

Title of Report:	ODHR & Finance Policies and Procedures
Committee Report Submitted To:	Corporate Policy and Resources Committee
Date of Meeting:	25 June 2024
For Decision or For Information	For Decision
To be discussed In Committee YES/NO	N/A

Linkage to Council Strategy (2021-25)	
Strategic Theme	Innovation and Transformation
Outcome	Improve Service Delivery
Lead Officer	Director of Corporate Services

Budgetary Considerations	
Cost of Proposal	n/a
Included in Current Year Estimates	n/a
Capital/Revenue	n/a
Code	n/a
Staffing Costs	n/a

Legal Considerations	
Input of Legal Services Required	YES/NO
Legal Opinion Obtained	YES/NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Completed
	EQIA Required and Completed:	Yes/No	N/A
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	N/A
	DPIA Required and Completed:	Yes/No	N/A

1.0 Purpose of Report

The purpose of this report is to present Members with 2 policies for consideration:

- Redundancy Policy
- Pensions Discretions Policy

2.0 Background

- 2.1 The 4 legacy councils had in place a policy each for redundancy and pensions discretions. Both policies are interrelated in that the discretions policy is required to support the redundancy policy.
- 2.2 There is a need to agree and implement the policies for all staff to ensure a fair and equitable approach.
- 2.3 The Redundancy Policy is an ODHR Policy which is underpinned by the relevant legislation and will be used if required to manage any redundancy situation(s).
- 2.4 The Pensions Discretion Policy is a Finance Policy which is required by the Regulations governing the Local Government Pension Scheme for Northern Ireland to detail how Council will exercise certain discretions under the specific regulations detailed at 3.2 of this report.

3.0 Purpose of the Policies

3.1 Redundancy Policy

Causeway Coast and Glens Borough Council accepts that it has a responsibility of planning as far as possible to safeguard the job security and prospects of its employees.

There may, however, be occasions when financial pressures, changes in economic, operational, technological developments or changes in demand for our services will impact on staffing requirements necessitating the need to restructure and/or close departments or buildings. In such cases Council will seek to minimise the effect of redundancies by considering all appropriate measures, to ensure that we have a workforce capable of adapting to the future needs of the service.

Council recognises that redundancy situations must be handled sensitively with due regard for the feelings and rights of those involved. It has therefore formulated the following procedure for dealing with compulsory redundancy situations, with provision for voluntary redundancy/severance or early retirement requests (subject to management direction) from those who are interested and eligible.

Where compulsory redundancy is unavoidable, Council will seek to minimise the effect of redundancies through the provision of sufficient time and effort, to finding suitable alternative employment for affected employees and will handle the redundancy in a fair, consistent and empathetic manner. The agreed Redeployment Policy is in place to support the Redundancy Policy in reviewing suitable alternative employment in these circumstances.

The procedures in this document apply to all employees and will remain in force until amended or replaced.

3.2 Pensions Discretions Policy

Causeway Coast and Glens Borough Council is required by the Regulations governing the Local Government Pension Scheme for Northern Ireland (the "Scheme Regulations") to prepare a written policy statement setting out how it will exercise certain discretions under:

- Local Government Pension Scheme Regulations (NI) 2014
- Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (NI) 2014
- Local Government Pension Scheme (Administration) Regulations (NI) 2009, in respect of leavers between 1 April 2009 and 31 March 2015
- Local Government Pension Scheme Regulations (NI) 2002 -in respect of leavers between 1 February 2003 and 31 March 2009.
- Regulation 66 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2007, effective from 1 October 2006; and
- Regulation 25 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, operative from 24 March 2003 for terminations of employment on redundancy or efficiency grounds that occurred prior to 1 April 2007.

The policy for the discretions for which Causeway Coast and Glens Borough Council must have a policy statement are set out at sections 1-5; 13; 15; 17-18; and 19-22 of the policy (attached).

Causeway Coast and Glens Borough Council also has a written policy statement in respect of certain other discretions. The policy in respect of these discretions is set out in the remaining sections.

Decisions under this policy will be taken by the Chief Executive and will be

subject to review by the Senior Management Team.

Causeway Coast and Glens Borough Council in exercising the discretions set out, will at all times:

- exercise the discretions reasonably
- have regard to all relevant factors and no irrelevant factors
- record any decision taken in relation to the exercise of the discretions
- shall not act in a way that is likely to lead to a serious loss of confidence in the public sector

This policy statement sets out Causeway Coast and Glens Borough Council's general policy in relation to each discretion. However, Causeway Coast and Glens Borough Council's discretion shall not be fettered by this Policy Statement. Causeway Coast and Glens Borough Council will consider each case on its merits and may take into account exceptional circumstances.

Where relevant and reasonable, Causeway Coast and Glens Borough Council may request further information from an employee who is applying for a discretion to be exercised in the employee's favour. The member may refuse to provide the information, in which case Causeway Coast and Glens Borough Council may proceed to make the decision without that information.

4.0 Relationship between the policies

- 4.1 The relationship between the Redundancy Policy and Pensions Discretions Policy is the Discretion set out in Pt 18 of the Policy regarding Enhanced Compensation. The policy reads as follows:

Enhanced compensation

Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2007, Reg 5

The employer may make a termination payment (inclusive of any redundancy payment) of up to a maximum of 104 weeks' pay to employees whose employment is terminated on the grounds of redundancy or business efficiency.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will make a termination payment (inclusive of any redundancy payment) to an employee whose employment is terminated because of redundancy or business efficiency. The termination payment will be calculated using the statutory redundancy payment formula but based on actual pay, enhanced by a multiplier of **XX**.

For these purposes, the calculation of an employee's actual week's pay, where it exceeds the statutory maximum will not include employer's pension

contributions.

- 4.2 This **xx** figure is known as ‘the multiplier’. The arrangements that were previously in place for the legacy councils in terms of ‘the multiplier’ are as follows:

Legacy	Multiplier	Maximum weeks
Ballymoney	3.46	Max of 104 weeks
Coleraine	2.5	Max of 75 weeks
Limavady	3.46	Max of 104 weeks
Moyle	Statutory with no enhanced compensation, therefore a multiplier of 0	N/A

- 4.3 Benchmarking has been conducted across local government bodies to determine the current multiplier being used post-RPA. The below table details those anonymously:

Council	Redundancy Multiplier (as of November 2023)
Council 1	Was 3.46 in 2015 – no updated position
Council 2	3.46
Council 3	3.46
Council 4	3
Local Government Sector	2.6
Council 5	2.2
Council 6	2.2
Council 7	2.2
Council 8	2.2
Council 9	1.7

5.0 Consultation

- 5.1 The draft policy has been considered and agreed at the Senior Management Team and the Trade Unions through the Action Group and Joint Consultative and Negotiating Committee (JCNC).
- 5.2 The 3 recognised Trade Unions unanimously confirmed that their proposal in respect of ‘the multiplier’ was **3.46** for all staff. The reasons for this being:
- That Council would avoid redundancy where possible;
 - That redundancy would be removing employment for the employee affected and therefore to compensate for this loss of employment the maximum payment would be beneficial to the employee;
 - If the maximum redundancy payment was available, i.e. multiplier of 3.46, the Council would have an extra incentive to avoid redundancy

5.3 The officers involved in the consultation process for these policies would be considered interested parties and are therefore conflicted. It would not be appropriate that those officers would suggest a multiplier, as they may potentially benefit from the policies if a redundancy situation was to arise in the future in respect of their position.

4.0 Equality Screening

4.1 In accordance with Council's duty under Section 75 Equality Legislation, the policies have been screened and the result is that they were screened "out".

5.0 Recommendation(s)

It is recommended that:

- the Corporate Policy and Resources Committee decide on 'the multiplier' for both policies; and
- recommend to Council the 2 policies and procedures for approval.



