

# Public Document Pack

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12 July 2018

Dear Member,

## **County Council - Friday, 20 July 2018**

Please find enclosed the following document(s) for consideration at the meeting of the County Council on Friday, 20 July 2018 which was unavailable when the agenda was published.

| <b>Agenda No</b> | <b>Item</b> |
|------------------|-------------|
|------------------|-------------|

|            |   |
|------------|---|
| <b>12.</b> | <b>Governance Committee: Staff Appeals Panel - Proposals for Change</b> (Pages 3 - 8) |
|------------|---|

The item was considered by a meeting of the Governance Committee held on 11 July 2018 after the Council agenda had been printed.

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| <b>13.</b> | <b>Governance Committee: Pay Policy Statement 2018/19</b> (Pages 9 - 20) |
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The item was considered by a meeting of the Governance Committee held on 11 July 2018 after the Council agenda had been printed.

Yours sincerely

Tony Kershaw  
Director of Law and Assurance

**To all members of the County Council**

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## **Governance Committee: Staff Appeals Panel – Proposals for Change**

### **Background**

- 1** The arrangements for (a) grievances raised by staff and (b) managing dismissals arising from disciplinary action against staff and through other HR processes are covered in a comprehensive set of policies supported by procedures. These procedures include provision for appeals against decisions.
- 2** Currently Boards of Appeal, made up of members drawn from the Appeals Panel, hear all final appeals against dismissal and the final appeal in relation to the grievance procedure. The Appeals Panel is a sub-committee of the Governance Committee. Each Board of Appeal is made up of between three to five members, drawn from the Appeals Panel of 18 members.
- 3** The numbers of appeal hearings are quite low – around four to six dismissal and one or two grievance appeal hearings per year.
- 4** Outcomes and learning from individual cases are dealt with through reviews by senior officers responsible for the policies and any significant action would be reported to the Chief Executive as head of the paid service. The members of the panel receive training in order to keep up to date with developments in employment law and fair process, internal policies and procedures, so as to ensure that hearings are conducted in a fair and proper manner.
- 5** As members currently provide the last internal forum for appeal, members of boards of appeal can be called to provide evidence at Employment Tribunals where dismissal decisions are challenged. This has, on occasion, necessitated members' attendance at tribunals, and needing to set aside dates scheduled for tribunal hearings even where the hearing is later adjourned or abandoned.

### **Reasons for considering changes**

- 6** The Constitutional position is that the Chief Executive is personally accountable to the County Council for all staff matters, including grievance and disciplinary arrangements. This is because, as a matter of law, the Chief Executive discharges the role of head of paid service. Within the County Council's current arrangements however the Chief Executive plays no part in the hearing or determining of appeals against dismissal or the final stage of staff grievances as these are dealt with through the Appeals Panel. The Council's Monitoring Officer advises that this needs to be corrected.
- 7** Within the context of staff appeals the Boards of Appeal which hear cases are acting as the employer and therefore discharging an executive function – effectively on behalf of the head of paid service. It is not a scrutiny function where members are holding the head of paid service to account for the effectiveness of staff disciplinary or other arrangements. This explains why members of a Board of Appeal may need to be available to act as witnesses should any case be appealed to an Employment Tribunal. This risk, and the fact that the function is an executive one, has also led to a number of members declining to chair a Board of Appeal.

- 8** The absence of a direct role for the head of paid service has also meant that concerns and issues connected with processes which have come before Boards of Appeal are addressed after the event – with Boards of Appeal making representations to the head of paid service following any hearing which has given rise to such concerns. The Chief Executive is responsible for the effectiveness of and compliance with HR policies and procedures but also carries responsibility for developing the culture of the organisation and for ensuring the performance management discipline needed to support it.
- 9** In addition to the potential for having to account for an upheld dismissal before a Tribunal the members of Board of Appeal may also face some challenges where, for example, a dismissal is overturned and a reinstatement ordered. The practical and service implications for this would be outside the control of the Board of Appeal taking such a decision, despite the members acting as the employer. The current arrangement has the potential to create tensions within those lines of accountability with no direct involvement for the head of paid service.
- 10** The role of elected members is to set the outcomes and direction for the Council, to define the policies (including HR policies) through which those outcomes are delivered and to oversee and monitor performance against those defined outcomes, calling out inconsistencies or poor practice when it is seen. These critical member roles can operate alongside operational decision making within the employment context but only if the tensions described above and the current anomalies are addressed.

