

# Public Document Pack

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30 August 2019

## **Governance Committee**

A meeting of the Committee will be held at **2.15 pm on Monday, 9 September 2019 at County Hall, Chichester.**

Tony Kershaw  
Director of Law and Assurance

## **Agenda**

### **1. Declarations of Interest**

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such as an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

### **2. Minutes of the last meeting of the Committee (Pages 3 - 6)**

The Committee is asked to agree the minutes of the meeting held on 24 June 2019 (cream paper).

### **3. Urgent Matters**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances.

### **4. Notice of Motion - System of Council Governance (Pages 7 - 10)**

Report by the Director of Law and Assurance.

The County Council at its meeting on 19 July 2019 referred a motion by Dr Walsh on the system of Council governance to the Governance Committee for consideration. Members are asked to consider a response to the motion for submission to the meeting of the County Council on 18 October 2019.

### **5. West Sussex Health and Wellbeing Board Terms of Reference (Pages 11 - 20)**

Report by the Director of Law and Assurance.

The Committee is asked to consider proposed changes to the terms of reference of the West Sussex Health and Wellbeing Board to align with the recently published West Sussex Joint Health and Wellbeing Board Strategy for recommendation to the County Council.

6. **Orbis Public Law Joint Committee** (Pages 21 - 24)

Report by the Director of Law and Assurance.

The Committee is asked to consider the proposal to disband the Joint Committee.

7. **Local Government Pension Scheme Employer Discretions** (Pages 25 - 44)

Report by the Executive Director Resource Services and the Director of Human Resources and Organisational Change.

The Committee is asked to consider the discretions available to the County Council as an employer following the amendments to the Local Government Pension Scheme and introduction of a salary sacrifice scheme, through AVC Wise, to pay additional voluntary contributions.

8. **Report of the Member Development Group** (Pages 45 - 50)

Report by the Director of Law and Assurance.

To receive the regular report on the work of the Group, member development activities and member training and development priorities and plans.

9. **Member Development Group: Membership**

The Committee is asked to appointment a member fill a vacancy on the Member Development Group. A proposal will be available at the meeting.

**Background papers:** None

Contact: Clare Jones 033 022 22526

10. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 p.m. on Monday, 25 November 2019 at County Hall, Chichester.

**To all members of the Governance Committee**

## **Governance Committee**

24 June 2019 – At a meeting of the Governance Committee held at 2.15 pm at County Hall, Chichester.

Present: Mrs Duncton (Chairman)

Mr Acraman, Mr Burrett, Ms Goldsmith, Mr Jones (arrived at 2.20 pm with apologies), Mr Lanzer, Mr Mitchell (arrived at 2.20 pm with apologies), Mr Patel and Dr Walsh

### **12. Declarations of Interest**

12.1 In accordance with the code of conduct, Mr Burrett and Mr Lanzer declared personal interests in the item on the Pension Advisory Board: Business Plan 2019/20, as deferred members of the West Sussex Local Government Pension Scheme. Dr Walsh also declared an interest as a member of the Pensions Panel.

### **13. Minutes of the last meeting of the Committee**

13.1 Resolved – That the minutes of the meeting held on 13 May 2019 be approved as a correct record and that they be signed by the Chairman.

### **14. New National Scrutiny Guidance**

14.1 Following a request from the Performance and Finance Select Committee and a motion approved at the County Council meeting on 7 June 2019, the Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on proposals to review scrutiny in the light of new national guidance and best practice on scrutiny and consider whether any changes should be made to the Council's scrutiny arrangements. The Head of Democratic Services informed members that the possibility of the Centre for Public Scrutiny being asked to do a health check of the Council's scrutiny arrangements was also being explored.

14.2 Members welcomed the report and guidance which they felt was timely in the light of comments about scrutiny in the recent Ofsted inspection report on Children's Services and the recent debate at full Council. The Committee supported the proposed review and accepted that changes were needed in the approach to scrutiny.

14.3 The Leader expressed support for the idea of 'standing panels' as set out in paragraph 58(e) on page 24 of the Statutory Guidance, which she felt would enable members to monitor the impact of changes over a period of time. She also emphasised the importance of members not being overloaded with too much data. Rather than concentrating on looking at decisions in the Forward Plan, she felt it would be better to look at items when they were first proposed so that potential issues could be picked up earlier when they could be most effectively influenced.

14.4 A number of members argued that the Constitution should be amended to require that either the chairman or vice-chairman of a select committee should be from one of the minority parties. It was felt that this would help a select committee focus on being a critical friend. There was also a tendency for the roles to be seen as promotion opportunities in the majority party. It was noted that chairmen and vice-chairmen had a significant role in agenda setting, planning meetings and contributing to the work of the Business Planning Groups which helped to set the approach to scrutiny.

14.5 A comment was also made about public perception of the robustness of challenge when chairmen and vice-chairmen were from the majority party. A suggestion was made that the chairmen and vice-chairmen should be elected by the committee using a secret ballot rather than by full Council on the recommendation of the Leader. However, the Leader commented that it was more about good quality scrutiny, picking up issues early and the culture of select committees and the way they operated.

14.6 A number of other suggestions were made for consideration as part of the review including renaming select committees as scrutiny committees to reflect their function, making sure members appointed to select committees were active contributors to the work of the committee, improving communication of the work of select committees (including through the 'Connections' newspaper) and more focused training. Members also felt there was great value in external witnesses being invited to give an opinion on how services were working.

14.7 Members discussed the best way to carry out the review of scrutiny and it was proposed that a standing panel should be set up comprising seven members of the Council, nominated by group leaders, including one from each of the minority parties, and that was agreed.

14.8 There was a discussion about the timing of the review and when the standing panel should report to the Governance Committee. Members were reminded that there is a Member Day planned for 4 September 2019 to discuss the select committee work programme. As by then the papers would already have been despatched for the September meeting of the Committee, it was suggested that the first report on the review should be to the meeting of the Governance Committee on 25 November 2019 to allow time for the outcome of the Member Day to be considered by the standing panel.

14.9 It was proposed by Dr Walsh and seconded by Mr Jones that the meeting of the Governance Committee diaried for 9 September should be put back to 30 September to allow time for consideration of the results of the Member Day. That proposition was lost. It was proposed by Mr Burrett and seconded by Mr Lanzer that the first report be to the meeting of the Governance Committee on 25 November and that was agreed.

14.10 Some members argued the standing panel should not include any members of the Cabinet to reduce undue influence from the executive. Other members thought it was important to include at least one Cabinet

Member to give a Cabinet perspective on the scrutiny arrangements which needed to work for all aspects of decision-making. It was proposed by Mr Jones and seconded by Dr Walsh that the standing panel should not include a member of the Cabinet. That proposition was lost. It was proposed by Mr Lanzer and seconded by Mr Burrett that the standing panel should include no more than one Cabinet Member and that proposition was carried.

14.11 Resolved -

- (1) That a review of scrutiny, to include consideration of the new statutory scrutiny guidance, issues raised by the recent Ofsted inspection of Children's Services, the suggestions set out in minute 14.6 above and the output of the Member Day to be held on 4 September 2019, be undertaken by a standing panel of the Governance Committee;
- (2) That the standing panel comprise seven members of the County Council, to include a Cabinet Member and one member from each of the minority parties; and
- (3) That the standing panel report to the meeting of the Governance Committee on 25 November 2019.

## **15. Pension Advisory Board: Business Plan 2019/20**

15.1 The Committee considered a report by the Director of Finance and Support Services (copy appended to the signed minutes) on the Pension Advisory Board draft Business Plan and budget for 2019/20.

15.2 Resolved - That the Business Plan and Budget for the Pension Advisory Board for 2019/20 be approved.

## **16. Report of Member Attendance April 2018 to March 2019**

16.1 The Committee was reminded that, as part of its terms of reference, it is required to monitor attendance of members at meetings of the County Council and its committees annually. The Committee was asked to note a report by the Director of Law and Assurance on members' attendance for the period 1 April 2018 to 31 March 2019 (copy appended to the signed minutes).

16.2 It was proposed that in future members' attendance at full Council meetings should show attendance at the morning and afternoon sessions separately and this was agreed.

16.3 Resolved -

- (1) That members' attendance at Council, Committee and other meetings for the period 1 April 2018 to 31 March 2019 be noted; and
- (2) That future reports show members' attendance at morning and afternoon sessions of full Council meetings separately.

## **17. Staff Induction Process**

17.1 The Committee was asked to note a letter from the Chairman of the Regulation, Audit and Accounts Committee (RAAC) on the outcome of RAAC's monitoring of the staff induction process (copy appended to the signed minutes).

17.2 Members noted that the Director of Human Resources and Organisational Change would be reporting to the next meeting of the Committee on staffing matters and the Cultural Board.

17.3 Resolved – that the letter be noted.

## **18. Proposed Delegation to Standards Committee**

18.1 The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) on a proposed delegation to the Standards Committee to receive reports from and review the recommendations of the Local Government and Social Care Ombudsman in any instance where it is proposed that the recommendations are not accepted and to make a final decision on the County Council's response.

18.2 Paragraph 2.3 of the report set out a proposed addition to the terms of reference of the Standards Committee as follows:

'18. To receive reports from and review the recommendations of the Local Government and Social Care Ombudsman in any instance where it is proposed that the recommendations are not accepted and to make a final decision on the County Council's response.'

18.3 Resolved - That the County Council be asked to amend the Standards Committee's terms of reference to include the additional paragraph set out in minute 18.2 above.

## **19. Date of Next Meeting**

19.1 The Committee noted that the next meeting would be held at 2.15 p.m. on Monday, 9 September 2019.

The meeting ended at 3.50 pm

Chairman

<b>Governance Committee</b>	
<b>9 September 2019</b>	<b>Part I</b>
<b>Notice of Motion - System of Council Governance</b>	
<b>Report by Director of Law and Assurance</b>	

### **Summary**

The Committee is asked to consider a notice of motion on the Council's governance system submitted by Dr Walsh to the County Council meeting on 19 July 2019.

### **Recommendation**

That the Committee considers whether or not to support the call for a return to the committee system, for submission to the Council on 18 October 2019 for debate.

