



## SOLIHULL METROPOLITAN BOROUGH COUNCIL PAY POLICY STATEMENT – 2021

### 1. Introduction and Purpose

1.1 Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement (the ‘statement’) sets out Solihull Council’s approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees (excluding those working in local authority schools) by identifying:

- the methods by which salaries of all employees are determined;
- the detail and level of remuneration of its most senior staff i.e. ‘chief officers’, as defined by the relevant legislation;
- the Remuneration Committee responsibilities for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to Full Council.

1.2 For the purpose of this document:

*‘Workforce’ is defined as all Local Authority employees, excluding those working in schools.*

*‘Full Council’ is a formal meeting to which all 51 members of the Council are invited and is the body that approves the Council’s major plans and policies which are implemented by the Cabinet.*

1.3 The ‘Chief Officers’ referred to in this statement are detailed in paragraphs 7.1a) – 7.1c).

1.4 Once approved by Full Council, this policy statement will come into immediate effect and will be reviewed annually in accordance with the relevant legislation prevailing at that time. The Pay Policy Statement may be amended during the course of a financial year to reflect changes or developments in the Council’s pay policy. However, any amendments will only be made by resolution of Full Council. Any amended statement will be published as soon as is reasonably practicable.

1.5 Please note that after Full Council approval of the 2021 Pay Policy Statement that the Public Sector Exit Payments Regulations (2020) were revoked. These regulations are referenced in Section 9 and Appendix A and E of this Statement. The Pay Policy Statement will be updated at the earliest opportunity\*\*.

## **2. Legislative Framework**

- 2.1 In determining the pay and remuneration of all its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part-time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and, where relevant, the Transfer of Undertakings (Protection of Employment) Regulations.
- 2.2 With regard to the Equal Pay requirements contained within the Equality Act, the Council will ensure there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality-proofed Job Evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.
- 2.3 In accordance with the Equality Act 2010 the Council published its Gender Pay Gap Report based on pay information as at 31 March 2020.

## **3. Accountability and Decision Making**

- 3.1 In accordance with the Constitution of the Council, the Remuneration Committee is authorised to determine any activity within its terms of reference, the parameters of the Pay Policy and the budget framework agreed by the Council. The full Terms of Reference of the Remuneration Committee are shown at Appendix A.

## **4. Pay Structure (see also Section 6)**

- 4.1 The pay of Chief Officers is referred to in paragraph 7.1.
- 4.2 The Council currently (2020-21) uses the nationally negotiated pay spine as the basis for its local grading structure. Points 1-43 of the pay spine are determined nationally and points 44-70 were determined locally in April 2020 as part of the Single Status Collective Agreement. The pay points increased in April 2020 in accordance with NJC Cost of Living Pay awards.
- 4.3 The Council remains committed to adherence with national pay bargaining in respect of the national pay spine. Negotiations for the 2021/2022 pay award are currently being undertaken at a national level.
- 4.4 The Council introduced the new national pay spines in April 2019 with transitional arrangements in place for Band C and Band D over three and four year periods respectively. This transition period reflected that moving to a seven point scale had a greater impact on employees on NJC terms and conditions in these salary bands.
- 4.5 The third year of transition to the spinal points in Band C and Band D will be implemented from October 2021.
- 4.6 The grading structure including transitional arrangements is shown at Appendix B. Appendix C shows the final structure excluding the transitional arrangements.
- 4.7 The structure applies to all staff on NJC Terms and Conditions including those employed in Solihull schools.

- 4.8 There are two groups of staff (excluding Chief Officers) who are not covered by the pay structure shown at Appendix C. They are those staff who transferred into the Council and whose pay is protected in law under the Transfer of Undertakings (Protection of Employment ) or who have historically been paid under Soulbury\* terms and conditions.

*\*The Soulbury Committee was established in 1948 to provide voluntary collective bargaining machinery for advisory staff in local education authorities. The Council employs 10 staff members who are employed in accordance with Soulbury Terms and Conditions. In addition to the annual pay discussions, this Committee determines the national salary framework.*

- 4.9 In determining its grading structure and setting remuneration levels for all posts, the Council has taken account of the need to ensure value for money in respect of the use of public resources. This is balanced against the need to attract, retain and motivate competent and talented staff on a sustainable basis to deliver the required public services.
- 4.10 All pay related allowances paid as a means of remuneration for non-standard working patterns, are the subject of either nationally or locally negotiated rates, having been determined from time-to-time in accordance with collective bargaining machinery and/or as determined by Council policy.
- 4.11 New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the most suitable candidate. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capability. The Market Forces policy was agreed by the Remuneration Committee in January 2013.
- 4.12 Where necessary the Council ensures the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the Local Government Sector.

