid to or receivable by the person in the current and previous year
  - b) any bonuses so paid or receivable by the person in the current and previous year
  - c) any sums payable by way of expenses allowance that are chargeable to UK income tax
  - d) any compensation for loss of employment and any other payments connected with termination

- e) any benefits received that do not fall within the above
- f) The Authority will present this statement to Full Council before it is formally adopted and before the end of each financial year, i.e., 31 March.

If you require this information in an alternative format (for example large print), please contact People Management on: [CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk)

## 17. Appendices

The following are provided as Appendices to this policy:

- Carmarthenshire County Council's Pay Grades - Local Government Services Employees (Appendix A)
- Carmarthenshire County Council's JNC Chief Executive and Chief Officer Pay Grades (Appendix B)
- Officer Employment Procedure Rules (Appendix C)
- National Pay Grades - Soulbury (Appendix D)
- Local Government Services Employees - Acting Up and Honoraria Schemes (Appendix E)
- Market Supplement Scheme (Appendix F)
- LGPS Employer Discretions Compensation Policy (Appendix G)
- Severance Scheme (Appendix H)
- Flexible Retirement Policy (Appendix I)
- JNC Local Authority Chief Executives Conditions of Service (Appendix J)
- JNC Local Authority Chief Officers Conditions of Service (Appendix K)
- Sample Written Statement of Particulars (Appendix L)
- Pay rates for Modern Apprentices and other Trainee positions (Appendix M)
- Returning Officer Fee Structure (Appendix N)

Grade Structure		Spinal Point	BASIC ONLY		BASIC + 8%		BASIC + 4%	
			Apr-22 Salary (£'s)	Apr-22 Hrly Rate	Apr-22 Salary (£'s)	Apr-22 Hrly Rate	Apr-22 Salary (£'s)	Apr-22 Hrly Rate
Grade A	Grade B	1	20,258	10.5002	21,879	11.3404	21,068	10.9201
		2	20,441	10.5951	22,076	11.4425	21,259	11.0191
Grade C	Grade D	3	20,812	10.7874	22,477	11.6504	21,644	11.2186
		4	21,189	10.9830	22,884	11.8614	22,037	11.4223
Grade E	Grade F	5	21,575	11.1828	23,301	12.0775	22,438	11.6302
		6	21,968	11.3864	23,725	12.2973	22,846	11.8417
		7	22,369	11.5942	24,158	12.5217	23,263	12.0578
		8	22,777	11.8057	24,599	12.7503	23,688	12.2781
		9	23,194	12.0219	25,049	12.9835	24,122	12.5030
Grade G	Grade H	11	24,054	12.4676	25,978	13.4651	25,016	12.9664
		12	24,496	12.6970	26,456	13.7128	25,476	13.2049
		14	25,409	13.1701	27,442	14.2239	26,425	13.6967
		15	25,878	13.4132	27,948	14.4862	26,913	13.9497
		17	26,845	13.9142	28,992	15.0273	27,918	14.4706
Grade I	Grade J	19	27,852	14.4363	30,080	15.5912	28,966	15.0138
		20	28,371	14.7053	30,641	15.8820	29,506	15.2937
		22	29,439	15.2591	31,794	16.4796	30,617	15.8696
		23	30,151	15.6283	32,564	16.8787	31,358	16.2536
		24	31,099	16.1193	33,587	17.4090	32,343	16.7642
Grade K	Grade L	25	32,020	16.5966	34,581	17.9242	33,300	17.2602
		26	32,909	17.0575	35,542	18.4223	34,225	17.7397
		27	33,820	17.5295	36,525	18.9318	35,172	18.2305
		28	34,723	17.9979	37,501	19.4377	36,112	18.7178
		29	35,411	18.3544	38,244	19.8228	36,827	19.0884
Grade M	Grade N	30	36,298	18.8143	39,202	20.3194	37,750	19.5668
		31	37,261	19.3132	40,242	20.8584	38,751	20.0856
		32	38,296	19.8495	41,359	21.4374	39,827	20.6433
		33	39,493	20.4703	42,653	22.1081	41,073	21.2892
		34	40,478	20.9808	43,716	22.6591	42,097	21.8199
Grade O		35	41,496	21.5082	44,815	23.2287	43,155	22.3683
		36	42,503	22.0303	45,903	23.7927	44,203	22.9115
		37	43,516	22.5556	46,998	24.3602	45,257	23.4578
		38	44,539	23.0856	48,102	24.9325	46,320	24.0088
		39	45,495	23.5814	49,135	25.4679	47,315	24.5246
Grade O		40	46,549	24.1278	50,273	26.0578	48,411	25.0926
		41	47,573	24.6583	51,379	26.6310	49,476	25.6447
		42	48,587	25.1836	52,473	27.1981	50,530	26.1910
		43	49,590	25.7036	53,557	27.7599	51,573	26.7316
		44	50,554	26.2036	54,599	28.3000	52,577	27.2520
Grade O		45	51,561	26.7252	55,686	28.8635	53,623	27.7941
		46	52,539	27.2320	56,742	29.4108	54,640	28.3213
		47	53,522	27.7420	57,804	29.9613	55,663	28.8515
		48	55,462	28.7472	59,899	31.0472	57,680	29.8970
		49	58,214	30.1738	62,871	32.5876	60,543	31.3810
Grade O		50	60,952	31.5931	65,828	34.1203	63,390	32.8566
		51	63,697	33.0160	68,793	35.6571	66,245	34.3364
		52	68,311	35.4072	73,776	38.2400	71,043	36.8234
		53	71,716	37.1724	77,454	40.1464	74,585	38.6593
		54	75,298	39.0288	81,322	42.1512	78,310	40.5900
Grade O		55	79,062	40.9797	85,387	44.2582	82,224	42.6188

This page is intentionally left blank



## SALARIES - CHIEF EXECUTIVE/CHIEF OFFICERS

From 01/04/2022

### Chief Executive

£	
156,172	1

### Assistant Chief Executive

£	
107,306	1
111,010	2
112,860	3
113,595	4

### Directors

£	
126,187	1
130,907	2
133,264	3
135,622	4

### Heads of Service (1)

£	
94,200	1
97,273	2
98,809	3
100,348	4

This page is intentionally left blank

**Appendix C - Part 4.8 - Officer Employment Procedure Rule**

[Click here to access the full information](#)

This page is intentionally left blank

## Appendix D

### Educational Improvement Professionals

SCP	01.09.20	01.09.21
1	36419	37056
2	37723	38383
3	38955	39637
4	40203	40907
5	41443	42168
6	42684	43431
7	43988	44758
8	45243*	46035*
9	46705	47522
10	48009	48849
11	49295	50158
12	50541	51425
13	51951**	52860**
14	53209	54140
15	54598	55553
16	55854	56831
17	57114	58113
18	58350	59371
19	59625	60668
20	60283***	61338***
21	61549	62626
22	62653	63749
23	63867	64985
24	64956	66093
25	66121	67278
26	67257	68434
27	68419	69616
28	69597	70815
29	70777	72016
30	71956	73215
31	73124	74404
32	74311	75611
33	75498	76819
34	76714	78056
35	77927	79291
36	79174	80560

37	80402	81809
38	81642	83071
39	82866	84316
40	84089	85561
41	85318	86811
42	86546	88061
43	87773	89309
44	89006	90564
45	90236	91815
46	91468	93069
47	92705	94327
48	93930****	95574****
49	95160****	96825****
50	96392****	98079****

### Notes to Educational Improvement Professionals above

Salary scales to consist of not more than four consecutive points based on the duties and responsibilities attaching to posts and the need to recruit and motivate staff.

*\*normal minimum point for EIP undertaking the full range of duties at this level.*

*\*\*normal minimum point for senior EIP undertaking the full range of duties at this level.*

*\*\*\*normal minimum point for leading EIP undertaking the full range of duties at this level.*

*\*\*\*\*extension to range to accommodate structured professional assessments.*

### Young People's / Community Service Manager

SCP	01.09.20	01.09.21
1	37772	38433
2	39008	39691
3	40243	40947
4	41505*	42231*
5	42786	43535
6	44036	44807
7	45314**	46107**
8	46767	47585
9	47568	48400
10	48806	49660
11	50036	50912
12	51269	52166

13	52493	53412
14	53729	54669
15	54966	55928
16	56207	57191
17	57455	58460
18	58695	59722
19	59927	60976
20	61186***	62257***
21	62469***	63562***
22	63782***	64898***
23	65120***	66260***
24	66486***	67650***

### **Notes to Young People's / Community Service Manager above**

The minimum Youth and Community Service Officers' scale is 4 points.

Other salary scales to consist of not more than four consecutive points based on duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

*\*normal minimum point for senior youth and community service officers undertaking the full range of duties at this level (see paragraph 5.6 of the Soulbury Report).*

*\*\*normal minimum point for principal youth and community service officer undertaking the full range of duties at this level (see paragraph 5.8 of the Soulbury Report).*

*\*\*\*extension to range to accommodate discretionary scale points and structured professional assessments.*

### **Trainee Educational Psychologists**

<b>SCP</b>	<b>01.09.20</b>	<b>01.09.21</b>
1	24541	24970
2	26337	26798
3	28131	28623
4	29929	30453
5	31724	32279
6	33520	34107

### **Assistant Educational Psychologists**

<b>SCP</b>	<b>01.09.20</b>	<b>01.09.21</b>
1	30166	30694

2	31399	31948
3	32630	33201
4	33856	34448

### **Educational Psychologists - Scale A SCP**

**01.09.20 01.09.21**

1	38197	38865
2	40136	40838
3	42075	42811
4	44012	44782
5	45951	46755
6	47889	48727
7	49714	50584
8	51538	52440
9	53247*	54179*
10	54959*	55921*
11	56554*	57544*

### **Notes to Educational Psychologists - Scale A above**

Salary scales to consist of six consecutive points based on the duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

*\*Extension to scale to accommodate structured professional assessment points.*

### **Senior and Principal Educational Psychologists**

<b>SCP</b>	<b>01.09.20</b>	<b>01.09.21</b>
1	47889	48727
2	49714	50584
3	51538*	52440*
4	53247	54179
5	54959	55921
6	56554	57544
7	57209	58210
8	58433	59456
9	59646	60690
10	60880	61945
11	62090	63177
12	63323	64431
13	64577	65707
14	65790**	66941**
15	67061**	68235**



16	68318**	69514**
17	69585**	70803**
18	70850**	72090**

### **Notes to Senior and Principal Educational Psychologists above**

Salary scales to consist of not more than four consecutive points based on the duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

*\*Normal minimum point for the principal educational psychologist undertaking the full range of duties at this level.*

*\*\*Extension to range to accommodate discretionary scale points and structured professional assessments*

### **LONDON AREA PAYMENTS**

With effect from 1 September 2021 staff in the London area shall receive the following:

- (a) at the rate of £3327 per annum to officers serving in the **Inner** area.
- (b) at the rate of £2195 per annum to officers serving in the **Outer** area.
- (c) at the rate of £848 per annum to officers serving in the **Fringe** area.
- (d) officers normally serving in the London area but temporarily employed elsewhere shall continue to receive London area payments at the rate appropriate to their normal area of employment.
- (e) in the case of an officer required to serve in different parts of the London areas or partly outside that area the officer shall be deemed to be serving in the area in which he is required to spend more than one half of his time.
- (f) for the purpose of this paragraph –

**The “Inner Area”** means the area of the London Boroughs of:

Camden, City of London, Greenwich, Hackney, Hammersmith & Fulham, Islington, Kensington & Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth, Westminster (the former Inner London Education Authority), and the London Boroughs of Barking and Dagenham, Brent, Ealing, Haringey, Merton and Newham.

**The “Outer Area”** means Greater London excluding the Inner area.

**The “Fringe Area”** means:

Berkshire: the districts of Bracknell Slough Windsor and Maidenhead.

Buckinghamshire: the districts of Beaconsfield and Chiltern.

Essex: the districts of Basildon Brentwood Epping Forest Harlow and Thurrock.

Hertfordshire: the districts of Broxbourne Dacorum East Hertfordshire Hertsmere St. Albans Three Rivers Watford and Welwyn Hatfield.

Kent: the districts of Dartford and Sevenoaks.

Surrey: the whole County.

West Sussex: the district of Crawley.

**The “London Area”** comprises the Inner area the Outer area and the Fringe area

# ACTING UP AND HONORARIA POLICY

March 2021

## **1. Policy Statement**

- 1.1 The Council recognises that it may be necessary from time to time to apply an additional payment when an employee is requested to 'act up' into a higher graded post or temporarily undertake additional duties.
- 1.2 Where changes to the job are likely to be permanent, a revised job profile should be submitted to the Pay and Reward team and the post should be re-evaluated under the Council's Job Evaluation scheme.
- 1.3 Where changes are of a temporary nature and will be in place for 12 months or less, an honorarium, or acting up payment, may apply.
- 1.4 The purpose of this Policy is to ensure that the additional payments are properly evaluated and applied on a consistent basis.
- 1.5 This procedure covers all employees including centrally employed school staff except centrally employed teachers and staff on the complement of locally managed schools.

## **2. Honorarium**

- 2.1 Where there is the need for an employee to either act up into a higher graded post or take on some additional duties on a temporary basis, if there is more than one suitable employee with the appropriate skills and experience to undertake the additional duties and/or responsibilities, then a selection process will need to be followed to determine the best person to undertake those duties and/or responsibilities. Please contact your HR Advisor regarding the appropriate process to follow.
- 2.2 Honorarium payments will only apply once the acting up / additional duties have been undertaken for a period of 28 days. Payment will be backdated to day one.
- 2.3 Any honorarium payment will be for a maximum of 12 months and will be reviewed and authorised on a three-monthly basis. If the acting up / additional duties are going to continue longer than 12 months then the manager should seek advice from their HR Advisor.

## **3. Exceptions – emergency acting up**

- 3.1 There will be occasions where an employee is required to act up as emergency cover, e.g. to cover sickness absence. This will usually apply to frontline services where the service will be unable to run without someone covering the post, for example a Refuse / Recycling Loader acting up into the role of an absent Refuse / Recycling Driver.
- 3.2 An exception to the 28 day rule will be made in these instances as the acting up is likely to be for a short period and on an ad hoc basis. If you are unsure whether emergency acting up is applicable, please consult with your HR Advisor.

- 3.3 Care should still be taken to ensure fair application of the acting up opportunity where there is more than one employee with the appropriate skills to undertake the role.
- 3.4 Emergency acting up will only apply when an employee is covering the full role of the higher graded post. The full amount of the difference between the existing salary and the minimum salary of the higher grade should be paid. If the minimum salary of the acting up grade is lower, or the same as, the employee's current salary, they should be paid the honorarium at the next SCP above their current salary.
- 3.5 In cases of emergency cover, payment will be made from day 1 of the acting up. Details of the acting up should be submitted to payroll by the manager.

#### **4. Procedure**

- 4.1 A business case must be made by the relevant manager to support the application for an honorarium payment using the "Request for an Honorarium Payment" form (Appendix 1) and submitted to the departmental Director for approval.

Types of evidence include:

- The reason for the payment, e.g. to cover for long term absence, or to undertake a specific piece of work.
  - Details of the post affected and the grades of the substantive and higher graded post.
  - Whether the extent of the duties are full or partial – if partial, the duties must have been evaluated by the Pay and Reward team before submitting the business case.
  - Cost – calculation of the amount per month the employee would be entitled to receive.
- 4.2 The full amount of the difference between the existing salary and the minimum salary of the higher grade should be paid. If the minimum salary of the acting up grade is lower, or the same as, the employee's current salary, they should be paid the honorarium at the next SCP above their current salary.
- 4.3 Where longer term situations may apply, e.g. maternity cover, the Authority's Recruitment and Selection policy should be followed.
- 4.4 Where the additional duties are evaluated as being the same grade as the employee's substantive post, no payment will be made. It is for the manager to ensure that the additional workload is manageable within the employee's standard working hours, or, with the appropriate approval, authorise overtime where necessary.

## **5 Method of payment**

- 5.1 Honorarium payments will be made on a monthly or four-weekly basis in line with the employee's normal pay periods and will be shown as a separate, identifiable payment on the payslip.

## **6 Authorisation**

- 6.1 Once the business case has been agreed by the Director it should be forwarded to the Senior HR Advisor for their consideration. Where the payment request is in relation to additional duties, and the role is covered by the job evaluation scheme, the Pay and Reward team will also need to authorise to confirm that the grade being applied is correct.
- 6.2 The business case will then be passed to Payroll for the payment to be set up.

## **7.0 Monitoring**

- 7.1 Honorarium and acting up payments will be regularly monitored by the People Management division.

## **8.0 Employees on protected salaries**

Employees who are on protected salaries and who undertake duties of a higher grade than their substantive grade, but not higher than their protected salary, are not entitled to receive any additional remuneration. They should still be encouraged to undertake the opportunity of acting up as part of their development to assist them in improving their promotion prospects.

## **9.0 Ending the acting up / temporary additional responsibilities**

The employee should be fully supported, and their performance regularly reviewed, whilst undertaking additional duties. Additional training and support may be required during the acting up period. If concerns regarding performance do arise then these should be discussed before the decision is taken to end the acting up / temporary additional responsibilities arrangement.

If a post that has been covered by acting up arrangements is advertised and the employee who has been covering the role is the successful applicant, the period of acting up will be taken into account when agreeing the spinal column point they will be paid on.

When the arrangement is ended, at least one week's notice should be given and a further change of circumstance form must be completed by the manager to ensure that payment for acting up/additional duties is ended. Settling back into their original role can be difficult for an employee and managers need to be sensitive to potential concerns in this respect. Employees who have acted up into a role have no automatic right to it on a more permanent basis.

However, employees who have acted up/taken on additional responsibilities who are not subsequently appointed to a higher graded post following competitive interviews must receive constructive feedback as to why they were not successful.

This is with the exception of acting up arrangements due to health & safety and/or minimum staffing requirements which can be reviewed on a daily basis by the operating manager.

## 10.0 CONCERNS BY EMPLOYEES

The fair application of the above policy is designed to avoid concerns raised by employees in respect of acting up/ temporary additional responsibility arrangements. However, where an employee has a concern they should first seek to resolve the matter informally by discussing it with their line manager, in keeping with the Council's Grievance Procedure. The advice of the HR Advisor should be sought at an early stage in these circumstances in order to avoid any ongoing concerns.

## ENSURING EQUALITY OF OPPORTUNITY

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format, please contact [CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk)



**APPENDIX A**

**Business case – application for honorarium payment**

<b>Department</b>	
<b>Division</b>	
<b>Employee name</b>	
<b>Employee number</b>	
<b>Substantive job title</b>	
<b>Post number – substantive post</b>	
<b>Current salary</b>	
<b><u>Reason for payment:</u> (please include title, post number and grade of post being covered or, if taking on additional duties, include full details of the duties being undertaken over and above the substantive role)</b>	
<b>Period of payment *</b>	<b>dd/mm/yyyy to dd/mm/yyyy</b>
<b>Amount of payment</b>	<b>£</b>
<b>Monthly or four-weekly</b> (delete as applicable)	Monthly / four-weekly

\*payment should be for a maximum of 3 months. If payment needs to be extended past this a new form must be submitted for authorisation. Honorarium payment should not exceed 12 months in total.



<b>Authorisation by line manager</b>	
Full name	
Job title	
Signature	
Date	
<b>Approved by Director</b>	
Full name	
Job title	
Signature	
Date	
<b>Agreed by Pay and Rewards section</b>	
Full name	
Job title	
Signature	
Date	
<b>Agreed by Senior HR Adviser</b>	
Name	
Job title	
Signature	
Date	

**NB: no payments will be processed until all sections have been completed.**

This page is intentionally left blank

# MARKET SUPPLEMENT SCHEME POLICY

MARCH 2021

## 1. Purpose of scheme

The use of a Job Evaluation scheme allows for the creation of a fair and equitable pay structure which ensures rates of pay are based on robust criteria across the organisation. However, the resulting rates of pay may not necessarily reflect the value of jobs in the wider external marketplace.

This market supplement scheme has been developed to recognise that there may be times when specific skills and experiences are in short supply. Use of market supplement payments is one way of ensuring we secure sufficient employees with the required skills to safeguard the provision of these services.

A key purpose of the scheme is to ensure that any market supplements are paid fairly and consistently to avoid the risk of non-compliance with equal pay legislation. There would need to be clear evidence that the basic rate of pay being paid by Carmarthenshire County Council for a specific job is significantly lower than the market rate for a relevant and equivalent post in a similar market and that any recruitment or retention problems are due to rates of pay.

However, the introduction of market supplements must be properly controlled in order to avoid the creation of potentially unlawful pay disparities and Equal Pay Act risks. There are, therefore, very specific rules to the application of market supplements to ensure that they can be objectively justified.

Market Supplements must be:

I. restricted to a limited number of jobs where there is clear evidence that the Council's own pay is significantly lower and / or demonstrably competitive to the market rate for specific jobs **and** there are enduring recruitment or retention problems.

II. applied only where there are recruitment or retention problems in relation to a very specific role (a generic application to, for example, all social workers, could not be justified if the problems related to childcare social workers alone).

III. designated as temporary and subject to regular review and monitoring as to outcomes.

IV. applied to existing as well as newly recruited post-holders in the relevant job.

V. clearly identified as separate from basic pay (so that their basis is understood by the employee and they can be justified if an equal pay issue arises).

VI. ideally paid separately from basic pay, either monthly, quarterly, half yearly or as an annual payment (whichever best serves as a recruitment and/or retention measure).

VII. capable of being withdrawn. The contractual terms and a process for withdrawal should be clear and established.

VIII. phased out or withdrawn if a review shows they are not consistent with the above criteria.

IX. payments will not normally be made to employees still in their probation period or during any other initial training period. This will be agreed with the department when payment of a market supplement is being considered.

## **2. Scope of the scheme**

This procedure covers all employees including centrally employed school staff except centrally employed teachers and staff on the complement of locally managed schools.

## **3. Use of scheme**

This scheme replaces any earlier scheme operated by Carmarthenshire County Council and will be operated alongside the Carmarthenshire County Council pay and grading structure.

The scheme will be applied to specific posts on a temporary basis where a suitable business case is developed and approved. The scheme is not designed to reflect an individual's performance.

The scheme will be subject to periodic review to ensure it remains relevant.

## **4. Preparation of a market supplement business case**

Before a business case is put forward for a market supplement, the Head of Service must satisfy him/herself that all non-pay related measures to successfully recruit and / or retain a staff member have been reasonably explored, including a review of the skills, qualifications and experiences required for the post.

If a market supplement is still considered appropriate, the Head of Service should develop a business case which should be submitted to the Assistant Chief Executive (People Management), or nominated representative, with evidence of failure to recruit and / or retain staff as well as evidence of pay rates for the role in other relevant organisations.

The Assistant Chief Executive (People Management) or their nominated representative will respond to the Head of Service to either recommend the market supplement be paid or to refuse the request.

The following information will be taken into account when making the decision whether it is appropriate to pay a market supplement.

- Evidence demonstrating the nature and extent of the recruitment / retention difficulties;
- The extent of the potential impact on services if the recruitment / retention difficulties are not resolved;
- The likely duration of the problem;
- Evidence of pay data from the relevant comparator organisations. This may be based on local, regional or national data depending on what is relevant for the post. Ideally this data should include the whole package not just basic pay so total packages can be compared.

There are a number of indicators that may suggest that there is a severe recruitment and / or retention problem within a particular service. It is important to note that these are merely indicators; they do not mean that a post will attract a market supplement.

The indicators are as follows:-

- The post has been advertised externally on three occasions and those three attempts have resulted in failure to appoint an individual to the post.
- Information concerning turnover within a post or a group of posts within the Council.
- Information concerning the external labour market, e.g. awareness of the failure of universities to recruit students to particular courses.
- Information gained through the medium of exit questionnaires or Interviews.
- Any other significant retention issues.

**Managers should explore alternative recruitment solutions when a post is advertised for the second and third time; managers must not advertise the post three times without reviewing the documentation and methods used. At the same time, a manager does not have to advertise a post on three separate occasions if there is substantial evidence from other sources of information that there may be a case for paying a market supplement.**

## **5. Funding**

The payment of market supplements will be funded by the division in which the post lies. If the post is cross-divisional then the cost will be shared by those divisions concerned.

## **6. Payment of market supplements**

Payment will be calculated by the Assistant Chief Executive (People Management) or nominated representative in conjunction with the Pay and Reward Team. The payment will be based on the median salary for the equivalent roles, taken from an independent external salary survey.

## **7. Calculation of a market supplement**

All supplements will be calculated as additional increments based on the evidence supplied and will be the nearest increment below the comparator salary. The payment should be set at a level that is considered will alleviate the recruitment and retention / operational difficulties but which is not excessive and can be justified in terms of salary paid to the comparator jobs in the market.

The purpose, justification and extent of any market supplement must be transparent and records maintained to demonstrate this so that the Council can respond effectively to any challenge regarding the rationale for such a payment.

Market supplements will be identified as a separate item on payslips and do not form part of the basic pay for the post. They will be subject to tax, NI and pension contributions in the normal way.

Market supplements will be taken into account for overtime calculations and any other enhancements / allowances.

## 8. Duration and Review of payments

The duration of the payment will be determined at the outset based upon how long the recruitment difficulties are likely to continue and will be confirmed in writing to the employee. The initial supplement payment period will be for a maximum of 12 months.

The market supplement will be reviewed at least every 12 months or earlier if necessary. If the departmental manager believes the market supplement needs to continue they will need to provide a new business case, containing up to date information, at each review. This business case will be considered by the Assistant Chief Executive (People Management) or nominated representative along with any other relevant information.

Where the business case to support the continued payment is no longer relevant and sustainable the supplement shall be withdrawn and contractual notice given to the post holder(s) in writing.

Where the decision to withdraw a market supplement is made, this will apply to all posts within the same job group (e.g. all Social Workers within Children's Services) and their post holders simultaneously.

There are a number of situations which may trigger a withdrawal of market supplement payment and these include:-

- Job group no longer has any vacancies
- Posts can be filled after first advertisement
- Turnover has reduced to an acceptable level
- Market research shows there is no longer any justification for the payment

This list is not exclusive.

## 9. Management of the scheme

The scheme and all payments made under it will be monitored and reviewed annually and the outcome reported to the Assistant Chief Executive (People Management) or their nominated representative and the department.

Vacancies should be advertised in the usual way, denoting the grade and salary for the post. The market supplement should be quoted as a separate figure, as follows:-

**Salary £XX,XXX to £XX,XXX (plus additional market supplement up to a maximum of £xxx where appropriate).**



## 10. Interpretation

Any matters of interpretation arising from the scheme are to be determined by the Assistant Chief Executive (People Management).

## 11. Ensuring equality of treatment

### ENSURING EQUALITY OF OPPORTUNITY

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format please contact People Management on [CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk)

## Appendix 1

### **APPLICATION FOR APPROVAL FOR PAYMENT OF A MARKET SUPPLEMENT**

This form is to be completed and signed by the manager requesting a market supplement payment and then forwarded to the Senior Pay and Reward Advisor.

#### **1. POST DETAILS**

<b>Post title</b>	
<b>New or existing post?</b>	
<b>Post number(s) if existing post(s)</b>	
<b>Number of staff in this post (including any vacancies)</b>	
<b>Department</b>	
<b>Division</b>	
<b>Grade</b>	
<b>Salary range</b>	
<b>Total amount of market supplement requested (monthly amount)</b>	
<b>Period for which the payment of a market supplement is sought (maximum initial period 12 months)</b>	

#### **2. JUSTIFICATION FOR PAYMENT**

This section asks for evidence in support of the request for payment of a market supplement (all boxes must be completed).

<b>(1) Describe the job or group of jobs for which payment of a market supplement is requested. Give a brief outline of responsibilities. (Attach the job description, person specification and organisation chart)</b>

**(2) Please confirm that the job profile and evaluation of the post(s) has been checked recently to ensure it is up to date.**

Confirmed (please tick):

**(3) What evidence is there of pay-related recruitment and / or retention difficulties?**

**(a) Number of times the post has been advertised (including dates of adverts)**

**(b) Number of responses to job adverts**

**(c) Assessment of the quantity of responses (adequate, inadequate)**

**(d) Assessment of the quality of responses (e.g. satisfactory, below required standard)**

**(e) Turnover statistics for the post(s)**

**(f) Supporting data from exit interviews, staff surveys or other feedback**

**(g) Articles in professional bodies' journals / websites, press etc. re: skill shortages and / or evidence from national pay surveys**

**(4) What evidence is there that pay (and not other factors) is causing the recruitment / retention problems being experienced?**

<p><b>(5) What other recruitment / retention initiatives have been tried / exhausted? (e.g. change in methods / types of advertising; changes to information for potential job applicants)</b></p>
<p><b>(6) Have alternatives to paying a market supplement been considered, i.e. measures to resolve 'non-pay' issues. If so, please specify. For example:</b></p> <ul style="list-style-type: none"> <li>• Is there a regional / national shortage for which new / alternative training schemes would be a more appropriate solution?</li> <li>• Are there issues within the occupational group, service or team that could be more appropriately resolved by management action?</li> <li>• What other measures have been explored (e.g. appropriate changes to the job role / responsibilities; qualification / knowledge / experience requirements; changes to working arrangements including flexible working options)?</li> </ul>
<p><b>(7) Is filling the post(s) essential to maintaining adequate staffing levels to ensure service delivery requirements? (Include any legal implications and how long the post(s) have been vacant)</b></p>
<p><b>(8) Has the impact of making the payment on other staff in the team / service been considered and how do you intend to deal with this?</b></p>

**(9) Labour market data: the 'going rate' for the job:**

**(a) What appears to be the going rate per annum?**

**(b) Is this local, regional or national?**

**(c) What sources have been used to obtain this data (e.g. recent media advertisements, survey data, pay databases, other organisations)?**

**(10) Comparable posts**

Comparable posts are those which are comparable to the post being assessed for a market supplement on the basis of the criteria below. Please provide the following information for comparable posts in **three** organisations.

- Job title
- Salary range
- Other benefits
- Authority / organisation
- Key requirements in the job description / person specification and how these compare to those for the internal post
- How does the comparable post compare in terms of job size, type/size of organisation, scope and responsibilities (e.g. local population, number of people supervised, number employed in service area, size of budget etc.
- Any additional supporting data
- What is the source of the information?

**3. PAYMENT AMOUNT AND TYPE**

Total amount of payment requested per annum	£
Basis (or rationale) for the calculation of the payment	

If approved, how will the market supplement be paid?

Instalment amount	£
Frequency – monthly, quarterly, bi-annually, annually	

--	--

**4. SOURCE OF FUNDING**

Please specify where the additional payment will be funded from (e.g. existing budget new budget, grant funding)

--

**5. ANY OTHER COMMENTS**

Include any additional information in support of this application not mentioned elsewhere.

**6. SIGNATURE OF MANAGER MAKING THE APPLICATION**

<b>Signature:</b>
<b>Your job title:</b>
<b>Department / division:</b>
<b>Date:</b>

**7. APPROVAL BY Assistant Chief Executive (People Management)**

I agree that payment of a market supplement is appropriate and that all necessary checks have been carried out in line with Carmarthenshire County Council's policies and procedures and that all other avenues have been explored.

<b>Date of People Management agreement:</b>	
<b>Agreed</b>	<b>Yes / No</b>
<b>If no, what is the reason?</b>	
<b>Details of any amendment to the original proposal and reasons</b>	

<b>Signed:</b>	
<b>Job title:</b>	

### 8. ADMINISTRATION

<b>Date manager informed of decision</b>	
<b>Effective date of payments / start of payment</b>	
<b>HR service / department informed</b>	
<b>Names of staff to be paid the supplement and date they are informed of the decision.</b>	
<b>Review date (maximum 12 months from start date of payment)</b>	

This page is intentionally left blank



The Authority is required to publish its policy in respect of the Discretionary Compensatory Regulations under the Local Government Pension Scheme (LGPS). These discretions are subject to change, either in line with any change in regulations or by due consideration by the Authority. These provisions do not confer any contractual rights.

#### LGPS Regulations 2013

- The Authority has used its discretion not to contribute to a shared cost APC scheme (**Regulation 16 (2)(e) and 16 (4)(d)**).
- The Authority will consider whether all or some benefits can be paid if an employee reduces his/her hours or grade (flexible retirement). Each application will be considered on its own merits following full consideration of all financial and service delivery implications. The Authority may waive the resulting actuarial reduction on benefits paid on flexible retirement, in whole or in part, providing that appropriate supporting evidence is presented (**Regulation 30 – 6 -8**).
- The Authority may waive, in whole or in part, the actuarial reduction on benefits which a member draws before normal pension age (early retirement), providing appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Regulation 30 – 8**).
- The Authority has used its discretion not to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (**Regulation 31**)

#### LGPS (Transitional Provisions, Savings and Amendment) Regulation 2014

- The Authority will consider all requests to “switch on” the 85 year rule for a member drawing benefits on or after age 55 and before age 60, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Schedule 2, para. 1(2) and 2(2)**)
- The Authority may waive, on compassionate grounds, the resulting actuarial reduction applied to benefits from pre 1 April 2014 membership, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Schedule 2, para. 2(3)**)

#### LGPS (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

- The Authority will base the redundancy pay at actual weeks pay where this exceeds the statutory weeks pay limit (Regulation 5).
- The calculation for redundancy pay will be based on the statutory redundancy weeks pay x 1.5. e.g. under the statutory redundancy table the maximum redundancy weeks calculation is 30 weeks, the Authority will pay up to a maximum of 45 weeks. Where an individual has reached aged 55 they will also receive release of unreduced pension benefits built up to the date of termination (Regulation 6).
- For efficiency of service retirements where an individual has reached aged 55 they will receive release of unreduced pension benefits built upto the date of termination (Regulation 6).

- Where there is a mutual agreement for the release of an individual under the Authority's Severance Scheme the Authority will use its discretion to give compensation payments based on actual salary. The discretionary payments will be based on age and service, with a multiplier to be applied of 1.5, and limited to a maximum of 45 weeks. Where an individual has reached aged 55 they will also receive release of unreduced pension benefits built up to the date of termination.
- 2 years continuous qualifying service is required to access these Compensation Arrangements.

#### **LGPS (Benefits, Membership and Contributions) Regulations 2007**

- Each request for early payment of deferred benefits on or after age 55 and before age 60 will be considered on its own merits following full consideration of all financial and service delivery issues. The Authority may waive the resulting actuarial reduction on compassionate grounds applied to deferred benefits paid early, providing that appropriate supporting evidence is presented. **(Regulation 30 - 2 and 5).**
- The Authority has used its discretion not to augment membership for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014 **(Regulation 12).**
- The Authority will consider all requests to grant an application for early payment or suspended tier 3 ill health pension on or after age 55 and before age 60, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications. The Authority may waive, on compassionate grounds, the actuarial reduction applied to benefits paid early, providing that appropriate supporting evidence is presented. **(Regulation 30A -3 and 5)**

#### **LGPS Regulations 1997 (as amended)**

- The Authority may grant application, from a post 31.3.98 / pre 1.4.08 leaver or from a councillor, for early payment of benefits on or after age 55 and before age 60, as appropriate and in light of the circumstances relating to each case. The Authority may waive, on compassionate grounds, the actuarial reductions applied to benefits paid early for a post 31.3.98 / pre 1.4.08 leaver or a councillor leaver, as appropriate and in light of the circumstances relating to each case **(Regulation 31 – 2 and 5)**
- The Authority may grant to councillor optants out and pre 1.04.08 employee optants who continue in service, to receive a pension and lump sum from their NRD without reduction, after taking into account the circumstances relating to each case **(Regulation 31 – 7A)**

Dyfed Pension Fund Administering Authority discretions are available on [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk). The full list of discretionary policies for Carmarthenshire County Council can also be found on this site.

**If you require this information in any other format please contact your HR team on 01267 246100.**

# Severance Scheme

April 2021

[carmarthenshire.gov.wales](http://carmarthenshire.gov.wales)

Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



Page 103

## **Contents**

General Principles	<b>2</b>
Scope	<b>2</b>
The Scheme	<b>2</b>
Process	<b>2</b>
Ensuring Equality of Opportunity	<b>4</b>

## **General Principles**

Carmarthenshire County Council (CCC) is committed to working with employees and trade unions to minimise the impact of budget reductions on its services and workforce. However, Local Government continues to face a difficult economic future which could result in significant budget reduction. This will inevitably affect the way we provide services and the employees who provide those services. The Severance Scheme provides financial support to employees who leave their employment early due to efficiency.

## **Scope**

This scheme applies to employees of Carmarthenshire County Council who have a minimum of two years qualifying service, excluding staff employed by locally managed schools where the governing body will determine the policy.

In line with the business case approval process, an employee subject to any disciplinary or capability triggers or procedures will be unable to access the Severance Scheme unless specific agreement is reached between their manager and HR Advisor.

## **The Scheme**

The scheme follows the principles of the Discretionary Compensatory Regulations which are subject to change by the Authority. These provisions do not confer any contractual rights.

Payment will be made in accordance with the table of severance payments.

Payment will be made through the first available payroll after the termination date. Release of pension benefits will be considered for those LGPS members aged 55 or over.

Voluntary severance ends the employment contract through mutual consent on an agreed date.

## **Process**

The department will review your expression of interest to determine whether the request can be supported and whether a business case can be made to release you.

There is no right to severance. The decision made by the Authority will be final therefore there is no appeals process within this scheme.

If you are interested in exploring the possibility of voluntary severance, please complete the enclosed expression of interest form and discuss your request with your line manager.

Please do not contact the Pensions Section to request an estimate of your benefits. This will only be provided if the expression of interest form is completed and returned. However, some useful guidance and information can be found on the Dyfed Pension Scheme Website including an online calculator: <https://mypensiononline.dyfedpensionfund.org.uk>

Following receipt of your expressions of interest your Head of Service will review your request. You will then be contacted to explore your request in more detail and to discuss the implications.

You will not be committed to any expressions of interest until you sign an acceptance form and Settlement Agreement, as appropriate, which confirms termination of employment on a mutually agreeable date. Once signed, the Authority is not obliged to accept any subsequent request you may make to withdraw from the agreement.

Employees leaving the Council's employment on the grounds of Voluntary Severance will do so on the basis of a **mutually agreed termination date, with no notice period being applicable on either side** and with **no payment in lieu** for any outstanding holidays, time off in lieu or flexi leave.

Employees who voluntarily leave the Council's employment under this Scheme cannot work for Carmarthenshire County Council again in any capacity, including on a casual basis, until at least one year has elapsed. No employee should be re-appointed into the same or similar job to the one in which they were employed at the time of leaving. All such appointments should be made via the usual Authority's recruitment procedures.

In very exceptional circumstances an employee may be re-employed by the Council prior to one year expiring, subject to the joint agreement of the Chief Executive and Leader of the Council. In approving a re-employment the Authority will need to be satisfied that:

- the employee is not being re-employed in a role or capacity which is broadly similar to the role they left voluntarily;
- the rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grading which applied to the employee prior to the end of their current contract;
- the employment should be for a fixed term, not exceeding one year, unless there are exceptional circumstances; and

- the arrangement must provide financial / operational advantage to the Council.

This will be operated entirely at the Council's discretion and the decision in respect of each application is final.

Further information can also be found via the HR pages on the Intranet. If you are unable to access these pages, please contact your line manager.

Please contact your departmental HR Advisor should you require any further clarification in respect of the Scheme.

## **ENSURING EQUALITY OF OPPORTUNITY**

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format please contact People Management on

[CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk)

This page is intentionally left blank



# Flexible & Phased Retirement Policy

People Management

January 2020

## Introduction

We (Carmarthenshire County Council) are committed to providing more choice and flexibility to you (our employees) if you wish to make a gradual adjustment from work into retirement or stay in work beyond Normal Pension Age (NPA), making your transition from working life to retirement an enjoyable one.

We recognise that attracting and retaining a well-trained, well-motivated, flexible and mixed age workforce, with a wide range of skills and experience, is essential to the provision of quality services.

This policy sets out how you can work with your manager to achieve flexibility for as you approach retirement.

In keeping with legislation, we have not operated a compulsory retirement age for our employees since 1 October 2011.

## Scope

This policy applies to all employees who are active members of the Local Government Pension Scheme (LGPS) but excluding support staff and teachers employed by locally managed schools where the governing body will determine the policy and unattached teachers who are not active members of the Teachers' Pension Scheme (TPS).

Unattached teachers who are active members of the TPS should refer to the section of the policy which applies to them.

This policy should also be read in conjunction with our [Employer Discretionary Policy](#).

It should also be read in conjunction with our [Redeployment Policy](#) which offers support to employees who are 'at risk' of losing their employment.

If you are not a member of the LGPS or TPS and wish to make a request reduced working hours please refer to our [Flexible Working Policy](#).

## Key Points

- Flexible/phased retirement is a planned approach to retirement that involves a voluntary reduction in hours and/or move to a lower graded post and at the same time allowing access to accrued pension benefits.
- There is no automatic right for you to work on reduced hours or grade, whilst drawing pension benefits. However, all such requests will be considered in a reasonable manner.
- It is necessary to obtain the relevant approval in line with the our [Retirement Business Case procedure](#).