## **Proposal**

### **1. Background and Context**

- 1.1 Dr Walsh submitted a notice of motion on the governance system used by the County Council. At its meeting on 19 July 2019, the Council agreed to refer the motion to the Governance Committee for consideration, before debating the motion in October. The text of the motion is as follows:

'The County Council has been found 'inadequate' by HM Inspectorate, in respect of the Fire and Rescue Service, as well as in its provision of Children's Services by Ofsted, where the Government has appointed a Commissioner to run the service. The Member of Parliament for Mid Sussex has written to the Secretary of State for Housing, Communities and Local Government expressing his "grave concerns about the governance of this authority" and asking him "to investigate why things have gone so wrong".

It is abundantly clear to all that there is a systemic failure of political leadership of West Sussex County Council encompassing all our major services, and further evidenced by the high turnover rate of most senior officers at Director level including Chief Executive over the last few years, and the churn of Cabinet Members.

The Council therefore resolves to scrap the current Cabinet system of governance, where most major decisions are taken either by individual Cabinet Members, or occasionally by the whole Cabinet, and to replace it with a Committee-based system, where all councillors play a part in decision making, and for this to be in place by May 2020.'

- 1.2 The committee system is a method of decision-making where a collective group of elected members meet, debate proposals and make decisions, usually in the public domain. Committees are usually politically proportionate. The Chairman of a committee would usually oversee the business of the committee, lead on agenda planning and would have a second or casting vote to resolve tied voting. Committees meet around every two months with published agendas and reports containing recommendations. This method of governance was the predominant method in local government for many years.
- 1.3 The Local Government Act 2000 introduced new systems of governance, including the Leader and Cabinet model for executive decision-making, which was adopted by the County Council and most other local authorities. The committee system was abolished for all but the smallest local authorities. The main aims of the new approach were to speed up decision-making and to identify accountable elected members for areas of council responsibility and to make the system more easily understood by the public.
- 1.4 The County Council implemented the executive and scrutiny model in 2000 and adopted individual decision-making by the Leader and Cabinet Members, making full use of the flexibilities of the Act. The County Council also implemented a proactive scrutiny function of politically proportionate scrutiny committees to sit alongside cabinet member decision-making and provide public scrutiny of major decisions prior to their determination by a cabinet member in addition to the facility to 'call-in' decisions that had not been previously scrutinised.
- 1.5 The Localism Act 2011 amended the Local Government Act 2000 to enable local authorities to revert to the committee system, either if the council itself agreed this, or if a petition of at least 5% of the electorate of West Sussex was received asking the Council to change its governance arrangements.
- 1.6 The Governance Committee considered governance options in January 2012, after the publication of the Localism Act 2011. At the time, the Committee considered that the cabinet system had a number of advantages over the previous committee system, as an efficient, fast decision-making process with clear lines of accountability that could be easily understood and that the scrutiny arrangements provided an effective mechanism for holding the executive to account and enabling all members to influence decisions as they developed.
- 1.7 The Leader and Cabinet executive model is still the most common governance arrangement in local government. Of the 26 two-tier county councils, two operate the committee system. Norfolk County Council went back to the committee system but has since reverted to the Leader and Cabinet executive model. One neighbouring unitary authority, Brighton and Hove City Council, uses the Committee system.

## **2. Proposal**

- 2.1 The Governance Committee is asked to consider the motion and discuss its merits. It should then make a recommendation to the Council on whether or not the motion should be accepted.



- 2.2 The Notice of Motion suggests a link between Governance and service outcomes and quality. The Committee may wish to consider whether such a link is valid or whether other factors apply. The Notice also refers to a turnover of senior staff although the link to governance is not made. There is a reference also to the frequency of changes to cabinet members. That is not necessarily a product of governance and member turnover could just as easily affect committee membership and chairmanship.
- 2.3 It will be for the Committee to decide what factors should be considered when deciding whether a particular governance model is preferable. Such factors could include:
- The timeliness of decision making
  - The benefits and disbenefits of single member accountability
  - The involvement of more members in decision-making
  - Clarity of decision making for residents
  - The resources required to support any model
  - Openness or transparency provided by any model
  - The best way of ensuring the greatest level of elected member influence on decisions and policy making
  - The role of full Council in any system
  - What may make for 'good' decisions
- 2.4 Whilst not specifically included in the Notice of Motion the Committee may also wish to consider whether any changes to the current system should be considered short of its replacement with another model. The Committee is reminded however that there is to be a review of scrutiny at a future meeting of the Committee and following the work of a member panel.

**3. Resources**

- 3.1 There would be likely resource implications from changing the system of governance, which will be investigated if Council agrees the motion in October. This would include the number of special responsibility allowances and their scope, which would have to be reviewed by the Independent Remuneration Panel if the Council decided to change to the Committee system.

**Factors taken into account**

**4. Consultation**

- 4.1 None.

**5. Risk Implications and Mitigations**

Risk	Mitigating Action (in place or planned)
Changes to the system of governance could disrupt current plans and arrangements and lead to delays in decisions.	Increased use of urgent action procedures by officers may be needed during any transition period.

**6. Other Options Considered**

6.1 None.

**7. Equality Duty**

7.1 Not applicable as this relates to an internal matter only at this stage.

**8. Social Value**

8.1 Not applicable as this relates to an internal matter only at this stage.

**9. Crime and Disorder Act Implications**

9.1 Not applicable as this relates to an internal matter only at this stage.

**10. Human Rights Implications**

10.1 Not applicable as this relates to an internal matter only at this stage.

**Tony Kershaw**

Director of Law and Assurance

**Contact:** Charles Gauntlett, 033 022 22524

**Background Papers**

None

<b>Governance Committee</b>
<b>9 September 2019</b> <span style="float: right;"><b>Part I</b></span>
<b>West Sussex Health and Wellbeing Board Terms of Reference</b>
<b>Report by Director of Law and Assurance</b>

### **Summary**

To align with the recently published West Sussex Joint Health and Wellbeing Board Strategy (JHWS), the West Sussex Health and Wellbeing Board has agreed a proposed amended terms of reference which are appended to the report.

### **Recommendation**

That the revised terms of reference for the West Sussex Health and Wellbeing Board, as set out in Appendix 1, be endorsed for recommendation to the County Council for inclusion in the County Council's Constitution.

## **Proposal**

### **1. Background and Context**

- 1.1 The Health and Wellbeing Board (HWB) reviewed, throughout 2018, its Joint Health and Wellbeing Strategy (JHWS) in order to replace the 2015-18 document. The new strategy for 2019-24, sets out the Board's new vision and ways of working and was adopted at the HWB - meeting on 25 April 2019.
- 1.2 The terms of reference were last updated on 24 March 2014 and agreed at County Council on 11 April 2014 and so it was recognised that revision was required to realign with the Board's working arrangements and aspirations as outlined in the JHWS 2019-24.
- 1.3 In revising the terms of reference particular attention was given to representation from the Voluntary Sector. Following engagement with the Voluntary Community Sector (VCS) and the newly formed Voluntary & Community Sector Infrastructure Alliance (VCSI) representation on the Board was increased from two to three for full voting members, consisting of a representative from the Consortium and the Alliance, plus an 'open seat' from the voluntary sector to give expert/subject specialist advice to the two core members, as and when required.
- 1.4 The Board received the proposed new terms of reference at its meeting on 20 June 2019. In considering the terms of reference the Board:

- welcomed the increase from two voluntary sector representatives to three in recognition of the valuable work undertaken by the 3rd Sector; and
- suggested that the Board's accountability should be made clearer within the terms of reference and this was agreed. This was subsequently addressed with a paragraph on accountability within the terms of reference.

1.5 The Board subsequently endorsed the revised terms of reference, as set out at Appendix 1, with the addition of accountability.

1.6 Other changes to note are:

- The West Sussex Health Inequalities Network no longer exists and therefore representation from this organisation has been removed from the terms of reference.
- The Surrey and Sussex Area Team of NHS England withdrew their membership and so representation from this organisation has been removed from the terms of reference. Following their request the Surrey and Sussex Area Team of NHS England continue to receive papers and continue to be consulted with when required.

## **2. Proposal**

2.1 West Sussex County Council's Governance Committee is asked to endorse the Health and Wellbeing Board's revised terms of reference as set out at Appendix 1 for recommendation to the next full meeting of the County Council for inclusion in the County Council's Constitution.

## **3. Resources**

3.1 There are no resource implications identified.

## **Factors taken into account**

### **4. Consultation**

4.1 All Health and Wellbeing Board members which includes Cabinet Member for Adults and Health, Cabinet Member for Children and Young People and the Director of Public Health, were consulted. Members of the VCS and VCSI were also consulted and contributed to the revised terms of reference.

### **5. Risk Management Implications**

5.1 Terms of reference for the Board are required for inclusion in the Scheme of Delegation to define administrative and procedural arrangements for the Board. In the absence of clear terms of reference, the membership and operation of the Board would be open to challenge.

### **6. Other Options Considered**

6.1 None.

**7. Equality Duty**

7.1 An Equality Impact Report is not required for this report because it does not directly impact upon West Sussex residents and relates to internal governance arrangements only.

