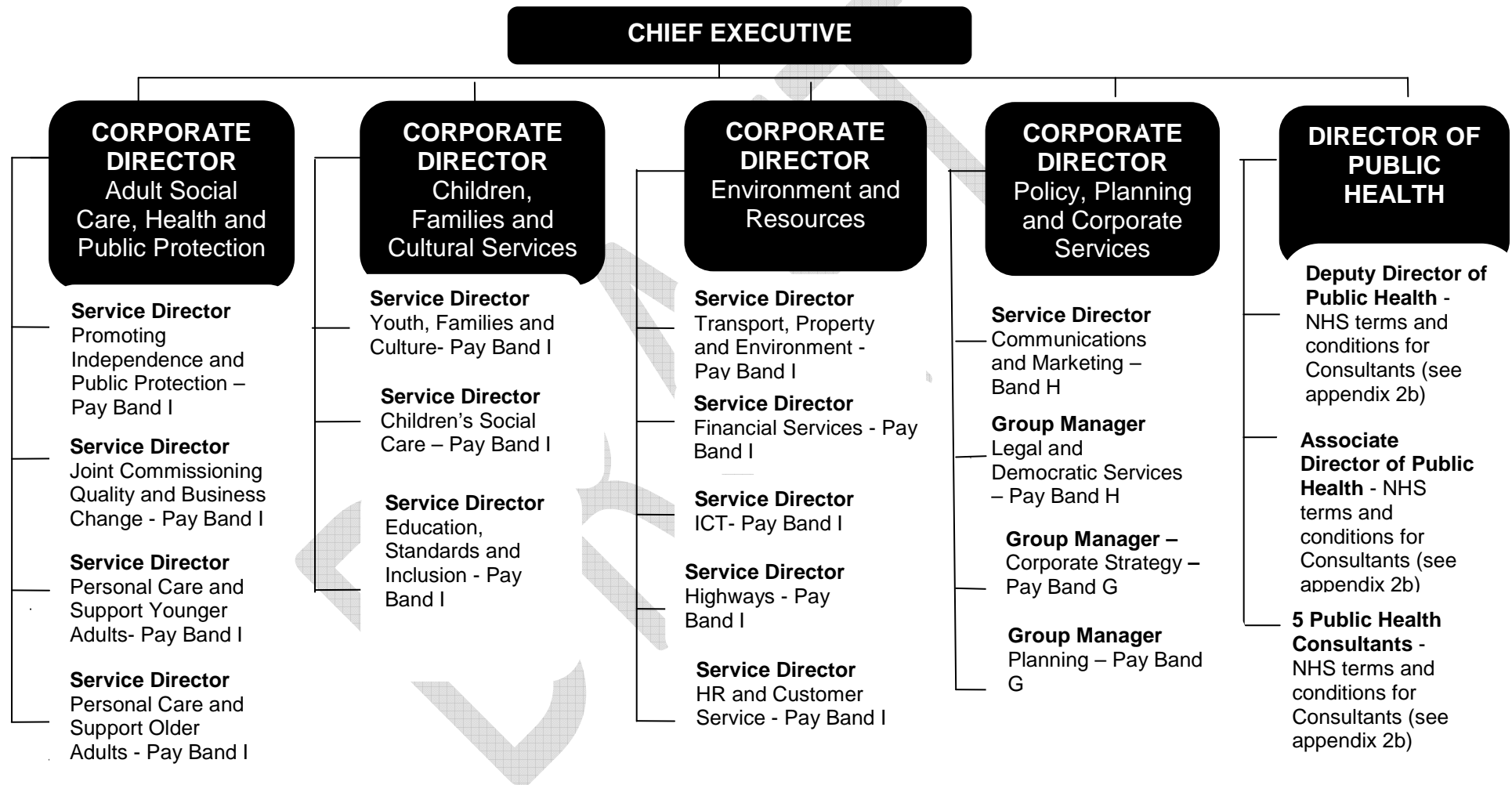


Appendix 1: Nottinghamshire County Council's Substantive Top Level Structure Chart, as at 1st February 2014



Appendix 2a: Chief Officer Pay at Nottinghamshire County Council 1st February 2014

Chief Officer post (see structure chart at appendix 1)	Current annual basic pay	Salary scale (see appendix 3)	Increase and additions inc any Honoraria or MFS	Bonuses	Benefits in kind	Increase / enhancements to pension	Amount payable on cessation of employment	Car Lease (Y/N)
Chief Executive – (Returning Officer) *	£184,410	CE	NIL	Not Applicable under Single Status Agreement	Not applicable – none paid	Not applicable - LGPS provision apply to all NCC staff (see page 5 of PPS)	As per agreed redundancy compensation provisions applicable to all NCC staff (see appendix 7)	N
Corporate Director Policy Planning Services (Monitoring Officer)	£121,371	CO	NIL					N
Corporate Director Children, Families and Cultural Services	£134,908	CO	*£5,000 additional allowance per year for Deputy Chief Executive duties.					N
Corporate Director Adult Social Care and Public Protection	£121,371	CO	NIL					N
Corporate Director Environment and Resources	£121,371	CO	NIL					N
Service Director Promoting Independence & Public Protection	£87,038	Band I	NIL					N
Service Director Joint Commissioning , Quality and Business Change	£87,038	Band I	NIL					N

Service Director Personal Care and Support - Younger Adults	£87,038	Band I	£6, 867 per year for acting as Deputy Corporate Director Adult Social Care and Public Protection					N
Service Director Personal Care and Support – Older Adults	£87,038	Band I	NIL					N
Service Director Youth, Families and Culture	£87,038	Band I	NIL					N
Service Director Children's Social Care	£87,038	Band I	NIL					N
Service Director Education Standards and Inclusion	£87,038	Band I	NIL					N
Service Director HR & Customer Service	£87,038	Band I	NIL					N
Service Director Communications and Marketing	£70,179	Band H	NIL					N
Service Director Transport, Property and Environment	£87,038	Band I	NIL					N
Service Director Finance and Procurement (Section 151 Officer)	£87,038	Band I	NIL					N
Service Director ICT	£83,467	Band I	NIL					N
Service Director Highways	£83,467	Band I	NIL					N

Group Manager – Corporate Strategy	£60,440	Band G	NIL					N
Group Manager – Planning	£59, 072	Band G	NIL					N
Group Manager Legal and Democratic Services	£66,280	Band H	Nil					N

Appendix 2b: Chief Officer Equivalent Post – Public Health Pay at Nottinghamshire County Council 1st February 2014									
Chief Officer post (see structure chart at appendix 1)	Current annual basic pay	Salary scale	Social Care Call Out annual allowance	NHS Clinical excellence annual allowance	Flat rate annual allowance	NHS Add Program Activity annual allowance	Increase / enhancements to pension	Amount payable on cessation of employment	Car Lease (Y/N)
Corporate Director – Public Health(40% of salary and contractual allowances is rechargeable to Nottingham City Council)	£90,263	Paid under NHS terms and conditions as part of TUPE transfer to Nottinghamshire County Council.	£902	£17,919	£6,576	£10,818	NHS pensions provisions under TUPE transfer	As per agreed redundancy compensation provisions.	Y
Deputy Director of Public Health	£101,451		£3,043	£35,839	£2,965	£27,458			N
Associate Director of Public Health	£81,618								N
Consultant in Public Health (1)	£101,451		£2,029	£8,960	£3,288	£11,041			N
Consultant in Public Health (2)	£95,860		£1,879	£2,957					N
Consultant in Public Health (3)	£81,618								N
Consultant in Public Health (4)	£77,850								N
Consultant in Public Health (5)	£69,645		£1,618						N

Appendix 3:

Pay Scales

Local Government Scheme - Salary Scales 2013

Spinal Column point (SCP)	01/04/2013 - 2014	SCP	01/04/2013 - 2014	SCP	01/04/2013 - 2014
		35	£29,528	66	£60,440
5	£12,435	36	£30,311	67	£61,811
6	£12,614	37	£31,160	68	£63,297
7	£12,915	38	£32,072	69	£64,791
8	£13,321	39	£33,128	70	£66,280
9	£13,725	40	£33,998	71	£67,776
10	£14,013	41	£34,894	72	£69,265
11	£14,880	42	£35,784	73	£70,881
12	£15,189	43	£36,676	74	£72,494
13	£15,598	44	£37,578	75	£73,379
14	£15,882	45	£38,422	76	£74,979
15	£16,215	46	£39,351	77	£76,579
16	£16,604	47	£40,254	78	£78,301
17	£16,998	48	£41,148	79	£80,024
18	£17,333	49	£42,032	80	£81,744
19	£17,980	50	£42,895	81	£83,467
20	£18,638	51	£43,791	82	£85,193
21	£19,317	52	£44,719	83	£87,038
22	£19,817	53	£45,612	84	£88,884
23	£20,400	54	£46,553	85	£90,726
24	£21,067	55	£47,493	86	£92,575
25	£21,734	56	£48,435		
26	£22,443	57	£49,391		
27	£23,188	58	£49,997		
28	£23,945	59	£51,243		
29	£24,892	60	£52,488		
30	£25,727	61	£53,731		
31	£26,539	62			
32	£27,323	63	£56,337		
33	£28,127	64	£57,707		
34	£28,922	65	£59,072		

GRADE	MIN SCP	MAX SCP
Grade 1	4	8
Grade 2	9	13
Grade 3	14	18
Grade 4	19	23
Grade 5	24	28
Band A	29	34
Band B	34	39
Band C	39	44
Band D	42	47
Band E	47	52
Band F	56	61
Band G	63	68
Band H	69	74
Band I	78	83
Band J	81	86

Appendix 4:

Nottinghamshire County Council's Grading Policy

1. Introduction

This policy explains how posts within the County Council are graded. It covers all staff employed on the National Joint Council for Local Government Services (Green Book) conditions, excluding Corporate Directors.

2. Principles

2.1 The County Council is committed to ensuring that the grading of posts is undertaken to ensure consistency, fairness, openness and equality of treatment. In pursuit of this the following principles will be upheld:

2.1.1 All posts will be evaluated and graded using either the National Joint Council Job Evaluation Scheme or the Hay Job Evaluation Scheme according to the criteria set out in 3.1, and no other method.

2.1.2 Performance related pay will not be a feature.

2.1.3 The grade will relate to the post and not the employee.

2.1.4 There will be equal pay for work of equal value.

2.1.5 All considerations which may discriminate unfairly will be eliminated.

2.1.6 Grades need to accurately reflect the duties and responsibilities of the post, so where these have changed sufficient to be reflected in their evaluation then either managers or employees can request a re-evaluation.

3. Determining the Correct Evaluation Scheme

3.1 The following criteria will be applied to determine the most appropriate job evaluation scheme under which to evaluate a job. Jobs will be evaluated first under the Hay job evaluation scheme if:

3.1.1 The job requires a full professional qualification or an equivalent level of organisational policy and procedural knowledge (i.e. would score level 6 or higher for Knowledge in the NJC scheme or level E for Technical Know-how in the Hay scheme), OR

3.1.2 The post holder manages a discrete function or activity, OR

3.1.3. The post holder is the Authority's corporate expert on a specialised technical subject

3.2 If the job scores less than 175 points (Band A) under the Hay scheme, the job will then be evaluated under the NJC scheme and that score will determine the grade.

