

DYDD IAU, 29 CHWEFROR 2024

AT: HOLL AELODAU'R CYNGOR SIR

YR WYF DRWY HYN YN EICH GALW I FYNYCHU CYFARFOD AML-LEOLIAD Y CYNGOR SIR A GYNHELIR YN SIAMBR, NEUADD Y SIR, CAERFYRDDIN, SA31 1JP AC O BELL AM 10.00 YB, DYDD MERCHER, 6ED MAWRTH, 2024 ER MWYN CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD YNGHLWM

Wendy Walters

PRIF WEITHREDWR

GELLIR GWYLIO'R CYFARFOD AR WEFAN Y CYNGOR DRWY'R DDOLEN CANLYNOL:-
[HTTPS://CARMARTHESHIRE.PUBLIC-I.TV/CORE/PORTAL/HOME](https://carmarthenshire.public-tv/core/portal/home)

Swyddog Democrataidd:

Kevin Thomas

Ffôn (Ilinell uniongyrchol):

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Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

AGENDA

1. YMDDIHEURIADAU AM ABSENOLDEB
2. DATGANIADAU O FUDDIANNAU PERSONOL.
3. CYHOEDDIADAU'R CADEIRYDD.
4. CYHOEDDIADAU GAN YR ARWEINYDD, AELODAU'R CABINET NEU'R PRIF WEITHREDWR (OS OES RHAI)
5. YSTYRIED YR ENWEBIADAU AR GYFER SWYDD CADEIRYDD Y CYNGOR AM FLWYDDYN Y CYNGOR 2024-25
6. YSTYRIED YR ENWEBIADAU AR GYFER SWYDD IS-GADEIRYDD Y CYNGOR AM FLWYDDYN Y CYNGOR 2024-2025
7. PENNU TRETH Y CYNGOR AM Y FLWYDDYN ARIANNOL 2024/25 5 - 22
8. DATGANIAD POLISI TALIADAU 2024/25 23 - 270
9. DERBYN ADRODDIAD CYFARFOD Y CABINET A GYNHALIWDYD AR Y 19 CHWEFROR 2024 271 - 276
10. YSTYRIED Y RHYBUDDION O GYNNIG CANLYNOL:-

10.1 RHYBUDD O GYNNIG A GYFLWYNWYD GAN Y CYNGHORWYR ROBERT JAMES A DOT JONES

"Yn y bôn, mae gwasanaethau bysiau ysgol ar gyfer sicrhau bod ein disgyblion yn gallu teithio'n ddiogel i'r ysgol ynghyd â helpu i leddfu tagfeydd drwy leihau'r miloedd o deithiau unigol mewn ceir bob dydd.

Ym mis Chwefror, cafodd yr aelodau lleol wybod bod y gwasanaethau bws L23, L24 a L27 yn Llanelli wedi cael eu canslo pan wnaeth y darparwr lleol y penderfyniad anodd i dynnu ei ddarpariaeth yn ôl. Nid yw hwn yn achos ar ei ben ei hun, yn Sir Gaerfyrddin nac yng Nghymru, ond mae'n hanfodol ein bod yn gweithredu i sicrhau bod gan bob plentyn yr hawl a'r mynediad i wasanaethau bysiau ysgol yn Sir Gaerfyrddin.

Mae'r Cyngor hwn:

- Yn galw ar y Cabinet i ddatblygu cynllun newydd ar gyfer sicrhau bod gan bob disgybl yn Sir Gaerfyrddin yr hawl a'r gallu i gael mynediad i wasanaethau bysiau ysgol dibynadwy.
- Yn credu y dylid cynnal uwchgynhadledd frys gyda'r darparwr preifat sy'n weddill i asesu hyfywedd pob llwybr ac ystyried a oes cyfleoedd i ddod â llwybrau yn ôl.
- Yn galw ar Lywodraeth Cymru i gyhoeddi ar frys ei hadolygiad diweddaraf ar y Mesur Teithio gan Ddysgwyr a lobïo dros gefnogi hefyd ddisgyblion sy'n byw o fewn 3 milltir i ysgol gyfun i deithio ar fws i'r ysgol"

11. CWESTIYNAU GAN Y CYHOEDD (NID OEDD DIM WEDI DOD I LAW).

12. CWESTIYNAU GAN AELODAU:

12.1 CWESTIWN GAN Y CYNGHORYDD ROB JAMES I'R CYNGHORYDD EDWARD THOMAS - - YR AELOD CABINET DROS WASANAETHAU, TRAFNIDIAETH, GWASTRAFF A SEILWAITH

"A allai'r Cyngor nodi, fel nifer a chanran, faint o ffyrdd yn Sir Gaerfyrddin, a ddynodwyd yn flaenorol yn ffyrdd 30mya, sydd wedi'u newid i 20mya; a beth yw safbwynt yr Awdurdod hwn ar gefnogi gorfodi'r polisi?"

13. ETHOL CADEIRYDD Y PWYLLGOR CRAFFU CYMUNEDAU, CARTREFI AC ADFYWIO YN DILYN SWYDD WAG CANOL TYMOR

Yn unol â Rheol 4 (2) o Weithdrefn y Cyngor mae'r enwebiad canlynol wedi'i gyflwyno i'r Prif Weithredwr :-

Y Cyngorydd Robert Evans - Grŵp Llafur

Nid oes enwebiadau eraill wedi dod i law.

14. CYMERADWYO'R NEWIDIADAU CANLYNOL I AELODAETH PWYLLGORAU A PHANELAU'R CYNGOR A GYNIGIR GAN Y GRŴP LLAFUR

1. Cyngorydd Michael Thomas i gymryd eu sedd wag ar y Pwyllgor Cynllunio
2. Cyngorydd Peter Cooper i gymryd eu sedd wag ar y Pwyllgor Cronfa Bensiwn Dyfed
3. Cyngorydd Tina Higgins i gymryd eu sedd wag ar y Gweithgor Adolygu'r Cyfansoddiad

Mae'r dudalen hon yn wag yn fwriadol

Y CYNGOR SIR
6^{ed} MAWRTH 2024

PENNU TRETH Y CYNGOR AM Y FLWYDDYN ARIANNOL
2024/25

Yr Argymhellion / Penderfyniadau Allweddol Sydd Eu Hangen:

Bod yr Aelodau yn mabwysiadu'r argymhellion sydd yn yr adroddiad.

Y Rhesymau:

Pennu Treth y Cyngor am y flwyddyn 2024/25.

Angen i'r Cabinet wneud penderfyniad: OES

Angen i'r Cyngor wneud penderfyniad: OES

YR AELOD O'R CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:

Cyng. Alun Lenny (Adnoddau)

Y Gyfarwyddiaeth: Gwasanaethau Corfforaethol	Swyddi:	Rhif ffôn: 01267 224120 Cyfeiriadau E-bost:
Enw Cyfarwyddwr y Gwasanaeth: Chris Moore	Cyfarwyddwr y Gwasanaethau Corfforaethol	CMoore@sirgar.gov.uk
Awdur yr Adroddiad: Randal Hemingway	Pennaeth y Gwasanaethau Ariannol	RHemingway@sirgar.gov.uk

EXECUTIVE SUMMARY

SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR 2024/25

The County Council is required annually to set its Council Tax for the forthcoming Financial Year.

This report sets out the financial details relevant to the setting of the Council Tax for 2024/25 together with the Council Tax amounts in respect of the different Council Tax Valuation Bands, as applicable to each of the individual Community and Town Council area.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Chris Moore**

Director of Corporate Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Biodiversity & Climate Change
YES	YES	YES	NONE	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The Budget has been prepared having regard for the Corporate Strategy

2. Legal

Budget setting process complies with legislative requirements.

3. Finance

The Authority's Council Tax (exclusive of Town/Community Council precepts) will increase by 7.5% with the Band D Council Tax = £1,602.80

Average Council Tax (Band D) inclusive of Community/Town Council precepts will be set at £1,716.00 as per section 33 of the Local Government Finance Act 1992.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Chris Moore

Director of Corporate Services

1. Scrutiny Committee request for pre-determination

YES/NO/N/A – Delete as appropriate

If yes include the following information: -

Scrutiny Committee

Date the report was considered:-

Scrutiny Committee Outcome/Recommendations:-

All scrutiny committees have been consulted during January 2024, with the feedback included in the Revenue Budget Strategy report to full Council on 28th February 2024.

2. Local Member(s)

Not applicable

3. Community / Town Council

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2024/25 to 2026/27 report to County Council on 28th February 2024.

4. Relevant Partners

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2024/25 to 2026/27 report to County Council on 28th February 2024.

5. Staff Side Representatives and other Organisations

Full consultation has been undertaken in respect of the County Council budget and was detailed in the Revenue Budget Strategy 2024/25 to 2026/27 report to County Council on 28th February 2024.

CABINET PORTFOLIO HOLDER(S) AWARE / CONSULTED?

YES

(Include any observations here)

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Council Tax Base – 2024/25 Base report to Cabinet 11 th December 2023		County Hall, Carmarthen.
Revenue Budget Strategy 2024/25 to 2026/27 and Capital Investment Programme 2024/29 - County Council Reports 28 th February 2024		County Hall, Carmarthen.
Dyfed Powys Police Authority precept Town/Community Council precepts		County Hall, Carmarthen.
Local Government Act 1992		County Hall, Carmarthen

Mae'r dudalen hon yn wag yn fwriadol

REPORT OF THE DIRECTOR OF CORPORATE SERVICES COUNTY COUNCIL

6th March 2024

SETTING THE COUNCIL TAX FOR THE FINANCIAL YEAR BEGINNING 1st APRIL 2024

Name: C Moore, Director of Corporate Services	DIRECTORATE Corporate Services	TELEPHONE NO. 01267 224120
AUTHOR & DESIGNATION R Hemingway, Head of Financial Services	DIRECTORATE Corporate Services	TELEPHONE NO 01267 224886

The Revenue Budget 2024/25 was finalised and presented to County Council on the 28th February 2024 and the Authority has now received all the precept requirements from the Town and Community Councils and Police and Crime Commissioner for Dyfed Powys.