Redundancy Policy & Procedure

Policy Number	CCG/17/18
Version Number	
Author	Karen Mailey

Screening Requirements			
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
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1. INTRODUCTION

The application of this policy only applies to all employees of Causeway Coast and Glens Borough Council. The redundancy process and payments apply only to those employees with two or more years' continuous service. Employees with less than two years' service please see section 10 for guidance.

An employee is any person under a current contract of employment with Causeway Coast and Glens Borough Council, including temporary and fixed term contracts.

This policy does not form part of an employee's contract of employment and Council may amend it at any time.

If an employee has difficulty reading, hearing or if English is not the employee's first language, the content of any written information will be explained orally in a manner which will ensure the employee will understand. All written documents can be made available in other clear formats, such as large print, where necessary.

2. POLICY STATEMENT

Causeway Coast and Glens Borough Council accepts that it has a responsibility of planning as far as possible to safeguard the job security and prospects of its employees.

There may, however, be occasions when financial pressures, changes in economic, operational, technological developments or changes in demand for our services will impact on staffing requirements necessitating the need to restructure and/or close departments or buildings. In such cases Council will seek to minimise the effect of redundancies by considering all appropriate measures, to ensure that we have a workforce capable of adapting to the future needs of the service.

Council recognises that redundancy situations must be handled sensitively with due regard for the feelings and rights of those involved. It has therefore formulated the following procedure for dealing with compulsory redundancy situations, with provision for voluntary redundancy/severance or early retirement requests (subject to management direction) from those who are interested and eligible.

Where compulsory redundancy is unavoidable, Council will seek to minimise the effect of redundancies through the provision of sufficient time and effort, to finding suitable alternative employment for affected employees and will handle the redundancy in a fair, consistent and empathetic manner.

The procedures in this document have been agreed between Causeway Coast and Glens Borough Council and the relevant Trade Unions. It applies to all employees and will remain in force until amended or replaced.

Signed: _____ Date: _____

Mayor - Causeway Coast and Glens Borough Council

Signed: _____ Date: _____

Chief Executive - Causeway Coast and Glens Borough Council

3. GENERAL PRINCIPLES

For entitlement to redundancy payments, as set out in the Employment Rights (Northern Ireland) Order 1996, a redundancy occurs where a dismissal is wholly or mainly because:

- The employer has ceased, or intends to cease, to carry out their business for the purposes of which the employee is employed
- The employer has ceased, or intends to cease, to carry on that business in the place where the employee is so employed
- The requirements of the business to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish
- The requirements of the business for employees to carry out work of a particular kind, in the place where they are so employed have ceased or diminished, or are expected to cease or diminish

4. DEFINITIONS

Causeway Coast and Glens Borough Council Employee - an employee is any person under a current contract of employment with Causeway Coast and Glens Borough Council, including temporary and fixed term contracts.

Council - is the employing authority and is represented by Management.

Management/ Line Manager/Head of Service - are those employees charged with line management responsibility for Council employees and accountable for service provision, administration and implementation of Council's business.

OD/HR Representative - is an employee of the OD/HR Department who provides guidance and support in the implementation of this policy.

Employee/Trade Union Representative - is a fellow employee of Causeway Coast and Glens Borough Council or an official employed by a Council recognised Trade Union, or a Council recognised lay Trade Union official (who has been reasonably certified in writing by their union as having experience of, or as having received training in, acting as an employee companion).

Legal Representation - solicitors and/or professional legal counsel, will not be permitted at any stage of this Redundancy Procedure. The Council will, however, consider sympathetically accommodating employees who have particular requirements arising from a disability etc.

5. ACCOUNTABILITIES AND RESPONSIBILITIES

5.1 Line Managers' Responsibilities

Every employee whose role it is to line manage other employees must:

- Fully co-operate with the process
- Consult with the employees affected (including those absent on maternity leave, long-term sickness absence and secondments etc.) on the reasons for the proposals, including timescales and proposed arrangements for achieving this
- Meet with their employees to:
 - Keep them informed as to the progress
 - Discuss any concerns and/or any alternative proposals put forward
 - Discuss any changes or developments that may impact on the proposals
 - Discuss what support may be available
- Consult OD/HR where there is any concern as to the process to be followed and the proposed method(s) for selection for redundancy

5.2 Employee Responsibilities

Employees are required to:

- Fully co-operate with the process
- Attend any meetings at the time and place designated
- Comply with the deadlines for making applications and/or representations and for submitting appeals
- Accept an offer of suitable, alternative employment (if an offer is unreasonably refused, the employee will forfeit any entitlement to a redundancy payment)

5.3 ODHR Responsibilities

ODHR will:

- Provide appropriate support and advice to managers and employees on the policy to ensure that redundancy issues are dealt with appropriately in accordance with these procedures, employment legislation and best practice
- Ensure the policy is applied fairly and consistently across the council area
- Review and update the policy as and when necessary

6. COMMUNICATION AND CONSULTATION

Council is committed to openness and transparency throughout this process and as such will undertake to:

- Communicate clearly with all affected employees and ensure that they are treated fairly
- Try to find ways of avoiding compulsory redundancies
- Consult with trade unions when legally required to do so
- Consult individual employees
- Ensure that any selection for compulsory redundancy is undertaken fairly, reasonably and without discrimination
- Notify the relevant Government Department when there is a proposal to make 20 or more employees redundant at one establishment over a period of 90 days (collective redundancy), as is the statutory requirement.

7. STEPS TO MINIMISE COMPULSORY REDUNDANCIES

Council, prior to declaring that any jobs are to be made redundant, will consider in the first instance requests for voluntary redundancy/severance or early retirement from those who are eligible. The Council may, if appropriate, call for Expressions of Interest from the affected category of employees. Council is not obligated to accept any applications for Voluntary redundancy.

The process for selecting volunteers will follow a matrix, please see Appendix 1 for Guidance Information, agreed by the Council recognised trade unions and confirmed to employees. The right will be retained to reject volunteers for either option, where acceptance would cause an imbalance in skills or experience, hence restricting the continued efficient operation of the Council.

Where the above process fails to produce the required reductions, Council will consider where appropriate, the following:

- (i) restricting recruitment and selection by not filling vacant posts and allowing natural wastage to resolve the situation
- (ii) reviewing the use of agency workers, self-employed contractors, consultants and casual workers
- (iii) retraining and redeployment to suitable, alternative employment. Detailed guidance on criteria which will be used to determine the suitability of alternative employment is provided within the Redeployment Policy.
- (iv) introduction of job-sharing on a voluntary basis or other flexible working provisions arrangements, if practicable
- (v) Reducing overtime in affected departments to meet contractual commitments or provide essential services
- (vi) Inviting applications for early retirement

8. MAKING COMPULSORY REDUNDANCIES

When it is not possible to avoid making compulsory redundancies, we will consult with Council recognised trade unions and all affected employees to advise that compulsory redundancies cannot be avoided. We will advise Council recognised trade unions on the procedure that will then be followed and the criteria that will be applied. If numbers meet the requirements, the Government will be informed of the proposed redundancies.

In carrying out any redundancy exercise we will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent or full-time comparators.

The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet our existing and anticipated business needs.

8.1 Selection Criteria

In the event that a redundancy situation cannot be avoided, Council will; seek to select on a fair basis; give due consideration to maintaining a balanced workforce, by retaining the skills, flexibility and adaptability necessary for its future operations and to safeguard the employment of the remaining employees. Although each redundancy situation will be looked at on an individual basis, some or all of the criteria listed below may be used:

- Knowledge
- Experience
- Qualifications
- Disciplinary
- Attendance

To aid the objectivity of assessing an employee against the selection criteria, a 'points' matrix system will be used. Please see Appendix 2 for guidance.

8.2 Redundancy Process

8.2.1 Consultation

If an employee is to be made redundant, Council will begin consultation with appropriate Council recognised trade union representatives at the earliest opportunity. The consultation process will precede the issuing of any notices of termination of employment.

If an employee has more than one job with Council, any relevant redundancy consultations will be focused on the post that is proposed to be made redundant. This process will have no effect on any secondary employment.