## **5. Incremental Progression**

- 5.1 There is no automatic progression through the incremental salary scale. Progression within the relevant grade is subject to achieving challenging objectives and routinely demonstrating corporately determined behavioural qualities, which are agreed in advance by managers and assessed annually. Any salary progression is dependent upon there being demonstrable evidence of achieving performance improvements and delivering defined targets.
- 5.2 The Council's Performance and Development Review (PDR) Framework provides the means of recognising and valuing the individual contribution of every employee within the organisation. The framework is designed to be a motivator of performance, reward high achievement and support continued career development. This scheme aims to support and maximise the potential of our workforce and is an enabler of the way we need to work to support the Council's purpose and vision where everyone has an equal chance to be healthier, happier, safer and more prosperous through growth that creates opportunities for all.

- 5.3 The 'Scheme Guidance' and 'Employee and Manager Responsibilities' set out the expectations of an employee and those of a manager and their role in making PDR a meaningful experience so everyone is clear. PDR is recognised as one of the core pillars of mandatory competencies for managers, underpinned by the requirement for every manager's training in this area to be refreshed every three years either through undertaking the core training or being assessed as competent in this professional area of expertise.
- 5.4 The framework enables every employee to:
- understand what is required of them in their role;
  - understand how their daily work and objectives link to performance plans and the Council's key priorities;
  - receive constructive feedback on their performance;
  - understand what is expected of them and what they can expect of each other as well as how their behaviours impact on others;
  - explore and agree their development needs and options.
- 5.5 As part of the Performance and Development Review Framework the maximum award an employee can receive is one increment. Where employees are at the top of their grade, a non-consolidated award that is equivalent to one increment can be paid. These awards are only made to employees who deliver strong performance and are exemplary in displaying the Council's behaviours and rated 1:1. In 2020, 386 employees (16.73% of employees assessed) received a non-consolidated award. This is an increase from 338 employees who received a non-consolidated lump sum in the previous year (14.44% of employees assessed).
- 5.6 From the Chief Executive down to first-level line managers, objective setting and measurement are part of the day-to-day skills of managing people. A programme of coaching and training has been established to support any employee who is required to review the performance of others. This is aimed at ensuring honest and regular feedback becomes the foundation of any performance conversation, and that all employees are treated fairly, equally and consistently.

## 6. Senior Management Hierarchy

<b>Position</b>	<b>Salary Grade</b>
Chief Executive	Chief Executive
Director of Resources and Deputy Chief Executive	Deputy CE
Director	Director 1
Director	Director 2
Assistant Director	AD
Head of Service	Band J
Head of Service	Band I

## 7. Senior Management Remuneration

- 7.1 For the purposes of this statement, senior management means ‘chief officers’ as defined within S43 of the Localism Act.

The posts falling within the statutory definition are set out below together with salaries effective from 1 April 2020. It is likely there will be a pay award in April 2021.

**a) Chief Executive**

The salary for the post is £159,211. The salary falls within a range of three incremental points between £151,305 and a maximum of £159,211.

Additional payments were made for Returning Officer duties. The Returning Officer fees are determined by Statutory Instrument and paid by the Cabinet Office for all National and European elections, rather than by the Council.

In May 2020 a payment of £1,991.25 was made in respect of the 2019 European Parliamentary Election. This payment represents the outstanding balance of 25% which was payable once the final election accounts had been signed off by the Cabinet Office.

Payments of £2,368.89 for the Solihull Constituency and £2,479.71 for the Meriden constituency were made in December 2019 for the 2019 Parliamentary General Election.

The duties of the Returning Officer are detailed in Appendix D.

**b) Director of Resources and Deputy Chief Executive**

The salary for the post is £135,221. The salary of the post falls within a range of three incremental points between £128,678 and a maximum of £135,221

**c) Directors and Corporate Leadership Team Members**

Grade	No. of Posts	Salary Range (£)
Director 1	4	119,719 – 125,657
Director 2	0	93,479 – 100,015

(Details of the Council’s Corporate Leadership Team are provided in Appendix D.)

**Other Directors**

Grade	No. of Posts	Salary Range (£)
Assistant Director	11	83,711 – 89,304

One post of Assistant Director attracts market force increments (MFIs) as approved by Remuneration Committee, up to the value of £95,654.

**d) Other Officers (Heads of Service and/or reports to a Director)**

<b>Post</b>	<b>No. of Posts</b>	<b>Salary Range (£)</b>
<b>Head of Service Band J</b>	<b>23</b>	<b>71,777 – 75,901</b>
<b>Head of Service Band I</b>	<b>18</b>	<b>62,357 – 65,487</b>
<b>Other staff reporting to Directors</b>	<b>2</b>	<b>53,006 – 59,243</b>
	<b>4</b>	<b>31,346 – 36,922</b>

The salaries quoted in section 7.1 are effective from 1 April 2020.