This report now concludes the formal budget setting process and requires County Council to formally set the Budget Requirement and Council Tax for 2024/25.

Recommendations

1. That it be noted that the Revenue Budget 2024/25, together with outlook for 2025/26 and 2026/27, and the Five Year Capital Programme (Council Fund) 2024-29 was approved by County Council on the 28th February 2024.
2. That it be noted that:
 - a. the County Council General Fund Reserve at 31st March 2024 is estimated to be £9.4m and that the Revenue Budget for 2024/25 includes no proposals for the use of the General Fund Reserve.
 - b. the Director of Corporate Services after taking account of the above confirms that the estimated level of financial reserves is adequate for the financial year 2024/25.
 - c. the Director of Corporate Services confirms that the build-up of the County Council estimates for the purpose of the calculation under section 32 of the Local Government Finance Act 1992 has been undertaken in a robust manner.
3. That it be noted that at its meeting on 11th December 2023, the Cabinet calculated the following amounts for the year 2024/25 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992: -
 - (a) **76,460.40** being the amount calculated by the Council, in accordance with the Local Authorities (Calculation of Tax Base) (Wales) Regulations 1995, as its council tax base for the year.

(b)

COMMUNITY	TAX BASE	COMMUNITY	TAX BASE
ABERGWILI	758.18	PENCARREG	570.49
ABERNANT	140.94	NEWCASTLE EMLYN	489.97
BRONWYDD	281.85	CARMARTHEN TOWN	5805.53
CILYMAENLLWYD	354.53		
CYNWYL ELFED	466.93	AMMANFORD	1996.19
EGLWYSCUMMIN	198.15	CWMAMAN	1639.00
GORSLAS	2086.77	LLANDEILO	820.20
HENLLANFALLTEG	231.26	LLANDOVERY	809.55
LAUGHARNE	604.58	BETWS	909.46
LLANARTHNE	434.83	CILYCWM	238.56
LLANBOIDY	460.01	CYNWYL GAEO	462.75
LLANDDAROG	559.41	DYFFRYN CENNEN	558.75
LLANDDOWROR & LLANMILOE	354.57	LLANDDEUSANT	132.03
LLANDYFAELOG	655.46	LLANDYBIE	4506.16
LLANGAIN	292.99	LLANEGWAD	739.88
LLANGYNDEYRN	1591.68	LLANFAIR-AR-Y-BRYN	289.53
LLANGUNNOR	1171.95	LLANFIHANGEL ABERBYTHYCH	604.54
LLANGYNIN	138.94	LLANFYNYDD	238.79
LLANGYNOG	253.49	LLANGADOG	659.74
LLANLLAWDDOG	369.74	LLANGATHEN	279.55
LLANPUMSAINT	342.37	LLANSADWRN	236.53
LLANSTEFFAN & LLANYBRI	605.12	LLANSAWEL	211.97
LLANWINIO	211.43	LLANWRDA	243.29
MEIDRIM	279.07	MANORDEILO & SALEM	803.60
NEWCHURCH & MERTHYR	319.94	MYDDFAI	186.38
PENDINE	174.19	CWARTER BACH	991.84
ST CLEARNS	1399.08	TALLEY	257.55
ST ISHMAELS	813.60		
TRELECH A'R BETWS	334.07	LLANELLI TOWN	9023.35
WHITLAND	793.18	LLANELLI RURAL	8551.69
CENARTH	555.65	PEMBREY & BURRY PORT	3359.87
LLANFIHANGEL-AR-ARTH	959.97	KIDWELLY TOWN	1448.77
LLANFIHANGEL RHOS-Y-CORN	225.23	LLANEDI	2398.56
LLANGELER	1540.30	LLANGENNECH	2012.78
LLANLLWNI	333.33	LLANNON	2032.09
LLANYBYDDER	628.49	PONTYBEREM	1043.00
LLANYCRWYS	109.36	TRIMSARAN	877.82
		TOTAL	76460.40

being the amounts calculated by the Council, in accordance with Regulation 6 of the above Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

4. That the following amounts be now calculated by the Council for the year 2024/25 in accordance with sections 32 to 36 of the Local Government Finance Act 1992: -
- (a) **£753,729,471** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act (including Community Council Precepts totaling £8,655,544)
 - (b) **£272,137,825** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.
 - (c) **£481,591,646** being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
 - (d) **£350,385,360** being the aggregate of the sums which the Council estimates will be payable for the year into its council fund in respect of redistributed non-domestic rates, revenue support grant, or additional grant less discretionary non-domestic rate relief.
 - (e) **£1,716.00** being the amount at 4(c) above less the amount at 4(d) above, all divided by the amount at 3 above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year.
 - (f) **8,655,544** being the aggregate amount of all special items referred to in Section 34(1) of the Act.
 - (g) **£1,602.80** being the amount at 4(e) above less the result given by dividing the amount at 4(f) above by the amount at 3 above, calculated by the Council, in accordance with section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

(h)

COMMUNITY	BASIC AMOUNT OF COUNCIL TAX	COMMUNITY	BASIC AMOUNT OF COUNCIL TAX
	£		£
ABERGWILI	1,644.78	LLANYCRWYS	1,617.89
ABERNANT	1,634.73	PENCARREG	1,626.46
BRONWYDD	1,650.94	NEWCASTLE EMLYN	1,670.69
CILYMAENLLWYD	1,626.78	CARMARTHEN	1,753.38
CYNWYL ELFED	1,642.20	AMMANFORD	1,802.00
EGLWYSCUMMIN	1,635.60	CWMAMAN	1,822.40
GORSLAS	1,666.06	LLANDEILO	1,702.77
HENLLANFALLTEG	1,652.53	LLANDOVERY	1,694.20
LAUGHARNE	1,658.23	BETWS	1,665.47
LLANARTHNE	1,662.28	CILYCWM	1,623.76
LLANBOIDY	1,682.63	CYNWYL GAEO	1,617.93
LLANDDAROG	1,639.15	DYFFRYN CENNEN	1,642.17
LLANDDOWROR & LLANMILOE	1,658.64	LLANDDEUSANT	1,640.67
LLANDYFAELOG	1,644.48	LLANDYBIE	1,642.75
LLANGAIN	1,645.60	LLANEGWAD	1,623.07
LLANGYNDEYRN	1,659.94	LLANFAIR-AR-Y-BRYN	1,614.89
LLANGUNNOR	1,637.78	LLANFIHANGEL ABERBYTHYCH	1,636.55
LLANGYNIN	1,668.30	LLANFYNYDD	1,638.40
LLANGYNOG	1,630.41	LLANGADOG	1,637.66
LLANLLAWDDOG	1,624.83	LLANGATHEN	1,634.99
LLANPUMSAINT	1,632.80	LLANSADWRN	1,632.39
LLANSTEFFAN & LLANYBRI	1,638.33	LLANSAWEL	1,640.54
LLANWINIO	1,631.18	LLANWRDA	1,635.68
MEIDRIM	1,647.59	MANORDEILO & SALEM	1,623.95
NEWCHURCH & MERTHYR	1,623.12	MYDDFAI	1,622.04
PENDINE	1,647.80	CWARTER BACH	1,724.39
ST CLEARNS	1,684.25	TALLEY	1,645.51
ST ISHMAELS	1,649.80	LLANELLI TOWN	1,769.04
TRELECH A'R BETWS	1,602.80	LLANELLI RURAL	1,740.10
WHITLAND	1,684.11	PEMBREY & BURRY PORT	1,840.79
CENARTH	1,619.00	KIDWELLY	1,827.47
LLANFIHANGEL-AR-ARTH	1,658.01	LLANEDI	1,810.44
LLANFIHANGEL RHOS-Y-CORN	1,633.88	LLANGENNECH	1,748.05
LLANGELER	1,623.73	LLANNON	1,833.30
LLANLLWNI	1,648.04	PONTYBEREM	1,723.04
LLANYBYDDER	1,698.27	TRIMSARAN	1,703.71

being the amounts given by adding to the amount at 4(g) above, the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 3(b) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

(i)