Collective redundancy notification

A **collective redundancy process** will be triggered when Council proposes to make 20 or more employees redundant at one establishment within a 90-day period.

Council will:

- **Fill in advance notification of redundancies form HR1.** Council will send a copy of this form to the representatives of the employees being consulted. Council will return this form to the Northern Ireland Statistics and Research Agency at the address listed on the form, where the information is collated, then passed onto the Department for the Economy (DfE) for information.
- **Consult with workplace representatives.** These may be either Council recognised trade union representatives and/or nominated employee representatives for those employees not represented by a union. If employees choose not to nominate employee representatives, we will give the relevant information directly to each individual.

Collective redundancy consultation

Consultation must start in good time and take place at least:

- 30 days before the first redundancy where there are 20 to 99 proposed redundancies
- 90 days before the first redundancy where there are 100 or more proposed redundancies

During consultation, Council undertakes to consider any Council recognised trade union representatives' proposals for alternative action to avoid/reduce redundancies to mitigate the effects thereof that have not already been previously considered.

8.2.2 First Formal Consultation

Employees will be notified in writing that their role is at risk of redundancy and invited to a meeting with their Line Manager.

The meeting will also include a member of OD/HR who will provide advice and guidance on points of the process or relevant employment matters.

The employee will have the right to be accompanied by a work colleague, Council recognised trade union representative and or an appropriate person if e.g., a disability is highlighted.

The Line Manager will explain:

- The reason for the redundancy situation arising
- The rationale for the employee's inclusion in the pool of staff (if relevant) at risk of redundancy
- The selection criteria to be used (if relevant)
- Suitable alternative employment opportunities (if applicable)

In the event a selection pool is to be established during the process i.e., where the redundancy applies to a number of the same or similar roles, the affected employee will be advised of this fact and the number of employees in the selection pool. The selection methods and individual scoring will be provided to the employee at the Second Formal Consultation meeting.

The employee will have the opportunity to make oral or written submissions in respect of their selection and/or put forward any suggestions as to how the relevant redundancies could be avoided or reduced in number.

During this meeting, the employee will be provided details of suitable alternative employment and suitable redeployment opportunities if available. Employees will be given 5 working dates to respond to offers of suitable alternative employment or suitable redeployment opportunities. Affected employees should refer to the Redeployment Policy for Guidance.

Following the meeting, the employee will be issued with a further letter confirming the details for the second consultation meeting.

8.2.3 Second Formal Consultation

Following the completion of the selection process, employees who have been selected for redundancy will be invited, in writing, to a second consultation meeting with their Line Manager to discuss with them the results of the selection exercise, and the specific scoring that the individual employee had received.

This meeting will also include a member of OD/HR who will provide advice and guidance on points of the process or relevant employment matters.

At this meeting, employees will have time to further consider or put forward any other oral or written submissions in respect of their selection and/or any other suggestions as to how the relevant redundancies could be avoided or reduced in number. The employee will be given an opportunity to review suitable alternative employment or redeployment opportunities which were discussed at the 'First Formal Consultation' meeting. Employees will be given 5 working dates to respond to any further offers of suitable alternative employment or suitable redeployment opportunities.

The employee will have the right to be accompanied by a work colleague, Council recognised trade union representative and or an appropriate person if e.g., a disability is highlighted.

During this meeting, the Line Manager will explain to the employee the specific methods/calculations used in the selection process. During this meeting, Line Managers will give employees the option to challenge any points of accuracy in relation to the scoring exercise, e.g. the qualifications obtained. This opportunity will ensure that any inaccuracies in the base data used for selection are addressed. Where errors are identified, the individual employee's scores will be amended accordingly, and any changes to the selection will be amended. Line managers will consult with OD/HR where uncertainties/inaccuracies arise as a result of this meeting.

Following this meeting, the employee will be provided with a confirmed outcome of the selection. Employees with the lowest scores arising from a completed scoring matrix will be selected for redundancy. A copy of the employee's scoring matrix will be included with their written notification as to the outcome of the selection process.

The Line Manager will provide employees with redundancy calculations setting out their redundancy entitlement, discuss their leave entitlement (annual, additional annual and lieu) up to the relevant date of the proposed redundancy. A final consultation will then be arranged.

8.2.4 Final Consultation

At the final consultation meeting, the Line Manager will again:

- Outline the reasons for redundancy
- Advise on what action has been taken to date to avoid redundancies
- The criteria for selection and how this applies in the employee's case (if relevant)

The meeting will also include a member of OD/HR who will provide advice and guidance on points of the process or relevant employment matters.

The employee will have the right to be accompanied by a work colleague or Council recognised trade union representative.

At this meeting the redundancy will either be confirmed, or a suitable re-deployment will be discussed. Please see Redeployment Policy for guidance.

If a redundancy has been confirmed, the employee will be notified in writing that their post has been made redundant and they will be informed of their right to appeal against the decision.

8.2.5 Suitable Alternative Employment

Council will continue to look for suitable alternative employment for employees who are at risk of redundancy and inform them of any available posts until their termination date. Detailed guidance on criteria which will be used to determine the suitability of alternative employment is provided within the Redeployment Policy.

Any offer of suitable alternative employment will contain sufficient detail on matters such as pay, hours, grade, location and conditions to enable the employee to decide whether to accept. Council recognises that some employees may need reasonable training in order to be redeployed effectively into another role. Where Council considers that the amount of training required to redeploy an employee into a particular post would be excessive or unreasonable, Council may not support the redeployment of that employee into that particular role. Alternative redeployment opportunities will be sought instead.

Any employee who unreasonably refuses an offer of suitable alternative employment may forfeit their entitlement to a redundancy payment. The Council may offer what it believes to be suitable alternative employment to the employee prior to the notice for redundancy being given i.e., during the consultation period.

If a trial period is appropriate i.e. the capacity and place in which the employee is employed, and the other terms and conditions of his employment, differ (wholly or in part) from the corresponding terms of the employee's previous employment, it will begin when the previous contract has ended (or no less than four weeks after) and ends four weeks after the date on which the employee starts work under the new contract. The four-week period may be extended for retraining and reskilling purposes by an agreement in writing, up to a maximum of 12 weeks in total to e.g., facilitate necessary training and this must be confirmed in writing by the receiving manager.

Unless it is agreed in writing to extend the trial period, if the employee continues to work in the alternative job beyond the four-week trial period, s/he will be deemed to have accepted the alternative job with its terms and conditions of employment and to have lost the entitlement to a redundancy payment.

8.2.6 Notice Periods

Employees whose employment is terminated by reason of redundancy shall be entitled to the appropriate period of notice as follows, or as set out in their Terms and Conditions of Employment, if their notice period exceeds the statutory minimum requirement:

Period of Continuous Employment	Minimum Notice
One month or more but less than two years	One week's notice
Two years or more, but less than twelve years	One week's notice for every year of continuous service
Twelve years or more	One week's notice for every year of continuous service up to a maximum of 12 weeks

At the absolute discretion of Council, and dependent on individual circumstances, payment in lieu of working notice may be made. In such circumstances, all benefits owing, including but not limited to annual leave, are paid as accrued at the actual date of termination.

8.2.7 Time off for Interviews or Training

Council will maintain its commitment to support all staff under notice of redundancy. Every effort will be made to ensure employees are given reasonable time off work during their notice period (with pay) to look for alternative employment or to make arrangements for training for future employment. The employee will be paid for such time off, up to a maximum of two working days.

8.2.8 Appeals

Employees served with a notice of dismissal will have the right of appeal.

An employee wishing to appeal a decision should write to the Head of OD/HR, clearly stating the grounds of their appeal, within **5 working days** of receipt of the letter containing the redundancy decision. The appeal hearing will be arranged as early as practicable, and the employee will have the right to be accompanied by a Council recognised trade union representative, a work colleague or an appropriate person if e.g., a disability is highlighted.