**8. Recruitment of Chief Officers**

- 8.1 When recruiting to all posts, the Council takes full and proper account of its own Recruitment and Equality & Diversity policies.
- 8.2 The determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment. Where the Council is unable to recruit to a post at the designated grade, it will consider the use of market forces supplements in accordance with its relevant policies.
- 8.3 Where the Council remains unable to recruit chief officers under a contract of service, or there is a need for interim support to provide cover for a vacant substantive chief officer post, the Council will, where necessary, consider engaging individuals under 'contracts for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service.

**9. Payments on Termination\*\***

- 9.1 As set out in 1.5 above the Public Sector Exit Payments Regulations (2020) were revoked after Full Council approval of the 2021 Pay Policy Statement. The Pay Policy Statement will be updated at the earliest opportunity.
- 9.2 The Restriction of Public Sector Exit Payments Regulations (2020) came into effect from 4 November 2020. The regulations apply to all public sector employees. The two key elements of the regulations are:
- Exit payments including redundancy payments (including statutory redundancy payments), severance payments, pension strain costs and other payments made as a consequence of termination of employment. The cap will only apply to those employees where the combined total value of their exit payments is greater than the £95k limit.
  - Reform of the Discretionary Compensation Payments Regulations and Local Government Pension Scheme Regulations to place additional restrictions on severance payments and limit the amounts an employer can contribute to pension strain costs where an employee aged 55 or over draws their pension early as a result of exiting.
- 9.3 Pending further guidance and changes to the pension regulations it is Council Policy that where an individual is leaving the Council and the exit payment would exceed £95,000 the cap will be applied and they will be given the opportunity to either take a deferred benefit or a fully actuarially reduced deduction.

- 9.4 HM Treasury's Direction on the relaxation of the cap (waiver) provides for a mandatory relaxation of the Regulations where the payment relates to a complaint that an employment tribunal has the jurisdiction to consider under the whistleblowing provisions of the Employment Rights Act 1996, the discrimination provisions of the Equality Act 2010, or health and safety related detriment and dismissal claims.
- 9.5 Discretionary relaxations that are supported by both the Section 151 Officer and the Remuneration Committee will only apply where Full Council is satisfied that not exercising the power would cause undue hardship or significantly inhibit workforce reform. Such cases also require the approval of HM Treasury.
- 9.6 The Council's approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, (within the terms of the Local Government Pension Scheme) is set out within its policy statements in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2008 and Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2008 (amended for the 2014 changes to the Pension Scheme). These statements are shown in Appendix E. Any termination payments that are due will be processed in accordance with the Public Sector Exit Cap Regulations.
- 9.7 In cases where severance payments are over £95,000, Full Council approval is required. Currently, all severance packages, where the total cost exceeds the annual salary (plus on-costs), require the agreement of Remuneration Committee members (the Director of Resources and Deputy Chief Executive has delegated authority to approve these after consultation with members of the Remuneration Committee). Any severance packages above £95,000 are considered by the Remuneration Committee prior to being presented to Full Council.

## **10. Publication**

- 10.1 Upon approval by the Full Council, this statement will be published on the Council's Website. In addition, for posts where an employee reports to the Chief Executive, the Council's Annual Statement of Accounts will include a note setting out the total amount (gross) of:
- salary, fees or allowances paid to or receivable by the person in the current and previous year;
  - any bonuses so paid or receivable by the person in the current and previous year;
  - any sums payable by way of expenses;
  - any compensation for loss of employment and any other payments connected with termination;
  - any other emoluments;
  - total remuneration.

## **11. Lowest Paid Employees**

- 11.1 The relationship between the rate of pay for the lowest paid and chief officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement. The lowest paid Council employees are those on Band A (£17,843 – £18,562 per annum).
- 11.2 From 1 April 2021 the National Living Wage will increase for individuals aged 23 and over from £8.72 to £8.91. This equates to a minimum annual salary of £17,190.

- 11.3 The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton 'Review of Fair Pay in the Public Sector (2010)'. The Hutton Report was asked by Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. One of the key drivers behind the use of the multiple was concern due to the growth in the pay of senior managers and, specifically, in relation to the rest of the workforce. The report concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between highest paid salary and the median salary of the whole of the authority's workforce.
- 11.4 The pay levels with effect from 1 April 2020 within the Council define the multiple between the lowest paid (full time equivalent) employee and the Chief Executive as 1:8.6. This is the same as last year. The median salary (based on April 2020 rates) is £29,577 and the multiple between the median full time equivalent earnings and the Chief Executive is 1:5.4. This is a reduction from 1:5.5 last year.
- 11.5 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information, as appropriate.
- 11.6 The Council employs Apprentices who are engaged on a training contract. The salary paid to these employees does not fall within the nationally negotiated pay spine and they are not included within the definition of 'lowest paid employees'.
- 11.7 Effective from 1 April 2020 the minimum pay rate for all apprentices in Core Council was increased to £8.72 per hour irrespective of age. This rate is linked to the national minimum wage for apprentices who are aged 25 and over.

