

<b>Agenda Item:</b>	
<b>Report to:</b>	<b>Strategic Planning and Resources Committee Meeting</b>
<b>Subject:</b>	Newry, Mourne and Down District Council Policy Statement on Employer Discretions under the Local Government Pension Scheme (Northern Ireland) 2014 Regulations and other related Regulations
<b>Date:</b>	13 August 2015
<b>Reporting Officer:</b>	Catrina Miskelly, Assistant Director Corporate Services (Human Resources)
<b>Contact Officer:</b>	Catrina Miskelly, Assistant Director Corporate Services (Human Resources)

### **Decisions Required**

Members are asked to note the contents of this report and agree the proposed Pensions Discretion Policy Statement for Newry, Mourne and Down District Council which is recommended for approval.

#### **1.0 Purpose & Background**

- 1.1 The purpose of this report is to make recommendations for Newry, Mourne and Down District Council policies on discretions to be exercised:
- a) under the LGPS Regulations (Northern Ireland) 2014 from 1 April 2015 in respect of members of the Career Average Revalued Earnings (CARE) scheme,
  - b) under earlier LGPS Regulations (Northern Ireland) in respect of members of the LGPS who left prior to 1 April 2015, and
  - c) under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007 and earlier compensation regulations.

#### **2.0 Key Issues**

- 2.1 The key issues are set out in the NILGOSC Circular 01/2015 dated 2 March 2015 '*Local Government Pension Scheme 2015 – Discretionary Policies*'. The Policy Statement for Newry, Mourne and Down District Council has been based on this model.

#### **3.0 Resource Implications**

- 3.1 The resource implications of each discretion are set out within the proposed Council Policy and are considered to be sufficiently flexible to strike a balance between individual circumstances and the best interest of the Council.

#### **4.0 Appendices**

1. NILGOSC Circular 01/2015 dated 2 March 2015 '*Local Government Pension Scheme 2015 – Discretionary Policies*'
2. Newry, Mourne and Down District Council Pensions Discretion Policy Statement
3. NILGOSC Terms for Early Payment of Pension Benefits in cases of Flexible Retirement
4. NILGOSC Policy on Contribution Banding



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To: Chief Executives  
Salaries and Wages  
Human Resources  
Pension Contacts

Circular 01/2015  
02 March 2015

At: All Employing Authorities

Dear Colleagues,

### Local Government Pension Scheme 2015 - Discretionary Policies

There are some situations where the regulations give employers the option to do certain things provided they are set out in a formal policy, these are known as discretions. At the recent employer training on employer discretions for the new Scheme we advised that we would provide a discretionary policy template. The aim of this template is to enable employers to consider the various options under each discretion and choose either the most appropriate option or insert their own wording, if preferred. We are grateful to the assistance of Terry Edwards, Director of PENTag Ltd, who has prepared this template. The template is attached to this circular.

#### Content

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## 1. Regulatory Background

Employers are required to have policies on discretions under:

- the Local Government Pension Scheme Regulations (Northern Ireland) 2015 in respect of members of the 2015 Career Average Revalued Earnings (CARE) Scheme
- earlier Local Government Pension Scheme Regulations in respect of members who left before 1 April 2015, and
- the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007 and earlier compensation regulations.

As a result of the introduction of the new Scheme employers are required to formulate, publish and send a copy of their Statement of Policy to NILGOSC no later

than 31 July 2015. This written Statement of Policy must cover certain discretions that the employer can exercise from 1 April 2015. It is preferable that employers have sent their policy to NILGOSC as soon as possible after 1 April 2015 in order to cover cases that may arise before 31 July 2015 e.g. redundancy or flexible retirement cases. NILGOSC cannot pay a benefit where a discretion is exercised if we do not have a copy of your policy on file.

Employers must also formulate, publish and keep under review a Statement of Policy on certain other discretions under earlier Scheme regulations and under the Discretionary Compensation Regulations.

In formulating and reviewing their policies under the Scheme regulations employers are required to consider whether and to what extent the policy might lead to a serious loss of confidence in the public service.

In formulating and reviewing their policies under the Discretionary Compensation Regulations employers are required to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service and must be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

## **2. Discretionary Policy Template**

The template is laid out as described in Table 1 and is issued along with this circular.

Each of the tables within the template highlights the discretions where a policy is required or is recommended as well as noting the affected employers.

A number of potential options are listed under each discretion. Each employer should select the most appropriate option or insert its own wording if that is preferred.

Once the final policy is approved it should be forwarded to NILGOSC before 31 July 2015.

The template does not cater for members with protected rights (e.g. earlier payable ages) or councillor members, however, you may wish to also include them within your policy statement, where applicable.

Table 1 - Discretionary Policy Template

Page	Content
1-5	Draft letter for Committee or relevant decision maker
6	Information on fettering discretions
7-30	<p><b>Table A</b> - Discretions to be exercised under the LGPS (NI) 2015</p> <p><i>All employers <b>must</b> have a policy in respect of items 1 to 5 and are <b>recommended</b> to have a policy in place in respect of items 6 to 9</i></p>
31-33	<p><b>Table B</b> - Discretions to be exercised from 1 April 2015 in relation to Scheme members who left active membership between 1 April 2009 and 31 March 2015</p> <p><i>All employers participating in the Scheme on 31 March 2015 <b>must</b> have policy on all three items</i></p>
34-36	<p><b>Table C</b> - Discretions to be exercised from 1 April 2015 in relation to Scheme members who left active membership between 1 February 2003 and 31 March 2009</p> <p><i>Employers participating in the Scheme on 31 March 2009 <b>must</b> have policy on both items</i></p>
36-37	<p><b>Table D</b> - Discretions to be exercised from 1 April 2015 in relation to Scheme members who left active membership before 1 February 2003</p> <p><i>Employers participating in the Scheme on 31 January 2003 are <b>recommended</b> to have a policy on item 1</i></p>
37-40	<p><b>Table E</b> - Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007</p> <p><i>Employers <b>must</b> have a policy on both items</i></p>
41-45	<p><b>Table F</b> - Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003</p> <p><i>Employers <b>must</b> have a policy on all three items but only if they awarded compensatory added years under these or earlier regulations</i></p> <p>NB. The options under this section are written as though the final salary scheme continues as these regulations will need to be considered/amended by the Department of Environment to take account of the change in definition of pensionable pay i.e. now includes non-contractual overtime and additional hours payments.</p>

### 3. Contribution Banding

A few employers have highlighted the difficulties of banding employees when there is a unknown non-contractual element of overtime. They have considered reviewing the pensionable earnings on a quarterly basis and reassessing the individual if it appeared that their annual earnings would take them into a higher band or lower band.

We have reviewed the regulations and they only permit reattribution during a year in the following circumstances:

*11 (3)<sup>1</sup> Where there is a change in employment, or a material change **to the terms and conditions of a member's employment**, which affects the member's pensionable pay in the course of a financial year, the employing authority may determine that a contribution rate reflecting the different pay range should be applied and the employing authority shall inform the member of the contribution rate applicable and the date from which it is to be applied.*

Therefore, in light of the above difficulties and the potential for numerous appeals to employers, NILGOSC accepts that employers may choose to band employees taking into account contractual elements of pay only for the next year i.e. ignoring any potential non-contractual overtime. However, employees will still pay contributions on the non-contractual overtime at the contribution rate to which they have been attributed. A reassessment of contributions should only take place where an employer is satisfied that there is a change in employment or a material change to the terms and conditions of a member's employment during the course of a financial year. Employers may, of course, use another method such as one of those stated in page 6 of the HR Guide.