**8. Social Value**

8.1 This is not applicable for this report.

**9. Crime and Disorder Act Implications**

9.1 There are no implications identified under the Crime and Disorder Act.

**10. Human Rights Implications**

10.1 There are no implications identified under the Human Rights Act.

**Tony Kershaw**

Director of Law and Assurance

**Contact:** Erica Keegan 033 022 26050

**Appendix 1** – Health and Wellbeing Board Terms of Reference

**Background papers**

None

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## West Sussex Health and Wellbeing Board

(Proposed additions are set out in bold, italic text with deletions struck through)

### ***Purpose of the West Sussex Health and Wellbeing Board***

***Health and Wellbeing Boards are central to the objective of an integrated approach to health and social care.***

***Established and hosted by local authorities, health and wellbeing boards bring together the NHS, Public Health, Adult Social Care and Children's Services, Other Partners, including elected representatives and Local Healthwatch to plan how best to meet the health and wellbeing needs of their local population and tackle local inequalities in health.***

***The West Sussex Health and Wellbeing Board (HWB) established under the Health and Social Care Act 2012 is a strategic board which brings together elected members, leaders from the NHS, Local Authorities, Voluntary Sector and other partners to work together to:***

- ***Improve the health and wellbeing of the residents of West Sussex***
- ***Reduce health inequalities of the residents of West Sussex***
- ***Promote the integration of services in West Sussex***

### **Constitution**

~~The West Sussex Health and Wellbeing Board includes representation from all bodies in West Sussex with major responsibilities for commissioning health services, public health or social care. The quorum is a quarter of the members of the Board.~~

### **Members:**

West Sussex County Council

- Cabinet Members whose portfolio responsibilities include:
  - Community ***Development*** Wellbeing
  - Health and Adults' Services
  - Children and Families

Note: the relevant Senior Adviser may attend in place of the Cabinet Member

- Directors with ***commissioning*** responsibility for:
  - Public Health
  - ~~Commissioning Health and Social Care~~
  - Adults' Services
  - Children's Services
  - ***Communities and Public Protection***

West Sussex District and Borough Councils:

***Three*** ~~Two~~ representatives, ***elected members or council officers***, from different ***district and borough councils*** authorities if possible from the north and south of the county (representing both urban and rural areas) ***nominated by the districts***

**and boroughs.**

- ~~• Two elected members or~~
- ~~• One elected member and one chief executive~~

~~West Sussex Health Inequalities Network~~

- ~~• One representative~~

~~Surrey and Sussex Area Team of NHS England:~~

- ~~• One representative, to be drawn from the following:  
Director, Nursing and Quality and Medical Director~~

West Sussex Clinical Commissioning Groups (**CCGs**):

**One senior clinical and one non-clinical representative from each of:**

- **NHS Coastal West Sussex CCG**
- **NHS Crawley CCG**
- **NHS Horsham and Mid Sussex CCG**
- ~~• Coastal West Sussex Clinical Commissioning Group: Three representatives: Clinical Chief Officer, Chairman and Chief Executive~~
- ~~• Crawley Clinical Commissioning Group: Two representatives: Clinical Chief Officer and Chairman~~
- ~~• Horsham and Mid Sussex Clinical Commissioning Group: Two representatives, to be drawn from: Clinical Chief Officer and Clinical Leader and Chairman~~

Voluntary Sector:

- **Three** ~~Two~~ representatives nominated by the Voluntary Sector **through arrangements made by relevant organisations across the county.**

Healthwatch

- One representative

**NHS Providers one representative from each of:**

- **NHS Sussex Partnership Foundation Trust**
- **NHS Sussex Community Trust**

**Observers with speaking rights (Non-Voting) one from each of:**

- **West Sussex Health and Adult Social Care Select Committee**
- **Sussex Police and Crime Commissioner or nominated representative**
- **Chairman of Safeguarding Adults Board (SAB)**
- **Chairman of Local Safeguarding Children's Partnership (LSCP)**

~~Such additional non-voting members from relevant agencies and user groups as are agreed by the Board to assist in achieving the Board's objectives.~~

**Notes**



~~The Chairman of the Health and Wellbeing Board will be one of the County Council Cabinet Members, to be appointed by the County Council. The Board will elect a Vice Chairman annually.~~

~~In any circumstance where a decision is required, the Chairman shall strive to ensure a consensus is achieved. If a vote has to be taken, in the event of an equality of votes, the Chairman shall have a second or casting vote. All members of the Health and Wellbeing Board will be entitled to vote.~~

~~The Health and Wellbeing Board meetings will be held in public.~~

## **Terms of Reference**

- 1. To provide strategic, system-wide Leadership to promote health and wellbeing and reduce health inequalities in West Sussex.**
- 21. To provide a forum for local democratic and public accountability of the NHS, *Public Health*, social care for adults and children and other commissioned services that the Health and Wellbeing Board agrees are directly related to *improving* improved health and wellbeing and *reducing* health *inequalities* equality outcomes in West Sussex.**
- 32. To promote integration, trust and partnership working between the NHS and local government *and other local partners through*, as well as promoting joint working with commissioners and providers of services that impact on wider health *and the wider* determinants *of health and wellbeing*.**
- 43. To *jointly* develop *and approve* a shared understanding of the needs of the local community through a review of the Joint Strategic Needs Assessment (*JSNA*) *and ensure it is a*, the key evidence base to inform *strategic decisions* the priorities of the Health and Wellbeing Board *and its constituent organisations*.**
- 54. To develop *and agree a Joint* an agreed Health and Wellbeing Strategy (*JHWS*) for West Sussex and to review the effectiveness and *scope* degree of integration across the health *and social care* system *in the county*.**
- 65. To establish a relationship with other partnerships such as *the parties to* Joint Commissioning Arrangements, district-level wellbeing partnerships, *Safeguarding Boards/Partnerships and the Safer West Sussex Partnership* and the Start of Life Partnership Board.**
- 76. To consider the effectiveness of health partnership arrangements so as to ensure there is no duplication of activity *in relation to areas of shared responsibility*.**
- 87. To propose recommendations regarding the work of the Health and Wellbeing Board to *constituent member organisations and those they represent*:**
  - West Sussex County Council
  - West Sussex **NHS** Clinical Commissioning Groups (**CCGs**)
  - **District and Borough Councils**

- **Voluntary Sector**
- **NHS Providers**

98. To submit reports and information on the work of the Health and Wellbeing Board ~~for~~ to the scrutiny ~~of~~ **by** of the County Council's Health and Adult Social Care Select Committee or other County Council Select Committees when appropriate. For some specific issues there may be opportunities for joint scrutiny with district and borough councils.
10. **To review the commissioning plans of the West Sussex Clinical Commissioning Groups (NHS Coastal West Sussex CCG, NHS Crawley CCG and NHS Horsham and Mid Sussex CCG) and provide an opinion whether these contribute to the delivery of the Joint and Health and Wellbeing Board Strategy (JHWS).**
11. **To provide advice, assistance or other support as the Board thinks appropriate for the purpose of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006 (arrangements between NHS bodies and local authorities for joint service provision, commissioning arrangements and pooled budgets).**
12. **To undertake and keep up to date the Pharmaceutical Needs Assessment.**
13. **To carry out any other function that may be delegated to the County Council under section 196(2) of the Health and Social Care Act 2012.**
14. **To provide an opinion on whether the County Council is discharging its duty to have a regard to the JSNA and the JHWS in the exercise of its functions.**
15. **To review and approve any other plans or strategies that are required either as a matter of law or policy to be approved by the Board such as Sustainable Transformation Partnerships (STPs) and those related to the Better Care Fund.**

#### **Accountability**

- **The Board is a committee of the local authority and for the purposes of any enactment is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972.**
- **The work of the Board will be available for Scrutiny by the County Council's Scrutiny Committees.**

#### **Conduct of Meetings**

**The Health and Wellbeing Board will meet in public and its agenda and minutes made public accordingly.**

### **Quorum**

***The Board is quorate when there are five members of the Board present and at least one representative from each of:***

- ***West Sussex County Council (Elected Member, Chairman or nominated Deputy)***
- ***Clinical Commissioning Groups (CCGs)***
- ***West Sussex County Council Director***

***Where a meeting is inquorate those members in attendance may meet informally but any decisions shall require appropriate ratification at the next quorate board meeting before they take effect.***

### **Chairman/Chairing the meetings**

***The Chairman of the Health and Wellbeing Board will be one of the County Council's Cabinet Members to be appointed by the County Council. The Board will elect a Vice-Chairman annually from the CCG representatives.***

### **Voting**

***In any circumstance where a decision is required the Chairman shall strive to ensure a consensus is achieved. If a vote has to be taken, in the event of inequality of votes, the Chairman shall have a second or casting vote. All members of the Health and Wellbeing Board will be entitled to vote apart from Observers.***

### **Terms of Reference Review**

***The terms of reference will be reviewed by the Board annually and when required to ensure the Board remains fit for purpose and is able to respond to changes affecting partner organisations and partnership arrangements.***

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<b>Governance Committee</b>
<b>9 September 2019</b>
<b>Part I</b>
<b>Orbis Public Law Joint Committee - discontinuance</b>
<b>Report by Director of Law and Assurance</b>

### **Summary**

The report explains the background to the establishment of a joint committee with Surrey and East Sussex County Councils and Brighton and Hove City Council for the oversight of the shared service partnership for legal services between the four councils.

Earlier this year Surrey County Council decided to withdraw from the project plan whilst that council undertakes an internal review of its service plans. The other Councils have reviewed the project and have moved to a less ambitious plan. This removes the need for a joint committee as the main purpose of the committee was to oversee an integrated service and pooled budget arrangement.

### **Recommendation**

That a recommendation is made to the County Council to discontinue the Orbis Public Law Joint Committee and for it to be removed from the scheme of delegation in the Constitution.

## **Proposal**

### **1. Background and Context**

- 1.1 West Sussex County Council (WSCC), Brighton & Hove City Council (BHCC), East Sussex County Council (ESCC) and Surrey County Council (SCC) agreed in March 2016 to develop a single legal service to provide legal services to each of the four constituent authorities and the wider public sector.
- 1.2 All four authorities faced similar issues. Increasing financial challenges and pressure on resources meant it was harder to recruit and retain lawyers especially in areas of greater specialism or higher demand. Individually, authorities have limited resilience and need to buy expensive external specialist advice and support. It was planned that an integrated service across the four councils would build resilience and save external costs.
- 1.3 The proposals for a formal partnership - leading to an integrated single service model - were scrutinised by Performance and Finance Select Committee and received full support. The partnership was to be structured as simply as possible – with no changes in the employment arrangements for staff and full availability of the service at each location. Teams were to be integrated and the work of the four authorities distributed across the single service, aligning recruitment of staff, ways of working and service systems

and standards. The staffing and resource budgets were to be pooled to limit internal accounting effort, the call on the budget being determined by work levels generated by each partner which were to be fully time recorded.

- 1.4 A joint committee made up of the responsible lead members of each authority was established to oversee the work of the partnership. It has met three times each year to track the implementation of the business plan and to monitor the realisation of benefits. It has met as a public joint committee in accordance with terms of reference approved by each of the four councils. The partners had agreed that April 2019 would be the date for the start of the pooled budget arrangement and a plan for the implementation of service integration was also agreed.
- 1.5 In April 2019 at a meeting of the Joint Committee the representative of Surrey County Council indicated that, due to comprehensive internal service reviews, Surrey's commitment to the joint legal services project would need to be paused. This was subsequently confirmed as a pause of at least one year. As a result of this notification the officers leading the other three authorities commissioned a high level assessment of the viability of the integration plan and the savings it had meant to deliver based on a three authority model. The result showed that the savings could not be realised and that the costs and disruption associated with the integration plan could lead to an adverse financial position for each authority.