3.3 All other jobs will be evaluated first under the NJC scheme. If the job scores in excess of 600 points, it will be evaluated under the Hay scheme and that score will determine the grade.

3.4 Disputes regarding the correct scheme to use will be resolved by the Moderating Panel.

4. Process

4.1 The evaluation process will be the same regardless of the job evaluation scheme used.

4.2 Posts will need to be evaluated:

- When they are established
- Where there have been changes in the duties and responsibilities
- At the request of the manager or employee (where they can demonstrate that there has been a significant change to the role)
- Following a restructuring where changes will impact on the post.

4.3 Where employees wish to have their posts re-evaluated they must first discuss their concerns with their line manager. If the job holder and the line manager disagree about the need for a re-evaluation this should be resolved using normal Council procedures.

4.4 Where managers wish to put the post through a new evaluation they must first inform the affected employees of their intention.

4.5 Having established the posts to be evaluated the manager will then contact the Job Evaluation Team to request the evaluation. However it is important to note that where duties have been reallocated all affected posts must be re-evaluated.

4.6 The JE Team will issue a Job Description Questionnaire; the questionnaire will be the same regardless of the evaluation scheme to be applied.

4.7 Where the post is vacant then the manager must fill in the Job Description Questionnaire.

4.8 Where there is a single job-holder the job-holder should fill in the Job Description Questionnaire with the manager. Where the job-holder is a member of a trade union they can have the support of a steward.

4.9 Where the evaluation is for a small group of staff the manager should convene the whole group and complete the form together. Where there is a

large group or where it is not possible for all staff to fill in the Job Description Questionnaire then the group must elect a representative to fill in the Job Description Questionnaire on their behalf. The completed Job Description Questionnaire should be shared with the whole group before being submitted for evaluation.

4.10 Completed job description questionnaires will be subject to an initial assessment by a job analyst. If any of the information in the form is unclear, incomplete or not relevant the analyst will contact the line manager and/or the job holder to seek clarification. Any additional information gained will be shared with the job holder.

4.11 The Job Analyst will then evaluate the job using the appropriate job evaluation scheme.

4.12 The evaluation will then be moderated by a joint panel comprising an equal number of management and trade union representatives. The managers and employees will be notified of the evaluation of the post within 10 days of the moderating panel meeting.

4.13 The effective date of the evaluation shall be:

4.13.1 The date of the change / restructuring that triggered the evaluation, although this date cannot be more than 6 months before the request to be evaluated.

4.13.2 Where there are no identifiable points of change the effective date shall be the day the evaluation was requested.

5. Appeals

5.1 Introduction

5.1.1 Where employees are dissatisfied with the evaluation of their post they have the right to appeal. Employees should normally appeal within 10 working days of written receipt of the outcome of the evaluation, although this may be extended if circumstances warrant it. Where employees appeal the evaluated grade will not be implemented until the outcome of the appeal is known.

5.1.2 The appeals process is the same regardless of the evaluation scheme used.

5.1.3 Appeals can result in job scores going up, staying the same or going down. Any change of grade that arises from the appeals process will be implemented with effect from the date of the changes that triggered the re-evaluation or 6 months, whichever is the less. Whenever the grade of a post is reduced as a result of an appeal, the Council's agreed pay protection scheme will apply.

5.1.4 The outcome of the appeal process will be final. There will be no further right of appeal, either within or outside the County Council.

5.2 Appeals Process

5.2.1 The grounds for appeal are that:

- The wrong job evaluation scheme has been applied; or
- The applicable scheme has been wrongly applied; or
- There is new or better information available to support the evaluation

5.2.2 Appeals must be registered by the job holder using the published form. Appeals in respect of vacant posts may be registered by the line manager.

5.2.3 Following receipt of the completed registration form, the job evaluation team will request the completion of a job description questionnaire in respect of the relevant factors. The job description questionnaire must be completed by the job holder and counter-signed by their line manager. If in exceptional circumstances the job holder and the line manager disagree about the accuracy of any of the information the job holder has provided, this should be resolved prior to submission of the form. The job holder may be assisted by their trade union representative, at their own discretion, and may seek advice from the job evaluation team.

5.2.4 Where there is more than one job holder in a particular job, a workplace meeting of the whole group of job holders will be convened. That meeting will decide whether or not an appeal should be pursued in respect of the job, on the basis of a simple majority of those present. If the meeting decides to pursue an appeal, members of the group will nominate a representative to complete the job description questionnaire on their behalf, but all members of the group will be given the opportunity to comment on the completed form.

5.2.5 Individuals or sub-groups who are able to demonstrate that their job is different from the rest of the group may be considered for a separate evaluation.

5.2.6 Completed job description questionnaires will be subject to an initial assessment by a job analyst. If any of the information in the form is unclear, incomplete or not relevant the analyst will contact the line manager and/or the job holder to seek clarification. Any additional information gained will be shared with the job holder.

5.2.7 Appeals will then be considered by a joint review panel. The joint review panel will comprise three members, two of whom have had no previous involvement in the job evaluation process for the post, with one member being from the joint moderating panel, to support consistent application of the scheme.

5.2.8 The panel will consider the evidence that has been submitted against all relevant factors. Where the panel considers that the evidence submitted

impacts on factors other than those identified in the appeal, these will be taken into account by the panel and the appellant will be notified accordingly.

5.2.9 Where the evidence submitted clearly supports the appellant's case, the panel will uphold the appeal. The job evaluation team will notify the job holder and their line manager of the outcome of the panel's deliberations within 10 working days of the panel's meeting.

5.2.10 Where the evidence submitted is less clear cut, the meeting shall be adjourned and the job evaluation team will write to the job holder setting out the panel's concerns.

5.2.11 The panel will subsequently be reconvened and the line manager, job holder and their representative, where requested, will be invited to attend. Where the appeal is on behalf of a group of job holders, the group's nominated representative(s) will be invited to attend.

5.2.12 This will provide the opportunity to highlight the areas of concern and for the panel to ask questions of the job holder and line manager to clarify areas of difference, following which all parties will be asked to withdraw.

5.2.13 The panel will then determine the outcome of the appeal taking account of any representations made. The outcome of the panel's decision will be notified within 10 working days.

5.2.14 Following completion of the above procedure there will be no further right of appeal.

Note - Where managers are concerned about their ability to recruit or retain staff on the evaluated grade then they may be able to make a case for a Market Factor Supplement (**see Appendix 5**).

Appendix 5:

Nottinghamshire County Council's Process for Assessment and Approval of Market Factor Supplements (MFS)

1. Evidence required.

- 1.1 Where a Chief Officer believes that there may be a case for the payment of a market factor supplement in relation to a particular job, they will submit evidence to the Pay Board for consideration.
- 1.2 The Service Director responsible for the job in question or their delegated Service Head will produce a report setting out the business case for the Board's consideration, and may be required to attend a meeting of the Board to present the detail.
- 1.3 Evidence provided in the report should show that pay is a key factor in relation to the Authority's ability to recruit/retain employees in the job role concerned.
- 1.4 The evidence submitted will be based on the following criteria and should be shown in a number of these areas in order to give a rounded picture.
 - Information from external salary surveys showing that NCC pay is below the market rate for the job;
 - Press articles about particular national skills shortages in the related occupational area;
 - Information about similar jobs elsewhere that offer greater remuneration packages. These should not be taken simply at face value but should consider:
 - The comparability of the job description and person specification requirements.
 - The geographical location of the job(s) and the relative cost of living
 - How typical the job(s) and package is – a review of other external recently advertised, similar jobs should take place to get a balanced view.
 - Evidence that employees/potential employees within a particular employment group or geographical area are being attracted to alternative jobs within that employment group, area or other organisation and that pay is the main driving factor in this.

- Evidence of recruitment difficulties. The reasons for such difficulties need to be examined to establish whether or not pay is the key issue. Closer examination should involve:
 - Advertising response rates and the media used.
 - Surveys of individuals who have shown an interest (requested job details) but not returned an application to establish their reasons.
- Other supporting evidence may include:
 - Evidence of job offers to individuals
 - Turnover rates within the team/section – there would need to be evidence from exit interviews that pay is the cause of high turnover and not some other factor.

2. Process for approval.

- 2.1 If Pay Board is not satisfied that sufficient evidence exists to show the need to pay a market factor supplement it may either reject the request, giving reasons to the Chief Officer concerned, or ask that more evidence is provided in order that further consideration may be given before it makes its final recommendation. In the case of partnership posts the Chief Officer of the partners concerned will make the final decision. The grounds for such decisions will be recorded, to help ensure a consistent approach to such cases.
- 2.2 If the Pay Board is satisfied that sufficient evidence exists (in accordance with the criteria set out above) details of the post and the evidence provided will be forwarded for independent validation. Pay Board may also ask Departmental HR Advisors, or where appropriate external agencies to:
- Advise the Pay Board where, in their experience, this type of job requiring the appropriate skills, experience etc would attract higher pay than the original evaluation supports, and
 - Advise the Pay Board of the appropriate pay band to be awarded as a market factor supplement that they would recommend in relation to this job.
- 2.3 The Pay Board will consider the advice received from the independent agency, plus any other data (e.g. from the Local Government Information Unit) that may be relevant to that particular job, when drawing up its final recommendation.

- 2.4 Pay Board will make a recommendation on an appropriate indicative level of payment for the Market Factor Supplement, normally prior to the selection process for the post. Where this results in recruitment difficulties Pay Board may be asked to reconsider the recommended level of payment in the light of additional information arising from the recruitment process.
- 2.5 The recognised trade unions will be informed of all decisions to pay Market Factor Supplements.
- 2.6 The payment of any Market Factor Supplement will be time limited for up to a maximum of three years and subject to annual review. The outcome of the review will normally be applied according to the circumstances of the case. (In the case of a fixed term contract, the Market factor Supplement will be set for the duration of the contract, subject to a maximum of three years.) Re-assessment of market factor supplement payments will take place through the collection of evidence and process set out in this document.
- 2.7 Where a base grade changes after appeal, any market factor supplements will be assimilated into the pay adjustment for the substantive grade.

Appendix 6:

Nottinghamshire County Council's Policy on Acting up and Honoraria Payments

Criteria for Awarding Acting Up and Honoraria Payments

1. Principles

1.1 The policy and payment criteria for both acting up and honoraria payments will apply to all posts, regardless of the amount of payment involved.

1.2 Payment of any acting up or honorarium will only apply to situations of more than four weeks in duration.

1.3 Payment of any acting up or honorarium will usually be for a maximum of 12 months.

1.4 If an honorarium or acting up arrangement is to continue beyond six months, it should be reviewed at six months and in any event, in normal circumstances, should not exceed 12 months.