The new Scheme is designed to achieve average employee contributions of 6.4% of pensionable pay. The above approach will be reviewed as at 31 March 2016 when we can determine the average employee contributions received against pensionable pay (including non-contractual overtime) for each employer. The above approach will need reviewed if it is apparent that the average contributions have not been realised.

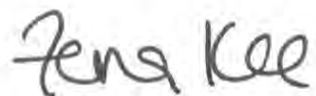
We have also asked the Department to consider the above mentioned regulation and whether it should be amended.

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<sup>1</sup> Local Government Pension Scheme Regulations (Northern Ireland) 2014 (SRNI 2014 No. 188)

I hope you find the attached template useful. Please do not hesitate to contact the Pensions Development Team or myself if you have any queries.

Yours sincerely

A handwritten signature in black ink that reads "Zena Kee". The signature is written in a cursive, slightly slanted style.

Zena Kee  
Pensions Manager

## Policy on Contribution Banding

### 1 Introduction

- 1.1 The purpose of this policy is to set out how NILGOSC intends to allocate LGPS (NI) members to a contribution band.
- 1.2 The policy also sets out how NILGOSC intends to reassess and reallocate contribution bandings as well as provide details on how a member can appeal a decision regarding their banding.

### 2 Contribution Bands

- 2.1 The Regulations governing the Local Government Pension Scheme introduced contribution bands from 1 April 2009 for each active Scheme member. The contribution bands for members from 1 April 2015 are detailed in the table below.

Band	Pensionable pay range for an employment at April 2015	Contribution Rate
1	£0 - £14,000	5.5%
2	£14,001 - £21,300	5.8%
3	£21,301 - £35,600	6.5%
4	£35,601 - £43,000	6.8%
5	£43,001 - £85,000	8.5%
6	More than £85,000	10.5%

The pensionable pay ranges will be increased on 1 April each year in line with Pensions Increase Orders from 1 April 2016.

### 3 Allocation to Contribution Band

- 3.1 Staff will pay contributions at the appropriate band rate on all pensionable pay received for each job (or half that rate if in the 50/50 section of the Scheme).
- 3.2 Staff, including part-time staff, will have their banding determined on their actual pensionable pay as at 31 March each year, or on their date of joining (if later), or at the date of any permanent material change (see below) Any reduction in pay due to sickness, child related leave, reserve forces leave or other absence from work will be disregarded when assessing or reviewing contribution bands and rates.

### 4 Reallocation to Contribution Bands

- 4.1 Ad hoc payments - With effect from 1 April 2015, pensionable pay will include non contractual overtime and additional hours. As overtime and additional hours are not regular features in NILGOSC, an employee's contribution band will be based on their contractual pay. Should it be determined at the end of the year that an employee has worked a significant amount of non contractual overtime, that would have placed their contribution rate in a different band, then NILGOSC will apply the revised rate in the following year if it is considered likely that a similar level of overtime will be worked in the next year. This arrangement will be reviewed if and when overtime/additional hours become a regular feature of a job.

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- 4.2 Change in contractual hours – With effect from 1 April 2015 an employee's contribution rate will be based on their actual pensionable pay. Contribution rates will therefore be revised at the point when the new contractual hours take effect.
- 4.3 Cost of living increases – Subject to DFP approval, these are normally payable in April but are often not agreed until mid way through the year. Contribution bands will be reassessed at 31 March each year, therefore if, for example, a cost of living increase is paid in October 2015 and backdated to April 2015 it is intended that the member will remain on the contribution rate determined at March 2015 for that year.
- 4.4 Spine point increases - Staff due to receive a spine point increase on 1 April (or six months after joining, whichever the later) will have their contribution banding determined on their actual pensionable pay at 31 March each year or at their date of joining (if later).
- 4.5 Acting up allowance – This is normally payable when a member of staff fills a more senior position on a temporary basis, if in post for one week or more. Contribution rates will be revised, at the point when an acting up allowance becomes payable, and adjusted to reflect the new actual pensionable pay.
- 4.6 Maternity leave, paternity leave, adoption leave, sick leave – The member will pay contributions on the actual pensionable pay received during the period of absence and will accrue benefits at 1/49<sup>th</sup> of their assumed pensionable pay. As the employer, NILGOSC will pay contributions on the assumed pensionable pay.
- 4.7 Backdated pay increase due to Job Evaluation – this is a permanent material change which affects pensionable pay however, while the pay increase may be backdated, the revised contribution rate will not be backdated but will be changed at the next payroll date. In instances where a pay increase is backdated over previous years the contributions due on arrears will be deducted at the rate already set for the year (i.e. the rate the member was paying in that year).
- 4.8 Change in pay due to new appointment – this is a permanent material change which affects pensionable pay therefore the contribution banding will be revised at the next payroll date when the change is effective. This will also apply to those accepting a temporary appointment (for example to cover a period of maternity leave) and in such circumstances the contribution percentage will revert to reflect the original banding on the next payroll date, after the member returns to their substantive post.
- 4.9 Members will be notified of changes to their contribution band as soon as is reasonably practicable when the change has been determined.

**5 Appeal Procedure**

- 5.1 Staff who believe their contribution rate has been determined incorrectly can raise an enquiry by following the procedure set out below:
- Informally – by contacting the HR Manager who will seek to resolve or explain any misunderstanding as quickly as possible.
  - Formally – by invoking the Grievance Procedure, a copy of which can be found in the Staff Handbook.



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- 5.2 This procedure does not detract from a member's right to appeal to the county court, please refer to [www.courtsni.gov.uk](http://www.courtsni.gov.uk) for further information.

*This policy was introduced in March 2009. It will be reviewed annually and was last revised in March 2015.*



## Policy Statement on Employer Discretions under the Local Government Pension Scheme (Northern Ireland) 2014 Regulations and other related Regulations

### Background

1. Newry Mourne and Down District Council (the Council) is required to (or where there is no requirement, is recommended to) formulate, publish and keep under review a Statement of Policy on certain discretions it may exercise in accordance with:
  - i) the Local Government Pension Scheme Regulations (NI) 2014
  - ii) earlier LGPS Regulations (Northern Ireland) in respect of members of the LGPS who left prior to 1 April 2015, and
  - iii) the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007 and earlier compensation regulations.
2. In formulating and reviewing its policies under the LGPS Regulations referred to above the Council has considered:
  - i) whether and to what extent the exercise of its discretionary powers could lead to a serious loss of confidence in the public service, and
  - ii) that the policy is workable, affordable and reasonable having regard to the foreseeable costs.
3. Decisions under this policy will be taken by the Council and will be supported by a business case outlining how it is in the financial and/or managerial interests of the Council to exercise its discretions.
4. Any amendments to this policy will be published and sent to the Northern Ireland Local Government Officers' Superannuation Committee within one month of the date the revisions to the policy were made.
5. This policy statement applies to the exercise of discretions under the above regulations in relation to:
  - i) active scheme members and members who cease active membership after 31 March 2015, and
  - ii) scheme members who ceased active membership prior to 31 March 2015 (deferred members).



## Consultation

6. The Council is not required to consult with the recognised trade unions when it intends to adopt new, or change existing, discretionary policies. However, it was considered appropriate to give advance notification to the recognised trade unions that this policy would be considered by the Council and a draft was shared with the Local Consultation and Negotiation Forum.