## **12. Trade Union Facility Time**

- 12.1 The Trade Union (Facility Time Publication Requirements) Regulations came into force on the 1 April 2017. The regulations place a legislative requirement on relevant public sector bodies to collate and publish, on an annual basis, a range of data on the amount and cost of facility time provided to trade union officials. In accordance with the Regulations the Council has published its' information for the period 1 April 2019 to 31 March 2020 on the Council web site, in addition to the central government website.



**Remuneration Committee  
Terms of Reference\*\***

**Authority**

The Committee is authorised to determine any activity within its Terms of Reference and within the parameters of the Pay Policy and budget framework agreed by Council.

**Duties:**

1. To formulate and recommend to Council a Pay Policy for the remuneration of the Chief Executive, Deputy Chief Executive, Directors and Heads of Service, having particular regard to the Council's strategic objectives, equality duties and the need for transparency of process.

**Within the terms set out in the Pay Policy agreed by the Council:**

2. To consider and approve severance payments to any member of staff subject to the following:
  - I. Where the total severance cost is less than the annual cost of the post, the Director of Resources & Deputy Chief Executive has delegated authority to approve the severance cost.
  - II. Where the cost exceeds the annual cost of the post but is less than £95,000, delegated authority is granted to the Director of Resources & Deputy Chief Executive to approve the severance cost, after consultation with members of the Remuneration Committee and after receiving confirmation that a majority of members of the Committee support the decision.
  - III. Severance cases where it is proposed to apply a discretionary relaxation of the exit cap and therefore would exceed £95,000 require the approval of Full Council.
3. To consider and, where appropriate, approve all requests for market forces payments for a period of up to three years and review ongoing need.
4. To advise on the Council's position with regards to proposals relating to nationally agreed pay awards.
5. To undertake reviews of relevant pay markets as and when required, and judge where to position Solihull Council in relation to other local authorities, taking into account what they are paying, relative performance and affordability.
6. To approve changes to employee benefits which do not require an amendment to the Pay Policy.
7. To ensure that all provisions regarding disclosure of remuneration are fulfilled.

**Membership**

The membership of the committee will be subject to "political balance" requirements and includes:

- The Cabinet Member for Resources (Chair).
- Six other nominated elected members.
- An Independent Local Business Leader (Co-opted Non-Voting member).

**Quorum**

No business shall be transacted unless five members of the Committee are present, including the Chair or Deputy Chair.

**Frequency of Meetings**

The Committee shall meet at least twice annually, but otherwise as required. The Chair may convene a meeting at any time.

**Reporting**

The decisions of the Remuneration Committee meetings, other than those requiring the approval of full Council, shall be reported to the Council for information.

Pay Structure as at 01/04/2020 - including transitional arrangements

SCP	New grade ranges		
1	£17,842	£17,842	
2	£18,198	£18,198	
3	£18,562	£18,562	
4	£18,933	£18,933	
5	£19,312	£19,312	
6	£19,698	£19,698	Minimum Point 1 October 2019
7	£20,092	£20,092	Minimum Point 1 October 2020
8	£20,493	£20,493	Minimum Point 1 October 2021
9	£20,903	£20,903	
10	£21,322	£21,322	
11	£21,748	£21,748	
12	£22,183	£22,183	
13	£22,627	£22,627	
14	£23,080	£23,080	
15	£23,541	£23,541	Minimum Point 1 October 2019
16	£24,012	£24,012	
17	£24,491	£24,491	Minimum Point 1 October 2020
18	£24,982	£24,982	
19	£25,481	£25,481	Minimum Point 1 October 2021
20	£25,991	£25,991	Minimum Point 1 October 2022
21	£26,511	£26,511	
22	£27,041	£27,041	
23	£27,741	£27,741	
24	£28,672	£28,672	
25	£29,577	£29,577	
26	£30,451	£30,451	
27	£31,346	£31,346	
28	£32,234	£32,234	
29	£32,910	£32,910	
30	£33,782	£33,782	
31	£34,728	£34,728	
32	£35,745	£35,745	
33	£36,922	£36,922	
34	£37,890	£37,890	
35	£38,890	£38,890	
36	£39,880	£39,880	
37	£40,876	£40,876	
38	£41,881	£41,881	
39	£42,821	£42,821	
40	£43,857	£43,857	
41	£44,863		
42	£45,859		
43	£46,845	£46,845	
44	£47,804	£47,804	
45	£48,843	£48,843	
46	£49,887	£49,887	
47	£50,923	£50,923	
48	£51,961	£51,961	
49	£53,006	£53,006	
50	£54,040	£54,040	
51	£55,084	£55,084	
52	£56,124	£56,124	
53	£57,160	£57,160	
54	£58,200	£58,200	
55	£59,243	£59,243	
56	£60,281		
57	£61,318		
58	£62,357	£62,357	
59	£63,402	£63,402	
60	£64,437	£64,437	
61	£65,487	£65,487	
62	£66,522		
63	£67,558		
64	£68,596		
65	£69,693		
66	£70,731		
67	£71,777	£71,777	
68	£72,819	£72,819	
69	£74,050	£74,050	
70	£75,901	£75,901	