## **2. Proposal**

- 2.1 It was agreed between the three other lead officers that a less structured partnership arrangement should be maintained but that full integration and the pooling of service budgets is not likely to provide the benefits planned for the larger partnership.
- 2.2 The partnership will maintain the practical benefits to date:
  - A common case management system
  - A jointly managed framework for external legal services
  - A shared training and cpd programme
  - Links between teams to share knowledge and expertise
  - Sharing costs of common pieces of work
  - Sharing other resources when viable to do so
  - The 'caselines' system for web-based proceedings through the Brighton Care Centre for child protection proceedings
- 2.3 It was also decided that the joint committee could no longer serve a useful purpose. It had been established to provide political oversight of the integrated service and of the pooled budget. The proposal is therefore to discontinue the joint committee. Joint working arrangements will be managed through established operational discussions between the lead officers. The Cabinet Member will be briefed on any developments of any significance.

## **3. Resources**

- 3.1 There are no resources associated with the proposal although there will be a modest saving of time and staff cost associated with the servicing of the three joint committees each year. These tended to be carried by Surrey and

East Sussex County Councils and Brighton City Council within the overall Orbis Partnership governance.

## **Factors taken into account**

### **4. Consultation**

- 4.1 The Cabinet Member for Corporate Relations, as a member of the Joint Committee was fully involved in the initial discussions which led to this proposal.

### **5. Risk Implications and Mitigations**

- 5.1 There are no identified risks associated with the proposal in relation to the joint committee.

### **6. Other Options Considered**

- 6.1 The only other option would have been to maintain the committee to oversee the less structured joint working arrangements now proposed. As these are operational matters with no financial, staffing or policy implications it is not considered that a joint committee will assist as there will be no requirement for joint decisions by the lead members.

### **7. Equality Duty**

- 7.1 No equality duty implications arise

### **8. Social Value**

- 8.1 No social value consequences arise

### **9. Crime and Disorder Act Implications**

- 9.1 None

### **10. Human Rights Implications**

- 10.1 None

**Tony Kershaw**

Director of Law and Assurance

**Contact:** Tony Kershaw x22662

### **Background Papers**

None

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<b>Governance Committee</b>
<b>9 September 2019</b> <span style="float: right;"><b>Part I</b></span>
<b>Local Government Pension Scheme Employer Discretions</b>
<b>Report by Executive Director Resource Services and Director of Human Resources and Organisational Change</b>

### **Summary**

This report considers the discretions available to the County Council as an employer following the amendments to the Local Government Pension Scheme and introduction of a salary sacrifice scheme, through AVC Wise, to pay additional voluntary contributions.

### **Recommendations**

- (1) That the change in regulations, which allows a deferred member to take their retirement benefits from age 55 without the need for their former employer's (County Council's) consent, be noted; and
- (2) That the change in practice, to exercise the County Council's discretion to allow for Shared Cost Additional Voluntary Contributions, be approved.

## **Proposal**

### **1. Background and Context**

- 1.1. On 10 January 2019, The Local Government Pension Scheme (Miscellaneous Amendment) Regulations 2018 came into force. This necessitated the County Council to review its discretions policy to ensure that any amendments were reflected within its policy.
- 1.2 Following the amendment order the Local Government Pension Scheme now allows for a deferred member to request payment of their pension benefits, without the need for their former employer's (County Council's) consent.
- 1.3 As a consequence of this change, some discretions have been removed and others have needed to be amended. These are highlighted in bold, italic text within the discretions policy at Appendix 1, for noting.
- 1.4 The County Council wishes to offer its employees flexibility in how they pay for their Additional Voluntary Contributions (AVCs) and wishes to offer the ability to do this via salary sacrifice and facilitated through a scheme called AVC Wise.
- 1.5 For the County Council to do this, it needs to exercise its discretion to allow

Shared Cost AVCs.

## **2. Proposal: Shared Cost AVCs**

- 2.1 The Local Government Pension Scheme (LGPS) allows for an employee to pay additional voluntary contributions to build up a pot of money, which can then be used to provide additional benefits alongside an employee's LGPS benefits.
- 2.2 All Local Government Pension Funds have an arrangement with an AVC provider (the County Council's is Standard Life) in which an employee who is a member of the Scheme can invest money. The money is deducted directly from an employee's salary before tax is worked out, so if an employee pays tax, they will receive tax relief automatically.
- 2.3 The LGPS also has an option of a Shared Cost AVC arrangement. A shared cost AVC is different to paying AVCs in the standard way because it is a shared arrangement, meaning that both the employee and employer contribute to an employee's AVC Fund.
- 2.4 The County Council would like to offer flexibility to its employees in how they pay AVC contributions, and would like to introduce a salary sacrifice scheme, which is facilitated by AVC Wise.
- 2.5 This would work by the employee paying £1 per month into their AVC fund as their contribution and the remainder of their total monthly contribution amount being paid by the County Council, through a salary sacrifice arrangement (by a reduction in their gross salary).
- 2.6 This means that the employee would make savings in Income tax and National Insurance Contributions and the County Council would make savings on employer National Insurance Contributions on the amount of salary that the employee sacrifices.
- 2.7 To facilitate the AVC Wise salary sacrifice arrangement the County Council would need to exercise its discretion to allow a shared cost AVC. It is therefore proposed that the County Council agrees to the change in its current discretions policy to allow a Shared Cost AVC.

## **3. Resources**

- 3.1 Cost – AVC Wise charges are based on a percentage of the amount of salary sacrificed in the respective invoicing period. The percentage applicable is 4.5% (plus VAT). There is no cost to implement or set up with Capita.
- 3.2 ER NI Savings from the scheme will cover the above cost.

## **Factors taken into account**

### **4. Consultation**

- 4.1 The AVC Wise salary sacrifice scheme is a discretionary employee benefit and there is no requirement to consult with members of the LGPS or the recognised trade unions.

- 4.2 The County Council will engage with current members to inform them of the availability of the scheme once it is implemented. It will also liaise directly with employees who currently have AVCs (but not through a salary sacrifice arrangement) about moving to the new scheme.

**5. Risk Implications and Mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
HMRC comments on any Salary Sacrifice scheme after it has been introduced. The risk of non-compliance is extremely low if not in fact non-existent as AVC Wise is part of a company called PSTax which the County Council uses as its tax advisors. They are experts in these matters and know exactly what the requirements are to satisfy HMRC.	If not compliant – HMRC would advise on how to make the scheme compliant.

**6. Other Options Considered**

- 6.1 Not applicable.

**7. Equality Duty**

- 7.1 Not applicable.

**8. Social Value/Crime and Disorder/Human Rights Implications**

- 8.1 Not applicable.

**Richard Ennis**  
Executive Director Resource  
Services

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Director of Human Resources and  
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**Appendix 1** - WSCC LGPS Employer Discretions Policy

**Background Papers**

None

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# WSSCC LGPS Employer Discretions Policy

## Aim

The Local Government Pension Scheme (LGPS) is a statutory scheme. The rules and regulations governing the scheme are laid down under Act of Parliament.

There are some provisions of the Scheme that are discretionary. Discretionary powers allow employers such as the County Council to choose how, or if, they apply certain provisions.

This document aims to summarise the discretions the County Council exercises as an employer in relation to the Local Government Pension Scheme and has been updated to reflect the new regulations from 1<sup>st</sup> April 2014 and as amended.

## Scope

This policy applies to all employees of West Sussex County Council who are in, or are eligible to join, or have been a member of the Local Government Pension Scheme.

## Who can help?

For any questions relating to this policy please contact Tara Atkins at [tara.atkins@westsussex.gov.uk](mailto:tara.atkins@westsussex.gov.uk)

## Principles

- We will apply the rules of the Local Government Pension Scheme fairly and in a timely fashion.
- We will keep employees informed about changes to their pension scheme.

**The pension discretions within this policy were approved by the Governance Committee on 9 September 2019.**

**All pension discretions will be reviewed at least on a 4 yearly basis, or as and when circumstances change.**

### **Joining West Sussex County Council**

#### **How much will it cost?**

(Determination of Pension Contributions - Regulation 9(2) & 9(3) & 9(4) & A55 (9) of the LGPS regulations 2013)

You will pay between 5.5% and 12.5% of your actual pay which may include overtime. The rate you pay depends on the band you fall into.

Assessment of pay bandings normally takes place on an annual basis each April. Your pension contributions will however be reassessed during the course of the year if you have a change in employment, or where a material change which affects your pensionable pay takes place. If your contribution rate changes as a result, your contributions will be adjusted at the point at which the change occurs.

The decision regarding the timing of the review of the bandings will be reviewed from time to time.

You can find out how much you need to pay by using the LGPS contribution calculator by following the link below;

<https://www.lgpsmember.org/more/contscalculator.php>

#### **Contributions – how much will it cost?**

<https://www.hants.gov.uk/hampshire-services/pensions/local-government/join-lgps/contributions>

#### **When will my pension contributions be deducted?**

(Deduction of contributions from a member's pay - Regulation 85 (1) of the LGPS regulations 2013)

They will be collected from pay on your regular pay day.

#### **What elements of my pay are pensionable?**

(Determination of elements of pay on which pension contributions should be assessed - Regulation 20 (1) (a) & (b) of the LGPS regulations 2013)

Pension contributions must be paid on all the salary, wages, fees and other payments you receive as an LGPS member and any benefit specified in your contract of employment as being pensionable.

Any element of pay that is being paid to you and complies with the definitions as described in the LGPS 2013 Regulations listed above including non-contractual overtime will be regarded as pensionable. Certain payments such as travel and subsistence expenses and pay in lieu of notice are excluded from this.

Only sums that are liable for income tax may be specified as pensionable. Your payslip will show which elements of your pay are pensionable with the letter (P).

### **What happens if my pay is reduced or I go on unpaid leave?**

(Whether a lump sum payment made in the previous 12 months is determined as a 'regular lump sum' for purposes of Assumed Pensionable Pay – Regulation 21(5) of the LGPS regulations 2013 or Whether, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP))

If you have a period of reduced contractual pay or no pay due to sickness or injury or you have a period of relevant child related leave (e.g. maternity/paternity/adoption leave) or reserve forces service leave, the County Council needs to provide the pension fund with the "assumed pensionable pay" you would have received during that time. We will calculate what your pay would have been for the period when you were on reduced contractual pay or no pay.