## Effective date of policies

7. The policies on discretions to be exercised under the LGPS Regulations (Northern Ireland) 2014 take effect from the date the Council agrees the policies, or from 31 July 2015; whichever is the later date.
8. Any change to the discretions exercised under the Discretionary Compensation Regulations 2003 and 2007 cannot take effect until one month after the date the Council publishes a statement of its amended policy.

## Non-fettering of discretions

9. In applying its policy discretions the Council will act reasonably and will not fetter the employer's discretion and will only exercise discretion where it is deemed essential to assist in attracting and retaining employees or to compensate employees who leave through no fault of their own.
10. The policies will confer no contractual rights and whilst the Council will endeavour to discuss changes with the recognised trade unions the Council retains the right to change the policies at any time without prior notice or consultation.
11. Only the policy which is current at the time a relevant event occurs to an employee / scheme member will be the one applied to that employee / member.

## Employer Discretions

- 12. Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations (Northern Ireland) 2014 in relation to active scheme members and members who cease active membership after 31 March 2015.**



Discretion and explanation	Newry Mourne and Down District Council policy
<p>1. <b>Discretion</b> – Power to grant extra annual pension (LGPS 2014, Regulation 32)</p> <p><b>Explanation.</b> Whether, at full cost to the Council, to grant extra annual pension of up to £6,500 (figure at 1 April 2015) to an active scheme member or within 6 months of leaving to a member who is dismissed by reason of redundancy or business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency.</p>	<p>The Council will not make use of the discretion to grant extra annual pension of up to £6,500 (figure at 1 April 2015) to an active scheme member or within 6 months of leaving to a member who is dismissed by reason of redundancy or business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency except in exceptional circumstances where the 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; to determine if and to what value any additional pension would be awarded.</p>
<p>2. <b>Discretion</b> – to contribute towards the costs of purchasing extra pension (LGPS 2014, Regulation 18)</p> <p><b>Explanation.</b> Whether, where an active scheme member wishes to purchase extra annual pension of up to £6,500 (figure at 1 April 2015) by making Additional Pension Contributions (APCs), the Council will voluntarily contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC). The employee must make an election to pay an APC within 30 calendar days of returning to work or any such longer period that the employer may permit if there has been an administrative error.</p>	<p>The Council will only voluntarily contribute towards the cost of purchasing extra pension via a Shared Cost Additional Pension Contribution (SCAPC) where:</p> <ul style="list-style-type: none"> <li>- an active scheme member returns from a period of authorised leave of absence, and</li> <li>- the member does not, within 30 days of returning from the leave of absence, make an election to buy-back the amount of pension 'lost' during that period of leave of absence, and</li> <li>- the member subsequently makes an election to do so and it can be demonstrated that the reason for the member missing the original 30 day deadline was because the member had not been made aware of that deadline, and</li> <li>- the election is made no more than 6 months after the member returns from the period of leave of absence</li> <li>- or such longer period as the Council may deem reasonable in any individual case.</li> </ul>



	<ul style="list-style-type: none"> <li>- A decision on whether the member meets the above criteria (and on whether the 6 month period referred to should be extended in any individual case) will be taken by the council and, where it is agreed that the conditions are met, the Council will contribute 2/3rds of the cost of buying back the 'lost' pension via a SCAPC.</li> </ul>
<p>3. <b>Discretion</b> – Flexible Retirement (LGPS 2014, Regulation 31)</p> <p><b>Explanation.</b> Whether to permit flexible retirement for staff aged 55 or over who, with the agreement of the Council, reduce their working hours or grade and, if so, as part of the agreement:</p> <ul style="list-style-type: none"> <li>- whether, in addition to the benefits the member has accrued prior to 1 April 2009 (which the member must draw if flexible retirement is agreed), to permit the member to choose to draw             <ul style="list-style-type: none"> <li>• all, part or none of the pension benefits they accrued after 31 March 2009 and before 1 April 2015, and / or</li> <li>• all, part or none of the pension benefits they accrued after 31 March 2015, and</li> </ul> </li> <li>- whether to waive, in whole or in part, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA)</li> </ul>	<p>The Council will not agree to flexible retirement except in circumstances where the Council considers it is in its financial or operational interests to do so. Each case</p> <ul style="list-style-type: none"> <li>- will be considered on the merits of the financial and / or operational business case put forward,</li> <li>- will set out whether, in addition to any pre 1 April 2009 benefits, the member will be permitted, as part of the flexible retirement agreement, to take             <ul style="list-style-type: none"> <li>a) all, some or none of their 1 April 2009 to 31 March 2015 benefits, and /or</li> <li>b) all, some or none of their post 31 March 2015 benefits, and</li> </ul> </li> <li>- will require the approval of <b>council</b></li> </ul> <p>The Council will only consider requests for flexible retirement as a means to ease employees into full retirement for a period of no more than two years. There must be a reduction of at least two grades or a reduction at least 40 % of the contractual hours of work. Any reduction will be a permanent change and employees will not be permitted to subsequently apply for a position that would result in an increase in hours or salary.</p> <p>Where flexible retirement is agreed, the benefits payable will be subject to any actuarial reduction applicable under the Local Government Pension</p>



	<p>Scheme Regulations (Northern Ireland) 2014 and the Local Government Pension Scheme (Amendment and Transitional Provisions) Regulations (Northern Ireland) 2014. The Council will only waive any such reduction, in whole or in part, where it 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 Council.</p>
<p>4. <b>Discretion</b> – 85 year rule for members voluntarily drawing benefits (LGPS 2014 Transitional Regs, Schedule 3)</p> <p><b>Explanation.</b> Whether to switch the 85 year rule back on in full for active scheme 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.</p>	<p>The Council will not agree to switch the 85 year rule on in full where members choose to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where the Council considers it is in its financial or operational interests to do so. Each case</p> <ul style="list-style-type: none"> <li>- will be considered on the merits of the financial and / or operational business case put forward, and</li> <li>- will require the approval of Council</li> </ul>
<p>5. <b>Discretion</b> – Waiving reduction of benefits which a member voluntarily draws before Normal Pension Age (LGPS 2014, Regulation 31 and LGPS 2014 Transitional Regs, Schedule 3)</p> <p><b>Explanation.</b> For active members voluntarily retiring on or after age 55 and before Normal Pension Age who elect under regulation 31(5) of the LGPS Regulations (Northern Ireland) 2014 to immediately draw benefits, and for deferred members who elect under regulation 31(5) of the LGPS Regulations (Northern Ireland) 2014 to draw benefits (other than on ill health grounds) on or after age 55 and before Normal Pension Age, and who:</p>	<p>The Council will not agree</p> <ul style="list-style-type: none"> <li>- to waive on compassionate grounds any reduction on pre 1 April 2015 benefits for Group 3 or 4 members, on pre 1 April 2016 benefits for Group 1 members, or on pre 1 April 2020 benefits for Group 2 members, and / or</li> <li>- to waive in whole or in part on any grounds any reduction on post 31 March 2015 benefits for Group 3 or 4 members, on post 31 March 2016 benefits for Group 1 members, or on post 31 March 2020 benefits for Group 2 members</li> </ul> <p>where members choose to voluntarily draw their benefits on or after age 55 and before Normal Pension Age except in circumstances where the Council considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so.</p>