The employee will normally be given at least **5 working days'** notice of the date of the appeal hearing and will also be advised by an OD/HR representative:

- Of the date, time and location of the appeal hearing
- Of their right to be accompanied at the appeal
- Of the persons hearing the appeal

The Appeal Panel will normally comprise of two relevant managers at an appropriate level from Management who have had no previous involvement in the selection or decision to dismiss, and where possible, senior to the panel who made the selection. They will be advised by an OD/HR representative. A note-taker will be in attendance to record details.

An appeal will review the decision of the Redundancy Panel and the grounds set out by the employee.

Appeals against a redundancy decision made by the Chief Executive may be heard by an independent panel from an external body such as another Council.

Copies of any documents that an employee will rely on during an appeal must be included in the written request for the appeal. Any new information must be submitted prior to an appeal. Only in exceptional circumstances may new information be presented immediately prior or during the appeal.

The Appeal Panel will have the authority to confirm or set aside the decision of the Redundancy Panel. Where the decision of the Appeal Panel involves a variation of the original redundancy decision, it should state the reasons and any operative date.

The decision of the Appeal Panel is final and will be conveyed in writing to the employee giving the reasons for the decision, as soon as is reasonably practicable and normally within **10 working days** of the appeal. In the event of a delay of the decision being made a written explanation will be provided.

9. REDUNDANCY PAYMENT

9.1 Statutory Payment

Employees who have worked continuously for Council for at least two years and are being made redundant have the right to a statutory redundancy payment.

Statutory redundancy pay is also due when a fixed-term contract of two years or more expires and is not renewed due to redundancy.

The Statutory Redundancy Pay entitlement is calculated in accordance with the Employment Rights (Northern Ireland) Order 1996.

Statutory Redundancy Pay is calculated as follows on the basis of a 'weeks' pay' limit:

- Half a week's pay for each full year under age 22
- One week's pay for each full year aged 22 or older, but under 41
- One and a half week's pay for each full year aged 41 or older

Where payment levels vary, the amount of a week's pay will be averaged over the 12 weeks prior to the calculation date.

Time spent furloughed with a reduced wage will not affect the redundancy payment.

Length of service is capped at 20 years.

A copy of a Ready Reckoner for calculating the number of weeks' pay due is attached at Appendix 3.

9.2 Enhanced Payment

The Enhanced Redundancy Payment is made up of Statutory Redundancy Pay as detailed in accordance with the Employment Rights (Northern Ireland) Order 1996 plus a Compensation Payment. Eligibility for the Enhanced Termination Payment will be conditional upon employees signing an individual relevant 'Exit Agreement' with the Labour Relations Agency (LRA). Should an employee not wish to sign any relevant Exit Agreement with the LRA, then they will be entitled to the Statutory Redundancy Payment only.

An Enhanced Redundancy Payment is made up of two elements:

- i. Statutory Redundancy Payment as detailed in the Employment Rights (Northern Ireland) Order 1996

Plus

- ii. A Compensation Payment

The Enhanced Redundancy Payment will be calculated as follows:

- i. The Statutory Redundancy Payment (based on a week's pay) is calculated in accordance with the Employment Rights (Northern Ireland) Order 1996
- ii. The Compensation Payment is calculated by applying a multiplier of **XX** to the calculated Statutory Redundancy Payment (based on a week's pay) to give the overall Enhanced Redundancy Payment.

Note: The Enhanced Redundancy Payment is inclusive of the Statutory Redundancy Payment i.e., an employee will **not** receive both an Enhanced Redundancy and a Statutory Redundancy Payment.

The Enhanced Redundancy Payment is subject to an overall maximum of **XX weeks'** pay in total.

10. REDUNDANCY AND PENSION

If the employee is under the age of 55 at the date of redundancy and a member of the Local Government Pension Scheme (NI) (LGPS), payment of their pension benefits for their total membership in the Scheme will be deferred to their normal retirement age.

This applies to *all Council employees, subject to the qualifying conditions. It does not apply to agency staff or consultants.

*Employees who transferred (TUPE) from the Northern Ireland Civil Service on 1 April 2015 will continue to operate under the NICS Pension Scheme.

If the employee is aged 55 or over at the date of redundancy and is a member of the LGPS (NI), they will be entitled to the immediate unreduced payment of their pension benefits (early release of pension) built up to the date of redundancy.

11. EMPLOYEES WITH LESS THAN 2 YEARS SERVICE

This policy applies to employees with less than two years' service except for sections 8 and 9. Employees with less than two years' service will receive relevant notice period payment only.

12. SUPPORT FOR EMPLOYEES FACING REDUNDANCY

Council offers a range of support services to employees facing redundancy during this period:

- **Learning and Development Opportunities**
Council provides employees with a range of training in the form of either e-Learning or other development courses to help improve skills and support redeployment opportunities. Council recognises that some employees may need reasonable training in order to be redeployed effectively into another role.
- **Councils Employee Assistance Provider**
Inspire provides confidential help, support and counselling services to staff 24 hours a day, 365 days a year. All employees can directly access this via the staff portal or by telephoning 0800 389 5362.
- **Government Bodies/websites**
Example: NI Direct service, www.nidirect.gov.uk/contacts/careers-service provides a wide variety of tools, advice and interactive guidance covering: Skills Health Check match to job suggestions, Job profiles; CV Builder; Interview preparation and Job Market information from a wide range of sectors
- **Financial Institutions**
Many banks offer customers financial advice, although this is not impartial.

Citizens Advice Bureau can provide impartial advice on a wide range of topics and can be contacted at your local office or visit their website: www.citizensadvice.org.uk
- **Job Centres**
Job Centre Plus has their own website for vacancies and can provide advice on benefits, www.gov.uk/contact-jobcentre-plus/new-benefitclaims

13. EVALUATION AND REVIEW OF THE POLICY

Council will keep this Policy under review as required and may make changes in line with legislation. This policy does not form part of an employee's contract of employment and Council may amend it at any time.

14. SECTION 75 EQUALITY AND GOOD RELATIONS

Causeway Coast and Glens Borough Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

15. CONTACT DETAILS

Any issues or queries relating to this policy should be addressed to:

Head of OD/HR
ODHR Department
Causeway Coast and Glens Borough Council
Cloonavin
66 Portstewart Road
COLERAINE
BT49 1EY

APPENDIX 1

GUIDANCE ON USING THE VOLUNTARY SEVERANCE/COMPULSORY REDUNDANCY SCORING MATRIX

The Voluntary Severance/Compulsory Redundancy selection criteria and scoring matrix should only be used where there are more applications for voluntary severance than the organisation can release or in the case of compulsory redundancy where there is a pool of employees.

Defining the Criteria for Selection

When it has been established that there is a need to use the scoring matrix, the relevant manager/s need to identify which of the selection criteria they will use to make assessments against.

Managers should use their judgement to select the criteria against which they can make the most fair and objective decisions.

Identifying a Team to Assess the Employees

Once the selection criteria have been identified, the line manager needs to make arrangements for the assessment of employees against the criteria. As a minimum, two individuals, a relevant Manager / Heads of Service / Director as appropriate, should be involved in the assessment of the matrices. When selecting other managers to be involved with the assessment process, the following should be considered:

- Does the manager have an understanding of the service area within which the voluntary severance applications/compulsory redundancies are to be made?
- Is the manager clear about the requirements of the job against which selections will be made?
- If the manager is not familiar with the job role, can they be given access to detailed and verified records of the employee and their work / experience, so that objective, evidence-based decisions can be made?

Making an Assessment

Once the managers to be involved in the selection have been identified, copies of the criteria and scoring matrix will be issued and managers will be required to make an assessment of each employee against the agreed criteria. All appropriate evidence and/or records will be made available to all managers involved in the selection from the OD/HR Department.

Managers should consider the specific details of the criteria and make judgements, based upon evidence, when scoring an employee against each selection criteria.

When using knowledge, experience or employee appraisals as selection criteria, the specific requirements in relation to these areas should be identified at the outset of the process, so that fair and consistent judgements about individual employees can be made.