The assumed pensionable pay is calculated as the average of the pensionable pay you received for the 3 months before the pay period in which you went on to reduced pay or no pay. This figure is then grossed up to an annual figure and then divided by the period of time you were on reduced pay or no pay.

If you received a lump sum payment which was pensionable or the pensionable pay received in relation to employment within the 3-month period mentioned above, is materially lower than the level of pensionable pay you would have normally received, the Principal Pension Consultant (Administration & Employers) will decide whether or not this should be included (lump sum) in the assessment of, or a high level of pensionable pay should be used when calculating your assumed pensionable pay. Each case will be assessed on its merits to ensure that your assumed pensionable pay for the period concerned is not more than you would have received had you not had a period of absence.

### **Can I combine my previous pension benefits to my current period of scheme membership?**

(Extension of period for scheme member to elect to un-aggregate former post 31<sup>st</sup> March 2014 (or combinations of pre and post March 2014) deferred Benefits -Regulation 22 (7)(b) and 22 (8)(b) and of the LGPS regulations 2013, Extension of period for Scheme member to elect to aggregate former Pre 1<sup>st</sup> April 2014 deferred benefits – Regulation 27 of the LGPS (Amendment) Regulations 2018)

If you have previous LGPS pension benefits (deferred benefits) from leaving employment Post 31<sup>st</sup> March 2014, when you re-join the LGPS you have 12 months from re-joining to ask to keep your deferred benefits separate from your new pensions account. If you do not ask to keep your deferred benefits separate, your benefits will be automatically joined with the benefits in your new pensions account (or, where the deferred benefits arose from the ending of another job you in which you were working in addition to your current job, your pension benefits will automatically be joined with the pension account from your on-going job).

If you have previous LGPS pension benefits (deferred benefits) from leaving employment pre 1<sup>st</sup> April 2014 (and have a five year gap), when you re-join the LGPS you have 12 months from re-joining to ask to aggregate (add together) your deferred benefits with your new pensions account. If you do not ask to aggregate your deferred benefits, your benefits will remain separate.

The Principal Pension Consultant (Administration & Employers) will consider an extension to the time limit on a case by case basis if it is clear that you were unable to meet the normal time period due to circumstances beyond your control.

Further information regarding combining your LGPS benefits can be provided by the Pensions Team.

### **Can I transfer my previous pension into the LGPS?**

(Extension of period for a scheme member to elect to transfer previous pension rights- Regulation 100 (6) of the LGPS regulations 2013)

You are allowed to transfer previous pension into the LGPS. Your request to move them must be made within 12 months of starting scheme membership.

The Principal Pension Consultant (Administration & Employers) will consider an extension on a case by case basis if it is clear that you were unable to meet the normal time period due to circumstances beyond your control.

Further information can be found by following the link below.

Transferring previous pension rights into the LGPS

<https://www.hants.gov.uk/hampshire-services/pensions/local-government/join-lgps/transferring-in>

### **During your employment with West Sussex County Council**

#### **Does the County Council have a shared cost Additional Voluntary Contribution (AVC) arrangement?**

(Establishment of a Shared Cost AVC (SCAVC) facility - Regulation 17(1) of the LGPS regulations 2013)

***A shared cost AVC scheme is where the County Council contributes AVCs as well as yourself. The County Council will only exercise this discretion, in line with its corporate policy XXXXXXXX [ADD LINK TO POLICY].***

***The West Sussex Pension Fund has an arrangement with an AVC provider (Standard Life) in which you can invest money. The money is deducted directly from your pay before your tax and National insurance contributions are worked out, so, if you pay tax and NI you receive tax and NI relief automatically. You have your own personal account and you decide how the money in your pot is to be invested.***

<https://lgpsmember.org/arm/already-member-extra.php>

#### **Does the County Council have a shared cost Additional Pension Contribution (APC) arrangement?**

(Establishment of a Shared Cost APC (SCAPC) facility – Regulation 16(2)(e) & (4)(d) of the LGPS regulations 2013)

No, a shared cost APC scheme is where the County Council contributes APCs as well as yourself, when you have chosen to pay additional monies to increase your pension benefits. The County Council does not intend to exercise this discretion.

The LGPS operates an APC scheme where you can purchase extra pension for your retirement (but the County Council will not share the cost of this). If you are in the main section of the scheme, you can pay more in contributions to purchase up to £7,026.00 of extra pension. Any extra pension you purchase is payable each year in retirement and is payable on top of your normal LGPS benefits.



Any extra regular contributions are taken from your pay, which you will receive tax relief on.

You can also pay APCs by a one off lump sum.

For more information regarding APCs, including an online calculator please see the link below.

<http://www.lgps2014.org/content/additional-pension-contributions-apcs>

### **Can I pay contributions following an authorised leave of absence on reduced or no pay?**

(Extension of period for a scheme member to elect to pay for 'lost pension' where the employer contributes two thirds of the cost in respect of a period of absence -Regulation 16(16) of the LGPS regulations 2013)

You can choose to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during a period of unpaid absence (up to a maximum of 36 months) and keep your full benefits in respect of the period you have paid. You can choose to do this at any point that you are contributing to the pension scheme.

You can obtain a quote and print off an application form to buy 'lost' pension at

<https://www.lgpsmember.org/more/apc/index.php>.

If you chose to purchase the amount of 'lost' pension and make the election within 30 days of returning to work the cost of the APC is split between you and the County Council. You will pay one third of the cost and the County Council will pay the rest. The 30 day limit may be extended if it is clear that you were unable to meet the normal time period due to circumstances beyond your control.

You can request an extension from the Principal Pension Consultant (Administration & Employers) who will consider each request on a case by case basis. If the extension is approved they will forward your request together with their agreement to pension services.

### **What happens if I have an industrial injury?**

(Local Government (Discretionary Payments) (Injury Allowances) Regulations, Regulation 3 (Reduction in Remuneration), 4 (Loss of employment through permanent incapacity), 6 (Allowances for pensioners), 7 (Death benefits) and 8 (Considerations in determining amount of allowances) 2011)

<http://theintranet.westsussex.gov.uk/HelpMe/Pages/helpmecontent.aspx?module=wsc&topic=human-resources/hr-policies/health-and-safety&k=Where can I find the the Industrial Injury Allowance Policy and Guidance?&entryid=ind-injury-allowance-policy>

If you have an industrial injury during the course of your work and suffer a (temporary) reduction in pay or loss of employment through permanent incapacity you may be entitled to receive an industrial injury allowance. Each case will be looked at on a case by case basis. You do not have to be a member of the LGPS to receive the allowance.

The County Council does not intend to exercise the above discretion in the event you die as a result of an injury or disease sustained during employment. However if you die in service and are a member of the Local Government Pension Scheme, the LGPS ensures that your family is supported. It provides:

- a lump sum death grant of three years pay, no matter how long you have been a member of the LGPS, provided you are under 75 at the date of death. For part-time employees, it is three times your actual part-time pay;
- an ongoing pension for your husband, wife, civil partner or nominated co-habiting partner. This increases every year in line with the cost of living and is payable for the rest of their life; and
- children's pensions for your eligible children. These increase every year in line with the cost of living.

If you sustain a bodily injury during the course of your work which results in death, an amount of money or benefit may be payable to you under the West Sussex County Council Personal Accident Insurance. Further information can be found in the Insurance Guide on the intranet.

## **Leaving your employment with West Sussex County Council**

### **Can I receive a refund of my contributions?**

(Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund – Regulation 92 of the LGPS Regulations 1997 and Regulation A49(1) & (2) of the Administration Regulations 2007)

If you are entitled under the scheme to receive a refund of contributions, this will be subject to deduction of fund tax and a Contribution Equivalent Premium (CEP) which is the payment to reinstate you into the state scheme as if you had never paid into the LGPS.

This is due to you paying a lower rate of tax and National Insurance contributions whilst paying into the LGPS.

### **Can I convert scheme AVCs into membership credit?**

(Regulation 15(1) (b) of the LGPS (Transitional Provisions and Savings) Regulations 2014 and Regulation 66(9) (b) of the 1997 Regulations)

In certain circumstances you can use your AVC fund to buy membership in the pension scheme. An application should be made within 30 days of leaving. However the Principal Pension Consultant (Administration & Employers) will consider an extension on a case by case basis if it is clear there was no fault on your part for not being able to meet the normal time period.

### **Can I request to take partial/flexible retirement?**

(Whether all or some benefits can be paid if an employee reduces their hours or grade Regulation 30(6) of the LGPS Regulations 2013 and Regulation 11(2) of the (Transitional Provisions and Savings) Regulations 2014 and Flexible retirement and waiving of any actuarial reduction -Regulation 30(8) of the LGPS Regulations 2013)

You can request to take partial/flexible retirement. The County Council will consider your request on a case by case basis. The County Council has a flexible retirement policy to help you phase into your retirement. Partial/flexible retirement lets you continue working on a reduced hours, or reduced grade basis and, depending on when your membership of the LGPS commenced, draw all, part or none of your accrued pension benefits subject to certain qualifying criteria.

To be eligible to make a request for Flexible Retirement under the LGPS regulations, you must:

- Be actively making contributions to the LGPS.

- Be aged 55 or over.
- Have two years or more membership in the local government pension scheme.
- Be taking at least a 20% reduction in your hours and/or your salary.

Flexible Retirement will have a cost attached to it and a business case must be made setting out the reason for supporting the flexible retirement

Further information can be found by following the link below.

Flexible retirement policy;

<http://theintranet.westsussex.gov.uk/HelpMe/Pages/helpmecontent.aspx?module=wsc&topic=human-resources/hr-policies/working-practices&k=Does the County Council allow employees to retire flexibly?&entryid=reduce-hours-before-i-retire>

### **Can I retire early without my employers consent?**

(Whether to 'switch on' the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60- Schedule 2, para 2(2) of the (Transitional Provisions and Savings) Regulations 2014) and Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits pre 1<sup>st</sup> April 2014 membership where the employer has 'switched-on' the 85 Year Rule – Schedule 2, para 2(3)

Yes. The scheme now allows you to retire from age 55 without the need for our consent. However if you retire between 55 and 60 and had protection under what is called the "85 year rule" (i.e. if you add your age and length of service in whole years and this equates to 85) this will not automatically apply in full and your benefits might therefore be subject to actuarial reduction as you will be receiving them earlier than you would have done. The regulations allow us as your employer to 'switch on' the 85 year rule. Your benefits may still be subject to an actuarial reduction, however it may be less than if the 85 year rule was not 'switched on'.