<ul style="list-style-type: none"> <li>- were <u>not</u> members of the LGPS before 1 October 2006 [Group 4 members], whether to:             <ul style="list-style-type: none"> <li>o waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits, if any, accrued before 1 April <u>2015</u>, and / or</li> <li>o waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March <u>2015</u></li> </ul> </li>   <li>- <u>were</u> members of the LGPS before 1 October 2006 and <u>will</u> be 60 or more on 31 March 2016 [Group 1 members], whether to:             <ul style="list-style-type: none"> <li>o waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April <u>2016</u>, and / or</li> <li>o waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March <u>2016</u></li> </ul> </li>   <li>- <u>were</u> members of the LGPS before 1 October 2006 and will <u>not</u> be 60 or more on 31 March 2016 and will <u>not</u> attain age 60 between 1 April 2016 and 31 March 2020 [Group 3 members], whether to:             <ul style="list-style-type: none"> <li>o waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April <u>2015</u>, and / or</li> <li>o waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31</li> </ul> </li> </ul>	<p>Each case</p> <ul style="list-style-type: none"> <li>- will be considered on the merits of the financial and / or operational business case put forward, or</li> <li>- will be considered on the merits of the compassionate case put forward, and</li> <li>- will require the approval of the Council including, where the reduction is only to be waived in part, approval for the amount of reduction to be waived</li> </ul>
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<p style="text-align: center;"><u>March 2015</u></p> <ul style="list-style-type: none"> <li>- <u>were</u> members of the LGPS before 1 October 2006 and will <u>not</u> be 60 or more on 31 March 2016 but <u>will</u> attain age 60 between 1 April 2016 and 31 March 2020 [Group 2 members], whether to:             <ul style="list-style-type: none"> <li>o waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April <u>2020</u>, and / or</li> <li>o waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March <u>2020</u></li> </ul> </li> </ul>	
<p>6. <b>Discretion</b> – Shared Cost AVC (LGPS 2014, Reg 19)</p> <p><b>Explanation.</b> 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.</p>	<p>The Council will not enter into a shared cost AVC arrangement other than in exceptional circumstances in which case the decision to contribute, and the amount of the contribution, will be subject to the approval of the Council.</p>
<p>7. <b>Discretion</b> – Aggregating deferred benefits (LGPS 2014, Regulation 24)</p> <p><b>Explanation.</b> Whether to extend the 12 month time limit within which a scheme member who has a deferred LGPS benefit in Northern Ireland following the cessation of employment (or cessation of a concurrent employment) may elect not to have the deferred benefits aggregated with their new LGPS employment (or on-going concurrent LGPS employment) if the member has not made an election to</p>	<p>The Council will only extend the 12 month time limit within which a scheme member who has a deferred LGPS benefit in Northern Ireland following the cessation of employment (or cessation of a concurrent employment) may elect not to have the deferred benefits aggregated with their new LGPS employment (or on-going concurrent LGPS employment):</p> <ul style="list-style-type: none"> <li>- where the Council agrees that the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration;</li> <li>- where the Council agrees that the available evidence indicates the member had made an election within 12 months of joining the LGPS but the election was</li> </ul>





<p>retain separate benefits within 12 months of commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership).</p>	<p>not received by the Northern Ireland Local Government Officers' Superannuation Committee (e.g. the election form was lost in the post); or</p> <ul style="list-style-type: none"> <li>- where the member has pre 1 April 2015 membership and the 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 the Council is, in real terms after allowing for inflation, significantly less than the whole-time equivalent pensionable pay upon which the deferred benefits were calculated).</li> <li>-</li> </ul>
<p>8. <b>Discretion</b> – Determining contribution rates for employees (LGPS 2014, Regulation 11)</p> <p><b>Explanation.</b> How the pension contribution band/rate to which an employee is to be allocated on joining the Scheme, and at each subsequent April, will be determined and the circumstances in which, following a material change to the terms and conditions of a member's employment which affects the member's pensionable pay in the course of a Scheme year (1 April to 31 March), the pension contribution band/rate to which an employee has been allocated will be reviewed.</p>	<p>The Council will determine the contribution band applicable for employees in accordance with its Contribution Banding Policy</p>
<p>9. <b>Discretion</b> – Assumed Pensionable Pay and inclusion of regular lump sum payments (LGPS 2014, Regulation 23)</p> <p><b>Explanation.</b> Whether or not, when calculating assumed pensionable pay when a member is:</p> <ul style="list-style-type: none"> <li>- on reduced contractual pay or no pay on due to sickness or injury, or</li> <li>- absent during ordinary maternity, paternity or adoption leave or during</li> </ul>	<p>In assessing Assumed Pensionable Pay (APP) the Council will not, other than in exceptional circumstances, include in the calculation any 'regular lump sum payments' in which case the decision to include the 'regular lump sum payment' will be subject to the approval of the Council.</p>



<p>paid additional maternity, paternity or adoption leave, or</p> <ul style="list-style-type: none"> <li>- absent on reserve forces service leave, or</li> <li>- retires with a Tier 1 or Tier 2 ill health pension, or</li> <li>- dies in service</li> </ul>	
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### 13. Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations in relation to scheme members who ceased active membership between 1 April 2009 and 31 March 2015

Discretion and Explanation	Newry Mourne and Down District Council policy
<p>10. <b>Discretion</b> – Early payment of deferred pension (LGPS 2009, Regulation 30)</p> <p><b>Explanation.</b> Whether to grant applications for the early payment of deferred pension benefits on or after age 55 and before age 60 (on grounds other than ill health).</p>	<p>Where a former scheme member who left the scheme between 1 April 2009 and 31 March 2015 requests early release of deferred benefits on or after age 55 and before age 60 (on grounds other than ill health), approval will only be given on compassionate grounds. Each case will be considered on its merits and will be subject to the approval of the Council. Subject to 11 below, the benefits payable in such circumstances will be subject to any actuarial reduction applicable under the relevant LGPS Regulations.</p>
<p>11. <b>Discretion</b> – Waiving reduction to deferred benefits (LGPS 2009, Regulation 30)</p> <p><b>Explanation.</b> Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p>	<p>The 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 Council.</p>



Discretion and Explanation	Newry Mourne and Down District Council Policy
<p>12. <b>Discretion</b> – Awarding additional membership (LGPS 2009, Regulation 12)</p> <p><b>Explanation.</b> Whether, within 6 months of the date of termination, to grant up to a maximum of 10 years extra membership in the pension scheme to a scheme member whose employment was terminated before 1 April 2015 on the grounds of redundancy or business efficiency.</p>	<p>Newry, Mourne and Down District Council did not have any employees whose employment terminated before 1 April 2015 therefore this discretion is not applicable other than in cases where the Council inherited pension liabilities for employees from the legacy Down and Newry, Mourne and Down District Councils whose employment terminated before 1 April 2015. In such cases, this discretion is only available for 6 months after the date of termination and therefore will fall away after 30 September.</p>

**14. Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations in relation to scheme members who ceased active membership between 1 February 2003 and 31 March 2009**

Discretion and Explanation	Newry Mourne and Down District Council Policy
<p>13. <b>Discretion</b> - Early Payment of benefits for deferred members (LGPS Regs (NI) 2002, Reg 33)</p> <p><b>Explanation.</b> Whether to grant applications for the early payment of pension benefits on or after age 50 and before age 60 (on grounds other than ill health).</p>	<p>Where a former scheme member who left the scheme between 1 February 2003 and 31 March 2009 requests early release of deferred benefits on or after age 50 and before age 60 (on grounds other than ill health), approval will only be given on compassionate grounds. Each case will be considered on its merits and will be subject to the approval of the Council. Subject to 14 below, the benefits payable in such circumstances will be subject to any actuarial reduction applicable under the relevant LGPS Regulations.</p>
<p>14. <b>Discretion</b> – Waiving reduction to deferred benefits (LGPS Regs (NI) 2002, Reg 5)</p>	<p>The Council will consider an application to waive, on compassionate grounds, any actuarial reduction that would normally be</p>