COMMUNITY	2024/25								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
ABERGWILI	1,096.52	1,279.27	1,462.03	1,644.78	2,010.29	2,375.80	2,741.30	3,289.56	3,837.82
ABERNANT	1,089.82	1,271.45	1,453.09	1,634.73	1,998.01	2,361.28	2,724.55	3,269.46	3,814.37
BRONWYDD	1,100.62	1,284.06	1,467.50	1,650.94	2,017.82	2,384.70	2,751.56	3,301.88	3,852.20
CILYMAENLLWYD	1,084.52	1,265.27	1,446.03	1,626.78	1,988.29	2,349.80	2,711.30	3,253.56	3,795.82
CYNWYL ELFED	1,094.80	1,277.26	1,459.73	1,642.20	2,007.14	2,372.07	2,737.00	3,284.40	3,831.80
EGLWYSCUMMIN	1,090.40	1,272.13	1,453.87	1,635.60	1,999.07	2,362.54	2,726.00	3,271.20	3,816.40
GORSLAS	1,110.70	1,295.82	1,480.94	1,666.06	2,036.30	2,406.54	2,776.76	3,332.12	3,887.48
HENLLANFALLTEG	1,101.68	1,285.30	1,468.91	1,652.53	2,019.76	2,386.99	2,754.21	3,305.06	3,855.91
LAUGHARNE	1,105.48	1,289.73	1,473.98	1,658.23	2,026.73	2,395.23	2,763.71	3,316.46	3,869.21
LLANARTHNE	1,108.18	1,292.88	1,477.58	1,662.28	2,031.68	2,401.08	2,770.46	3,324.56	3,878.66
LLANBOIDY	1,121.75	1,308.71	1,495.67	1,682.63	2,056.55	2,430.47	2,804.38	3,365.26	3,926.14
LLANDDAROG	1,092.76	1,274.89	1,457.02	1,639.15	2,003.41	2,367.67	2,731.91	3,278.30	3,824.69
LLANDDOWROR & LLANMILOE	1,105.76	1,290.05	1,474.35	1,658.64	2,027.23	2,395.82	2,764.40	3,317.28	3,870.16
LLANDYFAELOG	1,096.32	1,279.04	1,461.76	1,644.48	2,009.92	2,375.36	2,740.80	3,288.96	3,837.12
LLANGAIN	1,097.06	1,279.91	1,462.75	1,645.60	2,011.29	2,376.98	2,742.66	3,291.20	3,839.74
LLANGYNDEYRN	1,106.62	1,291.06	1,475.50	1,659.94	2,028.82	2,397.70	2,766.56	3,319.88	3,873.20
LLANGUNNOR	1,091.85	1,273.83	1,455.80	1,637.78	2,001.73	2,365.69	2,729.63	3,275.56	3,821.49
LLANGYNIN	1,112.20	1,297.56	1,482.93	1,668.30	2,039.04	2,409.77	2,780.50	3,336.60	3,892.70
LLANGYNOG	1,086.94	1,268.09	1,449.25	1,630.41	1,992.73	2,355.04	2,717.35	3,260.82	3,804.29
LLANLLAWDDOG	1,083.22	1,263.75	1,444.29	1,624.83	1,985.91	2,346.98	2,708.05	3,249.66	3,791.27
LLANPUMSAINT	1,088.53	1,269.95	1,451.38	1,632.80	1,995.65	2,358.49	2,721.33	3,265.60	3,809.87
LLANSTEFFAN & LLANYBRI	1,092.22	1,274.25	1,456.29	1,638.33	2,002.41	2,366.48	2,730.55	3,276.66	3,822.77
LLANWINIO	1,087.45	1,268.69	1,449.94	1,631.18	1,993.67	2,356.15	2,718.63	3,262.36	3,806.09
MEIDRIM	1,098.39	1,281.46	1,464.52	1,647.59	2,013.72	2,379.86	2,745.98	3,295.18	3,844.38
NEWCHURCH & MERTHYR	1,082.08	1,262.42	1,442.77	1,623.12	1,983.82	2,344.51	2,705.20	3,246.24	3,787.28
PENDINE	1,098.53	1,281.62	1,464.71	1,647.80	2,013.98	2,380.16	2,746.33	3,295.60	3,844.87
ST CLEARS	1,122.83	1,309.97	1,497.11	1,684.25	2,058.53	2,432.81	2,807.08	3,368.50	3,929.92
ST ISHMAELS	1,099.86	1,283.18	1,466.49	1,649.80	2,016.42	2,383.05	2,749.66	3,299.60	3,849.54
TRELECH A'R BETWS	1,068.53	1,246.62	1,424.71	1,602.80	1,958.98	2,315.16	2,671.33	3,205.60	3,739.87

COMMUNITY	2024/25								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
WHITLAND	1,122.74	1,309.86	1,496.99	1,684.11	2,058.36	2,432.61	2,806.85	3,368.22	3,929.59
CENARTH	1,079.33	1,259.22	1,439.11	1,619.00	1,978.78	2,338.56	2,698.33	3,238.00	3,777.67
LLANFIHANGEL-AR-ARTH	1,105.34	1,289.56	1,473.79	1,658.01	2,026.46	2,394.91	2,763.35	3,316.02	3,868.69
LLANFIHANGEL RHOS-Y-CORN	1,089.25	1,270.79	1,452.34	1,633.88	1,996.97	2,360.05	2,723.13	3,267.76	3,812.39
LLANGELER	1,082.48	1,262.90	1,443.31	1,623.73	1,984.56	2,345.39	2,706.21	3,247.46	3,788.71
LLANLLWNI	1,098.69	1,281.81	1,464.92	1,648.04	2,014.27	2,380.51	2,746.73	3,296.08	3,845.43
LLANYBYDDER	1,132.18	1,320.87	1,509.57	1,698.27	2,075.67	2,453.06	2,830.45	3,396.54	3,962.63
LLANYCRWYS	1,078.59	1,258.36	1,438.12	1,617.89	1,977.42	2,336.96	2,696.48	3,235.78	3,775.08
PENCARREG	1,084.30	1,265.02	1,445.74	1,626.46	1,987.90	2,349.34	2,710.76	3,252.92	3,795.08
NEWCASTLE EMLYN	1,113.79	1,299.42	1,485.06	1,670.69	2,041.96	2,413.22	2,784.48	3,341.38	3,898.28
CARMARTHEN	1,168.92	1,363.74	1,558.56	1,753.38	2,143.02	2,532.66	2,922.30	3,506.76	4,091.22
AMMANFORD	1,201.33	1,401.55	1,601.78	1,802.00	2,202.45	2,602.89	3,003.33	3,604.00	4,204.67
CWMAMAN	1,214.93	1,417.42	1,619.91	1,822.40	2,227.38	2,632.36	3,037.33	3,644.80	4,252.27
LLANDEILO	1,135.18	1,324.37	1,513.57	1,702.77	2,081.17	2,459.56	2,837.95	3,405.54	3,973.13
LLANDOVERY	1,129.46	1,317.71	1,505.95	1,694.20	2,070.69	2,447.18	2,823.66	3,388.40	3,953.14
BETWS	1,110.31	1,295.36	1,480.42	1,665.47	2,035.58	2,405.68	2,775.78	3,330.94	3,886.10
CILYCWYM	1,082.50	1,262.92	1,443.34	1,623.76	1,984.60	2,345.44	2,706.26	3,247.52	3,788.78
CYNWYL GAEO	1,078.62	1,258.39	1,438.16	1,617.93	1,977.47	2,337.01	2,696.55	3,235.86	3,775.17
DYFFRYN CENNEN	1,094.78	1,277.24	1,459.71	1,642.17	2,007.10	2,372.03	2,736.95	3,284.34	3,831.73
LLANDDEUSANT	1,093.78	1,276.07	1,458.37	1,640.67	2,005.27	2,369.86	2,734.45	3,281.34	3,828.23
LLANDYBIE	1,095.16	1,277.69	1,460.22	1,642.75	2,007.81	2,372.87	2,737.91	3,285.50	3,833.09
LLANEGWAD	1,082.04	1,262.39	1,442.73	1,623.07	1,983.75	2,344.44	2,705.11	3,246.14	3,787.17
LLANFAIR-AR-Y-BRYN	1,076.59	1,256.02	1,435.46	1,614.89	1,973.76	2,332.62	2,691.48	3,229.78	3,768.08
LLANFIHANGEL ABERBYTHYCH	1,091.03	1,272.87	1,454.71	1,636.55	2,000.23	2,363.91	2,727.58	3,273.10	3,818.62
LLANFYNYDD	1,092.26	1,274.31	1,456.35	1,638.40	2,002.49	2,366.58	2,730.66	3,276.80	3,822.94
LLANGADOG	1,091.77	1,273.73	1,455.70	1,637.66	2,001.59	2,365.51	2,729.43	3,275.32	3,821.21
LLANGATHEN	1,089.99	1,271.66	1,453.32	1,634.99	1,998.32	2,361.66	2,724.98	3,269.98	3,814.98
LLANSADWRN	1,088.26	1,269.63	1,451.01	1,632.39	1,995.15	2,357.90	2,720.65	3,264.78	3,808.91
LLANSAWEL	1,093.69	1,275.97	1,458.26	1,640.54	2,005.11	2,369.67	2,734.23	3,281.08	3,827.93

COMMUNITY	2024-25								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
LLANWRDA	1,090.45	1,272.19	1,453.94	1,635.68	1,999.17	2,362.65	2,726.13	3,271.36	3,816.59
MANORDEILO & SALEM	1,082.63	1,263.07	1,443.51	1,623.95	1,984.83	2,345.71	2,706.58	3,247.90	3,789.22
MYDDFAI	1,081.36	1,261.58	1,441.81	1,622.04	1,982.50	2,342.95	2,703.40	3,244.08	3,784.76
CWARTER BACH	1,149.59	1,341.19	1,532.79	1,724.39	2,107.59	2,490.79	2,873.98	3,448.78	4,023.58
TALLEY	1,097.00	1,279.84	1,462.67	1,645.51	2,011.18	2,376.85	2,742.51	3,291.02	3,839.53
LLANELLI TOWN	1,179.36	1,375.92	1,572.48	1,769.04	2,162.16	2,555.28	2,948.40	3,538.08	4,127.76
LLANELLI RURAL	1,160.06	1,353.41	1,546.75	1,740.10	2,126.79	2,513.48	2,900.16	3,480.20	4,060.24
PEMBREY & BURRY PORT	1,227.19	1,431.72	1,636.26	1,840.79	2,249.86	2,658.92	3,067.98	3,681.58	4,295.18
KIDWELLY	1,218.31	1,421.36	1,624.42	1,827.47	2,233.58	2,639.68	3,045.78	3,654.94	4,264.10
LLANEDI	1,206.96	1,408.12	1,609.28	1,810.44	2,212.76	2,615.08	3,017.40	3,620.88	4,224.36
LLANGENNECH	1,165.36	1,359.59	1,553.82	1,748.05	2,136.51	2,524.97	2,913.41	3,496.10	4,078.79
LLANNON	1,222.20	1,425.90	1,629.60	1,833.30	2,240.70	2,648.10	3,055.50	3,666.60	4,277.70
PONTYBEREM	1,148.69	1,340.14	1,531.59	1,723.04	2,105.94	2,488.84	2,871.73	3,446.08	4,020.43
TRIMSARAN	1,135.80	1,325.11	1,514.41	1,703.71	2,082.31	2,460.92	2,839.51	3,407.42	3,975.33

being the amounts given by multiplying the amounts at 4(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