- If you have been an active member of the LGPS/TPS for at least **2 years** or have transferred previous pension rights into the scheme, can consider the possibility of Flexible/Phased Retirement.
- You may voluntarily draw your LGPS/TPS pension benefits without a reduction on attaining Normal Pension Age (NPA).
- You must seek our agreement to draw your pension benefits at the earliest from the age of 55 whilst continuing to work on reduced hours or in a job on a lower salary.
- Pension benefits must be drawn, at the latest one day before reaching the age of 75.
- Guidance for LGPS members on the 85-year rule is provided at **Appendix 1**
- Guidance for TPS members on phased retirement is provided at **Appendix 2**

### What is Normal Pension (NPA) Age?

The NPA for the purposes of the LGPS is the same as the State Pension Age (SPA), although there are other options to retire earlier or to continue working, within the LGPS regulations. You can check your state pension age by visiting the government website at: [www.gov.uk/calculate-state-pension](http://www.gov.uk/calculate-state-pension)

NPA for the purposes of TPS is explained in **Appendix 2** due to changes to the scheme that will come into effect on 1<sup>st</sup> April 2015.

### What is flexible/phased retirement?

Flexible/phased retirement enables you to access your LGPS/TPS pension (actuarial reductions may apply) and phase into retirement by:

- reducing your working hours; and/or
- moving to a job on a lower salary

Alternatively, you can request to continue to work on reduced hours or grade and decide not to access any pension benefits until NPA, when there would be no actuarial reductions.

### What are the benefits of having a flexible/phased retirement policy?

This is a change from retiring at a specified age to a much more flexible approach so that you can plan, financially and socially, and make a gradual adjustment from work into retirement.

It also benefits us as we are able to retain experienced staff with valuable skills and enabling better succession planning.

## Eligibility for flexible/phased retirement

If you are a member of the LGPS/TPS<sup>1</sup> you may, from the age of 55, approach your line manager regarding an application for flexible/phased retirement. It will be important for you to consider your proposed working pattern, how the change will impact on you financially, including your pension benefits and the impact your request may have on the service. It will help your manager if you include in your application your solution to any potential negative impact on service delivery as a result of accommodating a reduction in working hours/grade.

It is also your line manager's responsibility to carefully consider an application for flexible/phased retirement and examine how the flexible/phased retirement application and desired working pattern can be accommodated within a service area or function. Where the request cannot be supported your line manager should explore alternative options with you which may be mutually agreeable.

Where the application can be supported your line manager must present a retirement business case which must be approved in relation to both:

- reduction in hours and/or grade; and
- early payment of the pension benefits.

The business case should include details of the impact on service delivery and the benefit to your Department as well as to yourself and any associated costs. The following criteria must be satisfied:

- You must be employed by us on a permanent contract of employment; and
- For LGPS members it is recommended that there should be a reduction in hours of at least 20% or a reduction in grade. We will consider all applications taking into account all financial and service delivery issues on a case by case basis.
- For TPS members please refer to **Appendix 2**.

In all cases, including where you request a gradual reduction in hours over a period of time, the business case should detail the proposed reductions in hours; the dates of the reduction and the proposed final retirement date at the outset. This is to ensure succession planning.

Where a flexible/phased retirement application and the subsequent business case demonstrate a cost to us, the business case must clearly set out the cost and service benefits of agreeing the application. It is your manager's responsibility to ensure that the business case provides all the information required.

There is no trial period for flexible retirement under the LGPS and, once it has been agreed, the decision cannot be reversed, because of the direct impact upon the pension benefits. There can be no reversal of the decision to reduce the number of hours whilst still in the same post.

For phased retirement under TPS the reduction must be for a minimum period of 12 months.

<sup>1</sup> Non LGPS/TPS Members should refer to the Flexible Working Policy

## Conditions of Service

If you reduce your hours in the same job, all the conditions of your contract of employment will be retained, pro rata part time, including recognition of continuous service for purposes of annual leave and sick pay, and for employment rights such as redundancy payments.

If you start a new job, you will receive a new contract of employment and, provided local government service is continuous without a break, this will be recognised for purposes of annual leave and sick pay, and for employment rights, such as redundancy payments.

## Financial implications of flexible/phased retirement

The annual pension and lump sum retirement grant (if applicable) are paid with effect from the date of flexible/phased retirement and Additional Voluntary Contributions (AVC's) may be accessed if you choose too.

After taking flexible retirement you may contribute to the LGPS in the new or part time job and start an additional pension that will be accessed when they finally retire. It is important to note that the new local government pension record is a separate pension accrual. This means that the previous service (relating to the pension put into payment as a result of flexible retirement) will not count as accrued service in respect of the later benefits.

If you are taking phased retirement under TPS please refer to **Appendix 2**.

You are responsible for obtaining your own independent financial and pension advice as the Council is not able to provide this but the following information might be helpful:

- Flexible/phased retirement will have the effect of reducing salary and partially replacing this with pension benefits. Depending on the level of salary reduction and the amount of accrued pension benefits, the overall level of income received during the period of flexible/phased retirement, or at the eventual date of retirement from the Council, might be less than that received by continuing to work in the original contract until the LGPS/TPS normal pension age or beyond;
- the pension is treated as taxable income and will, therefore, be subject to income tax deductions, in the same way as your salary;
- on reaching state pension age, you might become entitled to state pension benefits over and above your LGPS/TPS pension benefits. You are advised to seek advice from the relevant government department.

## Pension reduction & implications

The amount of pension benefits awarded under flexible/phased retirement is calculated in the same way as for voluntary early retirement (LGPS) or actuarially adjusted benefits (TPS). Pension benefits will be subject to a reduction if they are drawn before the LGPS/TPS deemed NPA.

You may remain in the pension scheme and accrue a second pension (LGPS) or continue to accrue additional pensionable service (TPS) based on your reduced hours/grade. These

benefits will become payable without actuarial reduction at NPA, or anytime thereafter should you choose to remain working beyond NPA but must be accessed at least 1 day before your 75<sup>th</sup> birthday. You will be covered for all pension benefits such as ill health retirement and death in service. You can also purchase Additional Pension Contributions or pay Additional Voluntary Contributions.

### Waiving the pension reduction

The LGPS regulations allows us as your employer the discretion to waive the pension reduction. This will only be possible in **exceptional circumstances** in accordance with our Employer Discretionary Policy. Your manager must seek advice from the HR team before proceeding with any flexible retirement application where it is proposed that we will bear the cost of the pension reduction and the reasons for doing so must be set out clearly within the Business Case.

In the event that the we agree to waive the pension reduction and the flexible retirement application is approved, should you subsequently submit your resignation; voluntarily increase your hours of work or apply for another job within the Authority prior to the agreed retirement date, we reserve the right to recover from you the full cost of the actuarial strain incurred.

### Flexible Retirement Applications Procedure

Applications will be processed as follows:

- you can review your current pension information via Pension Online via [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk) or [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk);
- you make a formal request in writing to your line manager outlining the reduction in hours or grade requested and proposed dates;
- your line manager will arrange a mutually convenient time to discuss the application with you;
- your line manager will confirm if the application can be supported subject to the approval of the Flexible Retirement Business Case;
- your line manager will contact the HR Team to obtain actuarial strain pension figures for the business case and to provide actual pension figures for you;
- you will confirm with your line manager if you wish to proceed with your application on receipt;
- your line manager completes the Flexible Retirement Business Case and submits for approval to your Head of Service or Director in accordance with the Retirement Business Case Guidelines.

Once approved

- for reduced working hours: your line manager must confirm the variation in working hours and commencement date to the HR Employee Services Team;
- for a reduction in grade: you should apply for suitable vacancies in accordance with the our Recruitment and Selection policy or if eligible, the Redeployment Policy where you are deemed 'at risk. Once successful in being offered/redeployed in an alternative post, you should seek confirmation of the pension benefits payable. If you wish to proceed with the application final approval must be sought from the existing

Head of Service who will be required to finalise the Flexible Retirement Business Case for approval in accordance with agreed procedures.

Flexible/Phased Retirement is discretionary on our part and therefore there is no right of appeal where an application is not approved.

However, where an application cannot be supported by your line manager they should seek advice from the HR Team in advance of confirmation to you to ensure that the case has been reasonably considered and to explore any potential alternative solutions.

### **Ensuring Equality of Treatment**

This policy must be applied consistently to all employees irrespective of race, colour, nationality (including citizenship), ethnic or national origins, language, disability, religion, belief or non-belief, age [subject to statutory regulations], sex, gender identity and expression, sexual orientation, parental, marital or civil partnership status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team

If you require this information in an alternative format (for example large print), please contact People Management on Ext: 6184 or email [PMBusinessSupportUnit@carmarthenshire.gov.uk](mailto:PMBusinessSupportUnit@carmarthenshire.gov.uk)



## Appendix 1

### LGPS 2014 ALL Wales Pension Fund Factsheet

#### 85-year Rule

#### When can I retire?

The Normal Pension Age (NPA) under the Local Government Pension Scheme (LGPS) 2014 is linked to your State Pension Age (SPA)<sup>1</sup>, with a minimum age of 65. However, you may voluntarily retire from age 55, but your benefits may be actuarially reduced to take account of early payment before your NPA.

#### What is the 85 Year Rule?

The 85-year rule is a test to assess whether a member's benefits would be reduced, if they retire before their NPA. If a member's age plus their Scheme membership (both measured in whole years), added up to 85 or more, their benefits were **NOT** reduced. If the rule was NOT satisfied, a full reduction was applied to a member's benefits.

#### When was the 85 Year Rule removed?

On 1 October 2006, the 85-year rule was removed from the Regulations. If you were an active member as at 30 September 2006, some or all of your membership will still be protected by the 85 Year Rule. If you were covered by the 85 Year Rule, it will continue to apply from 1 April 2014. However, if you joined the LGPS on or after 1 October 2006, the 85 Year Rule will NOT apply to your circumstances.

#### Am I protected under the 85 Year Rule?

If you were an active member as at 30 September 2006 and choose to retire before your NPA, having met the 85 Year Rule, you will have some form of protection.

If you were **born on or before 31 March 1956**, all benefits built up to 31 March 2016 will be protected in full. Benefits from 1 April 2016 will be reduced for the period from your date of leaving to your SPA.

If you were **born on or between 1 April 1956 and 31 March 1960**, all benefits built up to 31 March 2008 will be protected in full, **BUT** benefits built up between 1 April 2008 and 31 March 2020 will be reduced on a 'tapered' basis for the period from your date of leaving to age 65 (the normal retirement age under the 2008 Scheme). Any benefits built up after 1 April 2020 will be reduced in **FULL** for the period from your date of leaving to your SPA.

If you were **born on or after 1 April 1960**, all benefits built up to 31 March 2008 will be protected in full, **BUT** benefits built up from 1 April 2008 until your date of leaving will be reduced in **FULL**. For membership from 1 April 2008 to 31 March 2014, the reduction will be for the period from your date of leaving to your 65th birthday. Your membership from 1 April 2014 will be reduced for the period from your date of leaving to your SPA.

#### How much of a 'reduction' will apply?

Your benefits will be reduced in accordance with guidance issued by the Government Actuary's Department (GAD). The period from your date of leaving to the appropriate retirement age will be measured in years and days, therefore the percentage reduction will be amended for part years. (Factors as at 08/01/2019).



Years Early	Annual Pension Reduction	Automatic Lump Sum Reduction
0	0%	0%
1	5.1%	2.3%
2	9.9%	4.6%
3	14.3%	6.9%
4	18.4%	9.1%
5	22.2%	11.2%
6	25.7%	13.3%
7	29.0%	15.3%
8	32.1%	17.3%
9	35.0%	19.2%
10	37.7%	21.1%
11	41.6%	21.1%
12	44.0%	21.1%
13	46.3%	21.1%

### Will the 85 Year Rule apply if I retire from age 55?

With the introduction of the LGPS 2014 from 1 April 2014, you are able to voluntarily retire from age 55 (without your Employer's consent). If you do choose to voluntarily retire between age 55 and 60, any 85 Year Rule protections will **NOT** automatically apply and your benefits will therefore be reduced in **FULL**. However, if you choose to retire on or after age 60, any 85 Year Rule protections **WILL** apply. The ability to apply the 85 Year Rule to voluntary retirement between age 55 and 60 is at the discretion of your Employer. Your Employer will have a policy on this matter.

### What if I am made redundant or have to retire on the grounds of efficiency?

If you are made redundant by your Employer or if you have to retire on the grounds of efficiency and you are aged 55 or over, your benefits will come into payment immediately **WITHOUT** reduction.

### Further Information

This factsheet gives general guidance only. For further information, please contact:  
Tel: **01267 224 043** Email: [pensions@carmarthenshire.gov.uk](mailto:pensions@carmarthenshire.gov.uk)

## Appendix 2

### Phased Retirement for members of the Teachers' Pensions Scheme

If you are an unattached-teacher you may want to continue working while drawing some of your accrued pension benefits.

Phased retirement under the TPS allows you to decide how much of your accrued pension benefits to take, up to a maximum of 75% of total benefits. Please note that this is not the same as 75% of the available benefits at each phased retirement event. If you take 75% of your benefits at your first phased retirement, then a subsequent phased retirement will look at the new benefits, i.e. those already accrued at the point of the first retirement and the new accrual during the phased retirement and take 75% of those benefits minus the 75% already taken to calculate the 'Additional Pension' to be paid under the second phase of the retirement award. If members have accrued final salary and career average benefits, they don't have to access both sets of benefits when they take phased retirement, i.e. they could choose to only take up pension from their final salary pension or vice versa. They can, of course, choose to take benefits from both, subject to the maximum 75%.

Phased retirement is a practical option, if some simple guidelines are followed.

#### If an unattached teacher requests phased retirement

1. Your Pensionable Salary must reduce by at least 20%, compared to their previous six months earnings, for a minimum of 1 year following the date of phased retirement, e.g. this could be because your hours have reduced, or you have taken up a post of lesser responsibility (and hence lesser salary).
2. You may take phased retirement and following a break in service start a new appointment in a support role in an educational establishment, such as a classroom assistant. The new appointment can be with the same or a different employer but must be within six months of the previous job ceasing.
3. You may take phased retirement if you have a break in employment provided it is not more than six months of the previous job ceasing.
4. The application form for phased retirement must be signed by the employer responsible for the new working arrangement and must be made within three months of you taking up employment.
5. Protected members can take a maximum of two phased retirements before finally retiring. Career average members can take up to three phased retirements before finally retiring, but only two before age 60.

However, from April 2015 changes to the Teachers' Pension Scheme will affect some teachers interested in taking phased retirement. It is strongly advised to consult the Teachers' Pensions website for up to date information prior to making a request.

You can obtain an application form from the secure member area, '[My Pension Online \(MPO\)](#)'. As you are required to complete a number of questions and options you must take care in checking that you have correctly completed all the relevant sections. You can assess your options, with respect to converting pension to a lump sum, e.g. using the modellers available on 'My Pension Online'.

You'll be required to confirm:

- your proposed phased retirement date;
- the start date and the new salary that will be paid; and
- details of service and salary since your last service update or from a date requested by Teachers' Pensions.

If there is any delay in providing the information you may not receive your benefits at your retirement / payable date. Applications should be submitted at least three months before the proposed retirement date, but any application received more than six months from the retirement will be rejected. This is because service and salary details can change in the intervening period.

### **Normal Pension Age (NPA) for TPS?**

The NPA for the purposes of the TPS depends when you joined the scheme. If you've only been a member of the TPS Scheme since 1 January 2007 you will have a Normal Pension Age (NPA) of 65.

However, if you were a member of the Teachers' Pension Scheme before 1 January 2007 then your normal pension age will be 60 – provided you haven't had a break in service of more than five years.

If you had a break of more than five years, your NPA remains at 60 for service up to the end of the break in service, but it will be 65 for any future service. In pension terms you'll be classed as a 'member with mixed service'.

Please note changes to NPA effective from 1<sup>st</sup> April 2015: There is no change to members' final salary normal pension age from 1 April 2015. With effect from 1 April 2015 members' career average normal pension age will be equal the state pension age (SPA) or 65 where that is higher. Employees can check their state pension age by visiting the government website at: [www.gov.uk/calculate-state-pension](http://www.gov.uk/calculate-state-pension)

For the latest information please visit [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

This page is intentionally left blank

**Appendix J - Joint Negotiating Committee for Local Authority Chief Executives  
National Salary Framework & Conditions of Service Handbook**

**JOINT NEGOTIATING COMMITTEE**  
*for*  
**LOCAL AUTHORITY CHIEF EXECUTIVES**

**NATIONAL SALARY FRAMEWORK**  
**&**  
**CONDITIONS OF SERVICE**

**HANDBOOK**

UPDATED 13 OCTOBER 2016

## **PREAMBLE**

**The Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities is the national negotiating body for the pay and conditions of service of chief executives in England and Wales.**

**The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists of chief executives nominated by the Association of Local Authority Chief Executives and Senior Managers (ALACE). ALACE is registered as an independent trade union.**

### **Employers' Secretary:**

SARAH MESSENGER  
LGA, Local Government House  
Smith Square  
London SW1P 3HZ

### **Officers' Side Secretary:**

IAN MILLER Hon Secretary ALACE  
[www.alace.org.uk](http://www.alace.org.uk)  
  
Tel: 07515 190917  
Email: [alacehonsec@yahoo.co.uk](mailto:alacehonsec@yahoo.co.uk)

<b>Appendix 1</b>	<b>Constitution</b>	<b>15</b>
<b>Appendix 2</b>	<b>Joint Guidance on Appraisal of the Chief Executive</b>	<b>18</b>
<b>Appendix 3</b>	<b>Considerations in Developing Remuneration Committees – Joint Guidance</b>	<b>21</b>
<b>Appendix 4</b>	<b>JNC agreed protocols for Joint Secretarial conciliation</b>	<b>23</b>
<b>Appendix 5</b>	<b>A: The Model disciplinary procedure &amp; guidance to the procedure <b>England</b> (page 30)</b>	<b>25</b>
	<b>B: The Model disciplinary procedure &amp; guidance to the procedure <b>Wales</b> (page 55)</b>	
<b>Appendix 5a</b>	<b>Flow diagram relating to Model Disciplinary Procedure <b>England</b></b>	<b>76</b>

**NB:**

*All hyperlinks and email addresses contained in this Agreement are correct at the time of publication. Please notify the Joint Secretaries of any discrepancies by emailing them at the addresses shown on the cover page.*

## **THE CHIEF EXECUTIVE**

### **1. DEFINITION**

The term “chief executive” means the officer who is the head of the council’s paid service. The duties and responsibilities of the post shall be determined by the individual employing authority. They shall include the statutory responsibilities of the head of the paid service, and such other duties as determined by the authority, which should include the following:-

(i) Responsibility for:

(a) leading the management team or equivalent, in particular in securing a corporate approach

(b) securing the provision of advice on the forward planning of objectives and services

(c) ensuring the efficient and effective implementation of the council’s programmes and policies across all services and the effective deployment of the authority’s resources to those ends.

For these purposes the chief executive has authority over all other employees of the council.

(ii) Advising the council, its executive and its committees on all matters of general policy and all other matters upon which his or her advice is necessary, with the right of attendance at all committees of the council and all subcommittees and working parties.

(iii) Advising the leader or elected mayor of the council, or where appropriate the party group leaders, on any matter relevant to the council’s functions.

(iv) Representing and negotiating on behalf of the council on external bodies and networks.

(v) Advising or making suitable arrangements for advising the Lord Mayor, Mayor or Chair of the council on all matters within the duties of that office.

### **2. ADVICE TO POLITICAL GROUPS**



The chief executive shall not be required to advise any political group of the council, either as to the work of the group or as to the work of the council, neither shall he or she be required to attend any meetings of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with the chief executive and which includes adequate safeguards to preserve the political neutrality of the chief executive in relation to the affairs of the council.

### **3. WHOLE-TIME SERVICE**

The chief executive shall devote his or her whole-time service to the work of the council and shall not engage in any other business or take up any other additional appointment without the express consent of the council. He or she shall not subordinate his or her duty as chief executive to his or her private interests or put himself or herself in a position where his or her duty and private interests conflict.

### **4. PERFORMANCE APPRAISAL**

This guidance is intended for use by senior elected members and the chief executive when agreeing a process for appraising the performance of the chief executive. The focus of this process should be on clarifying what the chief executive is expected to achieve and on identifying any continuing development needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable. The LGA, Regional Employers' Organisations, ALACE and SOLACE are potential sources of advice and assistance. Guidance is attached at **Appendix 2**.

### **5. FIXED TERM CONTRACTS**

Fixed term contracts can raise issues of considerable legal complexity. It is important for both sides to understand the implications of the contract before completing it. The joint secretaries are available to act in an impartial role in that process if requested by either side. **Paragraph 13.4** contains further information regarding procedures for the ending of a fixed-term contract.

## **SALARIES**

### **6. SALARY FRAMEWORK**

The salary paid to a chief executive will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 7** or the authority expressly agrees that they shall be retained by the officer, shall be paid by the officer into the council's accounts.

## **7. RETURNING OFFICER FEES**

The chief executive shall be entitled to receive and retain the personal fees arising from such of the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions as he or she performs subject to the payment of pension contributions thereon, where appropriate, Unless a specific term has been included in the chief executive's contract referring to alternative arrangements.

## **8. SETTING REMUNERATION LEVELS**

The Localism Act 2011 requires councils to produce and publish a pay policy statement. According to the Act and statutory guidance published in 2012 and 2013, the statement should include the local authority's policy on specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency arrangements. It should also set out the approach to be adopted towards pay dispersion, (i.e. differentials). In addition, the Local Government Transparency Code 2015 requires councils to publish the differential between the taxable benefits of senior managers and the median taxable earnings figure for the council's whole workforce, and details of senior employee salaries (above £50,000), names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.

In this context it is essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief executives have been made in an open and accountable way.

One option is for a council to establish a remuneration committee. The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3**.

The establishment of a remuneration committee is of course optional and different models may well suit individual authorities. What is clear though is that more than lip service must be paid to the notion of providing a verifiable and accountable process for recommending the remuneration level of the most highly-paid official.

## **OTHER CONDITIONS OF SERVICE**

## **9. APPLICATION OF TERMS AND CONDITIONS GENERALLY**

A chief executive shall enjoy terms and conditions in other respects not less favourable than those accorded to other officers employed by the council. Such terms and conditions may include:

Adoption Scheme

Car Allowances

Continuous Service

Grievance

Health, Safety & Welfare

Maternity / Paternity Scheme

Official Conduct

Reimbursement of Expenditure

Sickness Scheme

Training & Development

## **10. REMOVAL EXPENSES: NEW APPOINTMENTS**

In the case of officers taking up new appointments, authorities may (in the interests of local government and to facilitate the moving of officers) reimburse fully or contribute towards the costs reasonably incurred in removal and in setting up a new home, and other costs reasonably incurred in taking up a new appointment.

## **11. ANNUAL LEAVE**

The chief executive shall be entitled to a minimum of 30 days' annual leave (in addition to statutory and other public holidays but inclusive of any long service leave, extra statutory and local holidays). In exceptional circumstances and by mutual agreement annual leave may be carried forward to the next leave year.

## **12. RESTRICTIONS ON RE-EMPLOYMENT**

After termination of the chief executive's employment he / she:

- (i) will not divulge any information to any third party which is confidential to the authority
- (ii) will not, without the consent of the authority, within a period of 12 months take up employment with or provide services for reward to any body:
  - (a) if during the chief executive's last two years of employment the authority has been involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward
  - (b) which is likely to benefit from commercially sensitive information which is known to the chief executive by virtue of his / her past employment by the authority

### **13. PROCEDURES FOR, DISCIPLINE, CAPABILITY, REDUNDANCY AND OTHER DISMISSALS**

13.1 In principle it is for each local authority to determine its procedures and practical arrangements for the handling of disciplinary action and termination of the employment contract, taking into account the relevant considerations in general employment law. However, in the case of a chief executive (head of paid service) there are further legal requirements for certain types of disciplinary action and dismissal.

13.2 In England, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and in Wales, the Local Authorities Standing Orders (Wales) Regulations 2006 provide a degree of protection for chief executives against unwarranted political interference in their role as heads of paid service of local authorities. In England, the Regulations require that the council takes into account any advice, views or recommendations of an independent panel before a chief executive can be dismissed, for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract. In Wales, the regulations require that a Designated Independent Person is required to investigate and make a recommendation in the event of disciplinary action being taken against the chief executive on the grounds of misconduct or if there is any other proposal to dismiss the chief executive for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract. The considerations and the management of these different types of disciplinary action and potential dismissal therefore will vary.

13.3 There are, therefore, differences between the English and Welsh regulations and accordingly there are two separate procedures (one for local authorities in England and one for local

authorities in Wales). The model procedures with guidance on their application and operation in both countries are introduced below **A England** and **B Wales**, and contained at **Appendix 5a (England)** and **Appendix W5a (Wales)**.

## **A ENGLAND**

### **Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts**

13.4 Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of an Independent Investigator or Independent Panel (**England Page 49**).

However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities. In addition, dismissals for all reasons including those set out in this paragraph must be approved by the Council itself.

### **Disciplinary action on grounds of conduct, proposals to dismiss on the grounds of misconduct and proposals to dismiss for other reasons such as capability and some other substantial reason**

13.5 Disciplinary action or situations in which there is the potential to dismiss on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of an Independent Investigator. Where it results in a proposal to dismiss, it will require the involvement of an Independent Panel before the Council considers the proposal.

13.6 The JNC has developed model procedures to use in these cases where an Independent Investigator and Independent Panel may be required and the matter cannot be resolved informally.

13.7 A summary table at **Appendix 5d** indicates the appropriate procedures to follow for the different types of situations, i.e. whether the issue should follow a local procedure or whether it should follow the JNC model procedure.

### **Considerations prior to contemplating disciplinary action**

13.8 Taking disciplinary action against a chief executive can be a difficult, time-consuming and potentially very expensive process made more complex because it happens so rarely that many elected members and senior staff will be unfamiliar with the relevant legal and employment contract provisions.

13.9 A key issue is whether formal disciplinary action is necessary at all or whether informal resolution to a problem could provide a better solution in the circumstances. This will sometimes be the case and the Joint Secretaries may be able to assist. (See paragraphs 13.11 – 13.14).

13.10 Where formal procedures are to be engaged, the JNC urges elected members and those who advise them to ensure that they understand the procedure, seek appropriate advice at every stage and do not compromise the outcome of any proceedings. (See paragraphs 13.15 – 13.20).

### **Early informal resolution and joint secretarial conciliation**

13.11 Authorities should have regard to the ACAS advisory handbook *Discipline and Grievance at Work*. A key message in this guidance is that prevention is better than cure: “The use of formal disciplinary procedures should be considered a ‘last resort’ rather than the first option. Many problems can be sorted out through informal dialogue”.

13.12 The JNC encourages authorities to adopt this informal approach. Experience shows that once formal disciplinary procedures have been instituted against a chief executive the inevitable high profile of the case can make it more difficult for normal working relationships to be resumed. There might also be an effect on staff morale and it is possible for there to be negative publicity in the local and sometimes national media.

13.13 A guiding principle of the early informal approach is therefore to obtain improvement and remedy problems. Where potential disciplinary problems (either conduct or performance) are identified then either of the parties may wish to approach the appropriate JNC Side Secretary. The Joint Secretaries are available at any stage in the proceedings to facilitate discussions between the parties and act as impartial conciliators. **Appendix 4** sets out the JNC’s protocol for Joint secretarial conciliation. Joint secretarial assistance can also be requested during the formal stages of the procedure although the scope for resolution may be reduced by then as the parties are more likely to have adopted adversarial positions.

13.14 Conciliation is preferable to the use of formal procedures if it can bring about a mutually agreed solution to any problems. While the process itself is informal any resolution should make it clear what specific changes in behaviour and / or performance are expected and within what

timescales. Depending on the nature of the case, a mutually agreed resolution could include, for example:

☐ For minor performance and conduct issues it may make sense for there to be an off-the-record agreement that an informal warning will be issued. If the chief executive is prepared to accept such a warning in the appropriate spirit then it may not be in either party's interest for the formal procedures to be initiated.

☐ Where there are performance shortcomings with a relatively inexperienced chief executive then one solution could be for a more experienced, possibly retired, chief executive to act as a mentor.

### **The formal JNC procedure and associated guidance**

13.15 The model procedures have been agreed by the JNC in the light of the experience of the Joint Secretaries in their involvement in individual cases. The procedure includes appropriate variations for application in councils with leader / cabinet executives, mayor / cabinet executives and those operating a committee system.

13.16 Where informal resolution is not possible the model procedure should apply unless alternative arrangements have been agreed by both parties locally. The model procedure can also be modified by mutual agreement to suit the particular circumstances of the case, but not so as to contradict the requirements of the Standing Orders Regulations. There is an obligation on both the authority and its chief executive to give fair consideration to reasonable proposals from the other party to modify the model procedure to suit local circumstances.

13.17 The principles of natural justice and good management practice must govern the conduct of any proceedings against the chief executive. Authorities should also have full regard to the principles and standards set out in *Discipline and Grievance - ACAS Code of Practice*.

13.18 The procedure should be handled as quickly as is consistent with the need to investigate the case and to give the chief executive a fair opportunity to reply fully to complaints. In order to use the model procedure, authorities will need to do some preparatory work by considering appropriate committees and delegated powers before incidents which might engage the procedure arise.

13.19 The Joint Secretaries of the JNC should be notified as soon as it is proposed to use the procedure and it is recommended that both parties contact the appropriate side secretary as soon as possible to ascertain whether more detailed assistance might be desirable

13.20 The range of possibilities is difficult to cover completely within the content of this handbook. However, the handbook contains the model procedure and guidance on the operation of the procedure and associated issues. There are also flow diagrams to assist in making the process as clear as possible. Further advice and guidance can be sought from the Joint Secretaries.

## **B WALES**

### **Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts**

W13.4 Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of a Designated Independent Person. However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities.

### **Disciplinary action on grounds of conduct, proposals to dismiss on the grounds of misconduct and proposals to dismiss for other reasons such as capability and some other substantial reason**

W13.5 Disciplinary action or situations in which there is the potential to dismiss on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of a Designated Independent Person. There are also additional considerations as to the impact of the Standing Orders Regulations such as limits on suspension of the chief executive and the powers and method of appointment of the Designated Independent Person, which authorities and chief executives need to be aware of.

W13.6 The JNC has developed model procedures to use in these cases where a Designated Independent Person may be required and the matter cannot be resolved informally. The model procedures with guidance on their application and operation are contained at **Pages 54-75**.

W13.7 A summary table at **Appendix 5d** indicates the appropriate procedures to follow for the different types of situations, i.e. whether the issue should follow a local procedure or whether it should follow the JNC model procedure.

### **Considerations prior to contemplating disciplinary action**



W13.8 Taking disciplinary action against a chief executive can be a difficult, time-consuming and potentially very expensive process made more complex because it happens so rarely that many elected members and senior staff will be unfamiliar with the relevant legal and employment contract provisions.

W13.9 A key issue is whether formal disciplinary action is necessary at all or whether informal resolution to a problem could provide a better solution in the circumstances. This will sometimes be the case and the Joint Secretaries may be able to assist. (See paragraphs W13.11 – W13.14).

W13.10 Where formal procedures are to be engaged the JNC urges elected members to ensure that they understand the procedure, seek appropriate advice at every stage and do not compromise the outcome of any proceedings. (See paragraphs W13.15 – W13.21).

#### **Early informal resolution and joint secretarial conciliation**

W13.11 Authorities should have regard to *Discipline and Grievances at Work: The ACAS Guide*. A key message in this guidance is that prevention is better than cure: “The use of formal disciplinary procedures should be considered a ‘last resort’ rather than the first option. Many problems can be sorted out through informal dialogue”.

W13.12 The JNC encourages authorities to adopt this informal approach. Experience shows that once formal disciplinary procedures have been instituted against a chief executive the inevitable high profile of the case can make it more difficult for normal working relationships to be resumed. There might also be an effect on staff morale and it is possible for there to be negative publicity in the local and sometimes national media.

W13.13 A guiding principle of the early informal approach is therefore to obtain improvement and remedy problems. Where potential disciplinary problems (either conduct or performance) are identified then either of the parties may wish to approach the appropriate JNC Side Secretary. The Joint Secretaries are available at any stage in the proceedings to facilitate discussions between the parties and act as impartial conciliators. **Appendix 4** sets out the JNC’s protocol for Joint Secretarial conciliation. Joint Secretarial assistance can also be requested during the formal stages of the procedure although the scope for resolution may be reduced by then as the parties are more likely to have adopted adversarial positions.

W13.14 Conciliation is preferable to the use of formal procedures if it can bring about a mutually agreed solution to any problems. While the process itself is informal any resolution should make it clear what specific changes in behaviour and / or performance are expected and within what

timescales. Depending on the nature of the case, a mutually agreed resolution could include, for example:

☐ For minor performance and conduct issues it may make sense for there to be an off-the-record agreement that an informal warning will be issued. While the law is clear that to take any sort of disciplinary action the Designated Independent Person process has to be used, it may be sufficient for elected members to express their concerns informally and let the matter rest there. If the chief executive is prepared to accept such a warning in the appropriate spirit then it may not be in neither party's interest for the formal procedures to be initiated.

☐ Where there are performance shortcomings with a relatively inexperienced chief executive then one solution could be for a more experienced, possibly retired, chief executive to act as a mentor.

### **The formal JNC procedure and associated guidance**

W13.15 The model procedures have been agreed by the JNC in the light of leading counsel's opinion and the experience of the Joint Secretaries in their involvement in individual cases. The procedure is suitable for application in councils with leader/cabinet executives and mayor / cabinet executives.

W13.16 Where informal resolution is not possible the model procedure should apply unless alternative arrangements have been agreed locally. The model can also be modified by mutual agreement to suit the particular circumstances of the case, but not so as to contradict the requirements of the Standing Orders Regulations. There is an obligation on both the authority and their chief executive to give fair consideration to reasonable proposals from the other party to modify the model procedure to suit local circumstances.

W13.17 The principles of natural justice and good management practice must govern the conduct of any proceedings against the chief executive. Authorities should also have full regard to the principles and standards set out in *Discipline and Grievance - ACAS Code of Practice*

W13.18 The procedure should be handled as quickly as is consistent with the need to investigate the case and to give the chief executive a fair opportunity to reply fully to complaints. In order to use the model procedure, authorities will need to do some preparatory work by considering appropriate committees and delegated powers before incidents which might engage the procedure arise.

W13.19 The Joint Secretaries of the JNC should be notified as soon as it is proposed to use the procedure and it is recommended that both parties contact the appropriate side secretary as soon as possible to ascertain whether more detailed assistance might be desirable.

W13.20 The range of possibilities is difficult to cover completely within the content of this handbook. However, the handbook contains the model procedure and guidance on the operation of the procedure and associated issues. There are also flow diagrams to assist in making the process as clear as possible. Further advice and guidance can be sought from the Joint Secretaries.

W13.21 In the event that as a result of following the formal procedure the decision is taken to appoint a DIP, the JNC has produced a brief Guidance Note (**Appendix 6**) to assist members, Chief Executives and the DIP to understand the role.

#### **14. Grievance Procedures**

In principle it is for each local authority to determine its procedures and practical arrangements for the handling of grievances, taking into account the relevant considerations in general employment law. However, in the case of a chief executive, there are particular factors which may need to be borne in mind in the case of a grievance against a chief executive or a grievance brought by a chief executive, and the JNC has therefore adopted model procedures for use in such circumstances. These are set out in **Appendix 7**.

## **APPENDIX 1**

### **CONSTITUTION**

#### **1. TITLE**

The Committee shall be known as the Joint Negotiating Committee for Chief Executives of Local Authorities (hereinafter referred to as “the Committee”).

#### **2. SCOPE**

The Committee shall have within their scope all chief executives of all principal local authorities in England and Wales as defined in paragraph 1 of the national conditions of service.

#### **3. MEMBERSHIP**

The Committee shall consist of not more than 11 members on each side. The current membership is appointed as follows:-

***Representing local authorities:***

Local Government Association 9

Welsh Local Government Association 1

***Representing chief executives:***

Association of Local Authority Chief Executives

and Senior Managers 11

**4.** If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the constitution, such failure to appoint shall not vitiate the

decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his / her place.

5. A member of the Committee shall automatically retire on ceasing to be a member of the organisation which he / she represents.

6. On the occurrence of a casual vacancy, a new member shall be appointed by the organisation in whose representation the vacancy occurs and shall sit until the end of the period for which his / her predecessor was appointed.

## **FUNCTIONS**

7. The functions of the Committee shall be to consider from time to time the salary framework and general conditions of service of the officers named in paragraph 2 hereof and to make recommendations in regard to such scales and conditions to the local authorities by which such officers are employed.

Provided that, in considering general conditions of service, the Committee shall have regard to the general conditions of service now or hereafter recommended by the National Joint Council for Local Government Services or to any agreed alternative local conditions.

All recommendations made by the Committee to local authorities shall be sent simultaneously to the bodies named in paragraph 3 hereof.

## **PROCEDURE**

8. **Sub-Committees** The Committee may appoint from their own members such sub-committees as they may consider necessary and with such authorities as they may from time to time determine. The reports of all sub-committees shall be submitted to the full Committee.

9. **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. The Chair, or in his / her absence the Vice-Chair, shall preside at all meetings of the Committee. In the

absence of both the Chair and the Vice-Chair at any meeting, a Chair shall be elected to preside. In no case shall a Chair have a second or casting vote.

**10. Officers** Each side shall appoint a joint secretary.

**11. Meetings** Meetings of the Committee shall be held as often as may be necessary, and the Chair shall call a special meeting if so requested by one-third of either side of the Committee. The notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat, and no other matters shall be discussed. A special meeting shall take place within fourteen days after the request has been received.

**12. Voting** The voting in the Committee and in sub-committees shall be by show of hands or otherwise as the Committee or sub-committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members entitled to vote present on each side of the Committee or sub-committee, as the case may be.

**13. Quorum** The quorum of the Committee shall be 8, consisting of 4 representatives from each side. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.

**14. Notices of meetings** All notices of meetings of the Committee and of any sub-committee thereof shall be sent to the respective members at least seven clear days before the date of the meeting.

## **FINANCE**

**15.** Each side shall meet its own expenses.

## **APPLICATION**

**16.** In the event of any question arising as to the interpretation of recommendations issued by the Committee and their application to a particular chief executive or of any other question arising relating to salaries which cannot be settled by the employing authority and the officer concerned, the Committee shall at the request of either party consider the matter and endeavour to assist them in securing a settlement.

## **ARBITRATION**

**17.** In the event of a dispute over terms and conditions of employment arising between the two sides of the Committee on any matter, the dispute shall, at the request of either side, be reported to the Advisory, Conciliation and Arbitration Service (ACAS) by the Joint Secretaries with a request that the matter be referred for settlement by arbitration. The arbitration award shall be accepted by the two sides, and shall be treated as though it were an agreement between the two sides.

## **AMENDMENTS TO CONSTITUTION**

**18.** Alterations in the constitution of the Committee shall be made as follows:

(a) in paragraph 3 of this constitution any change to the organisations represented on each Side, shall be a matter for each Side to determine

(b) all other clauses can only be changed with the assent of both bodies named in paragraph 3

## **APPENDIX 2**

### **JOINT GUIDANCE ON APPRAISAL OF THE CHIEF EXECUTIVE**

#### **1. INTRODUCTION**

1.1 This guidance is intended for use by senior elected members and the chief executive when agreeing a process for appraising the performance of the chief executive. The focus of this process should be on clarifying what the chief executive is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.

1.2 The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief executive's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

#### **2. RESPONSIBILITY FOR APPRAISAL**

2.1 The responsibility for appraising the chief executive lies with senior elected members. It is a contractual obligation on the part of both the chief executive and the employing council to engage in a regular process of appraisal.

2.2 It will be for local decision in the light of local circumstances whether the appraisal should be carried out by a small committee representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief executive is employed by the council as a whole, not by the controlling group, and is therefore required to serve all of the council.

#### **3. AIMS OF APPRAISAL**

☐ To identify and clarify the key objectives, priorities and targets of the council and appropriate timescales for their achievement over the next (e.g. twelve) months



☒ Agree what the chief executive should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to deliver the council's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively

☒ Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance

☒ Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals

☒ Discuss developmental requirements. The chief executive will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief executive with the requisite skills to meet the council's objectives. The parties should be proactive and anticipate future developmental needs in the context of the council's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between leading members and the chief executive. It should not be assumed that it is only the chief executive who may need to adjust his / her approach to the working relationship

3.1 Appraisal should be set in the context of the council's objectives, priorities and targets, generally expressed in corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the council as a whole.

#### **4. THE APPRAISAL CYCLE**

4.1 Appraisal should take place on a predetermined date, **at least annually**, backed up by regular monitoring meetings at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

#### **5. KEY ELEMENTS OF THE APPRAISAL PROCESS**

☒ Continuous two-way monitoring of performance against objectives

☒ Preparation for an appraisal interview

☐ An appraisal interview where recent and current performance, future objectives and development needs are discussed

☐ Agreement on action required from either party to ensure required performance is achievable

☐ A continuing process of informal discussion regarding performance

## **6. The appraisal interview and afterwards**

☐ Both parties should be well informed and prepared for the interview

☐ The process should be two-way

☐ The interview should be free from interruptions, and notes should be taken when necessary

☐ The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions

☐ Targets which are realistic and capable of being monitored should be agreed

☐ Any agreed personal development plans should be implemented within the agreed timescale

☐ The chief executive should be given a reasonable opportunity to correct any shortfalls in performance

☐ A date for the next review should be agreed

## **7. EXTERNAL ASSISTANCE**

7.1 External assistance in facilitating the appraisal process can be helpful in providing an independent perspective.

7.2 Within the local government 'family', it may be sought from the Local Government Association or by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE or SOLACE. Alternatively such assistance may be available from commercial sources, such as consultancy firms.