<p><b>Explanation.</b> Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65.</p>	<p>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 Council.</p>
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**15. Discretions to be exercised on and after 1 April 2015 under the LGPS Regulations in relation to scheme members who ceased active membership before 1 February 2003**

Discretion and Explanation	Newry Mourne and Down District Council Policy
<p>15. <b>Discretion</b> – Early Payment of deferred benefits (LG (Superannuation) (Amendment) Regulations (NI) 1975, Reg 4)</p> <p><b>Explanation.</b> Whether, with the agreement of the Northern Ireland Local Government Officers' Superannuation Committee, to grant applications for the early payment of deferred pension benefits on or after age 50 and before age 65 on compassionate grounds.</p>	<p>Where a former scheme member who left the scheme before 1 February 2003 requests early release of deferred benefits on or after age 50 and before age 65 on compassionate grounds, the case will be considered on its merits and will be subject to the approval of the Council.</p>

**16. Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2007**

Discretion and Explanation	Newry Mourne and Down District Council policy
<p>16. <b>Discretion</b> – Redundancy Payment (LGPS 2007 Regulation 4)</p> <p><b>Explanation.</b> Whether to base a redundancy payment on an employee's actual weeks' pay where this exceeds the statutory week's pay limit of, currently, £490 per week (as at 6 April 2015).</p>	<p>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.</p>
<p>17. <b>Discretion</b> – Enhanced compensation (LGPS Regulation 5)</p>	<p>An employee whose employment is terminated early due to redundancy or</p>



<p><b>Explanation.</b> Whether to 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 efficiency of the service.</p>	<p>business efficiency will receive a termination payment (inclusive of any redundancy pay) calculated using the statutory redundancy payment formula and actual week's pay, enhanced by a multiplier of 3.46</p>
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**17. Discretions to be exercised under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations (Northern Ireland) 2003**

Discretion and Explanation	Newry Mourne and Down District Council policy
<p>18. <b>Discretion</b> – Abatement of annual compensatory added years pension (LG (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, regulations 16 and 18)</p> <p><b>Explanation.</b> How a person's annual compensatory added years pension is to be abated during, and following the cessation of, any period of re-employment by an employer who offers membership of the LGPS to its employees, regardless of whether or not the employee chooses to join the LGPS (except where the employer is an Admitted Body, in which case abatement only applies if the person is in, or eligible to be in, the LGPS in the new employment).</p>	<p>Newry Mourne and Down District Council will, during any period of re-employment in local government (see note below), abate a person's annual compensatory added years' payment by the 'excess' if the aggregate of:</p> <ul style="list-style-type: none"> <li>- the annual compensation, and</li> <li>- the annual pension from the LGPS, and</li> <li>- the annual rate of pay from the new employment</li> </ul> <p>exceeds the pay the person would have received from the employment in respect of which the compensatory added years were granted, based on the annual rate of pay at the date of ceasing the former employment as increased by the relevant cost of living increases (i.e. as increased by the rate at which an 'official pension' is increased under the Pensions (Increase) Act 1971). Index.</p> <p>Where compensatory added years were awarded on or after 24 March 2003, Newry Mourne and Down District Council will reduce a person's annual compensatory added years' payment following the cessation of a period of re-employment in local government (see note below) to the extent necessary to secure that if:</p> <ul style="list-style-type: none"> <li>- the period of compensatory added years granted in respect of the former employment,</li> </ul> <p>plus</p>



- the period of membership the person has accrued in the LGPS (or would have accrued had he / she joined the scheme when first eligible to do so) during the period of re-employment in local government, counted at its part-time length, if the person was part-time,

exceeds

- the period of membership the person would have accrued during the period from the cessation of the former employment until age 65 on the assumption that he / she had continued in that former employment to age 65 (again counted at its part-time length if the person was part-time at the date of cessation of the former employment),

then

- the annual pension and lump sum from the first job combined with the annual pension and lump sum from the second job (based on the assumption that the employee joined the LGPS when first eligible to do so), plus the annual compensation and lump sum compensation, shall not in aggregate exceed the pension and lump sum the person would have achieved if he / she had remained in the first job through to age 65.

Where there is an excess, the annual compensation will be reduced by the excess pension and, if the annual compensation is not reduced to nil, the amount of the remaining (reduced) basic annual compensation will then be suspended until the excess lump sum (if any) is recovered.

In calculating whether or not, in aggregate, the annual pension and lump sum from the first job, plus the annual pension and lump sum (if any) from the second job (based on the assumption that the employee joined the LGPS at the first opportunity), plus the annual compensation and lump sum compensation, exceeds the pension and lump sum the person would have achieved if he/she had remained in the first job through to age 65 it will be necessary to compare:

- a) the actual LGPS pre 1 April 2009 1/80th pension and 3/80ths lump sum, plus the actual LGPS post 31 March 2009 1/60th pension (ignoring any commutation for a lump sum), plus the actual 1/80th annual compensation and 3/80ths lump sum compensation, with
- b) the 1/80th LGPS pension and 3/80ths lump sum the member would have achieved in their first job to



	<p>31 March 2009, plus the 1/60th LGPS pension the member would have achieved in their first job (ignoring any potential commutation for a lump sum), if the member had stayed in the first job through to age 65.</p> <p>In determining the benefits the employee could have achieved had he / she remained in the first employment through to age 65 it will be necessary to determine the pensionable pay to be used in the calculation. For this purpose, the pensionable pay figure used in the calculation of the pension benefits in the first job will be used as brought up to date by increasing it in line with the Pensions Increase (Review) Orders.</p> <p>If a person has been awarded more than one previous period of compensatory added years, e.g. as a result of being made redundant more than once, the abatement / claw back provisions are modified. In such a case, the rules under the former Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001 will be applied where a person ceases a period of re-employment in local government and has previously been granted more than one period of compensatory added years, but using the pay in the first job as increased in line with inflation (i.e. ignoring regulations 17(5)(a)(ii), 17(6) and 17(7) of the Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001.</p> <p>Where compensatory added years were awarded before 24 March 2003, Newry Mourne and Down District Council will reduce a person's annual compensatory added years' payment following the cessation of a period of re-employment in local government (see note below) in accordance with the Local Government (Discretionary Payments) Regulations (Northern Ireland) 2001.</p>
<p><b>19. Discretion</b> – Survivor compensatory added years apportionment (LG (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Regulation 20(4))</p>	<p>The 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 cases).</p>



Discretion and Explanation	Newry Mourne and Down District Council policy
<p>20. <b>Discretion</b> – Annual compensation suspension rules (LG (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Regulation 20(5))</p> <p><b>Explanation.</b> Whether, if the spouse or civil partner of a person who ceased employment before 1 February 2003 remarries, enters into a civil partnership or cohabits after 1 February 2003, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years pension will continue to be paid.</p>	<p>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 normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years pension will continue to be paid.</p>
<p>21. <b>Discretion</b> – Annual compensation suspension rules (reinstatement) (LG (Early Termination of Employment) (Discretionary Compensation) Regulations (NI) 2003, Regulation 20(7))</p> <p><b>Explanation.</b> 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.</p>	<p>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 will be reinstated after the end of the period of remarriage, new civil partnership or cohabitation.</p>

### 18. Consideration of requests on compassionate grounds

In exceptional circumstances the Council will consider requests to exercise discretion(s) on compassionate grounds. Such requests will normally only be considered where a member has had to leave or intends to leave paid employment in order to care for a dependant.