5. That it be noted for the year 2024/25 that the Police and Crime Commissioner for Dyfed Powys has stated the following amounts in a precept issued to the Council, in accordance with Sections 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below: -

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Band I
£	£	£	£	£	£	£	£	£
221.35	258.25	295.14	332.03	405.81	479.60	553.38	664.06	774.74

6. That, having calculated the aggregate in each case of the amounts at 4(i) and 5 above, the Council in accordance with Section 30(2) of the Local government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2024/25 for each of the categories of dwellings shown overleaf:-

COMMUNITY	2024/25								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
ABERGWILI	1,317.87	1,537.52	1,757.17	1,976.81	2,416.10	2,855.40	3,294.68	3,953.62	4,612.56
ABERNANT	1,311.17	1,529.70	1,748.23	1,966.76	2,403.82	2,840.88	3,277.93	3,933.52	4,589.11
BRONWYDD	1,321.97	1,542.31	1,762.64	1,982.97	2,423.63	2,864.30	3,304.94	3,965.94	4,626.94
CILYMAENLLWYD	1,305.87	1,523.52	1,741.17	1,958.81	2,394.10	2,829.40	3,264.68	3,917.62	4,570.56
CYNWYL ELFED	1,316.15	1,535.51	1,754.87	1,974.23	2,412.95	2,851.67	3,290.38	3,948.46	4,606.54
EGLWYSCUMMIN	1,311.75	1,530.38	1,749.01	1,967.63	2,404.88	2,842.14	3,279.38	3,935.26	4,591.14
GORSLAS	1,332.05	1,554.07	1,776.08	1,998.09	2,442.11	2,886.14	3,330.14	3,996.18	4,662.22
HENLLANFALLTEG	1,323.03	1,543.55	1,764.05	1,984.56	2,425.57	2,866.59	3,307.59	3,969.12	4,630.65
LAUGHARNE	1,326.83	1,547.98	1,769.12	1,990.26	2,432.54	2,874.83	3,317.09	3,980.52	4,643.95
LLANARTHNE	1,329.53	1,551.13	1,772.72	1,994.31	2,437.49	2,880.68	3,323.84	3,988.62	4,653.40
LLANBOIDY	1,343.10	1,566.96	1,790.81	2,014.66	2,462.36	2,910.07	3,357.76	4,029.32	4,700.88
LLANDDAROG	1,314.11	1,533.14	1,752.16	1,971.18	2,409.22	2,847.27	3,285.29	3,942.36	4,599.43
LLANDDOWROR & LLANMILOE	1,327.11	1,548.30	1,769.49	1,990.67	2,433.04	2,875.42	3,317.78	3,981.34	4,644.90
LLANDYFAELOG	1,317.67	1,537.29	1,756.90	1,976.51	2,415.73	2,854.96	3,294.18	3,953.02	4,611.86
LLANGAIN	1,318.41	1,538.16	1,757.89	1,977.63	2,417.10	2,856.58	3,296.04	3,955.26	4,614.48
LLANGYNDEYRN	1,327.97	1,549.31	1,770.64	1,991.97	2,434.63	2,877.30	3,319.94	3,983.94	4,647.94
LLANGUNNOR	1,313.20	1,532.08	1,750.94	1,969.81	2,407.54	2,845.29	3,283.01	3,939.62	4,596.23
LLANGYNIN	1,333.55	1,555.81	1,778.07	2,000.33	2,444.85	2,889.37	3,333.88	4,000.66	4,667.44
LLANGYNOG	1,308.29	1,526.34	1,744.39	1,962.44	2,398.54	2,834.64	3,270.73	3,924.88	4,579.03
LLANLLAWDDOG	1,304.57	1,522.00	1,739.43	1,956.86	2,391.72	2,826.58	3,261.43	3,913.72	4,566.01
LLANPUMSAINT	1,309.88	1,528.20	1,746.52	1,964.83	2,401.46	2,838.09	3,274.71	3,929.66	4,584.61
LLANSTEFFAN & LLANYBRI	1,313.57	1,532.50	1,751.43	1,970.36	2,408.22	2,846.08	3,283.93	3,940.72	4,597.51
LLANWINIO	1,308.80	1,526.94	1,745.08	1,963.21	2,399.48	2,835.75	3,272.01	3,926.42	4,580.83
MEIDRIM	1,319.74	1,539.71	1,759.66	1,979.62	2,419.53	2,859.46	3,299.36	3,959.24	4,619.12
NEWCHURCH & MERTHYR	1,303.43	1,520.67	1,737.91	1,955.15	2,389.63	2,824.11	3,258.58	3,910.30	4,562.02
PENDINE	1,319.88	1,539.87	1,759.85	1,979.83	2,419.79	2,859.76	3,299.71	3,959.66	4,619.61
ST CLEARS	1,344.18	1,568.22	1,792.25	2,016.28	2,464.34	2,912.41	3,360.46	4,032.56	4,704.66
ST ISHMAELS	1,321.21	1,541.43	1,761.63	1,981.83	2,422.23	2,862.65	3,303.04	3,963.66	4,624.28
TRELECH A'R BETWS	1,289.88	1,504.87	1,719.85	1,934.83	2,364.79	2,794.76	3,224.71	3,869.66	4,514.61

COMMUNITY	2024/25								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
WHITLAND	1,344.09	1,568.11	1,792.13	2,016.14	2,464.17	2,912.21	3,360.23	4,032.28	4,704.33
CENARTH	1,300.68	1,517.47	1,734.25	1,951.03	2,384.59	2,818.16	3,251.71	3,902.06	4,552.41
LLANFIHANGEL-AR-ARTH	1,326.69	1,547.81	1,768.93	1,990.04	2,432.27	2,874.51	3,316.73	3,980.08	4,643.43
LLANFIHANGEL RHOS -Y-CORN	1,310.60	1,529.04	1,747.48	1,965.91	2,402.78	2,839.65	3,276.51	3,931.82	4,587.13
LLANGELER	1,303.83	1,521.15	1,738.45	1,955.76	2,390.37	2,824.99	3,259.59	3,911.52	4,563.45
LLANLLWNI	1,320.04	1,540.06	1,760.06	1,980.07	2,420.08	2,860.11	3,300.11	3,960.14	4,620.17
LLANYBYDDER	1,353.53	1,579.12	1,804.71	2,030.30	2,481.48	2,932.66	3,383.83	4,060.60	4,737.37
LLANYCRWYS	1,299.94	1,516.61	1,733.26	1,949.92	2,383.23	2,816.56	3,249.86	3,899.84	4,549.82
PENCARREG	1,305.65	1,523.27	1,740.88	1,958.49	2,393.71	2,828.94	3,264.14	3,916.98	4,569.82
NEWCASTLE EMLYN	1,335.14	1,557.67	1,780.20	2,002.72	2,447.77	2,892.82	3,337.86	4,005.44	4,673.02
CARMARTHEN	1,390.27	1,621.99	1,853.70	2,085.41	2,548.83	3,012.26	3,475.68	4,170.82	4,865.96
AMMANFORD	1,422.68	1,659.80	1,896.92	2,134.03	2,608.26	3,082.49	3,556.71	4,268.06	4,979.41
CWMAMAN	1,436.28	1,675.67	1,915.05	2,154.43	2,633.19	3,111.96	3,590.71	4,308.86	5,027.01
LLANDEILO	1,356.53	1,582.62	1,808.71	2,034.80	2,486.98	2,939.16	3,391.33	4,069.60	4,747.87
LLANDOVERY	1,350.81	1,575.96	1,801.09	2,026.23	2,476.50	2,926.78	3,377.04	4,052.46	4,727.88
BETWS	1,331.66	1,553.61	1,775.56	1,997.50	2,441.39	2,885.28	3,329.16	3,995.00	4,660.84
CILYCWM	1,303.85	1,521.17	1,738.48	1,955.79	2,390.41	2,825.04	3,259.64	3,911.58	4,563.52
CYNWYL GAEO	1,299.97	1,516.64	1,733.30	1,949.96	2,383.28	2,816.61	3,249.93	3,899.92	4,549.91
DYFFRYN CENNEN	1,316.13	1,535.49	1,754.85	1,974.20	2,412.91	2,851.63	3,290.33	3,948.40	4,606.47
LLANDDEUSANT	1,315.13	1,534.32	1,753.51	1,972.70	2,411.08	2,849.46	3,287.83	3,945.40	4,602.97
LLANDYBIE	1,316.51	1,535.94	1,755.36	1,974.78	2,413.62	2,852.47	3,291.29	3,949.56	4,607.83
LLANEGWAD	1,303.39	1,520.64	1,737.87	1,955.10	2,389.56	2,824.04	3,258.49	3,910.20	4,561.91
LLANFAIR-AR-Y-BRYN	1,297.94	1,514.27	1,730.60	1,946.92	2,379.57	2,812.22	3,244.86	3,893.84	4,542.82
LLANFIHANGEL ABERBYTHYCH	1,312.38	1,531.12	1,749.85	1,968.58	2,406.04	2,843.51	3,280.96	3,937.16	4,593.36
LLANFYNYDD	1,313.61	1,532.56	1,751.49	1,970.43	2,408.30	2,846.18	3,284.04	3,940.86	4,597.68
LLANGADOG	1,313.12	1,531.98	1,750.84	1,969.69	2,407.40	2,845.11	3,282.81	3,939.38	4,595.95
LLANGATHEN	1,311.34	1,529.91	1,748.46	1,967.02	2,404.13	2,841.26	3,278.36	3,934.04	4,589.72
LLANSADWRN	1,309.61	1,527.88	1,746.15	1,964.42	2,400.96	2,837.50	3,274.03	3,928.84	4,583.65
LLANSAWEL	1,315.04	1,534.22	1,753.40	1,972.57	2,410.92	2,849.27	3,287.61	3,945.14	4,602.67