Once managers have made their assessment of employees and have assigned scores appropriately, an independent assessment meeting should take place to agree the final scores. The scoring managers should attend this meeting; as should a representative of the OD/HR Department, who will oversee the independent assessment and will act as a critical friend to the process to ensure that the decisions made are robust and can hold up to external scrutiny.

The Importance of a Fair and Transparent Process

The decisions made about which employees are selected should be evidence-based, robust and should stand up to external scrutiny. The consequences of this not happening are that the employee may seek redress and selection decisions may end up being scrutinised and disputed. All decisions made should be objective and should avoid factors which are potentially discriminatory.

Communicating the Results

Once selection is made, Managers should meet with each individual employee to discuss with them the results of the selection exercise, and the specific scoring that the individual employee had received. During this meeting, the Manager should explain to the employee the specific methods/calculations used in the selection process. During this meeting, Managers should give employees the option to challenge any points of accuracy in relation to the scoring exercise, for example, the qualifications obtained. This opportunity will ensure that any inaccuracies in the base data used for selection are addressed. Where errors are identified, the individual employee's scores should be amended accordingly, and any changes to the selection should be amended. Line managers should consult with OD/HR where uncertainties/inaccuracies arise as a result of this meeting.

Following employee meetings, confirmed outcomes of the selection should be provided to the employee in writing. Employees with the lowest scores arising from a completed scoring matrix will be selected for redundancy. A copy of the individual's scoring matrix should be included with their written notification as to the outcome of the selection process.

Selection Scoring Matrix for xxxx Post

[New] Job Title –			Candidate:	
Scoring will be adjusted to ensure an equitable comparator for Part-Time employees as appropriate.				
	Definition – using key tasks from the new position’s job description	Evidence Used	Score	Notes
Knowledge			/5	
Experience			/5	
Qualifications			/5	
Disciplinary			/5	

Attendance			/5	
Cost			/5	
Total marks			/30	

Signed: **Job Title:**

Date:

Signed: **Job Title:**

Date:

Scoring Guidance – Knowledge

Assessment of knowledge should be based on that which will be required for continuing business/service needs.

5 marks - evidence shows full range of knowledge required for role

4 marks - evidence shows the core knowledge required for the post

3 marks - evidence shows some of the required knowledge, but there are clearly identifiable gaps in knowledge required for the role

2 marks - evidence shows limited knowledge in relation to the job role

0 mark - evidence shows has insufficient knowledge to operate effectively without close supervision.

Scoring Guidance – Experience

Assessment of experience should be based on that which is directly relevant to the continuing needs of the business/service.

5 marks - evidence shows has a broad and varied experience which is highly relevant to the role

4 marks - evidence shows has a good range of experience, gained in relevant settings, required for the post

3 marks - evidence shows has some good experience, but there are clearly identifiable gaps in experience

2 marks - evidence shows has some limited previous experience in relation to the job role

0 mark - evidence shows has no previous experience of the job role

Experience

The post requires a specific number of years' service in the areas outlined under "experience". This section notes if the candidate meets these requirements, either with or without a qualification.

Scoring Guidance – Qualifications

Use of qualifications as a selection criterion should be based on the essential and desirable qualifications or equivalent listed in the person specifications for the post. If there are no qualifications required for the post, then this selection criterion should not be used.

5 marks - Fully qualified or equivalent as specified in the person specification

4 marks - Part qualified and actively training towards full qualification

3 marks - Part qualified but not actively training towards full qualification

2 marks - Not qualified, not part-qualified but training towards qualification

0 mark - Unqualified

Scoring Guidance – Disciplinary

Only live disciplinary warnings are to be used. Where an employee has more than one live warning for separate disciplinary offences, scores will be given for each.

5 marks – No current disciplinary warning

4 marks – Current verbal warning/Stage 1

3 marks – Current written warning/Stage 2

2 marks – Current final written warning/Stage 3

0 marks – Current final written warning/Stage 3 plus action short of dismissal

Scoring Guidance – Attendance

The absence period to be considered will be from the most recent 12 month rolling period. COVID related absences which were not subject to triggers will be excluded. Both days lost due to sickness absence and the number of occasions over which absence was taken will be used for this criterion. Sickness absence related to pregnancy and disability will not be used. Sickness absence linked to work related stress will be considered on a case-by-case basis.

The scores for each (Days + Number of occasions) will be added to give a total score for attendance.

WORKING DAYS ABSENT

Score	Definition
5	No absence
4	1-3 days absence
3	4-6 days absence
2	7-10 days absence
1	11-15 days absence
0	16 days + absence

NUMBER OF OCCASIONS OF ABSENCE

Score	Definition
5	No absence
4	1 occasion of absence
3	2 occasions of absence
2	3 occasions of absence
1	4 (or more) occasions of absence

Scoring Guidance – Cost

Those employees with the lowest cost to release should have a larger score. Employees will be scored based on their cost dependent on the number of employees in the pool.

Example: There are 5 employees in the pool. The employee with the highest cost to release will be scored at the lowest number (1) and the employee with the lowest cost to release will be scored at the highest number (5). Remaining employees will be scored in a rank order in between.

Employee A: Cost to Release £10,000	Score 5
Employee B: Cost to Release £15,000	Score 4
Employee C: Cost to Release £20,000	Score 3
Employee D: Cost to Release £25,000	Score 2
Employee E: Cost to Release £30,000	Score 1

- 5 Least cost to release
- 4 Fourth highest cost to release
- 3 Third highest cost to release
- 2 Second highest cost to release
- 1 Highest cost to release

Employees who are aged over 55 must have chosen Option 1 or Option 2 before the scoring is completed.

***Option 1 a** – Enhanced Redundancy - this is made up of **Statutory Redundancy Payment** based on a contractual week's pay, plus **Compensation payment**.

***Option 1b** - Statutory Redundancy plus additional pension (Employees may choose to buy additional pension using their compensation payment)

***Option 2** – Statutory Redundancy plus additional pension is awarded by the Council instead of a compensation payment.

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APPENDIX 3

Redundancy Pay Table

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
18*	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½																
21	1	1½	2	2½	3															
22	1	1½	2	2½	3	3½														
23	1½	2	2½	3	3½	4	4½													
24	2	2½	3	3½	4	4½	5	5½												
25	2	3	3½	4	4½	5	5½	6	6½											
26	2	3	4	4½	5	5½	6	6½	7	7½										
27	2	3	4	5	5½	6	6½	7	7½	8	8½									
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½								
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½							
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½						
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½					
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½				
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½			
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½		
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	

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59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61**	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

18* - it is possible that an individual could start to build up continuous service before age 16, but this is likely to be rare, and therefore we have started from age 18

61** - the same figures should be used when calculating the redundancy payment for an individual aged 61 and above

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PENSIONS DISCRETION POLICY

Policy Number	
Version Number	2024-1
Author	Chief Finance Officer

Date of Screening of Policy	
EQIA Recommended?	YES
Date Adopted by Council	
Date Policy Revised	

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Introduction

Causeway Coast and Glens Borough Council is required by the Regulations governing the Local Government Pension Scheme for Northern Ireland (the “Scheme Regulations”) to prepare a written policy statement setting out how it will exercise certain discretions under

- Local Government Pension Scheme Regulations (NI) 2014
- Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (NI) 2014
- Local Government Pension Scheme (Administration) Regulations (NI) 2009, in respect of leavers between 1 April 2009 and 31 March 2015
- Local Government Pension Scheme Regulations (NI) 2002 -in respect of leavers between 1 February 2003 and 31 March 2009.
- Regulation 66 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2007, effective from 1 October 2006; and
- Regulation 25 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, operative from 24 March 2003 for terminations of employment on redundancy or efficiency grounds that occurred prior to 1 April 2007.

The policy for the discretions for which **Causeway Coast and Glens Borough Council** must have a policy statement are set out at sections 1-5; 13; 15; 17-18; and 19-22.