Before considering the exercise of discretion on compassionate grounds the Council will require:-

- a) Full details of the exceptional circumstances and any supporting evidence
- b) If applicable, details of any employment held since leaving the Council's employment along with details of pension deferred, in payment and any other income or benefit received
- c) Medical reports, if appropriate, to support a case of retirement to look after a dependant
- d) Evidence in severe financial hardship, that the hardship would not be better assisted by social security services
- e) Evidence of caring responsibility

## 19. Policy Implementation and Review

This policy statement has been

- Agreed by Newry Mourne and Down District Council's Strategic Planning and Resources Committee on 13 August 2015
- Approved by Newry Mourne and Down District Council on 7 September 2015
- Forwarded to NILGSOC and published thereafter.

The policy will be subject to review in three years' time or earlier if required.

**20. Contact Officer:**                      Catrina Miskelly, Assistant Director Corporate Services  
(Human Resources)

Tel:                      02844 610805

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**Date**                      13 August 2015

## Terms for Early Payment of Pension Benefits in cases of Flexible Retirement

### 1 Introduction

- 1.1 If you are considering flexible retirement it is important that you understand the terms and implications before proceeding with your decision.
- 1.2 Flexible retirement is a way to allow Local Government Pension Scheme (LGPS) members to access their pension benefits and continue working and thereby move gradually towards retirement. Flexible retirement is however at the discretion of the employer and NILGOSC's Policy Statement on Employer's Discretions sets out how it will exercise this discretion.

### 2 Terms

- 2.1 Under the LGPS Regulations, if you are a member aged 55 or over and you meet the two year qualifying period in the Scheme, you can ask NILGOSC about accessing your pension benefits early while you continue working.
- 2.2 You must make your request in writing and you must commit to a permanent reduction in hours or grade (see below). NILGOSC will consider the change in hours/grade on its own merits taking into account the need to deliver services effectively and efficiently, the financial implications of granting the application and the circumstances of granting each application.

- Reduction in hours
- you must reduce your hours by at least 20%
  - you will be unable to work substantial additional hours above the newly contracted hours while in this post
  - must demonstrate there is no increase in employee cost by allowing this request.

- Reduction in grade
- you must reduce your grade by at least one full grade
  - must demonstrate there is no increase in employee cost by allowing the request.

- 2.3 Any reduction will be a permanent change and you must intend, at the outset, to remain on the new contract for a minimum of one year.
- 2.4 If NILGOSC agrees to your request, you can draw all or some of the retirement benefits you have built up. You would have to draw:

- all of the benefits you have built up before 1 April 2009, plus
- all, some or none of benefits you have built up between 1 April 2009 and 31 March 2015, plus
- all, some or none of the benefits you have built up after 1 April 2015, plus
- any 'additional benefits' in accordance with the actuarial guidance issued by the Department

'Additional benefits' are those bought under an added years contract which commenced before 1 October 2006, from any AVC contract that commenced before 1 February 2003, plus any additional pension purchased through Additional Pension Contributions (APCs), Shared Cost APCs, additional pension bought by ARCs, from any AVC contract that commenced on or after 1 February 2003 (if you choose to draw them) and additional pension awarded by NILGOSC.

### 3 Notes

- 3.1 If you take flexible retirement before age Normal Pension Age (NPA), your benefits may be reduced for early payment, subject to certain protections for pre 1 October 2006 members.
- 3.2 NILGOSC will only consider waiving any reduction to benefits in exceptional circumstances in accordance with the criteria for compassionate grounds (as described in the Policy Statement on Employer's Discretions) or where NILGOSC considers it is in its financial or operational interests to do so.
- 3.3 If you take flexible retirement after your NPA, your benefits will be increased to reflect that they will be paid later.
- 3.4 As your employer, NILGOSC may be charged for a strain on the fund. This is a cost that must be borne by an employer and therefore you cannot agree to pay cost. This cost will be taken into account when considering your request for flexible retirement.
- 3.5 You will continue to pay into the Scheme and build up further pension until you fully retire, unless you decide to opt out.
- 3.6 Underpin protections will cease after your benefits have been drawn, meaning benefits accrued during the continuing employment (i.e. after flexible retirement) will not be subject to underpin protections. NILGOSC website provides more information on underpin protections.
- 3.7 If you flexibly retire you will be unable to subsequently apply for a post that would result in either a substantial increase in hours or being paid at a higher grade.
- 3.8 Employees will normally only be allowed one flexible retirement however, one further request will be considered on its own merits and based on the need to deliver services effectively and efficiently together with the financial implications of granting the application. A third request for flexible retirement will not be allowed.
- 3.9 85 Year Rule
- 3.9.1 If you have 85<sup>1</sup> year rule protection this continues to apply from 1 April 2015. The only occasion where this protection does not automatically apply is if you choose to voluntarily draw your pension on or after age 55 and before age 60.
- 3.9.2 If you take flexible retirement, any 85 year rule protection will apply to the benefits you have built up to the date of flexible retirement but will not apply to benefits you build up after the date of flexible retirement.

Before submitting a request for consideration, please sign below confirm that you have read and understand the terms and implications of flexible retirement.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

<sup>1</sup> The 85 year rule is satisfied if your age at the date you draw your benefits and your scheme membership (each in whole years) add up to 85 or more. If you work part-time, your membership counts towards the 85 year rule at its full calendar length.

<b>Agenda Item:</b>	
<b>Report to:</b>	<b>Strategy, Policy and Resources Committee</b>
<b>Subject:</b>	Appointment of IT Partner
<b>Date:</b>	13 August 2015
<b>Reporting Officer:</b>	R Dowey (Head of Finance)

### **Decisions Required**

Members are asked to:

**Approve the appointment of an “IT Partner” for the Council via a Central Purchasing Body.**

#### 1.0 **Purpose & Background**

1.1 There is an urgent requirement for Council to undertake an extensive program of works to converge the legacy Council computer and information management systems and develop a single platform and IT Strategy capable to supporting the Council over the coming years.

The sheer number and breadth of projects included in the program of works demands expertise across a very broad range of technologies.

It is recommended that Council seek to appoint a single organisation with expertise across the full range of technologies as an “IT Partner”, to assist with the design and implementation of said program.

It is projected that funds to be expended in the current financial year will not exceed the sum of £200k, which has already been approved in the capital budget.

#### 2.0 **Opportunities**

2.1 Central Purchasing Bodies provide a convenient route to market for the supply of such IT services. The use of such organisations will enable the Council to procure quickly and efficiently, with the benefit of standard terms and conditions which provide the important contractual safeguards required by Council. The organisations and their frameworks are benchmarked to ensure that the Council is always obtaining value for money, whilst assuring that our procurement practices are compliant with UK and EU legislation. The use of Central Purchasing Bodies has been approved by the Council’s Head of Procurement.

#### 3.0 **Scope of Works**

3.1

- Facilitate a comprehensive examination and clear identification of the business drivers of the Council, within the context of its strategic

requirements.