COMMUNITY	2024/25								
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	BAND I
	£	£	£	£	£	£	£	£	£
LLANWRDA	1,311.80	1,530.44	1,749.08	1,967.71	2,404.98	2,842.25	3,279.51	3,935.42	4,591.33
MANORDEILO & SALEM	1,303.98	1,521.32	1,738.65	1,955.98	2,390.64	2,825.31	3,259.96	3,911.96	4,563.96
MYDDFAI	1,302.71	1,519.83	1,736.95	1,954.07	2,388.31	2,822.55	3,256.78	3,908.14	4,559.50
CWARTER BACH	1,370.94	1,599.44	1,827.93	2,056.42	2,513.40	2,970.39	3,427.36	4,112.84	4,798.32
TALLEY	1,318.35	1,538.09	1,757.81	1,977.54	2,416.99	2,856.45	3,295.89	3,955.08	4,614.27
LLANELLI TOWN	1,400.71	1,634.17	1,867.62	2,101.07	2,567.97	3,034.88	3,501.78	4,202.14	4,902.50
LLANELLI RURAL	1,381.41	1,611.66	1,841.89	2,072.13	2,532.60	2,993.08	3,453.54	4,144.26	4,834.98
PEMBREY & BURRY PORT	1,448.54	1,689.97	1,931.40	2,172.82	2,655.67	3,138.52	3,621.36	4,345.64	5,069.92
KIDWELLY	1,439.66	1,679.61	1,919.56	2,159.50	2,639.39	3,119.28	3,599.16	4,319.00	5,038.84
LLANEDI	1,428.31	1,666.37	1,904.42	2,142.47	2,618.57	3,094.68	3,570.78	4,284.94	4,999.10
LLANGENNECH	1,386.71	1,617.84	1,848.96	2,080.08	2,542.32	3,004.57	3,466.79	4,160.16	4,853.53
LLANNON	1,443.55	1,684.15	1,924.74	2,165.33	2,646.51	3,127.70	3,608.88	4,330.66	5,052.44
PONTYBEREM	1,370.04	1,598.39	1,826.73	2,055.07	2,511.75	2,968.44	3,425.11	4,110.14	4,795.17
TRIMSARAN	1,357.15	1,583.36	1,809.55	2,035.74	2,488.12	2,940.52	3,392.89	4,071.48	4,750.07

Mae'r dudalen hon yn wag yn fwiadol

**Council
6 March 2024**

**Cyngor
6 Mawrth 2024**

Pwnc: Datganiad Polisi Taliadau 2024-2025

Pwrpas: Derbyniodd y Ddeddf Lleoliaeth Gydsyniad Brenhinol ar 15 Tachwedd 2011. Mae darpariaethau'r Ddeddf yn cynnwys gofyniad i Awdurdodau Lleol baratoi datganiad polisi tâl ar gyfer pob blwyddyn ariannol.

Yr Argymhellion / Penderfyniadau allweddol sydd eu hangen:

I gymeradwyo'r datganiad polisi taliadau amgaeëdig

Rhesymau:

Er mwyn cydymffurfio â gofynion Rhan 38(1) o'r Ddeddf Lleoliaeth.

Angen i'r Bwrdd Gweithredol wneud penderfyniad:

Na

Angen i'r Cyngor wneud penderfyniad:

Oes

Aelod y Bwrdd Gweithredol sy'n gyfrifol am y Portffolio - Cyng. Philip Hughes
Sefydliad a'r Gweithlu

Y Gyfarwyddiaeth:

Prif Weithredwr

Swydd:

Prif Weithredwr

Cynorthwyol (Rheoli Pobl
a Pherfformiad)

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EXECUTIVE SUMMARY
MEETING: Council
DATE: 6 March 2024

Pay Policy Statement 2024-2025

Summary

The Localism Act received Royal Assent on 15th November 2011. The Act's provisions include a requirement for Local Authorities to prepare a pay policy statement for each financial year. This is the twelfth Pay Policy produced by the Council. It takes account of the most recent "Pay Accountability in Local Government in Wales" Statutory Guidance issued by the Welsh Government in November 2021.

The pay policy statement for a financial year will require the approval of full Council, and cannot be delegated to the Authority's Executive, and must set out the Authority's policies for the financial year relating to the remuneration of its Chief Officers, the remuneration of its lowest-paid employees and the relationship between the remuneration of its Chief Officers and its employees who are not Chief Officers.

The politically balanced Pay Policy Advisory Panel has had input into the formulation of the Pay Policy Statement, prior to Council for approval.

Last year, the Pay Policy Advisory Panel requested that options be put forward for reviewing the existing NJC pay model and removing grade overlaps particularly at the bottom of the pay scale. A separate paper is attached setting out 2 proposals for removing overlaps Grade A to D and A to E together with costings.

Following discussions at its meeting on 20th February 2024, the Pay Policy Advisory Panel considered both options, in the context of the challenging financial climate, and agreed to introduce proposal 1 (i.e. to remove the overlaps from Grades A to D inclusive) at a point when it was financially viable to do so in the future. This matter is to be discussed at the Trade Union Joint Consultative Forum in April 2024.

To add to the commitment already given in relation to the Foundation Living wage rates of pay, the Authority is minded to revise the apprenticeship pay rates to reflect the rate for the job. This will go some way to support our commitment to our lowest paid members of staff. In so doing, this will improve recruitment and attract more applicants to join the Council as an apprentice in support of the Cabinet's Vision Statement:

Work to market Carmarthenshire County Council as an attractive employer for apprentices, school leavers and graduates. Focusing on reducing the migration of young people out of Carmarthenshire and from rural areas.

DETAILED REPORT ATTACHED?

YES
Pay Policy Statement



IMPLICATIONS

ALL IMPLICATIONS REQUIRE SIGN OFF BY THE DIRECTOR OR HEAD OF SERVICE

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Paul R Thomas, Assistant Chief Executive (People Management)

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
Yes	Yes	Yes	None	Yes	Yes	None	None

1. Policy, Crime & Disorder and Equalities

The Pay Policy and LGPS Discretionary Policy will form part of the employers policy framework.

2. Legal

Under Section 38(1) of the Localism Act 2011, the Council is required to approve its Pay Policy Statement by 31st March each year.

3. Finance

The contents of the Pay Policy reflect the Revenue Budget approved by Council. Proposed changes to the NJC Pay Model increase costs as set out in the separate report.

4. Risk Management Issues

The Council is statutorily bound to have a pay policy in place by 31st March each year prior to the commencement of the forthcoming financial year.

5. Staffing Implications

This Pay Policy is applicable to all staff except for teachers who are covered by their own statutory pay framework. Changes to the NJC pay policy do not impact teachers but do impact school support staff.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Paul R Thomas, Assistant Chief Executive (People Management)

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	n/a
If yes include the following information: -	
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

n/a

3. Community / Town Council

n/a

4. Relevant Partners

n/a

5. Staff Side Representatives and other Organisations

The politically balanced Pay Policy Advisory Panel has had input into the formulation of the Pay Policy Statement prior to approval by County Council

**CABINET MEMBER PORTFOLIO
HOLDER(S) AWARE/CONSULTED**

Yes

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection
To be completed	To be completed	To be completed (Delete as applicable)
To be completed	To be completed	To be completed (Delete as applicable)
To be completed	To be completed	To be completed (Delete as applicable)

Datganiad Polisi Tâl

Yn cynnwys Polisi Digolledu Dewisol Cyflogwr
y Cynllun Pensiwn Llywodraeth Leol

Pay Policy Statement

Including LGPS Employer's Discretionary
Compensation

2024 / 2025

Mawrth / March 2024



sirgar.llyw.cymru
carmarthenshire.gov.wales

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1. Leader's Introduction

1.1. Welcome to Carmarthenshire County Council's thirteenth annual Pay Policy Statement. This statement sets out the Council's approach to setting pay for employees including senior officers and covers the period 1st April 2024 to 31st March 2025.



1.2. As one of the largest employers in the area, and the fourth largest local authority in Wales, it is important that we offer attractive employment opportunities on fair rates of pay and reasonable terms and conditions. This will ensure we can attract, retain and motivate employees, with the right level of skills, who are committed and share our vision. This has a beneficial impact on the quality of life and prosperity within the local community as well as on the local economy.

1.3. The Council recognises the public interest in public sector pay and we are committed to being open, transparent, and accountable ensuring that our council tax payers have access to information about how we pay employees. As a public sector organisation, we recognise the importance people place on the delivery of high-quality council services, whilst ensuring value for money.

1.4. To assist with this, Carmarthenshire County Council has a cross party politically balanced Members' Pay Advisory Group that advises the Council on the content of its Pay Policy Statement.

1.5. Recruitment has proved challenging with reducing numbers of job applicants and competitive pay and benefits being offered by other employers. It is important therefore that the Council's pay policy sets out clearly the pay and benefits offered to its workforce which can help to inform and improve its recruitment strategy.

1.6. Following the introduction of the employee "reward hub" during 2022, which offers discounts and other benefits to staff, registration has increased month on month, demonstrating that this is a popular benefit for our staff. This year we have appointed AVC Wise to provide information to staff on the AVC

Schemes which offer significant tax and NI savings. Free webinars are provided on a regular basis to ensure that staff have access to trusted information on the financial benefits of setting up an AVC account.