Causeway Coast and Glens Borough Council also has a written policy statement in respect of certain other discretions. The policy in respect of these discretions is set out in the remaining sections.

Decisions under this policy will be taken by the Chief Executive and will be subject to review by the Senior Management Team.

Throughout this policy statement, and unless otherwise stated, employee should also be taken to mean an active member of the LGPS NI; and **Causeway Coast and Glens Borough Council** should be considered to be the employer.

Causeway Coast and Glens Borough Council in exercising the discretions set out, will at all times

- exercise the discretions reasonably
- have regard to all relevant factors and no irrelevant factors
- record any decision taken in relation to the exercise of the discretions
- shall not act in a way that is likely to lead to a serious loss of confidence in the public sector

This policy statement sets out **Causeway Coast and Glens Borough Council's** general policy in relation to each discretion. However, **Causeway Coast and Glens Borough Council's** discretion shall not be fettered by this Policy Statement. **Causeway Coast and Glens Borough Council** will consider each case on its merits and may take into account exceptional circumstances.

Where relevant and reasonable, **Causeway Coast and Glens Borough Council** may request further information from an employee who is applying for a discretion to be exercised in the employee's favour. The member may refuse to provide the information, in which case **Causeway Coast and Glens Borough Council** may proceed to make the decision without that information.

Discretions under the 2014 Regulations

1. Power to grant extra annual pension

2014 Regulations, Reg 32

The employer has the power to grant extra annual pension to an active scheme member or to a member within 6 months of the date of a dismissal, or termination by mutual consent, for reasons of redundancy or business efficiency. The award is limited to an annual amount of £8,131 (2023/24 rates).

Causeway Coast and Glens Borough Council's policy is:

(a) Employees who leave the Scheme

Additional pension up to a maximum of £8,131 (figure at 1 April 2023) may be awarded to those leaving **Causeway Coast and Glens Borough Council's** employment on redundancy or in the interests of efficiency of the service in accordance with **Causeway Coast and Glens Borough Council's** policy on Redundancy/ Efficiency (so long as the award is made within six months of leaving) or on compassionate grounds in accordance with

(b) Employees joining the Scheme

Additional pension up to a maximum of £8,131 (figure at 1 April 2023) may be awarded in rare and exceptional circumstances when it deemed absolutely necessary as an inducement to attract and retain a new employee who has specialist skills and experience required by **Causeway Coast and Glens Borough Council**. This will be conditional on the employee remaining in **Causeway Coast and Glens Borough Council's** employment for an agreed period of time.

(c) Employees who are active members of the Scheme

Additional pension up to a maximum of £8,131 (figure at 1 April 2023) will only be awarded in rare and exceptional circumstances when it is deemed absolutely necessary as an inducement to prevent an employee who is an active member, who has exceptional specialist skills and experience required by **Causeway Coast and Glens Borough Council**, from leaving **Causeway Coast and Glens Borough Council's** employment. This will be conditional on the employee remaining in **Causeway Coast and Glens Borough Council's** employment for an agreed period of time.

Each case above will be considered on the merits of the case put forward. The cost of any extra annual pension awarded will have to be paid to NILGOSC as a lump sum payment unless it has been agreed to pay increased contributions to meet the cost.

2. Contributing to the cost when an employee purchases extra pension

2014 Regulations, Regs 18(2)(e) and 18(4)(d)

Members can decide to purchase extra annual pension of up to £8,131 (figure at 1 April 2023) by making Additional Pension Contributions (APCs). Under this discretion the employer can choose to contribute in whole or in part to the cost of the APC arrangement, which is known as a Shared Cost Additional Pension Contribution or SCAPC.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will only voluntarily contribute towards the cost of purchasing extra pension via a Shared Cost Additional Contribution (SCAPC) where in exceptional circumstances where Causeway Coast and Glens Borough Council considers it is in its financial or operational interests to do so. Each case to contribute to a SCAPC (and a decision on the amount to be contributed) will be considered on the merits of the financial and / or operational business case put forward.

3. Flexible retirement for active member aged 55 or over

2014 Regulations, Reg 31(6), and Transitional Regulations, Regs 10(2) and (3)

An employee aged 55 or over, who reduces working hours or grade, may take flexible retirement with the employer's consent.

The employer has the discretion to decide

- whether to consent to an employee taking flexible retirement
- whether to waive, in whole or in part, any actuarial reduction of benefits where flexible retirement is taken before Normal Pension Age (NPA)

An employee who takes flexible retirement must take all benefits accrued prior to 1 April 2009 and may choose to take

- all, part or none of the benefits accrued after 31 March 2009 and before 1 April 2015, and
 - all, part or none of the pension benefits they accrued after 31 March 2015
-

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will allow early payment of total accrued benefits to employees meeting its terms for early payment of benefits in cases of flexible retirement (a copy of which is available from HR), subject to cost.

Requests to waive the reduction in benefits will only be considered in exceptional circumstances on compassionate grounds (in accordance with the criteria specified in section 3 below or where **Causeway Coast and Glens Borough Council** considers it is in its financial or operational

interests to do so (each case will be considered on the merits of the financial and/or operational business case put forward and will require the approval of the Chief Executive). Any strain on fund costs or any cost to waive the reduction in benefits will have to be met by **Causeway Coast and Glens Borough Council** and paid to NILGOSC.

4. 85 Year Rule

Schedule 3 of the Transitional Regulations

Whether, as the 85 year rule does not (other than on flexible retirement) automatically apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.

Notes:

- If the employer does agree to switch back on the 85 year rule in full, the employer will have to meet the cost of any strain on fund resulting from the payment of benefits before age 60 i.e. where the member has already met the 85 year rule, or would meet it before age 60.
 - The 85 year rule is satisfied if the person was a member of Scheme on 30 September 2006 and the member's age at the date they draw their benefits and their scheme membership (each in whole years) add up to 85 or more. If they are part-time, their membership counts towards the 85 year rule at its full calendar length.
-

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will not agree to switch the 85 year rule on in full where employees choose to voluntarily draw their benefits on or after age 55 and before age 60 except where there are compassionate reasons for doing so in accordance with the criteria specified in section 3 (page 20). The cost to **Causeway Coast and Glens Borough Council** will be taken into consideration.

5. Discretion to Waive Reductions on Early Retirement

2014 Regulations, Reg 31 and Transitional Regulations, Schedule 3

Under Regulation 31(5) of the 2014 Regulations active members can choose to retire and take their pension early and deferred members can choose to draw their benefits early, between age 55 and NPA.

Pension benefits are reduced for early payment (except in the case of ill-health retirement) by the amount shown in actuarial guidance issued by the Department. The amount of the reduction will vary in accordance with the age of the member, membership in the Scheme and the extent to which the transitional provisions with regard to the 85 Year Rule (Schedule 3 to the Transitional Regulations) apply to the individual member (if at all). Different parts of membership may have different reductions applied.

The employer has a discretion

- under Regulation 31(8) to waive any relevant reduction under Regulation 31(5) in whole or in part in respect of membership from 1 April 2015. No ground is stipulated by the Regulations.
 - under earlier Regulations to waive on compassionate grounds any relevant reduction in respect of membership before 1 April 2015
 - under Paragraph 2(1) of Schedule 3 to the Transitional Regulations to determine on compassionate grounds to waive in full any relevant reduction calculated in accordance with Schedule 3, in respect of membership before 1 April 2015.
-

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will not agree under Regulation 31(8) or under Paragraph 2(1) of Schedule 3 to the Transitional Regulations to waive in whole or in part any reduction in benefits as described above except in circumstances where **Causeway Coast and Glens Borough Council** considers there are compassionate grounds in accordance with Section 3 at page 20 below and always subject to the approval of the Chief Executive.

As the employer, **Causeway Coast and Glens Borough Council** will have to meet the cost of the strain on the fund resulting from any waiver in actuarial reduction.

Each case will be considered on the merits the compassionate case put forward.