### **Proposals for change**

- 11** At the recent annual meeting of the Staff Appeals Panel it was agreed that changes should be made as a result of the issues set out above. Accordingly the Governance Committee has considered a number of options which could enable members to continue the role of ensuring the Council's employment arrangements are fair reasonable and well managed. These options offer differing degrees of direct involvement in the decision making in individual cases whilst affording some involvement by the head of the paid service. It is not proposed that any other changes are made to the Appeals Panel. The option of no change would not address the concerns set out above.

#### **Option 1** (recommended by members of the Staff Appeals Panel)

That the Boards of Appeal comprise three elected members and the Chief Executive or his nominee who shall all have equal voting and decision-making rights. Boards of Appeal should normally be chaired by one of the elected members. This would address all of the issues including direct accountability for the outcome jointly by members and the head of paid service, with the latter being able to be responsible for the implementation of decisions and to address any issues that arise from a matter, as well as being available to attend any Tribunal on behalf of the Council.

#### **Option 2**

That the Boards of Appeal comprise three elected members and the Chief Executive or his nominee who shall chair and take the decision as head of paid service, the members acting as advisers or observers. This also addresses all

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of the concerns set out above but does of course provide members with a consultative role rather than one of direct decision making. It does however emphasise the accountability of the head of paid service whilst allowing members direct oversight of individual cases.

**Option 3**

That Boards of Appeal comprise up to four elected members with the Chief Executive or his nominee acting as adviser or observer. This option would fall short in addressing all of the issues set out above as the head of paid service would not be accountable for the decision either in terms of implementation or before a Tribunal. It would also cause potential confusion or conflict with HR and legal advice also being given to the panel by other officers.

- 12** The Committee supports the view of the Staff Appeals Panel which recommended the adoption of Option 1 which was slightly amended by the Committee - to confirm that the membership of Boards of Appeal should be three elected members rather than 'up to three' and that Boards of Appeal should normally be chaired by one of the elected members. The latter change allows for an instance when none of the elected members wishes to chair a particular Board of Appeal. The Committee has also requested that there should be specific training in chairmanship skills for members of the Panel.
- 13** The proposed changes will take effect following the Council meeting, with any amendments needed to policies and procedures being made to give effect to the changes. This will include ensuring that changes keep or bring them in to line with ACAS minimum requirements. The constitution set out in the terms of reference of Boards of Appeal as set out in Part 3 of the Constitution will be updated.
- 14** The proposals do not affect school based staff as they currently do not have a right of appeal to the member appeal panel. It should also be noted that separate arrangements apply in relation to disciplinary action concerning the Chief Executive and members of the Executive Leadership Team as these require member involvement as provided in Council Standing Orders and there is no plan to change those arrangements.
- 15** Arrangements will continue for a regular annual report to be presented to the Governance Committee in relation to its responsibility for overseeing the effectiveness of and compliance with disciplinary and grievance arrangements. This helps to enable the County Council to meet its objectives in terms of staff performance and in meeting corporate expectations in terms of standards of behaviour. It will remain the responsibility of the Committee to consider and approve any changes to policies that may arise from any learning or performance monitoring.
- 16** Enquiries have been made of similar authorities to identify whether the County Council's current and planned arrangements are out of line in terms of member involvement. The information is set out in the table below.