- 1.7. This year's statement once again demonstrates how we are continuing to ensure that our employees can expect a fair salary. I am pleased to confirm the Pay Policy Advisory Panel has endorsed the recommendation to continue to pay a Real Living Wage supplement, as we have done over the last six years, to ensure that our lowest paid receive the equivalent of £12 per hour from 1st April 2024 (increased from £10.90 per hour) (including fixed allowances).
- 1.8. We continue to face extreme budgetary pressures, and decisions are becoming more challenging as we try to maintain service provision and continue to keep our residents at the heart of what we do, against a background of continuing Government cuts.
- 1.9. Over the last 10 years or so, the Council has bridged a £120m budget shortfall and the reductions in funding have been exacerbated by the requirement to fund pressures in a number of service areas including statutory social care (both for adults and children), the delivery of Waste Services, and our Education service provision. The amount therefore available for all other services has consequently fallen in real terms over the same period. Even looking forward to the 2024/25 proposed increase in budget allocation by Welsh Government the Council's budget shortfall will increase further due to the significant funding requirements in the areas of pay and social care workforce pressures.
- 1.10. In light of the budget challenges facing the Council, a number of initiatives have been successful, such as the Council's TIC (Transform, Innovate & Change) team that applies the principles of lean systems thinking and process re-engineering, and has added value by helping the Council deliver over £20m of savings. There is still much to do, and whilst engaging with staff, Councillors and the public, we will now use our new Transformation Strategy to bring a renewed focus to the identification and delivery of efficiency savings, maximise Income Generation potential, and continue to reduce waste, duplication and

bureaucracy over the next couple of years, so that we can protect our frontline services.

- 1.11. We are committed to providing quality services which offer value for money in a way that balances concern for our lower paid employees with job security and affordability. We continue to strive to deliver high-quality essential services to Carmarthenshire's citizens in an increasingly challenging financial climate.
- 1.12. Under the direction of our Chief Executive, Wendy Walters, work continues to be under way to identify further ways to reduce costs whilst keeping citizens at the heart of everything we do.
- 1.13. The following information outlines the Council's operating basis and general position in respect of employment, pay and conditions of service and is pertinent to the current statutory requirements of the Localism Act and the Transparency Code.

Councillor Darren Price

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

Leader Carmarthenshire County Council

2. Chief Executive's Introduction

2.1. As the Chief Executive of a large public sector organisation, I recognise the importance people place on the delivery of high-quality Council services. It is right and proper that the Council is open, transparent, and accountable when



it comes to sharing information on the salaries we pay to our employees. Carmarthenshire County Council is an ethical employer. We are committed to offering good quality employment with fair terms and conditions and fair rates of pay that appropriately reward employees for the work they carry out. As one of the largest employers in the county the salaries we pay have a positive impact on the quality of life within our communities and on the local economy as a whole, through our staff choosing to spend locally in the Welsh local economy. Council employees also benefit from a comprehensive range of financial and nonfinancial benefits. These include membership of the Local Government Pension Scheme (LGPS), access to salary sacrifice arrangements, discounts at hundreds of retailers across the United Kingdom, exceptional learning and development opportunities and employee wellbeing initiatives/support. This Pay Policy Statement details our approach to pay, ensuring we can attract, retain, and motivate the best employees, with the right level of skills, who are committed and share our vision.

2.2. This pay policy statement needs to be placed in context. Carmarthenshire County Council is a large complex organisation with a multi-million-pound budget. CCC has a workforce of approximately 8,000 employees and a combined revenue and capital budget for 2024/25 of over £900 million. We are, in addition, one of the largest single employers based in the County. As an employer we have a very wide range of functions and are responsible for the provision of many essential services at a local level. The general approach to employee remuneration levels may therefore differ from one group of employees to another to reflect specific circumstances at a local, Welsh or UK

national level. The approach also needs to be flexible when required to address a variety of changing circumstances, whether foreseeable or not.

- 2.3. I also welcome the fact that the Living Wage has seen the multiple between the annual salary of our lowest paid Council employee and the Chief Executive as a ratio, yet again drop within the last 12 months, from 1:7.61 to 1:7.23
- 2.4. This pay policy outlines the basis on which Carmarthenshire County Council can compete in labour markets at all levels and for all roles, enabling the Council to attract, retain, and fairly reward people with the knowledge, experience, skills, and attributes that are essential to the effective delivery of services to residents, businesses, and other stakeholders in Carmarthenshire.
- 2.5. We are mindful of our obligations as an equal opportunities employer and want to ensure that people are treated fairly and with respect in all its activities and processes. The Council aims to be an organisation that recruits and retains a diverse and skilful workforce from the local community and beyond, and its approach to the pay and conditions of its workforce is intended to support this objective.
- 2.6. Furthermore, we continue to provide the opportunity for our workforce to take advantage of a number of benefits such as the purchasing of additional annual leave and hybrid working which provide much needed flexibility for employees as well as assisting us to manage the continued financial burdens that we face in balancing our budget and thereby enabling us to protect jobs and essential services, which is one of my key priorities.
- 2.7. The Council continues to work hard to preserve jobs and front-line services and provide fair pay to our employees despite the on-going budget reductions. These reductions continue to impact on us as a Council, which means that some difficult decisions will need to be made during the coming financial year, and the years to follow. However, we will focus on making the best use of the money we have, and the resources available to us. We will focus on making sure that our pay structures are designed to better fit our future challenges whilst still enabling us to attract, retain and motivate our staff and be an Employer of Choice. We recognise that we are operating in a competitive

recruitment market and our extensive suite of flexible people policies help to attract and retain staff by offering flexible working patterns, time off and opportunities for development.

- 2.8. The Welsh language is key to the identity of many of our residents and people are often able to better express their opinions and needs in their first language. It is therefore our duty to facilitate the language choice of our customers and residents and ensure our employees have the required skills. We are making sure that our staff are able to access learning via a range of methods, in the language of their choice and on a range of topics. We are also building on our success as being Welsh Employer of the Year, an award for employer who support their staff to learn Welsh.
- 2.9. One of the key priorities of the organisation is to ensure that young people are aware of the exciting employment options that are available to them to learn and earn within their community. We are committed to working with schools to raise awareness of the excellent employment opportunities that we have, in particular for apprentices and graduates. We are increasing our focus on the support we give to enable staff to use their Welsh Language within the organisation and are increasing our offer of apprenticeships that will be delivered through the medium of Welsh, and we are looking to secure external funding to help us with this agenda.
- 2.10. As a Gold Standard Investors in People (IiP) organisation, the council's Core Values and Behaviours will be at the centre of everything the council delivers. By creating a culture of continuous improvement, the council will increase performance, efficiency, and champion the design of services that meet the needs of customers. As a 'digital by design council', employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in an environment of continuous learning. The council is committed to investing in technology that supports the delivery of the objectives of our Transformation Strategy. This will improve the efficiency and effectiveness of its services, both internally and externally, and remove costly duplication.

2.11. This policy framework promotes the council's strategic priority of internal focus ensuring all council services are customer focused, effective, efficient, and equitable. It supports the council to embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.

Wendy

A handwritten signature in cursive script that reads "Wendy".

Chief Executive - Carmarthenshire County Council

3. Purpose

- 3.1. The purpose of the statement is to provide transparency regarding the Council's approach to setting the pay of its employees (excluding Teachers) by identifying the methods by which salaries of all employees are determined. As a 'relevant authority' under Sections 38 to 43 of the Localism Act 2011 ('the Act') we are required under 38 (1) to prepare a pay policy statement. These statements must articulate an authority's own policies on a range of matters relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.
- 3.2. This requires English and Welsh Local Authorities to produce and publish a Pay Policy Statement for each financial year detailing:
- The Council's policies for all aspects and elements of the remuneration of its Officers and Chief Officers, which are included within Appendices A to N of this Pay Policy Statement.
 - The approach to the publication of, and access to, information relating to all aspects of the remuneration of Chief Officers.
 - The Council's policy on the remuneration of its lowest paid employees.
 - The relationship between the remuneration of its Chief Officers and other employees.
- 3.3. This is Carmarthenshire County Council's thirteenth annual Pay Policy Statement and covers the period 1st April 2024 to 31st March 2025.
- 3.4. Once approved by the full Council, this policy statement will supersede the 2023/2024 Pay Policy Statement and will be subject to review in accordance with the relevant legislation prevailing at that time.

4. Legislative Framework

- 4.1. 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 the

Council's approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011. It takes account of the "Pay Accountability in Local Government in Wales" Statutory Guidance first issued by the Welsh Government in May 2017 and updated in November 2021.

- 4.2. Under Section 39 of the Localism Act, the Pay Policy Statement must be approved by a resolution of the Authority before it comes into force and be approved before 31st March immediately preceding the financial year to which it applies.
- 4.3. 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 Earnings) Regulations. With regard to the Equal Pay requirements contained within the Equality Act, the Council aims to ensure there is no pay discrimination within its pay structures and that 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.
- 4.4. In accordance with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, the Authority also undertakes an equal pay audit and the report is published on our website:

<https://www.carmarthenshire.gov.wales/home/council-democracy/equality-diversity/>

5. Scope of the Pay Policy

- 5.1. The Localism Act 2011 requires local authorities to develop and make public their Pay Policy on all aspects of Chief Officer remuneration (including on ceasing to hold office), and also in relation to the "lowest paid" in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups.