7.3 Such assistance from the aforementioned organisations may take the form of them either directly participating in the process for which a fee may be requested to cover staff time or the recommendation of, for example, a suitably experienced recently retired senior officer or other independent individual.

**Note: If external assistance is sought, it must have the agreement of both sides.**

## **8. OTHER MATTERS**

8.1 The detailed content of appraisal interviews should normally be treated as confidential to the participants, unless both parties agree that it would be helpful for the targets agreed for the ensuing period to be shared more widely. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.

8.2 This may be useful in acting as a reminder that the chief executive and members need to ensure that chief officers are in their turn appraised.

8.3 It should, however, not be assumed that the process for appraising the chief executive should be followed in precise detail for other staff. There is a fundamental difference between elected members appraising the chief executive and managers appraising subordinates. The principles, nevertheless, are the same.

## **APPENDIX 3**

### **CONSIDERATIONS IN DEVELOPING REMUNERATION COMMITTEES – JOINT GUIDANCE**

## 1. Composition

1.1 In order to be representative but viable, the Committee needs to be small but it can be useful to have an odd number of members to ensure that clear decisions can be taken. Working by consensus is also a viable option. It is suggested that the Committee should have no more than 5 members.

1.2 The Committee can be composed entirely of elected members if this is the most workable solution in an authority but consideration may be given to having some external representation. Any external members should of course have no conflicts of interest and should be experienced in managing large organisations.

## 2. Remit

2.1 The Committee will be responsible for providing advice and will have delegated authority for making decisions or recommendations to the full council (or another committee) on pay and remuneration issues within its agreed remit in relation to the chief executive.

2.2 To make properly informed decisions on pay policy the Committee will need to ensure that it has comprehensive, relevant and reliable advice and market data provided by the online pay benchmarking system epaycheck (incl hyperlink). Further advice is also available from the Local Government Association or by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE or SOLACE. Alternatively such assistance may be available from commercial sources, such as consultancy firms.

2.3 The remit of the Committee would include all those elements of the remuneration package which are not set nationally (e.g. pensions) or by overall council policy, including:

- ☐ Fixed point salary
- ☐ Variable pay elements
- ☐ Some additional benefits within the context of overall pay.

2.4 It would also be responsible for oversight of any performance / contribution-related pay scheme for the chief executive (targets to be set and reviewed elsewhere as part of the chief executive's appraisal process).

2.5 The Committee would not be responsible for the actual operation of any appraisal processes, which should be kept separate.

### **3. Process**

3.1 The Committee should meet at least annually to:

- ☐ Determine any requirement for a formal review of the relevant pay market
- ☐ (Where determined necessary) commission relevant research and analysis and make recommendations thereon
- ☐ Review any remuneration issues arising from established performance / contribution-related pay assessment

### **4. Recommendations**

4.1 The Committee's recommendations should be based on data / advice / evidence / views collected from a number of possible sources, including (but not limited to):

- ☐ The council's own personnel / HR function, possibly in the form of a report on current issues
- ☐ National and / or Regional Employers' Organisations
- ☐ Independent external pay data / advice / facilitation from:

- ☐ External consultancy organisations with relevant experience in pay market analysis
- ☐ Pay benchmark information (from local employers / other similar local authorities)

- ☐ Performance data drawn from council-wide performance management indicators
- ☐ Submissions made by the Association of Local Authority Chief Executives and Senior Managers on behalf of their members

4.2 The Committee would then make reasoned recommendations to the relevant Committee of the council or would be in a position to act with delegated authority, as defined within the constitution.

4.3 In addition, in the first year of operation, the Committee would need to meet initially to agree the pay data to be collected and to agree its expectations of the process. The Committee would also need to determine what it would recommend as an overall executive pay policy, having regard to the general pay and employment strategy of the council.

4.4 The Committee may also need to hold additional meetings at the request of the council, when advice is required for example on changes to existing systems or if a new appointment is to be made.

## **5. Confidentiality and Protocols**

5.1 Confidentiality should always be maintained whilst discussions are taking place and until decisions are published. It may well be advisable to agree other protocols for the operation of the Committee, to which members would be expected to adhere.

### **APPENDIX 4**

#### **JNC AGREED PROTOCOLS FOR JOINT SECRETARIAL CONCILIATION**

##### **1. General principles**

1.1 Conciliation is an informal process designed to assist the parties in exploring the ground for possible agreement between them.

1.2 If conciliation is to work the participants must therefore have the confidence to float suggestions without compromising their respective positions. It is therefore essential that, if ultimately no agreement is possible, any avenues explored informally should not then be used in any subsequent discussions, unless agreed by both parties.

1.3 To achieve this objective the conciliation needs to be underpinned by the following principles:

##### **☐ Informality**

The conciliation process is informal, which means that the proceedings should be off the record and non-legalistic

### ☒ **No pre-conditions**

Neither side should seek to impose any pre-conditions on the process, unless by joint agreement

### ☒ **Without prejudice**

This is probably the most important principle. Neither party will have the confidence to float suggestions for resolution if they are likely to prejudice their position later on. The parties must therefore mutually respect this principle and guarantee that they will not use anything discussed in conciliation at a later stage or publicise it

### ☒ **No publicity**

These principles could be undermined if either of the parties used the media to publicise its case. Accordingly there should not be any publicity unless the parties agree to the contrary

## **2. Process for the conciliation meeting**

2.1 As conciliation is an informal process there is no need for case statements. However, the Joint Secretaries need to familiarise themselves with the case beforehand so the respective parties are asked to provide a briefing note for this purpose which indicates what they are seeking to achieve.

2.2 It is for the individual parties to decide who will represent them at the conciliation meeting. For the council the Joint Secretaries believe that there should be a minimum of a politician with sufficient authority to make decisions and / or provide policy direction (this would probably need to be the leader of the council) together with a technical adviser (who may be an officer of the council or other appropriate person). For ALACE it would normally be the chief executive and ALACE adviser. This is not intended to constrain the number of people participating in the process but, if the number of representatives from either side is large, it would be helpful to restrict the number during any face-to-face discussions (see below).

2.3 The Joint Secretaries will conduct the conciliation meeting along the “shuttle-diplomacy” lines used by ACAS. This means that any of the following is possible as a formulation for discussions:

☒ The Employers’ Secretary (or their representative) will probably start with a briefing from council representatives while the Staff Side Secretary (or their representative) will probably start with a briefing from their member

- ▣ The Joint Secretaries are likely to have their own private discussions at various points during the proceedings
- ▣ The Joint Secretaries together may ask to have discussions with either or both of the respective parties
- ▣ The Joint Secretaries may judge that it would be helpful for them to have discussions with the two parties together. In this event, if either party has brought a large team, it would be helpful if only a few representatives were present during such joint discussions

2.4 The council is asked to provide at least three suitable rooms. The nature of conciliation means that discussions may be long and there may be periods when one or both of the parties is waiting for other discussions to take place.

2.5 Where the matter is resolved the parties will have to agree how it is to be processed and any joint communications. If no resolution is possible then it is important that the principles outlined above in **paragraph 1.3** are observed.



## **APPENDIX 5**

### **THE MODEL DISCIPLINARY PROCEDURES & GUIDANCE TO THE PROCEDURES (A. ENGLAND and B. WALES)**

#### **CONTENTS OF MODEL PROCEDURES & GUIDANCE**

**England    Wales**

	Independent Person (Wales).		
	Conducting the initial investigation, treatment of witness evidence, conflicts of interest, maintaining the fairness of the procedure, other possible actions, power to agree financial settlements, access to appropriate professional, independent or medical advice, evidence of performance issues.		
6.	<b>Appointment of an Independent Investigator (England) or Designated Independent Person (Wales)</b>	44	69
	Power to appoint the Designated Independent Person, agreeing terms of reference and remuneration.		
7.	<b>The Independent (Person) investigation</b>	45	70
	Resources, working arrangements, powers to extend or end suspensions, confidential contact at authority.		
8.	<b>Receipt and consideration of the Independent Investigator / Designated Independent Person's Report by the Investigating and Disciplinary Committee</b>	47	72
	The report of the Independent Investigator / Designated Independent Person, consideration of new material evidence, recommendations by the Independent Investigator / Designated Independent Person, decision by the Investigating and Disciplinary Committee.		
9.	<b>Action short of dismissal</b>	48	73
	Action short of dismissal to be taken by the Investigating and Disciplinary Committee.		
10.	<b>Where the Investigating and Disciplinary Committee propose dismissal</b>	49	73
11	<b>Appeals</b>	52	74
	Appeals against proposals to dismiss to the council, appeals against action short of dismissal to Appeals Committee.		

## Introduction

The model procedures should be followed except in so far as the parties locally agree to vary them. The council has discretion in how far to follow the agreed guidance. The Local Government Association (LGA) and the Association of Local Authority Chief Executives and Senior Managers (ALACE) through the JNC for Chief Executives commend this model procedure because:

- ▣ The procedure and guidance have been drawn-up in light of the experience of the Joint Secretaries in their involvement with individual cases;
- ▣ Its variants apply to constitutions with council leader / cabinet executives, mayor/cabinet executives and those councils operating a committee system;

Local authority chief executives are protected under specific regulations that make distinctive provisions, compared to other employees. The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and the Local Authorities (Standing Orders) (Wales) Regulations 2006 aim to protect the chief executive from unwarranted political interference in their role as head of paid service of the authority. High levels of accountability work most effectively within clear criteria for responsibilities. Even with the distinctive role of Head of Paid Service, disciplinary action will need to be based on clear evidence.

Local authority elected members will want to ensure that they:

- ▣ Understand the procedure to be used;
- ▣ Seek appropriate advice at every stage;
- ▣ Do not compromise the outcome of any proceedings;
- ▣ Allow every opportunity for fair procedures to operate.

This guidance outlines the key elements of procedures for disciplining chief executives.

The elements of what is procedure and what is guidance to the procedure is arranged in such a way as to present each element of the model procedure – immediately followed by the relevant part of the guidance for ease of reference.

As there are significant differences between the English and Welsh regulations, for ease of understanding there are two separate sections:

### **A. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – ENGLAND (from page 29)**

### **B. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – WALES (from page 54)**

Further guidance on process applying to both procedures is expressed in flow diagram format which is provided as **Appendices 5a, W5a, 5b and 5c.**

## **A. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – ENGLAND**

### ***1. 1. Issues requiring investigation – (procedure)***

Where an allegation is made relating to the conduct or capability of the chief executive or there is some other substantial issue that requires investigation, the matter will be considered by the Investigating & Disciplinary Committee (IDC).

This Committee will be a standing committee appointed by the council. Arrangements for flexibility are recommended in the event that a member of the standing committee has a conflict of interest.

Other structures are necessary to manage the whole process, including an Independent Panel should there be a proposal for the dismissal of the chief executive. This will be comprised of independent persons, appointed in accordance with ***The Local Authorities (Standing Orders) (England) Regulations 2001*** as amended.

### ***Issues requiring investigation – (guidance)***

#### ***1.1 The Local Authorities (Standing Orders) (England) Regulations 2001 as amended***

1.1.1. The Local Authorities (Standing Orders) (England) Regulations 2001 (the Regulations) (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) provide that the dismissal of a chief executive in cases of disciplinary action (as defined in the Regulations) may only take place if the proposal to dismiss is approved by way of a vote at a meeting of the authority, after they have taken into account:

- ☐ any advice, views or recommendations of a panel (the Independent Panel)
- ☐ the conclusions of any investigation into the proposed dismissal and
- ☐ any representations from the protected officer concerned

1.1.2 **Disciplinary action:** in relation to a member of staff of a local authority is defined in the Regulations as “any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy,

permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract”.

The definition of disciplinary action would therefore include other reasons for dismissal such as capability or some other substantial reason including a breakdown in trust and confidence between the chief executive and the authority.

1.1.4 The attached **Appendix 5d** (potential reasons for termination table) sets out those circumstances that could potentially result in dismissal and whether or not they are covered by this procedure.

## **1.2 Structures to manage the procedure**

1.2.1 A key feature of the model procedure is the specific roles envisaged by the Investigating and Disciplinary Committee (IDC), the Appeals Committee, the Independent Panel and the council. Authorities will need to consider a number of important issues around the composition of committees and the delegation of appropriate powers. In particular, it must be borne in mind that staffing issues are a non-executive function and so these bodies have to be put in place by the council not the Leader / Mayor or executive.

1.2.2 The IDC must be a politically balanced committee comprising, it is suggested, five members. Where authorities operate a leader / cabinet or mayor / cabinet executive structure, this must include at least one member of the executive. This Committee may need to be in a position to take decisions and appropriate actions as a matter of urgency. It may need to meet at very short notice to consider allegations and decide whether there is a case to answer and to consider whether suspension of the chief executive might be appropriate. It is also possible that in some circumstances members of the IDC may find themselves in a position where they have a conflict of interest. It is therefore recommended that authorities take this into account when constructing the committee and its powers, including the quorum and substitutes. The IDC also has an important role in considering the report of an Independent Investigator. The role of the IDC is explained further at appropriate stages in the guidance. (The Committee that performs this function may locally be known by a different name although its role and responsibilities will be that outlined throughout this document and referred to herein as the IDC. This Committee may also fulfil other functions).

1.2.3 The Appeals Committee must be a politically balanced committee of, it is suggested, five members who are not members of the IDC. Where authorities operate an executive structure this must include at least one member of the executive. The Appeals Committee will have a more limited role. Its purpose will be to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to impose no sanction or a lesser sanction.

1.2.4 The JNC has agreed that the Independent Panel should comprise of independent persons (at least two in number) who have been appointed by the council, or by another council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011. Councils are required to issue invitations for membership of the Panel in accordance with the following priority order:

(a) an independent person who has been appointed by the council and who is a local government elector in the authority's area

(b) any other independent person who has been appointed by the council and

(c) an independent person who has been appointed by another council or councils

1.2.5 Appropriate training should be provided for Independent Panel members.

1.2.6 It should be noted that any remuneration paid to members of an Independent Panel may not exceed that payable in respect of their role under the Localism Act.

1.2.7 A requirement for any disciplinary process is to carry out an investigation of the allegations to establish the facts of the case and to collate evidence for use in the disciplinary hearing. In the case of a chief executive, it will normally be necessary to engage an independent person for this purpose, and this person is referred to here as the Independent Investigator. Arrangements have been agreed to enable the speedy appointment of a competent and experienced person to perform this role, with the assistance of the Joint Secretaries.

### **1.3 Managing access to the procedure (See also Para 5 of this guidance) – considering the allegations or other issues under investigation**

1.3.1 The procedure itself does not require that every single issue which implies some fault or potential error on the part of the chief executive be investigated using this process. It is for the authority to decide the issues that will engage the formal process.

1.3.2 Authorities will therefore need to consider what constitutes an 'allegation' made relating to the conduct or capability of the chief executive and what it considers are other substantial issues requiring investigation. Clearly the route for complaints against the council and the chief executive and for issues that might be substantial and require some form of investigation, and possibly formal resolution, is varied. Ideally, procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded, or trivial or can best be dealt with under some other procedure.

1.3.3 For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the council's general complaints procedure. If the matter is a grievance from a member of staff directed against the chief executive, it may be appropriate to first deal with it through the council's grievance procedure. Of course if the matter were a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would be one that would be suitable for an investigation under the disciplinary procedure.

1.3.4 An authority will need to put into place arrangements that can manage the process. In particular - that records are kept of allegations and investigations and that there is a clear route into the disciplinary procedure. It could be, for example, that in the case of allegations against the chief executive, the monitoring officer and the Chair of the IDC would oversee referrals to that Committee.

1.3.5 Where the issue to be investigated is related to the sickness absence or capability of the chief executive in terms of performance, there is likely to be a link with the authority's sickness procedure or appraisal / performance management procedure.

1.3.6 Where management action is required in respect of the normal sickness of the chief executive, the authority needs to be clear about who takes appropriate actions. Initially, it could be the Director of HR (according to local procedures) who will follow the authority's normal sickness absence procedures. Whoever is responsible will report to the IDC as appropriate to the matter being investigated – in particular where procedures have been followed to the point where dismissal appears to be a possibility (see flow diagrams **Appendices 5a, 5b & 5c** for reference).

1.3.6 Any shortcomings in a chief executive's performance can be better identified, and therefore remedied, at an early stage if there is an objective performance appraisal system in place as required by the JNC agreement (see **Appendix 2**).

1.3.7 For a chief executive the system is likely to be linked to objectives in the authority's community plan and the performance objectives should be specific, measurable, achievable, realistic and time-related. It may, but will not necessarily, be the system against which pay progression is measured (see flow diagram **Appendix 5c**).

## **2. Timescales – (guidance)**

2.1 An important principle when taking disciplinary action is that the process should be conducted expeditiously but fairly. There is, therefore, a need to conduct investigations with appropriate thoroughness, to arrange hearings and allow for representation. It is not in the interests of the council, or the chief executive, that proceedings are allowed to drag on without making progress towards a conclusion.

## **2. Timescales – (procedure)**

It is in the interests of all parties that proceedings be conducted expeditiously.

It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

### **2.2 Statutory and indicative timescales**

2.2.1 The procedure does not set out explicit timescales except the specific requirement in the Local Authority (Standing Orders) (England) Regulations 2001 for the appointment of the Independent Panel at least 20 working days before the meeting of the council at which consideration as to whether to approve a proposal to dismiss is to be given. In this guidance we make reference to other statutory timescales and restrictions which are applicable to disciplinary procedures more generally, such as those contained in the Employment Relations Act 1999 (in connection with the right to be accompanied).

### **2.3 Avoiding delays in the procedure**

One cause of delay in the procedure is the availability of the key people necessary to manage and control the process.

#### **2.3.1 Availability of Independent Investigator**

An Independent Investigator should only be formally appointed once the IDC has determined that there is a case that requires further investigation. However to minimise delays in any potential investigation, steps should be taken to identify a shortlist of three potential Independent Investigators from the list held by the JNC Joint Secretaries (see paras 6.3 and 6.4) concurrently



with arrangements for the initial meeting of the IDC. This is not pre-judging whether an investigator will be needed, but a practical step to assist in minimising any delays.

### **2.3.2 Availability of the chief executive in case of sickness**

(a) It is possible that the sickness of the chief executive could impact on the ability to follow the disciplinary procedure. This may be because:

▣ the issue under investigation is the chief executive's sickness in itself (ie. a capability issue); or alternatively,

▣ while during an investigation for another reason such as allegations about the chief executive's conduct, the chief executive commences sickness absence during the disciplinary process.

(b) In principle, the sickness of the chief executive will invoke the local authority's normal sickness procedures. The nature of the investigation and facts surrounding the sickness will dictate the appropriate way of dealing with the issue.

(c) If the investigation is about the long-term sickness or frequent ill-health problems experienced by the chief executive the authority should have already obtained appropriate medical information and advice by following its local processes. This would normally include referral to the authority's occupational health adviser who would examine the chief executive and / or seek further medical information from the chief executive's GP or any specialist dealing with the case. However, the IDC or Independent Investigator may feel the need for further or more up-to-date advice and again they should use the authority's normal processes and procedures to obtain this. If the chief executive's absence or problems at work are as a result of a disability which places him / her at a substantial disadvantage compared to others without the disability, then the authority must consider and undertake reasonable adjustments in order to remove the disadvantage. The IDC must satisfy itself that this has been fully considered and that no further reasonable adjustments could be made which would remedy the situation.

(d) Where the issue under investigation is not health-related and is, for example, the conduct of the chief executive and he / she then commences sickness absence then the approach will depend on the type and length of the illness and exactly when it occurs during the process.

(e) A short period of illness should not normally create a major problem although the timing of the illness can create difficulties if it coincides with scheduled meetings for investigating or hearing aspects of the case. If this occurs then reasonable efforts should be made to rearrange

the meeting. However, if the sickness becomes more persistent or is likely to become longer term then the authority will take steps to identify whether the chief executive, although possibly not fit to perform the full range of duties, is fit enough to take part in the investigation or disciplinary hearing.

(f) If it appears that there will be a long period of ill health which will prevent the chief executive taking part in the process, the authority and possibly the Independent Investigator will have to make a judgement as to how long to wait before proceeding. In some cases it may be appropriate to wait a little longer where a prognosis indicates a likely return within a reasonable timescale.

(g) However, where this is not the case, the authority will in most cases need to press ahead given the importance of resolving issues which can have a significant impact on both parties due to the nature and high profile of the role of chief executive. If this is the case the authority should ensure that the chief executive is given the opportunity to attend any meetings or hearings. However, the chief executive should be informed that if they cannot attend the meetings or hearings then they would proceed without them. If this is the case the chief executive may make written submissions to be considered and may also send their representative to speak on their behalf before a decision is taken.

### **2.3.3 Availability of representative**

The availability of the chief executive's representative can also be a possible cause of delay. Reasonable account should be taken of the availability of all relevant parties when setting dates and times of meetings. Where it is simply not possible to agree dates to suit everybody the authority needs to be aware of the statutory right to be accompanied at disciplinary hearings and to take this into account when setting dates (see **Paragraph 4**).

### **2.3.4 Availability of witnesses**

If the Independent Investigator or the IDC allows either party to call witnesses and the witnesses are unable to attend, their evidence should not be discounted and should still be considered. Alternatives may include written statements or minutes / records where individuals have been interviewed as part of the investigation. However, such evidence may not carry the same weight as evidence that can be subjected to cross-examination.

### **2.3.5 Availability of committee members**

(a) It is recommended that, in establishing the IDC and the Appeals Committee, authorities take availability issues into account and any operational quorum when considering the numbers of members to serve on these committees.

(b) It should be particularly borne in mind that the IDC might need to be able to meet at short notice to consider serious allegations against the chief executive.

### **2.3.6 Availability of Independent Panel members**

The Independent Panel must be appointed at least 20 days before the council meeting at which consideration whether or not to approve a proposal to dismiss is to be given. The appointment of Independent Panel members should, therefore, take into account their availability to undertake their role within that timescale.

### **3. *Suspension – (guidance)***

3.1 Although suspension in order to investigate an allegation or a serious issue is not disciplinary action in itself, it is a serious step in the process that should be managed well. Unlike with most other posts, the suspension of the chief executive may come immediately to the attention of the local and perhaps national media with potentially damaging consequences for the reputation of the chief executive and the authority.

3.2 Where a chief executive is suspended and facing allegations this is potentially stressful for the individual and disruptive to the council. It is therefore in the interests of all parties that such cases are dealt with as expeditiously as possible.

### **3. *Suspension – (procedure)***

Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

However, the IDC will need to consider whether it is appropriate to suspend the chief executive. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the chief executive might compromise the investigation or impair the efficient exercise of the council's functions.

In any case, the chief executive shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

An elected member should hold the delegated power to suspend the chief executive immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the chief executive are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

The continuance of a suspension should be reviewed after it has been in place for two months.

### **3.3 Alternatives to suspension**

Suspension will not be appropriate in every case, as this will depend on the nature of the allegation or seriousness of the issue. Before suspending the chief executive, careful consideration should be given to whether it is necessary and whether there are any other suitable alternative ways of managing the situation, for example by agreeing particular working arrangements such as working from home for a period or working in some other way that protects the chief executive and authority from further allegations of a similar nature.

### **3.4 Power to suspend**

(a) The chief executive is the head of paid service and normally bears the delegated responsibility for implementing council policy on staffing matters. However, when it is the chief executive who is the subject of an allegation or investigation, the authority will need to be clear about who has the power to suspend the chief executive and in what circumstances.

(b) The point at which it may become clear that suspension is an appropriate action is likely to be at the stage where the IDC has conducted its initial assessment. The model procedure therefore envisages that the IDC should have the power to suspend the chief executive.

### **3.5 Short notice suspension**

(a) The procedure also recognises that in exceptional circumstances it may be necessary to suspend at very short notice and before the IDC can meet, e.g. because the remaining presence of the chief executive could be a serious danger to the health and safety of others, or a serious risk to the resources, information or reputation of the authority. An elected member should hold the delegated power to suspend in an emergency. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

### **3.6 Suspension protocols**

If suspension were deemed appropriate, the IDC (or in exceptional circumstances, the chair) would also be the appropriate body to agree or authorise any protocols which are necessary to manage the suspension and the investigation. For example, the chief executive might request access to workplace materials and even witnesses. Arrangements should be made to manage such requests and facilitate appropriate access. Another general principle would be that whilst suspended, the chief executive would remain available to participate in the investigation and to attend any necessary meetings. Therefore other important issues would include communication channels for day-to-day communication and any stipulations for reporting any scheduled or unscheduled absence from the area, e.g. pre-arranged holiday.

### **3.7 Review of suspension**

Where the chief executive is suspended, the suspension should be reviewed after two months, and only continued following consultation with the Independent Investigator and after taking into account any representations made by the chief executive.

#### ***4. Right to be accompanied – (procedure)***

Other than in circumstances where there is an urgent requirement to suspend the chief executive, he or she will be entitled to be accompanied at all stages.

#### ***4. Right to be accompanied – (guidance)***

4.1 Although the statutory right to be accompanied applies only at a disciplinary hearing, the JNC procedure provides the opportunity for the chief executive to be accompanied at all stages by their trade union representative or some other person of their choice, at their own cost.

4.2 The procedure recognises that there may be, in exceptional circumstances, a need to suspend the chief executive at short notice, when it is not possible to arrange for their trade union representative to be present. These circumstances might include for example where there is a serious risk to the health and safety of others or serious risk to the resources, information, or reputation of the authority.

4.3 Although it would be beneficial to agree dates for the necessary meetings required, the procedure cannot be allowed to be delayed owing to the unavailability of a representative. The statutory right to be accompanied in a disciplinary hearing contained in s.10 of the Employment Relations Act 1999 applies only to hearings where disciplinary action might be taken or be confirmed, that is to say when a decision may be taken on the sanction, or a decision may be confirmed during an appeal. In this model procedure the statutory entitlement to be accompanied would arise:

☐ where the IDC considers the report of the Independent Investigator and provides the chief executive with the opportunity to state their case before making its decision.

☐ during any appeal against the decision taken by the IDC.

☐ at a council meeting considering a proposal for dismissal and also fulfilling the requirement relating to a right of appeal

4.4 At these important stages (IDC receiving the report of the Independent Investigator and any appeal against the decision taken by the IDC), if the chief executive's trade union representative is unavailable for the date set then the chief executive will have the right under the provisions of the Employment Relations Act 1999, to postpone the meeting for a period of up to one week.

4.5 If the representative is unable to attend within that period the authority will have the right to go ahead with the hearing without further delay, although reasonable consideration should be given to arranging an alternative date.

**5. *Considering the allegations or other issues under investigation – (procedure)***

The IDC will, as soon as is practicable inform the chief executive in writing of the allegations or other issues under investigation and provide him / her with any evidence that the Committee is to consider, and of his / her right to present oral evidence.

The chief executive will be invited to put forward written representations and any evidence including written evidence from witnesses he / she wishes the Committee to consider. The Committee will also provide the opportunity for the chief executive to make oral representations. At this initial consideration of the need to investigate further, it is not anticipated that witnesses will be called. The discretion to call witnesses lies solely with the IDC.

The IDC will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the chief executive before taking further action.

The IDC shall decide whether:

- the issue requires no further formal action under this procedure or
- the issue should be referred to an Independent Investigator

**5. *Considering the allegations or other issues under investigation – (guidance)***

5.1 The range of issues and to some extent the seriousness of the issues, which come before the IDC, will depend on the filter that the council adopts. Issues such as those relating to sickness absence and performance are likely to arise at the IDC having followed the authority's sickness absence or performance management / appraisal procedures (see **Paragraph 1.3**).

5.2 It is possible in some cases that with some minimal investigation the IDC can dismiss the allegation without even the need to meet with the chief executive. However, this procedure is aimed at dealing with situations where the matter is not so easily disposed of. It therefore provides a process whereby the chief executive is made aware of the allegations and provided with the opportunity to challenge the allegations or to make their response.

5.3 When an issue comes before the IDC it needs to make a judgement (see **paragraph 5.4.1**) as to whether the allegation can be dismissed or whether it requires more detailed investigation, in which case this will be undertaken by an Independent Investigator. If the IDC is of the opinion that the allegations do not warrant an investigation, this should be immediately notified to the chief executive without delay, and, if necessary, the complainant informed accordingly. If the IDC is of the opinion that the matter is not serious but there is some minor fault or error, then it can issue an unrecorded oral warning in accordance with its standard procedures.

5.4 The appointment of an Independent Investigator is a serious step but does not mean that the chief executive is guilty of some misdemeanour. In some cases the eventual result of the investigation will be to absolve the chief executive of any fault or wrongdoing. The appointment of an Independent Investigator operates so that both the authority and the chief executive can see that matters are dealt with fairly and openly. However, the matter still needs to be handled carefully in public relations terms due to the potential damage to the reputation of the chief executive or the local authority.

#### **5.4.1 Threshold test for the appointment of an Independent Investigator**

Cases will vary in complexity but the threshold test for the IDC in deciding whether to appoint an Independent Investigator is to consider the allegation or matter and assess whether:

☐ if it were to be proved, it would be such as to lead to the dismissal or

other action which would be recorded on the chief executive's personal file and

☐ there is evidence in support of the allegation sufficient to require further investigation

#### **5.4.2 Conducting the initial IDC investigation**

(a) It is intended that this stage is conducted as expeditiously as possible with due regard to the facts of the case. At this stage it is not necessarily a fully detailed investigation of every aspect of the case as that will be the responsibility of the Independent Investigator (if appointed). In order to avoid delay the IDC will want to explore the availability of potential Independent Investigators on the list maintained by the JNC Joint Secretaries at an early stage (see paras 6.3 and 6.4). However, it is important that before any decision is taken to formally appoint an Independent Investigator, the chief executive is aware of the allegations that have been made against him / her (or the issue to be addressed) and given the opportunity to respond.

(b) This will be achieved by:



- ☐ The IDC writing to the chief executive setting out the allegations / issues and providing any evidence to be considered
- ☐ Providing the opportunity for the chief executive to respond to the allegations in writing and to provide personal evidence or witness statements. The calling of witnesses at this stage is at the discretion of the IDC
- ☐ Providing the opportunity for the chief executive to appear before the IDC

(c) Fair notice should be given to enable the chief executive adequate time to prepare a response to the allegations or issues under investigation. During the initial hearing by the Committee, the chief executive is entitled to attend and can be accompanied by a representative (subject to **paragraph 2.3.3** and **paragraph 4**).

#### **5.4.3 Treatment of witness evidence**

In general, if the authority has witness evidence relating to an allegation this should be presented in written form to the chief executive, although in exceptional cases it might be appropriate to anonymise the evidence in order to protect the identity of a witness. However, it remains important that the detail of the allegation is put to the chief executive in order that he / she understands the case against him / her.

#### **5.4.4 Conflicts of interest**

(a) The model procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing IDC. **Paragraph 1.2** indicates the basic rules concerning its membership. However, because a standing committee will comprise named councillors, there may be occasions when this presents problems of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Committee, although they will of course be able to give evidence, if required. The authority should attempt to construct its Committees, and establish quorums and substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the council to establish a new Committee to perform the function of the IDC.

(b) Declarations of interest are matters for individual councillors who are required to follow their authority's code of conduct for elected members and can seek advice from their Monitoring Officer. Problems could follow for the speed at which the case is conducted if the chief executive considers there are valid grounds for making a formal complaint to the council about the involvement of a councillor in a case.

#### 5.4.5 Maintaining the fairness and integrity of the procedure

Where there is a matter that requires investigation it is important that a fair and correct procedure is followed. Allegations against the chief executive or serious issues that require resolution should follow this procedure. It is important that councillors do not undermine the fairness of the procedure by for example putting motions to full council about the case as there is a serious risk that it could prejudice the disciplinary procedure. Additionally, such actions will not only create adverse publicity for the authority and the chief executive but may create conflicts of interest and could limit the role that those councillors can then take as the case progresses.

#### 5.4.6 Other appropriate actions

(a) It could be that when faced with an issue, whether it be an allegation of misconduct, or connected with the capability of the chief executive, or some other substantial issue, the IDC might be in a position to consider alternatives to immediately moving to the appointment of an Independent Investigator or alternatively to dismiss the allegation or issue.

(b) Clearly this will depend on the facts of the matters being investigated. It could be that the authority has another more appropriate policy or procedure to follow. Alternatively, it could be that the issue is one which might benefit from some mediation or attempts to resolve the particular issue in dispute prior to moving formally to appointing an Independent Investigator.

(c) It is possible at any stage to consider the mutual termination of the contract and sometimes this will be a suitable alternative for all concerned. This might particularly be the case where relationships are breaking down but there is no evidence of misconduct attached to the chief executive. The Joint Secretaries could be available to assist (see **Appendix 4**).

(d) If any financial settlements are considered, it is important that such an arrangement:

☐ Falls within the authority's discretions under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, or

☐ Is a payment in consideration of an agreement that compromises a genuine legal claim that the chief executive might have at a Court or Employment Tribunal

In both cases the settlement must also comply with any other restrictions on exit payments, such as the £95,000 cap on such payments, including the circumstances in which the council may exercise powers to waive the cap.

(e) The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 are designed to enable a local authority to compensate employees whose employment terminates on grounds of redundancy or in the interests of the efficient exercise of the authority's functions. It is therefore possible that a payment will be legitimate in certain circumstances. However, where there is an obvious case requiring disciplinary action and the allegation is such that dismissal is a likely outcome, it is not likely that an external auditor will sanction a deal under the current regulations.

(f) The authority must take appropriate legal advice when attempting to reach a financial settlement to ensure that any payment is justified and lawful. Relevant considerations will include the likelihood of the claim succeeding and the amount of compensation that could be awarded by a Court or an Employment Tribunal.

#### **5.4.7 Power to agree financial settlements**

When considering its delegation of power the authority must include consideration of which Committee or Officeholder has the authority to negotiate a settlement and also a process by which any settlement would be sanctioned including liaison with the external auditor.

#### **5.4.8 Access to appropriate professional / independent advice**

(a) Conducting an investigation into allegations or serious issues involving the chief executive can be demanding on the individuals involved. The IDC (and the Appeal Committee and council) will have access to the local authority's officers, but given the closeness of relationships between the chief executive and the other senior officers this can be a difficult time for those required to advise the Committee, to conduct investigations internally, or to source advice from outside the authority.

(b) The authority should provide that the IDC has powers to appoint external advisers as appropriate. Useful sources of general advice on the operation of the procedure and assistance with conducting investigations include the Local Government Association by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE.

In addition to this general advice and assistance, given the potential complexity of the issue, authorities might also require access to their own legal advice.

#### **5.4.9 Ill-health - medical advice**

In cases of capability related to sickness or where during the course of any other investigation, the ill-health of the chief executive results in their unavailability it will be important that the IDC has access to appropriate medical advice from the council's Occupational Health provider (see **paragraph 2.3.2**).

#### **5.4.10 Performance**

(a) Where the issue is one of capability in terms of performance or competence, other than ill-health, the council will need to be in a position to establish or demonstrate the nature of the concerns. Evidence will be necessary in order to justify a further investigation.

(b) This might come from a variety of sources, e.g. performance appraisal records, inspection reports, etc. Where the council follows an established appraisal / performance management process, this can also provide an appropriate route to establishing issues suitable for referral to the IDC (see **Appendix 2**).

(c) Where the issue is breakdown of trust and confidence, the council will need to be able to establish that the fault for the breakdown could reasonably be regarded as resting solely or substantially with the chief executive.

### ***6. Appointment of an Independent Investigator - (procedure)***

The IDC will be responsible for appointing an Independent Investigator, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.

The Independent Investigator should be selected from the list maintained by the National Joint

### ***6. Appointment of an Independent Investigator - (guidance)***

6.1 Where a decision has been taken to appoint an Independent Investigator, it is important that the council moves quickly to take this forward. This is particularly important if the chief executive has been suspended. This can be assisted if the availability of potential Independent Investigators is explored at an early stage.

6.2 This will require that the council is clear as to who has the power to appoint the Independent Investigator and to agree the terms of remuneration and working methods. The model procedure envisages that this will be the responsibility of the IDC.

6.3 It is in the interests of the council and the chief executive that both sides should have confidence in the independence and relevant competence of the Independent Investigator, not least to avoid, or at least minimise, argument later in the process about the quality or credibility of the investigation. To this end, it has been agreed that the Joint Secretaries will maintain a list of potential Independent Investigators, who have been selected for their suitability and experience for this work. Independent Investigators on that list will be offered on a 'taxi-rank' basis subject to their availability within the desired timescales, and no material connections with the council or the chief executive nor any connection to the allegations.

6.4 The Council will approach the National Joint Secretaries and will be supplied with the top three names from the list (if in exceptional circumstances three names are not available, both local parties will agree to choose from a shorter list). If these are acceptable to the council, the chief executive will be invited to select one of the names. The only acceptable reason for not selecting from the names supplied being conflict of interest. If an appointment is not agreed by the chief executive within 14 days of the date of the names being supplied, the council will be at liberty to select an Investigator from the names supplied.

#### **6.5 Terms of reference – allegations or issues to be investigated**

(a) When appointing an Independent Investigator it is important that they are provided with terms of reference. The Investigator will need to be:

- ☐ aware of the precise allegation(s) or issue(s) to be investigated
- ☐ provided with access to sources of information and people identified as relevant to the case
- ☐ aware of expectations regarding timescales and any known factors which could hinder their investigation, e.g. the availability of key people

(b) The IDC will be responsible for providing this information. It will also be in a position to discuss timescales for the investigation.

#### **6.6 Remuneration**

Remuneration for the Independent Investigator will be set at the Local Government Association's normal consultancy rate for external consultancy work.

### ***7. The Independent investigation – (procedure)***

**The ACAS Code of Practice on Discipline and Grievance** requires there to be an investigation to establish the facts of the case before proceeding to the disciplinary hearing. The JNC believes that, for chief executives, this should be carried out by an Independent Investigator. He / she should determine the procedure for the investigation, either operating on the basis of an independent investigation using his / her powers to access information, or a formal hearing, at which the allegations and supporting evidence including evidence provided by witnesses are presented by the authority's representative and the chief executive or his / her representative is able to present his / her case. While the recommended procedure allows for either option, on balance the JNC's preference is for the 'investigation' model, but the decision on this remains with the Independent Investigator.

Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report stating in his/her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason; and recommending any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.

### ***7. The Independent investigation – (guidance)***

#### **7.1 Resources**

7.1.1 The amount of time required to be spent on the investigation will depend on the case. Due to the demands on their time, the Independent Investigator could decide to delegate some of the investigation work to an assistant. This should be agreed with the IDC and the chief executive should be informed. If the work is delegated to someone else outside of the authority this might also require further discussion on any difference in the terms of remuneration for the assistant to the Independent Investigator

.

#### **7.2 Working arrangements**

7.2.1 Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report:

▣ stating in his / her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or other issue under investigation; and  
▣ to recommend any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.

7.2.2 The methodology adopted by the Investigator should be confirmed with the parties. However, the JNC believes that the Independent Investigator should operate on the basis either of a process of evidence gathering, hearing submissions etc or a formal hearing, at which both parties will have the usual opportunities to present evidence, cross-examine witnesses etc. Both parties can be represented by an individual of their choice (the chief executive's representation should be obtained at his / her own expense). While the recommended procedure allows for either option, on balance the JNC's preference is for the 'investigation' model, but the decision on this remains with the Independent Investigator.

### **7.3 Suspension**

7.3.1 The Independent Investigator does not have the power to suspend the chief executive, but if the chief executive has been suspended for two months, the IDC is required to review the suspension (see **paragraph 3.2.5**).

.

### **7.4 Confidential contact at authority**

7.4.1 Although the Independent Investigator has a degree of independence, it is advisable to agree some protocols for his / her investigation in order that disruption to the council's work is kept to a minimum at what can be a difficult time. The Independent Investigator will also require agreed contact and reporting arrangements with the parties. It is recommended therefore that the council designates an officer to administer the arrangements.

7.4.2 During the investigation the Independent Investigator will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed.

## ***8. Receipt and consideration of the Independent Investigator's report by the IDC – (procedure)***

The IDC will consider the report of the Independent Investigator, and also give the chief executive the opportunity to state his / her case and, to question witnesses, where relevant, before making a decision.

Having considered any other associated factors the IDC may:

- Take no further action
- Recommend informal resolution or other appropriate procedures
- Refer back to the Independent Investigator for further investigation and report
- Take disciplinary action against the chief executive short of dismissal

## **8. Receipt and consideration of Independent Investigator's report by the IDC - (guidance)**

### **8.1 Report of the Independent Investigator**

8.1.1 The report of the Independent Investigator is made to the IDC which will have delegated powers from the authority to receive the report and take a decision on the outcome. Unless the chief executive is exonerated by the report then at this stage the chief executive should be given the opportunity to state his/her case before the committee makes its decision.