6. Contributing to a Shared Cost Additional Voluntary Contribution 2014 Regulations, Reg 19

Whether, how much, and in what circumstances to contribute to a shared cost Additional Voluntary Contribution (SCAVC) arrangement entered into on or after 1 April 2015 and whether, how much, and in what circumstances to continue to contribute to any shared cost Additional Voluntary Contribution (SCAVC) arrangement entered into before 1 April 2015.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council allows all employees to increase their death in service grant. **Causeway Coast and Glens Borough Council** will contribute 50% of the SCAVC cost for any employee who takes out an SCAVC arrangement with the in-house scheme AVC provider to provide further death in service cover to a maximum of two years pensionable pay.

Causeway Coast and Glens Borough Council will pay SCAVC contributions where an employee has elected to pay SCAVCs by salary sacrifice. The amount of these employer SCAVC contributions will not exceed the amount of salary sacrificed by the employee. This is an employer discretion which is subject to the employee meeting the employers conditions for acceptance into the salary sacrifice shared cost SCAVC scheme and may be withdrawn or changed at any time

7. Aggregating benefits – When a concurrent employments ends 2014 Regulations, Reg 24(7)(b)

When a member has concurrent employments and one of them ceases with an entitlement to a deferred pension, the deferred benefits from that employment must be aggregated with the pension account for the member's ongoing employment unless the member elects to keep the deferred benefits separate. The member has 12 months to make this election or such longer period as the employer in relation to the ongoing employment permits.

The employer has the discretion to agree to extend time.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will only extend the 12 month time limit within which a scheme member with concurrent employments ceases an employment with entitlement to a deferred pension may elect **not** to have their deferred benefits aggregated with those in their ongoing employment's active member pension account.

(a) where **Causeway Coast and Glens Borough Council** agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration;

(b) where **Causeway Coast and Glens Borough Council** agrees that the available evidence indicates the member had made an election within 12 months of ceasing the concurrent employment but the election was not received by NILGOSC (e.g. the election form was lost in the post); or

(c) where the member has pre-1 April 2015 membership and **Causeway Coast and Glens Borough Council** agrees the available evidence indicates that, due to maladministration, the member had not been informed of the implications of having separate benefits

8. Aggregating Deferred Benefits – Deferred Member again becomes Active

2014 Regulations, Reg 24(8)(c)

When a deferred member becomes an active member again, the member may elect to aggregate the benefits in the deferred pensions account with those in the new active member's pension account. The member must make the election within 12 months.

The employer has a discretion to extend time and allow the member to elect to aggregate benefits after the 12-month period has elapsed.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will only **extend** the 12-month time limit within which a deferred member who becomes an active member again may elect to aggregate the benefits in the deferred pensions account with those in the new active member's pension account

- (a) Where **Causeway Coast and Glens Borough Council** agrees that the available evidence indicates the member had not been informed of the 12-month limit due to maladministration
- (b) Where **Causeway Coast and Glens Borough Council** agrees that the available evidence indicated the member had made an election within 12 months of joining the LGPS (NI) but the election was not received by the Northern Ireland Local Government Officers' Superannuation Committee (e.g. the election form was lost in the post); or
- (c) Where the member has pre 1 April 2015 membership and **Causeway Coast and Glens Borough Council** agrees the available evidence indicates that due to maladministration, the member had not been informed of the implications of having benefits aggregated and would in consequence, suffer a detriment to their pension benefits (for example, where member's whole-time equivalent pensionable pay on commencing, with **Causeway Coast and Glens Borough Council** is, in real terms after allowing for inflation, significantly more than the whole-time equivalent pensionable pay upon which the deferred benefits were calculated).

9. Determining contribution rates for employees

2014 Regulations, Reg 11

The regulations set out the rates of contributions that members must pay and these are divided into bands according to the pensionable pay of the member.

The employer must decide

- how it will determine an employee's contribution band/rate on joining the Scheme and at each subsequent April; and
 - if there is a material change to the member's terms and conditions of employment affecting pensionable pay during a Scheme year (1 April to 31 March), in what circumstances it will review that member's contribution band/rate.
-

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council has written a separate policy in respect to this discretion. A copy of the Contribution Banding Policy is available to staff on the Staff portal.

10. Calculating Assumed Pensionable Pay – Regular Lump Sums

2014 Regulations, Reg 23(5)

Employers must provide NILGOSC with a member's Assumed Pensionable Pay (APP) when a member:

- is absent due to illness or injury and on reduced contractual pay or no pay
- is absent on child-related leave (as defined) and the actual pay received is not greater than APP would be for that period
- is absent on reserve forces service leave
- where an ill-health retirement or death has occurred

APP is calculated in accordance with Regulation 23. The annual rate of APP must include any regular lump sum payment received by the member in the 12 months prior to the relevant event, as set out above (Reg 23(4)(a)(iv) and 23(5)(a)(iv)). Regulation 23(5)

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council does not currently make any 'regular lump sum payments' to its employees. Therefore, if any lump sum payment were made to an employee, generally there would be no expectation that such a payment would be regular.

However, **Causeway Coast and Glens Borough Council** will consider each case on its merits and any final decision will rest with the Chief Executive.

11. Whether to substitute a revised pensionable pay in calculating APP 2014 Regulations, Reg 23(5A) and (5B)

This discretion allows the employer to substitute a revised pensionable pay, instead of APP, where the pay received by the member during the reference period was materially different to the pensionable pay the member usually received.

The employer must have regard to the level of pensionable pay received by the member in the previous 12 months

Causeway Coast and Glens Borough Council's policy is:

In calculating APP, **Causeway Coast and Glens Borough Council** will usually substitute a revised pensionable pay for the actual pensionable pay received in the reference period where the actual pensionable pay in that period is materially different to the pay normally received by the member. The revised pensionable pay used will reflect the member's normal pensionable pay.

In determining the member's normal pensionable pay, **Causeway Coast and Glens Borough Council** will take into account the pensionable pay received by the member in the previous 12 months.

Each case will be determined on its merits and exceptional circumstances will be taken into account.

12. Time limit for elections to cover lost pension due to an absence with permission 2014 Regulations, Regs 17(5) and 18(16)

If a member who has been absent with permission (other than on child-related leave, sick leave or reserve forces service leave) elects within 30 days of returning to work to take out an additional pension contract to cover the pension lost during the absence, the employer must pay two-thirds of the cost. The employer has the discretion to extend the 30 day period.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will only extend the 30 day time limit where

- the member can demonstrate that the reason for missing the deadline was because the member had not been made aware of that deadline and/or
- in exceptional circumstances where **Causeway Coast and Glens Borough Council** considers it is in its financial or operational interests to do so. Each case will be considered on the merits of the financial and /or operational business case put forward.

Discretions exercised from 1 April 2015 in relation to members who ceased active membership between 1 April 2009 and 31 March 2015

13. Waiving reduction to deferred benefits

Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009, Reg 30(5)

Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will consider an application to waive, on compassionate grounds, any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

Each case will be considered on its merits and will be subject to the approval of the Senior Management Team. Applications will only be considered where there are compassionate grounds in accordance with section three below – page 20

14. Application of 85 year rule for deferred members

Transitional Regulations, Schedule 3

Whether, as the 85 year rule does not (other than on flexible retirement) automatically apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.

Notes:

- If the employer does agree to switch back on the 85 year rule in full, the employer will have to meet the cost of any strain on the fund resulting from the payment of benefits before age 60 i.e. where the member has already met the 85 year rule, or would meet it before age 60.
 - The 85 year rule is satisfied if the person was a member of the LGPS (NI) on 30 September 2006 and the member's age at the date they draw their benefits and their scheme membership (each in whole years) add up to 85 or more. If they are part-time, their membership counts towards the 85 year rule as its full calendar length
-

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will not agree to switch the 85 year rule on in full where deferred members choose to voluntarily draw their deferred benefits on or after age 55 and before age 60 except in circumstances where **Causeway Coast and Glens Borough Council** considers it is in its financial or operational interests to do so. Each case

- will be considered on the merits of the financial and/or operational business case put forward, and
- will require the approval of **the Chief Executive**

Discretions to be exercised from 1 April 2015 in relation to scheme members who ceased active membership between 1 February 2003 and 31 March 2009

15. Waiving reduction to deferred benefit

Local Government Pension Scheme Regulations (Northern Ireland) 2002, Reg 33(5)

When a deferred member applies for early payment of pension under the 2002 Regulations, it is usually reduced in accordance with guidance.