- Conduct a comprehensive review of the existing information management systems with a view to determining their suitability given the identified business drivers.
- Establish if the existing technical infrastructure is adequate to support the information systems required to deliver on the business drivers and identify additional or alternative infrastructure if appropriate.
- Present a planned implementation programme that will enable the Council to deliver its business and strategic objectives.
- Deliver the planned implementation programme in partnership with appropriate solution providers.

<b>Agenda Item:</b>	District Electoral Area Fora (DEA)
<b>Report to:</b>	<b>SP&amp;R</b>
<b>Subject:</b>	District Electoral Area Forum - Position Paper
<b>Date:</b>	Thursday 13th August 2015
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officer:</b>	Janine Hillen

### **Decisions Required**

***Consider and agree the recommendations in the report***

#### **1.0 Purpose & Background**

1.1

Councils new responsibilities in relation to Community Planning demand that mechanisms to engage on a continual basis with the voluntary and community sector are established and resourced. These mechanisms will also contribute to the implementation and monitoring of the Community Plan.

It is envisaged that the establishment of local DEA partnerships will facilitate this process.

#### **2.0 Key Issues**

**DEA Fora will operate as a model of engagement across the District, specifically to :**

- Act as a conduit between Council and key statutory, voluntary and community partners on strategic issues of importance
- Co-ordinate interagency responses to identified community concerns at a local level
- Assist in the implementation, monitoring and review of the Community Plan
- Lead in the development of local area based community action plans

**DEA Fora will establish locally based action plans that:**

- Respond to data produced by Councils Information Management System (Datahub)
- Work towards the aims and objectives outlined in thematic working groups (Safety, Economic Development, Tourism & Regeneration, Health & Wellbeing)

**Further details of the proposals are outlined on the Report at Appendix 1**

3.0	<p><b><u>Recommendations</u></b></p> <ol style="list-style-type: none"> <li>1. Establish Fora Operating Model across Newry, Mourne &amp; Down District in accordance with attached scope, governance and terms of reference and Standing Orders (Appendix 3)</li> </ol>
4.0	<p><b><u>Resource Implications</u></b></p>
4.1	<p>Councillor &amp; Officer time</p>
5.0	<p><b><u>Appendices</u></b></p>
<ol style="list-style-type: none"> <li>1. Proposed DEA Engagement Mechanism</li> <li>2. Meeting schedule</li> <li>3. DEA Fora Terms of Reference &amp; Standing Orders (draft)</li> <li>4. Communication Chart</li> </ol>	

# APPENDIX 1

## Proposed DEA Engagement Mechanism



# Proposed DEA Engagement Mechanism

## 1.0 Introduction

Council has agreed that the most effective way to meet its strategic objectives as outlined in the Community Plan is to implement a model of engagement, through the establishment of seven DEA Fora.

DEA Fora will develop and implement locally based action plans that take into account the diverse needs that exist with each of the seven District Electoral Areas.

The establishment of this engagement infrastructure will further enable the community to effectively inform and influence the Community Planning Partnership at a strategic level.

## 2.0 Positioning of DEA Fora within wider Community Planning Context

DEA Fora would provide the mechanism for continuous engagement at a grass roots level by:

- developing locally based action plans on agreed issues
- monitoring progress through local bi-monthly forum meetings
- feeding directly into Joint Operation Officer Group
- involvement in operational Thematic Delivery Groups
- input at a strategic level through the Community Planning partnership

## 3.0 DEA Operational Model

### Frequency, Structure and Location of DEA Fora Meetings

Council has agreed that referral of day to day issues by Councillors to Statutory Sector Partners should be channelled through the newly established Datapatch information capture tool, which operates as part of Datahub.

This easy to use information management system would be utilised to allow Members to input issues raised by constituents which would be referred directly to statutory partners to address the issue.

The introduction of this information management system enables the Fora to adopt a more co-ordinated and considered approach to common issues of concern that are likely to require interagency responses.

DEA Fora are being developed as a model of engagement and must therefore provide opportunities for all sections of the community to participate in discussion and operate as part of the decision making process. It is also important that Councillors, Council Officers and key statutory partners have an opportunity to discuss and debate the issues.

**For this reason it is proposed that :**

- **Forum meetings are held bi-monthly (Appendix 2: Proposed Meeting Schedule)**
- **Alternate Forum meetings are advertised publically and should focus on an agreed theme/issue of concern**
- **Held for the most part outside of working hours (with meetings as determined by Forum members)**
- **Facilitated in a different locations across their specific District Electoral Areas (and in a variety of community venues)**
- **Additional, Forum meetings may be convened if a local issue is considered 'critical' and requires an immediate response**

## **Membership, Governance & Staffing of DEA Fora**

The effectiveness of the Fora is dependent on ensuring that the membership reflects the views and opinions of the entire community which the body represents and yet at the same time safeguarding against the creation of a large unwieldy partnership that exhausts the resources of both key community, voluntary and statutory partners.

**For this reason, it is proposed that Forum membership includes:**

- **Elected representatives for the defined geographical area**
- **Up to six community, voluntary personnel who must provide representation on behalf of a number of recognised key local networks and will not represent one single interest/lobbying group.**
- **Council Officers from each thematic working group established as part of the community planning framework (where possible)**

Input from statutory partners (who have already confirmed their commitment to the community planning process), will be at the request of the Forum and should relate to specific issues of concern (operating on an 'as required' basis will provide an opportunity to focus partner resources, thereby maximising impact and outcome).

In order to ensure consistency of approach and clear, defined leadership around the development and implementation of local action plans each DEA should at its inaugural meeting:

- **Adopt agreed Terms of Reference & Standing Orders (Appendix 3)**
- **Elect both a Chair and Vice-Chair**

These governance arrangements will provide clarification on key operational issues, for example:

- The Chair and Vice-Chair of the DEA shall be an elected representative
- The Chair of each DEA shall be provided with the opportunity to attend meetings of the Community Planning Partnership and/or Thematic Working Groups to raise issues agreed as critical by their respective DEA Forums
- Both positions should be rotated following a maximum 12 month term
- Council will appoint a DEA Co-ordinator to oversee the operation of each Forum and provide administrative support
- Each Directorate within Council should ensure that there is Officer representation at each Forum meeting (where possible)

## Scope of DEA Meetings

It is suggested that each DEA Forum meeting would operate to a cross-cutting agenda (as detailed below) but that the Forum public meetings could focus on a on a particular thematic area that has been identified as a significant concern and subsequently requires additional emphasis or response.