8.1.2 This may be done in one of two ways, according to the process followed by the Independent Investigator:

☑ If the Independent Investigator has proceeded by way of an evidence-gathering process, the Committee should hold a hearing, giving both the Independent Investigator and the chief executive the right to call and question each other's witnesses

☑ If the Independent Investigator has held a full hearing, the Committee may choose to limit their meeting to a consideration of the Independent Investigator's report. However, the Committee will need to consider whether to call witnesses for clarification, bearing in mind the ACAS Code of Practice requirement that the employee should be given a reasonable opportunity to call relevant witnesses. The Independent Investigator and the chief executive should both attend the meeting and be given an opportunity to summarise their case.



Under both options the IDC hearing should be conducted in accordance with the ACAS Code of Practice.

## **8.2 New material evidence**

8.2.1 Where there is, at this stage, new evidence produced which is material to the allegation / issue and may alter the outcome, the IDC may:

- ☐ take this into account in making their decision or
- ☐ request that the Independent Investigator undertake some further investigation and incorporate the impact of the new evidence into an amended report

## **8.3 Recommendations by the Independent Investigator – outcomes or options**

8.3.1 The Independent Investigator is expected to recommend any disciplinary action that appears to be appropriate. At this stage clarity is to be welcomed and a clear reasoned recommendation should be given. However, it could be that there is not one obvious action and it may be that the Independent Investigator recommends a range of alternative actions.

8.3.2 Whilst the Independent Investigator's role is to make recommendations on disciplinary action, he / she may wish to comment on potential options for the way forward following the investigation process.

## **8.4 Decision by the IDC**

8.4.1 The IDC should take its decision on the basis of the Independent Investigator's report, and its own findings. It is open to the Committee to impose a lesser or greater sanction than that recommended and it is obviously important for later stages of the procedure that the reasons for doing so are recorded.

### ***9. Action short of dismissal – (procedure)***

The IDC may agree to impose no sanction, or to take action short of dismissal, in which case the Committee will impose an appropriate penalty / take other appropriate action.

### ***9. Action short of dismissal – (guidance)***

9.1 Where the chief executive is found to have no case to answer, appropriate communication should be prepared with the chief executive to ensure as far as possible that there is no damage to the chief executive's reputation.

9.2 Where the decision taken by the IDC is action short of dismissal, the action will be taken by the Committee itself. There is no requirement to seek confirmation by the council (or in authorities operating Mayor and cabinet or leader and cabinet executives, checking to see whether there are any objections raised by members of the executive). The constitution of the IDC will need to include the delegated power to take disciplinary action in these circumstances.

9.3 The chief executive has a right of appeal against the decision (see **paragraph 11**).

### ***10. Where dismissal is proposed – (procedure)***

**Proposal to dismiss on the grounds of misconduct and for other reasons such as capability or some other substantial reason**

#### **Executive constitutions only**

In Mayor / cabinet and leader / cabinet **executive constitutions only**. The IDC will inform the Proper Officer that it is proposing to the council that the chief executive be dismissed and that the executive objections procedure should commence.

#### **Executive objections procedure**

The Proper Officer will notify all members of the executive of:

- The fact that the IDC is proposing to the council that it dismisses the chief executive
- Any other particulars relevant to the dismissal
- The period by which any objection to the dismissal is to be made by the leader / elected mayor on behalf of the executive, to the Proper Officer

At the end of this period the Proper Officer will inform the IDC either:

- that the leader / elected mayor has notified him / her that neither he / she nor any member of the executive has any objection to the dismissal
- that no objections have been received from the leader / elected mayor in the period or
- that an objection or objections have been received and provide details of the objections

The IDC will consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, then the Committee will act accordingly, i.e. it will consider the impact of the executive objections on its proposal for dismissal, commission further investigation by the Independent Investigator and report if required, etc.

Having satisfied itself that there are no material and well-founded objections to the proposal to dismiss, the IDC will inform the chief executive of the decision and put that proposal to the Independent Panel along with the Independent Investigator's report and any other necessary material.

### **Non-executive administration**

In local authorities with no executive and therefore operating a committee system, the IDC will inform the chief executive of the decision and put that proposal to the Independent Panel along with the Independent Investigator's report and any other necessary material. This is not a full re-hearing and will not involve the calling of witnesses

## **The role of the Independent Panel**

Where the IDC is proposing dismissal, this proposal needs to go before the Independent Panel.

Both parties should be present or represented (the IDC might be represented by its Chair or other nominated person at the meeting). The Panel should receive any oral representations from the Chief Executive, in which case it should invite any response on behalf of the IDC to the points made, and may ask questions of either party. The Independent Panel should review the decision and prepare a report for Council. This report should contain a clear rationale if the Panel disagrees with the recommendation to dismiss.

## **The role of the Council**

The council will consider the proposal that the chief executive should be dismissed, and must take into account:

- Any advice, views or recommendations of the Independent Panel
- The conclusions of the investigations into the proposed dismissal
- Any representations from the chief executive

The chief executive will have the opportunity to appear before the council and put his or her case to the council before a decision is taken.

## **Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts**

Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of an Independent Investigator or Independent Panel.

However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities. In addition, dismissals for all reasons including those set out in this paragraph must be approved by the Council itself.

## **10. Where the IDC proposes dismissal – (*guidance*)**

10.1 Where the Committee proposes dismissal, the Regulations require that the council must approve the dismissal before notice of dismissal is issued. Additionally, in councils that operate with either a Mayor and cabinet executive or a leader and cabinet executive, notice of dismissal must not be issued until an opportunity has been given to members of the executive to object to the dismissal.

### **10.2 Executive objections procedure**

10.2.1 The executive objections procedure set out in the model procedure reflects the requirements of the Standing Orders Regulations (see Schedule 1, Part 1 (Mayor and cabinet executive), Paragraph 6 and Part 2 (leader and cabinet executive), Paragraph 6).

10.2.2 It is important that the authority identify The ‘Proper Officer’ to undertake the role specified in the Regulations, i.e. notifying members of the executive of the proposal to dismiss, providing relevant information and the timescale during which any material and well-founded objections should be made.

10.2.3 It will also be appropriate to explain that in order for an objection to be considered material and well-founded, the objection would need to be not only based on evidence (well-founded) but must also be relevant to the case (material).

10.2.4 Given the procedure followed it would be unusual for a member of the executive to be in a position to raise an objection that would be sufficient to change the outcome significantly. However, this may be the case.

10.2.5 It is for the IDC to decide whether any objections put forward by members of the executive are material and well-founded. If they are, then the Committee will need to consider the effect of the objection and act accordingly. For example, this may require further investigation.

### **10.3 The role of the Independent Panel**

10.3.1 The Independent Panel must be appointed at least 20 days before the meeting of the council at which the recommendation for dismissal is to be considered.

10.3.2 It is likely that Independent Panel members will be unfamiliar with their role under the Regulations and with matters relating to the working environment of chief executives. Accordingly, it is important for Panel members to be offered appropriate training for the role the Panel is to fulfil.

10.3.3 The role of the Panel is to offer any advice, views or recommendations it may have to the council on the proposal for dismissal. The Panel will receive the IDC proposal and the reasons in support of the proposal, the report of the Independent Investigator and any oral and / or written representations from the chief executive. The Independent Investigator may be invited to attend to provide clarification if required. The Panel will be at liberty to ask questions of either party.

10.3.4 The Panel should then formulate any advice, views or recommendations it wishes to present to the council. If the Panel is recommending any course of action other than that the council should approve the dismissal, then it should give clear reasons for its point of view.

#### **10.4 The role of the Council**

10.4.1 The Regulations require that in all constitutions, where there is a proposal to dismiss the chief executive, the council must approve the dismissal before notice of dismissal is issued. The council must therefore consider the proposal and reach a decision before the chief executive can be dismissed.

10.4.2 Given the thoroughness and independence of the previous stages, in particular, the investigation of the Independent Investigator (where applicable), it will not be appropriate to undertake a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the proposal to dismiss, and any advice, views or recommendations of the Independent Panel.

10.4.3 The chief executive will have the opportunity to attend and be accompanied by their representative and to put forward his / her case before a decision is reached.

10.4.4 The Council is at liberty to reject the proposal to dismiss. It can then decide on the appropriate course of action which could include substituting a lesser sanction or, in a case of misconduct or other reasons such as capability or some other substantial reason, referring it back to the IDC to determine that sanction.

## **11. Appeals – (guidance)**

### **11.1 Appeals against dismissal**

11.1.1 *Discipline and Grievance – ACAS Code of Practice* requires that an employee who has been dismissed is provided the opportunity to appeal against the decision.

11.1.2 As the Standing Orders Regulations require that the council approves the dismissal before notice of dismissal is issued, there might be some concerns about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss. The model procedure therefore envisages that the council meeting fulfils the requirement for an appeal. Before the council takes a decision on the recommendation to dismiss the chief executive it will take representations from the chief executive. Those representations will constitute the appeals process.

### **11.2 Appeals against action short of dismissal**

#### *11. Appeals – (procedure)*

##### *Appeals against dismissal*

Where the IDC has made a proposal to dismiss; the hearing by the council will also fulfil the appeal function.

##### *Appeals against action short of dismissal*

If the IDC takes action short of dismissal, the chief executive may appeal to the Appeals Committee. The Appeals Committee will consider the report of the Independent Investigator and any other relevant information considered by the IDC, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The chief executive will have the opportunity to appear at the meeting and state his / her case.

The Appeals Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

11.2.1 Appeals against actions short of dismissal will be heard by the Appeals Committee. The appeal hearing will take the form of a review of the case and the decision that was taken by the IDC.

11.2.2 This process should follow the procedure that the local authority applies generally to its other employees.



### ***1. Issues requiring investigation – (procedure)***

Where an allegation is made relating to the conduct or capability of the chief executive or there is some other substantial issue that requires investigation, the matter will be considered by the Investigating & Disciplinary Committee (IDC).

This Committee will be a standing committee appointed by the council. Arrangements for flexibility are recommended in the event that a member of the standing committee has a conflict of interest.

## **B. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE - WALES**

### ***1. Issues requiring investigation – (guidance)***

#### ***1.1 The Local Authorities (Standing Orders) (Wales) Regulations 2006***

1.1.1 The Local Authorities (Standing Orders) (Wales) Regulations 2006 (Regulation 8, and Schedule 4) require that no disciplinary action be taken against the chief executive other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). The definition of disciplinary action (Interpretation, Regulation 2) is wide.

1.1.2 Disciplinary action: in relation to a member of staff of a relevant authority (county council or county borough council) means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

This definition would therefore include other reasons for dismissal such as capability or some other substantial reason including a breakdown in trust & confidence between the chief executive and the authority.

1.1.3 Therefore, although the definition refers to disciplinary action, it clearly requires that any action that could lead to a warning for misconduct or where there are circumstances which may result in a proposal for dismissal for any reason other than the following be covered by the process:

- ☑ Redundancy;
- ☑ Expiry of a fixed term contract;
- ☑ Retirement or termination on permanent ill-health grounds.

1.1.4 The attached **Appendix 5d** sets out those circumstances that could potentially result in dismissal and whether or not they are covered by this procedure.

## **1.2 Structures to manage the procedure**

1.2.1 A key feature of the model procedure is the specific roles envisaged by the IDC, the Appeals Committee and the council. Authorities will need to consider a number of important issues around the composition of committees and the delegation of appropriate powers. In particular, it must be borne in mind that the appointment and dismissal of staff are non-executive functions. Therefore these bodies have to be put in place by the council not the leader / Mayor or executive.

1.2.2 The Welsh regulations require (Regulation 9 (1)) that when it appears that an allegation of misconduct which may lead to disciplinary action has been made against the head of paid service (chief executive) the authority must appoint a committee (“an investigation committee”) to consider the alleged misconduct. In this model the JNC envisages that for practical reasons, not explicitly set out in the regulations, this committee will have a wider function than performing only the initial investigation. For example it will also receive the report of the Designated Independent Person, may make recommendations to full council, may take disciplinary action itself in some circumstances (in accordance with the regulations) and have a number of other functions such as powers to suspend the chief executive and appoint a Designated Independent Person, etc. It is therefore referred to throughout as the Investigating and Disciplinary Committee (IDC) (It does not matter what the committee is called locally, and it could for example perform other local functions. The important feature is that it has appropriate powers and resources to perform its role and responsibilities). It is also envisaged and strongly advised that authorities should have a standing committee rather than attempt to set one up only when an allegation arises. The IDC must be a politically balanced committee comprising a minimum of three members (Regulation 9 (2)) although an authority might wish to have a larger committee, particularly if this is necessary to achieve political balance. Where authorities operate a leader / cabinet or mayor / cabinet executive structure, this must include one member of the executive but not more than half of the members of the committee are to be members of the executive. This Committee may

need to be in a position to take decisions and appropriate actions as a matter of urgency. It may need to meet at very short notice to consider allegations and decide whether there is a case to answer and to consider whether suspension of the chief executive might be appropriate. It is also possible that in some circumstances members of the committee may find themselves in a position where they have a conflict of interest. It is therefore recommended that authorities take this into account when constructing the committee and its powers, including the quorum and substitutes. The role of the IDC is explained further at appropriate stages in the guidance.

1.2.3 The Appeals Committee is not stipulated in the Standing Orders Regulations but again has a practical purpose in relation to the procedure. Again it must be a politically balanced committee and it is strongly recommended that it be a standing committee. The number of members is not specified but it is suggested, as with the IDC that there is a minimum of three members but that an authority might wish to have a larger committee. The members of the Appeals Committee should not be members of the IDC. Where authorities operate an executive structure this must include one member of the executive but not more than half of the members of the committee are to be members of the executive. The Appeals Committee will have a more limited role. Its purpose will be to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to award no sanction or a lesser sanction.

### **1.3 Managing access to the procedure (see also paragraph 5.1)**

1.3.1 The procedure itself does not require that every single issue which implies some fault or potential error on the part of the Chief executive be investigated using this process. It is for the authority to decide the issues that will engage the formal process.

1.3.2 Authorities will therefore need to consider what constitutes an 'allegation' made relating to the conduct or capability of the Chief executive and what it considers are other substantial issues requiring investigation. Clearly the route for complaints against the council and the chief executive and for issues that might be substantial and require some form of investigation, and possibly formal resolution, is varied. Ideally, procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded, or trivial or can best be dealt with under some other procedure.

1.3.3 For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the council's general complaints procedure. If the matter is a grievance from a member of staff directed against the chief executive, it may be appropriate to first deal with it through the council's grievance procedure. Of course if the matter were a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would be one that would be suitable for an investigation under the disciplinary procedure.

1.3.4 An authority will need to put into place arrangements that can manage the process. In particular - that records are kept of allegations and investigations and that there is a clear route into the disciplinary procedure. It could be, for example, that in the case of allegations against the chief executive, the monitoring officer, and the Chair of the IDC would oversee referrals to that Committee. Alternatively, some authorities might prefer that the role were performed by the HR Director.

1.3.5 Where the issue to be investigated is related to the sickness absence or capability of the chief executive in terms of performance, there is likely to be a link with the authority's sickness procedure and appraisal / performance management procedure.

## *2. Timescales – (procedure)*

It is in the interests of all parties that proceedings be conducted expeditiously. It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

1.3.6 Where management action is required in respect of the normal sickness of the chief executive, the authority needs to be clear about who takes appropriate actions. Initially, it could be the normal management team of elected members or Director of HR (according to local procedures) who will follow the authority's normal sickness absence procedures. Whoever is responsible will report to the IDC as appropriate to the matter being investigated – in particular where procedures have been followed to the point where dismissal appears to be a possibility (see flow diagrams **Appendices W5a, 5b and 5c**).

1.3.7 Any shortcomings in a chief executive's performance can be better identified, and therefore remedied, at an early stage if there is an objective performance appraisal system in place as required by the JNC agreement (see **Appendix 2**). For a chief executive the system is likely to be linked to objectives in the authority's community plan and the performance objectives should be specific, measurable, achievable, realistic, and time-related. It may, but will not necessarily, be the system against which pay progression is measured (see **Appendix 5c**).

## **2. Timescales – (guidance)**

2.1 An important principle when taking disciplinary action is that the process should be conducted expeditiously but fairly. There is, therefore, a need to conduct investigations with appropriate thoroughness, to arrange hearings and allow for representation. It is not in the interests of the

council, or the chief executive, that proceedings are allowed to drag on without making progress towards a conclusion.

## **2.2 Statutory and indicative timescales**

2.2.1 The procedure does not set out explicit timescales except those specifically referred to in the Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended). In this guidance we also make reference to other statutory timescales and restrictions which are applicable to disciplinary procedures more generally, such as those contained in the Employment Relations Act 1999 (in connection with the right to be accompanied).

## **2.3 Avoiding delays in the procedure**

One cause of delay in the procedure is the availability of the key people necessary to manage and control the process.

### **2.3.1 Availability of the Designated Independent Person (DIP) (see paragraph 6)**

(a) The Local Authority (Standing Orders) (Wales) Regulations 2006 require that the Designated Independent Person must be agreed between the council and the chief executive within 1 month of the date on which the requirement to appoint the Designated Independent Person arose otherwise a Designated Independent Person will be nominated by Welsh Ministers for formal appointment by the council. The practicalities of discussing and agreeing on the DIP is a matter which could be delegated to an appropriate officer, eg, Monitoring Officer or HR Director.

(b) There is no provision in the Regulations on the amount of the fee to be paid to the DIP for their work. However, the Regulations do provide that the authority must pay reasonable remuneration to the DIP, including any reasonable costs.

(c) Where a decision has been taken to appoint a DIP it is important that the authority move quickly to achieve this to adhere to the timescale set out in the regulations in (a) above but also due to the two-month time limit on suspension, this is also particularly important where the chief executive has been suspended.

(d) The regulations provide that it is the committee's responsibility to appoint the Designated Independent Person. This would include agreeing the terms of remuneration and working methods for the Designated Independent Person.

(e) The JNC Joint Secretaries maintain a list of individuals who have the necessary knowledge and experience of local government issues to act at this level and in this capacity. The list is intended to provide a resource to local authorities. It also provides a way to help avoid unnecessary delays.

### **2.3.2 Availability of the chief executive in case of sickness**

(a) It is possible that the sickness of the chief executive could impact on the ability to follow the disciplinary procedure. This may be because:

- ▣ the issue under investigation is the chief executive's sickness in itself (i.e. a capability issue); or alternatively
- ▣ while during an investigation for another reason such as allegations about the chief executive's conduct, the chief executive commences sickness absence during the disciplinary process

(b) In principle, the sickness of the chief executive will invoke the local authority's normal sickness procedures. The nature of the investigation and facts surrounding the sickness will dictate the appropriate way of dealing with the issue.

(c) If the investigation is about the long-term sickness or frequent ill-health problems experienced by the chief executive the authority should have already obtained appropriate medical information and advice by following its local processes which would normally include referral to the authority's occupational health adviser who would examine the chief executive and / or seek further medical information from the chief executive's GP or any specialist dealing with the case. However, the IDC or Designated Independent Person may feel the need for further or more up-to-date advice and again they should use the authority's normal processes and procedures to obtain this. If the chief executive's absence or problems at work are as a result of a disability which places him / her at a substantial disadvantage compared to others without the disability, then the authority must consider and undertake reasonable adjustments in order to remove the disadvantage. The IDC must satisfy itself that this has been fully considered and that no further reasonable adjustments could be made which would remedy the situation.

(d) Where the issue under investigation is not health-related and is e.g. the conduct of the chief executive and the chief executive then commences sickness absence then the approach will depend on the type and length of the illness and exactly when it occurs during the process.

(e) A short period of illness should not normally create a major problem although the timing of the illness can create difficulties if it coincides with scheduled meetings for investigating or hearing aspects of the case. If this occurs then reasonable efforts should be made to rearrange the meeting. However, if the sickness becomes more persistent or is likely to become longer term then the authority will take steps to identify whether the chief executive, although possibly not fit to perform the full range of duties, is fit enough to take part in the investigation or disciplinary hearing.

(f) If it appears that there will be a long period of ill health which will prevent the chief executive taking part in the process, the authority and possibly the DIP will have to make a judgement as to how long to wait before proceeding. In some cases it may be appropriate to wait a little longer where a prognosis indicates a likely return within a reasonable timescale.

(g) However, where this is not the case, the authority will in most cases need to press ahead given the importance of resolving issues which can have a significant impact on both parties due to the nature and high profile of the role of chief executive. If this is the case the authority should ensure that the chief executive is given the opportunity to attend any meetings or hearings. However, the chief executive should be informed that if they cannot attend the meetings or hearings then they would proceed without them. If this is the case the chief executive may make written submissions to be considered and may also send their representative to speak on their behalf before a decision is taken.

### **2.3.3 Availability of representative**

The availability of the chief executive's representative can also be a possible cause of delay. Reasonable account should be taken of the availability of all relevant parties when setting dates and times of meetings. Where it is simply not possible to agree dates to suit everybody the authority needs to be aware of the statutory right to be accompanied at disciplinary hearings and to take this into account when setting dates (see **Paragraph 4**).

### **2.3.4 Availability of witnesses**

If the Designated Independent Person allows either party to call witnesses and the witnesses are unable to attend, their evidence should not be discounted and should still be considered. Alternatives may include written statements or minutes / records where individuals have been interviewed as part of the investigation. However, such evidence may not carry the same weight as evidence that can be subjected to cross-examination.

### **2.3.5 Availability of committee members**

(a) It is recommended that, in addition to the requirements set out in **paragraphs 1.22 and 1.23** in establishing the IDC and the Appeals Committee, authorities take availability issues into account and any operational quorum when considering the numbers of members to serve on these committees.

(b) It should be particularly borne in mind that the IDC might need to be able to meet at short notice to consider serious allegations against the chief executive.

### **3. Suspension – (guidance)**

#### **3. Suspension – (procedure)**

Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

However, the IDC will need to consider whether it is appropriate to suspend the chief executive. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the chief executive might compromise the investigation or impair the efficient exercise of the council's functions.

In any case, the chief executive shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

An elected member should hold the delegated power to suspend the chief executive immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the chief executive are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

Any suspension must not last longer than 2 months unless the Independent Person has used his / her power to direct an extension to that period.



3.1 Although suspension in order to investigate an allegation or a serious issue is not disciplinary action in itself it is a serious step in the process that should be managed well. Unlike with most other posts, the suspension of the chief executive may come immediately to the attention of the local and perhaps national media with potentially damaging consequences for the reputation of the chief executive and the authority.

3.2 Where a chief executive is suspended and facing allegations this is potentially stressful for the individual and disruptive to the council. It is therefore in the interests of the chief executive and the council that such cases are dealt with as expeditiously as possible.

### **3.3 Alternatives to suspension**

Suspension will not be appropriate in every case, as this will depend on the nature of the allegation or seriousness of the issue. Before suspending the chief executive, careful consideration should be given to whether it is necessary and whether there are any other suitable alternative ways of managing the situation, for example by agreeing particular working arrangements such as working from home for a period or working in some other way that protects the chief executive and authority from further allegations of a similar nature.

### **3.4 Power to suspend**

(a) The chief executive is the head of paid service and normally bears the delegated responsibility for implementing council policy on staffing matters. However, when it is the chief executive who is the subject of an allegation or investigation, the authority will need to be clear about who has the power to suspend the chief executive and in what circumstances.

(b) The point at which it may become clear that suspension is an appropriate action is likely to be at the stage where the IDC has conducted its initial assessment. The model procedure therefore envisages that that Committee should have the power to suspend the chief executive.

### **3.5 Short notice suspension**

The procedure also recognises that in exceptional circumstances it may be necessary to suspend at very short notice and before the IDC can meet, e.g. because the remaining presence of the chief executive could be a serious danger to the health and safety of others, or a serious risk to the resources, information or reputation of the authority. An elected member should hold the

delegated power to suspend in an emergency. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

### **3.6 Suspension protocols**

(a) If suspension were deemed appropriate, the IDC (or in exceptional circumstances, the chair) would also be the appropriate body to agree or authorise any protocols which are necessary to manage the suspension and the investigation. For example, the chief executive might request access to workplace materials and even witnesses. Arrangements should be made to manage such requests and facilitate appropriate access. Another general principle would be that whilst suspended, the chief executive would remain available to participate in the investigation and to attend any necessary meetings. Therefore other important issues would include communication channels for day-to-day communication and any stipulations for reporting any scheduled or unscheduled absence from the area, e.g. pre-arranged holiday.

### **3.7 Time limits on suspension**

(a) Where the chief executive is suspended The Local Authorities (Standing Orders) (Wales) Regulations 2006 (Regulation 8, Schedule 4) specify that any suspension for the purposes of investigating the allegation must be on full pay and terminate no later than 2 months from the day the suspension takes effect. This period can be extended by the Designated Independent Person who also has the power to vary the terms on which any suspension has taken place.

(b) Where a chief executive is suspended and it is decided that a Designated Independent Person shall be appointed, the authority must look to a speedy appointment. It is not always easy to identify and agree terms with a Designated Independent Person and any delay in commencing the process could create the danger that the 2-month period may expire before a DIP is in place. The regulations indicate that the chief executive would then be entitled to return to work. If such

## **4. Right to be accompanied – (procedure)**

Other than in circumstances where there is an urgent requirement to suspend the chief executive, he or she will be entitled to be accompanied at all stages.

a situation arises it would be preferable to try to reach an agreement with the chief executive on an alternative to them returning to the office until the Designated Independent Person has been appointed.

## **4. Right to be accompanied – (guidance)**

4.1 Although the statutory right to be accompanied applies only at a disciplinary hearing, the JNC procedure provides the opportunity for the chief executive to be accompanied at all stages by their trade union representative or some other person of their choice, at their own cost.

4.2 The procedure recognises that there may be, in exceptional circumstances, a need to suspend the chief executive at short notice, when it is not possible to arrange for their trade union representative to be present. These circumstances might include for example where there is a serious risk to the health and safety of others or serious risk to the resources, information, or reputation of the authority.

4.3 Although it would be beneficial to agree dates for the necessary meetings required, the procedure cannot be allowed to drag on owing to the unavailability of a representative. The statutory right to be accompanied in a disciplinary hearing contained in s.10 of the Employment Relations Act 1999 applies only to hearings where disciplinary action might be taken or be confirmed. That is to say when a decision may be taken on the sanction or a decision may be confirmed during an appeal. In this model procedure the statutory entitlement to be accompanied would arise:

- ▣ where the IDC considers the report of the Designated Independent Person and provides the chief executive with the opportunity to state their case before making its decision
- ▣ during any appeal against the decision taken by the IDC
- ▣ At a council meeting considering a proposal for dismissal and also fulfilling the requirement relating to a right of appeal

4.4 At these important stages (IDC receiving the report of the DIP and any appeal against the decision taken by that Committee), if the chief executive's trade union representative is unavailable for the date set then the chief executive will have the right under the provisions of the Employment Relations Act 1999, to postpone the meeting for a period of up to one week.

4.5 If the representative is unable to attend within that period the authority will have the right to go ahead with the hearing without further delay, although reasonable consideration should be given to arranging an alternative date.

**5. Considering the allegations or other issues under investigation –  
(procedure)**

The IDC will, as soon as is practicable inform the chief executive in writing of the allegations or other issues under investigation and provide him / her with any evidence that the Committee is to consider including the right to hear oral evidence.

The chief executive will be invited to put forward written representations and any evidence including evidence from witnesses he / she wishes the Committee to consider.

The Committee will also provide the opportunity for the chief executive to make oral representations.

The IDC will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the chief executive before taking further action.

The IDC shall decide whether:

- the issue requires no further formal action under this procedure; or
- the issue should be referred to a Designated Independent Person.

**5. Considering the allegations or other issues under investigation – (guidance)**

5.1 The range of issues and to some extent the seriousness of the issues, which come before the IDC, will depend on the filter that the council adopts. Issues such as those relating to sickness absence and performance are likely to arise at the IDC having followed the authority's sickness absence or performance management / appraisal procedures (see **paragraph 1.3**).

5.2 It is possible in some cases that with some minimal investigation the IDC can dismiss the allegation without even the need to meet with the chief executive. However, this procedure is aimed at dealing with situations where the matter is not so easily dismissed. It therefore provides a process whereby the chief executive is made aware of the allegations and provided with the opportunity to challenge the allegations or to make their response. The IDC has a number of specific powers. It

(a) may make such enquiries of the chief executive or any other person it considers appropriate

(b) may request the chief executive or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit, and (c) may receive written or oral representations from the chief executive or any other person it considers appropriate

5.3 When an issue comes before the IDC it needs to make a judgement as to whether the allegation can be dismissed or whether it requires more detailed investigation by a Designated Independent Person (DIP). The regulations (Reg 9 (2)) require that the Committee must make its decision within 1 month of its appointment to consider the allegation. As the procedure envisages a standing committee in place to consider allegations we believe that the 1 month period would begin to run from the date that the 'allegation' was put to the Committee for consideration.

5.4 The appointment of a Designated Independent Person is a serious step but does not mean that the chief executive is guilty of some misdemeanour. In some cases the eventual result of the investigation will be to absolve the chief executive of any fault or wrongdoing. The appointment of a Designated Independent Person operates independently so that both the authority and the chief executive can see that matters are dealt with fairly and openly. However, the matter still needs to be handled carefully in public relations terms due to the potential damage to the reputation of the chief executive or the local authority.

#### **5.4.1 Threshold test for the appointment of a DIP**

Cases will vary in complexity but the threshold test for the IDC in deciding whether to appoint a Designated Independent Person is to consider the allegation or matter and assess whether:

- ☐ if it were to be proved, it would be such as to lead to the dismissal or other action which would be recorded on the chief executive's personal file; and
- ☐ there is evidence in support of the allegation sufficient to require further investigation.

#### **5.4.2 Conducting the initial IDC Investigation**

(a) It is intended that this stage is conducted as expeditiously as possible with due regard to the facts of the case. At this stage it is not necessarily a fully detailed investigation of every aspect of the case as that will be the responsibility of the Designated Independent Person (if appointed). However, it is important that before any decision is taken to appoint a Designated Independent

Person the chief executive is aware of the allegations that have been made against him / her (or the issue to be addressed) and given the opportunity to respond.

(b) This will be achieved by:

☐ The IDC writing to the chief executive setting out the allegations / issues and providing any evidence to be considered.

☐ Providing the opportunity for the chief executive to respond to the allegations in writing and to provide personal evidence or witness evidence.

☐ Providing the opportunity for the chief executive to appear before the IDC and to call witnesses.

(c) Fair notice should be given to enable the chief executive adequate time to prepare a response to the allegations or issues under investigation. During the initial hearing by the IDC, the chief executive is entitled to attend and can be accompanied by a representative (subject to **paragraph 2.3.3** and **paragraph 4**).

#### **5.4.3 Treatment of witness evidence**

In general, if the authority has witness evidence relating to an allegation this should be presented to the chief executive, although in exceptional cases it might be appropriate to anonymise the evidence in order to protect the identity of a witness. However, it remains important that the detail of the allegation is put to the chief executive in order that he / she understands the case against him / her.

#### **5.4.4 Conflicts of interest**

(a) The model procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing IDC. **Paragraph 1.2.2** indicates the basic rules concerning its membership. However, because a standing committee will comprise named councillors, there may be occasions when this presents problems of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Committee, although they will of course be able to give evidence, if required. The authority should attempt to construct its Committees, established quorums, and substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the council to establish a new Committee to perform the function of the IDC.

(b) Declarations of interest are matters for individual councillors who are required to follow the authority's Code of Conduct for Members and can seek advice from their Monitoring Officer or Standards Committee. Considerable problems could follow for the speed at which the case is conducted if the chief executive considers there are valid grounds for making a formal complaint to the Public Services Ombudsman for Wales about the involvement of a councillor in a case.

#### **5.4.5 Maintaining the fairness and integrity of the procedure**

Where there is a matter that requires investigation it is important that a fair and correct procedure is followed. Allegations against the chief executive or serious issues that require resolution should follow this procedure. It is important that councillors do not undermine the fairness of the procedure by for example putting motions to full council about the case as there is a serious risk that it could prejudice the disciplinary procedure. Additionally, such actions will not only create adverse publicity for the authority and the chief executive but may create conflicts of interest and could limit the role that those councillors can then take as the case progresses.

#### **5.4.6 Other appropriate actions**

(a) It could be that when faced with an issue, whether it be an allegation of misconduct, or connected with the capability of the chief executive, or some other substantial issue, the IDC might be in a position to consider alternatives to immediately moving to the appointment of a Designated Independent Person or alternatively to dismiss the allegation or issue.

(b) Clearly this will depend on the facts of the matters being investigated. It could be that the authority has another more appropriate policy or procedure to follow. Alternatively, it could be that the issue is one which might benefit from some mediation or attempts to resolve the particular issue in dispute prior to moving to appointing a Designated Independent Person.

(c) It is possible at any stage to consider the mutual termination of the contract and sometimes this will be a suitable alternative for all concerned. This might particularly be the case where relationships are breaking down but there is no evidence of misconduct attached to the chief executive. The Joint Secretaries could be available to assist (see **Appendix 4**).

(d) If any financial settlements are considered, it is important that such an arrangement:

☐ Falls within the authority's discretions under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 or



☐ Is a payment in consideration of an agreement that compromises a genuine legal claim that the chief executive might have at a Court or Employment Tribunal

(e) The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 are designed to enable a local authority to compensate employees whose employment terminates on grounds of redundancy or in the interests of the efficient exercise of the authority's functions. It is therefore possible that a payment will be legitimate in certain circumstances. However, where there is an obvious case requiring disciplinary action and the allegation is such that dismissal is a likely outcome, it is not likely that a District Auditor will sanction a deal under the current regulations.

(f) The authority must take appropriate legal advice when attempting to reach a financial settlement to ensure that any payment is justified. Relevant considerations will include the likelihood of the claim succeeding and the amount of compensation that could be awarded by a Court or an Employment Tribunal.

#### **5.4.7 Power to agree financial settlements**

When considering its delegation of power the authority must include consideration of which Committee or Officer has the authority to negotiate a settlement and also a process by which any settlement would be sanctioned including liaison with the appointed auditor.

#### **5.4.8 Access to appropriate professional / independent advice**

(a) Conducting an investigation into allegations or serious issues involving the chief executive can be demanding on the individuals involved. The IDC (and the Appeal Committee and council) will have access to the local authority's officers, but given the closeness of relationships between the chief executive and the other senior officers this can be a difficult time for those required to advise the Committee, to conduct investigations internally, or to source advice from outside the authority.

(b) The authority should provide that the IDC has powers to appoint external advisers as appropriate. Useful sources of general advice on the operation of the procedure and assistance with conducting investigations include the Local Government Association by contacting the Employers' Secretary or from the Welsh Local Government Association or ALACE or SOLACE.

In addition to this general advice and assistance, given the potential complexity of the issue, authorities might also require access to their own legal advice.

#### **5.4.9 Ill-health - medical advice**

In cases of capability related to sickness or where during the course of any other investigation, the ill-health of the chief executive results in their unavailability it will be important that the Investigating and Disciplinary Committee has access to appropriate medical advice from the council's Occupational Health provider (see **paragraph 2.3.2**).

#### **5.4.10 Performance**

(a) Where the issue is one of capability in terms of performance or competence, other than ill-health, the council will need to be in a position to establish or demonstrate the nature of the concerns. Evidence will be necessary in order to justify a further investigation.

## **6. Appointment of a Designated Independent Person – (procedure)**

The Designated Independent Person must be agreed between the IDC and the chief executive within 1 month of the decision to appoint a DIP. If there is a failure to agree on a suitable Designated Independent Person the council will appoint the person nominated by Welsh Ministers.

Once a Designated Independent Person has been agreed, the IDC will be responsible for making the appointment, providing the necessary facilities, agreeing remuneration and providing all available information about the allegations.

(b) This might come from a variety of sources, e.g. performance appraisal records, inspection reports, etc. Where the council follows an established appraisal / performance management process, this can also provide an appropriate route to establishing issues suitable for referral to the Investigating & Disciplinary Committee (see **Appendix 2**).

(c) Where the issue is breakdown of trust and confidence, the council will need to be able to establish that the fault for the breakdown could reasonably be regarded as resting solely or substantially with the chief executive.

### **6. Appointment of a Designated Independent Person - (guidance)**

6.1 Where a decision has been taken to appoint a Designated Independent Person it is important that the council moves quickly to achieve this. The Regulations provide that the authority and the chief executive must agree on a DIP within 1 month of the decision to appoint one. This may also be particularly important if the chief executive has been suspended because of the two-month time limit on suspension (see **paragraph 2.3.1**).

6.2 The IDC is responsible for appointing the Designated Independent Person. This will include issues such as the terms of remuneration and working methods.

#### **6.2.1 Terms of reference – allegations or issues to be investigated**

(a) When appointing the Designated Independent Person it is important that they are provided with terms of reference. The DIP will need to be:

- ▣ aware of the precise allegation(s) or issue(s) to be investigated
- ▣ provided with access to sources of information and people identified as relevant to the case

▣ aware of expectations regarding timescales and any known factors which could hinder their investigation, e.g. the availability of key people

(b) The IDC will be responsible for providing this information. It will also be in a position to discuss timescales for the Designated Independent Person's investigation. The Committee must, after consulting the Designated Independent Person, attempt to agree a timetable within which the DIP is to undertake the investigation. Where there is no agreement the DIP must set a timetable which he / she considers appropriate.

### **6.2.2 Remuneration**

(a) There is no provision in the Regulations that stipulates the rate of remuneration to be paid to the Designated Independent Person for their work. However, the Regulations do provide (Regulation 9 (10)) that:

*'A relevant authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.'*

(b) This is a fairly broad obligation on local authorities. One issue that has caused delay and failure to appoint in some cases is the issue of providing the Designated Independent Person with an indemnity. Some DIPs may decline to accept the role unless the authority indemnifies them against any future legal costs arising from the role performed. There has been a difference of opinion as to whether the DIP should have insurance in their own right to cover such an eventuality, or whether the council should provide this or indeed whether it has the power to do so. In the opinion of the CLG, at the time of implementation, this issue is to all intents and purposes resolved by the wording of Regulation 9(10), i.e. that the Regulations require the council to bear all of the costs of the DIP incurred by him / her in, or in connection with, the discharge of his / her functions under this Regulation.

## **7. The Independent Person investigation – (guidance)**

### **7.1 Resources**

The amount of time required to be spent on the investigation will depend on the case. Due to the demands on their time, the DIP could decide to delegate

## **7. The Independent Person investigation – (procedure)**

*The Local Authorities (Standing Orders) (Wales) Regulations 2006* require the Designated Independent Person to investigate and make a report to the council. In this model procedure this would be the IDC. The JNC believes that the Designated Independent Person should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which the allegations and supporting evidence including evidence provided by witnesses are stated by the authority's representative and the chief executive or his / her representative is able to present his / her case.

Once appointed it will be the responsibility of the Designated Independent Person to investigate the issue / allegation and to prepare a report:

*stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason; and recommending any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.*

Note: wording above not all in regulations but necessary to deal with other situations resulting in proposals to dismiss

some of the investigation work to an assistant. This should be agreed with the IDC and the chief executive should be informed. If the work is delegated to someone else outside of the authority this might also require further discussion on any difference in the terms of remuneration for the assistant to the Designated Independent Person.

## **7.2 Working arrangements**

7.2.1 Once appointed it will be the responsibility of the Designated Independent Person to investigate the issue / allegation and to prepare a report:

- ▣ stating in his / her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or other issue under investigation and
- ▣ to recommend any disciplinary action which appears to him / her to be appropriate for the council to take against the head of paid service / chief executive

7.2.2 The IDC must, after consulting the Designated Independent Person, attempt to agree a timetable within which the DIP is to undertake the investigation. Where there is no agreement the DIP must set a timetable which he / she considers appropriate.

7.2.3 The Regulations only require the Designated Independent Person to investigate and report to the council. The methodology should be confirmed with the parties. However, the JNC believes that the Designated Independent Person should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which details of the allegations and supporting evidence are stated by the authority's representative and where the chief executive is given the opportunity to respond.

## **7.3 Power to extend suspension**

7.3.1 The Regulations provide that suspension of the chief executive for the purposes of investigating the issue should last for no longer than two months.

7.3.2 The DIP does not have the power to suspend the chief executive and neither is his / her permission required in order to suspend the chief executive. However, the Regulations provide

that where the authority has suspended the chief executive, the Designated Independent Person has the power to direct:

- that the authority terminate the suspension
- that the suspension should continue beyond the two month limit
- that the terms on which the suspension has taken place must be varied

#### **7.4 Confidential contact at authority**

7.4.1 Although the Designated Independent Person has a degree of independence, it is advisable to agree some protocols for his / her investigation in order that disruption to the council's work is kept to a minimum at what can be a difficult time. The Designated Independent Person will also require agreed contact and reporting arrangements with the parties. It is recommended therefore that the council designates an officer to administer the arrangements.

7.4.2 During the investigation the Designated Independent Person will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed.

#### ***8. Receipt and consideration of the Designated Independent Person's report by the IDC–(procedure)***

The IDC will consider the report of the Designated Independent Person and also give the chief executive the opportunity to state his / her case before making a decision. Having considered any other associated factors the Committee may:

- Take no further action
- Recommend informal resolution or other appropriate procedures
- Refer back to the Designated Independent Person for further investigation and report*
- Take disciplinary action against the chief executive short of dismissal
- Recommend dismissal of the chief executive to the council

## ***8. Receipt and consideration of Designated Independent Person's report by the IDC - (guidance)***

### **8.1 Report of the Designated Independent Person**

The requirement is that the Designated Independent Person makes a report to the council and sends a copy to the chief executive simultaneously. In the JNC procedure it is envisaged that the report be made to the IDC which will have delegated powers from the authority to receive the report and take a decision on the outcome. Unless the chief executive is exonerated by the report then at this stage the chief executive should be given the opportunity to state his / her case before the committee makes its decision.