- 5.2. The provisions in the Localism Act 2011 which relate to Pay Policy statements only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school Head Teachers/Governing Bodies are, therefore, not required to be included within the scope of Pay Policy statements. This reflects the unique employment legislation position whereby school employees are employed by the local authority but decisions about the appointment and management of such employees are mostly discharged by Head Teachers/Governing Bodies, as appropriate. However, all Governing Bodies within Carmarthenshire (including Voluntary Aided Schools) have formally agreed to adopt the pay structure and associated terms and conditions of employment for all locally employed NJC 'green book' staff. Teachers are employed under nationally agreed Teachers Pay and Conditions.
- 5.3. This policy applies to all council employees, including Directors, Executive Directors and the Chief Executive, as well as fixed term and temporary employees and casual workers, with the exception of:
- 5.3.1. Employees on teachers' pay & conditions and educational support staff (employed directly by the school) which has been developed by the Partneriaeth to comply with the requirements of the School Teachers Pay and Conditions (Wales) Document (STPC(W)D) and has been subject to consultation with all recognised Teaching Associations who are covered separately by the Schools Model Pay Policy.
- 5.3.2. Unattached Teachers on Teachers Pay and Conditions who are covered separately by the Unattached Teachers Pay Policy, which has been developed by the Partneriaeth to comply with the requirements of the School Teachers Pay and Conditions (Wales) Document (STPC(W)D) and has been subject to consultation with all recognised Teaching Associations.
- 5.4. This policy does not apply to contractors, consultants, agency workers or any self-employed individuals working for the council.

- 5.5. In the interests of consistency, the pay-related data which is set out in this Pay Policy statement does not include data for employees who are appointed and managed by Head Teachers/Governing Bodies.
- 5.6. This document also includes the Council's Local Government Pension Scheme Employers' Compensation Discretions Policy (Appendix G) which the Council is required to produce. This will be kept under review pending any revised exit pay cap regulations which are re-introduced during the life of this Policy.

6. Terms and Conditions of Employment

- 6.1. The Council's workforce numbers are approximately 8,919 people, 582 of whom work for us on a casual basis with 8,337 people employed on a permanent, temporary or fixed-term basis. Their employment is covered by a range of terms and conditions drawn from either:

- National Joint Council for Local Government Services (Green Book)
- Joint National Council for Chief Executives
- Joint National Council for Chief Officers
- Soulbury Committee
- School Teachers Pay and Conditions

To operate flexibly, the Council's workforce operates with a mix of contract types. Contracts are kept under review particularly in relation to the use of casual workers who provide valued flexibility and cover for services. These arrangements are kept under review to ensure that where casual working arrangements become more regular, the service is asked to consider using different types of contracts subject to that being acceptable to the worker. A proportion of casual workers value the flexibility and lack of obligation and often do not want to move to temporary or permanent contracts. During 2023/24, the Communities department supported by the Transformation Team reviewed the use of agency workers with a view to establishing an in-house agency which would provide the much needed flexibility and reduce costs to the service. This work is ongoing.

- 6.2. The following are provided as Appendices to this policy:
- Carmarthenshire County Council's Pay Grades - Local Government Services Employees (Appendix A)
 - Carmarthenshire County Council's JNC Chief Executive and Chief Officer Pay Grades (Appendix B)
 - Officer Employment Procedure Rules (Appendix C) - Part 4.8 of the [Council's Constitution \(gov.wales\)](#).
 - National Pay Grades - Soulbury (Appendix D)
 - Local Government Services Employees - Acting Up and Honoraria Schemes (Appendix E)
 - Market Supplement Scheme (Appendix F)
 - LGPS Employer Discretions Compensation Policy (Appendix G)
 - Severance Scheme (Appendix H)
 - Flexible Retirement Policy (Appendix I)
 - JNC Local Authority Chief Executives Conditions of Service (Appendix J)
 - JNC Local Authority Chief Officers Conditions of Service (Appendix K)
 - Sample Written Statement of Particulars (Appendix L)
 - Pay rates for Modern Apprentices and other Trainee positions (Appendix M)
 - Returning Officer Fee Structure (Appendix N)
- 6.3. A breakdown of staff numbers by pay band and gender is included in the Equal Pay Audit and Equalities Report which are published separately.
- 6.4. National Pay Awards
- 6.4.1. For all employee groups, any nationally agreed pay awards, negotiated by the local government employers in conjunction with the recognised trade unions will be applied, including to Chief Officers and the Chief Executive. The Council will pay these nationally agreed pay awards as and when determined unless full Council decides otherwise.
- 6.4.2. The Council will ensure that its lowest paid continue to receive the equivalent of the Real Living Wage which is currently £12.00 per hour via the payment of a non-contractual supplement with effect from 1st April 2024.

6.4.3. The calculation of the Real Living Wage takes account of all pay including allowances such as the Council's weekend working supplement and term time allowance so many of our lower paid employees are in receipt of total pay higher than the Real Living Wage. Modern Apprentices and other Trainee positions fall outside of our NJC Terms and Conditions and are not covered by Living Wage arrangements. See Appendix M for details of their pay rates.

6.5. Job Evaluation

6.5.1. Job evaluation is a systematic way of determining the value of a job in relation to other jobs within an organisation. It aims to make a systematic comparison between jobs to assess their relative value for the purpose of establishing a rational pay structure and pay equity between jobs. The Council completed a job evaluation exercise in 2010/2011 in relation to posts governed by NJC employee conditions of service. The grading structure, which was consulted upon with the recognised trade unions and based on the outcome of the job evaluation exercise, has been in place since 2011/12 and modified only to add Grade O in 2016/17.

6.5.2. The Council uses the Greater London Provincial Council (GLPC) Scheme for evaluating all NJC jobs. This is a recognized scheme within local government and was developed in conjunction with trade unions.

6.5.3. All NJC jobs are allocated a grade which maps across to the Council's pay structure which is based upon the nationally negotiated pay spine. This determines the salaries of the large majority of the Council's non-teaching workforce.

6.5.4. The pay and grading structure is based on the NJC for Local Government Services (LGS) nationally agreed pay spine as revised during 2019. Spinal Column Point 1 was removed from the pay scales as part of the 2022/2023 national pay award.

6.5.5. All other pay-related terms and conditions are the subject of national and/or locally negotiated arrangements and referred to the Cabinet and/or Full Council as appropriate.

6.5.6. The senior manager grade (O) was introduced during 2016/17 to address the differential between the top of this locally agreed grading structure and the bottom of the JNC Chief Officer pay scales. This is to provide the Authority with greater flexibility in the reallocation of responsibilities following the reduction in the number of Head of Service posts. It is intended that a small number of posts will fall into this grade. Any proposal to apply Grade O to any post must be agreed and authorised by the Chief Executive via the Assistant Chief Executive.

6.6. Starting Salaries

6.6.1. The Council's practice is that all appointments to jobs with the Council are made at the minimum of the relevant pay grade, although this can be varied where justified subject to the Council's policy and guidance.

6.6.2. The Appointments Panel 'A' (for Corporate Directors) will determine the starting salary of Directors and Panel 'B' (for Heads of Service) will determine the starting salary of Heads of Service within agreed pay scales.

6.7. Other Pay-Related Terms and Conditions

6.7.1. All other pay-related allowances are the subject of national and / or locally negotiated agreements.

6.7.2. The terms and conditions of employment relating to annual leave, hours of work, overtime payments, weekend working arrangements and sick pay for all employee groups (except for teaching staff) are set out in our relevant People Management policies.

6.7.3. Whilst COVID service continuity payments have ceased, the Residential Care Service has agreed separate enhanced pay arrangements for casual workers to cover during the Christmas and other bank holiday periods. Casual workers will receive bank holiday hourly payments in a bid to encourage them to work during Christmas and New Year. This is a more cost-effective way of maintaining service continuity compared to using Agency workers.

6.7.4. Payments for bank holiday working have been reviewed and a pilot is running across the Authority to establish whether an increase to the payments enables services to secure staffing levels during bank holidays and reduces the reliance on casual and agency workers. The costs and benefits of this will be evaluated at the end of 2023/2024 and may result in a change to bank holiday payments. The proposal being considered is: During the trial period remuneration will be based on the NJC Green Book Part 3, para-2.6 (d) Public and Extra Statutory Holidays Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:

- Time worked less than half the normal working hours on that day
= Half Day
- Time worked more than half the normal working hours on that day
= Full Day

6.8. Acting Up and Honoraria Payments

6.8.1. There may be occasions when an employee is asked to carry out duties which are of a higher responsibility to those of their substantive post for a period, or to 'act up' into a more senior job within the Council, covering the full range of duties of the higher job. In such circumstances an additional payment may be made in line with the

Council's policy on payment of acting up or honoraria. The scheme can be found at Appendix E.

6.8.2. The Chief Executive must approve any acting up or honoraria payments proposed for Chief Officers. Where the acting up or honoraria payments would result in the total pay package exceeding £100,000 then approval must be sought from full Council.

6.8.3. Payment of honoraria will only apply to situations of more than four weeks duration and will normally be for the maximum period of up to 12 months, and subject to three monthly interval review unless otherwise agreed.

6.9. Market Supplement Scheme

6.9.1. The use of job evaluation enables the Council to set appropriate remuneration levels based on internal job size relativities within the Council. However, in exceptional circumstances it may be necessary to take account of the external pay market in order to attract and retain employees with a competitive salary where the experience, skills and capacity are in short supply.

6.9.2. The Council has a Market Supplement Scheme (see Appendix F) to ensure that the requirement for any market pay supplements is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources. It is the Council's policy that any such additional payments are kept to a minimum and reviewed on a regular basis so that they can be withdrawn where no longer considered necessary for recruitment and retention. The principles underpinning this Market Supplement Scheme are equally applicable to all other employee groups within the Council and may be implemented accordingly.