The employer can choose on compassionate grounds to waive any actuarial reduction that would normally be applied to deferred benefits paid before age 65.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will consider an application to waive, on compassionate grounds, as set out in Section 3 on page 20, any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.

Each case will be considered on its merits and will be subject to the approval of the Senior Management Team.

16. Application of 85 year rule for deferred members

Transitional Regulations, Schedule 3

Whether, as the 85 year rule does not (other than on flexible retirement) automatically apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members.

Notes:

- If the employer does agree to switch back on the 85 year rule in full, the employer will have to meet the cost of any strain on the fund resulting from the payment of benefits before age 60 i.e. where the member has already met the 85 year rule, or would meet it before age 60.
 - The 85 year rule is satisfied if the person was a member of the LGPS (NI) on 30 September 2006 and the member's age at the date they draw their benefits and their scheme membership (each in whole years) add up to 85 or more. If they are part-time, their membership counts towards the 85 year rule as its full calendar length
-

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will not agree to switch the 85 year rule on in full where deferred members choose to voluntarily draw their deferred benefits on or after age 55 and before age 60 except in circumstances where **Causeway Coast and Glens Borough Council** considers it is in its financial or operational interests to do so.

Each case will be considered on the merits of the financial and/or operational business case put forward and will require the approval of **the Senior Management Team**.

Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2007

17. Redundancy payment

Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2007, Reg 4

The employer can choose to base a redundancy payment on an employee's actual weeks' pay where this exceeds the statutory week's pay limit of, currently, £669 per week (as at April 2023).

Causeway Coast and Glens Borough Council's policy is:

Any redundancy payment will be calculated on an employee's actual week's pay and not limited to the statutory weeks' pay limit where pay exceeds that limit.

For these purposes, the calculation of an employee's actual week's pay, where it exceeds the statutory maximum will not include employer's pension contributions.

18. Enhanced compensation

Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2007, Reg 5

The employer may make a termination payment (inclusive of any redundancy payment) of up to a maximum of 104 weeks' pay to employees whose employment is terminated on the grounds of redundancy or business efficiency.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will make a termination payment (inclusive of any redundancy payment) to an employee whose employment is terminated because of redundancy or business efficiency. The termination payment will be calculated using the statutory redundancy payment formula but based on actual pay, enhanced by a multiplier of **XX**

For these purposes, the calculation of an employee's actual week's pay, where it exceeds the statutory maximum will not include employer's pension contributions.

Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003

19. Abatement of annual compensatory added years pension

Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Regs 16 and 18

The employer can decide whether it will apply abatement to annual compensatory added years pension previously awarded to an employee, where that person is re-employed in local government employment, regardless of whether or not the employee chooses to re-join the Local Government Pension Scheme NI.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council has a policy of no abatement and any pensioner currently re-employed, or reemployed in the future, with any employer participating in the Local Government Pension Scheme NI will not be subject to a reduction or suspension of his/her annual compensatory added years pension.

20. Survivor compensatory added years apportionment

Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Reg 20(4)

Where a member is survived by more than one spouse or civil partner and there is a surviving spouse's or civil partner's annual compensatory added years pension, the employer must choose how it will be apportioned.

Causeway Coast and Glens Borough Council's policy is:

Causeway Coast and Glens Borough Council will apportion any surviving spouse's or civil partner's annual compensatory added years pension where the deceased person is survived by more than one spouse or civil partner in such proportions as, at its sole discretion, it sees fit (based on the merits of the individual case).

21. Annual compensation suspension rules

Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003, Reg 20(5)

The employer can choose whether to suspend a surviving spouse's or civil partner's annual compensatory added years pension, where the survivor remarries, forms a civil partnership or cohabits. This applies to the surviving spouse or civil partner of a member who ceased employment before 1 February 2003.

Causeway Coast and Glens Borough Council's policy is:

If the spouse or civil partner of a person who ceased employment before 1 February 2003 remarries, enters into a new civil partnership or cohabits after 1 February 2003, the spouse's or civil partner's annual compensatory added years pension will continue to be paid.

22. Annual compensation suspension rules - reinstatement

Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Reg 20(9)

Whether, where a spouse's or civil partner's annual compensatory added years pension is suspended as a result of remarriage, entering into a new civil partnership or cohabitation, the spouse's or civil partner's annual compensatory added years pension should be reinstated after the end of the period of remarriage, new civil partnership or cohabitation.

Causeway Coast and Glens Borough Council's policy is:

N/A –The Council will not suspend a spouse's or civil partner's annual compensatory added years pension due to remarriage, entering into a new civil partnership or cohabitation.

Consideration of requests on compassionate grounds

Each request on compassionate grounds will be considered on its own merits regardless of cost.

The main criteria Causeway Coast and Glens Borough Council will consider as compassionate grounds are

- to allow employees or former employees to care for a sick spouse, civil partner, co-habiting partner, parent, child, sibling or other dependant as that person's sole or main carer; and/or
- on grounds of long-term severe financial hardship.

Proven long-term severe financial hardship means that the member's long-term expenditure on basic living requirements (e.g. food, heat, electricity, rent or mortgage, clothing) exceeds the member's income from all sources and the member has either no or minimal savings. Long-term means greater than 12 months.

The member must provide Causeway Coast and Glens Borough Council with relevant information and evidence supporting the application. If the member refuses to provide information to Causeway Coast and Glens Borough Council, then Causeway Coast and Glens Borough Council may proceed to make a decision without that information.

Relevant information and documents may include (without limitation):

- Where the member wishes long-term severe financial hardship to be considered:
 - Full details of long-term severe financial hardship.
 - Details of all employments held since leaving the Causeway Coast and Glens Borough Council's employment.
 - Details of all income, pensions deferred or in payment and any other benefits receivable including state benefits and crisis loans.
 - Details of savings accounts or savings-type insurance policies.
 - Copies of bank statements.
 - Detailed list of expenditure.
- Where the member wishes caring responsibilities to be considered:
 - Medical reports, if appropriate, to support a case of retirement to look after an elderly or infirm spouse, civil partner, co-habiting partner, child, parent, sibling or other dependant.
 - Evidence that the member is the sole or main carer.

Causeway Coast and Glens Borough Council may also request any such other information and evidence as may be relevant to the decision, where it is reasonable to request same from the member.

Policy Review

Causeway Coast and Glens Borough Council's Policy Statement on Employer's Discretions was last reviewed in September 2021. The next review will be due in September 2025.

Glossary

"2014 Regulations" means the Local Government Pension Scheme Regulations (NI) 2014

"Child -related leave" is defined in Schedule 1 to the 2014 Regulations and includes

- ordinary adoption leave
- ordinary maternity leave
- additional maternity or additional adoption leave during which the member receives some pensionable pay
- paternity leave
- shared parental leave during which the member receives some pensionable pay
- parental bereavement leave during which the member receives some pensionable pay

It does not include unpaid additional maternity leave, unpaid additional adoption leave, unpaid shared parental leave or unpaid parental bereavement leave.

"Discretionary Compensation Regulations 2007" means the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007

"Earlier Regulations" means the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009 and the Local Government Pension Scheme Regulations (Northern Ireland) 2002 and, where relevant, any previous regulations governing the Scheme.

"LGPS (NI)" means the Local Government Pension Scheme for Northern Ireland

The "Scheme" means the LGPS (NI)

"Transitional Regulations" means the Local Government Pension Scheme (Transitional Provisions and Amendments) Regulations (NI) 2014