## Pay Structure excl. transitional arrangements (October 2022)

SCP		New grade ranges	
1	£17,842	A	£17,842
2	£18,198		£18,198
3	£18,562		£18,562
4	£18,933	B	£18,933
5	£19,312		£19,312
6	£19,698		
7	£20,092		
8	£20,493	C	£20,493
9	£20,903		£20,903
10	£21,322		£21,322
11	£21,748		£21,748
12	£22,183		£22,183
13	£22,627		£22,627
14	£23,080		£23,080
15	£23,541		
16	£24,012		
17	£24,491		
18	£24,982		
19	£25,481		
20	£25,991	D	£25,991
21	£26,511		£26,511
22	£27,041		£27,041
23	£27,741		£27,741
24	£28,672		£28,672
25	£29,577		£29,577
26	£30,451		£30,451
27	£31,346	E	£31,346
28	£32,234		£32,234
29	£32,910		£32,910
30	£33,782		£33,782
31	£34,728		£34,728
32	£35,745		£35,745
33	£36,922		£36,922
34	£37,890	F	£37,890
35	£38,890		£38,890
36	£39,880		£39,880
37	£40,876		£40,876
38	£41,881		£41,881
39	£42,821		£42,821
40	£43,857		£43,857
41	£44,863		
42	£45,859		
43	£46,845	G	£46,845
44	£47,804		£47,804
45	£48,843		£48,843
46	£49,887		£49,887
47	£50,923		£50,923
48	£51,961		£51,961
49	£53,006		£53,006
50	£54,040	H	£54,040
51	£55,084		£55,084
52	£56,124		£56,124
53	£57,160		£57,160
54	£58,200		£58,200
55	£59,243		£59,243
56	£60,281		
57	£61,318		
58	£62,357	I	£62,357
59	£63,402		£63,402
60	£64,437		£64,437
61	£65,487		£65,487
62	£66,522		
63	£67,558		
64	£68,596		
65	£69,693		
66	£70,731		
67	£71,777	J	£71,777
68	£72,819		£72,819
69	£74,050		£74,050
70	£75,901		£75,901

## **The Corporate Leadership Team**

Solihull Council employs approximately 2789 employees (including apprentices and casuals but excluding schools), has a proposed annual revenue budget for 2021/22 of £150.8 million (indicative) and provides a wide range of public services to 216,400 residents.

The Corporate Leadership Team is responsible for managing the activities of the Council's workforce and for advising elected members on the potential implications of their decisions. By law, senior Council employees are not allowed to participate in any party political activity.

The team consists of a:

Chief Executive

Director of Resources and Deputy Chief Executive

Director of Economy and Infrastructure

Director for Adult Care and Support

Director for Children's Services

Director of Public Health

An outline of the responsibilities of the roles of the Corporate Leadership Team is provided below.

### ***Chief Executive***

The Chief Executive is the Senior Officer who leads, and takes responsibility for, the work of the paid staff of the Council. The role of Chief Executive is a full-time appointment. Post holders are selected on merit, against objective criteria, following public advertisement. They are appointed by Full Council.

The Chief Executive works closely with elected members to deliver:

- Leadership - working with elected members to ensure strong and visible leadership and direction, encouraging and enabling managers to motivate and inspire their teams.
- Strategic Direction - ensuring all staff understand and adhere to the strategic aims of the Council and follow the direction set by the elected members.
- Policy Advice - acting as the principal policy adviser to the elected members of the Council to lead the development of workable strategies which will deliver their political objectives.
- Partnerships – supporting the leadership and development of strong local and regional partnership working to achieve improved outcomes and better public services for local people.
- Operational Management - overseeing financial and performance management, risk management, people management and change management within the Council.