| <b>Authority</b> | <b>Member role</b> | <b>Type of HR process</b>   | <b>Form of member role</b>                 |
|------------------|--------------------|---|--|
| Devon            | Yes                | Dismissal and grievance appeals for statutory chief officers only | To hear chief officer cases                |
| Dorset           | Yes                | Dismissal and grievance appeals for chief officers only           | To act as consultee in chief officer cases |
| East Sussex      | No                 | N/A   | N/A  |
| Essex            | Yes                | Dismissal and grievance appeals for chief officers only           | To hear chief officer cases                |
| Hampshire        | Some               | Staff Dismissal appeals   | Option to sit in on hearings as observer   |
| Herts            | Yes                | Dismissal and grievance appeals for chief officers only           | To hear chief officer cases                |
| Kent             | Yes                | Dismissal and grievance appeals for chief officers only           | To hear chief officer cases                |
| Surrey           | Yes                | Dismissal and grievance appeals for chief officers only           | To hear chief officer cases                |

**17** This shows that no other comparator authorities have elected members hearing grievance or disciplinary matters other than those relating to the senior leadership team. In one authority members are able to observe appeal hearings conducted by the head of paid service or their nominated person.

### **Consultation**

**18** The members of the Appeals Panel met on 15 May 2018 as their annual meeting to review the year's activity and to approve the annual report. The preference of the majority of the members present was for Option 1. Members agreed the need to change for the reasons set out in this paper were keen to maintain the member role in individual case decisions.

**19** Comments from UNISON and FBU were considered by the Governance Committee. Neither union believes there is a case for any change to the existing arrangements and support the retention of the status quo. Of the options available the unions view Option 3 as the most desirable.

### **Resource Implications**

**20** There are no financial resource implications of any of the options for change. The implementation of an option that would include a role for the Chief Executive or his nominee at all staff appeal hearings would mean additional time commitment and would require some planning but should not add to the overall senior staff resource.

**Recommended**

- (1) That the changes to the constitutional arrangements for the Appeals Panel to deal with staff disciplinary or grievance appeals, as set out in Option 1, be approved; and
- (2) That the Discipline and Grievance policies, and other relevant procedures and guidance be amended accordingly.

**Lionel Barnard**

Chairman of the Governance Committee

**Contact:** Tony Kershaw 033022 22662

**Background Papers**

None

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## Governance Committee: Pay Policy Statement 2018/19

### Background

- 1 Each local authority must produce and publish a Pay Policy Statement (the 'statement') explaining its approach to the pay of its staff and the relationship between the highest and lowest paid staff. The statement must be approved annually before 31 March each year prior to the year to which it relates.
- 2 The current statement was approved by the Council at its meeting in February. It has been identified that elements of the statement which relate to certain pay review and pay award arrangements are not aligned to Human Resources policies and arrangements, including the scheme of officer delegations. Changes are therefore required to the previously published statement to ensure pay review arrangements are aligned. It is proposed that the changes take effect from 1 April 2018 when the policy took effect.

### Changes required to the Pay Policy Statement

#### Grading Structure

- 3 The revisions proposed **are set out at Appendix 1**. The changes are evident from the text of the Appendix.
- 4 Section 4 sets out the grading structure and explains the approach to setting and reviewing salaries of more senior officers. The changes provide more explanation of how this system works for each of the levels covered.
- 5 Section 5 deals with pay progression and these changes are also intended to provide better explanation of the arrangements in place for the different staff groups. Superfluous text has been removed.
- 6 Section 6 covers local pay awards and corrects the current description of how this is managed for the more senior appointments so as to be in line with the arrangements that have operated over the last year.
- 7 Sections 8 and 10 deal, respectively, with pay arrangements on appointment and promotion and on termination and the changes take account of some developments in these arrangements and the application of the associated redundancy policy. Some duplication is also removed.

#### Recommended

That the proposed revisions to the text of the Pay Policy Statement, as set out in Appendix 1, be approved.

#### Lionel Barnard

Chairman of the Governance Committee

**Contact:** Clare Jones 033022 22526

**Background Papers**

None

## West Sussex County Council Pay Policy Statement

For financial year 1 April 2018 - 31 March 2019  
As approved by the County Council on 16 February 2018

Proposed amendments July 2018 with additions shown in bold, italic text and deletions struck through.

### 1. Aim of the Pay Policy

- 1.1 The County Council's pay policy aims to ensure value for money whilst enabling the County Council to deliver high quality services to the residents of West Sussex.
- 1.2 The County Council seeks to set pay rates that are competitive, but will determine pay at an appropriate level in accordance with relevant legislation, **overall** affordability, and other relevant factors **in recruiting and retaining its workforce**.