### **8.2 New material evidence**

Where there is, at this stage, new evidence produced which is material to the allegation / issue and may alter the outcome, the IDC may:



- ▣ take this into account in making their decision or
- ▣ request that the Designated Independent Person undertake some further investigation and incorporate the impact of the new evidence into an amended report

The way the evidence is taken into account will depend on its nature. The introduction of new evidence in itself cannot be used to justify a more serious sanction than recommended by the Designated Independent Person. If this is a possibility, the Designated Independent Person should review his / her decision taking into account the new evidence.

### **8.3 Recommendations by the DIP - outcomes or options**

8.3.1 The Regulations require the Designated Independent Person to recommend any disciplinary action that appears to be appropriate. At this stage clarity is to be welcomed and a clear reasoned decision is preferable. However, it could be that there is not one obvious action and it may be that the Designated Independent Person recommends a range of alternative actions. In this case the IDC would need to select the action to be taken.

## **9. Action short of dismissal – (procedure)**

Where the decision is to take action short of dismissal the IDC will impose the necessary penalty / action, up to the maximum recommended by the Designated Independent Person.

8.3.2 Whilst the DIP's role is to make recommendations on disciplinary action, he / she may wish to comment on potential options for the way forward following the DIP process.

### **8.4 Decision by the IDC**

The Committee is required to take a decision on the basis of the Designated Independent Person's report. It is always open to the Committee to impose a lesser sanction than that recommended but it cannot impose a greater sanction.

## **9. Action short of dismissal – (guidance)**

Where the decision taken by the Committee is action short of dismissal the action will be taken by the Committee itself. There is no requirement to seek confirmation by the council. The constitution of the IDC will need to include the delegated power to take disciplinary action in these circumstances.

## **10. Where the IDC proposes dismissal – (guidance)**

Where the Committee proposes dismissal the Regulations require that the council must approve the dismissal before notice of dismissal is issued.

### **10.2 Executive objections procedure**

10.2.1 Although previous statutory guidance referred to conducting an executive objections procedure in authorities operating leader / cabinet and mayor / cabinet constitutions this is not required.

### **10.3 The role of The Council**

10.3.1 The Regulations require that where there is a proposal to dismiss the chief executive, the council must approve the dismissal before notice of dismissal is issued. The Council must therefore consider the proposal from the IDC and reach a decision before the chief executive can be dismissed.

10.3.2 Given the thoroughness and independence of the previous stages, in particular, the investigation of the Designated Independent Person it will not be appropriate to undergo a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the recommendation to dismiss.

10.3.3 The chief executive will have the opportunity to be accompanied by their representative and to put forward his / her case before a decision is reached.

## **11. Appeals – (guidance)**

### **11.1 Appeals against dismissal**

11.1.1 *Discipline and Grievance at Work – The ACAS Guide* requires that an employee who has been dismissed is provided the opportunity to appeal against the decision.

11.1.2 As the Standing Orders Regulations require that the council approves the dismissal before notice of dismissal is issued, there might be some concerns about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss. The model procedure therefore envisages that the council meeting fulfils the requirement for an appeal. Before the council takes a decision on the recommendation to dismiss the chief executive it will take representation from the chief executive. Those representations will constitute the appeals process.

## **11.2 Appeals against action short of dismissal**

11.2.1 Appeals against actions short of dismissal will be heard by the Appeals Committee. The appeal hearing will take the form of a review of the case and the decision that was taken by the IDC.

11.2.2 This process should follow the procedure that the local authority applies generally to its other employees.

## Appendix 5a

### ENGLAND ONLY: Disciplinary Procedure for Local Authority Chief Executives

#### *Investigating and disciplinary committee convened (IDC)*

This should be a standing committee of the Council

#### **Option 1.**

**No further action.** This should be immediately communicated to the Chief Executive and the complainant notified if necessary.

#### *The IDC considers the allegation[s]*

The Chief Executive should be asked for comments. In the light of the Chief Executive's comments and having carefully considered the complaint / allegation the IDC may decide on any of the following actions

#### **Option 3**

##### ***Case to answer / further investigation required***

If following consideration of the Chief Executive's response the IDC believes that the case cannot be dismissed and requires further investigation and that, if the allegations were to be upheld they would result in a sanction greater than an informal warning, the IDC should appoint an Independent Investigator, II, and consider suspension.

#### **Option 2.**

##### ***Informal un-recorded oral warning***

If the matter is not serious but there is some minor fault or error on the part of the Chief Executive then the IDC can issue an informal un-recorded warning

oral warning.

#### **The report of the II**

Irrespective of the manner in which the II investigates the case on completion of their investigation the II must prepare a report with recommendations and rationale for submission to the IDC.

#### ***Suspension***

The chair of the IDC should have delegated authority to suspend. two months and only extended following consultation with the II and from the Chief Executive



Suspension should be reviewed after a period of consideration of any objections / representations

### **Hearing the case**

Alternatively the II may hear the case.

If the II hears the case both parties will have the usual opportunities to present evidence and cross examine witnesses etc. At the hearing both parties are afforded the opportunity to be represented by an individual of their choice, although representation for the Chief Executive should be obtained at his / her expense. Following the hearing the II will produce a report for consideration by the IDC.

### **Evidence collection and investigation**

It may be a process of evidence gathering, hearing submissions etc. which will lead to the formulation of a recommendation for consideration by the IDC.

### **Role of the II**

In practice it should be for the II to determine the process they will follow. This will be dependent upon the nature of the allegations and availability of information. However, the JNC's preferred process is 'Evidence Collection and Investigation'.

### **Appointment of the Independent Investigator (II)**

#### ***An Independent Investigator is appointed-***

A list of suitably qualified individuals should be maintained by the Joint Secretaries. This could operate as a taxi rank system or the authority could be given three names from which the Chief Executive could pick. Only genuine conflicts of interest etc. should be acceptable reasons for rejection by the Chief Executive. If the Chief Executive will not agree within 14 days the Council should be free to appoint their choice from the list.

### **Consideration and Decision of the IDC**

If the II has held a full hearing the IDC will limit their hearing to a consideration of the II's report. They may decide to call witnesses for clarification. The Chief Executive and II should attend this meeting and both parties afforded the opportunity to summarise their case. The hearing should be conducted in accordance with the ACAS code of practice.

If the II did not hear the case then the IDC should now afford the Chief Executive the opportunity for a hearing to allow the postholder to challenge the recommendations of the II, call witnesses etc. The same rule regarding costs of representation would apply in this context

### **Report to full Council**

Following consideration by the IP a report should be presented to Council. This report should comprise the recommendation of the IDC, the II's report and any comments on the recommendation for dismissal from the IP. In the light of this information Council should consider the recommendation to dismiss. The Chief Executive should be provided with a right of appeal against the decision and allowed to attend this meeting and address Council. The II may also be invited to attend to provide clarification if required. Following this consideration Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction. This stage in the process constitutes the Chief Executive's final right of appeal.

### **Composition, role and process of the IP**

The IP should be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972, and should comprise only independent persons (at least two) appointed under S28(7) of the Localism Act 2011. Appropriate training should be provided to these Independent members. Both parties should be present or represented\* at the meeting. The IP should receive any oral representations from the Chief Executive, in which case it should invite any response on behalf of the IDC to the points made, and may ask questions of either party. The IP should review the decision and prepare a report for Council. This report should contain clear rationale if they disagree with the recommendation to dismiss.

\* the IDC should nominate a person to attend on its behalf

### **Recommendation to dismiss**

If there is a recommendation to dismiss, the reports of the IDC and the II should then be sent to Independent Panel (IP) for its consideration. The Chief Executive may make written representations to the IP

### **Action short of dismissal**

A decision to take action short of dismissal should be communicated in writing to the Chf Exec with rationale for the decision. The Chf Exec has the right of appeal to the appeals committee against this decision

### **No case to answer**

Appropriate communication should be prepared in agreement with the Chief Executive to ensure that as far as possible there is no damage to the postholder's reputation. The IDC should consider reimbursement of any reasonable expenses incurred by the employee.

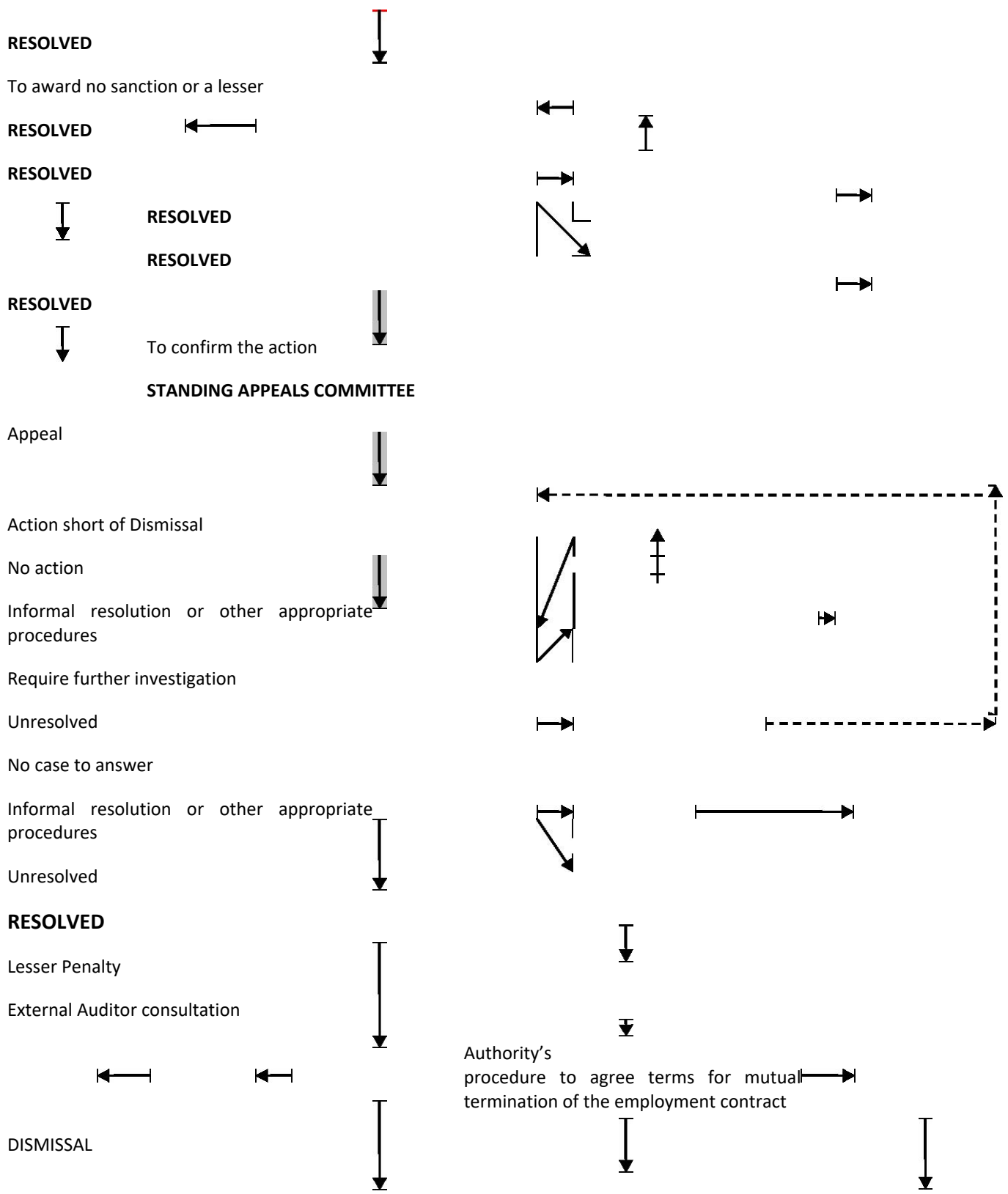
### **Recommendations of the IDC**

Following either consideration of the report of the II or a full hearing of the case the IDC will essentially have three options

- 1. No case to answer**
- 2. Disciplinary action short of dismissal**
- 3. Dismissal**

**Appendix W5a**

**WALES ONLY: Disciplinary Procedure for Local Authority Chief Executives**





## COUNCIL

Proposal to Dismiss

Range of actions that can be taken by Investigating & Disciplinary Committee on the outcome of report of the DIP

DIP investigation and report

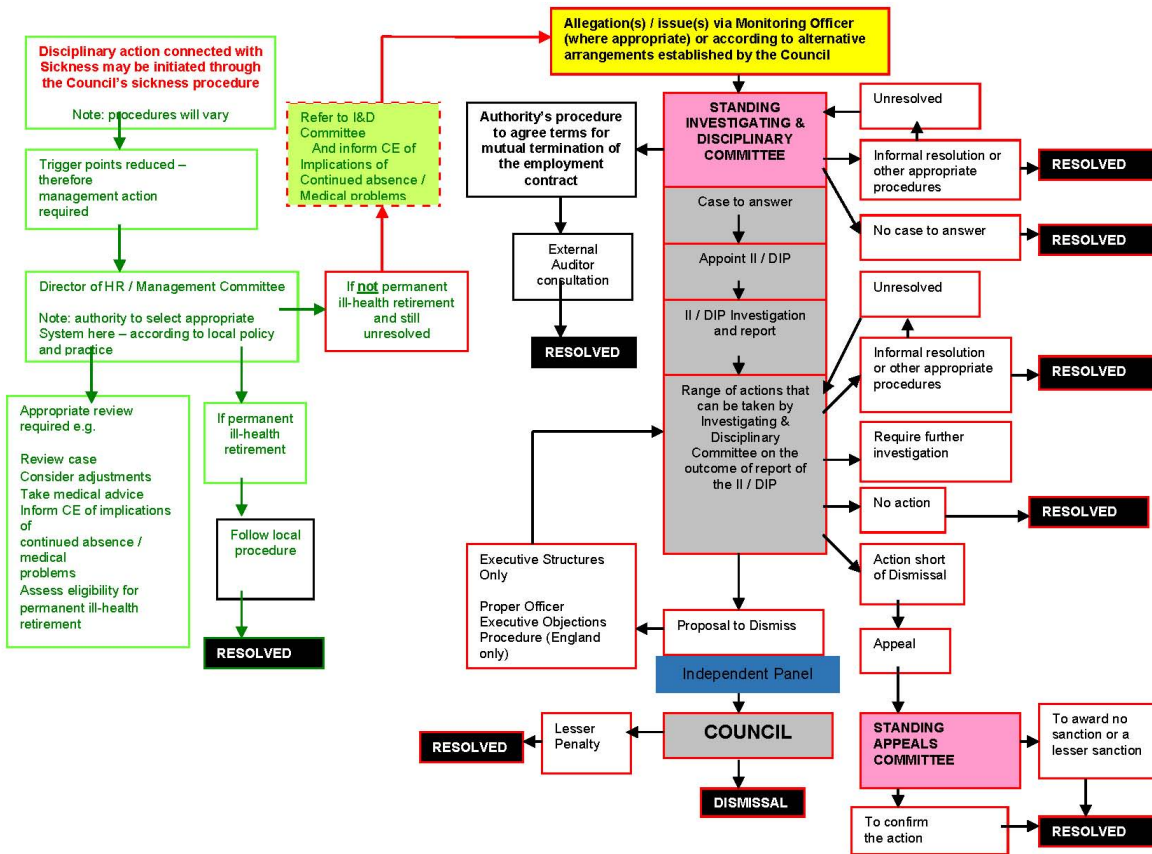
Appoint Independent Person (DIP)

Case to answer

## **STANDING INVESTIGATING & DISCIPLINARY COMMITTEE**

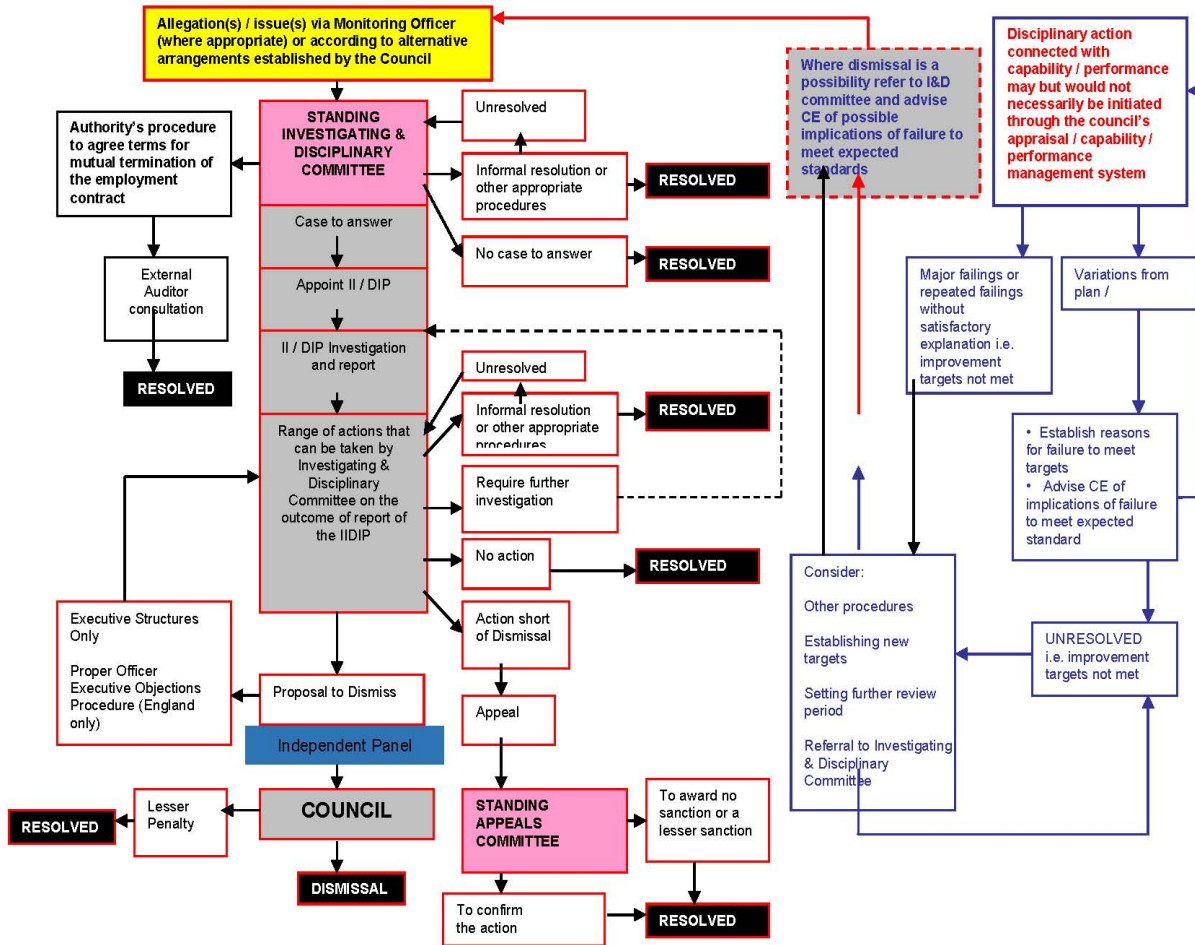
Allegation(s) / issue(s) via Monitoring Officer (where appropriate) or according to alternative arrangements established by the Council

Example of Relationship with the Council's Sickness Procedure



Appendix 5c

Revised Model Disciplinary Procedure for Local Authority Chief Executives: Example of Relationship with the Council's Capability / Performance Management Processes



## Appendix 5d

### APPENDIX 5dAppendix

ACTION	REASON FOR TERMINATION							
	Misconduct	Capability - Performance	Capability – Ill health (Long term or, frequent intermittent absence)	Some other Substantial Reason	Capability- Permanent Ill Health	Redundancy	Expiry of Fixed Term Contract	
Dismissal	Yes	Yes	Yes	Yes	Maybe – could be mutual termination	Yes	Yes	
England only: Independent Panel Required	Yes	Yes	Yes	Yes	No	No	Yes- If authority has given commitment to renew	
Wales only: Designated Independent Person	Yes	Yes	Yes	Yes	Maybe – if dismissal	No	No	
Required to follow ACAS Code of Practice								
Appropriate Procedure to	JNC	JNC	JNC	JNC	Local (with Council)	Local (with Council)	Local (with Council)	

## APPENDIX 6

### (Wales only)

#### 1. DESIGNATED INDEPENDENT PERSONS

1.1 This joint guidance provides a commentary on the role of Designated Independent Persons (DIPs). While it is contained in the Handbook it is not intended that it be incorporated into the conditions of service of Chief Executives, but rather that it be regarded as a stand-alone document to assist DIPs.

#### 2. THE ROLE

2.1 A designated independent person (“DIP”) is someone external to and Independent of an employing authority, who is individually appointed when that authority makes allegations of a disciplinary or capability nature against either the head of paid service, the monitoring officer or the section 151 chief financial officer.

2.2 The DIP concept has its origins in the June 1986 Widdicombe report *The Conduct of Local Authority Business* (HMSO Cmnd 9797), and the succeeding Local Government and Housing Act 1989. Section 20 of that Act made it a duty (for the first time in local government law) for local authorities to adopt certain procedural standing orders. Though the Act itself did not refer to DIPs, sufficiently wide powers were given to the Secretary of State for such a requirement to be incorporated into the Local Authorities (Standing Orders) Regulations 1993, SI No 202. The disciplinary provisions of those Regulations, which applied only to heads of paid service, remain partly in force (in respect of National Parks Authorities in both England and Wales), for local authorities in Wales the similarly titled SI 2006 No 1275 (W.121).

2.3 The role of a DIP, set out in regulation 9(6) in Wales, is to report to the authority concerned as to whether (and if so, the extent to which) the evidence obtained supports any allegation of misconduct against the officer concerned, and to recommend any disciplinary action which the DIP thinks it would be appropriate for the authority accordingly to take.

2.4 Disciplinary action is defined by regulation 2 to include any proposal for dismissal for any reason other than redundancy, permanent ill-health and (unless its renewal has been promised) failure to renew a fixed term contract. On the issue of allegations of breakdown in trust and confidence, see **paragraph 5.4.10 (c)**.

2.5 Each DIP appointment should be agreed between the authority and the officer concerned, but in default of agreement the appropriate Welsh Minister will nominate a DIP for the authority to appoint. The authority must pay the DIP reasonable remuneration and all the associated costs that the DIP incurs (but are under no obligation to afford or pay for any legal or other representation to the employee whose conduct is being investigated).

2.6 DIPs are given a number of powers to facilitate their role, including directions about continuing any suspension, inspection of relevant documents, and requiring any employee (in Wales this also includes any councillor) to answer questions about the conduct of the person being investigated. Regulation 9(7) of the 2006 Regulations in Wales require that the DIP is brought into an attempt mutually to agree a timetable for the hearing, and given default powers accordingly in regulation 9(8). As to how they actually carry out the task of obtaining evidence about the relevant conduct DIPs are not given any procedural duties or directions by the Regulations: the process is at their general discretion, and they have no powers to award costs, direct that settlements be reached, or conduct conciliation or mediation roles.

2.7 For those whose employment, however, is governed by the Conditions of Service agreed by the JNC for Chief Executives, the statutory basis is augmented by their contractual terms. Those JNC Conditions of Service contain a general commentary in **paragraph 13 on page 7** on procedures for discipline, capability, redundancy and other dismissals, accompanied by a model procedure at **Appendix 5B (Wales)**. DIPs are expected to operate in conformity with the principles that the JNC Conditions of Service set out. Accordingly the Joint Secretaries have in addition drafted and published this further commentary on DIPs, and the guidance at **paragraph 3**, in the light both of experience of how these Regulations have worked previously and how the JNC now envisages their future working.

2.8 **Paragraph 8.3.2**, while explicitly acknowledging the DIP's formal role only to make recommendations about any possible disciplinary action, adds that a DIP "may wish to comment on potential options for the way forward for the DIP process." This is intended to be used where a DIP considers that, notwithstanding that either no or only limited disciplinary action would be appropriate, the realities of the situation and the interests of those concerned (including the public interest) require a different kind of outcome to be achieved.

2.9 A DIP is not a judge, nor a substitute for an Employment Tribunal. While a statutory appointment in one sense, a DIP is given none of the personal immunities or powers of enforcement that they have. The role is best understood as an independent element of what remains essentially an internal and confidential process of the authority. While the Council cannot exceed the degree of severity of any disciplinary action recommended by the DIP, it is the view of the JNC that there is no obligation either to comply with any recommendation, e.g. the authority having considered the evidence and submissions of the chief executive might decide that the recommendation of the DIP is too severe in all the circumstances of the case. The decision reached remains that of the authority, who must maintain contractual appeal rights and will in principle be answerable to an Employment Tribunal in just the same way as with any other employee.

### 3. GUIDANCE

3.1 DIPs are given wide discretion as to the procedure they adopt, although the 2006 Regulations in Wales contain timetabling provisions. Accordingly, while there are no formal powers for DIPs to be given directions by anyone, this guidance has been drafted to assist DIPs in addressing issues and making the decisions likely to be required. It can do no more than inform those matters, but it is based on the experience of other DIP hearings that have been held.

3.2 **Paragraph 7** advises on practical matters including the resources, the working arrangements, the power to extend suspension beyond two months, and the need for confidential but co-ordinated contact with the authority.

#### The Degree of Formality

3.3 As stated above, a DIP is neither a judge nor a substitute for an Employment Tribunal. While a statutory appointment, a DIP is given none of the personal immunities or powers of enforcement that they have. The role is best understood as an independent element of what remains essentially an internal and confidential process of the authority. Nevertheless, an investigation by a DIP is a statutory process, and that requires structure and a mode of conduct appropriate to the seriousness of the matter for the parties involved. Some useful principles can be taken from the practice and procedure applied at Employment Tribunal Hearings.

3.4 Rule 2 of schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 SI No. 1237 (as amended) – schedule 1 comprises the Employment Tribunal Rules of Procedure – sets out the overriding objective to deal with cases fairly and justly including avoiding delays and dealing with cases in ways which are proportionate to the complexity and importance of the issues. Further, Rule 41 states that “The tribunal shall seek to avoid undue formality and may itself question the parties or any witnesses so far as appropriate in order to clarify the issues or elicit evidence. The tribunal is not bound by any rule of law relating to the admissibility of evidence in proceedings before the courts.” Rule 43 states inter alia that “The tribunal may exclude from the hearing any person who is to appear as a witness in the proceedings until such time as they give evidence if it considers it in the interests of justice to do so.” The Joint Secretaries consider that a similar approach by the DIP will usually be appropriate, meeting the over-riding objective “to deal with cases justly”

3.5 **Paragraph 7.2.3** expresses the view that the JNC believes that the DIP “should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which details of the allegations and supporting evidence are stated by the authority’s representative and where the chief executive is given the opportunity to respond.” This may well depend on the nature of the case given the wide scope of the Standing Orders Regulations to apply to different circumstances of potential discipline or dismissal. It may be, for

example, that in some cases a more inquisitorial investigation may be appropriate rather than an adversarial challenge of allegations, eg, considering the evidence for and implications of long-term ill health.

### **The Degree of Confidentiality**

3.6 With very limited exceptions, rule 5 of schedule 2 to the 2013 Regulations (as amended) provides for Employment Tribunal hearings to be public (although preliminary hearings must generally be held in private under rule 56. Here there is a distinct difference for the DIP process. Though there is no explicit bar to this in the Standing Orders Regulations, local authority hearings into disciplinary and capability matters are customarily held in private, and anyone the subject of a DIP hearing is likely to expect the same. The Joint Secretaries expect confidentiality also to be observed in these hearings.

3.7 If either side wishes to call two or more witnesses, the DIP will need to consider carefully whether they should be allowed to hear each other's evidence (as is usually the case in a criminal trial), or whether each witness should be heard separately with no-one else present not required or mutually agreed. The latter is the usual practice in local authority disciplinary hearings, and the Joint Secretaries assume that this will also be the norm in DIP hearings.

3.8 Whether to allow the press and media or others to be present is a separate matter from the joint presence of witnesses. No case is known to the Joint Secretaries where this has been agreed, and so they expect DIPs to refuse any such request if unacceptable to either side. A refusal is not considered to infringe human rights law provisions about open hearings, because as stated above a DIP hearing is an independent element of what remains essentially an internal and confidential process of the authority.

3.9 This latter point is emphasised by **paragraph 7.4.2** that during the investigation the DIP "will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed."

### **Access to the DIP's Report**

3.10 The DIP's functions end with the submission of the report to the appointing authority. A copy must be sent to the person investigated (regulation 9(6)(e) of SI 2006 No. 1275 in Wales), but there is no further obligation on anyone's part to supply or publish it. No one other than the authority has the legal right to do so. The Joint Secretaries consider DIP reports to be exempt from freedom of information disclosure by virtue of section 40 of the Freedom of information Act 2000,



ie. because of the potential to breach the data protection principles set out in schedule 1 to the Data Protection Act 1998.

3.11 The Joint Secretaries also consider that the DIP should seek clarity before submission of the report about access to or publication of all or any of it. The report could be drafted to include a short statement of the outcome intended for publication even where the rest of the report itself is to be kept confidential. DIPs should bear in mind that where material is published without approval, it may be unjust for there to be no lawful way for a response to be made or, in a case of selective publication, for the balance of the report to be restored.

3.12 The law of defamation must also be considered in relation to the publication of any DIP report. The Joint Secretaries consider that qualified privilege will attach to publication to the Council itself, but may well not cover wider publication or distribution.

### **Costs**

3.13 DIPs have no power to award costs. Section 13A of the Employment Tribunals Act 1996 gave power for rules to be made for the award of costs in such Tribunals, but DIPs have no equivalent power. They will no doubt bear in mind the impact that any imbalance in the representational resources available to the person being investigated and to the employing authority may have on the conduct and outcome of any investigation.

### **Indemnity**

3.14 A DIP is not an employee of the appointing local authority, so cannot be legally protected as such. While in addition to reasonable remuneration a local authority must pay “any costs incurred by him in, or in connection with, the discharge of his functions,” it is not unequivocally established that this requirement covers any costs arising out of any claim for damages made as a consequence of the investigation or anything contained in the report (particularly if the claim were made by the appointing authority). DIPs will no doubt want to be satisfied on appointment that they have either an adequate indemnity from the authority or appropriate insurance cover. **Paragraph 6.2.2(b)**, referring to the indemnity issue, concluded by noting the CLG opinion that regulation 9(10) of the 2006 Regulations is wide enough to both allow and require the employing authority to meet the DIP’s costs in this respect.

## APPENDIX 7

### Model Grievance Procedures

#### 1. Introduction

1.1 These procedures covers the following circumstances:

- ☐ where an employee raises a grievance against the chief executive
- ☐ where a chief executive raises a grievance – by definition this will be against an individual elected member(s) or the employing council generally.

1.2 Section 1.3 of the guidance to the model disciplinary procedure covers some of this ground and references to this section are made below where appropriate.

1.3 The procedure in **paragraph 2** below is set out in as a flow chart.

#### 2. Procedure for dealing with a grievance raised by an employee against the chief executive

2.1 An employee raising a grievance against the chief executive should do so using the grievance procedure provided for in his or her contract of employment. However, while operating within the context of the employee's grievance procedure, it is only the mandatory stages of a grievance procedure (i.e. the formal stages, as referred to in **paragraph 2.2**) that can resolve the grievance when the person complained of is the chief executive. With this in mind, the JNC has agreed the following advice.

2.2 Under the ACAS code the internal procedure to be followed by an aggrieved employee should comprise at least two formal stages. After the initial filtering and any attempt at informal resolution, if the matter remains unresolved, then a panel of elected members (the Grievance Committee) will hear the grievance on behalf of the employer (Formal Stage 1). It is here that the power exists to resolve a grievance against the chief executive. The panel can either **uphold** or **dismiss** the grievance. If the outcome of the Stage 1 investigation is that the grievance is not

upheld, then the complainant has the right to appeal (Formal Stage 2) to a panel of elected members (the Appeal Panel).

2.3 Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

1.4 There is a statutory right for the aggrieved employee to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at any meeting that deals with the grievance.

### **Initial filtering of grievances**

2.5 Where an employee raises a grievance against the chief executive it would be appropriate for an initial filtering to take place, as procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded or trivial or can best be dealt with under some other procedure. For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the Council's general complaints procedure. If the matter is a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would potentially be one that would be appropriate for an investigation under the disciplinary procedure.

2.6 To enable this process to happen the Council should nominate an officer who would be the recipient of any grievance raised against the chief executive (referred to below as the Receiving Officer). This would most appropriately be the Council's Monitoring Officer. If the Monitoring Officer is the person bringing the grievance against the chief executive or is otherwise involved in the grievance, then another appropriate chief officer and / or a Monitoring Officer from a neighbouring authority should be commissioned to act as the Receiving Officer.

2.7 A meeting should be held between the Receiving Officer and the complainant without unreasonable delay after a grievance is received. The employee should be allowed to explain the grievance and how it could be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

2.8 The principle of an initial filtering is already acknowledged in relation to disciplinary procedures. The Receiving Officer is responsible for the filtering process, the outcome of which could include the following:

i. the Receiving Officer decides that the grievance is actually about a council service, rather than a complaint against the chief executive personally. In this case the Receiving Officer would refer

the matter back to the aggrieved employee, or their line manager, and indicate that the matter is one that they could raise under the appropriate complaints process for the council.

ii. the Receiving Officer decides that there are other formal appeal procedures that apply rather than the grievance procedure eg, in cases of redundancy.

iii. the Receiving Officer decides that the grievance should not be directed at the chief executive as it does not relate to a specific action of the chief executive or a specific omission of the chief executive and so should be directed to an intermediate manager.

iv. the Receiving Officer decides that the grievance is either patently frivolous or clearly unfounded. Individual grievances can be deeply held so a decision that it is frivolous or unfounded and will not be taken any further should not be taken lightly. To some extent this judgement may be informed by whether the individual employee has a history of submitting frivolous or unfounded grievances. Where that is not the case then the Receiving Officer may want to err on the side of caution, particularly if the substance of the grievance is something that could be pursued to an Employment Tribunal. This would probably require the Receiving Officer to check whether other procedures were more apt, but that does not necessarily compromise the Receiving Officer from dealing with the case as suggested below.

### **Resolving grievances informally**

2.9 Where the Receiving Officer is satisfied that the grievance is neither procedurally flawed nor patently frivolous or clearly unfounded (such as a complaint about the organisation, process, provision of facilities, inadequate IT equipment, failure of consultation between departments etc) then there may be some value in an attempt being made to resolve the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

## **3. Resolving grievances formally**

### **Formal Stage 1**

#### **The Grievance Investigation**

3.1 Where informal attempts at resolution are considered inappropriate or have been tried and failed, then the Receiving Officer should manage the Stage 1 investigation. In most cases it will be appropriate for an independent investigator to be commissioned to carry out the investigation.

3.2 If the outcome of the investigation is in favour of the complainant, a solution should be proposed, taking into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in all the circumstances. If the chief executive is unwilling to accept these proposals, the matter will be referred to the Grievance Committee for it to resolve.

3.3 Just as the model disciplinary procedure recommends that Councils annually establish an Investigation and Disciplinary Committee and an Appeal Committee so that they are available if needed, so it is necessary for Councils annually to establish a Grievance Committee of 3 to 5 members with political proportionality, who are not members of the Investigation and Disciplinary Committee or the Appeal Committee.

### **The Grievance Committee hearing**

3.4 The Grievance Committee will hear the case and reach its conclusion.

### **The Committee upholds the grievance**

3.5 Where the Committee **upholds** the grievance this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.6 Where the Committee **upholds** the grievance and also decides that it is a matter of a serious nature then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee would then have to consider under section 5 of **Appendix 5** whether there was a case to answer, and, if so, would commission an independent investigation under the disciplinary procedure and the matter would proceed as laid down in **Appendix 5**.

### **3.7 The Committee dismisses the grievance – the right to appeal**

#### **Formal Stage 2**

3.8 If the Committee finds against the complainant then that person has a right of appeal to a member Appeal Committee (or other such body established by the Council for this purpose), and the chief executive should be immediately informed that this has happened. The Appeal

Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Receiving Officer.

3.9 Where the Appeal Committee **upholds** the appeal, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.10 Where the Appeal Committee **upholds** the appeal and also decides that it is a matter of a serious nature, then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee should consider commissioning an independent investigation to determine whether there was a case to answer, and if so what sanction was appropriate.

3.11 Where the Appeal Committee **dismisses** the appeal, then the matter would be regarded as having been concluded.

#### **4 Procedure for dealing with grievances raised by the chief executive**

4.1 Where the chief executive raises a grievance, then similar principles need to apply, namely:

☐ Informal attempts at resolution should be regarded as preferable to immediate recourse to formal procedures

☐ There should be two stages available to the aggrieved employee, in this case the chief executive.

4.2 A chief executive cannot take out a grievance against another member of staff, as any cause for such concern would constitute grounds for disciplinary action and as head of the paid service the chief executive could initiate such action against any other employee. A chief executive grievance has to be against one or more member(s) and the Council's Monitoring Officer should act as Receiving Officer.

4.3 Where the chief executive raises a grievance, then this should be referred to the Receiving Officer in the first instance who should establish, through discussions with the appropriate parties, whether there is any prospect of resolving the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

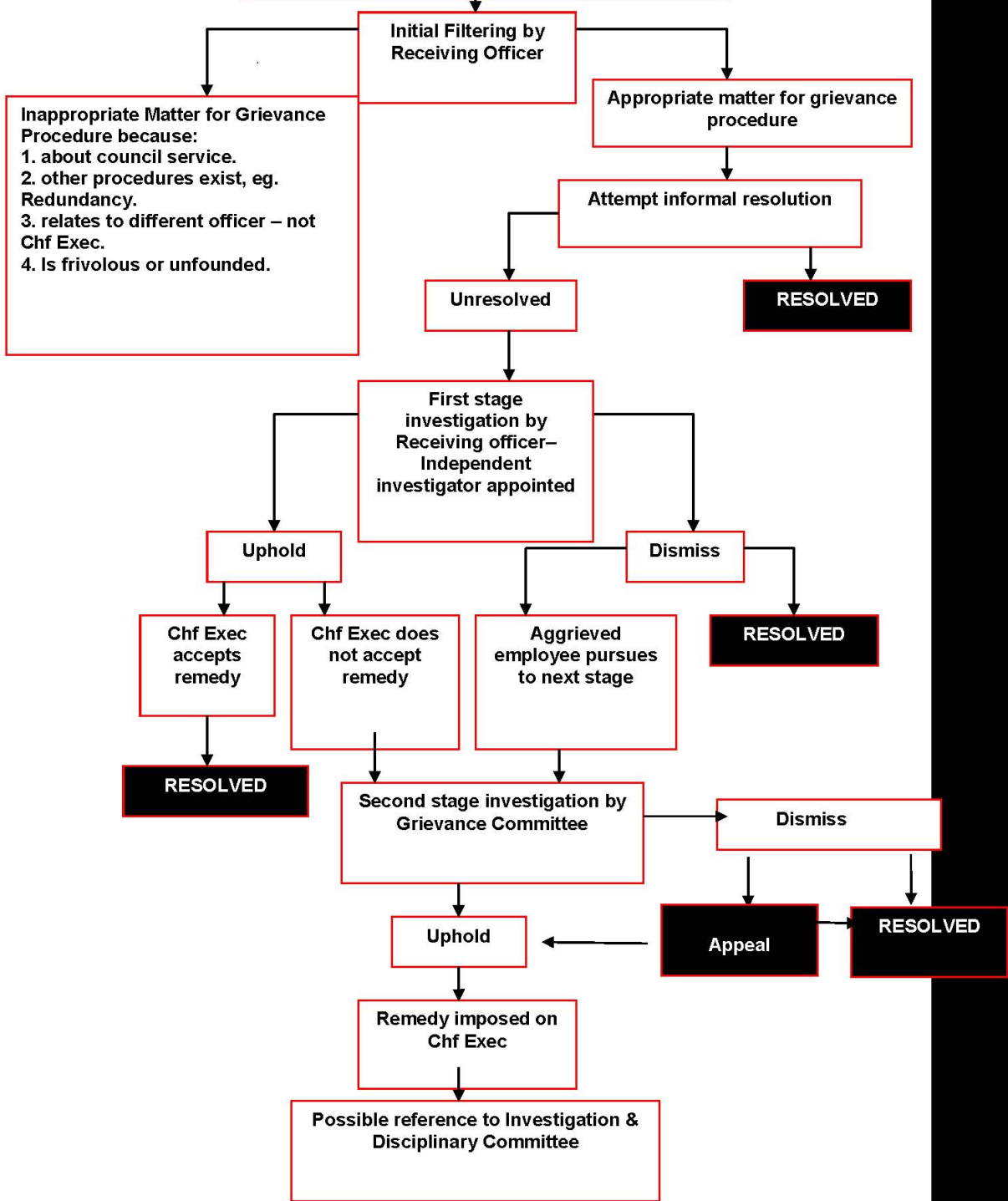
4.4 In the event that informal resolution is neither appropriate nor successful, the Receiving Officer should refer the matter to the Council's Grievance Committee. If the Grievance Committee considers it appropriate, having come to its conclusions, it might refer a matter about the conduct or behaviour of an elected member to the council's Standards Committee or other appropriate arrangements.