1.5 Where the change to the job role is permanent, it should be re-evaluated under current job evaluation arrangements to take the new duties into account.

1.6 Senior officers are expected to work flexibly and honoraria provisions will not normally apply to officers on Hay Band F and above, other than in very exceptional circumstances agreed by the Chief Executive.

1.7 Project work, including cross cutting corporate project work and project work involving external partners is a requirement of all senior officers on Hay Band F and above and will not, normally, merit an honorarium payment.

1.8 Departments will ensure that this requirement is reflected in job descriptions for all posts at third tier level in the new departmental structures, subject to collective agreement.

1.9 Opportunities for discrete and time limited project work, which may be promotional, should **normally** be advertised in accordance with agreed recruitment and selection guidelines and will be appointed to at the evaluated rate for the project duties and responsibilities concerned.

1.10 Honoraria will not usually be paid where additional work is undertaken which is of a like nature to the individual's existing job description i.e. of the same type at the same level.

1.11 A fully documented business case should be made by the department to support all proposals for acting up and honoraria payments.

1.12 The business case will include evidence to illustrate the following:

1.12.1 The reason for the proposed payment, for example to cover a long term absence or undertake a specific piece of work

1.12.2 Posts affected and grades of the substantive and higher level / alternative duties involved

1.12.3 The extent of different and /or additional duties involved i.e. - full or partial, if partial quote percentage

1.12.4 The duration, specifying dates from and to

1.12.5 Alternatives considered. In many situations the need for extra work of the same type to be undertaken on a temporary basis can be accommodated without the need for additional payment.

1.12.6 Cost. The calculation of the amount of payment should be made in accordance with the guidance set out under the criteria for calculating payments

1.13 These rules should normally be applied in each case, however, where this can be demonstrated by the business case; in very exceptional cases it may be more appropriate to adopt a token payment approach.

2. Process

2.1 The circumstances potentially justifying an honorarium, and where possible the likely period involved, shall be identified at the outset and agreed with the employee.

2.2 The manager should submit their written business case, listing all the elements set out in 1.above, to their departmental management team.

2.3 The advice of the HR team should be sought as necessary and the proposal copied to the Service Head (HR).

2.4 Corporate Directors will apply the criteria at 1 above and decide whether honoraria or acting up proposals should be implemented, seeking the advice of the Service Director Corporate Services (HR) as necessary.

2.5 The Corporate Director's decision on honoraria will be subject to scrutiny through Delegated Decision.

2.6 Decision reports on honoraria should be constructed in such a way as to avoid the need for exemption.

3. Definition

3.1 Acting up

3.11 An “acting up” situation is defined as one where an employee(s), for any reason other than annual leave, is called upon to undertake the full duties and responsibilities of a higher graded post for a continuous period of at least four weeks.

3.12 Acting up may be shared between two parties on a pro- rata basis. To qualify as “acting up”, the employee(s) concerned must undertake **the full duties and responsibilities** of the higher level post, as set out in the agreed job description, for the duration of the period concerned i.e. 100 percent of the duties for a specified percentage of the time.

3.13 Consideration should be given to advertising more widely in longer term situations such as maternity cover.

3.14 After four weeks, an approved acting up payment commensurate with the evaluated grading of the post temporarily occupied will be made, backdated to the first day of acting up, period, as set out in the delegated decision report.

3.2 Honoraria

3.21 An honorarium payment may be granted in circumstances where employees temporarily undertake a proportion of a higher level of duties and responsibilities outside the scope of their normal post, where these are significant and over an extended period, but short of undertaking the full duties and responsibilities of the higher graded post.

3.22 Such circumstances may include:

3.2.2.1 Shared responsibility with more than one employee undertaking a specific and or separate part of a wider role which has been evaluated as having higher level duties.

3.2.2.2 A substantial addition of some higher level duties to the employee's job for a specific period and where a permanent re-evaluation as a changed job is deemed inappropriate.

3.2.3 The proposed payment shall be paid in the normal pay cycle and shall have regard to:

3.2.3.1 The evaluated level of the higher graded job. This may necessitate a reference to the Job Evaluation team if the higher level work has changed significantly.

3.2.3.2 Any additional hours over and above the employees existing contractual hours worked over the applicable period. These will be remunerated at plain time rates, subject to the discounting of four hours each

week or any extra working associated with the employee's substantive job, whichever is greater.

3.2.3.3 Pro rata principles where applicable e.g. two or more employees sharing a higher graded post by undertaking separate and distinct duties within it.

Criteria for the Calculation of Acting Up and Honoraria Payments

1. Acting up payments

1.1 Where an individual undertakes the full duties and responsibilities of a more highly graded job, subject to satisfying the criteria for awarding payments, they should receive the salary appropriate to the bottom point of the evaluated grade of the higher graded job.

1.2 Where there is an overlap between the individual's current spinal column point on their substantive grade and the bottom point of the pay band of the higher graded job they should be awarded one additional increment.

1.3 Where individuals are in receipt of an agreed salary protection and there is a difference between their protected grade and that of the substantively higher graded job, the acting up payment should be calculated based on the difference between their protected salary and the grade of the higher job for the duration of their ongoing protection period.

1.4 If the protected grade is higher than the grade of the "acting up" in relation to the individuals' substantive post, the higher level protection will continue to apply for the duration of the remaining protection period, reverting to an acting up situation as and when the protection ends.

1.5 All payments will be back-dated to the start of the arrangement, subject to any annual incremental progression but excluding accelerated incremental pay.

2. Honoraria Payments - Higher Graded Posts

2.1 Where an individual undertakes a proportion, but not all, of the duties of a more highly graded job (i.e., partial acting up), an honorarium payment may be made, subject to satisfying the criteria for awarding payments.

2.2 The total amount payable will be calculated by assessing the proportion, expressed as a percentage, of the higher graded role that is being undertaken, and multiplying this by the difference in pay between the current and higher graded role for the period of partial acting up.

2.3 The honorarium should be paid in monthly instalments (back-dated to the start of the arrangement), particularly where there is uncertainty about the likely duration of the partial acting up.

2.4 The rate used should be the spinal column point that the individual would receive if they were appointed to the higher graded job. This would normally be the minimum of the grade, but may be higher (i.e. the next available increment above the individual's own current pay) in the case of overlapping pay bands.

2.5 Where individuals are in receipt of an agreed salary protection, the honoraria payment should be calculated based on the difference between their protected salary and the grade of the higher job for the duration of the ongoing protection period.

3. Undertaking Additional Duties

3.1 An honorarium may also be appropriate where an individual at band E or below undertakes work from a different job type in addition to their own role, with no additional staffing resource, and that work is evaluated on the same pay band.

3.2 Such honorarium payments will normally be based on five percent of the individual's substantive pay (including any ongoing salary protection) for the period of undertaking additional duties.

Appendix 7:

Nottinghamshire County Council's Policy on Redundancy and Early Retirement

1. Definition

1.1 A “redundancy” occurs where the County Council needs to reduce its workforce, for example where an establishment is closing down, or because fewer employees are needed for work of a particular kind. Normally the job will have disappeared.

1.2 Non school based employees affected by redundancy, will be considered under the provisions of the Redeployment Policy.

1.3 Agreed process for selection for redundancy of employees on teacher's terms and conditions and support staff based in schools is separate and any changes will be discussed through the School and Southwell JCNP. Consultation with trade unions on any proposed redundancies will be in accordance with the specific procedure and guidance covering these employees which is in place at the time.

2. Redundancy Situations

2.1. Compulsory redundancy will only be instigated when all other reasonable available means of managing business needs have been considered and exhausted.

2.2 Details of proposed large scale redundancies including the full financial implications will be subject to departmental or corporate Delegated Decision Reports as appropriate to the service(s) concerned.

2.3 Corporate Directors should identify and quantify possible redundancies and make every effort to identify posts and therefore individuals who are at risk of redundancy.

2.4 The County Council will endeavour to ensure that all reasonable means are utilised to effectively manage employee redundancies arising out of redundancy situations.

2.5 To reduce the possibility of compulsory redundancy, the following measures may be considered where appropriate:

- the possibility of releasing a “not at risk” employee to avoid an “at risk” employee being made compulsorily redundant (this is known as “substitution” or “bumping”), dependent upon available posts, transferability of skills experience, timescale and budget

- voluntary reduction in hours or “job sharing”: may be appropriate where a redundancy situation could be avoided by a number of employees reducing their hours
- voluntary redeployment: dependent upon available posts, transferability of skills experience, timescale and budget
- voluntary redundancy/early retirement: seeking expressions of interest from employees who are willing to volunteer for redundancy (see 2.6 below).

2.6 Corporate Directors have delegated authority to agree individual cases of voluntary redundancy, with or without early retirement, taking account of the financial implications.

2.7 There is no guarantee that every request for voluntary redundancy will be agreed and employees expressing an interest are not bound to accept the severance package offered, neither will they be able to appeal a refusal of their application.

2.8 The basic principles as regards voluntary redundancy are:

- there is a need to reduce staff numbers in the volunteers’ service area
- releasing the volunteer will allow another employee at risk to secure continued employment
- the remaining staff have the skills, qualifications and experience to fill the remaining posts and ensure continued excellent service delivery

2.9 In the event that there are more volunteers than reductions required, selection will be made using a skills audit to ensure service delivery can be maintained and account will be taken of the cost to the Council of agreeing the redundancy in each case.

2.10 Individuals taking early retirement should be encouraged to attend a pre-retirement course, organised through the County Council, details are available on the Learning and Development System (LDS).

3. Consultation

3.1 There are statutory requirements in relation to consultation which the Council are required by law to comply with where it is proposed to dismiss 20 or more employees (Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR (C) A) 19), however, it is normal County Council policy to also apply the 30 day consultation period in circumstances involving less than 20 people wherever possible.

3.2 The purpose of consultation is to provide as early an opportunity as practicable for all concerned to share the problems and explore options. The County Council will keep the trade unions informed as fully as possible.

3.3 Consultation will begin:

- at least 30 days prior to the first notice of dismissal being issued when the County Council proposes to dismiss as redundant up to 100 employees at any one establishment in a 30 day period
- at least 90 days prior to the first notice of dismissal being issued when the County Council proposes to dismiss as redundant 100 or more employees at any one establishment in a 90 day period.

3.4 In general, consultation should begin as soon as the possibility of redundancy arises to agree a protocol in relation to the information on which employees and trade union representatives will be consulted and a commitment to consider alternative proposals.

3.5 The consultation process should precede any public announcement of specific redundancies.

3.6 The statutory rules require the authority to consult on the following:

- the reason for the redundancies
- the number of and type of employees affected as against the overall number of employees of that type
- the method of selecting for redundancy
- the method of carrying out the dismissals and the time period after which the dismissals will happen
- the method of calculating the redundancy payment.

3.7 No notices of dismissal will be issued until consultation is completed. Consultation will be through the trade unions or other employee representatives and will be undertaken at the earliest opportunity to also seek ways to mitigate and avoid redundancies wherever possible.