As the County Council would have to meet the cost of 'switching on' the 85 year rule if you chose to retire between age 55 and 60, it will only consider doing so if there are exceptional or compassionate grounds for doing so.

If the County Council chooses to switch on the 85 year rule in your case it then has the discretion on compassionate grounds (as defined in the new regulations) to waive the pre 1<sup>st</sup> April 2014 reduction.

Where this is the case, it would be subject to the approval of the S.151 Officer (and also the Cabinet Member of Finance where there is a cost to the pension fund).

Any costs incurred will be paid for by your service unit.

Further information can be found by following the link below.

Access to Pension on Retirement;

<http://theintranet.westsussex.gov.uk/HelpMe/Pages/helpmecontent.aspx?module=wsc&topic=pensions&k=Where can I find the Access to Pension on Retirement Policy?&entryid=access-to-pension-policy>

### **Will my pension be reduced if I receive my pension benefits early?**

(Whether to waive, in whole or part, actuarial reduction on benefits which a member voluntarily draws before normal pension age – Regulation 30(8) of the LGPS Regulations 2013)

Yes. The County Council does not normally agree to waive the costs of your actuarial reduction, and your pension and lump sum will therefore be reduced as you will be receiving your pension earlier than you would have done.

However, there may be exceptional or compassionate grounds that may justify the County Council waiving the actuarial reduction. Where this is the case, the grounds for doing so must be included in the business case for the early release of pension and is subject to the relevant approval processes.

The County Council will treat each case fairly based on the circumstances and merits of the case.

Any costs incurred will be paid for by your service unit.

Further information can be found by following the link below.

Benefits reduction table;

<http://www.lgps2014.org/content/when-can-i-take-it>

### **If I am made redundant what payments will I be entitled to?**

Regulation 5, 6 – Discretion under the local Government (Early Termination of Employment) (Discretionary Payments) (England & Wales) Regulations 2006

If you are made redundant aged 55 and over, and have at least two years' service you will be entitled to receive immediate payment of your LGPS retirement benefits. These benefits will be made without reduction. If you are aged below 55 when you are made redundant, you cannot receive the immediate payment of your LGPS benefits. They will instead be deferred and will be increased annually in line with the cost of living increase and will become payable from your scheme's normal retirement age (State Retirement Age with a minimum age of 65).

Regardless of your age, the County Council provides an enhanced redundancy payment, to compensate you for loss of earnings if you have two or more years' continuous service (as defined by the Redundancy Payments Modification Order).

Further information can be found by following the link below.

Redundancy Policy and Key Facts;

<http://theintranet.westsussex.gov.uk/HelpMe/Pages/helpmecontent.aspx?module=wsc&topic=human-resources/hr-policies/organisational-change&k=Where can I find the Redundancy Policy and guidance documents?&entryid=redundancy-policy>

### **If my employment is terminated on the grounds of the efficiency of the service will I be entitled to compensation?**

Regulation 6 – Discretion under the Local Government (Early Termination of Employment) (Discretionary Payments) (England and Wales) Regulations 2006

The County Council may choose to pay a lump sum payment, to compensate you, in the event that your employment is terminated on the grounds of the efficiency of the service. The amount of payment will be determined in accordance with the scheme policy and conditions and will not be any more than you would be entitled to if your employment was terminated on the grounds of redundancy.

Full details of the scheme can be found by following the link below.

Compensation for Early Termination of Employment Policy;

[http://theintranet.westsussex.gov.uk/HelpMe/Pages/helpmecontent.aspx?module=wsc&topic=human-resources/leavers&k=In what circumstances do we compensate someone for terminating their employment early?&entryid=contract-compensation](http://theintranet.westsussex.gov.uk/HelpMe/Pages/helpmecontent.aspx?module=wsc&topic=human-resources/leavers&k=In%20what%20circumstances%20do%20we%20compensate%20someone%20for%20terminating%20their%20employment%20early?&entryid=contract-compensation)

### **What happens if my lump sum compensation payment is incorrect?**

(Power to enable employers to decide the steps taken to recover overpayments on lump sum compensation - Regulation 8 Early Terminations of Employment (Discretionary Compensation) Regulations 2006)

If the County Council makes an over, or underpayment of your lump sum compensation, we will let you know. If an underpayment has been made immediate steps will be taken to make the appropriate payment. The Council will also seek to recover any overpayment. In the case of an overpayment the County Council will consider a reasonable time limit for the overpayment to be repaid.

### **How is final pay for fee earners calculated?**

(Final pay period to be used where a member's pay consists of fees Regulation 22(1)(b) of the LGPS Regulations 1997 and Regulation B11 (2) of the Benefit Regulations 2007 and Regulation 3(6), 4(6)(c), 8(4), 10(2)(a) and 17(2)(b) of the (Transitional Provisions and Savings) Regulations 2014

In a few cases the calculation of final pay in the LGPS is based on fees (rather than standard rates of pay). This can apply to scheme members such as Returning Officers who oversee Council elections. The level of fees however can vary over a number of years, which can lead to an unfairly low level of pay if the fees in the final 3 years prior to leaving, or retirement, are lower than those received in previous years.

The S.151 Officer will consider, on a case by case basis, final pay being calculated as the average of all such fees for any three consecutive years ending 31<sup>st</sup> March within the period of ten years ending with the last day you were an active member.

### **If I have a drop in pay is my pension protected?**

(Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (drop in pay/restrictions occurring pre 1<sup>st</sup> April 2008 – Regulation 23(4) of the LGPS 1997 Regulations)

Your final year's pay when you leave the LGPS will still be used to work out your benefits built up before 1 April 2014. This means that any future pay increases will be included in the final pay used to work out these benefits.

The definition of final pay for benefits built up before April 2014 remains the same as it was before the Scheme changed. Your final pay is normally the pay in respect of your final year of scheme membership on which you paid contributions, or one of the previous 2 years if this is higher. This remains so from April 2014.

In addition if your pay is reduced, or increases to your pay are restricted in your last 10 years of continuous employment with us, you continue to have the option to have all your pre April 2014 membership based on the average of any 3 consecutive years' pay in the last 13 years (ending on a 31 March).

If you have a certificate of protection which was issued by us for a reduction or restriction in pay beyond your control before 1 April 2008 and you leave the LGPS within 10 years of the reduction or restriction, then this protection continues to apply after April 2014 for benefits built up in the final salary scheme.

If you failed to apply for a certificate of protection but have subsequently realised that you should have done so, the Principal Pension Consultant (Administration & Employers) will consider issuing a certificate of protection on a case by case basis if it is clear that you were unable to apply at the time due to circumstances beyond your control.

### **Can I receive additional pension?**

(Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency - Regulation 31 of the LGPS Regulations 2013)

Awarding additional pension may be used in exceptional circumstances and only where there are likely to be significant benefits to the County Council.

The County Council can choose to award you an additional pension up to the value of £7,026.00.

Further information can be found by following the link below.

<https://www.westsussex.gov.uk/about-the-council/strategies-plans-and-policies/corporate-policies/pay-policy/>

### **Adjustments to your pension following ill health**

If your employment is being terminated for reasons of ill health and you are in the pension scheme, we must decide whether or not you are entitled to an ill health retirement pension. To help us decide this we need to obtain a certificate from an independent registered medical practitioner who will assess whether "as a result of "ill health or infirmity of mind or body", you are permanently incapable of "discharging efficiently the duties of the employment you were engaged in" and, if so, whether you are not "as a result of ill health or infirmity of mind or body", immediately capable of undertaking any "gainful employment" (see definition below).

The LGPS has 3 tiers of ill-health provision.

- Tier 1: If you are unlikely to be capable of undertaking gainful employment before your Normal Pension Age. (State Retirement Age with a minimum age of 65)
- Tier 2: A) If you are not entitled to Tier 1 benefits. B) are unlikely to be capable of undertaking any gainful employment within three years of leaving your employment; but c) are likely to be able to undertake gainful employment before reaching Normal Pension Age.
- Tier 3: If you are likely to be capable of undertaking gainful employment within three years of leaving their employment, or before Normal Pension Age.

The following discretions relate to the LGPS ill-health provisions.

### **What happens if I am able to work again or the medical advisor deems me fit to work?**

(Determine whether a person in receipt of a Tier 3 ill health pension has started gainful employment – Regulation 37(3) & (4) of the LGPS Regulations 2013 and Recovery of payments following commencement of gainful employment - Regulation 37(3) of the LGPS Regulations 2013)

If you have received an award under tier 3 the County Council has to review your award after 18 months. We cannot continue to pay you a tier 3 award for more

than 3 years, (provided you are not in "gainful employment", or considered capable of undertaking such employment).

You must inform the County Council immediately if you obtain 'gainful employment' at any time between your tier 3 ill health pension award commencing and the expiry of the three years.

For the purposes of a tier 3 award, "gainful employment" is considered to be paid employment for at least 30 hours each week for a contract period of at least 12 months.

As part of a review of a tier 3 ill health award, the County Council may cease payment of the award from the date you gain obtained gainful employment, or were considered by an independent medical adviser as capable of undertaking gainful employment.

Additionally if you are still receiving your tier 3 ill health pension after you have obtained gainful employment, or where a medical advisor has determined you as capable of undertaking gainful employment, the County Council will seek to recover any overpayment made to you.

### **What if my condition has not improved or has deteriorated?**

(Determine whether a person in receipt of Tier 3 ill health pension following review is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health – Regulation 38(3) of the LGPS Regulations 2013)

If you are have a tier 3 ill health pension and your condition has not improved, or has deteriorated, the County Council will decide whether you have an entitlement to a tier 2 ill health pension. A decision to convert your tier three award to a tier two award can be taken at any time and must be no later than 3 years of the date that payment of your benefits under tier 3 has stopped, or before you reach your normal retirement age.