4.5 An appeal by the Chief Executive against the outcome of the Grievance Committee's deliberations should be to the full Council.

## **5 Grievances raised by the chief executive during disciplinary proceedings**

5.1 Where a chief executive is the subject of a disciplinary / capability investigation and raises a grievance relating to the case, the Investigating and Disciplinary Committee will decide how to deal with the grievance. This will depend on the facts of the case, the stage of the disciplinary procedure reached and the nature of the grievance raised. In some cases it may be appropriate to hear the grievance before continuing with the disciplinary / capability investigation. In other cases it will be appropriate to deal with the issues raised in the grievance as part of the wider disciplinary / capability investigation.

**EMPLOYEE RAISES GRIEVANCE AGAINST CHIEF EXECUTIVE**







This page is intentionally left blank

**Appendix K - Joint Negotiating Committee for Local Authority Chief  
Officer Conditions of Service Handbook**

**JOINT NEGOTIATING COMMITTEE  
*for*  
LOCAL AUTHORITY CHIEF OFFICERS**

**CONDITIONS OF SERVICE  
HANDBOOK**

**UPDATED 8 August 2017**

**Employers' Secretary:**

SIMON PANNELL  
LGA, Layden House  
76-86 Turnmill Street  
London EC1M 5LG

Tel: 020 7187 7373  
email: [info@local.gov.uk](mailto:info@local.gov.uk)

**Officers' Side Secretary:**

REHANA AZAM GMB 22 Stephenson Way  
London NW1 2HD

Tel: 020 7391 6700  
email: [info@gmb.org.uk](mailto:info@gmb.org.uk)

**The Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities is the national negotiating body for the pay and conditions of service of chief officers in England and Wales.**

**The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists representatives of GMB and UNISON.**

## **CONTENTS**

### **PART 1 - CONSTITUTION**

1 Title .....	3
2 Scope .....	3
3 Membership .....	3
7 Functions .....	4
8 Procedure .....	4
15 Finance .....	5
16 Arbitration .....	5
17 Amendments .....	5

### **PART 2 – CONDITIONS OF SERVICE**

1 Application of Terms & Conditions Generally.....	6
2 Questions of Interpretation .....	6
3 Periods of Notice to Terminate Employment.....	6
4 Annual Leave.....	6
5 Honorarium Payments.....	6
6 Relocation Expenses.....	6
7 Setting Remuneration Levels.....	7
8 Performance Appraisal.....	7
9 Restrictions on Re-Employment.....	8
10 Salary.....	8
11 Returning Officer Fees.....	9
12 Official Conduct.....	9

### **PART 3 – DISCIPLINE, CAPABILITY AND REDUNDANCY**

1 Specific Statutory Officers.....	11
2 Chief Officers other than Statutory Officers.....	11
3 Redundancy.....	12

**Annex 1** Joint Guidance on Appraisal of the Chief Officer 14

**NB:** All hyperlinks and email addresses contained in this Agreement are correct at the time of publication. Please notify the Joint Secretaries of any discrepancies by emailing them at the addresses shown on the cover page.

## **PART 1 - CONSTITUTION**

### **TITLE**

1 The Committee shall be known as the Joint Negotiating Committee for Chief Officers of Local Authorities (hereinafter referred to as "the Committee").

### **SCOPE**

2 The Committee shall have within their scope any officer of a local authority in England and Wales who

a is a chief officer designated by the employing authority as the administrative and executive head

*either i of a separate department*

*or ii of a particular function or service*

which in either case is regarded by the authority as important in relation to the total activities of the authority; or

b is designated by the authority as a recognised deputy to any chief officer covered by (a) above including an officer of deputy status but whose post may carry a different title.

### **MEMBERSHIP**

3 The Committee shall consist of 36 members, appointed as follows:-

Representing local authorities:

Local Government Association 9

Welsh Local Government Association 1

Representing officers:

GMB 23

Unison 3

4 If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the Constitution, such failure to appoint shall not vitiate the decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-

committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his/her place.

5 A member of the Committee shall automatically retire on ceasing to be a member of the organisation which he/she represents.

6 On the occurrence of a casual vacancy, a new member shall be appointed by the organisation in whose representation the vacancy occurs and shall sit until the end of the period for which his/her predecessor was appointed.

## **FUNCTIONS**

7 The functions of the Committee shall be to secure the largest possible measure of joint action in respect of the salaries and service conditions of officers within the scope of the Committee; and to seek to resolve any differences between a local authority and its officers which may be referred to the Committee, in accordance with procedures to be determined by the committee from time to time.

## **PROCEDURE**

8 **Sub-Committees** The Committee may appoint from their own members such sub-committees as they may consider necessary and with such authorities as they may from time to time determine. The reports of all sub-committees shall be submitted to the full Committee.

9 **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. When the Chair is a member of the Authorities' Side, the Vice-Chair shall be appointed from the Officers' Side and vice versa. The Chair shall be held in alternate years by a member of the Authorities' Side and a member of the Officers' Side. The Chair, or in his/her absence, the Vice-Chair, shall preside at all meetings of the Committee. In the absence of both the Chair and Vice-Chair at any meeting, a chair shall be elected to preside. In no case shall a Chair have a second or casting vote.

10 **Officers** The Committee shall appoint joint secretaries and a treasurer.

11 **Meetings** Meetings of the Committee shall be held as often as may be necessary, and the Chair shall call a special meeting if so requested by one-third of either side of the Committee. The notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat, and no other matters shall be discussed. A special meeting shall take place within fourteen days after the request has been received.

12 **Voting** Voting in the Committee and in sub-committees shall be by show of hands or otherwise as the Committee or sub-committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members entitled to vote present on each side of the Committee or sub-committee, as the case may be.

13 **Quorum** The quorum of the Committee shall be 10, consisting of 4 representatives of local authorities and 6 of the officers. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.

14 **Notices of meetings** All notices of meetings of the Committee and of any sub-committee thereof shall be sent to the respective members at least seven clear days before the date of the meeting.

## **FINANCE**

15 The expenses of the Committee, excluding any necessary travelling or subsistence expenses incurred by the members, shall be shared equally by the two sides.

## **ARBITRATION**

16 In the event of a dispute over terms and conditions of employment arising between the two sides of the Committee on any matter of general application to staff or of application to particular classes of staff, the dispute shall, at the request of either side, be reported to the Advisory, Conciliation and Arbitration Service by the Joint Secretaries with a request that the matter be referred for settlement by arbitration. The arbitration award shall be accepted by the two sides, and shall be treated as though it were an agreement between the two sides.

## **AMENDMENTS TO CONSTITUTION**

17 Alterations in the Constitution of the Committee shall be made as follows:

a in paragraph 3 of this Constitution any change to the organisations represented on each Side, shall be a matter for each Side to determine.

b all other clauses can only be changed with the assent of both Sides.

## **PART 2 – CONDITIONS OF SERVICE**

### **1. APPLICATION OF TERMS AND CONDITIONS GENERALLY**

A chief officer shall enjoy terms and conditions in other respects not less favourable than those accorded to other employees of the local authority. Where terms and conditions are not specified locally, 'Green Book' provisions shall apply. Such terms and conditions may include:

- Adoption Scheme
- Car Allowances
- Continuous Service
- Grievance
- Health, Safety & Welfare
- Maternity / Paternity Scheme
- Reimbursement of Expenditure
- Sickness Scheme
- Training & Development

### **2. QUESTIONS OF INTERPRETATION**

Any questions concerning the interpretation of the paragraphs of this booklet shall be referred to the Joint Secretaries who if necessary, may agree to refer it to the Joint Negotiating Committee for determination.

### **3. PERIODS OF NOTICE TO TERMINATE EMPLOYMENT**

The period of notice on either side will normally be three months, but this can be changed by mutual agreement.

### **4. ANNUAL LEAVE**

The chief officer shall be entitled to a minimum of 30 days' annual leave (in addition to statutory and other public holidays but inclusive of any long service leave, extra statutory and local holidays). In exceptional circumstances and by mutual agreement annual leave may be carried forward to the next leave year.

### **5. HONORARIUM PAYMENTS**

A local authority may consider granting an honorarium (of an amount dependent upon the circumstances of each case) to an officer within purview of this Committee who performs duties outside the scope of his/her post over an extended period.

### **6. RELOCATION EXPENSES**

In the case of officers being relocated it is the practice of some authorities to contribute towards the approved costs of removal



expenses and of other incidental expenses reasonably attributable to the removal; it would be in the best interests of local government and facilitate movement of officers if this practice were more widely followed.

## **7. SETTING REMUNERATION LEVELS**

7.1 The Localism Act 2011 requires local authorities to produce and publish a pay policy statement. According to the Act and statutory guidance published in 2012 and 2013, the statement should include the local authority's policy on specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency arrangements. It should also set out the approach to be adopted towards pay dispersion, (i.e. differentials). In addition, the Local Government Transparency Code 2015 requires local authorities to publish the differential between the taxable benefits of senior managers and the median taxable earnings figure for the local authority's whole workforce, and details of senior employee salaries (above £50,000), names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.

7.2 In this context it is essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief officers have been made in an open and accountable way.

7.3 One option is for a local authority to establish a remuneration committee. The establishment of a remuneration committee is of course optional and different models may well suit individual authorities. What is clear though is that more than lip service must be paid to the notion of providing a verifiable and accountable process for recommending the remuneration level of the most highly-paid officials.

7.4 The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3** of the JNC Conditions of Service Handbook for local authority Chief Executives.

## **8. PERFORMANCE APPRAISAL**

8.1 Chief officers' responsibilities and accountabilities should be set out in writing at the appointment stage. Where this has not been done at the appointment stage it should be agreed with the individual officer concerned prior to the implementation of the performance appraisal scheme. Subsequently, there should be an annual process of performance appraisal linked to those responsibilities and accountabilities.

8.2 The performance appraisal process is separate from any scheme relating to either pay or performance related pay.

8.3 The performance appraisal process should involve the setting of both general and specific objectives for the year ahead and the review of performance in achieving previously set objectives. The focus of the process should be on clarifying what the chief officer will be expected to achieve and on identifying any continuing personal development needs to maintain a high level of performance.

8.4 The authority will provide training for all parties involved in the process, including elected members if involved.

8.5 The setting of objectives should be by consensus between the chief officer and his/her line manager, and/or the chief executive, and if desired an appropriate elected member. The result of the performance appraisal process will be to identify agreed objectives that are relevant and challenging but achievable and realistic in the light of available resources and time. (Joint Secretaries guidance on appraisal of chief officers is set out in full at **Annex 1**)

## **9. RESTRICTIONS ON RE-EMPLOYMENT**

9.1 After termination of the chief officer's employment he/she:

a will not divulge any information to any third party which is confidential to the authority.

b will not, without the consent of the authority, which will not unreasonably be withheld, within a period of 12 months take up employment with or provide services for reward to any body:

i if during the chief officer's last two years of employment with the authority the officer has been directly involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward

ii which is likely to benefit from commercially sensitive information which is known to the chief officer by virtue of his/her past employment by the authority.

9.2 These provisions would not apply if the termination of employment with the local authority arose as the result of redundancy or the externalisation of work and consequent transfer to a new employer.

## **10. SALARY**

The salary paid to a chief officer will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 11** or the authority expressly agrees that they shall be

retained by the officer, shall be paid by the officer into the local authority's accounts.

## **11. RETURNING OFFICER FEES**

The chief officer shall be entitled to receive and retain the personal fees arising from such of the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions as he or she performs subject to the payment of pension contributions thereon, where appropriate, unless a specific term has been included in the chief officer's contract referring to alternative arrangements.

## **12. OFFICIAL CONDUCT**

12.1 The public is entitled to demand of a local government officer conduct of the highest standard.

12.2 An officer's off-duty hours are his/her personal concern but he/she should not subordinate his/her duty to his/her private interests nor put himself/herself in a position where his/her duty and his/her private interests conflict, or where public confidence in the conduct of the authority's business would be weakened.

12.3 Officers within purview of this Committee shall devote their whole-time service to the work of the local authority and shall not engage in any other business or take up any other additional appointment without the express consent of the local authority.

12.4 An officer shall not be required to advise any political group of the local authority, either as to the work of the group or as to the work of the local authority, neither shall he/she be required to attend any meetings of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with any officer and which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the local authority.

12.5 No officer shall communicate to the public the proceedings of any committee meeting nor the contents of any document relating to the authority which in either case is regarded by the authority as confidential unless required by law or expressly authorised to do so.

12.6 If it comes to the knowledge of an officer that a contract in which he/she has any pecuniary interest, whether direct or indirect (not being a contract to which he/she is himself/herself a party), has been or is proposed to be, entered into by the authority, he/she shall, as soon as practicable, given notice in writing to the chief executive of the authority of the fact that he/she is interested therein.  
(Attention is

drawn to the provisions of the Local Government Act 1972 Section 117).

12.7 Information concerning an officer's private affairs shall not be supplied to any person unless the consent of such officer is first obtained.

## **PART 3 - DISCIPLINE, CAPABILITY AND REDUNDANCY**

### **1. SPECIFIC STATUTORY OFFICERS**

1.1 Where disciplinary action against the Monitoring Officer or s151 Officer or, in Wales, the Head of Democratic Services is contemplated, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) in England, and the Local Authorities Standing Orders (Wales) Regulations 2006 in Wales, provide a degree of protection for these officers against unwarranted political interference in their statutory role within local authorities.

1.2 (**England**) Paragraph 13 and 13A and Appendix 5A of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Monitoring Officer or s151 Officer is contemplated.

1.3 (**Wales**) Paragraph 13 and 13B and Appendix 5B of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Head of Democratic Services is contemplated.

### **2. CHIEF OFFICERS OTHER THAN SPECIFIC STATUTORY OFFICERS**

2.1 The size and structure of local authorities varies greatly and it is therefore difficult to set out single disciplinary and capability procedures which would fit all authorities. However, authorities will have local procedures to deal with such issues.

2.2 In general, informal conciliation is to be preferred to formal disciplinary and capability procedures if it can bring about a mutually agreed solution to the problems that have arisen. Such solutions should make it clear what specific changes in behaviour and/or performance are expected and within what timescales. However, provision is required to undertake more formal action where necessary.

2.3 The principles of natural justice and good management practice must govern the conduct of any proceedings against a chief officer on the grounds of either alleged misconduct (i.e. 'discipline') or an alleged inability to carry out their role (i.e. 'capability'). Authorities should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

2.4 A particular consideration for Chief Officers is that the procedures must take account of an officer's position in the hierarchy when determining who conducts investigations, undertakes disciplinary/capability hearings taking any appropriate action and who hears appeals. Depending on the structure of the authority and the circumstances of the case these functions should normally be undertaken by officers as appropriate but in some cases may require a committee of members to be involved in hearings or appeals.

2.5 Where the chief officer's continuing presence at work compromises an investigation or impairs the efficient exercise of the local authority's functions, the chief officer may (subject to whatever consultation or approval may be required under the authority's standing orders) be suspended from duty. The Council, or appropriate committee or senior officer, acting under delegated powers, may carry out such suspension on full pay. Written notice stating the reasons for any such suspension shall be given at the earliest opportunity possible.

2.6 Suspension protocols regarding communication and matters such as annual leave and sickness should be agreed. The necessity for the chief officer to remain suspended should be reviewed at regular intervals and where possible lengthy periods of suspension should be avoided.

2.7 In England, where an authority operates a mayor or leader cabinet executive system and as a result of disciplinary proceedings there is a recommendation to dismiss, they should check whether the executive objections procedure set out in schedule 1, part I, paragraph 6 and part II, paragraph 6 of the Local Authorities (Standing Orders) (England) Regulations 2001 applies, and if so ensure it is followed before the chief officer is dismissed.

2.8 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context.

2.9 The Joint Secretaries (or their representatives) are available to act in an impartial conciliation role, whether formal or informal if required to do so by the local parties.

### **3. REDUNDANCY**

3.1 Employing authorities should consult with any chief officer affected at the earliest possible stage when there is a suggestion that the chief officer's post might be abolished or proposed for abolition.

3.2 If after such consultation a proposal is formulated to abolish the chief officer's post, and that is part of a proposal to dismiss 20 or more employees from one establishment within 90 days the procedure of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, requiring consultation with trade unions, should be followed, the required statutory information being sent to the chief officer and to each independent trade union recognised by the employers for collective bargaining purposes for the chief officer. Where the provisions of the Act do not apply in any event a period of not less than twenty-eight days should be allowed for the individual consultation process. The chief officer and a trade union representative should also be afforded an opportunity of making oral representations to the Committee or Council meeting concerned before a final decision is made.

3.3 If following such consultations the authority decide that the post must nevertheless be abolished, the officer should be offered any suitable alternative employment that may be available or which may become available in consequence of the re-organisation giving rise to the abolition of the chief officer's post.

3.4 The authority should also bear in mind the possible application of discretionary powers of premature retirement, and permissible enhancement of benefits or redundancy payments, and the possibilities of providing an alternative post or of extending the period of notice to assist the chief officer in finding other employment.

3.5 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context.

## **ANNEX 1**

### **JOINT GUIDANCE ON APPRAISAL OF THE CHIEF OFFICER**

#### **1. INTRODUCTION**

1.1 This guidance is intended for use by senior officers, elected members and the chief executive when agreeing a process for appraising the performance of the chief officer. The focus of this process should be on clarifying what the chief officer is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.

1.2 The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief officer's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

#### **2. RESPONSIBILITY FOR APPRAISAL**

2.1 The responsibility for appraising a chief officer lies primarily with their line manager and/or chief executive. It is a contractual obligation on the part of both the chief officer and the employing local authority to engage in a regular process of appraisal.

2.2 It will be for local decision in the light of local circumstances whether the appraisal should include any input from elected members representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief officer is employed by the local authority as a whole, not by the controlling group, and is therefore required to serve all of the local authority.

#### **3. AIMS OF APPRAISAL**

- To identify and clarify the key objectives, priorities and targets of the local authority and appropriate timescales for their achievement over the next (e.g. twelve) months
- Agree what the chief officer should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to help deliver the local authority's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively
- Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance

Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals

Discuss developmental requirements. The chief officer will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief officer with the requisite skills to meet the local authority's objectives. The parties should be proactive and anticipate future developmental needs in the context of the local authority's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between the chief officer and the chief executive. It should not be assumed that it is only the chief officer who may need to adjust his / her approach to the working relationship

3.1 Appraisal should be set in the context of the local authority's objectives, priorities and targets, generally expressed in corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the local authority as a whole.

#### **4. THE APPRAISAL CYCLE**

Appraisal should take place on a predetermined date, **at least annually**, backed up by regular monitoring meetings at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

#### **5. KEY ELEMENTS OF THE APPRAISAL PROCESS**

Continuous two-way monitoring of performance against objectives

Preparation for an appraisal interview

An appraisal interview where recent and current performance, future objectives and development needs are discussed

Agreement on action required from either party to ensure required performance is achievable

A continuing process of informal discussion regarding performance



## **6. THE APPRAISAL INTERVIEW AND AFTERWARDS**

- Both parties should be well informed and prepared for the interview
  
- The process should be two-way
  
- The interview should be free from interruptions, and notes should be taken when necessary
  
- The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions
  
- Targets which are realistic and capable of being monitored should be agreed
  
- Any agreed personal development plans should be implemented within the agreed timescale
  
- The chief officer should be given a reasonable opportunity to correct any shortfalls in performance
  
- A date for the next review should be agreed

## **7. OTHER MATTERS**

The detailed content of appraisal interviews should normally be treated as confidential to the participants, unless both parties agree that it would be helpful for the targets agreed for the ensuing period to be shared more widely. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.



«PERS\_TITLE» «PERS\_INITIALS» «PERS\_SURNAME»  
«ADDRESS\_LINE\_ONE»  
«ADDRESS\_LINE\_TWO»  
«ADDRESS\_LINE\_THREE»  
«ADDRESS\_LINE\_FOUR»  
«ADDRESS\_POSTCODE»

Dear «PERS\_TITLE» «PERS\_SURNAME»

### **Contract of Employment**

I am pleased to enclose your contract of employment with the Authority.

This reflects your current role which may be different to the role in which you commenced your employment with the Council. However, your original start date will be recorded.

If you believe that the information contained within your contract is incorrect, in the first instance please discuss with your Line Manager. Any other queries, please let us know via email to:

[CEHRM@carmarthenshire.gov.uk](mailto:CEHRM@carmarthenshire.gov.uk)

I would be grateful if you would kindly signify, via e-mail, your acceptance of the appointment on the specified terms and conditions, retaining a copy for your own records.

Yours sincerely



**Mr Paul Thomas**  
**Assistant Chief Executive (People Management)**

### **TERMS OF EMPLOYMENT (form ToE1)**

These should be read in conjunction with the Written Statement of Particulars which form your contract of employment.

Name of Employer	Carmarthenshire County Council
Address	County Hall, Carmarthen, SA31 1JP
Name of Employee	
Employee Number	
Post Title	
Post Number	
Department	
Negotiating/Governing Body	
Date of commencement of duties in this post	
Working arrangement & Location type	
Designated base for this post	
Employment status	
Reason for employment	
End date of Temporary/Fixed Term post (if applicable)	
Date of commencement of Continuous Local Government Service	
Frequency of pay period	
Salary scale / grade	
Basic spinal point amount	
Actual starting salary / pro rata salary for part time employees	
Hourly rate	
Term time hours (if applicable)	
Average weekly hours of work	
Number of weeks for term time work (if applicable)	
Pension contribution rate	
Politically restricted post (if applicable)	
Contractual Winter Maintenance Standby (if applicable)	

These terms of employment supersede any previous terms of employment for the above post. I would be grateful if you would kindly signify, via e-mail, your acceptance of the appointment on the specified terms and conditions, retaining a copy for your own records.

Name: «PERS\_FIRST\_FORENAME» «PERS\_OTHER\_FORENAMES»  
«PERS\_SURNAME» Employee No: «EMPLOYEE\_NUMBER»

Dear Colleague

Employees who come within the responsibility of a school governing body are referred to in this document as “school employees”. This term does not include catering and cleaning staff working in schools who are directly employed by the Council.

## WORKING ARRANGEMENTS/PLACE OF WORK

### Fixed

If you have a fixed-located working arrangement, your contractual base will be one named CCC workplace as shown in Form ToE1

### Multi located/Hybrid

As a multi-located worker your place of work may vary depending upon service requirements and your preferred working arrangement. This can include working from home or from any Council or shared public sector building. These arrangements will be agreed with your manager.

However, your official place of work for the purposes of travel claims, shared space and team working is in form ToE1. You will be required to attend this base as required by your service.

The Authority reserves the right to change your place of work anywhere within the Council’s area in accordance with the needs of the service without any additional paid travelling time on giving appropriate prior notice of such requirement.

If you are employed as a community-based worker you have no fixed place of work. The Council’s address is County Hall, Carmarthen SA31 1JP.

Carmarthenshire County Council’s Domiciliary Care Service is a county wide service and you are employed to work with all our people covering all areas of the county as required.

### School employees

The governors reserve the right to require you to work on any part of the current or future school site, including additional school sites under Collaboration or Federation arrangements in accordance with the needs of the service. This will be without any additional paid travelling time on giving appropriate prior notice of such requirement.

## EMPLOYMENT STATUS

Your employment status is confirmed in form ToE1.

If you are employed on a temporary or fixed term basis this will be confirmed in form ToE1. The appointment will terminate on the date specified in form ToE1 for the reason specified in form ToE1 or when the post holder returns to duty, whichever occurs first.

The appointment may, however, be terminated by either side sooner provided appropriate notice is given.

### **Job Share**

The Authority agrees to employ you in a job-share capacity (provided it is able to recruit a job-share partner for your role should a vacancy arise).

Should the Authority not be able to recruit a suitably qualified person to fill the part vacant job share post and if you are unwilling or unable to work full-time, the Authority reserves the right to terminate your employment under the Scheme by the giving of the appropriate period of notice, as specified in the Employment Rights Act 1996. Such action would only be taken after consultation with you and your Trade Union Representative, if you so wished, regarding the various options available at that time.

You have a right of appeal against the termination of a temporary or fixed term contract. The appeal should be made in writing where possible, stating your grounds of appeal and to be received at least 7 days before the date of termination. The appeal should be addressed to the Assistant Chief Executive (People Management), Building 4 St David's Park, Job's Well Road, Carmarthen SA31 3HB.

Appeals for school employees should be addressed to the Chair of the governing body.

### **CONTINUOUS EMPLOYMENT**

Your continuous Local Government service start date for the purpose of certain statutory employment rights (i.e. sickness allowances, annual leave entitlement) is as specified in form ToE1

This will include any previous continuous service with any organisation covered by the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999, or any subsequent amending legislation, which covers local authorities and related bodies.

### **PROBATION PERIOD** (Excludes school employees)

If you are joining the Council's service, the appointment is subject to a probationary period of a minimum of 6 months. For newly qualified social workers and some childcare workers this will be a minimum of 12 months. During this probationary period your performance will be carefully monitored and your suitability for the post assessed. Your continued employment will be subject to satisfactory reports. If at any time during the probationary period adverse reports are received the Council

may terminate your contract by giving the period of notice to which you are entitled. Please refer to the Management of Probationary Employees Policy, (available on request) for further information.

## **TERMS AND CONDITIONS OF EMPLOYMENT**

Your terms and conditions of employment will be in accordance with collective agreements negotiated and amended from time to time by the negotiating/governing body as specified in form ToE1 and should be read in conjunction with the appropriate paragraph below.

### **National Joint Council for Local Government Services (NJCCCC)**

Your terms and conditions of employment will be in accordance with collective agreements negotiated and amended from time to time by the National Joint Council for Local Government Services set out in the National Agreement on Pay and Conditions of Service, the negotiating machinery of Joint Council for Wales and the Council's Standing Orders, rules, decisions and local collective agreements reached with trade unions recognised by the Council. Copies of these documents are available for inspection from your Chief Officer or the Chief Executive's People Management Division, Building. 4, St David's Park, Job's Well Road, Carmarthen, SA31 3HB or on the Council's intranet site.

### **Soulbury Committee (SOULB-SC)**

Your terms and conditions of employment will be in accordance with collective agreements negotiated and amended from time to time by the Soulbury Committee set out in the report of the Soulbury Committee on the Salary Scales and Service Conditions of Educational Improvement Professionals, Educational Psychologists and Young People's/Community Service Managers.

Additional terms and conditions of employment will be in accordance with collective agreements negotiated and amended from time to time by the National Joint Council for Local Government Services set out in the National Agreement on Pay and Conditions of Service, the negotiating machinery of Joint Council for Wales and the Council's Standing Orders, rules, decisions and local collective agreements reached with trade unions recognised by the Council. Copies of these documents are available for inspection from your Chief Officer or the Chief Executive's People Management Division, Building 4, St David's Park, Job's Well Road, Carmarthen SA31 3HB or on the Council's Intranet site.

### **J.N.C. for Chief Officers of Local Authorities (CO-SC)**

Your conditions of service will be in accordance with the J.N.C. for Chief Officers of Local Authorities, as supplemented by local decisions.

## **IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006**

Your employment is subject to the restrictions placed on your time to remain in the UK and the statutory requirements to comply with the Immigration, Asylum and Nationality Act 2006 and the UK Borders Agency Codes of Practice. Your continued employment will therefore be reviewed and dependant on you obtaining future and valid permissions to remain in the UK and to undertake the type of work currently offered.

## **PAY**

Your pay frequency and pay group are specified in form ToE1 and should be read in conjunction with the appropriate paragraphs below.

### **Four weekly paid employees (Pay Groups 9, 16)**

Your pay will be paid four weekly in arrears by bank credit to a bank account of your choice.

### **Monthly paid employees (Pay Group 11)**

Your salary will be paid in arrears on the 27<sup>th</sup> of each month for January to November inclusive (or the nearest working day if 27<sup>th</sup> falls on a weekend or bank holiday) for the month of December the pay date is the 24<sup>th</sup> or the last banking day prior to 25<sup>th</sup> December. Payment is by bank credit to a bank account of your choice.

### **Monthly paid employees (Pay Group 15)**

Your salary will be paid in arrears on the last working day of each month. However, if the last working day falls on a Monday or Tuesday, you will be paid on the previous Friday. Payment is by bank credit to a bank account of your choice.

Your starting salary per annum and salary scale/grade is as specified within form ToE1.

Where appropriate your salary will rise within the grade by annual increments up to the maximum point of the grade. Increments will be paid on 1<sup>st</sup> April every year unless you commenced duties between 2<sup>nd</sup> October and 31<sup>st</sup> March in any year, in which you will receive your first salary increment 6 months from the date on which you commenced duties.

### **Tutors**

Your rate of pay per hour for courses is as specified in form ToE1.

### **Chief Officers**

Progression through the incremental scale of the relevant grade is subject to satisfactory performance assessed on an annual basis. The Council does not pay bonus or performance related pay.

### **Overpayments**

Should you be overpaid, as a result of a mistake in fact, the full amount will be deducted from subsequent salary payment(s) or any other payment due to you from the Council. The Employee Services Section is authorised to deduct 10% of your gross monthly salary to recover the overpayment and will continue until the full amount has been retrieved. Should you wish to make repayments in larger denominations please contact the Employee Services Section

In the event an overpayment has not been fully recovered before the time of your final salary payment the Employee Services Section is authorised to recover the full amount. If for any reason, the overpayment has not been recovered in full, the matter will be referred to the Authority's Debtors' Section in order that you be invoiced for the payment that remains outstanding.



## **UNAUTHORISED ABSENCE**

The Authority reserves the right to withhold payment or deduct from salary a day's pay for each day of unauthorised absence. Any decision concerning this matter will be made by the Head of Service/Governing Body or his/her nominated representative. Unauthorised absence may result in disciplinary action being taken.

## **HOURS OF WORK**

Normal office hours are Monday to Thursday 8.45 to 17.00 and Friday 8.45 to 16.30. Your work pattern and normal working hours per week exclusive of meal breaks will be provided to you by your line manager/Head Teacher. The Authority operates a range of different shift patterns which are developed and from time to time amended to meet the needs of the service.

Your hours of duty are to be worked in accordance with the needs of the service and at the direction of the Head Teacher/Director of the Department or his/her nominated representative.

### **Chief Officers**

It should be noted that the salary range takes account of the fact that the duties of this post cannot be satisfactorily undertaken within a fixed working week and that some elements of unsocial hours will be required for the proper performance of duties.

### **Drivers**

Drivers must take unpaid breaks in accordance to EU & AETR rules on drivers' hours.

### **Term Time Employees**

If the nature of your role requires you to be employed on term time only working, you will be required to work term time weeks including INSET days. The number of weeks and term time hours you are contracted to work per week exclusive of meal breaks are as specified in form ToE1.

Please note - if you work term time weeks only, the contracted hours shown on your ToE1 will be your actual weekly working hours (inclusive of paid holidays), averaged over the year, to enable you to receive equal salary payments throughout the year. A 4% allowance on basic pay will be paid to recognise the term time nature of the work. This allowance is only payable to staff where the nature of the work is restricted to term time only. The 4% will be included in pay calculations for the purposes of sickness and annual leave.

### **Tutors**

The contracted hours of work are variable. The setting of hours each academic term or year reflects varying factors, local circumstances, student enrolment, courses offered and budgetary considerations. A normal working week will be based on the needs of each course and may fluctuate depending on the needs of the course and the time of year.

Should student attendance fall below an acceptable level resulting in the cancellation of the class then you will not be paid beyond the date of the last class presented. The provision of courses and any changes will be at the discretion of the Authority.

### **Home Care Services**

The contract hours of work (exclusive of meal breaks) as specified in form ToE1 are allocated on a rota in accordance with the needs of the service. You are obliged to accept hours of work offered on your rota'd working days, to meet your contractual obligation.

### **Catering staff**

In order to accommodate the fluctuation in number of meals provided/income generated, the contracted hours may be varied. Reductions or increases in hours will be notified by the Catering Manager with one week's notice and implemented accordingly.

### **Passenger Assistant staff**

In order to accommodate the fluctuation in the number of children being transported, the contracted hours may be varied. Reductions or increases in hours will be notified by the Network Manager with one week's notice and implemented accordingly.

If you leave your job part way through the year, a calculation will be undertaken to ensure that you have not been under or overpaid. Any adjustment necessary will be made in your last salary.

### **Annualised Hours Contract** (only applicable to employees working to agreed peak business working pattern).

Your average contracted hours worked per week exclusive of meal breaks are as specified in form ToE1. The working hours confirmed by the Departmental agreed working arrangements will be designed to accommodate the needs of the business during summer and winter periods. You will be required to work increased hours during the summer period and decreased hours during the winter period. The implementation of flexible working hours is at the discretion of your Chief Officer. Overtime will be paid in accordance with NJC conditions for all hours worked over the agreed set maximum in the Summer Period and the agreed set maximum hours in the Winter Period.

If you leave your job part way through the year, a calculation will be undertaken to ensure that you have not been under or overpaid. Any adjustment necessary will be made in your last salary.

### **Sleeping In**

Employees required to 'sleep in' on the premises are entitled to the allowance as set out in the National Joint Council Circular on Allowances. Sleeping in allowance covers the requirement to sleep in and up to 30 minutes call out per night. If an individual is required to work in excess of 30 minutes they will be paid at their normal rate of pay (overtime if applicable) including any night time enhancement (if applicable – see below).

### **Night Work**

Staff who work a minimum of 3 hours waking nights between the hours of 11pm and 6am as part of the normal working week are entitled to an enhanced payment of time and a third on their basic hourly rate. The three hours do not have to be consecutive.

### **Weekend Working**

In recognition of weekend working, an 8% enhancement on basic pay for all hours worked will be paid to post holders who are required to work a minimum of two weekend days/shifts in every four weeks as part of their normal working pattern (on a regular basis/rota). The 8% will be included in pay calculations for the purposes of sickness and annual leave.

### **Standby and Call Out**

Where the nature of the work requires additional duties to be carried out outside of normal working hours a standby rota may be operated by the Line Manager as and when required by the service. An employee on standby must be contactable at all times during the stated period of standby and must be prepared and able to return to work if the situation warrants it. Any changes to contractual standby will be notified within one month of the change. Employees required to work standby duties will be paid the Authority's agreed standby rate for the session. If called out, normal hourly rates for the hours worked will apply plus overtime/enhanced rates if appropriate.

### **Highways Emergency Standby and Winter Maintenance Out of Hours Duty Rota**

You will be expected to travel to various sites or depots in Carmarthenshire when required to meet operational needs and participate in the Highways emergency standby and the out of hours winter maintenance duty rota arrangements. There will be a requirement on a periodic and ad-hoc basis to work overtime and undertake standby duty to deal with highway emergency and winter gritting duties as per rota outside normal working hours. Emergency standby and winter maintenance duty rota arrangements may apply during the week and at weekends to ensure the authority meets its statutory obligations in ensuring the highway is maintained in a safe condition for all users.

### **Overtime/Work Outside of normal hours (excluding Chief Officers)**

The full-time standard working hours are 37 per week. You will not be expected to work overtime on a regular basis. However, if you are required and authorised to work in excess of the standard working hours per week and any such work falls outside the flexible working hours you may, if authorised, be paid at the appropriate overtime rate.

If you are contracted to work on annualised hours or on a rolling rota, overtime rates are only payable for hours worked over the average of 37 hours in the contracted period.

Please note that the Authority/Governing Body will implement the Working Time Regulations in allocating additional hours and all staff are required to inform their Line Manager/Head Teacher of additional work undertaken including other posts that

they may have in other sections of the Authority or work commitments undertaken for other organisations.

Please see Code of Conduct in relation to notifying the Authority of other employment (excludes school staff).

For all hours worked beyond 37 hours per week in a particular post which have previously been approved by your Line Manager / Head Teacher will be paid at the basic hourly rate plus 50%.

## **PENSION**

In accordance with the Local Government Pension Scheme Regulations all new employees will automatically become a member of the Local Government Pension Scheme (LGPS). Should you wish to opt out of LGPS membership an Opt Out Form is available from Dyfed Pension Fund website: [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk). Alternatively contact Dyfed Pension Fund, County Hall, Carmarthen SA31 1JP.

You should have received an employee guide on the LGPS summarising the benefits of the pension scheme. Further details are available on the Dyfed Pension fund website – [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk).

Your contribution rate will be assessed in accordance with your actual pensionable pay, as specified in form ToE1.

The pension banding tables are reviewed periodically and as a result there may be an automatic increase or decrease in your pension banding. Your pension banding may also increase as a result of a pay increase including any incremental pay rises. Pension contributions will be payable on all of your taxable pay.

## **TIME OFF**

If you are planning on taking time off work but are unsure of the type of time off that you may be entitled to, you may benefit from taking a look at the [Time-off-policy](#) in the first instance. This will signpost you to the types of time off that are available and whether they are paid or unpaid.

## **Holidays**

### **School employees**

The leave year will be operative from 1 April to 31 March. Those employees commencing or terminating employment during the year are entitled to leave proportional to the number of completed months' service during that year. Please note for school-based establishments no leave is to be taken during term time

### **Community Learning Tutors**

The leave year will be operative from 1 September to 31 August. Those employees commencing or terminating employment during the year are entitled to leave proportional to the number of completed months' service during that year.

## **Catering**

The leave year will be operative from 1 January to 31 December. Those employees commencing or terminating employment during the year are entitled to leave proportional to the number of completed months' service during that year. Please note for school-based establishments no leave is to be taken during term time.

## **For all other employees**

The leave year will be operative from your birthday. Those employees commencing or terminating employment during the year are entitled to leave proportional to your service during that year.

Please see your line manager/Head Teacher to confirm your entitlement. You may be required to take your annual leave entitlement when your establishment/workplace is closed for specific holiday periods or for any other reason as advised by your Line Manager.

Leave entitlement is calculated on the basis of length of continuous service as indicated below:

0 - 5	completed years' service	26 days
Over 5 - 10	completed years' service	31 days
10 Plus	completed years' service	34 days

Your annual leave entitlement will be calculated and pro-rated in accordance with your contracted hours and will be subject to minimum statutory entitlements.

No payment in lieu of accrued contractual holiday will be made to the employee (and where appropriate a deduction will be made from salary) in the event of his/her termination for gross misconduct or in the event of the employee giving inadequate notice of termination or leaving before the contractual notice period has expired. Contractual holiday for these purposes means all and any leave entitlement provided for in the employee's contract that is over and above the minimum statutory leave period provided for in the Working Time Regulations 1998 (i.e. 5.6 weeks or a maximum of 28 days) unless your Service Director/Head Teacher believes there are exceptional circumstances which have prevented leave from being taken. Employees leaving local government service having taken leave beyond their entitlement at that point, will have the corresponding number of days pay deducted from their final salary payment or any other payment due from the Authority.

Annual leave should be requested from your line manager/Head Teacher and is subject to the agreement of the Department/Head Teacher.

## **For employees in establishments with fixed holiday periods.**

You will be required to take all of your annual leave entitlement when your establishment/workplace is closed for specific holiday periods or for any other reason as advised by your Line Manager/Head Teacher.

## **Bank/Public Holidays**

There are 8 days designated as public bank holidays by the Authority. This is calculated on a pro rata hourly basis during the year for part time employees. If you are scheduled or required to work a bank holiday, you will be paid at double time (i.e. time plus time) for all hours physically worked, in complete recompense for all hours worked.

## **Job Share**

Entitlement to take paid holiday on bank or public holidays will be shared proportionately between job-sharers. Alternatively, and with the permission of your manager, you can choose to adjust your working pattern to ensure a fair distribution of bank and public holidays. Your entitlement to take paid holiday on public or bank holidays will be the pro rata equivalent of the entitlement of full-time employees.

## **Sickness Absence**

Your entitlements during any absence due to sickness or injury are as indicated in the National Joint Council conditions Part 2 Section 10.

During 1<sup>st</sup> year of service 1 month's full pay (and after completing 4 months' service) 2 months half pay

During 2<sup>nd</sup> year of service 2 months' full pay and 2 months' half pay

During 3<sup>rd</sup> year of service 4 months' full pay and 4 months' half pay

During 4<sup>th</sup> and 5<sup>th</sup> years of service 5 months' full pay and 5 months' half pay

After 5 years' service 6 months' full pay and 6 months' half pay

If you are unable to attend work as a result of illness or injury you must notify your line manager/Head Teacher as soon as practicable on the first day of absence of the reason for, and likely duration of, the absence.

You are required to complete a self-certification form via [Resource Link/My View](#) for the first 7 days of the period you were due to work (including Saturday and Sunday). Catering and cleaning employees should complete a paper form SA128 (Self Certification Statement of Absence). This should be done immediately upon your return to work or as soon as possible if the absence is long term.

If your sickness absence is longer than 7 days you must submit to your line manager a General Practitioner's Fitness for Work Certificate by the 8<sup>th</sup> day of absence.

For further details please see Sickness Absence Employee Information and Sickness Absence Management Procedure (available on the Intranet).

## **School employees**

School employees should refer to the schools' Sickness Absence Management Policy and Procedure which is available in the school office along with any school reporting arrangements.

## NOTICE

- (i) The Authority will give you one week's notice to terminate the contract of employment during your probationary period. Following the probationary period, the minimum period of notice to which you will be entitled from the Council is 1 week or as shown below, whichever is the longer:-

<b><u>Period of Continuous Service</u></b>	<b><u>Minimum Notice</u></b>
1 month or more but less than 2 years	1 week
2 years or more but less than 12 years	1 week for each year of continuous service
12 years or more	12 weeks

You are required to give one week's notice to terminate the contract of employment during your probationary period. Following the probationary period, the minimum period of notice you are required to give to terminate your employment will be;

Grade A – K – 1 month

Grade L – O – 3 months

Chief Officers - 3 months

Soulbury - salary equal or exceeding NJC spinal point 40 – 3 months

Your employment may be terminated by the employer without notice or payment in lieu of notice in the event of serious misconduct.