### ***Director of Resources and Deputy Chief Executive (Section 151 Officer)***

The Director of Resources and Deputy Chief Executive is responsible for all the Corporate Services of the Council. The Director undertakes the Chief Executives' duties in their absence. As the Council's nominated Section 151 Officer, the Director has statutory responsibility for ensuring the financial health and probity of the Local Authority. As well as deputising for the Chief Executive they also lead the Council's strategic approach to financial planning and management; council tax and business rates collection and benefits administration; facilities and asset management; strategic land projects; Human Resources; information and communications technology; Democratic Services (including Monitoring Officer responsibility), Legal, Equality and Diversity, Corporate Performance, Policy and Information, Organisational and Workforce Development, Corporate Procurement, Audit, Health & Safety, Communications, Business Intelligence and Improvement and financial responsibilities for Solihull Community Housing.

### ***Director of Economy & Infrastructure***

The Director has overall responsibility for all services associated with: place shaping; managing the environment, public protection, neighborhood services; transport and highways; regeneration; promoting the economy and sustainable growth, and development in the Borough. The Director also has lead responsibility for the UK Central Programme and responsibility for community related services, Libraries, Information and Arts Services, Customer Services, Community and Voluntary Sector Relations/Solihull Partnership and Homelessness.

### ***Director for Adult Care and Support***

The Directors' role includes that of the statutory Chief Officer post of Director of Adult Social Services. The Director of Adult Care and Support responsibilities include assessing local needs and ensuring availability of an appropriate range and quality of care and support services; leading an appropriate Council and multi-agency response to safeguarding adults; holding commissioned services to account for quality of care provision; promoting a whole Council response to older people and disabled adults and promoting the needs of adults across the wider Solihull community. Full details of the statutory responsibilities can be found in the statutory guidance document available below.

[DH Guidance on the Statutory Chief Officer Post of the Director of Adult Social Services.pdf](#)

### ***Director for Children's Services***

In accordance with the statutory guidance, the Director of Children's Services is responsible for safeguarding and promoting the welfare of children within the Borough, promoting the upbringing of such children by their families and ensuring the provision of a range and level of services appropriate to their needs, including education and undertaking the functions of the Council as Head of the Adoption Agency.

### ***Director of Public Health***

In accordance with the statutory guidance, the Director of Public Health has overall responsibility for the health of the people of Solihull, for health improvement and the reduction of health inequalities, health protection and the development and commissioning of public health programmes and services. The Director also leads on Emergency Planning, Business Continuity, Resilience, Leisure services and Employment and Skills.

### ***Role of the Returning Officer***

The Returning Officer is the person who has the overall responsibility for the conduct of elections. The Returning Officer is an officer who is appointed by the Council, under the Representation of the People Act 1983. Whilst appointed by the Council, the role of the Returning Officer is one of a personal nature, and distinct and separate from their duties as an employee of the Council.

The Returning Officer is responsible for:

- the nomination process for candidates and political parties;
- provision and notification of polling stations;
- appointment of Presiding Officers and polling clerks;
- appropriate administration and security of polling stations;
- preparation of all ballot papers;
- the actual count and declaration of results;
- issue, receipt and counting of postal ballot papers;
- all candidates' election expenses returns;
- presentation of final account;
- reclamation of funding from external bodies, as prescribed.

**LOCAL GOVERNMENT PENSION SCHEME POLICY STATEMENT**  
**1st APRIL 2020 (updated)**

**\*\*This statement should be read in conjunction with Paragraph 9 of the Pay Policy Statement which provides details of the cap on exit payments of £95,000**

**Policy Statement for all Eligible Employees**

Under the Local Government Pension Scheme Regulations, each scheme Employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pension Regulations.

This Statement is applicable to all individuals, excluding Councillors of Solihull Metropolitan Borough Council (The Council), who are eligible to be members of the Local Government Pension Scheme (LGPS).

**Pension Admission Agreements**

The Council has a choice on how pension admission agreements operate. The Council's preference for contracts relating to new schools services contracts for periods of less than 5 years is to elect to operate the "pass through" model. This does not apply to Academies or contracts let by Academies. All other contracts involving Council employees will be assessed on a case by case basis with the relevant Cabinet Member in consultation with the Cabinet Member for Resources deciding the most appropriate option.

**DISCRETIONS TO BE APPLIED UNDER THE LGPS REGULATIONS 2013 AND LGPS (TRANSITIONAL PROVISIONS AND SAVINGS REGULATIONS 2014).**

**REGULATION 16(2)e, 16(4)d and 17**

**Explanation**

Where an active scheme member wishes to purchase extra annual pension of up to £6,500 (figure as at 1st April 2018) by making Additional Pension Contributions (APCs), the Employer can choose to contribute towards the cost of purchasing that extra pension via a Shared Cost Additional Pension Contribution (SCAPC).