### **Can I receive my pension benefit early?**

(Whether to 'switch on' on the 85 year rule upon the voluntary early payment of a suspended tier 3 ill health pension -24(a), 30(a), 30(c), 30€ and 30(f) of the GPS (Amendment) Regulations 2018 , Determine whether a tier 3 member is permanently incapable of undertaking any gainful employment - B31(7) of the Benefits Regulations 2007 and Choice of payment of pension: pensioner member with deferred benefits-B30A(3) of the Benefits Regulations 2007 and Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid under B30A – Regulation B30A (5) of the Benefit Regulations 2007)

This only applies if you stopped paying into the pension scheme on or after 1<sup>st</sup> April 2008 but before 1<sup>st</sup> April 2014.

***If your tier 3 ill health pension has been stopped, you can voluntarily request payment of your benefits on or after age 55 without the need for our consent.***

***However if you voluntarily request payment between 55 and 60 and had protection under what is called the "85 year rule" (i.e. if you add your age and length of service in whole years and this equates to 85) this will not automatically apply in full and your benefits might therefore be subject to actuarial reduction as you will be receiving them earlier than you would have done. The regulations allow us as your previous employer to 'switch on' the 85 year rule. Your benefits may still be subject to an actuarial***

***reduction, however it may be less than if the 85 year rule was not 'switched on'.***

***As the County Council would have to meet the cost of 'switching on' the 85 year rule if you chose to voluntarily request payment of your stopped tier 3 ill health pension between age 55 and 60, it will only consider doing so if there are exceptional or compassionate grounds for doing so.***

The County Council may choose to waive, on compassionate grounds, the actuarial reduction applied to benefits payable where your tier 3 ill health pension was stopped, and you have voluntary requested payment before age 65.

Each case will be considered fairly based on its circumstances and merits and is subject to approval by the S.151 Officer and Cabinet Member for Finance.

Any cost to the pension fund will be met by the relevant service.

### **Early payment of Deferred Benefits**

You can choose to take your deferred benefits early from age 55 without the need for the County Council's consent.

#### **Can I receive my deferred pension early?**

(Whether to 'switch on' on the 85 year rule upon the voluntary early payment of deferred benefits -24(a), 30(a), 30(c), 30€ and 30(f) of the LGPS (Amendment) Regulations 2018, Whether to grant pre 1<sup>st</sup> April 1998 leavers early payment of their deferred benefits on or after age 50 on compassionate grounds – Regulation D11(2)(C) of the LGPS Regulations 1995)

***Yes. The scheme now allows you to request payment of your deferred pension from age 55 without the need for our consent. However if you retire between 55 and 60 and had protection under what is called the "85 year rule" (i.e. if you add your age and length of service in whole years and this equates to 85) this will not automatically apply in full and your benefits might therefore be subject to actuarial reduction as you will be receiving them earlier than you would have done. The regulations allow us as your previous employer to 'switch on' the 85 year rule. Your benefits may still be subject to an actuarial reduction, however it may be less than if the 85 year rule was not 'switched on'.***

***As the County Council would have to meet the cost of 'switching on' the 85 year rule if you chose to request payment of your deferred benefits between age 55 and 60, it will only consider doing so if there are exceptional or compassionate grounds for doing so.***

The County Council may choose to waive, on compassionate grounds, the actuarial reduction applied to benefits payable where you have requested payment of your deferred pension before age 65.

Where this is the case, it would be subject to the approval of the S.151 Officer (and also the Cabinet Member of Finance where there is a cost to the pension fund).

Any costs incurred will be paid for by your service unit.

If you left before 1<sup>st</sup> April 1998, the LGPS allows for you to apply to the County Council for payment of your pension on compassionate grounds between age 50 and 55.



Under the Finance Act 2004, any pension paid before the minimum pension age of 55 (unless on the grounds of ill health) are subject to an unauthorised payment charge.

The County Council will not therefore agree to bring your deferred benefits into pay early, before age 55 on compassionate grounds.

### **Can I receive my deferred pension early due to my poor health?**

(Decide whether a deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria – Regulation 31(4) of the Benefits Regulations 2007 and 38(3) of the LGPS Regulations 2013)

The Principal Pension Consultant (Administration & Employers) will decide whether or not you can receive your deferred pension early. To help him/her make this decision he/she has to obtain a certificate from an independent registered medical practitioner to determine:

Pre 31<sup>st</sup> March 2014 leavers

Whether you are suffering from a condition that renders you “permanently incapable of discharging efficiently the duties of the relevant employment because of ill-health or infirmity of mind or body” and, if so, whether as a result of that condition you have “a reduced likelihood of being capable of undertaking any gainful employment” before reaching normal retirement age, or for at least three years, whichever is the sooner.

Post 31<sup>st</sup> March 2014 leavers

Whether you are suffering from a condition that renders you “permanently incapable of discharging efficiently the duties of their former employment because of ill-health or infirmity of mind or body” and, if so, whether as a result of that condition you are “unlikely to be capable of undertaking any gainful employment “before reaching normal pension age, or for at least three years, whichever is the sooner.

### **Internal Dispute Resolution Procedure (IDRP)**

#### **What do I do if I don't agree with a decision that has been made regarding my pension?**

(Decide procedure to be followed by adjudicator when exercising stage one IDRP functions – Regulation 74(4) of the LGPS Regulations 2013) (Whether to extend six month period to lodge stage on IDRP appeal – Regulation 74(6) of the LGPS Regulations 2013)

If we have taken a decision in relation to your membership of the LGPS which you are not satisfied with you have the right to use the Internal Dispute Resolution Procedure (IDRP). Similarly, if you believe that we should have taken a decision in relation to your membership of the scheme and that our failure to do so, means that you have been adversely affected, you have the right to use the IDRP.

The formal complaint procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make is treated seriously, and considered thoroughly and fairly.

At any stage during the formal complaint procedure you can contact the Pensions Ombudsman for information and advice.

Please remember that, before going to the trouble of making a formal complaint, the Pensions Team will welcome the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth checking again that they know you are concerned, and why.

If you have been unable to resolve the situation with the Pensions Team and need to make a formal complaint you should make it in writing, within six months of the day you were told the decision you want to complain about, to the Principal Pension Consultant (Administration & Employers) if the decision was taken by us, and The Pensions Operations Manager for a decision that was taken by the Pensions Team.

The Principal Pension Consultant (Administration & Employers) will consider an extension to the time limit on a case by case basis if it is clear that you were unable to meet the normal time period due to circumstances beyond your control.

For further details of the Pensions Ombudsman and a copy of the Internal Dispute Resolution Procedure (IDRP) please see the following link.

<https://www.westsussex.gov.uk/about-the-council/pensions/local-government-pension-scheme-lgps/compliments-and-complaints-about-lgps-membership-and-benefits/>

### **Loss of pension rights as a result of a fraudulent offence of grave misconduct**

#### **Is my pension benefit affected if I leave employment due to a fraudulent offence or grave misconduct?**

(Payment of a refund of contributions in misconduct cases and Forfeiture of pension rights as a result of offences or misconduct – Regulation 88(2), 111(2) & (5), 112(1), 113(2), 115(2) & (3) of the LGPS 1997 Regulations and Regulation A47(2), A72(1) (3), A73(1) (2), A74(2), A76 (2) (3) of the Administrations Regulations 2008 and – Regulation 19(2), 91(1) (4) (8), 92(1) (2), 93(2), 95 of the LGPS 2013 Regulations)

If you leave your employment with West Sussex County Council due to a fraudulent offence, grave misconduct, negligence, or any work related criminal offence that results in financial loss to the County Council, the County Council will, in exceptional circumstances, seek to reduce the value of your pension benefits commensurate with the offence.

There is no automatic entitlement to a refund on your pension contributions, if you leave your employment with less than 3 month's scheme membership, as a result of a fraudulent offence or grave misconduct and the County Council would seek to withhold any such amount where considered appropriate.

Each case will be referred to the S.151 Officer for consideration with advice provided by the Head of Human Resources.

### **Following your death**

#### **If I received compensatory added years how will my surviving spouse's compensatory added years be paid?**

(Joint entitlement to spouse's compensation (polygamous marriages). Regulation 21(4) Early Termination of Employment (Discretionary Compensation) Regulations 2000

Surviving spouses or civil partners annual compensation payments will be split on an equal share basis in the event that you are survived by more than one spouse or civil partner.

**Will my spouse receive annual compensation on re-marriage or cohabitation?**

(Suspension of spouse's compensation during a period of remarriage or Cohabitation. Regulation 21(5) & (7) Early Termination of Employment (Discretionary Compensation) Regulations 2000)

The County Council will continue payment of a spouse's compensation to existing pensioners, as well as to new pensioners, who remarry or cohabit after 31<sup>st</sup> March 1998.

**How will my children's compensation payment pension be paid?**

(Payment and apportionment of children's compensation -Regulation 25(2) Early Termination of Employment (Discretionary Compensation) Regulations 2000)

Eligible children's annual compensation payments will be paid on an equal share basis.

**Will the extra contributions I was making between 1972 to 1988 count towards my widower's pension?**

(Women with membership before 6th April 1988. Regulation 9 LGPS (Transitional provisions) Regulations 1997).

Women who were making extra contributions to update their service from 1972 to 1988 for widower's pension purposes we will count this period in full without any further contributions. Women who marry after 31<sup>st</sup> March 1998 who have 1972-1988 service will also be allowed to count the relevant period in full for this purpose.

WSCC LGPS Employer Discretions Policy

Date published – December 2017, updated July 2019

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<b>Governance Committee</b>
<b>9 September 2019</b> <span style="float: right;"><b>Part I</b></span>
<b>Report of the Member Development Group</b>
<b>Report by Director of Law and Assurance</b>

### **Summary**

The Member Development Group (MDG) is the custodian of all aspects of the member role and has responsibility for managing the member development process. It is a sub-group of the Governance Committee.

This report provides information on the South East Employers Charter for Elected Member Development; what it is and what the benefits will be to the Council and to members.

The last report to Governance Committee on 13 May 2019 provided an overview of member development activity during the whole of 2018-19. An update on safeguarding training for members during the same period is provided. This report also provides a summary of spend on member training during 2018-19. An overview of member development activities and attendance during 2019-20 is given, which include details of upcoming member development sessions.