## MATERNITY

For Information on the Authority's Maternity Policy, please click [here](#).

## PATERNITY

For information on the Authority's Paternity Policy, please click [here](#).

## PAY IN LIEU OF NOTICE

The Authority may make a payment in lieu of notice for all or any part of your notice period on termination of your employment (rather than you working out your notice period). This provision, which is at the Authority's discretion, applies whether notice to terminate the contract is given by you or by the Authority.

## BENEFITS

For details of your eligibility to benefits that may be available to you as a worker/employee of the Authority, please see our [benefits page](#) and our [Staff Rewards](#).

## CARS/TRAVEL

Please note if you are authorised to use your car for work purposes you should ensure that you are able to drive and that you are covered by the appropriate business insurance. The Authority also reserves the right to ensure at any time that

you are covered by the appropriate documents (MOT, car insurance and the appropriate driving licence.)

Authorised work related car journeys are reimbursed at the Authority's car user allowance rate.

## **CONFIDENTIALITY**

You may not, during or after the termination of your employment with the Council, disclose to anyone other than in the proper course of your employment, any information of a confidential nature relating to the School, the Council or its business. This confidentiality of information applies during working and non-working hours. Breach of this clause may lead to your summary dismissal.

As an employee of the Council you are responsible for complying with Data Protection legislation when processing personal data as part of your duties. You are also responsible for adhering to relevant Council policies when handling personal data.

## **RESTRICTIONS ON OTHER EMPLOYMENT**

Prior to agreeing to undertake other work (paid or unpaid) outside of the Council, permission must be sought from the appropriate Head of Service/ Line Manager as per the Code of Conduct – Employees (available on request). (Please note – this is not applicable to school staff within the responsibility of the governing body.)

### **Chief Officers**

You must devote your whole-time service to the work of the Council except where otherwise authorised. You must uphold the principles of the Employees Code of Conduct and ensure that you declare any personal interests in accordance with the Council's policies.

### **Your attention is drawn to the following extract from the JNC Chief Officers Conditions of Service Handbook:**

After termination of a chief officer's employment you:

- a) will not divulge any information to any third party which is confidential to the authority.
- b) will not, without the consent of the authority, which will not unreasonably be withheld, within a period of 12 months take up employment with or provide services for reward to anybody:
  - i) if during the chief officer's last two years of employment with the authority the officer has been directly involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward
  - ii) which is likely to benefit from commercially sensitive information which is known to the chief officer by virtue of his/her past employment by the authority.



These provisions would not apply if the termination of employment with the local authority arose as the result of redundancy or the externalisation of work and consequent transfer to a new employer.

## **GENERAL REQUIREMENTS OF THE POST HOLDER**

You will be held responsible for ensuring that the accountabilities of your post (job profile available on request) are fulfilled and your performance in doing so may be assessed from time to time. You will carry out such work and duties as are usual or necessary in connection with your appointment or such work as may reasonably be required. You are required to invoke the Council's/School's established processes and procedures to challenge and report dangerous, abusive, discriminatory or exploitive behaviour and practice. You will be responsible for your own actions, behaviour and any subsequent consequences. All employees are expected to recognise the limits of their competence and be responsible for limiting their actions to those which they feel competent to undertake. You will have due regard for economy and use of resources whilst maintaining standards at all times.

You are expected to uphold at all times the core values of the Council/School and ensure that your behaviour does not deliberately bring the Council/School into disrepute.

The Council reserves the right to seek a Disclosure and Barring Service check for all employees in posts that have safeguarding responsibilities.

Employees in posts requiring them to register with Social Care Wales or in Registered Services under Care Inspectorate Wales, will be required to register with the DBS Update Service (for which there is an annual subscription fee) and it is your responsibility to ensure that subscription is maintained annually to uphold professional registration.

You are required to inform your Manager/Head Teacher/Director and/or the Human Resources section at the earliest opportunity if you are under investigation for a criminal offence or are convicted of a criminal offence (including cautions and bind over orders). Please note that all declarations will be treated in strictest confidence and will not necessarily affect your ability to carry out your post. Failure to report such matters may result in disciplinary proceedings.

Where required you will maintain membership of appropriate professional bodies.

### **For employees within Social Care**

If you are employed within the Social Care Sector, you are also required to abide by the principles of the Code of Professional Practice as per the document published by Social Care Wales. You can download a copy at [www.socialcare.wales](http://www.socialcare.wales)

You will also be obliged to register and maintain registration with the Care Council for Wales when it is required.

## **DISCIPLINARY POLICY AND PROCEDURE**

The Authority's Disciplinary Policy and Procedure is available [here](#). If you are dissatisfied with any disciplinary decision you have the right of appeal. The appeal should be addressed to the Assistant Chief Executive (People Management), Building 4 St David's Park, Job's Well Road, Carmarthen SA31 3HB.

### **School staff**

The disciplinary rules applicable to you are set out in the School's Disciplinary Policy and Procedure (the school's policy is available from the school office). If you are dissatisfied with any disciplinary decision you have the right to appeal in accordance with the appropriate provision of the policy. Full details are available from your head teacher or Clerk to the Governing Body of the school.

### **Chief Officers**

The disciplinary procedures applicable to you are set out in the J.N.C. for Chief Officers of Local Authorities Conditions of Service.

## **GRIEVANCE PROCEDURE**

If you have a grievance relating to your employment you should discuss the matter in the first instance with your immediate supervisor in accordance with the [Grievance Policy and Procedure](#). This explains the stages of the procedure available to you should you be dissatisfied with the outcome. Please note that there is a separate policy dealing with grievances of bullying and harassment - [Behavioural Standards](#).

### **School staff**

The school's disciplinary, grievance, and Dignity and Respect policies/guidance are available from the school office.

## **DISMISSAL**

If you are dismissed from the employment of the Authority, you will be advised of the reason and offered a right of appeal in accordance with the terms of the appropriate policy (except during your probationary period when the Managing Probationary Employees Policy applies to staff except those employed by schools), as follows:

Health	Sickness Absence Management Policy
Redundancy	Redundancy Policy
Performance	Capability Policy
Conduct	Disciplinary Policy

## **POLITICAL RESTRICTION**

If you have been advised in form ToE1 that your post is a 'politically restricted post' please refer to the terms outlined in the political restriction document (available on request).

## **LEARNING AND DEVELOPMENT**

It is a condition of your employment that you undertake all appropriate learning and development. This will include any development identified to build your skills in order to enable you to perform your duties fully (including additional duties you may be

reasonably required to perform). Such development may be specified within a Learning Agreement on your commencement. This agreement will include any specified timeframe.

## **HEALTH AND SAFETY**

You are required to abide by the appropriate Health and Safety Rules of the Authority. If you occupy a post that is subject to health surveillance you are expected to attend for medical examination as and when required.

This Written Statement of Particulars supersedes any previous Written Statement of Particulars. I would be grateful if you would kindly signify, via e-mail, your acceptance of the appointment on the specified terms and conditions, retaining a copy for your own records.

Yours sincerely



**Mr Paul Thomas**  
**Assistant Chief Executive (People Management)**

Mae croeso i chi gysylltu gyda'r Cyngor trwy gyfrwng y Gymraeg neu'r Saesneg.

You are welcome to contact the Council through the medium of Welsh or English.

---

DOCUMENTS & POLICIES – are available on the Authority's intranet site -

<http://intranet/our-people/hr/>

Or for school staff – All policies are available from the school office.

This page is intentionally left blank

**Carmarthenshire County Council Pay Grades - Training Contracts [Including Apprentices]**

<b>Table 1 Year 1 - Grade Structure [MODAPP] - 2022-23</b>									
<b>Level</b>	<b>Spinal Point</b>	<b>Salary [£]</b>				<b>Hrly Rate [£]</b>			
<b>1</b>	<b>1001</b>	9,280				4.8100			
<b>2 and 3</b>	<b>1005</b>	14,939				7.7647			
<b>4</b>	<b>1003</b>	17,711				9.1800			
<b>5</b>	<b>1006</b>	20,206				10.5023			
-	<b>1002</b>	13,177				6.8300			
-	<b>1004</b>	18,328				9.5000			

<b>Table 2 Year 2+ - Age Dependent - 2022-23</b>									
<b>Level</b>	<b>16-17</b>		<b>18-20</b>		<b>21-22</b>		<b>23+</b>		
	<b>Salary [£]</b>	<b>Hrly Rate [£]</b>	<b>Salary [£]</b>	<b>Hrly Rate [£]</b>	<b>Salary [£]</b>	<b>Hrly Rate [£]</b>	<b>Salary [£]</b>	<b>Hrly Rate [£]</b>	
<b>1</b>	9,280	4.8100	13,177	6.8300	17,711	9.1800	18,328	9.5000	
<b>2 and 3</b>	14,939	7.7647	14,939	7.7647	17,711	9.1800	18,328	9.5000	
<b>4</b>	17,711	9.1800	17,711	9.1800	17,711	9.1800	18,328	9.5000	
<b>5</b>	20,206	10.5023	20,206	10.5023	20,206	10.5023	20,206	10.5023	

[National Minimum Wage and National Living Wage rates - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

1. Year 1 – The Council’s rate of pay will be dependent on Apprentice entry level [Table 1].
2. Year 2+ - The Council’s rate of pay will be dependent on Apprentice age [Table 2] or level [Table 1], whichever is the higher. The rate of pay should not reduce for Apprentices entering Year 2+.
3. Spinal Points – With the exception of 1005 and 1006, all spinal points will increase in line with the National Minimum / Living Wage set by Government and not dependent on the NJC National Pay Award.
4. The application of a pay supplement for weekend working [8%] and term time working [4%] will not operate for training contracts and government funded job placement schemes.

This page is intentionally left blank

**Appendix N Returning Officer Pay Allowance – County and Local Elections**

	<b>Current Fees *</b>
Contested Ward	£170.00
Uncontested Ward	£56.61
Postal Votes – fee for despatch and receipt (per contest)	Nil
Town/Community Council Elections – fixed Fee	Nil
Local elections - Contested Ward	£170.00
Local elections - Uncontested Ward	£56.61
By-election - Contested Ward	£170.00
By-election - Uncontested Ward	£56.61
Postal Votes – fee for despatch and receipt (per contest)	Nil
Training Fee	Nil

\*Agreed at Cabinet, 28<sup>th</sup> February 2022

This page is intentionally left blank



## COUNCIL 8<sup>th</sup> March 2023

**Subject:** Second Homes and Empty Properties Council Tax Premiums

**Purpose:** To seek approval for the adoption of premiums on second homes and empty properties.

### Recommendations / key decisions required:

1. That Council determines that it will apply / charge a Council Tax Premium on second homes and long-term empty properties as defined by Sections 12A and 12B of the local Government Finance Act 1992, as inserted by the Housing (Wales) Act 2014.
2. to approve a council tax premium of 50% premium is levied in 2024/25 in respect of second homes<sup>1</sup>, with a view to increasing the premium to 100% from 1 April 2025.
3. to approve a council tax premium on long-term empty properties<sup>2</sup> as follows:
  - 50% Premium for empty properties > 1 year < 2 years
  - 100% Premium for empty properties > 2 years < 5 years
  - 200% Premium for empty properties > 5 years
4. that delegated authority be given to the Director of Corporate Services to implement the changes and to notify the owners of all affected properties.
5. that the Director of Corporate Services and Cabinet Member for Resources keep these premiums under review and to bring changes to Cabinet and Council for approval as appropriate.

### Reasons:

Concerns have been raised at both a local and National level about the perceived impact of growing numbers of second homes and empty properties on our communities and the need to ensure that everyone in Wales can have access to good quality, affordable housing.

Cabinet Decision Required

NO

Council Decision Required

YES 8<sup>th</sup> March 2023

<sup>1</sup> See Appendix 1 for definition and current numbers per band

<sup>2</sup> See Appendix 1 for definition and current numbers per band

CABINET MEMBER PORTFOLIO HOLDER:-

Cllr. Alun Lenny Cabinet Member for Resources

<p>Directorate: Corporate Services Director: Chris Moore Head of Service: Helen Pugh Report Author:</p>	<p>Designations:  Director of Corporate Services  Head of Revenues &amp; Financial Compliance</p>	<p>Email addresses:  <a href="mailto:CMoore@Carmarthenshire.gov.uk">CMoore@Carmarthenshire.gov.uk</a>  <a href="mailto:HLPugh@carmarthenshire.gov.uk">HLPugh@carmarthenshire.gov.uk</a></p>
---	---	---

## EXECUTIVE SUMMARY

### SECOND HOMES AND EMPTY PROPERTIES COUNCIL TAX PREMIUMS

This report brings to the attention of the Council discretionary powers when determining the level of Council tax premiums to be levied in respect of second homes and long-term empty properties and provides the results and conclusion of the recent consultation on the Cabinet's proposals.

The report recommends that Full Council introduces premiums on second homes and long-term empty properties, from 1<sup>st</sup> April 2024, and supports the Council's objective to increase the supply of housing and the need for affordable housing.

**DETAILED REPORT ATTACHED?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **H L Pugh** **Head of Revenues & Financial Compliance**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

### **Policy, Crime & Disorder and Equalities**

The proposals will enable the Council to continue to work towards the well-being objective of cohesive communities by contributing to the goal of well-connected communities.

It will work towards globally responsible Wales with fewer properties left empty

It will work towards providing access to housing for more people and less requirement for building new homes.

Affordable housing

### **Legal**

- Sections 12A and 12B the Local Government Finance Act 1992
- S139 The Housing (Wales) Act 2014
- Council tax (Long term Empty Dwellings and Dwellings Occupied Periodically (Wales) Regulations 2022
- Equality Act 2010
- Welsh Public Sector Equality Duties 2011

**Finance**

Any income raised through the introduction of premiums would be retained by the Council. The additional revenue generated will be able to be used to help meet local housing needs OR be used for other Council services in general.

Costs: potential impact on HRA where there are long term voids due to significant capital work required

Costs: additional resources will be required in order to monitor properties subject to premiums and represent the Council at Valuation tribunals where appeals against decisions to charge premiums.

IT staff resources / time required to ensure that the data collated is recorded accurately

**ICT**

IT implications on the software / database and links to citizen access.

Resource will be needed to write programmes to enable us to clearly identify what's been collected as a premium

**Risk Management Issues**

Risk that some holiday lets may transfer to rates should they qualify, reducing the amount collectable for the use by the Council

**Staffing Implications**

Additional staffing resource will be needed as noted above in financial implications

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:                      H L Pugh    Head of Revenues & Financial Compliance

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

<b>1. Scrutiny Committee request for pre-determination</b>	N/A –
<b>If yes include the following information: -</b>	
<b>Scrutiny Committee</b>	
<b>Date the report was considered:-</b>	
<b>Scrutiny Committee Outcome/Recommendations:-</b>	

**2. Local Member(s)**

N/A

**3. Community / Town Council**

N/A

**4. Relevant Partners - Public Consultation carried out of residents of Carmarthenshire / members of the public / key stakeholders / those directly affected by the decision**

**5. Staff Side Representatives and other Organisations**

N/A

<b>CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED</b>	
YES	

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Impact Assessment</b>		<b>Firmstep</b>



# Cyngor Sir Gâr Carmarthenshire County Council

Carmarthenshire County Council

---

## Second Homes & Empty Properties

**March 2023**

<b>Contents</b>	<b>Page</b>
1. Executive Summary	2
2. Recommendations	2
3. Background	3
4. Matters to consider	3
5. Consultation	7



## 1. Executive Summary

This report brings to the attention of the Council discretionary powers when determining the level of Council tax premiums to be levied in respect of second homes and long-term empty properties.

The Council's is asked to note the results and conclusion of the recent consultation on the Cabinet's proposals.

The report recommends that Full Council introduces premiums on second homes and long-term empty properties, from 1<sup>st</sup> April 2024.

This supports the Council's objective to increase the supply of housing and the need for affordable housing.

## 2. Recommendations

1. That Council determines that it will apply / charge a Council Tax Premium on second homes and long-term empty properties as defined by Sections 12A and 12B of the local Government Finance Act 1992, as inserted by the Housing (Wales) Act 2014.
2. to approve a council tax premium of 50% premium is levied in 2024/25 in respect of second homes<sup>1</sup>, with a view to increasing the premium to 100% from 1 April 2025.
3. to approve a council tax premium on long-term empty properties<sup>2</sup> as follows:
  - 50% Premium for empty properties > 1 year < 2 years
  - 100% Premium for empty properties > 2 years < 5 years
  - 200% Premium for empty properties > 5 years
4. that delegated authority be given to the Director of Corporate Services to implement the changes and to notify the owners of all affected properties.
5. that the Director of Corporate Services and Cabinet Member for Resources keep these premiums under review and to bring changes to Cabinet and Council for approval as appropriate.

## 3. Background

---

<sup>1</sup> See Appendix 1 for definition and current numbers per band

<sup>2</sup> See Appendix 1 for definition and current numbers per band

The Housing Act 2014 introduced provisions that allowed local authorities to apply a Council Tax Premium (or “surcharge”) in respect of long term vacant dwellings and/or dwellings classed as “second homes”.

However, with the introduction of the Council Tax (Long Term Empty Dwellings and Dwellings Occupied Periodically (Wales) Regulations 2022, a billing authority in Wales may determine in relation to its area, that if on any day a dwelling is a long term empty dwelling (12 months or more) or a dwelling occupied periodically (second home), then as from 1<sup>st</sup> April 2023 the amount of council tax payable can be increased by a percentage of no more than 300%.

A decision to charge a premium on second homes must be made at least one full year before the beginning of the financial year to which the premium related. Therefore, in order to charge a premium from 1<sup>st</sup> April 2024, a billing authority must make a determination before 1<sup>st</sup> April 2023.

In relation to long term empty properties Welsh Government are consulting on changes to the guidance, but the final version has yet to be published. For consistency the implementation of the premium for empty properties will also be introduced from 1<sup>st</sup> April 2024.

Local authorities must give due consideration to its statutory duties to carry out equality impact assessments under the Equality Act 2010 and the Welsh Public Sector Equality Duties 2011 and to all other relevant considerations. Consideration should also be given to engagement and consultation with key stakeholders, including the local electorate, before taking a decision as to whether or not to charge one or both of the premiums.

Carmarthenshire County Council have the following properties that will be impacted by the introduction of a premium:

- 815 properties within the category of second homes
- 1,833 properties within the category of long-term empty properties (empty for more than 12 months)

#### **4. Matters to consider**

The Council’s current policy is not to charge premiums for second homes and long term empty properties.

Existing exemptions will continue to apply, and any premium would only apply after the exemption expires. Amongst the significant number of existing exemptions are a number which relate to unoccupied dwellings, including:

- where the former resident (and owner) is in long-term residential care or hospital
- where a dwelling requires or is undergoing structural repair (exempt for up to one year)

- where the former resident (and owner) has died (exempt for up to six months after grant of probate or letters of administration).

Welsh Government has also introduced additional classes of exemption from premiums, which take a number of dwellings out of scope. As a result the Council is prevented from charging a premium for the following exempt classifications

Class of Dwelling	Definition	Application to:
Class 1	Dwellings being marketed for sale – time-limited for one year	Long-Term Voids & Second Homes
Class 2	Dwellings being marketed for let – time-limited for one year	Long-Term Voids & Second Homes
Class 3	Annexes forming part of, or being treated as part of, the main dwelling	Long-Term Voids & Second Homes
Class 4	Dwellings which would be someone’s sole or main residence were they not residing in armed forces accommodation	Long-Term Voids & Second Homes
Class 5	Occupied caravan pitches and boat moorings	Second Homes
Class 6	Seasonal homes where planning conditions prohibit year-round occupation	Second Homes
Class 7	Job-related dwellings	Second Homes

There is a benefit in introducing premiums including bringing long term empty properties back into use and supporting the Council’s supply of affordable housing, thereby enhancing the sustainability of local communities.

By reducing the number of empty properties it is expected that there will be less need to build new properties, thus utilising less green space and the associated carbon footprint of the new build, therefore having a positive impact on climate and nature.

It must be noted that there will potentially be a financial implication on the Housing Revenue Account (HRA) given that some voids need extensive capital works, and may well be empty for over one year. Consideration of the premium charges will have to be made when setting future budgets within the HRA.

There is a financial benefit to the Council of introducing premiums. Premiums would generate additional income which could help fund increased empty homes monitoring and activity within the Housing Options & Advice Team or be used for other Council services in general. For illustrative purposes see table below:

### Indicative Additional Revenue

	Long Term Empty Dwellings (dwellings vacant for 2 years or more)	Second Homes
<b>Number of properties in scope</b>	1,358	815
<b>Assume average of Band C - £1,550</b>		
<b>50% premium [150% charge]</b>	£1,052k	£632k
<b>100% premium [200% charge]</b>	£2,105k	£1,263k
<b>Assume average of Band D - £1,750</b>		
<b>50% premium [150% charge]</b>	£1,188k	£701k
<b>100% premium [200% charge]</b>	£2,377k	£1,426k

(NB. The figures above are broad estimates and do not reflect a number of other factors including:

- Note that these are maximum figures – the actual number could potentially reduce.
- A number of dwellings that will fall into the new exemption classes
- 100% collection rate assumed
- Second homes that will transfer into the Business Rates list as commercial holiday lets (as evidenced at other authorities)
- The tax base of the Council will be amended in respect of the charging of a premium properties in scope)

There are positive and negative impact of second homes to note. Research undertaken by the Welsh Government in 2021 suggests that second homes can raise demand for houses and, thereby, drive an increase in local house prices. However, there is no unequivocal evidence quantifying just how much of an impact second home have on house prices compared to other factors. This impact was thought to occur most commonly within particular localities or 'hotspots' that had a degree of prevalence.

Alongside house price inflation, the clearest direct impact of second homes was to reduce the housing stock. This was more easily quantifiable, with some localities having lost significant percentages of their housing stock to second homes of some kind.

The research found that the evidence base is relatively weaker in terms of broader impacts of second home ownership. Very few publications detailed the impact upon the Welsh language but does highlight aspects of the erosion of a sense of community.

As well as the Welsh language, this included service decline, and the seasonality of economic and social life characterised by low-paid tourism employment in season, and periods of relative desertion during the off-seasons although, again, the limited evidence base needs to be noted.

Some publications have noted the positive benefits of second homes which are largely related to employment and economic contribution as a result of refurbishment or renovation and the spending of owners within the localities. However, more recent publications challenge the extent of this contribution, whilst it is also possible that such expenditure merely displaces (likely only some of) what primary homeowners would spend in the locality. A few publications and interviewees also noted that second homeowners can play a positive role in renovating derelict properties, and improving the general community.

It's prudent to consider that there is also a negative implication in introducing premiums, as it may have a detrimental impact on local tourism and the local economy during a cost of living crisis. It could be argued that owners of both second homes and empty properties do not use local services to the same degree as other residents and therefore it may be perceived unfair to charge additional tax.

Notably, some of the authorities that made an early decision to adopt premiums are seeing a significant number of second homes being transferred by the Valuation Office Agency from the Council Tax Valuation List into the Business Rating List. This has the effect of reducing the Council's Tax Base (the advantage to the owners is that under the Small Business Relief scheme the rates liability is minimal and very often NIL, for self-catering holiday lets), so there is a loss in income under this situation.

## 5. Consultation

Cabinet resolved on 9<sup>th</sup> January 2023 to conduct a consultation and impact assessment on introducing council tax premiums on

- second homes / holiday homes and
- empty properties.

A consultation exercise was undertaken from 17 January 2023 to 17<sup>th</sup> February 2023. A summary and the responses received is attached, the report is attached in Appendix 2. All owners of properties that would be affected directly by this proposal were sent letters advising them of the proposals and the options being considered, whilst also being advised of the procedure for responding to the consultation. This information was also made available online and was displayed on social media in order to give other stakeholders and residents of Carmarthenshire an opportunity to respond. A total of **941** responded to the online consultation and a further **104** letters and emails were received. Key data are summarised below.

Responding to survey as:		
Resident of Carmarthenshire	439	48%
Owner of a Second Home in Carmarthenshire	255	28%
Owner of an Empty Property in Carmarthenshire	113	12%
Other	117	13%

### Impact of Premiums on Second Homes

What effect do second homes have on local communities in Carmarthenshire at the moment?					
	TOTAL	Residents	Second Homeowner	Empty Property Owner	Other
Positive	34%	22%	56%	20%	40%
Negative	30%	54%	4%	16%	11%
No effect	25%	17%	32%	38%	25%
No opinion	11%	7%	8%	26%	24%

Currently the Council Tax Premium on second homes is 0% (meaning there is no additional premium in addition to the current Council Tax). The Council is considering whether to introduce a Council Tax Premium. Do you think this is appropriate?

	TOTAL	Residents	Second Homeowner	Empty Property Owner	Other
No	54%	37%	79%	62%	61%
Yes	41%	61%	17%	23%	29%
No opinion	5%	2%	4%	15%	11%

It is proposed to charge a premium in respect of second homes and that this should be either 50% or 100% for all properties classified as a second home under Class B.

Do you agree with a 50% premium charge for second homes?

	TOTAL	Residents	Second Homeowner	Empty Property Owner	Other
No	72%	56%	91%	81%	76%
Yes	25%	41%	6%	10%	17%
No opinion	4%	3%	3%	9%	7%

Do you agree with a 100% premium charge for second homes?

	TOTAL	Residents	Second Homeowner	Empty Property Owner	Other
No	70%	48%	96%	83%	84%
Yes	26%	50%	1%	7%	9%
No opinion	4%	2%	3%	9%	8%

If you disagree with the level of premium proposed above, at what level do you think the Council Tax Premium on second homes should be set?

	TOTAL	Residents	Second Homeowner	Empty Property Owner	Other
Up to 25%	55%	44%	67%	60%	47%
No opinion	28%	24%	26%	31%	37%
Up to 200%	8%	21%			1%
Up to 50%	7%	7%	5%	6%	13%
Up to 100%	2%	4%	1%	2%	
Up to 175%	0%	1%			
Up to 75%	0%		1%		
Up to 125%	0%		1%		
Up to 150%	0%		1%		

### Impact of Premiums on Long-term empty properties

What effect does long-term empty property have on local communities in Carmarthenshire at the moment?

	TOTAL	Residents	Second Homeowner	Empty Property Owner	Other
Negative	61%	77%	52%	27%	53%
No effect	24%	15%	30%	47%	27%
No opinion	13%	7%	15%	25%	18%
Positive	2%	1%	4%	1%	2%

Currently the Council Tax Premium on long-term empty properties is 0% (meaning there is no additional premium in addition to the current Council Tax). The Council is considering whether to introduce a Council Tax Premium. Do you think this is appropriate?

	TOTAL	Residents	Second Homeowner	Empty Property Owner	Other
Yes	48%	66%	35%	12%	43%
No	47%	32%	54%	86%	50%
No opinion	5%	3%	11%	3%	7%

It is proposed that a Council Tax Premium is introduced on long-term properties at:  
 Empty property > 1 year and < 2 years 50% premium  
 Empty property > 2 years and < 5 years 100% premium  
 Empty property > 5 years 200% premium  
 Do you agree with the above proposal?

	TOTAL	Residents	Second Homeowner	Empty Property Owner	Other
Yes	47%	65%	37%	4%	40%
No	47%	31%	51%	95%	51%
No opinion	7%	4%	12%	2%	10%

If you disagree with the level of premium proposed above, at what level do you think the Council Tax Premium on long term empty properties should be set after 1 year?

Up to 25%	65%	57%	76%	65%	63%
No opinion	25%	24%	19%	33%	28%
Up to 50%	3%	4%	5%	1%	4%
Up to 100%	3%	7%	1%	1%	2%
Up to 200%	3%	7%			4%
Up to 75%	0%				
Up to 150%	0%	1%			
Up to 125%	-				
Up to 175%	-				



**If you disagree with the level of premium proposed above, at what level do you think the Council Tax Premium on long term empty properties should be set after 2 years and < 5 years?**

	<b>TOTAL</b>	<b>Residents</b>	<b>Second Homeowner</b>	<b>Empty Property Owner</b>	<b>Other</b>
Up to 25%	50%	36%	56%	59%	53%
No opinion	25%	23%	19%	34%	30%
Up to 50%	15%	19%	23%	4%	9%
Up to 200%	5%	12%	1%	1%	4%
Up to 100%	2%	3%	1%	1%	
Up to 75%	1%	3%			2%
Up to 150%	1%	3%			2%
Up to 125%	0%	1%			
Up to 175%	-				

**If you disagree with the level of premium proposed above, at what level do you think the Council Tax Premium on long term empty properties should be set after 5 years?**

Up to 25%	39%	32%	40%	47%	39%
No opinion	24%	23%	20%	28%	30%
Up to 50%	15%	8%	17%	17%	15%
Up to 100%	10%	11%	17%	3%	7%
Up to 200%	8%	19%	1%	2%	7%
Up to 75%	4%	6%	5%	2%	2%
Up to 150%	0%	1%			
Up to 125%	-				
Up to 175%	-				

### **Other Considerations / Factors**

The additional exemptions being introduced and the lack of specific data on the status of dwellings, makes it difficult to predict with any certainty the number that could actually be subject to premiums.

Additional resources would be required to administer the scheme, monitor and verify the status of dwellings in scope (e.g. to ensure exemptions are correctly applied) and recover the additional Council Tax charges.

## Second Homes

Under Council Tax law there is no such thing as a second home, but the term is commonly used to describe dwellings that are substantially furnished but “not anyone’s sole or main residence”. Second homes / holiday homes as well as other dwellings that have for whatever reason, been left unoccupied but furnished, therefore come under the heading of ‘Second Homes’.

### Second/holiday homes

Indicative Number of Properties in Scope:

Band	A	B	C	D	E	F	G	H	I	Total <sup>3</sup>
Number @ 2017	145	140	185	200	130	70	25	5	0	850
Number @ 2023	117	137	160	177	133	69	19	3	0	815

## Empty Properties

Under the “standard” Council Tax scheme, when a dwelling becomes unoccupied and stands substantially unfurnished, there is an initial 6 months exemption period during which time there is no charge. Since 1<sup>st</sup> April 2020, once this exemption period expires (and provided no other exemption applies) a vacant property is then subject to a 100% charge.

At any given time, there are in the region of 2,300 dwellings in Carmarthenshire that are vacant.

Vacancy Ranges	Approximate Number of Vacant Dwellings	
	@ 2017	@ Feb 2023
Dwellings vacant < 6 months	Not available	92
Dwellings vacant > 6 months but < 1 year	800	353
Dwellings vacant > 1 but < 2 years	650	533
Dwellings vacant > 2 but < 5 years	650	585
Dwellings vacant > 5 years	670	715
<b>TOTAL</b>	<b>2,770</b>	<b>2,278</b>

Under the new provisions, a Long-Term Empty Dwelling is defined as a dwelling which is both unoccupied and substantially unfurnished for a continuous period of at least one year. NB: In determining whether a dwelling has been empty for one year, no account is to be taken of any period before 1 April 2016 even if a dwelling has been vacant for many years.

<sup>3</sup> Excludes purpose-built chalets on holiday sites with no occupancy restrictions.

## Long term empty dwellings

Indicative Number of Properties in Scope (exemptions not factored in) :

Band	A	B	C	D	E	F	G	H	I	Total
Void<12 months	99	146	87	56	40	14	2	1	0	445
12-24 months	86	154	128	79	61	17	6	1	1	533
24-60 months	91	153	115	99	86	25	16	0	0	585
60+ months	139	168	158	116	90	31	13	0	0	715
<b>Total</b>	<b>415</b>	<b>621</b>	<b>488</b>	<b>350</b>	<b>277</b>	<b>87</b>	<b>37</b>	<b>2</b>	<b>1</b>	<b>2,278</b>

This page is intentionally left blank

# Ymgynghoriad ar adolygu Cynllun y Premiwm Treth Gyngor ar gyfer eiddo gwag hirdymor ac ail gartrefi

## Council Tax Premium on Second Homes and Empty Properties



## Table of contents

<b>Introduction.....</b>	<b>2</b>
<b>Results of consultation.....</b>	<b>3</b>
<b>Demographic profile.....</b>	<b>3</b>
<b>Council Tax Premiums on Empty properties.....</b>	<b>6</b>
<b>Council Tax Premiums on Second homes.....</b>	<b>9</b>

## Introduction

Carmarthenshire County Council consulted with its residents on the review of the Council Tax Premium Scheme for long-term empty properties and second homes.

Concerns have been raised at both a local and National level about the perceived impact of growing numbers of second homes and empty properties on our communities.

The Council is working to increase the provision of affordable housing in Carmarthenshire and is proposing a Council Tax Provision on properties that are largely empty, to bring long-term empty homes back into use and provide safe, secure and affordable homes that will enhance the sustainability of local communities.

Approximately 1,060 or 4% of Carmarthenshire's dwellings fall into the category of Second Homes, which are defined as dwellings that are occupied periodically, whilst there are around 2,300 empty properties across the county.

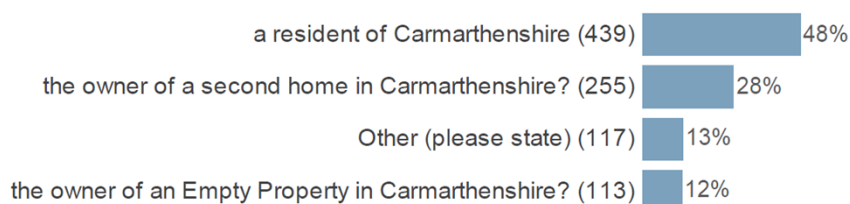
The Welsh Government has devolved discretionary powers to local authorities to charge, or vary, a council tax premium of up to 300% above the standard rate of council tax on certain classes of second homes and long-term empty properties.

At present, the Council do not apply a council tax premium scheme; second homes and long-term empty properties are currently charged at the standard council tax rate. Currently, 11 local authorities in Wales, apply a premium scheme with the level of the premium set by each authority varying from 25% to 100%.

A total of **941** responded to the online consultation and a further **104** letters and emails were received which have been taken into consideration when creating this report.

## Results of consultation

### Are you replying to the questionnaire as:

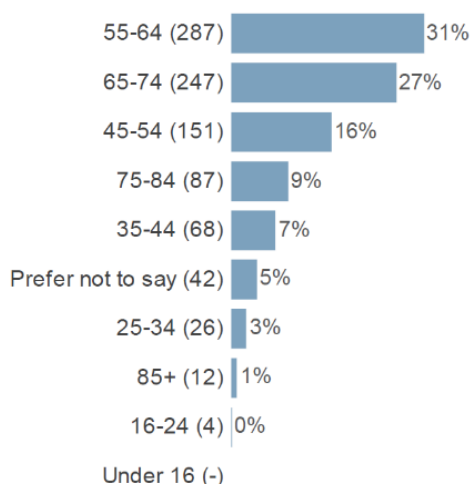


Nearly half of the respondents a resident of Carmarthenshire (48%) whilst 28% own a second home in Carmarthenshire. Only 12% of respondents own an empty property in Carmarthenshire. A demographic profile is presented below of the respondents to the consultation.

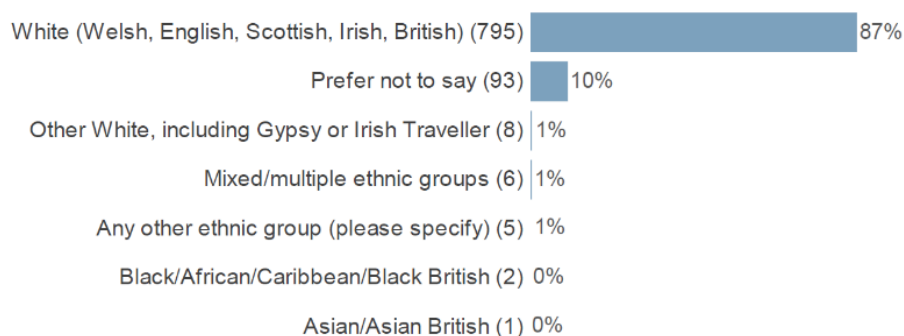
## Demographic profile

Presented below is the demographic profile of respondents who participated in the consultation.

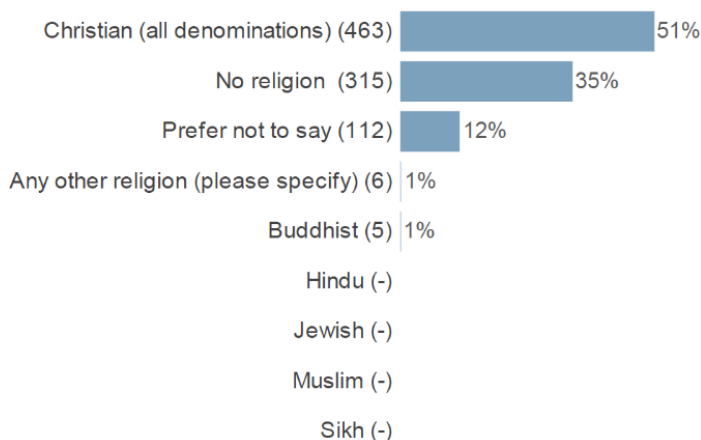
### Age: What is your age group?



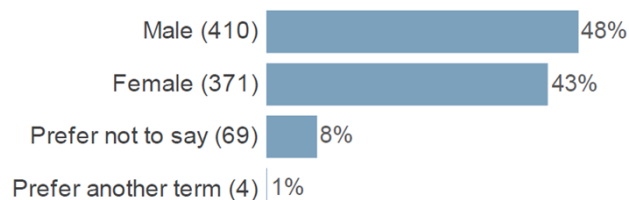
### Ethnic Group: What is your ethnic group? (Please tick only one)



### Religion: What is your religion? (please tick only one)



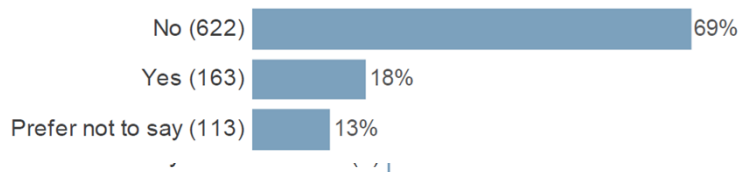
### Sex: How would you describe yourself?