3.8 The only possible exception to this may be where applications for voluntary redundancy have been approved, the employee has accepted the severance package on offer and the authority can issue formal notice of dismissal and the employees trade union or if a non-union member their representatives agrees to their early release prior to completion of the consultation.

4. Selection for redundancy

4.1 Posts at risk will be identified before any selection of individuals for redundancy has been carried out.

4.2 Individual employees at risk will be identified following an enabling or redundancy selection process designed to determine which of the employees

working in a prospective redundancy situation are at risk of redundancy and from what date.

4.3 There are occasions when the employees at risk are identified automatically by the very nature of the duties undertaken and the area of redundancy.

4.4 Once the employee has been informed that they have been identified, they should be invited to a formal, individual meeting with the manager who is responsible for making the final decision in relation to redundancy (or other designated officer). The employee is entitled to be represented by their trade union representative, colleague or other identified support person at these meetings. Formal notice of dismissal may be issued following this meeting. See Managing the consultation process for checklists and further guidance.

5. Appeals

5.1 Statutory dismissal and redundancy procedures are revoked under the Employment Act 2008, including redundancy situations.

5.2 Employees selected for redundancy will have a right of appeal against dismissal to Elected Members.

5.3 The process for the appeal will be in accordance with the Appeal Hearing Procedure except that management reserve the right to present cases collectively where the business case is the same.

5.4 An appeal should be lodged with the Corporate Director and Democratic Services within 10 working days of receipt of such confirmation of dismissal by reason of redundancy. The full process and supporting pro-forma are available from [HR Teams](#).

5.5 Any appeal in relation to compulsory redundancy is limited to the application of the redundancy process on the grounds that the selection for redundancy was unfair. The appeal process cannot be used to complain about the fact of the business decision to reduce or cease work in a particular area.

5.6 There will be no right of appeal in respect of non- selection for voluntary redundancy or refusal to agree an application for voluntary redundancy.

6. Training and Retraining

6.1 The Employment Rights Act 1996 gives employees with 1 year or more continuous employment who are to be made redundant a right to reasonable time off work with pay to arrange training or to look for new employment.

6.2 The granting of leave to enable redundant employees to seek alternative employment is a matter for Corporate Director's discretion (or other

designated officer). As a general guide, it may be considered appropriate to allow up to 3 days for this purpose but it should be borne in mind that the entitlement is an individual one and each case should be considered on its own merits.

7. The Statutory Redundancy Payment

7.1 The Government has exempted the determination of statutory redundancy payments from the provisions of the Equality Act 2010 which apply to the calculation of any additional, discretionary payments.

7.2 Any employee with over 2 years service who is made redundant will be entitled, in accordance with the statutory formula, to a minimum statutory redundancy payment in accordance with the Equality Act 2010, which is based upon their actual pay.

7.3 The amount of statutory redundancy payment depends on an employee's age, length of service and the amount of their normal contractual weeks pay:

- 0.5 week's pay for each full year of service where age during the year is less than 22
- 1 week's pay for each full year of service where age during the year is 22 or above but less than 41
- 1.5 week's pay for each full year of service where age during the year is over 41.

7.4 Only continuous service with organisations covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 should be treated as reckonable when calculating an individuals' entitlement to a redundancy payment. Contracts must be successive and any break in continuous service, as defined above, will not count as reckonable.

7.5 See the list of organisations covered by the Modification Order.

7.6 The maximum service which can be taken into account under statutory provisions is 20 years, the maximum payment allowable 30 weeks pay and the maximum amount which may be used to calculate a week's pay is £430 (as at 1st February 2012).

8. Additional Discretionary Redundancy Pay

8.1 Local authorities are able to grant, at their discretion, benefits in excess of the statutory provisions to employees who cease their employment prematurely on the grounds of redundancy.

8.2 In order to comply with the Equality Act 2010, local authorities are required to develop and publish their own policy on the award of any discretionary payments for loss of employment.

8.3 Nottinghamshire County Council has exercised this discretion to apply a multiplier of 1.65 on the statutory redundancy formula based on age and local government service, capped at 30 years reckonable service.

8.4 Redundancy payments are therefore calculated using the discretionary formula which already includes the statutory element.

8.5 This allows up to 50 weeks actual salary in all cases, regardless of whether the individual is under or over 55 years of age or whether the individual concerned is in a pension scheme.

8.6 A copy of Nottinghamshire County Council's redundancy payment calculator is available through this link (PDF 31KB]

8.7 Under LGPS regulations, any redundancy payment is subject to the employee not being in receipt of any offer of alternative employment, outside of the county council's redeployment processes, prior to the last day of service and within 4 weeks of termination, regardless of the start date of the new employment.

9. Efficiency Termination

9.1 The provisions for the Council to effect a termination 'in the interests of the efficiency of the service' will be used in exceptional cases only and will be subject to the agreement of the relevant Corporate Director.

9.2 The distinction between efficiency and redundancy is that in the latter the resultant vacancy is not filled.

9.3 The circumstances in which employment may be terminated on efficiency grounds are not simply reorganisation/restructuring (such cases are more often on redundancy grounds) but are more generally related to health/ability/age considerations.

9.4 Appropriate cases are those involving an employee over 55 years of age and demanding an element of compassion e.g. the application of the provisions may be justified in a case of intermittent ill-health where a person does not qualify for immediate payment of pension benefits on grounds of permanent incapacity; or where an employee with long service becomes unable to adapt to modern methods or to a change of post and the County Council cannot accommodate them elsewhere.

9.5 There will be no award of added years in any circumstances.

9.6 It is important to stress that a decision on each case must be reached 'on the grounds of the efficient discharge of the County Council's functions' and not merely on the basis of financial savings for the County Council, this being necessary in order to comply with the appropriate pension regulations.

10. Retirement on Health Grounds (Permanent Incapacity)

See Retirement on Ill Health Grounds, Personnel Handbook.

11. Pension/Gratuity Payments

When dealing with cases of redundancy, it is necessary to bear in mind the following considerations relating to pension/gratuity payments:

11.1 Pension Position of Employees Under 55 Years of Age at Termination

With less than three months membership in the scheme - contributions may be refunded or accrued rights transferred to the Pension Scheme of a new employer.

With three months or more membership in the scheme - accrued rights may be either transferred to a new scheme or left in the Pension Fund as deferred benefits payable at pension age. Alternatively, an election to receive early payment may be made at or after age 55 (with employer's consent if under 60).

11.2 Non-Pensionable Employees Aged Over 55 Years at Termination

Gratuity payments are payable to employees over 55 years of age, who are made redundant provided that 15 years' service has been completed (See Gratuity Scheme, Personnel Handbook).

CALCULATE YOUR ENHANCED REDUNDANCY PAYMENT																														
**Total reckonable service in Local Government (years)																														
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
18	2																													
19	2	2																												
20	2	2	3																											
21	2	2	3	4																										
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24	2	3	4	5	6	7	8																							
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26	3	5	7	7	8	9	10	11	12																					
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28	3	5	7	8	10	11	12	12	13	14	15																			
29	3	5	7	8	10	12	12	13	14	15	16	17																		
30	3	5	7	8	10	12	13	14	15	16	17	17	18																	
31	3	5	7	8	10	12	13	15	16	17	17	18	19	20																
32	3	5	7	8	10	12	13	15	17	17	18	19	20	21	21															
33	3	5	7	8	10	12	13	15	17	18	19	20	21	21	22	23														
34	3	5	7	8	10	12	13	15	17	18	20	21	21	22	23	24	25													
35	3	5	7	8	10	12	13	15	17	18	20	21	22	23	24	25	26	26												
36	3	5	7	8	10	12	13	15	17	18	20	21	23	24	25	26	26	27	28											
37	3	5	7	8	10	12	13	15	17	18	20	21	23	25	26	26	27	28	29	30										
38	3	5	7	8	10	12	13	15	17	18	20	21	23	25	26	27	28	29	30	31	31									
39	3	5	7	8	10	12	13	15	17	18	20	21	23	25	26	28	29	30	31	31	32	33	33							
40	3	5	7	8	10	12	13	15	17	18	20	21	23	25	26	28	30	31	31	32	33	34	35							
41	3	5	7	8	10	12	13	15	17	18	20	21	23	25	26	28	30	31	32	33	34	35	35	36						
42	4	6	7	9	11	12	14	16	17	19	21	22	24	26	27	29	31	32	34	35	35	36	37	38	39					
43	5	7	8	10	12	13	15	17	18	20	21	23	25	26	28	30	31	33	35	36	37	38	39	40	40	41				
44	5	7	9	11	12	14	16	17	19	21	22	24	26	27	29	31	32	34	35	37	39	40	40	41	42	43	44			
45	5	7	10	12	13	15	17	18	20	21	23	25	26	28	30	31	33	35	36	38	40	41	42	43	44	45	45	46	46	
46	5	7	10	12	14	16	17	19	21	22	24	26	27	29	31	32	34	35	37	39	40	42	44	45	45	46	47	48	49	
47	5	7	10	12	15	17	18	20	21	23	25	26	28	30	31	33	35	36	38	40	41	43	45	46	47	48	49	50	50	
48	5	7	10	12	15	17	19	21	22	24	26	27	29	31	32	34	35	37	39	40	42	44	45	47	49	50	50			
49	5	7	10	12	15	17	20	21	23	25	26	28	30	31	33	35	36	38	40	41	43	45	46	48	50					
50	5	7	10	12	15	17	20	22	24	26	27	29	31	32	34	35	37	39	40	42	44	45	47	49	50					
51	5	7	10	12	15	17	20	22	25	26	28	30	31	33	35	36	38	40	41	43	45	46	48	50						
52	5	7	10	12	15	17	20	22	25	27	29	31	32	34	35	37	39	40	42	44	45	47	49	50						
53	5	7	10	12	15	17	20	22	25	27	30	31	33	35	36	38	40	41	43	45	46	48	50							
54	5	7	10	12	15	17	20	22	25	27	30	32	34	35	37	39	40	42	44	45	47	49	50							
55	5	7	10	12	15	17	20	22	25	27	30	32	35	36	38	40	41	43	45	46	48	50								
56	5	7	10	12	15	17	20	22	25	27	30	32	35	37	39	40	42	44	45	47	49	50								
57	5	7	10	12	15	17	20	22	25	27	30	32	35	37	40	41	43	45	46	48	50									
58	5	7	10	12	15	17	20	22	25	27	30	32	35	37	40	42	44	45	47	49	50									
59	5	7	10	12	15	17	20	22	25	27	30	32	35	37	40	42	45	46	48	50										
60	5	7	10	12	15	17	20	22	25	27	30	32	35	37	40	42	45	47	49	50										
61	5	7	10	12	15	17	20	22	25	27	30	32	35	37	40	42	45	47	50											
62	5	7	10	12	15	17	20	22	25	27	30	32	35	37	40	42	45	47	50											
63	5	7	10	12	15	17	20	22	25	27	30	32	35	37	40	42	45	47	50											
64 plus	5	7	10	12	15	17	20	22	25	27	30	32	35	37	40	42	45	47	50											

Appendix 9:

Nottinghamshire County Council's Policy on Flexible Retirement

Part 1: Flexible Retirement – Employee Information

1. Who does the policy apply to?

Under the Local Government Pension Scheme Regulations 2006, employees who are members of the scheme and aged 55 or over can apply for flexible retirement in circumstances where, with the employers consent, the employee reduces either their contracted hours of work and/or grade of post.