### 2. Governance Arrangements

- 2.1 The Governance Committee determines the terms and conditions of employment for all staff. ~~A summary of the arrangements for determining terms and conditions of service for staff can be found in Appendix A.~~
- 2.2 The Scheme of Delegation provides for the **Director of Human Resources and Organisational Change** a senior officer to manage, review and apply the County Council's Human Resources strategy and policies, and to determine, **with the Chief Executive**, the appropriate pay and conditions for the appointment of staff. The responsibilities of specific members of the Cabinet are as described in this Statement.
- 2.3 **The Chief Executive is required to keep the Governance Committee informed of any matters of significance relating to staff terms and conditions.**

### 3. Scope of the Pay Policy Statement

- 3.1 This pay policy statement meets the statutory duty to provide the County Council with a description of the policy on staff remuneration for annual approval. It provides information on remuneration arrangements for staff directly employed by the County Council, excluding staff in schools.
- 3.2 The County Council defines its lowest paid employees as those staff paid on the first spinal column point of the County Council's pay grades for National Joint Council (NJC) for Local Government Services staff.
- 3.3 The relationship between the remuneration of the lowest paid employees and that of the Council's senior officers is as described in this statement and by reference to the published data **requirements** referred to.

#### 4. Grading, or Fixed Pay Point, Structure

- 4.1 For staff on Strategic Management Grade (SMG) **Tier 1 (i.e. the Chief Executive/Head of Paid Service) a single fixed pay point** and grading is determined by **the Leader, Cabinet Member for Finance and Resources, and Director of Human Resources and Organisational Change using (a) the local SMG job assessment method and (b) reference to benchmarking remuneration arrangements, including Hay evaluation scores, of relevant comparator organisations.**
- 4.2 **For staff on Strategic Management Grades (SMG), Tiers 2 and 3 (i.e. Executive Directors and Directors) a single fixed pay point** and grading is determined by the Chief Executive and the Director of Human Resources and Organisational Change (other than in the case of the Director of Human Resources and Organisational Change – in which case it will be the Chief Executive alone), using (a) the local SMG job assessment method and (b) reference to benchmarking remuneration arrangements, including Hay evaluation scores, of relevant comparators where available. This method applies a number of weighted criteria and internal and external benchmarking. SMG pay is on a single fixed point.
- 4.3 **For staff on Strategic Management Grade (SMG) Tier 4 (i.e. Heads of Service or equivalent posts that report in to a SMG Tier 1, 2 or 3 post) a single fixed pay point within SMG Tier 4 Hay pay range is determined using (a) the HAY job evaluation scheme and (b) reference to benchmarking remuneration arrangements of relevant comparators.** There is no pay range (minimum or maximum) associated with the roles of staff on the Strategic Management, Tier 4 Grades. The salary for each role is determined with reference to job evaluation and taking into account relevant factors, including market pay levels and the skills and experience of the role holder.
- 4.4 **For staff on Hay Grades NJC, Hay and Strategic Management, Tier 4 Grades, the County Council uses established the Hay formal job evaluation scheme to allocate jobs to the appropriate Hay pay grade.**
- 4.5 **For staff on NJC pay grades the County Council uses the NJC formal job evaluation procedures to identify the relative worth of roles within the council and to allocate roles to the appropriate council pay grade.**
- 4.6 For staff appointed on Uniformed Fire Fighters, Chief Officer, Teachers (Centrally Employed), Soulbury and Youth Worker terms and conditions, grading is established using a national framework.
- 4.7 Salaries for staff who have transferred into the authority under Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) or Cabinet Office Statement of Practice (COSOP) arrangements are those applicable at time of transfer and, by agreement, may also be determined in accordance with **the** local pay framework **described above.**
- 4.8 NJC and Hay pay grades are published on the County Council's website.