**Policy**

Under Regulation 17 of the LGPS Regulations 2013, the Council will exercise the discretion to allow Local Government Pension Scheme members to contribute to a shared cost salary sacrifice additional voluntary contribution scheme.

**REGULATION 30(6) and TP11(2)**

**Explanation**

A member who is aged 55 or over and, with their Employer's consent, reduces their hours and/or grade, can then, but only with the agreement of the Employer, make an election to the administering authority for all or part payment of their accrued benefits without having retired from that employment.

If payment of benefits occurs before age 65, the benefits are actuarially reduced in accordance with guidance issued by the government actuary.

The Employer may choose to waive the reduction in whole or in part. If the Employer chooses to do so, then the cost of waiving the reduction in whole or in part has to be paid to the fund.

### **Policy**

Each specific case will be judged on its own merits, having fully considered service delivery and financial costs.

This discretion will be exercised by the Director of Resources and Deputy Chief Executive within his/her delegated authority or, if appropriate, the Council's Remuneration Committee.

## **REGULATION 30(8)**

### **Explanation**

The Employer has discretion to waive any actuarial reductions that would otherwise apply under Regulation 30(5) and Regulation 30(6) for active members, deferred members and suspended tier 3 ill-health pensioners who elect to receive early payment of benefits prior to normal pension age.

### **Policy**

Each specific request will be assessed on its own merits. Where the Council determines that the benefits should not be reduced the cost would need to be funded by a lump-sum contribution into the pension fund. This discretion will only be exercised in cases where it can be demonstrated that the Council can fund the cost of release within a three year period.

This discretion will be exercised by the Director of Resources within his/her delegated authority or if appropriate the Council's Remuneration Committee.

## **TP REGULATION 1(1)(c) of SCHEDULE 2**

### **Explanation**

The Employer has discretion to apply the 85 year rule protection to members who choose to voluntarily draw their benefits on or after age 55 and before age 60, (under paragraph 1(1)(c) or Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.

### **Policy**

The Council has not approved "switching on" of the 85 year rule. Waiving of actuarial reductions will only be considered where there is a clear financial or operational advantage to the Council.

This discretion is exercised by the Director of Resources within his/her delegated authority or, if appropriate, the Council's Remuneration Committee.

## **REGULATION 31**

### **Explanation**

The Employer has discretion to grant extra annual pension of up to £6,500 to an active scheme member or within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.



**Policy**

The Council will judge each case on its merits, having fully considered service delivery and financial costs.

This discretion is exercised by the Council's Remuneration Committee.

**DISCRETIONS TO BE APPLIED UNDER THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT) (DISCRETIONARY COMPENSATION) (ENGLAND AND WALES) REGULATIONS 2008**

**REGULATION 5 (POWER TO INCREASE STATUTORY REDUNDANCY PAYMENTS) ABOVE THE WEEKLY PAY LIMIT CONTAINED WITHIN THE EMPLOYMENT RIGHTS ACT 1996**

**Explanation**

Employers have the discretion to use actual weekly pay, if this is greater than the statutory maximum weekly pay, contained within the Employment Rights Act 1996 (as amended) when calculating a redundancy payment.

**Policy**

The Council will use actual weekly pay, if this is greater than the maximum stated in the act, for the purposes of calculating a redundancy payment.

**REGULATION 6 (DISCRETIONARY COMPENSATION FOR REDUNDANCY)**

**Explanation**

Employers have the discretion to pay compensation up to a maximum of 104 weeks' pay to an employee who ceases to be employed by reason of redundancy. This applies only where the council has not awarded an increase in total pension membership under regulation 12(b) of the Local Government Pension Scheme Regulations 1997 (as amended). Where a redundancy payment under the Employment Rights Act 1996 (as amended) (ERA), is also made then the equivalent to it shall be deducted from the compensation.

**Policy**

The Council will pay compensation at a level of 2 times the number of weeks' redundancy as calculated using the Statutory Redundancy Payments ready reckoner (occurring on or after 1 October 2006) up to a maximum of 60 weeks.

Where a redundancy payment is also made under the ERA then the equivalent to it shall be deducted from the above compensation.

**OCCUPATIONAL PENSIONS SCHEMES (INTERNAL DISPUTE RESOLUTION PROCEDURES REGULATIONS 1996 (AS AMENDED))**

**Explanation**

Responsibility for determinations of complaints regarding awards made under the Local Government Early Termination of Employment) (Discretionary Compensation) England and Wales) Regulations 2008 (as amended) now rest with your Employer. Your Employer must specify the job title and address of the person to whom applications should be directed. In the first instance you should write to the "stage 1" person, if you are then still dissatisfied with that decision you may write to the "stage 2" person.