Nottinghamshire County Council is committed to offering older employees flexible options for the transition from working life to retirement, that balance both the needs of employees and those of the Council where this is affordable to the council.

2. Who is excluded from the provisions?

Employees who are members of other occupational schemes (e.g. the Teachers' Pension Scheme) or who have made alternative pension arrangements outside of the LGPS will not be able to benefit from the flexible retirement pension options set out below. Similar arrangements will be negotiated through the CFCS department JCNP.

3. Benefits of Flexible Retirement

Flexible retirement can offer benefits to both employers and employees, by:

- Helping with the management of organisational change by providing an option to older workers, whose employment may be at risk, thus helping to avoid redundancies and associated costs.
- Helping to develop a balanced age profile within the workforce by retaining older workers and keeping their skills, knowledge and expertise within the workplace.
- Offering opportunity for better succession planning and developing the capacity for older workers to act as mentors.
- Giving employees greater flexibility to balance their home and work commitments and interests.

These flexible retirement provisions apply to those employees of the Council who are members of the Local Government Pension Scheme (LGPS).

4. Pension benefits - Employees age 55 and over

Under changes made by HM Revenue and Customs in 2006, employees can receive pension benefit whilst still holding the job through which this was

accrued. As a result, an employee aged 55 or over whom, with their employers consent, reduces their contracted hours or grade, can apply to receive their accrued pension benefits.

Those employees aged 55 or over, whose application to receive their pension through this route is approved by the Council, will receive their reduced pay (either through a reduction in hours of their existing post or working in a lower graded post) as well as the pension benefit accrued to the point at which the change took effect. This may or may not be actuarially reduced; this will depend on your age and length of service.

5. Key Points to Note

5.1 There may, dependant on individual circumstances, be a cost to the employee (in the form of an actuarial reduction in pensions benefits) through taking the flexible retirement option. They will, however, receive the pension that they would have been entitled to had they fully retired at that point in their working life.

5.2 From the point at which flexible retirement benefits are taken, pension contributions into the LGPS may continue, but this will be treated as a new membership of the scheme. As a result, when the employee finally retires, they will be entitled to a second pension based on this second period of service.

5.3 If the employee finally retires (from this further employment) before age 65, it is likely that pension benefits accrued during this second period of pension scheme membership will be actuarially reduced, although the employee may opt to have payment of pension benefits deferred until they reach age 65.

5.4 An important factor to be considered is that once a pension has been agreed and put into place, it cannot be recalculated and an actuarial reduction, once in place, cannot be rescinded.

There may be circumstances where an employee takes the flexible retirement route and starts contributing to a new pension, but subsequently faces ill health retirement or redundancy. In these scenarios, it is important to seek advice from the pension team on individual circumstances. All employees who are considering the flexible benefits option should look into the possible impact of future events on pension payments over the longer term.

Where flexible retirement cannot be supported on cost grounds
employees should consider what other alternatives might be available to them, such as a straightforward reduction in contracted hours – this should be discussed with the line manager or HR team. Advice on the personal pension implications of any such change is available by contacting the pension helpline (see paragraph 12).

6. Planning Ahead

6.1 Retirement is a key life event and employees may be apprehensive about such a major change. Employees will need to be aware of the guidance that is available to them in good time so that they can make informed choices about their retirement; managers should support employees seeking such guidance. The best time to seek advice will depend on the employee's personal circumstances and when they plan to retire although in normal circumstances it may be helpful to employees to seek initial advice around five years prior to the anticipated retirement date.

6.2 Employees will need to ensure that any decisions that they may make when considering flexible retirement options fully take into account their financial liabilities/commitments. Sources of advice include:

- An independent financial adviser
- Your bank or building society – but who, in most cases, will advise only in respect of their own financial products and services
- Voluntary organisations such as Age Concern (**website:** www.ageconcern.org.uk) and Citizens Advice Bureaux (**website:** www.citizensadvice.org.uk) – particularly in respect of state pensions, benefits and debt management
- NCC Welfare rights (**website:** www.nottinghamshire.gov.uk/benefitsadvice) – benefits entitlements

6.3 Whilst the pensions team will be able to provide you with pension figures should you be interested in taking advantage of the flexible retirement provisions, they will not be able to advise on which particular course of action to take.

7. Pension Implications

Employees may be concerned about the effect of flexible retirement choices on their pension. Further details in terms of the options for early retirement and flexible retirement are contained within the Guide to the Local Government Pension Scheme, copies of which are available by contacting the pension team.

The LGPS is currently the subject of a government review, and the terms and benefits available under the scheme may be subject to change as a result. It is vital that before taking any final decisions employees contact the pensions helpline on **tel:** 0115 846 3333 for more detailed information on their own pension position.

8. Pay

Employees taking up flexible retirement options resulting in their working reduced hours will be paid on a pro rata basis, according to the number of

hours worked. Those moving to a lower graded post will receive payment at the maximum spinal point of the lower graded post; pay protection provisions will not apply in these circumstances.

Employees considering such options should satisfy themselves that their financial commitments can be covered.

9. Leave

Where flexible working options are adopted resulting in reduced hours, leave entitlement will be calculated on a pro-rata basis as set out in the Personnel Handbook. Where a new post has been taken up the new leave entitlement (relating to grade and number of years continuous service) will apply.

10. Continuous Service

Continuous service will be preserved when taking up a flexible retirement option if the employee remains in NCC employment without any break in service.

11. Changes to Contracts of Employment

Where an employee takes up one of the flexible retirement options set out above, all matters relating to changes to contracts of employment and the payment of pensions will be dealt with at the Business Services Centre at Oak House, Ruddington.

12. LGPS Pensions Helpline

Pension scheme members can obtain further information by contacting the Council's pension help line on **tel:** 0115 846 3333.

More information about the local government pension scheme is available on the Nottinghamshire Pension Fund **website:** www.nottspf.org.uk.

13. Pre-retirement Courses

There is a one-day pre-retirement course available for employees approaching retirement age arranged by the Corporate Learning and Development team in the Resources department. Details of the course programme, dates and availability of places are available through the Learning and Development System (LDS).

Part 2: Flexible Retirement – Policy and Procedure

1. The granting of flexible retirement linked to a reduction in hours or grade requires employer consent, which will be at the Council's discretion.
2. Employees interested in applying for flexible retirement should, in the first instance, apply in writing to their team manager. Where a request is received,

the manager will consider the request and discuss it with the employee and seek figures/costs information from the pensions team. When figures have been received, the manager should meet with the employee to discuss these and the options available. The manager should then inform the employee, within 14 days of this meeting, whether the flexible retirement request will be supported. If this timescale cannot be achieved (e.g. where undergoing job redesign and evaluation) the employee should be kept fully informed.

3. Team managers will need to examine each request, by considering the service needs and workload management implications alongside the needs of the employee. In cases where a team manager recommends approval of a flexible retirement request, a flexible retirement business case will need to be prepared to support a formal decision by the relevant service director.

4. Any planned changes to the establishment arising from a flexible retirement request should be subject to trade union consultation.

5. The Council will normally require a minimum reduction in contracted hours of at least one full working day (i.e. 20 percent of contracted hours) for full time employees.

6. A similar minimum reduction of 20 per cent (on a pro rata basis) will normally be required for part time employees.

7. For cases where the granting of a flexible retirement request will result in a pension strain cost to the Council, a reduction of up to 50 percent of contracted hours will normally be required, dependent upon the circumstances of the case.).

8. In cases of disciplinary, attendance management or capability procedures being underway, the Council may decline to consider requests for flexible retirement until any such cases have been fully dealt with (including appeals stages).

9. The Council will not normally consider redesigning jobs with a view to reducing the grade solely to facilitate flexible retirement; exceptions to this may include where this would facilitate the retention of particular skills in areas with recruitment difficulties or where it might meet a temporary service need pending restructure. In such cases the change in grade will be determined through the application of the appropriate job evaluation scheme (which will be done prior to final consideration of the request). Any reduction in grade must be at least one grade band in the Council's pay structure to qualify.

10. Requests to reduce hours/grade may be made where pension is not claimed or where the employee is not a member of the LGPS. Any such requests will be considered on their merit and will be dealt with as variations of contract by mutual agreement.

11. All cases resulting in a cost to the department will be subject to a formal delegated decision by the relevant Service Director. In these cases:

11.1 details of the proposed retirement and any related establishment matters

11.2 cost implications

11.3 service/ongoing workload management implications.

12. All other cases that are supported by managers, for which there is no cost to the employing department, will be subject to a formal decision by the relevant Service Director under delegated powers and recorded on the delegated decision log.

13. If the employee's pension is subject to a reduction for early retirement, then the Council will only consider waiving that reduction (at additional cost to the Council) in exceptional circumstances.

14. Where a flexible retirement request is declined, the employee will be informed by their manager in writing, with the reason for the rejection stated.

15. Any changes to employment under this policy will be permanent in nature and will be subject to acceptance of a new or amended contract of employment, as appropriate. In cases of reduction of hours, terms and conditions will be applied, where applicable, on a pro rata basis.

16. Any employee complaint about the application or outcome of the flexible retirement procedure will be dealt with through the Council's grievance procedure.

17. Where a flexible retirement package based on a reduction in grade is agreed, this will be on the basis of a mutually agreed variation of contractual terms and the Council's pay protection policy will not apply.

18. Where flexible retirement is agreed for an employee already on a protected salary, pay protection will cease when the flexible retirement arrangements commence, as this is a voluntary agreement and the employee will be in receipt of their pension.

Appendix 10:

Nottinghamshire County Council's Policy on the Re-employment or Re-engagement of Former Employees

1. Introduction

This section covers the re-employment or engagement of former employees who have received a redundancy payment from the Authority and/or who are already in receipt of their Local Government Pension Scheme (LGPS) pension benefits.

The re-engagement of former employees can, in some circumstances, provide practical solutions to specific workload/project staffing needs. Former employees will also have a wealth of knowledge about and experience of the organisation.

However, there is a danger that such appointments, if not considered and made through a structured approach, can be seen as nepotism (favouritism; denying developmental opportunities to current staff; circumventing equalities provisions and potentially denying redeployment opportunities to staff at risk of compulsory redundancy).

For those staff leaving on voluntary redundancy, where it is clear there will be an ongoing need for the skills, knowledge and experience of a particular individual, careful consideration should be given to whether the person can be allowed to leave the service on voluntary redundancy. Alternatively, it may be possible to revise the last day of service, to enable suitable contingency plans to be developed. If an employee leaves the service and it is subsequently identified that there was an intention to re-employ and the individual returns after a short space of time then there are potential implications in terms of continuity of employment and the validity of any redundancy payment made.