## 5. Pay Progression

- 5.1 Staff on NJC and Hay grades are eligible for annual incremental increases to base pay until they reach the top of the grade for their role. There is no further base pay progression once the employee reaches the maximum of the grade, with the exception of a small number of staff who retain an entitlement to an additional long service increment, in accordance with the rules of a scheme which is no longer current.
- 5.2 Incremental progression is subject to 'satisfactory' performance **and this will be defined within the Council's Performance Management Policy/Procedure**. ~~An increment may be withheld where an individual is on a formal stage of the disciplinary policy or performance improvement procedure.~~
- 5.3 Pay progression for Uniformed **Fire Fighters** and ~~Rescue Service~~, Teachers (Centrally Employed), Soulbury and Youth and Community Worker roles are based on assessment against national standards and/or terms and conditions of service.
- 5.4 Pay progression for newly qualified social workers is determined by the Continuous Professional Development (CPD) and Pay Progression Policy. Progression is subject to satisfactory completion of an Assessed and Supported Year (AYSE).
- 5.5 Pay progression can also be achieved where an agreed career grade scheme is in place. Employees must satisfy specified criteria.
- 5.6 In exceptional circumstances ~~For some~~ staff increments may be accelerated within an employee's grade at the discretion of the Director **in consultation with the Director of Human Resources and Organisational Change** on the grounds of special merit or ability.
- 5.7 **The pay progression arrangements for** staff who have transferred into the authority **with protected terms and conditions** are those applicable at time of transfer.

## 6. Local Pay Awards

- 6.1 **There is no automatic annual cost of living increase for staff on SMG or Hay grading arrangements.**
- 6.2 **Pay awards for Strategic Management Grade, Tier 1 are determined locally by the Leader and Cabinet Portfolio Holder for Finance and Resources every two-years. Any pay increase will be effective from April 2018; and will be subject to (a) good or exceptional performance determined by the Leader in an appraisal and** performance based on delivery of corporate objectives **and/or (b) reference to benchmarking remuneration arrangements of relevant comparators. Any pay award will follow consultation with the officer concerned.**

### **Chief Executive**

The Chief Executive's base salary is determined annually, by the Chairman, the Leader and the Cabinet Member for Finance and Resources

- 6.3 Pay awards for staff on Strategic Management Grades, Tiers 2 and 3 are determined locally by the Chief Executive **and Director of Human Resources and Organisational Change (other than in the case of the Director of Human Resources and Organisational Change – in which case it will be the Chief Executive alone)**. **Any pay increase will be effective from January 2019; thereafter from April 2020; and thereafter every 2 years. Any pay increase will be subject to (a) good or exceptional performance in an appraisal and performance based on delivery of corporate objectives and/or (b) reference to benchmarking remuneration arrangements of relevant comparators. Any pay award will follow consultation with the staff concerned.**

### **Strategic Management Grades**

Any individual pay award is determined annually by the Chief Executive based on delivery of corporate outcomes set by members and individual objectives set by the relevant line manager.

In cases of individual poor performance the Chief Executive may withhold an annual pay award (even if corporate outcomes have been met).

There is no automatic annual base pay increase for these staff. Pay awards are reviewed on a biannual basis.

- 6.4 The pay awards for staff on Strategic Management Grades, Tier 4, and Hay pay grades are determined locally and are approved by the Chief Executive in consultation **with the Director of Human Resources and Organisational Change**. in consultation with the Director of Finance, Performance and Procurement (S151 Officer), Cabinet Member for Finance and Resources and the Leader. **Any pay award will follow consultation with the staff concerned.**
- 6.5 The pay awards for staff on **Hay pay grades** are determined locally and are approved by the Chief Executive in consultation **with the Director of Human Resources and Organisational Change; and following consultation with the staff concerned and UNISON.**
- 6.6 The total sum available for any pay increase for staff **on SMG or Hay grading arrangements** is decided annually by the Chief Executive, in consultation with the Director of Finance, Performance and Procurement (S151 Officer) **and Director of Human Resources and Organisational Change** who will make a recommendation to the Cabinet Member for Finance and Resources. This is based on consideration of appropriate market and other relevant information, including the performance of the County Council and affordability, and following consultation with the staff concerned and relevant Trade Unions.
- 6.7 In exceptional circumstances; **and as approved by the Leader in the case of SMG Tier 1; and as approved by the Chief Executive in the case of**

**SMG Tier 2 to 4 and Hay grades** - an unconsolidated additional payment may be made to recognise exceptional performance.