*Name of Employer:* Solihull Metropolitan Borough Council.

*The "stage 1 person" is:* Mr. Adrian Cattell  
Head of Human Resources  
Solihull Metropolitan Borough Council  
Council House  
Manor Square  
Solihull  
West Midlands  
B91 3QB

*The "stage 2 person" is:* Mr. Paul Johnson  
Director of Resources and Deputy Chief Executive  
Solihull Metropolitan Borough Council  
Council House  
Manor Square  
Solihull  
West Midlands  
B91 3QB

## **DISCRETIONS TO BE APPLIED UNDER THE LGPS (BENEFITS, MEMBERSHIP AND CONTRIBUTIONS) REGULATIONS 2007 (AS AMENDED)**

### **REGULATION 30A(3) Reg (MEMBER'S REQUEST FOR RE-INSTATEMENT OF A SUSPENDED TIER 3 ILL HEALTH PENSION)**

#### **Explanation**

For a member on a suspended tier 3 Ill Health pension on or after age 55 and before age 60 (under regulation 30 A (3) of the LGPS Benefits, Membership and Contributions) Regulations 2007) an application for reinstatement will be granted.

#### **Policy**

Each specific case will be judged equally and fairly on its own merits.

### **REGULATION 12 BReg POWER OF EMPLOYING AUTHORITY TO INCREASE TOTAL MEMBERSHIP OF ACTIVE MEMBERS**

#### **Explanation**

An Employer may agree to increase the total membership of an active member.

A member's total additional membership, including additional membership in respect of different employment, must not exceed 10 years.

#### **Policy**

Each specific case will be judged on its own merits, having fully considered service delivery and financial costs. The Remuneration Committee will exercise this discretion.

*The Council is not obliged by the regulations to publish a statement on the following discretions, but has chosen to do so.*

### **REGULATION 3 BReg (CONTRIBUTIONS PAYABLE BY ACTIVE MEMBER)**

#### **Explanation**

Employers will determine the contribution rate payable based on whole-time pensionable pay for existing members at 1 April each year or at the commencement of employment.

Where there has been a material change to a member's pensionable pay in the course of the financial year, his employing authority may re-determine the contribution rate to be applied.

#### **Policy**

The Council will not amend the contribution band in the course of a financial year should there be a material change to a member's pensionable pay.

### **REGULATION 16 AReg (RE-EMPLOYED AND RE-JOINING DEFERRED MEMBERS)**

#### **Explanation**

Where a deferred member becomes an active member again before becoming entitled to the immediate payment of retirement benefits in respect of his/her former membership, he/she may elect to have his/her former membership aggregated with his/her current active membership. An election must be made in writing to the member's appropriate

administering authority before the expiry of the period of 12 months, beginning with the date that he/she again became an active member (or any such longer period as his/her Employer may allow).

**Policy**

The Council will only extend the period of 12 months in exceptional circumstances or where it was beyond the member's control.

**REGULATION 22 AReg (OPTIONAL CONTRIBUTIONS DURING UNPAID ABSENCES)**

**Explanation**

Employing Authorities have the Discretion to extend the period beyond 30 days for a person to make contributions.

**Policy**

The Council will extend the period of 30 days in circumstances beyond the member's control or in exceptional circumstances. Such requests must be made in writing by the member.

**REGULATION 83 AReg – INWARD TRANSFERS OF PENSION RIGHTS**

**Explanation**

A person who becomes an active member (of the LGPS) who has relevant pension rights with a previous Employer, may request his/her fund authority to accept a transfer value for some or all of his/her former rights. An election must be made in writing before the expiry of the period of 12 months, beginning with the date that he/she became an active member (or any such longer period as his/her Employer may allow).

**Policy**

The Council will extend the period of 12 months only in exceptional circumstances or where it was beyond the member's control.

**From 1 June 2004, an amended Internal Dispute Resolution Procedure applies to active members of the LGPS and to others such as deferred and pensioner members, whose position may be affected by the decisions taken by their former Employer or LGPS administering authority.**

**REGULATION 57 AReg (NOTIFICATION OF FIRST INSTANCE DECISIONS)**

**Explanation**

Responsibility for determinations under the first stage of the procedure now rests with a "specified person" appointed by your (former) Employer. The Council must specify the job title and address of the person to whom applications should be directed.

Name of Scheme Employer: Solihull Metropolitan Borough Council

The specified person is: Mr. Adrian Cattell  
Head of Human Resources  
Solihull Metropolitan Borough Council  
Council House, Manor Square  
Solihull  
West Midlands B91 3QB