A balanced judgement is therefore needed, taking all of these issues into account. HR advice must be sought by managers in all cases prior to entering discussions with individuals regarding any opportunity for re-employment. Any such arrangements must also be cost effective and provide best value in the use of Council resources.

2. Inland Revenue - Employment Status

The Inland Revenue requires the authority to determine whether an arrangement with a consultant or contractor constitutes a contract of employment or can be deemed to be on a self-employed basis.

This includes a pro-forma the employing department will need to use to make a judgement, based on the responses to set questions. This determination will need to be made for each and every contract or agreement that is proposed as the decision on status is related to the contract, not to the individual. This

process to determine status must be undertaken before the engagement is agreed and any contract is signed.

Where this process determines that an engagement constitutes a contract of employment, then normal County Council terms and conditions will apply and the work must be paid for at the rate for the job assessed where appropriate through job evaluation. Remuneration arrangements must comply with corporate pay policy.

3. Protocol – short term or consultancy

3.1 It must be clear from the outset as to whether the arrangement is to re-employ through a contract of employment or to engage as a consultant with a contract for service following the relevant procurement process. This relates to employment on a short term or consultancy basis.

3.2 Areas where the re-engagement of former employees may be appropriate include:

- Discrete pieces of work where the ex-employee has the appropriate levels of skill and experience that are not available elsewhere within the Council.
- Where it is more cost effective to re-engage a former employee given their specific experience, skills and knowledge.
- Where there are problems in maintaining authorised staffing levels in a difficult recruitment market.
- Where work of an urgent nature arises at short notice and cannot reasonably be accommodated within existing resources.
- Where it is not possible for the work to be undertaken by retraining, redeployment, acting up arrangements or secondment of staff from elsewhere within the organisation.
- Where there are ad hoc pieces of work where the frequency with which the need arises is difficult to predict, for example, employment or complaint investigations.

Such skills gaps should be addressed in the longer term under the HR strategy through structured workforce planning.

3.3 Such arrangements should be time limited and be subject to appropriate written agreements covering the nature, duration, quality standards for the work to be undertaken and the basis on which the agreement will be terminated.

3.4 The initial consideration for providing cover for urgent work, where there are vacancies/staff absences/unexpected peaks in workload, should be through the use of temporary employment contracts advertised in the normal

manner or through acting up or secondment arrangements made available to existing staff, as appropriate in the circumstances. This should particularly be the case where the work relates to the normal business of the service area concerned, as opposed to defined projects or 'one-off' tasks.

3.5 The final decision on the course of action to be taken should rest with the Corporate Director for the relevant department, having consulted with the Service Director Human Resources and Customer Service. This will be subject to consideration of the particular business case.

3.6 For the purpose of these rules, former employees will be defined as anyone who has previously held a permanent employment contract with Nottinghamshire County Council.

3.7 Re-engagement on a short term or consultancy basis should not be offered to:

- Former employees who were retired prematurely on grounds of ill-health where the conditions for ill health retirement benefits being released still exist as defined by the regulations and rules of the Local Government Pension Scheme (LGPS). Further information on the 3 tiers of ill health retirement can be found in of the Personnel Handbook.
- Former employees who were dismissed for reasons of conduct. Managers should seek the advice of the relevant HR Group Manager when considering the re-employment of a former employee dismissed on the grounds of capability particularly where health has been a factor.
- Former employees whose employment with the Council ended by mutual consent on terms set out in a compromise agreement.
- Former employees who retired on efficiency grounds, where these grounds still affect the ability of the individual to carry out the work in question.
- Former employees where there have been substantiated allegations or findings of harassment and bullying, or where there are known safeguarding concerns.

3.8 Re-engagement on a short term or consultancy basis may be offered to:

- Former employees who resigned and who may have subsequently undertaken paid employment or consultancy elsewhere.
- Employees who were made redundant (either on a compulsory or voluntary basis), subject to an appropriate period of time having elapsed. Normally a minimum of 6 months is proposed as the usual provision, however for urgent work on a time limited basis, a reduced period may be considered provided this period is not less than one month

3.9 Where re-engagement is being considered, Corporate Directors should ensure that:

- The pro forma on employment status has been completed, and that the engagement complies with the Inland Revenue provisions on employment status. Advice should be sought at the earliest opportunity from Financial Services and the relevant HR Group Manager.
- Any proposed re-engagement is in response to a genuine service need and not a response to canvassing.
- Full consideration is given to equality of opportunity and where more than one potential candidate may be available the appointment should follow established recruitment and selection principles.
- The proposed arrangements comply with Financial Regulations requirements on the procurement and use of consultants, (as set out in Section E of the Financial Regulations).
- The individual has been made aware of the need to seek advice on the potential impact of their re-engagement on LGPS benefits (please see [section 4 below](#)).
- The decision to offer re-engagement is robust, able to withstand scrutiny, and that the terms of engagement (including specification of work to be undertaken, duration and payment arrangements) are clearly stated in writing.
- Appropriate records relating to the engagement and work being undertaken are retained.
- The trade unions are informed of any such appointments through the relevant JCNP.

4. Protocol – permanent or longer term re-employment

4.1 Where a former employee who has previously received a voluntary or compulsory redundancy payment, is offered re-employment with the County Council, on a permanent basis or for a period of more than 12 months, consideration will be given to whether part or all of the compensation payment should be recovered. The decision will be at the discretion of the relevant Chief Officer and be based on the following criteria:

- Part or all of the compensatory element of the redundancy payment will be recovered where a former employee is re-employed to do the same or a very similar role to the one they previously undertook.
- Whether the role is at the same or a lower grade than the post previously held.
- Where the individual left on the grounds of voluntary redundancy; the pension will be abated. If the individual was compulsorily redundant consideration will be given on a case by case basis to determine whether in the particular circumstances the pension should be abated.

- A break of at least 4 weeks must elapse before a former employee is re-employed and recovery of part or all of the redundancy payment will be considered for a period of up to 6 months after the last day of service.
- No recovery action will be taken where a former employee is re-employed after 4 weeks have elapsed, in a role of a lower grade than the one previously held, where the vacancy protocol has been applied and no internal candidate(s) has been identified as suitable to fill the role.

4.2 The Local Government Pension Scheme (Administration) Regulations 2008 requires each administering authority to formulate and review its policy concerning abatement (that is, the extent if any, to which the amount of retirement pension payable to a member from any pension fund maintained by it under the Scheme should be reduced or extinguished, where the member has entered a new employment with a Scheme employer, other than one in which he or she is eligible to belong to a teachers' scheme).

4.3 Pension abatement will be considered where a former employee is re-employed on a permanent basis. The decision to abate will rest with the Chief Officer for the employing department in consultation with the Service Director, Human Resources and Customer Service.

4.4 Where a former employee is re-employed on a time limited basis, not exceeding 12 months, and upon the production of a business case explaining the rationale for the re-employment, there will be discretion for Chief Officers not to apply pension abatement.

4.5 Any former employee engaged through a consultancy framework, on a preferred supplier list or on a separately procured consultancy basis, where payment is for a contract for service and not made through an employment contract, will not be the subject of pension abatement.

Appendix 11:

Nottinghamshire County Council's Policy on the Payment of Travelling Allowances

1. Mileage Allowances and Authorised Car Users

1.1. Introduction

Mileage allowances for travelling on authorised County Council business are determined by the authority using HM Revenue & Customs (HMRC) approved rates. There are locally determined rates for motor cycles, and bicycles.

1.2. Determining Authorised Car Users

Authorised car users will ideally have access to transport for the efficient undertaking of duties but are not required to have a vehicle available at all times. Authorised car users will only need to provide transport with advance notice. This designation does give the post holders access to a County Council car loan.

1.3. Disabled employees who are unable to drive because of their disability but who occupy posts designated as authorised car users are allowed to use taxis to carry out their duties. The scheme of taxi hire in lieu of authorised car user allowances applies to both existing disabled employees and those who become disabled.

1.4. General Conditions

Official mileage undertaken from and to the approved base, should normally be undertaken, and claimed, by the shortest available route, unless a standard mileage has been determined for that journey. All car users must be satisfied that travel by car is the most economical, taking into account travelling costs and time away from the office.

1.5. On those occasions where official mileage is claimable from and to the employee's home address, this should normally be undertaken by the shortest available route and must be claimed on the basis of:

- Home address to first call - whichever is the shorter distance between either mileage between home and first call or mileage between approved base and first call.
- Last call to home address - whichever is the shorter distance between last call and home address and last call and approved base.

1.6. Any journey between home and permanent work-base is considered by HMRC to be commuting and is subject to tax and National Insurance Contributions on the full payment.

1.7. Prior permission of the Corporate Director, or a designated officer, must be sought if an employee intends to use their car for a journey beyond 60 miles (120 miles round trip) by the most appropriate route, from the administrative base. Employees should always investigate the use of public transport as their first option for such journeys.

1.8. Where any such approval has not been given, but nevertheless the employee chooses to travel by car, then any travel claim is limited to the cost of public transport. Authorised car users should claim reimbursement via their logbook under 'railway or bus fares'; non-authorised users should claim reimbursement using the appropriate departmental form.

1.9. The reimbursement of parking fees is allowable where the use of public car parks is unavoidable, for example, when no parking facilities are available at the premises being visited and where there is no alternative to a car being used for the journey. Journeys into Nottingham city centre from County Hall or other bases in the immediate area of the City or other urban centres should normally be undertaken by public transport. There may be occasions when, for good and valid reasons, a car has to be used for such a journey and in this event, car parking charges, necessarily incurred, will be reimbursed. Where appropriate, toll-bridge charges may be claimed.

1.10 Mileage claims must only be completed by the employee incurring expenditure and should detail start and finishing mileometer readings (except where standard mileages exist), reasons for all journeys, and places of call. For visits to County Council establishments, the name will normally suffice. However, for non-County Council establishments, it is not sufficient to state simply 'London', more specific details need to be given. Authorised car users must submit their claims on a regular monthly basis. The County Council shall have the right to require an employee to carry official passengers without any additional payment and employees should not use their own cars on journeys where there is room on one of the County Council's vehicles or in the car of another employee making the same journey. As far as possible, employees should travel together to reduce the number of journeys made.

1.11. Tax Position on Car Allowances

Certain travelling expenses claims are regarded by the HMRC as not being wholly exclusively and necessarily in the performance of duties on behalf of Nottinghamshire County Council and tax therefore is deducted at source, i.e. payments are made via the payroll system. If an employee has a temporary work-base for less than 24 months, HMRC sees travel between home and this temporary work-base as business mileage. It is only when the travel is between home and permanent work-base that HMRC sees this as commuting and no tax relief is applicable. The rules regarding these are fairly complex and further information can be obtained from the Financial Services Section.