## DEA Sample Agenda

### Sample Agenda – Private DEA Forum Meeting

1. Report of Last meeting
2. Actions Undertaken
3. DEA Action Plan Update
4. **Exploration of Key Thematic Issues (e.g. Health & Wellbeing, Safety etc)**  
(examining the progress against actions in the community plan relating to this specific theme. Relevant partners attend and provide update on progress on the community plan and any issues raised by the community)
5. **Emerging Community Issues**
  - Health & Wellbeing
  - Safety
  - Environmental
  - Education
  - Economic Dev (incl Tourism and Regeneration & Update on Capital Projects progress)
6. **Progression Routes**

# **APPENDIX 2**

## **Proposed DEA Meeting Schedule**

## Proposed DEA Meeting Schedule

**September 2015 – April 2016**

<b>Slieve Gullion</b>	<b>Slieve Croob</b>	<b>Rowallane</b>	<b>Downpatrick</b>	<b>The Mournes</b>	<b>Crotlieve</b>	<b>Newry</b>
8 September @ 6.00pm Venue: TBC	15 September @ 6.00pm Venue: TBC	22 September @ 6.00pm Venue: TBC	29 September @ 6.00pm Venue: TBC	6 October @ 6.00pm Venue: TBC	13 October @ 6.00pm Venue: TBC	20 October @ 6.00pm Venue: TBC
3 November @ 6.00pm Venue: TBC	10 November @ 6.00pm Venue: TBC	17 November @ 6.00pm Venue: TBC	24 November @ 6.00pm Venue: TBC	1 December @ 6.00pm Venue: TBC	8 December @ 6.00pm Venue: TBC	15 December @ 6.00pm Venue: TBC
12 January @ 6.00pm Venue: TBC	19 January @ 6.00pm Venue: TBC	26 January @ 6.00pm Venue: TBC	2 February @ 6.00pm Venue: TBC	9 February @ 6.00pm Venue: TBC	16 February @ 6.00pm Venue: TBC	23 February @ 6.00pm Venue: TBC
8 March @ 6.00pm Venue: TBC	15 March @ 6.00pm Venue: TBC	22 March @ 6.00pm Venue: TBC	5 April @ 6.00pm Venue: TBC	12 April @ 6.00pm Venue: TBC	19 April @ 6.00pm Venue: TBC	26 April @ 6.00pm Venue: TBC

# **APPENDIX 3**

## **Proposed DEA Terms of Reference & Standing Orders**

## **Draft District Electoral Area (DEA) Terms of Reference & Standing Orders**

**The overarching aim of the DEA Forum is to consult, involve, listen and respond to communities.**

Scope:

1. To ensure local accountability by engaging with local communities on Newry, Mourne & Down District Council's (NMDDC) Community Plan.
2. To explore and maximise opportunities for communicating the Councils' strategies and objectives.
3. To ensure Council delivery of service reflects the involvement, views and priorities of local communities; thereby enabling communities to have ownership of and participate in, the sharing and designing of policies and services.
4. To provide input and encourage key stakeholders to provide input into Council information management systems in order to inform local delivery and dissemination of services.
5. To assist in the prioritisation of local issues defined within a particular geographical area and initiate the implementation of an agreed multi-agency plan of action.
6. To provide an environment for facilitated joint working by the community, voluntary and statutory sectors across identified issues and to assist in the development of sustainable communities.
7. To directly address issues such as social exclusion and strengthen community cohesion through the implementation and ownership of targeted programmes and activities.
8. To develop community capacity and social enterprise within the defined DEA area.
9. To operate as a mechanism for communication between the Council, community and relevant statutory and voluntary partners.

10. To maximise funding opportunities for local groups/bodies to self-deliver programmes and initiatives.
11. To monitor and review progress against the objectives contained with the Community Plan and report to the Council on advancement.

## **STANDING ORDERS**

The Chairman of each DEA Forum shall ensure that the meetings and business shall be conducted in accordance with the requirements set out in the DEA Standing Orders (Appendix 4)

## **ELECTION OF CHAIR AND VICE-CHAIR**

The Chair and Vice-Chair of each DEA Forum shall be appointed by the Fora from amongst the political Members. The period in office will be for 12 months.

The office of Chairman should be held in turn by each of the political parties and independent members represented on the council immediately after the last local general election.

## **ABSENCE OF CHAIR AND VICE-CHAIR**

If the Chair and Vice-Chair are absent from a meeting, those present shall elect one of the Members of the Forum to act as Chairman.

## **RULING OF THE CHAIRMAN**

The ruling of the Chairman upon all questions of order, and of matters arising in debate, shall be final and shall not be open to discussion.

## **MEETING AGENDA**

The meeting agenda and supporting papers will be distributed to members in advance of scheduled dates (preferably 7 days in advance). The agenda shall not include AOB; however should an urgent issue present itself the Chair, or in their absence Vice-Chair, may be consulted as to whether this matter should be tabled at the meeting or whether a Special meeting is required.



## **MEMBERSHIP**

Each DEA Forum shall be made up of Elected Members, representatives from the business, community, voluntary & statutory sectors, and Officers of Council.

## **MEETINGS**

DEA Forums do not have decision making powers, they make recommendations only. Recommendations arising will be tabled at the Active & Healthy Communities Committee for consideration.

The Chair of each DEA shall be provided with the opportunity to attend meetings of the Community Planning Partnership and/or Thematic Working Groups to raise issues agreed as critical by their respective DEA Forum, to ensure effective co-operation and communication of matters relating to the Community Plan.

## **ATTENDANCE AT PRIVATE MEETINGS**

Attendance at private meetings of the Forum will be restricted to Members and relevant partner organisations except as otherwise determined by the Members. Attendance at private meetings of the Forum of invited organisations, groups or individuals shall be regulated by the Chairman of the Forum.

## **In Public**

The DEA Forum shall hold a minimum of six meetings per annum, at least three will be publically advertised. The dates, times, venues and format of the meetings are to be agreed by the Forum and should facilitate engagement with the public and reflect local priorities relating to the Community Plan.

## **Private**

In addition to the public meetings, the Forum will meet in private. It shall be the responsibility of each Forum to set the schedule for the holding of private meetings and the Chairman to determine if and when it is necessary to hold special meetings.

The Forum will only establish working groups to deal with a particular issue of concern and which is not currently covered by an existing Thematic Working Group. These working groups should only meet over an agreed period of time and must report back to the Forum on progress against an agreed target.

## **NOTIFICATION OF PUBLIC MEETINGS OR EVENTS**

At least fourteen days before the date on which a public meeting or event is due to be held, it shall be publicly advertised. The Members of the Forum shall determine the media to be utilised to publicly advertise the meeting or event and endeavour to publicise it through their respective community networks.

## **MODE OF ADDRESS**

Council staff and Members of the Forum shall address and speak of one another at all times in a respectful and courteous manner.

## **OFFENSIVE EXPRESSION**

A Member shall not impute motives or use offensive expression in reference to any Member of the Forum.

## **DISORDERLY CONDUCT**

The Chair, or a Member acting in the role of Chair, may order the removal from the meeting of any member of the public whose behaviour represents a threat to the orderly conduct of the business to be transacted.

If at a meeting any Member, in the opinion of the Chair, misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing business, the Chair or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

If the Member named continues their misconduct after a motion under the foregoing paragraph has been carried:-

- (i) the Chairman or any other Member may move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); and
- (ii) the Chairman may adjourn the meeting of the for such period as they in their discretion shall consider expedient.

When the Chairman is of the opinion that the due and orderly dispatch of business is impossible, they, in addition to any other power vested in them, may, without question put, adjourn the meeting at their discretion for such period as they shall consider expedient.

## **DECISION MAKING AND VOTING**

The Forum should seek to make decisions by agreement and consensus and therefore no voting will take place or be recorded. DEA Forums do not have decision making powers, they make recommendations only. Recommendations arising will be tabled at the Active & Healthy Communities Committee for consideration.

## **OFFICERS**

DEA Manager, Committee Clerk

## **PRESS**

Invitations to the press shall only be extended for public meetings

## **PUBLIC**

Invitations to members of the public shall only be extended for attendance at public meetings

## **QUORUM**

The quorum for meetings of the Forum, shall be one quarter of their membership. Upon the attention of the Chairman being called to the fact that there is not a quorum present, the Chairman shall declare the meeting at an end.

# **APPENDIX 4**

## **DEA Fora Reporting & Communication Arrangements**