- ~~6.8 The annual pay award for staff who transfer into the authority are those applicable at time of transfer and, by agreement, may also be determined locally in accordance with 6.2 above~~
- ~~6.9 The County Council has determined that it will not operate an "Earn-back" scheme (a scheme whereby a proportion of base pay is put "at risk" subject to successful delivery of performance objectives).~~
- ~~6.10 **Staff on Hay pay grades**  
Any annual base pay award is applied as a percentage increase to each grade.~~
- ~~6.11 **Staff transferred into the County Council under TUPE/COSP.**  
  
Any annual base pay award is applied as a percentage increase to each grade.~~

## **7. Market Supplements**

- 7.1 The County Council may pay a market supplement, in addition to base salary, in order to recruit or retain staff with special skills experience or knowledge.
- 7.2 Market supplements are applied, reviewed and withdrawn in accordance with the County Council's market supplement policy which is published on the County Council's website.

## **8. Remuneration on Appointment and Promotion**

- 8.1 It is the County Council's policy to appoint at the minimum of the relevant pay range – **where a pay range as opposed to a single spot pay point exists**, unless:
- the individual is deemed to be immediately capable of performing the role at the optimum level required for the post;
  - the market value for the individual's experience and/or skills demands a higher entry point;
  - appointment above the minimum of the grade is required to ensure pay parity with other employees performing the role, with similar skills and experience; or
  - nationally determined arrangements apply to remuneration on recruitment and promotion.
- 8.2 The Governance Committee has delegated the authority to determine **standard terms and conditions for staff and to delegate to appropriate roles the determinations of salaries on appointments as set out in this Statement.** salaries on appointment for staff on Strategic Management

~~grades Tier 1 and 2, to the Chief Executive, member Appointing Committee or Executive Director, as relevant. A number of relevant factors will be taken into account, including market pay levels, the skills and experience of the appointee and the specific requirements of the role.~~

~~8.3 The County Council has decided that the existing arrangements for determining senior salaries are robust and transparent. Therefore the County Council has decided that a vote on salary packages above a defined threshold prior to appointment would not add to democratic accountability, but would cause delay or place an appointment at risk.~~

~~8.4 In exceptional circumstances, and subject to the Pensions Discretions Policy, additional pension may be awarded in order to appoint or retain an employee. The decision to award additional pension is made by the Director of Finance, Performance and Procurement (S151 Officer), following consultation with the Cabinet Member for Finance and Resources. The Pensions Discretions Policy is published on the County Council's website.~~

## **9. Other elements of the Remuneration Package**

### **9.1 Allowances and Enhancements**

The County Council pays allowances to staff for additional responsibilities and duties as required to deliver services. The Allowances and Enhancements Policy is published on the County Council's Website.

Allowances for Uniformed Firefighters, Teachers (centrally employed by the County Council), Soulbury and Youth and Community Workers are determined in accordance with national arrangements, and as amended locally.

Staff who have transferred into the authority are covered by the applicable terms in place at time of transfer and as amended locally.

The Director of Law and Assurance is the Returning Officer for County Council elections and is eligible to receive election fees for carrying out these duties.

### **9.2 Annual Leave**

Annual leave entitlements vary according to the terms and conditions of employment. Annual Leave entitlements are published on the County Council's website.

### **9.3 Pension Scheme**

Membership is determined by the relevant conditions of service and is subject to the rules of the scheme. The County Council operates the following pension schemes: Local Government Pension Scheme (LGPS), the Teachers' Pension Scheme (TPS) the Teachers' Pension Scheme 2015, the Fire Fighters Pension Scheme (now closed to new entrants) (FPS), the New Fire Fighters Pension Scheme (NFPS) (now closed to new entrants), the



Firefighters' Pension Scheme 2015, the NHS Pension Scheme and the 2015 NHS Pension Scheme.