1.12. Claims and Certification

All claims for payment of mileage, subsistence allowances, travelling and incidental expenses shall be made up to a specified day each month and submitted to the Corporate Director within seven days and certified as 'Head of Department' by an officer designated for that purpose by the Corporate Director. With certain exceptions (see below) a certifying officer must be at a higher level than the claimant, e.g. equal deputies should not certify each other's claims. A Corporate Director's claim should be certified by a senior designated officer for that purpose, on the understanding that the employee so designated shall refer any queries which cannot be resolved with the Corporate Director to the Head of Service for Finance for a ruling; any such unresolved queries on the Head of Service for Finance's claims shall be referred to the Chief Executive. If a Corporate Director has any doubt as to the correctness of any claim they may wish to make, they will refer it to the Chief Executive; the latter will refer to the Leader of the County Council. Otherwise, employees generally will pursue their queries in accordance with arrangements made within the particular department.

1.13. Officers' claims submitted after six months will be paid only with the express approval of the Head of Service for Finance. Late claims will be reduced as follows:

- Between 6 and 12 months' delay - 10 per cent reduction
- More than 12 months' delay - 20 per cent reduction
- More than 2 years' delay. Corporate Director's approval is required.

1.14. Insurance

1.14.1. All employees who use their cars for County Council business should have included and maintained their policy of insurance a clause indemnifying the County Council against all third party claims (including those concerning passengers), arising out of the use of the vehicle on such business. Therefore all employees who use their vehicles or someone else's vehicle, including that of their partner, on County Council business (which would include visiting clients at home or attending day release or other training courses or seminars) must ensure that the relevant motor insurance policy covers the use of this vehicle on County Council business. The certificate of insurance should state the use permitted. Use limited to 'social, domestic and pleasure purposes' will not cover any journey in connection with work. Use 'by the policyholder in person on connection with their business', means that only the person named as policyholder on the certificate of insurance can use the vehicle for County Council business.

1.14.2. Thus, if employees are using a vehicle which is not their own, then this must be specifically stated on the certificate of insurance and it is recommended that the insurance company concerned is contacted to confirm that such use is permitted before the trip commences.

1.14.3. The possible results of using a vehicle without adequate insurance cover could be:

- A breach of the requirements of the Road Traffic Act and a subsequent police prosecution.
- Refusal by the insurance company concerned to deal with the cost of repairing the vehicle being used.
- Refusal by the insurance company concerned to deal with a claim made against the driver arising out of the use of such vehicle.

1.14.4. A No Claims Bonus Protection insurance is available to employees and application forms may be obtained from the Insurance Section, Financial Services.

2. Travelling Allowances for Training Activities

2.1. Travelling Expenses - Day or Evening Classes

Reclaimable expenses are limited to the excess over normal daily home to base expenses. Employees can claim additional mileage at the appropriate rate.

2.2. Block Release, Sandwich or Full Time (Residential) Courses

Reclaimable expenses are limited to the distance from home to the course at the commencement and completion of each period or term and one return journey every fourth weekend during college periods. The allowance will be equivalent to second class rail fare or bus fare. Where employees choose to travel daily to a course which normally would require residence in the locality of the course, they will be paid travelling allowance as if it were a day course, subject to the maximum weekly payment of the sum prescribed for lodging allowances. Payment on this basis will also be made for essential daily journeys between lodgings and the course centre. For details of the latest rates, contact the HR Team for your department.

2.3. Special Provisions for Placement Expenses

Where employees are required to use their cars for placements (e.g. ASCH employees on full time secondment training) which are an integral part of the course, they shall be paid in accordance with the following provisions:

- **NCC mileage rate** for visits to clients.
- **NCC mileage rate** for travel to placement centre from college or lodgings, whichever is the nearer.
- **NCC mileage rate** for travel to college which is in excess of previous home/work mileage.

- **NCC mileage rate** for visits of observation arranged by Course Organisers (in any case where the secondee has no car, the actual cost of public transport to be claimed).

2.4. Externally Organised Training Courses

In attending externally organised training courses employees may reclaim expenses in respect of:

- Daily travel, where the course does not require residence.
- Travel between course venue and overnight accommodation.
- Journey at commencement and completion of the course.
- A return journey home each weekend when attendance at the course is not required.

The allowances will be at the NCC mileage rate.

2.5. Internally Organised Training Courses

Reclaimable travelling expenses are limited to the expenditure in excess of that which would have normally been incurred to attend the employee's normal place of work. Employees can claim additional mileage at the appropriate rate.

2.6. Employees Attending Selection Interviews for Further Professional Training/Membership of Professional Bodies

Employees required to attend for interviews as part of the examination procedure of the various bodies issuing formal approval qualifications, will be paid travelling allowances.

3. Rail Travel

3.1. Any travel by train within mainland UK will usually be standard class fare unless travel by other classes of ticket is cheaper overall. Any councillor or officer requesting first class rail travel must give reasons which shall be recorded in the register referred to in the travel and accommodation policy.

3.2. All journeys by first class travel should be authorised beforehand except on the occasions where a second class compartment is found to be full and an employee transfers their ticket to first class status. In all cases, reimbursement will relate to any available cheap rate or the ordinary return fare, whichever is the less. In cases where it is necessary or advantageous for an employee to travel by air or to hire a taxi or car, the actual expenditure (including gratuities) shall be reimbursed.

3.3. Train tickets should be booked through Members Services.

4. Travel Abroad

4.1. Travel abroad is subject to the approval of the Administration Committee.

4.2. The Insurance Officer in the Financial Services Section must be notified at least four weeks before the proposed visit to make the necessary insurance arrangements. The Insurance Section will always arrange personal accident, loss of baggage etc. insurance for employees and Members travelling abroad. As a matter of course they also advise travellers to obtain an E111 form where relevant. These are obtained from local post offices.

4.3 Accommodation will be booked and paid for by Member Support on behalf of the County Council.

4.4 Subsistence allowance may be claimed for actual reasonable expenses incurred on meals, beverages, transport within the foreign country, laundry, 'phone calls etc.

4.5 The current maximum amount for subsistence per 24 hours for countries within the European Union is £75.00 (plus £10 per day for unreceipted out of pocket expenses).

4.6 For travel to other destinations, Members' Support will calculate a maximum amount for subsistence per 24 hours. That amount will be notified to Administration Committee when approval is sought for the travel to be undertaken.

4.7 The above rates assume that all meals (excluding breakfast) will have to be paid for from the subsistence allowance. If meals are provided as part of the visit and at no personal cost to the Council's representative(s) the daily allowance will be reduced by 20 per cent for each meal provided.

4.8 Receipts must be obtained wherever practicable for all claimable expenditure. Where this is not possible, a written statement will be required from the person making the claim

4.9. Air travel should be arranged prior to departure.

4.10. Where an employee intends to be accompanied (e.g. by their spouse, partner, member of family etc.) on a visit abroad, no cost will fall on the County Council for any expenses other than those to which the employee is entitled under the relevant Conditions of Service.

5. Attending Official Events

5.1. When attending an official event e.g. Chair's reception, travelling allowances will not be paid unless an employee is wholly on duty.

5.2. When attending a funeral, travelling allowances will not be paid unless an employee is attending as an official representative on behalf of the County Council and in which case paid leave of absence is also applicable.

6. Multiple Visits

Where any employee combines a private visit with a duty visit the travelling allowances shall relate only to the expenses which would have been incurred on duty. In such cases, employees should show:

- The mileage which would have been incurred on the duty visit travelling by the shortest possible route and
- Both the actual and what would have been normal times of leaving/return with an appropriate explanatory note

Appendix 12: Nottinghamshire County Council's Policy on the Payment of Subsistence Allowances

1. Eligibility

1.1. As a general principle, employees will be responsible for meeting the cost of their own food and drinks whilst at work. In exceptional circumstances, set out below, employees may submit claims for the reimbursement of expenditure actually incurred beyond the norm.

Reimbursement of expenditure will be on the basis of receipts for costs actually incurred (up to the maximum level agreed by the National Joint Council for Local Government Services), which will need to be obtained by the employees and submitted with claim forms. Details of the maximum levels of reimbursement are available on the County Council's intranet site or from the HR Teams for employees without internet access.

2. Allowances Available

2.1 Reimbursement in respect of any meals may be claimable where an employee has had an overnight stay or other exceptional circumstance. and where approved by the manager, the employee should seek advanced confirmation from their line manager that expenses can be claimed.

3. Details of the Scheme

3.1 The maximum amount for each category of reimbursement will be those as defined by the National Joint Council for Local Government Services. These do not represent fixed allowances, and in all cases reimbursement will be limited to the amount supported by the receipts submitted. The receipt must relate to the day and time of the meal claimed.

3.2 The County Council will not reimburse expenditure on alcoholic drinks or tobacco products in any circumstances.

3.3 Overnight Allowances

Employees are allowed to claim actual costs for absence overnight (bed and breakfast), up to an agreed maximum on the production of receipts. Details of the current rates are available from the County Council's intranet site or from the HR Teams for employees without internet access.

3.4 Submitting a Claim

Subsistence allowances should be claimed in the Travelling Expenses Log Book, in respect of authorised car users, and on the appropriate Travelling and Sundry Expenses Claim Form in respect of non-authorised car users. Times of leaving and returning to base should always be shown when subsistence allowances are claimed.

3.5 Candidates for Interview

Paragraphs 3.1-3.4 shall be applied to candidates interviewed for appointments with the County Council.

3.6 Travel Abroad

3.6.1 Bed and breakfast - actual expenditure incurred.

3.6.2 Other meals and expenses - reimbursement will be based on expenditure incurred subject to a maximum figure determined by the Head of Service for Finance. Receipts must be submitted when claims are made.

3.6.3 The rates apply to journeys to Europe only.

3.6.4 The Head of Service for Finance can vary the rate in respect of journeys outside Europe.

3.7 Out of Pocket Expenses

Out of pocket expenses incurred at residential training courses will be reimbursed in accordance with the relevant Conditions of Service. Claims for courses lasting more than 6 weeks will be the subject of review and will be considered by Corporate Directors. Where the employee has to arrive at the training establishment on the preceding Sunday night and thus will be in attendance for five or more nights they should receive the daily allowance in respect of that night outside of the weekly limit.

3.8 Visits when Accompanied by Spouse/Partner

Where an employee is accompanied by their spouse/partner, no charge will fall on the County Council for any expenses other than those to which the employee is entitled under the Conditions of Service.

Appendix 13

Pay Protection Policy:

In situations where pay protection arrangements are required employees will be offered protection arrangements as follows:

The employee will receive salary protection for a period of two years, but with salary being frozen at the point at which pay protection starts, i.e., employees will not receive any subsequent incremental increases or annual cost of living pay awards. At the end of the protection period the employee will revert to the maximum spinal column point of the substantive grade of their post.

Please see the [Management Guidance on the Application of the Pay Protection Policy \[WORD 44KB\]](#)

Notes

(i) Where employees current (pre-protection) salary includes allowances or other payments for non-standard working arrangements, consideration will be given on a case by case basis as to how these might be reflected in the Scheme of Protection.

(ii) Where other allowances are paid e.g. telephone allowances etc protection will be limited to six months.