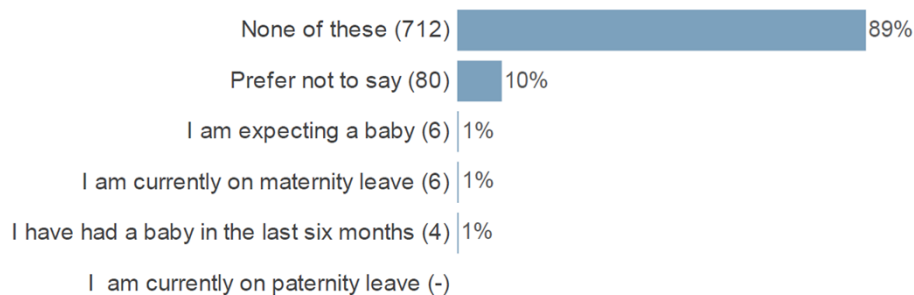


**Sexual Orientation: What is your sexual orientation (please tick only one)**

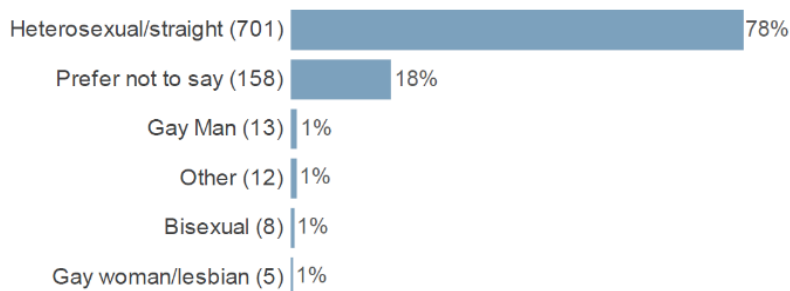
**Caring Responsibilities: Do you provide regular, unpaid, substantial care for a relative, friend or neighbour who is unable to manage at home without help because of sickness, age or disability? (please tick only one)**



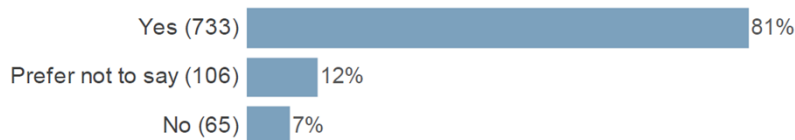
**Pregnancy and maternity/paternity: Please indicate if any of the following apply to you (please tick all that apply).**



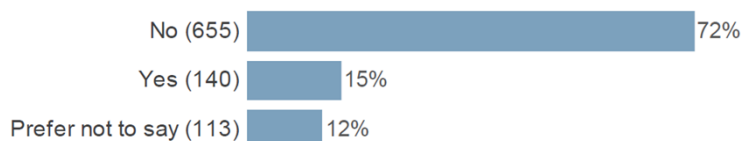
**Sexual Orientation: What is your sexual orientation (please tick only one)**



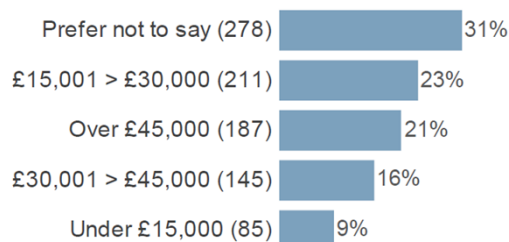
**Gender reassignment: Is your present gender the same as the one assigned to you at birth? (please tick only one)**



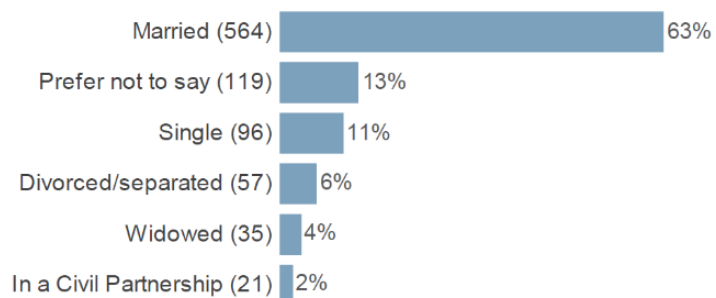
**Disability: Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least another 12 months? (Please tick only one)**



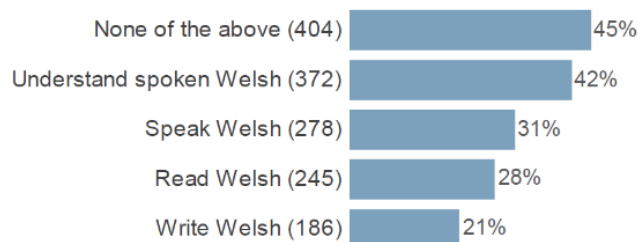
**Household Income: Approximately how much income comes into your household each year? (please tick only one)**



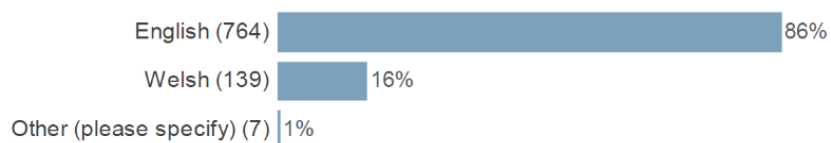
**Marriage and civil partnership: Are you? (please tick only one)**



**Welsh Language: Can you understand, speak or write Welsh? (Tick all that apply)**



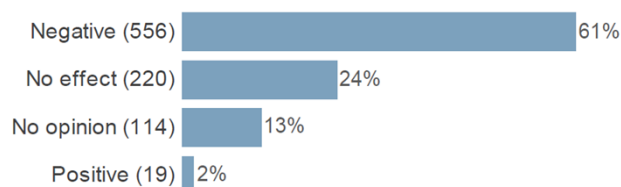
**What is your main language?**



## Council Tax Premiums on Empty Properties

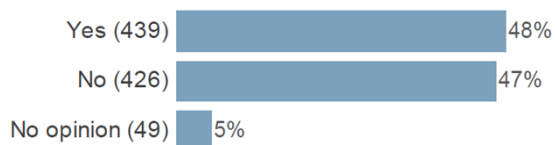
This section of the report outlines the results of the impact of Empty properties on local communities. Additionally, this section highlights the potential positive and negative implications of introducing a premium for empty properties.

**What effect does long-term empty property have on local communities in Carmarthenshire at the moment?**



The majority of respondents indicated that long-term empty properties have a negative effect on local communities in Carmarthenshire (61%). Only 2% noted that empty properties have a positive effect whilst a quarter of respondents (24%) indicated that empty properties has no effect.

**Currently the Council Tax Premium on long-term empty properties is 0% (meaning there is no additional premium in addition to the current Council tax). The Council is considering whether to introduce a Council Tax Premium. Do you think this is appropriate?**

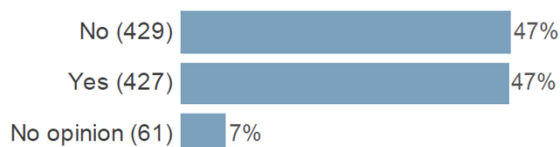


Respondents were relatively equal when asked if they agree whether introducing a premium on empty properties should be introduced. 48% noted that there should be a Council Tax Premium should be introduced whilst 47% disagreed.

It is proposed that, a Council Tax Premium is introduced on long-term empty properties at:

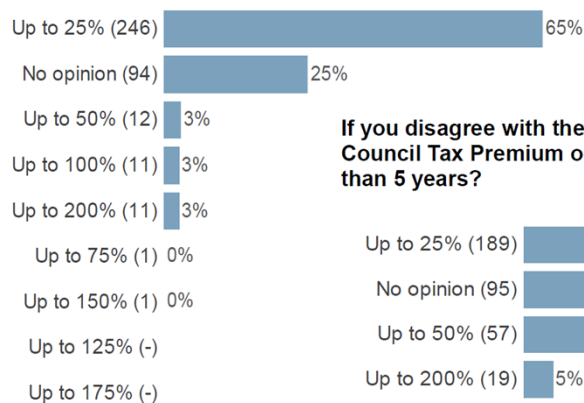
- o Empty property Greater than 1 year and less than 2 years = 50% premium
- o Empty property Greater than 2 years less than 5 years = 100% premium
- o Empty property Greater than 5 years = 200% premium

Do you agree with the above proposal?

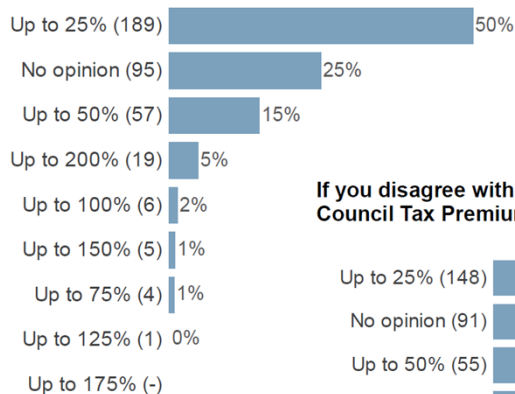


When asked to comment on the above proposal of introducing and increasing a premium from 50% under two years and 200% for owning an empty property for more than 5 years, respondents were equally separated. 47% agree with the outlined proposal whilst 47% disagreed with the proposal. The results below correspond to respondents disagreeing with the proposal and highlights that a minimal charge of 25% should be considered across all three time periods.

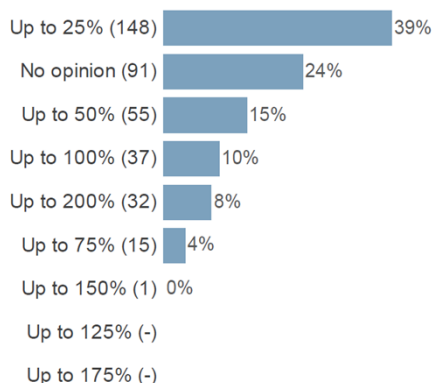
If you disagree with the level of premium proposed above, at what level do you think the Council Tax Premium on long-term empty properties should be set after 1 year?



If you disagree with the level of premium proposed, at what level do you think the Council Tax Premium on long-term empty properties should be set after 2 years to less than 5 years?



If you disagree with the level of premium proposed, at what level do you think the Council Tax Premium on long-term empty properties should be set after 5 years?



Respondents were asked what impact will the proposal of introducing a premium for long-term empty properties have. The results highlight both positive and negative impacts of

introducing the proposal will have on the community. 729 respondents left a comment on the impact this proposal may have.

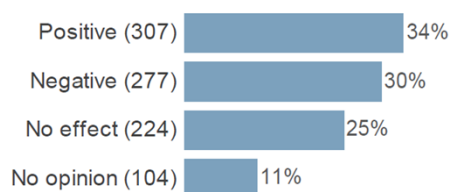
#### Positive

- The majority of respondents who responded indicated that introducing the Council Tax premium on long-term empty properties would encourage people to renovate the property and either increase housing stock or homes to rent.
- Subsequently, many respondents noted that by increasing housing stock, this may potentially reduce the cost of housing in the area, making it easier for local people to buy houses in their locality.
- Many respondents noted that by introducing a premium, this can improve the 'community feel' and increase the desirability to live in these areas.
- Some suggested that it may benefit rural communities as areas are developed and lived in all year round.
- Some suggested that the premium may help local people live in their own communities and help develop the Welsh language.
- Several respondents indicated that by introducing the premium, owners are more likely to either sell the property or renovate themselves which will improve the aesthetics of communities as long-term empty properties may be an 'eye-sore'.

#### Negative

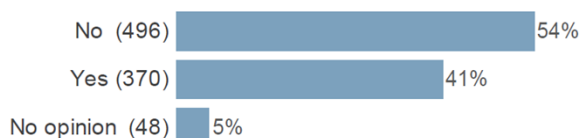
- Many suggested that the time frame is not long enough to be able to sell a property. Many noted that empty properties are often inherited due to bereavement and therefore owners may be suffering from a loss of a relative.
- Some noted that whilst the premium could be beneficial, they indicated that those who own empty properties are likely to be able to afford the Council Tax premium and does not help housing stock.
- A number of respondents suggested that a 'blanket approach' should not be adopted and each individual case should be analysed to determine whether a premium should be introduced. A number of different examples were provided ranging from mental health due to bereavement, having to own the second property due to caring responsibilities to trying to renovate the property to sell on.
- Several respondents noted that a premium should not be introduced for those trying to sell a property and can demonstrate that.
- Some suggested that the money should be ring fenced to help communities.

**What effect do second homes have on local communities in Carmarthenshire at the moment?**



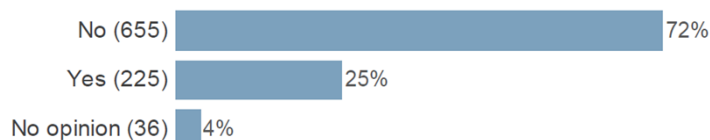
A slight majority indicated that that second homes has a positive impact on local communities in Carmarthenshire (34%). However 30% of respondents noted that second homes has a negative influence on communities in Carmarthenshire. 25% of respondents indicated that second homes has no effect.

**Currently the Council Tax Premium on second homes is 0% (meaning there is no additional premium in addition to the current Council tax). The Council is considering whether to introduce a Council Tax Premium. Do you think this is appropriate?**



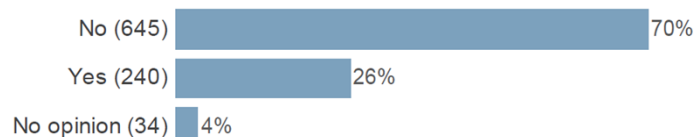
Over half (54%) of respondents noted that that introducing a Council Tax premium is not appropriate for second homes whilst 41% agreed that it is appropriate.

**Its proposed to charge a premium in respect of second homes and that this should be either 50% or 100% for all properties classified as a second home under Class B of the Council Tax (Prescribed Class of Dwelling) (Wales) Regulations 1998. Do you agree with a 50% premium charge for second homes?**



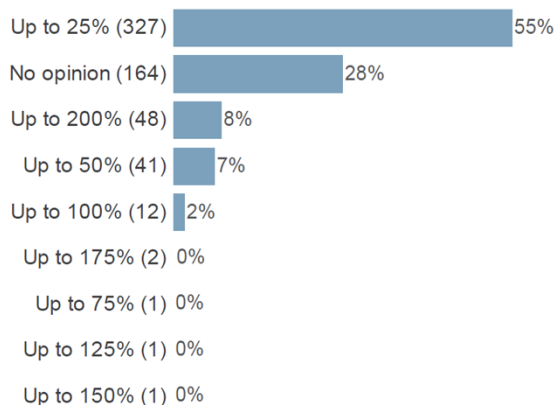
72% of respondents disagreed that there should be a 50% Council Tax Premium should be introduced on second homes. In contrast, a quarter of respondents agreed that the premium should be set at 50%.

**Its proposed to charge a premium in respect of second homes and that this should be either 50% or 100% for all properties classified as a second home under Class B of the Council Tax (Prescribed Class of Dwelling) (Wales) Regulations 1998. Do you agree with a 100% premium charge for second homes?**



More respondents agreed that there should be a 100% premium charge for second homes (26%). 70% of respondents indicated that there shouldn't be a 100% premium charge on second homes.

**If you disagree with the level of premium proposed above, at what level do you think the Council Tax Premium on second homes should be set?**



Over half of respondents noted that the Council Tax premium for second homes should be set at 25%. However 28% of respondents had no opinion on the matter.

When asked what impact the proposal to introduce a premium on second homes the results indicate a divide between those who view it as beneficial and those who see the introduction of a premium as detrimental. A summary of the findings are presented below highlighting the key positive and negative impacts.

#### Positive

- Majority of those respondents who agreed suggested that individuals with second properties are likely to sell due to the Council Tax premium which will increase housing stock for purchase and rental.
- Many noted that the premium would help communities as it will help local people to live locally throughout the year rather than during holiday months.

#### Negative

- The majority of respondents who disagreed with the proposal noted that tourism in Carmarthenshire would be damaged as many second homes are used as holiday lets.
- Several respondents noted that Carmarthenshire would be a 'less attractive' option to visit as there will not be enough accommodation to stay and visit.
- Many suggested that this proposal will have a detrimental impact on smaller businesses as they will not be able to afford the premium however those who have sufficient funds will be able to continue to pay the premium thus, not releasing houses to the rental or buyers' market.
- Many suggested that second homes which are used as holiday lets should not be included as they contribute to the local economy. Those who own second properties for private use should incur the premium.
- Many suggested that a 'blanket approach' is 'lazy' and should examine each case based on second home usage.

- A number of respondents noted that second homes which do not fall under exemptions and cannot be made into dwellings due to planning constraints should not be penalised with a premium.



## COUNTY COUNCIL 08 MARCH 2023

### PROPOSED COMMUNITY REVIEW IN COUNTY OF CARMARTHENSHIRE

**Purpose:**

To inform Members of the duty to conduct a community review, to present to them the Terms of Reference for this review and seek approval to commence the process.

**Recommendations / key decisions required:**

1. To approve the commencement of a Community Review for all Community Councils in Carmarthenshire.
2. To approve the Terms of Reference for the Community Review as set out in Appendix 1
3. That the indicative timetable contained in the Terms of Reference Community Review be noted.

**Reasons:**

Under the Local Government (Democracy) (Wales) Act 2013 each principal council has a duty to monitor the communities in its area and, where appropriate, the electoral arrangements of such communities for the purposes of considering whether to make recommend changes. These changes are brought about by means of a community review.

Cabinet Decision Required	NO
Council Decision Required	YES
Cabinet Member Portfolio Holder:-	Cllr Philip Hughes

<p><b>Directorate:</b> Chief Executives</p> <p><b>Report Author:</b> Amanda Edwards</p>	<p><b>Designations:</b> Chief Executive/ Electoral Registration Officer/Returning Officer</p> <p>Electoral Services and Civil Registration Manager</p>	<p><b>Contact Details</b> : Tel: 01267 224112 <a href="mailto:WSWalters@carmarthenshire.gov.uk">WSWalters@carmarthenshire.gov.uk</a></p> <p>01267 228609 <a href="mailto:AmEdwards@carmarthenshire.gov.uk">AmEdwards@carmarthenshire.gov.uk</a></p>
---	--	---

**COUNTY COUNCIL  
08 MARCH 2023**

**EXECUTIVE SUMMARY**

**COMMUNITY REVIEW**

**PURPOSE OF REPORT.**

The Council has a duty under s22 of the Local Government (Democracy) (Wales) Act 2013 (“the Act”) to report every ten years on a community review having regard to the Local and Democracy and Boundary Commission for Wales (LDBCW) timetable for conducting the reviews of principal areas’ electoral arrangements required by section 29 (1) of the Act.

The last electoral review was carried out by LDBCW was conducted in 2021 with consequential changes being introduced with the Local Government Elections in May 2022. The next round of electoral reviews carried out by LDBCW will commence in 2024 with any consequential changes being introduced with the Local Government Elections in May 2027.

It was agreed to commence the community review for Carmarthenshire in 2023 whilst the elections team have a fallow year from elections so that the review can be carried out in a timely fashion and not have an adverse impact on the work LDBCW will programme in from 2024.

Attached at Appendix A is the Terms of Reference which this report is seeking approval for. It sets out the scope of the Review, and also a timetable for carrying out the Review, including dates for public consultation.

This review will be carried out under Section 31 of the Local Government (Democracy) (Wales) Act 2013- A review of the electoral arrangements of a community. “Electoral arrangements of a community refer to the number of the community council and any arrangements for the division of the community into wards for the purposes of elections to the community council (including the number, boundaries and names of wards and the number of members per ward).

**DETAILED REPORT ATTACHED?**

**NO**  
Terms of Reference-Appendix A

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Amanda Edwards** Electoral Services and Civil Registration Manager

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

### 2. Legal

S22 (2) Local Government (Democracy) (Wales) Act 2013 provides that a principal council must have regard to LDBCW's timetable for conducting reviews of principal areas' electoral arrangements when determining when to conduct a community review.

Section 34 of the Act stipulates the mandatory consultees for a community review.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **Amanda Edwards**

**Electoral Services and Civil Registration Manager**

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

<b>1. Scrutiny Committee request for pre-determination</b>	NO
<b>If yes include the following information: -</b>	
<b>Scrutiny Committee</b>	
<b>Date the report was considered: -</b>	
<b>Scrutiny Committee Outcome/Recommendations: -</b>	

**2. Local Member(s)**

N/A

**3. Community / Town Council**

N/A

**4. Relevant Partners**

N/A

**5. Staff Side Representatives and other Organisations**

N/A

<b>CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED</b>	<b>Include any observations here</b>
YES	

**Section 100D Local Government Act, 1972 – Access to Information  
List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

Title of Document	File Ref No.	Locations that the papers are available for public inspection



Carmarthenshire County Council  
Community Review 2023  
Terms of Reference

A review of communities under section 31 of the  
Local Government (Democracy) (Wales) Act 2013.

## Table of Contents

<b>Background .....</b>	<b>3</b>
What is a Community Review? .....	3
Why is Carmarthenshire County Council undertaking this Review? .....	3
Scope of Review.....	4
Local Democracy and Boundary Commission for Wales .....	4
What do Community Councils do? .....	4
<b>Consultation.....</b>	<b>4</b>
How the Council proposes to conduct consultations during the review.....	4
Timeline of the Review .....	5
Background Information.....	6
Making Representations.....	7

## **Background**

Carmarthenshire County Council has resolved to undertake a Community Review of the whole of the county. The Council has a duty to keep community arrangements under review.

In undertaking the review, the Council will be guided by Section 31 of the Local Government (Democracy) (Wales) Act 2013.

The Council has developed and publicised Terms of Reference (“TOR”) for this community review.

The TOR will set out the proposed timetable and procedures for the review, provide guidance and set out the issues that will be considered during the review. The TOR will ensure that Carmarthenshire County Council follow a set procedure and take into account appropriate considerations for the review and allows interested parties to understand how to effectively engage in the review.

### **What is a Community Review?**

A Community review carried out under Section 31 of the Local Government (Democracy) (Wales) Act 2013 is a process whereby Carmarthenshire County Council can consider the following:

- the number of members of the council for the community,
- its division into wards (if appropriate) for the purposes of the election of councillors,
- the number and boundaries of any wards,
- the name of any ward.

The Community Review must reflect the identities and interests of communities and should take into account the impact of community governance arrangements on cohesion and the size, population and boundaries of a local community.

When conducting a community review a principal council must also consider its other statutory obligations related to the review-for example obligations under the Wellbeing of Future Generations Act 2015, Welsh Language Standards and the Equality Act 2010, which will all influence and inform the conduct and decisions made during the course of a community review.

### **Why is Carmarthenshire Council undertaking this review?**

Principal councils have a duty under the terms of the Act to publish a report and submit the report to the Local Democracy and Boundary Commission for Wales on their community arrangements every ten years. The Commission is also required to conduct electoral reviews of principal councils every ten years. Ideally a Community Review should precede an electoral review by the Commission of the principal council, as the community and community wards within the principal council’s area will be used as the primary building blocks for principal council electoral wards.

As the principal authority, Carmarthenshire County Council is responsible for undertaking Community Reviews within its area. The Council will approve the final recommendations before a Community Order is made.

The main contacts for the review are:

Amanda Edwards, Electoral and Civil Registration Manager

Dylan Price, Electoral Services Officer

Shelley Williams, Electoral Services Officer

## **Scope of Review**

The Review will consider any Community Review requests received following publication of the Terms of Reference.

## **Local Democracy and Boundary Commission for Wales**

Under the Local Government (Democracy) (Wales) Act 2013 (the Act), the Local Democracy and Boundary Commission for Wales (the Commission) has a general duty to monitor arrangements for local government across Wales. The Commission recommends that it should be included in any consultation or information that is distributed by the principal council as part of the community review.

## **What do Community Councils Do?**

Town and Community Councils represent the most local form of government and can own land and assets, employ staff and provide services at a local level.

Town/Community Councils can provide a local voice for the community responding to consultation and raising concerns with the relevant organisations.

A Town/Community Council is made up of Community councillors elected by local government electors in the community with elections taking place every five years. Vacancies within the five-year term are filled by co-option or by-election if local government electors request it.

## **Consultation**

### **How the Council proposes to conduct consultations during the review**

These terms of reference provide the aims of the review, the legislation that guides the process and the areas that the council will consider as part of the review process.

The council will consult widely on the review including but not limited to:

- Local government electors
- Community Councils
- County Councillors



- Members of the Senedd
- Members of Parliament

Prior to making recommendations or publishing final proposals, the Council will take full account of the views and suggestions put forward by local people and organisations and will comply with the statutory consultation requirements by:

- Consulting local government electors and other persons or bodies which appear to the Council to have an interest in the review,
- Considering any representations received in connection with the review,
- Notifying consultees of the outcome of the review,
- Publishing all decisions taken and the reasons for such decisions.

Information about each stage of the review will be published on the Council’s website. Press releases and other publicity will be issued where appropriate.

The Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

### Timeline of the review

The Community Review commences when the Council publishes its terms of reference and concludes when it publishes the recommendations made in the review.

The table below sets out the timetable for the review.

Stage	Action	Dates
Report to Pre-Cabinet	Council approves the principle of the Community Review and its Terms of Reference.	20 February 2023
Full Council		08 March 2023
<b>Public Consultation 1</b>	Six-week consultation period starting with publication of the Review Terms of Reference	13 March 2023
Public Consultation ends	All representations are examined and considered	24 April
Consider submissions/representations and prepare report for full council	Draft recommendations to be considered by Council and approved for further consultation.	Pre-Cabinet 22 May 2023 Full Council 14 June 2023
<b>Publication Consultation 2</b>	1. Six week consultation with Stakeholders on draft recommendations	19 June 2023

	2. Final recommendations prepared.	
Public Consultation ends	All representations are examined and considered	31 July 2023
Consider submissions/representations and prepare Final report for full council	Final recommendations to be considered by Council	Pre-Cabinet 18 September 2023 Full Council 11 October 2023
Publish final recommendations as agreed by Full Council	Publish final recommendations as agreed by Full Council and make Order	16 October 2023
Order takes effect	Next Scheduled local government elections	May 2027

## Background information

Good practice has suggested that the minimum number of councillors for any parish/town or community councils should be seven and the maximum 25.

In considering the issue of council size Carmarthenshire County Council is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of town and community councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.

Principal councils should also bear in mind that the conduct of town and community council business does not usually require a large body of councillors. In addition, historically many town/community councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and./or a need to co-opt members in order to fill vacancies.

Recommended Elector: Councillor ratio:

<b>Electors</b>	<b>Councillors</b>	<b>Electors</b>	<b>Councillors</b>
Up to 900	7	Up to 10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	45,000	25
9,000	16		

## **Making Representations**

If you wish to make representations on the community review, please e-mail:  
[AmEdwards@carmarthenshire.gov.uk](mailto:AmEdwards@carmarthenshire.gov.uk)

Alternatively, submissions may be sent by post to:

Community Review

Electoral Services

Block 4

Parc Myrddin

Richmond Terrace

Carmarthen

SA31 1HQ

Should you require any further information regarding the review, please contact Amanda Edwards, Electoral Services and Civil Registration Manager at the email/postal address above or by phone: 01267 228609

This page is intentionally left blank

## CABINET

**MONDAY, 20 FEBRUARY 2023**

**PRESENT:** Councillor D. Price (Chair)

**Councillors (In Person):**

L.D. Evans

G. Davies

A. Lenny

E.G. Thomas

A. Vaughan Owen

**Councillors (Virtually):**

G.H. John

J. Tremlett

**Also in attendance:**

Councillor D.M. Cundy

**Also Present (In Person):**

W. Walters, Chief Executive;

C. Moore, Director of Corporate Services;

J. Morgan, Director of Community Services;

G. Morgans, Director of Education & Children's Services;

A. Williams, Director of Place and Infrastructure;

R. Hemingway, Head of Financial Services;

J. Jones, Head of Regeneration;

L.R. Jones, Head of Administration and Law;

D. Hockenhull, Marketing and Media Manager;

C. Higginson, Media Manager;

L. Jenkins, Cabinet Support Officer;

A. Eynon, Principal Translator;

M.S. Davies, Democratic Services Officer;

**Also Present (Virtually):**

J. Morgan, Head of Homes & Safer Communities;

E. Bryer, Democratic Services Officer.

**Chamber, County Hall, Carmarthen and remotely: 10.00 am - 11.10 am**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A. Davies and P.M. Hughes.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interests.

**3. QUESTIONS ON NOTICE BY MEMBERS**

The Chair advised that no questions on notice had been submitted by members.

**4. PUBLIC QUESTIONS ON NOTICE**

The Chair advised that no public questions had been received.

## 5. REVENUE BUDGET STRATEGY 2023/24 TO 2025/26

The Cabinet considered a report providing the latest proposals for the Revenue Budget Strategy for 2023/24 and the following two financial years.

The report summarised the latest budgetary position and provided an update on the budget validation, spending pressures, the Welsh Government final settlement and the responses received to the budget consultation.

The Cabinet Member for Resources, in presenting the report, commented that whilst Welsh Government's final annual settlement figures would not be published until March 1<sup>st</sup> 2023 the key components of the Council's budget assumptions and allocations had been reviewed which had resulted in increased budget headroom. Some of the proposals within the original Budget outline had therefore been revisited and further options considered.

The full details of the provisional settlement had been included within the report, but the headline was on all Wales basis. RSG funding for Local Government had increased by 7.9%, with Carmarthenshire receiving an increase of 8.5%.

Whilst this had enabled the catastrophe Local Authorities had feared last November to be avoided very difficult decisions had still to be made. This year's budget choices were considered to be every bit as hard as during the very worst years of the austerity era.

The Cabinet Member for Resources referred to the fact that within the report the Director of Corporate Services had made some adjustments to some of the other figures within the strategy. This, he emphasised, was part of the normal routine, as more and clearer information became available. The current total validation added more than £30m to the budget.

The report maintained the pay assumption from 5% allowed for in next year for both NJC and teaching staff - this being the most significant validation included within the assumptions, and also the most uncertain. It was noted in the report that every 1% on the council's pay bill equated to £2.6m. With the level of industrial action across the wider public sector, the level of nationally set pay awards was the most significant validation included within the assumptions, and also the greatest risk factor.

The Cabinet Member for Resources referred to the consultations which had taken place on the budget proposals between December and January when more than 2,000 people had taken the trouble of completing the survey and sharing their views. He expressed his thanks to all who had taken part in the consultation or responded to the surveys, and in particular for the commitment and engagement of his fellow councillors who had participated in the budget seminars in such a positive spirit. He also thanked the 80 young people from local secondary schools who had visited County Hall to question cabinet members and officers and express their views on what the Council's priorities should be.

The Cabinet Member for Resources advised that a total sum of almost £1.8 million was available to make changes to next year's budget and he suggested that the best possible use be made of this sum by making the following

adjustments to the Budget Strategy which took account of the consultation process and responses to the feedback from both public and councillors:

Firstly, that £1.3million be provided to remove or reduce the 9 specific budget reductions detailed in paragraph 3.2.5 of the report which included:

- keeping St Clears Leisure centre open whilst the Authority worked with the community to set it on a viable financial path;
- restoring a quarter of a million pounds back to children's and youth services to invest in the prevention agenda;
- lessening the impact on both the school music service and learning disability services;
- reducing the financial ask on schools by £700,000, responding to what had been the strongest view given in the public consultation;
- deferring any changes to the rising 4s schools admission policy by a year to ensure wider consultation and allow the proper time to plan any possible changes.

He added that the proposal to charge for parking in nine car parks in smaller towns and villages had also been removed and that a case-for-case assessment would be made during the year.

Secondly, that £385,000 be used to support both hard working families and businesses by restricting the proposed increase in car park charges and school meals to 5%, which was half the current rate of inflation.

Thirdly, in responding to concerns over highways and town centres, that over a quarter-of-a-million pounds be allocated directly toward these priorities. It was recognised that Welsh Government had suffered a significant contraction in its capital budgets, and therefore some of the historical support provided for public realm works had sadly dried up in recent years – this council's choice would, he advised, at least be a partial mitigation. Rather than cut spending on street sweeping and so on, as previously proposed, more would be spent on keeping town centres cleaner and more attractive to visitors and residents alike.

Finally, and importantly, this left sufficient funding available for the council tax increase to be reduced to 6.8% for next year which, the Cabinet Board Member for Resources considered, struck the right balance in terms of protecting vital services which Carmarthenshire's citizens relied upon and looked to the council to deliver each and every day.

The Cabinet Board Member for Resources suggested that adopting these proposals allowed the Cabinet to present a fair and balanced budget to County Council and responded to the views fed back from the consultation. He advised that if all the proposals he had outlined were implemented a sustainable and viable Budget Strategy could be provided which:

- Responses to the consultation;
- Ensured, as far as possible, that service levels and standards were maintained;
- Recognised that residents were finding it hard in the current climate and ensured core services were protected;

- prepared, as far as was possible, the Authority for the uncertainties that may lie ahead.

He therefore moved that the proposed Budget Strategy, with the amendments he had referred to, be approved and recommended to County Council.

**UNANIMOUSLY RESOLVED THAT IT BE RECOMMENDED TO COUNCIL:-**

- 5.1 To approve the Budget Strategy for 2023/24, which includes the amendments in paragraph 4.1.4 of the report;**
- 5.2 To approve the Band D Council Tax for 2023/24 of £1,490.97 (an increase of 6.8%);**
- 5.3 To approve the removal of specific savings proposals as identified in paragraph 3.2.5 of the report;**
- 5.4 To approve the restriction of income uplifts to school meals and car parks as identified in paragraph 3.2.5 of the report;**
- 5.5 To approve the discretionary allocation of pressures funding to highways and town centres as identified in paragraph 3.2.5 of the report;**
- 5.6 To approve the Medium Term Financial Plan which will form the basis of future years planning;**
- 5.7. That the Director of Corporate Services, in consultation with the Chief Executive, Leader and Cabinet Member for Resources, be delegated authority to make any amendments necessary as a consequence of the WG settlement due on 1st March 2023.**

**6. FIVE YEAR CAPITAL PROGRAMME (COUNCIL FUND) 2023/24 TO 2027/28**

The Cabinet considered a report which brought together the latest proposals for the Five-Year Capital Programme (Council Fund) 2023/24 to 2027/2028 taking into account the consultation exercise undertaken and the revenue implications arising from the capital programme.

The Cabinet Member for Resources, in presenting the report, stated that the new programme would see £265m of investment over the next five years, £73m of which was for improving school buildings, £27m for Regeneration projects to boost economic activity, £86m for City Deal backed projects (which included a new leisure centre for Llanelli) and £59m to improve local economic infrastructure and wider environment. He advised that the detailed provisional capital programme had been presented to the Corporate Performance and Resources Scrutiny Committee and, following concerns about the lack of provision for flood prevention and the lack of Welsh Government grant funding for decarbonisation measures, the programme had been revised to include further commitments in this area.

The Cabinet Member for Resources commented that the programme included three ongoing transformational projects, each focused on a different primary town area.

- a £19.6m hub (the former Debenhams Store) at the heart of Carmarthen Town Centre which will boost footfall in the town centre as we build back from the pandemic;



- £19m investment to complete the Twyi Valley Path between Carmarthen and Llandeilo;
- the construction phase of Zone 1 of the Pentre Awel development in Llanelli which would create five distinct buildings linked with a “street” space, comprising an aquatics centre, sports hall, multipurpose sports and fitness rooms and gym, education and training facilities, clinical delivery and research and innovation and business space.

In addition to these large flagship projects the Council would continue to support its programmes of investments in infrastructure and the authority’s property portfolio in year five of the programme. Support would also continue for Carmarthenshire’s Schools and Sustainable Communities for Learning. It was pointed out that feasibility works had been ongoing in the 2022/23 financial year on several schools and therefore those projects were not listed as part of this new programme. Furthermore the primary schools in Ammanford, which were part of the programme, were not, as yet, listed as they were part of Mutual Investment Model (MIM) bids and would therefore potentially be delivered in conjunction with partners in the private sector which would be funded through revenue in due course.

The Cabinet Member for Resources added that in addition to the flagship projects outlined, the Authority would seek to continue to support its ongoing rolling programmes of investments in the following infrastructure and the authority’s property portfolio in year five of the programme:

£2.5m for Disability Facilities Grants;  
 £250k to improve Road Safety;  
 £250k for highways drainage;  
 £400k for Bridge Strengthening;  
 £600k for ongoing Highway Refurbishment;  
 £400k for Public Lighting;  
 £500k for Education General Works including adaptations to comply with the Equalities Act;  
 £2m for the Strategic Regeneration Project Fund;  
 £3m for Capital Maintenance for investment in our property estate.

Collectively, over the next five years, investment in these rolling programmes would amount to over £48m.

It was considered that the proposed capital programme optimised the funding opportunities and maximised the funding from potential external sources. A combination of existing and new schemes in line with the corporate vision would develop the local economy, create jobs, and enhance the quality of life for Carmarthenshire’s citizens and visitors whilst safeguarding resources for future generations.

The Cabinet Member for Resources stated that County Council funding available for this programme was currently estimated at £168m and included borrowing, both supported and unsupported, reserves and direct revenue funding and Capital Receipts from the sale of surplus assets. Capital grants and contributions of £100m would come from external grant funding

bodies. As part of this year's settlement Welsh Government had provided indicative general capital funding figures up to 2024/25. This was reflected in the programme. Funding for years three, four and five of the programme was based on an assumed level of support equivalent to that received in 2024/25 going forward. It was pointed out that Welsh Government funding for 2023/24 was £55K less than previously expected. The overall level of assumed funding in the later years of the programme was slightly in excess of the current commitments. This uncommitted funding would allow flexibility to meet future pressures associated with rising costs and other challenges.

Cabinet was advised that officers would continue to monitor individual schemes and funding availability. Whilst both would need to be closely managed to ensure the schemes were delivered in full the programme was fully funded for the five years.

In conclusion the Cabinet Member for Resources believed that the Capital Programme, as outlined, sought to maximise opportunities and he therefore recommended its endorsement.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT:-**

- 6.1 the five-year Capital Programme and funding as detailed in Appendix A to the report, with 2023/24 being a hard budget and 2024/25 to 2027/28 soft/indicative budgets, be approved;**
- 6.2 the programme be reviewed, as is usual, if anticipated external or county council funding does not materialise;**
- 6.3 the Capital Strategy in Appendix C to the report be approved;**
- 6.4 the Director of Corporate Services, in consultation with the Chief Executive, Leader and Cabinet Member for Resources, be delegated authority to make any amendments to the programme necessary as a consequence of the final settlement from the Welsh Government due on 1st March 2023.**

**7. TREASURY MANAGEMENT POLICY AND STRATEGY 2023-24**

The Cabinet was reminded that as part of the requirements of the revised CIPFA Code of Practice on Treasury Management, the Council had agreed to maintain a Treasury Management Policy detailing the policies and objectives of the Authority's treasury management activities and to also approve a Treasury Management Strategy annually before the start of the financial year to which it related. In addition, under the Local Government Act 2003, the Council was required to approve the Treasury Management Indicators for the coming year.

In accordance with the above requirements, the Cabinet considered the Council's Treasury Management Policy and Strategy for the 2023-24 financial year prior to its formal submission to the Council for final adoption.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL THAT:-**

- 7.1 The Treasury Management Policy and Strategy for 2023-24 and the recommendations contained therein be approved;**
- 7.2 The Treasury Management Indicators, Prudential Indicators, Minimum Revenue Provision Statement, the Investment Strategy and**

recommendations therein be approved.

**8. TREASURY MANAGEMENT AND PRUDENTIAL INDICATOR REPORT 1ST APRIL 2022 TO 31ST DECEMBER 2022**

The Cabinet considered an update report on the treasury management activities and the prudential indicators for the period 1st April 2022 to 31<sup>st</sup> December 2022.

**UNANIMOUSLY RESOLVED that the Treasury Management and Prudential Indicator Report for 1st April 2022 to 31<sup>st</sup> December 2022 be received.**

**9. COMMUNITIES, HOMES AND REGENERATION SCRUTINY COMMITTEE TASK AND FINISH GROUP REPORT – EMERGENCY SOCIAL HOUSING ALLOCATIONS POLICY**

The Chair of the Communities, Homes and Regeneration Scrutiny Committee presented, for Cabinet's consideration, a report on the findings and recommendations of the Task and Finish Group established by the aforementioned Committee to develop an Emergency Social Housing Allocations Policy to address the unprecedented demand being experienced for Social Housing at the present time. He thanked all members and officers who had been involved in preparing the report.

The Leader thanked the aforementioned Task and Finish Group for its report and advised that recommendations 1 and 2 would not require Council approval.

The Cabinet Member Homes and Deputy Leader proposed an amendment to recommendation 2 to replace the words 'approximately one year' with 'up to 18 months' and also recommended that arrangements be made for a Member Development Session on the Emergency Interim Social Housing Allocations Policy.

**UNANIMOUSLY RESOLVED**

**9.1 that the report and Recommendations of the Communities, Homes and Regeneration Scrutiny Committee's Task and Finish Group established to develop an Emergency Social Housing Allocations Policy be endorsed subject to the amendment outlined and to it being noted that approval of recommendations 1 and 2 by Council was not required;**

**9.2 arrangements be made for a Member Development Session on the Emergency Interim Social Housing Allocations Policy.**

**10. HOUSING SUPPORT PROGRAMME (HSP) STRATEGY 2022-26**

The Cabinet considered a proposed Housing Support Programme (HSP) Strategy (2022 – 26) for Carmarthenshire which the Council was required to produce by Welsh Government. The strategy detailed the strategic priorities of Carmarthenshire County Council and its partner agencies for homelessness prevention and housing related support services over the coming 4 years (2022-26). It refreshed earlier priorities included in the Local Authority's former homelessness strategy, and the Housing Support Grant (HSG) Delivery Plan for 2021-22. Development of the priorities had been informed by a comprehensive

need assessment exercise which included direct engagement with stakeholders within the Local Authority, providers of support services and service users.

**UNANIMOUSLY RESOLVED to approve the Housing Support Programme (HSP) Strategy (2022 – 26) for Carmarthenshire.**

**11. RAPID REHOUSING TRANSITION PLAN 2022-2027**

The Cabinet considered a Draft Rapid Rehousing Transition Plan for 2022 – 2027, as required by Welsh Government, which contained a series of High-Level Actions that would enable the Council to transition to a Rapid Rehousing Approach to make homelessness in Carmarthenshire rare, brief, and unrepeated. The development of Rapid Rehousing clearly placed an emphasis on the provision of housing as a *fundamental element* of recovery from homelessness which could not be resolved with housing alone. It was considered that for Rapid Rehousing to be a success the Council must work in partnership with key services such as health and criminal justice whilst also harnessing the expertise and knowledge of both the third sector and voluntary organisations which provide services that support and help tenants build confidence and a connection within a community.

**UNANIMOUSLY RESOLVED that the draft Rapid Rehousing Transition Plan and its Executive Summary be approved and that it be formally submitted to Welsh Government and published on the Council's Website following Welsh translation.**

**12. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

The Chair advised that there were no items of urgent business.

**13. EXCLUSION OF THE PUBLIC**

**UNANIMOUSLY RESOLVED, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following item as the report contained exempt information as defined in paragraph 14 of Part 4 of Schedule 12A to the Act.**

**14. RURAL ESTATE UPDATE REPORT**

Following the application of the public interest test it was **RESOLVED**, pursuant to the Act referred to in minute no. 13 above, not to publicise the content of the report as it contained exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14 of Part 4 of Schedule 12A to the Act). The public interest test in respect of this report outweighed the public interest in disclosing the information contained therein as disclosure as disclosure would unfairly undermine the commercial interests of the Council and individual farmers.

The Cabinet received a report on the present status and condition of the County Council's Farm Estate following recent surveys and the implications of the introduction of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 which would involve farms having to upgrade slurry storage facilities to accommodate at least five months' worth of slurry. As a consequence Cabinet was invited to consider whether the County Council's previous decision (September 2019) to retain the County Farms should be revisited.

**UNANIMOUSLY RESOLVED that the County Farm Estate be retained and managed under the current policy whilst rationalising and considering development and sale opportunities as they arise.**

---

**CHAIR**

---

**DATE**

This page is intentionally left blank