



## **Policies update– Disciplinary & Dismissals and Retirement Policies**

### **SUMMARY**

- 1.1 The Human Resources Organisational Development team are in the process of reviewing and updating the Council's Human Resource Policies. The review has been prioritised in line with changes in legislation, case law, social/political environment and age of the policy.
- 1.2 This report sets out the reasons for the changes to the Disciplinary and Dismissals and Retirement Policies. These are attached at Appendix 2 and 3 respectively. The Policies have been discussed and agreed with the Trade Unions at the Conditions of Service Working Party.
- 1.3 All policies under review will be written in the new policy format, checked for clarity and use plain English.

### **RECOMMENDATION**

- 2.1 To approve the revised Disciplinary and Dismissals Policy attached at Appendix 2. The table of policy changes at Appendix 5 details the major changes to the policy and the rationale behind each one.
- 2.2 To approve the revised Retirement Policy attached at Appendix 3 and associated EIA attached at Appendix 4. The table of policy changes at Appendix 5 details the major changes to the policy and the rationale behind each one.

### **REASONS FOR RECOMMENDATIONS**

- 3.1 The table of policy changes at Appendix 5 for the Discipline and Dismissals Policy sets out the rationale for the changes. This policy was prioritised for review as there was no link to the Appeal Policy approved in 2011 which reinstated member appeals.
- 3.2 The table of policy changes at Appendix 5 for the Retirement Policy sets out the rationale for the changes. This policy was prioritised for review due to legislative changes in the removal of the default retirement age and the review of discretionary payments in the Local Government Pension Scheme.

## SUPPORTING INFORMATION

- 4.1 Retirement Policy  
In addition to the rationale laid out in Appendix 5. The following points should be considered.
- 4.2 The removal of the default retirement age allows employees to choose when they wish to retire. This can lead to uncertainty for employees on how to approach raising their desire to retire. It can also make it difficult for the Council to carry out workforce and succession planning.
- 4.3 The age set by the LGPS and most pension providers for an early drawing of pension is 55. Offering flexible working at the age of 55 as preparation for retirement matches the conditions for flexible retirement available to those in the LGPS.
- 4.4 In 2015 the right to request flexible working will be extended to all employees. Incorporating the right to request flexible working now for those looking to phase their retirement future proves the policy.

## OTHER OPTIONS CONSIDERED

- 5.1 Retirement Policy  
The option to set a minimum level of reduction in pay for those wishing to take early retirement was considered. The suggested options were either a reduction of 40%, two working days for a full time employee, or 50%.
- 5.2 While this option potentially increases savings on payroll costs, it was felt this reduced flexibility and may limit the number of employees who wanted to apply. This could result in increasing savings on payroll from those who applied but an overall decrease in savings on payroll if fewer employees applied.

### This report has been approved by the following officers:

<b>Legal officer</b>	N/A
<b>Financial officer</b>	N/A
<b>Human Resources officer</b>	Tina Holmes
<b>Estates/Property officer</b>	N/A
<b>Service Director(s)</b>	Karen Jewell
<b>Other(s)</b>	Nikki Gibbons

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<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Discipline and Dismissals Policy Appendix 3 – Retirement Policy Appendix 4 – Retirement Policy EIA Appendix 5 – Table of Policy changes

## IMPLICATIONS

### **Financial and Value for Money**

1. Offering the right to request flexible working allows the Council to potentially reduce its payroll bill while retaining the skills and experience of older workers.

### **Legal**

- 2.1 None for Disciplinary and Dismissals.
- 2.1 The current Retirement Policy does not meet legislative requirements for the removal of the default retirement age. This could result in a discrimination claim against the Council. The revised policy removes reference to 'retirement gratuities' which under the terms of the LGPS we are no longer legally able to pay.

### **Personnel**

3. Increased flexibility for employees when considering how and when to retire.

### **Equalities Impact**

- 4.1 The existing EIA for Disciplinary and Dismissals is still relevant.
- 4.2 The changes to the Retirement Policy have the potential for positive impacts against six equality groups. See attached EIA at Appendix 4.

### **Health and Safety**

5. None.

### **Environmental sustainability**

6. None.

### **Property and Asset management**

7. None.

### **Risk management**

8. The proposals in this report reduce the Council's risk of exposure to future discrimination claims.

### **Corporate objectives and priorities for change**

9. To develop a skilled and motivated workforce (Council Plan).