(iii) Where an employee is redeployed to a post which has a lower level of annual leave (by reference to the grade and service related annual leave matrix) the higher level of leave will be protected for the duration of the pay protection period. At the end of the protection period, annual leave will revert to the level appropriate for the grade of the post then occupied.

(iv) In all cases, individuals will be encouraged to seek re-deployment at the level of their original post, and will receive support through the redeployment process, should they so wish.

(v) The only exception to these proposals would be in circumstances where, as in LGR, nationally negotiated protection arrangements are proposed. The operation of any such specific protection measures would be the subject of separate consultation with the trade unions at that time.

Appendix 14:

Nottinghamshire County Council's Policy Car Leasing Scheme:

1. Introduction

The County Council operates a car leasing scheme which is optional for all authorised car users. The scheme is not available to occasional casual car users. Employees wishing to apply should study the detailed Employee Guide to the Car Leasing Scheme, which is available from the HR Team for your department.

2. The County Council Car Leasing Scheme

2.1 The scheme provides for the following elements:

2.1.1 Provision of the vehicle.

2.1.2 Number plates.

2.1.3 Servicing of the vehicle at times recommended by the manufacturer.

2.1.4 All necessary repairs and replacement parts except those:

- Needed as a result of accidental, deliberate or negligent damage to the vehicle.
- In respect of accessories fitted after the date of delivery for any reason other than to replace accessories fitted to the vehicle at the date of delivery which are or become defective.

2.1.5 Unlimited tyre replacement and puncture repairs. Cases of obvious tyre abuse will result in the employee bearing the replacement cost.

2.1.6 Replacement batteries and exhausts required as a result of fair wear and tear or faulty manufacture.

2.1.7 Breakdown, recovery and Homestart service. The breakdown and recovery service does not apply to any towed unit. These costs will be the responsibility of the employee.

2.1.8 Road Fund Licence. The employee will not be liable for any increase in the cost of the Road Fund License during the period of hire unless the cost is increased by more than 10% from the commencement of the hire.

2.1.9 The supply during servicing of oil or lubricants recommended by the manufacturer.

2.1.10 The supply of antifreeze either during servicing or each autumn.

2.1.11 A replacement vehicle after 48 hours in the event of a mechanical breakdown, theft or accident damage, where, in the opinion of the Transport Manager, the vehicle is unroadworthy. No undertaking is given to provide a replacement vehicle of the same size, age or standard of the leased vehicle.

2.2 Vehicles Available

All makes of European built cars will be available through the scheme. High performance vehicles will not be provided under the scheme - in this connection final discretion will rest with the Transport Manager who will take into account job requirements. Normally the vehicle supplied will be capable of using unleaded fuel. Diesel cars are also available.

2.3 Insurance

The employee will be responsible for the provision of fully comprehensive insurance with an insurer approved by the County Council which shall include cover for normal social, domestic, pleasure and business use together with glass replacement. The insurance for the vehicle must be taken out and maintained in the name of the employee.

2.4 Business Mileage Claims

Authorised users will claim the mileage rate for business mileage undertaken.

2.5 Taxation of Motor Mileage Allowances

NCC lease cars are seen as company cars by HM Revenue & Customs and depending on the CO2 emissions of the car and the contributions towards private use there may be a taxable benefit that will be deducted against the employees code and will be arrived at using the HMRC company car taxation rules.

2.6 Mileage Bands

Vehicles are available on a wide range of mileage bands to suit individual requirements and the hire agreement will specify the maximum total mileage which the vehicle may cover during the period of the agreement.

2.7 Application Procedure

Eligible employees who, after reading the detailed Employee Guide, decide that they wish to apply for a leased car should determine the make and model of the car required and obtain a quotation from the Transport Manager, Nottinghamshire Contracting, Transport Services, 2 Riverside Way, The Meadows, Nottingham NG2 1DS. **tel:** 0115 9340705, or 0115 9340745 or 0115 9340716

Appendix 15:

Nottinghamshire County Council's Constitution

Part 6c - Employment Procedure Rules

INTRODUCTION

1. The Council has developed these regulations in order to outline the process to be followed when appointing or dismissing employees or taking disciplinary action against employees.
2. These regulations also deal with who has responsibility for changes to staffing structures. Staffing structures specify the number and types of posts that exist in each department.

APPOINTMENT AND DISMISSAL - SENIOR EMPLOYEES

3. The Senior Staffing Sub-Committee is responsible for the appointment and dismissal of, and the taking of disciplinary action against, the following employees (who will be known as "Senior Employees" for the purposes of these regulations):
 - a. Chief Executive;
 - b. Corporate Directors;
 - c. Service Directors;
 - d. where the statutory role of the Head of Paid Service, Chief Finance Officer or Monitoring Officer is held by another post holder, that post holder.
4. The Senior Staffing Sub-Committee will meet as and when required.
5. The appropriate committee Chairman for the post being considered will always be present as a member of the Senior Staffing Sub-Committee. Where the issue being considered relates to the Chief Executive or a Corporate Director, the Senior Staffing Sub-Committee will have a membership of nine; otherwise the Senior Staffing Sub-Committee will have a membership of five.
6. The Senior Staffing Sub-Committee will be required to follow the Council's Recruitment and Selection Policy.

APPOINTMENTS

7. The Council may choose to appoint any of the Senior Employees from an internal pool of candidates or by externally advertising.
8. The Council will draw up a job description and person specification which will be sent to any person on request.
9. The Senior Staffing Sub-Committee will draw up a shortlist of candidates for interview and assessment and will interview all short-listed candidates in

accordance with:

a. the Recruitment and Selection Policy; and

b. the advice of an appropriate HR advisor.

10. The preferred candidate will be offered the post subject to satisfactory references and pre-employment checks.

11. A final decision in respect of the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer rests with Full Council.

12. Where a reorganisation affects the structure/numbers of Senior Employee posts, posts in the new structure will be filled in line with the enabling process agreed at the time. Any competitive interviews will be carried out by the Senior Staffing Sub-Committee in accordance with the enabling process.

DISMISSALS AND DISCIPLINARY ACTION

13. In the case of dismissals, the Senior Staffing Sub-Committee will hear the case against the Senior Employee concerned and the hearing will be conducted in accordance with the Council's Disciplinary Procedure.

14. A final decision in respect of the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer rests with full Council. Full Council will approve such dismissal before the notice of dismissal is issued.

15. The Senior Employee (unless the employee is the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer) will have a right of appeal to the Appeals Sub-Committee in accordance with the appeals process set out in the Personnel Handbook. The Appeals Sub-Committee will be advised by an appropriate HR adviser who has had no previous dealings with the matter.

16. In the case of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, no disciplinary action may be taken until a recommendation has been made following an investigation by a designated independent person. The neutral act of suspension for the purpose of investigating the alleged misconduct can be made by:

a. the Monitoring Officer in relation to the Head of Paid Service; or

b. the Head of Paid Service in relation to the Chief Finance Officer or the Monitoring Officer, in consultation with the Council Leader and Chairman of the Personnel Committee and any suspension will be on full pay and for a period of no longer than two months.

APPOINTMENT OF ASSISTANTS TO POLITICAL GROUPS

17. The appointment of any person as a political assistant must be done in accordance with legislative requirements.

APPOINTMENT, DISMISSAL AND MANAGEMENT OF ALL OTHER EMPLOYEES

18. The appointment, dismissal and management of employees (except Senior Employees) including disciplinary action will be carried out by properly authorised officers of the Council in line with the Recruitment and Selection Policy, other employment policy and procedures agreed by the Council and in compliance with statutory obligations.

EMPLOYMENT POLICIES AND PROCEDURES

19. The Council recognises national collective bargaining and acknowledges the role of national negotiating bodies in agreeing a framework of terms and conditions for local government employees.

20. Regular information will be provided to committees as and when required and requested regarding staffing.

21. The Council will develop and amend employment policies as required.

22. Proposals for new initiatives, for changes to existing employment policies and the development of management guidance will be developed by Personnel Committee.

23. Proposals for new employment policies or changes to existing policies will be subject to consultation and negotiation with the recognised trade unions through the agreed mechanisms as set out in the Employment Relations Agreement as amended from time to time. Following consultation changes to existing employment policies and new policy matters will be considered by Personnel Committee and recommended to Policy Committee for approval.

24. Details of approved employment policies and procedures and any changes will be set out in the Personnel Handbook, policy documents or guidelines as appropriate.

25. The Council will recommend that community schools adopt the Council's approved employment policies and procedures; however the adoption or otherwise of such policies will be a matter for the school governing body, if such responsibility rests with them.

CHANGES TO STAFFING STRUCTURES

26. Changes to staffing structures must be made by the relevant committees unless the post is temporary for less than 3 months. In such cases, the relevant Corporate Director can authorise the appointment (provided that, if the requirement for the temporary appointment continues after this time, the relevant committee's approval will be required).

27. A formal report will need to be presented to the relevant committee and will include the required advice and HR comments.

28. The recognised trade unions will be consulted on all proposed changes to staffing structures and any views given should be fully considered prior to a decision being made.

CHANGES TO STAFFING AND STRUCTURE RECORDS

29. The Business Services Centre (BSC) will maintain staffing and structure records. The Chief Executive and his/her nominees must ensure that any changes to the staffing structures within their departments are notified to the BSC immediately after authorisation via the established procedures.

PAY AND GRADINGS

30. Full Council will approve the Council's annual Pay Policy Statement.

31. For posts occupied by staff employed under the NJC for Local Government Services Agreement, the initial grading and any subsequent re-grading will be determined by the application of either the NJC or Hay Job Evaluation Schemes.

32. The re-grading of existing posts following evaluation using the Hay or National Job Evaluation Schemes will be automatically incorporated into contracts of employment.

33. The grading of new posts needs to be detailed in the reports to the relevant Committee regarding establishing those posts.

34. The re-grading of posts for those employee groups where job evaluation is not applied will require authorisation by the relevant Corporate Director (or their nominee) and will be reported back periodically to the relevant Committee for information.

35. With the exception of honoraria and market factor supplement payments that have been considered through the approved process set out in the Personnel Handbook, there is no discretion to apply extensions of pay above or outside of authorised pay bands. All honoraria and market supplement payments will be reported back to the relevant Committee periodically.

36. As a result of national collective bargaining, the Council will implement national pay awards as agreed by the various national joint negotiating bodies from time to time. The Council will determine a local pay structure comprising a number of salary bands, based on the National Pay Spine, extended as appropriate.

RESOLUTION OF DISPUTES UNDER THE EMPLOYMENT RELATIONS AGREEMENT

37. Arrangements for the conduct of relationships with the recognised trade unions will be set out in the Employment Relations Agreement which is agreed between the parties.

38. The Employment Relations Agreement will incorporate the structure and mechanisms for dialogue, consultation and negotiation with recognised trade unions at both corporate and departmental level and will include joint arrangements for the resolution of disputes including the establishment of a Local Joint Resolutions Committee.

39. A separate process for trade union consultation and negotiation with schools may be agreed directly with the relevant trade unions.