#### 9.4 **Abatement of Pension**

Staff who are employed or re-employed by the County Council and who are in receipt of pension either under the Local Government Pension Scheme (LGPS), **NHS or Teachers' Pension** or the Fire Fighters Pension Scheme (FPS and NFPS) are subject to the rules on abatement of pension for the relevant **pension** scheme. The Abatement of Pension Policy is published on the County Council's website.

~~9.5 Staff in receipt of an NHS or Teachers' pension are subject to the relevant Pension Scheme Regulations on abatement.~~

### 10. **Termination of Employment**

10.1 The County Council has determined that a vote by the Council on severance payments above a defined threshold is not required. This is due to the fact that the Governance Committee determines all pay policies including those affecting severance payments. ~~All severance payments are paid in accordance with those County Council policies and in compliance with employment legislation.~~

#### 10.2 **Redundancy**

The County Council's policy on redundancy, redundancy payments and re-employment is determined by the Governance Committee and is available on the County Council's website.

~~The County Council's policies on severance payment are as approved by the Governance Committee and set out in the following: the Redundancy Policy, the Policy on Purchase of Award of Additional Pension Membership and the policy for Compensation for Early Termination of Employment which are published on the County Council's website. The Protocol for Mutual Terminations and Settlement Agreements is as approved by the Governance Committee.~~

Staff who have transferred into the authority are covered by the applicable terms in place at time of transfer.

#### ~~10.2 **Early Termination of employment (for reasons other than redundancy)**~~

~~In exceptional circumstances, and subject to the Pensions Discretions Policy, a lump sum compensation payment may be awarded in cases of early termination of employment. The decision to award additional pension is made by the Director of Finance, Performance and Procurement (S151 officer) following, in specific cases, consultation with the Cabinet Member for Finance and Resources or the Director of Human Resources and Organisational Change. The Pensions Discretions Policy is published on the County Council's website.~~

### 10.3 Settlements of employment-related claims

In exceptional circumstances, and specifically so as to settle a claim or potential dispute, the Director of Law and Assurance can agree payment of a termination settlement sum **in consultation with the Director of Human Resources and Organisational Change** and the Cabinet Member for Finance and Resources, if above the limit set out in the Scheme of Delegation. The reasons for the claim being settled and the sum being agreed will be set out in the report to the Cabinet Member.

### 11. Pay Protection

- 11.1 The County Council's pay protection policy is approved by the Governance Committee. The policy provides a mechanism for assisting employees to adjust to a reduction in pay as a result of organisational change, job evaluation or redeployment as a result of ill health or disability.
- 11.2 Staff who have transferred into the authority **with protected terms and conditions** are covered by the applicable terms in place at time of transfer.

### 12. Remuneration of staff on a Contract for Services, or engaged via a third party Agency

- 12.1 The County Council **intends that individuals engaged via** will pay individuals on a Contract for Services **are remunerated** at a rate consistent with pay of directly employed staff performing a comparable role. However the County Council may reflect market factors in **remuneration** pay levels, whilst ensuring value for money.

### 13. Employment Tax

- 13.1 The Council encourages the direct employment of staff and pays them via the payroll system in order to ensure that appropriate deductions for income tax and national insurance contributions are made. However in exceptional circumstances **individuals** staff may be **engaged** employed through a Contract for Services in accordance with the relevant legislation.

### 14. Publication of information on the remuneration of staff; or individuals engaged via Contracts for Service

- 14.1 The County Council publishes information relating to the remuneration of staff over a level defined by Government guidance in the Annual Report and Accounts and on the West Sussex Data Store on the County Council's website. In addition the County Council will publish the pay ratio between the highest paid salary and the lowest salary.
- 14.2 Gender pay reporting **will be** is due to be **published annually in accordance with legislative requirements** for the first time by 30 March 2018.
- 14.3 The County Council will ensure that all of its arrangements for managing personal data in relation to staff contractual, payment and**

***performance arrangements are managed in accordance with all Data Protection legislation and the County Council's current Data Protection Policies. The County Council is committed to ensuring the security and maintaining the confidentiality of all personal staff data.***

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