

REMUNERATION COMMITTEE

MINUTES of the meeting held on Tuesday, 11 February 2014 commencing at 2.00 pm and finishing at 3.10 am.

Present:

Voting Members: Councillor Rodney Rose – in the Chair

Councillor Zoé Patrick (Deputy Chairman)
Councillor Charles Mathew
Councillor Rodney Rose
Councillor Gill Sanders
Councillor David Williams
Councillor David Wilmshurst

Officers: Sue Corrigan, Strategic HR Manager, Steve Munn, Head of HR, Deborah Miller (Law & Culture).

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

6/13 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies for absence were submitted on behalf of Councillor Ian Hudspeth. Councillor Rose took the Chair for the meeting.

7/13 MINUTES

(Agenda No. 3)

The Minutes of the meeting held on 27 January 2014 were approved and signed.

8/13 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

Mrs Carole Thompson, Chair of the Schools Forum spoke on behalf of members of the forum against the proposal to introduce a local agreement on negotiation of pay and terms and conditions of employment for Green Book employees on the basis that there were currently very good working relationships, that the change was not in anyone's best interest either as employee or as employer to have tribunals; consideration should be given to academies; changes to defined pension scheme; schools would be very reluctant to move away from the County Council but would be more reluctant to have a difference between maintained and academes and the

possibility of a split system – the majority would stick to National arrangements not two tier arrangements.

Mrs Kate Curtiss spoke on behalf of Secondary Head teachers

9/13 EXEMPT ITEMS

(Agenda No.)

RESOLVED: that the public be excluded for the duration of item 6 and 7 since it is likely that if they were present during that item there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified below in relation to those items and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PUBLIC SUMMARY OF PROCEEDINGS HELD IN PRIVATE

10/13 CONSULTATION FEEDBACK ON THE INTRODUCTION OF LOCAL TERMS AND CONDITIONS FOR GREEN BOOK EMPLOYEES

(Agenda No. 5)

It was considered that in this case the public interest in maintaining the exemption outweighed the public interest in disclosing the information, in that and since it was considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, in that such disclosure would be contrary to the authority's duties as a fair employer.

In January 2014 Remuneration Committee agreed in principle that Oxfordshire County Council would move from national to local negotiations for staff employed under the National Joint Council for Local Government Services known as the 'Green Book', subject to receiving further information.

The Committee had before them further feedback from the consultation process and the outcome of the Unison ballot in relation to moving towards local negotiations.

Representatives from the School Forum and OASSH also gave their views to the Committee under Agenda Item 4.

RESOLVED: (by 5 votes to 1, (Councillor David Williams having asked that his vote against be recorded) to confirm its decision to introduce the local agreement on negotiation of pay and terms and conditions of employment for Green Book employees from 1 April 2014, subject to final agreement with UNISON and 2 Year matching with the National Pay Settlement.

11/13 LOCAL NEGOTIATION OF PAY AND TERMS AND CONDITIONS OF EMPLOYMENT FOR SENIOR STAFF

(Agenda No. 6)

It was considered that in this case the public interest in maintaining the exemption outweighed the public interest in disclosing the information, in that and since it was

considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, in that such disclosure would be contrary to the authority's duties as a fair employer.

In January 2014 Remuneration Committee had agreed in principle that Oxfordshire County Council would move from national to local negotiations for staff employed under the National Joint Council for Local Government Services known as the 'Green Book', subject to receiving further information.

The Committee had before them a report (RC6) which sought to bring senior staff employed under the Joint National Councils for Chief Executives and Chief Officers and related staff, as amended by local negotiated agreements, under a similar local agreement. The report included a proposed local agreement between the Council and senior staff which set out the proposed terms of this agreement following local negotiations and consultations.

RESOLVED: the recommendations set out in the Exempt report were agreed.

12/13 FIREFIGHTER PENSION SCHEME AMENDMENTS (FPS 1992 & NFPS 2006)

(Agenda No. 7)

The Committee had before them a report (RC7) which set out Oxfordshire County Council's policy/position statement following the DCLG response to the 'Amendments to the Firefighters' Pension Scheme (1992) and New Firefighters' Pension Scheme (2006): summary of responses.

Simon Furlong, in introducing the report, outlined the three discretions which needed to be agreed upon and then communicated to all FRS staff.

The first discretion was that employers now had the discretion to permit those 1992 scheme members who retired aged over 50 but under 55 with less than 30 years' pensionable service to raise the commutation limit from the current limit of 2.5 times the accrued pension so that they could commute up to the maximum of a quarter of their annual pension for a lump sum on their retirement. Under the new provision, the employer must fully consider the economical, effective and efficient management of their functions and the costs likely to be incurred in each case as should authorities wish to exercise this discretion and raise the commutation limit, they (as the employer) were liable to pay the increased lump sum costs associated.

The amendment to the 1992 scheme widens the employer's discretion to abate a pension paid to a member who is re-employed by a fire and rescue authority. It would also require the employer to pay into the pension fund the amount of paid pension that could have been subject to abatement. The requirement for the employer to be liable for the costs where they do not exercise the discretion to abate a member's pension would apply to both the 1992 and 2006 schemes. This would only apply to the 1992 scheme to new instances of re-employment since 25 September 2009. The New Firefighters' Pension Scheme 2006 already provides for this discretion.

The amendment order provided Employers with the discretion to determine whether the following allowances were pensionable. The allowances were:

- (i) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter's duties under the contract of employment but are within the wider functions of the job;
- (ii) the amount (if any) paid in respect of a firefighter's continual professional development;
- (iii) the difference between the firefighter's basic pay in their day to day role and any pay received whilst on temporary promotion or where he is temporarily required to undertake the duties of a higher role;
- (iv) any performance related payment which is not consolidated into his standard pay.

Some additional skills allowances and short periods of temporary promotion were not currently treated as pensionable and officers were currently seeking guidance from the OCC legal team following recent high court judgements and Queen's Council advice to other fire authorities.

Under the new provision the Authority may exercise their discretion as to whether they continue to be/or are treated as pensionable benefits. Any pensionable benefits for any payments commencing on or after 1 July 2013 falling within these categories would be treated as an additional pension benefit (APB) and would not contribute to the final salary calculation on the pension scheme.

The Committee expressed concern that there was no member involvement in the discretion to Permit the Maximum Payment. Sue Corrigan confirmed that this decision could go to the Pensions Benefits Sub-Committee along with other pension's issues. Accordingly, it was agreed to change recommendation (a) to reflect this.

RESOLVED: that:

- (a) the discretion to Permit the Maximum Payment be adopted, but individual proposals be examined on a case by case basis depending on the needs of the Service and agreed by the ~~Chief Fire Officer~~ Pension Benefits Sub-Committee on advice from the Chief Fire Officer, Chief Finance Officer and the Head of Human Resources;
- (b) abatement will apply in all cases of reemployment of members of the 1992 and 2006 schemes with any Fire & Rescue Authority in any capacity or is employed by any employing public sector organisation without going through an open competition;
- (c) the Fire Authority determines that all of the salary benefits listed are treated as pensionable benefits and attract an Additional Pension Benefit as detailed in the FPS 1992 and the NFPS 2006.

..... in the Chair

Date of signing

2014