### **Recommendation**

- (1) The Governance Committee supports the intention to undertake the South East Employers Charter for Elected Member Development.
- (2) That all other matters in the report be noted.

## **1. Background and Context**

- 1.1 The Member Development Group (MDG) is the custodian of all aspects of the member role and has responsibility for managing the member development process. This includes the programme of all-member sessions that run over the municipal year and an induction programme following elections every four years. MDG is also responsible for wider development activity including member training, skills development and obtaining feedback on the member role.
- 1.2 This report provides information on the South East Employers Charter for Elected Member Development; what it is and what the benefits will be to the Council and to members.
- 1.3 The last report to Governance Committee on 13 May 2019 provided an

overview of member development activity during the whole of 2018-19. An update on safeguarding training for members during the same period is provided. This report also provides a summary of spend on member training during 2018-19. An overview of member development activities and attendance during 2019-20 is given, which include details of upcoming member development sessions.

## **2. Charter for Elected Member Development**

2.1 At its meeting on 10 June 2019, MDG welcomed Mark Palmer, Development Director for South East Employers (SEE), who gave a presentation on the Charter for Elected Member Development. The aims of the Charter are to provide the Council with a robust framework for continued professional member development, with the emphasis on ensuring that all members are appropriately developed and supported, so that they can be effective in their roles.

2.2 Key indicators for the County Council would be:

- That there is a clear commitment to councillor development and support – MDG has given commitment to undertaking the Charter and Governance Committee is asked to support this.
- The council has a strategic approach to councillor development .
- Learning and development is effective in building councillor capacity.

2.3 The benefits of the Charter to members would be:

- Development has a clear, strong relevance to current challenges and opportunities and the achievement of strategic objectives.
- A robust analytical, evidence-based approach to members' needs means they are better identified, understood and addressed.
- Members are given the skills, knowledge and confidence to lead, serve and contribute more effectively.
- The integration of new members into the Council is accelerated.
- Succession planning, diversity and cultural behaviours are embedded in the strategic process.

2.4 The LGA is supportive of the Charter. In the south-east 18 Councils have achieved Charter status to date.

2.5 There is a five stage approach to the Charter:

- Stage 1 – Commitment from the Council; self -assessment - identifying gaps and evidence, and setting target dates.
- Stage 2 – Preparing the application; implementing an action plan.
- Stage 3 – Assessment by external peers (members and officers), including the portfolio of evidence.
- Stage 4 – Award of the certificate; report, including a 3-year plan.
- Stage 5 – Three-year Charter recognition, including an 18-month interim review and implementing recommendations.

2.6 MDG agreed that the Council should undertake the Charter for Elected

Member Development because it will be beneficial in placing a stronger focus on member learning and development and the member role, and will provide a strategic and structured approach, providing clear benefits to members and the Council. It is anticipated that the process of achieving Charter status will take approximately 18 months.

- 2.7 The MDG Working Group will take forward the initial stages of assessment during its work on Phase 2 of the Journey to the 2021 Elections, which is focusing on the member role.

### **3. Members' Health and Wellbeing**

- 3.1 At its meeting on 10 June 2019, MDG received a presentation from Anna Raleigh, Director of Public Health, focusing on healthy meetings, what they are and how they matter. MDG noted and discussed the following:

- Water and de-caff alternatives for hot drinks should be made available. Consideration should be given to stopping the provision of fruit juices due to the high sugar content.
- Fruit and veg should be the default snacks, rather than biscuits, pastries and cakes.
- For all day meetings, consideration should be given to healthy lunches (e.g. jacket potatoes).
- Prioritising regular comfort breaks, breaks and lunch are important.
- Moving and stretching in meetings is important.
- Walk and talk meetings can be a positive alternative for meetings of up to three people.
- Good room temperature and light are needed.
- Call conferencing can be a useful alternative to travelling to a meeting, particular for those needing to travel long distances.
- Promoting the use of car-pooling is environmentally friendly.
- Sending out papers in advance should help reduce meeting times.
- Starting and finishing on time is very important.
- Being clear on what is required from agenda items can keep the meeting moving.

- 3.2 MDG agreed that healthy meetings information should to be shared with all members, which will be disseminated via the Members Information Service newsletter.

### **4. Safeguarding Training During 2018/19**

- 4.1 As agreed by Governance Committee in May 2018, all members are required to complete safeguarding training (on both adults' safeguarding and children's). Four safeguarding sessions were offered to members during 2018-19 and overall 43 members have completed safeguarding training since May 2017. Group Leaders are informed of attendance figures for monitoring purposes.
- 4.2 Safeguarding training is complemented by the availability of on-line courses. Members have been reminded by the Chairman of MDG of their

obligations regarding safeguarding, and encouraged to take up online learning. MDG considered that a rolling programme of safeguarding training should be offered, alongside the on-line training, so further sessions will be planned for the year ahead.

## 5. Member Training Budget 2018/19

- 5.1 MDG reviewed the member training budget at its last meeting. The total budget for member training is £15,700. In 2018/19, £12,328 of this was spent, compared with £16,436.72 in 2017/18, which as an election year included extensive induction activities. Individual member attendance at external training events and seminars is agreed in consultation with the relevant Group Leader. A summary of the £12,328 spent in 2018/19 is shown in the table below.

Area of spend	Spend
Member Development Days (including catering and venue hire)	£3,940.85
Member training (including training provided by external trainers, such as on chairmanship skills)	£2,404.85
Individual member attendance at conferences (including Local Government Association, Public Sector Finance, County Councils' Network and CIPFA conferences)	£5,982.34
<b>Total</b>	<b>£12,328.04</b>

## 6. Member Development Activity, May 2019 to date

- 6.1 The table below sets out Member Day sessions since the last report to the Governance Committee in May 2019.

Date	Topic	Attendance
17 May 2019	<ul style="list-style-type: none"> <li>Questioning Skills (half day)</li> <li>Refresher on Council Procedures and (half day)</li> </ul>	17 18
24 May 2019	<ul style="list-style-type: none"> <li>Escorted Visit to the Viridor Materials Recycling Facility (MRF), Ford</li> </ul>	6 (of max. 13)
26 June 2019	<ul style="list-style-type: none"> <li>Budget Workshop</li> </ul>	35
10 July 2019	<ul style="list-style-type: none"> <li>Highway Maintenance Contracts and Highway Maintenance Service Levels (half day)</li> </ul>	23
17 July 2019	<ul style="list-style-type: none"> <li>Member Briefing: Children's Services – Meet the Commissioner</li> </ul>	27

- 6.2 Feedback from members regarding the Questioning Skills and the Refresher on Council Procedures was very positive. Some members commented that these workshops should have been earlier (although both these were covered as part of the Member Induction Programme 2017).
- 6.3 Feedback from the visit to the MRF showed that members found it informative, although it was disappointing that there was a low turnout on the day. Initially, the visit had been fully booked with the maximum of



13 members (plus one officer) but, at short notice, a number of members were unable to attend for various reasons. It was not possible to offer the places at the last minute due to the requirements set by Viridor requiring personal details to be submitted three weeks in advance in order to gain entry to the MRF. Should a further visit be arranged in future then a reserve list will be held.

- 6.4 Members saw the value in the early opportunity to engage in the budget process during June's Budget Workshop. They were particularly impressed with the budget simulation exercise and the opportunity to meet with Services in a market place format was welcomed. The start of the Highways session on 10 July was delayed due to the overrunning of a meeting of Environment, Fire and Community Services Select Committee at which the HMIC Fire Service Inspection was considered and all members were invited to observe. This may have affected the attendance, which was lower than usual for Highways matters. However, members who did attend noted that the updates were very helpful.
- 6.5 Member engagement in the Children's Improvement Programme, a priority area, began with a session on 17 May for members to meet the Commissioner. Further engagement is planned with the next session to take place on 9 October 2019.

## **7. Member Development Activity, June 2019 to March 2020**

- 7.1 Current plans for upcoming Member Days are set out in the table below, although these may be subject to change. MDG considers all proposals for Member Day topics, taking into account member needs, priorities and service requirements.

<b>Date</b>	<b>Topic</b>
4 September 2019	<ul style="list-style-type: none"> <li>• Scrutiny at West Sussex County Council</li> </ul>
9 October 2019	<ul style="list-style-type: none"> <li>• Children First (morning session)</li> <li>• Afternoon session (to be confirmed)</li> </ul>
21 October 2019	<ul style="list-style-type: none"> <li>• Capital Programme (to include school place-planning)</li> </ul>
6 November 2019	<ul style="list-style-type: none"> <li>• Fire and Rescue Service</li> </ul>
4 December 2019	<ul style="list-style-type: none"> <li>• The morning has been allocated to an additional meeting of Children and Young People's Services Select Committee</li> <li>• Afternoon session (to be confirmed)</li> </ul>
16 January 2020	<ul style="list-style-type: none"> <li>• Budget 2020/21</li> </ul>
29 January 2020	<ul style="list-style-type: none"> <li>• Public Health (to be confirmed)</li> </ul>
26 February 2020	<ul style="list-style-type: none"> <li>• Climate Change and Waste (to be confirmed)</li> </ul>
25 March 2020	<ul style="list-style-type: none"> <li>• Whole Council Design (to be confirmed)</li> </ul>

### **Factors taken into account**

## **8. Consultation**

- 8.1 No consultation has taken place because this is a report dealing with internal or procedural matters only.

**9. Risk Management Implications**

- 9.1 MDG reviews member development regularly. It also undertakes an annual review of all member activity and of the member training budget. To not do so could jeopardise the member development, training and engagement activity and the fulfilment of member needs.

**10. Other Options Considered**

- 10.1 There are no other options to consider because this is a report dealing with internal or procedural matters only.

**11. Equality Duty**

- 11.1 An Equality Impact Report is not required for this decision because this is a report dealing with internal or procedural matters only.

**12. Social Value**

- 12.1 There are no social value implications because it is a report dealing with internal or procedural matters only

**13. Crime and Disorder Act Implications**

- 13.1 There are no crime and disorder implications decision because this is a report dealing with internal or procedural matters only.

**14. Human Rights Implications**

- 14.1 There are no Human Rights implications because this is a report dealing with internal or procedural matters only.

**Tony Kershaw**

Director of Law and Assurance

**Contact:** Tracey Guinea, 033022 28679

**Background Papers**

None