6.9.3. Currently the Council pays the following market supplements in recognition of the significant recruitment and retention difficulties the service faces:

- Approved Mental Health Practitioners – £1,000 allowance p.a. for 33 sessions on day rota and £2000 p.a. allowance for 24 sessions on out of hours rota. This arrangement is under review but will continue until such time as full consideration of the appropriate remuneration for AMHP roles is agreed
- The supplement for **Casual Care staff** for bank holiday working continues.

The services in scope for the marker supplement payment to casual workers are:

- Residential Care Homes (older adults)
- Home Care Service
- Tir Einon Respite Care Home
- Children's Respite Care Homes (Llys Caradog & Blaenau)
- Garreglwyd

A flat rate retention and recruitment supplement of £1,256 (pro-rata) payable quarterly in arrears has been agreed to support recruitment and retention in the Dyfed Pensions Administration team which has suffered high turnover over the last two to three years. This will continue into 2024-2025.

6.10. Local Government Pension Scheme (LGPS)

- 6.10.1. Subject to qualifying conditions, employees have a right to join the Local Government Pension Scheme (or the Teachers' Pension Scheme, where applicable) and are contractually enrolled into the LGPS. The Authority operates within the auto-enrolment framework set out within the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010. The most recent auto-enrolment exercise was undertaken in 2022.

- 6.10.2. The employee contribution rates, which are defined by statute, currently range between 5.5% and 12.5% of actual pensionable pay depending on the full-time equivalent salary levels. The employer contribution rate is set by actuaries who advise the Dyfed LGPS Fund and is reviewed on a triennial basis in order to ensure that it is appropriately funded. The employer's contribution rate effective from 1st April 2023 is 16.2%.
- 6.10.3. Employees who are active members of the LGPS can join the salary sacrifice shared cost Additional Voluntary Contributions (AVC) Scheme, which assists employees who wish to increase pension benefits at retirement by paying into the LGPS AVC Scheme.

6.11. Other Employee Benefits

- 6.11.1. The Council is responsible for supporting the health, safety, wellbeing, and welfare of its employees to ensure that they can perform at their best. As part of this approach and in common with other large employers the Council provides a number of other benefits such as eye test reimbursement for users of display screen equipment at work, health care benefits, discounts with local businesses, financial advice and participation in the Cycle to Work and Car salary sacrifice schemes.
- 6.11.2. The Council was re-awarded the Platinum Corporate Health Standard in February 2020 because of the work it does to support the health and wellbeing of our staff. We were the first Council in Wales to hold this award and have done so continuously since 2009.
- 6.11.3. We develop and support the implementation of Health & Wellbeing initiatives and have invested in Health and Wellbeing Coordinators who work across the Authority to promote healthy lifestyle choices, such as encouraging activity, improving diet, giving advice, motivation, and health education for all staff. The Team also develop bespoke

interventions in line with departmental needs and proactively promote and assist positive attendance management.

- 6.11.4. We have recruited a team of volunteer departmental Health and Wellbeing Champions who work with colleagues to raise awareness of key health topics, support health initiatives and events.
- 6.11.5. An in-house team of medical experts within our Occupational Health Centre, give advice in support of positive mental and physical health, and, as an authority, we have signed the 'Time to Change' pledge to assist with improving public attitudes and behaviour towards people with mental health problems and reduce the stigma that people with mental health problems report in their personal relationships, social lives and at work.
- 6.11.6. Additionally, we deliver bespoke Managing Mental Health training to our managers and Mental Health awareness raising sessions for all staff. We have also trained a network of Mental Health First Aiders, who can offer informed support to colleagues.
- 6.11.7. During 2023/2024 we continued to encourage our workforce to have flu vaccinations, the cost of which was reimbursed where appropriate.
- 6.11.8. The Council's Staff Rewards hub provides a range of financial benefits, discounts, and advice for staff. Roadshows were held during 2023 at depots and leisure centres to promote the benefits on offer and a further series of Roadshows are planned for different venues during the first few months of 2024.
- 6.11.9. In addition, AVC Wise were appointed to promote and provide information on the benefits to staff of setting up AVC schemes to supplement their retirement pensions via the LGPS.

7. Decision Making Including Consideration of Value for Money

- 7.1. As in previous years, a politically balanced Pay Policy Advisory Panel has been established to consider the Council's Pay Policy prior to its submission to County Council for approval.
- 7.2. The Local Government and Housing Act 1989 provides that:
- 1) It shall be the duty of every relevant authority -
 - a) to designate one of their officers as the head of their paid service; and
 - b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.
 - 2) It shall be the duty of the head of a relevant authority's paid service, where he¹ considers it appropriate to do so in respect of any proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out proposals.
 - 3) Those matters are -
 - (a) the manner in which the discharge by the authority of their different functions is co-ordinated.
 - (b) the number and grades of staff required by the authority for the discharge of their functions.
 - (c) the organisation of the authority's staff; and
 - (d) the appointment and proper management of the authority's staff.
 - 4) It shall be the duty of the head of a relevant authority's paid service, as soon as practicable after he has prepared a report under this section, to arrange for a copy of it to be sent to each member of the authority.
 - 5) It shall be the duty of a relevant authority to consider any report under this section by the head of their paid service at a meeting held not more than three months after copies of the report are first sent to members of the authority; and nothing in section 101 of the M1 Local Government Act 1972 or in section 56 of [F1, or Schedule 10 or 20] the M2 Local

¹ Reference to he/him is directly quoted from legislation and not intended to be exclusive

Government (Scotland) Act 1973 (delegation) shall apply to the duty imposed by virtue of this subsection.

6) Under the Local Authorities (Standing Order) (Wales) (Amendment) Regulations 2014 any decision to determine or vary the remuneration of those to be appointed as Chief Officers, where salaries are £100,000 or more it must be ratified by full Council.

7.3. This principle is applied to all posts which become vacant or via restructuring if appropriate, to ensure that the service can be provided as effectively and cost efficiently as possible.

8. Collective Bargaining Arrangements with Trade Unions

8.1. The following trade unions are part of the national machinery for pay bargaining and terms and conditions:

NJC for Local Government Services	JNC for Chief Officers	Soulbury Committee	Teachers
<ul style="list-style-type: none"> • UNISON • GMB • UNITE 	<ul style="list-style-type: none"> • UNISON • GMB 	<ul style="list-style-type: none"> • Association of Educational Psychologists (AEP) • PROSPECT • NEU 	<ul style="list-style-type: none"> • NAHT • NASUWT • NEU • UCAC • ASCL

8.2. Trade union recognition is for the purposes of consultation and negotiation on a collective basis in relation to relevant matters, which are not determined by national negotiating bodies, which both parties agree are both appropriate and beneficial to be determined by agreement. Negotiations are conducted with the aim of reaching agreement and avoiding disputes. Recognition also relates to representation on individual trade union member basis.

9. Senior Pay Remuneration

9.1. The Chief Executive

- 9.1.1. The Chief Executive has overall corporate management and operational responsibility for all staff and ensures the provision of professional and impartial advice in the decision-making process to the Executive Board, Scrutiny committees, the Full Council and other committees. The Chief Executive is also required to represent the Authority on partnership and external bodies (as required by statute or the council) and provides these services, on a politically neutral basis. The Chief Executive is the senior officer who leads and takes responsibility for the Council.
- 9.1.2. The Council is a large organisation with an annual revenue budgeted spend of more than £700m proposed for 24/25, and a 5-year capital investment programme of nearly £200m, delivering a wide and diverse range of services which the citizens of the County depend upon. Responding to the ongoing reductions in public service spending requires authorities to significantly change the way that they manage their services. Additionally, the Housing Revenue Budget for 24/25 is £53m, with a capital budget of £36m allocated for 24/25 to improve its housing stock.
- 9.1.3. The role of the Chief Executive is a full-time and permanent position, and the post holder is selected on merit, against objective criteria, following public advert. The Chief Executive is appointed by full Council.
- 9.1.4. The salary of the current Chief Executive with effect from the 1 April 2023 is £161,638 per annum.
- 9.1.5. The Council has a statutory duty to appoint a Returning Officer for specified Elections and Referenda. The Chief Executive undertakes this role. The Returning Officer is personally responsible for a wide range of functions in relation to the conduct of Elections and

Referenda and is paid for discharging these functions in accordance with prescribed fees.

- 9.1.6. The fees for local elections are available at Appendix N). Fees for non-local elections are set and reimbursed by the Cabinet Office or Welsh Government over which the Council has no jurisdiction.
- 9.1.7. Expenses in relation to car mileage, public transport, overnight accommodation, and parking etc. are claimed back in accordance with the Council's Travel and Subsistence Policy.
- 9.1.8. The Chief Executive is an active member of the Local Government Pension Scheme as detailed in the Authority's published Statement of Accounts. There have been no increases or enhancements to the pension outside of standard arrangements. Details of the Chief Executive's pay, including any additional payments are published in the Statement of Accounts.

9.2. Chief Officers – Senior Staff

- 9.2.1. Employees defined by the Localism Act as Chief Officers, including Service Directors, work within the national conditions of service covered by the JNC for Chief Officers.
- 9.2.2. All other employees, other than a small number covered by national terms and conditions for Soulbury staff (whose pay is also determined through national bargaining), work within the national conditions of service covered by the NJC for Local Government Employees
- 9.2.3. The Council has 22 Chief Officer posts within the substantive structure at Carmarthenshire County Council which fall within the statutory definition of Section 43. As at 1st March 2024 these are:

- Chief Executive (1 post)
- Corporate Directors (4 posts)
- Assistant Chief Executive (1 post)

- Heads of Service (15.5posts)

9.2.4. In addition to the substantive structure the following posts are shared regionally with our partners:

- Head of Integrated Services (funded by CCC/Health)
- Head of Strategic Joint Commissioning (funded CCC/Pembs)
- Programme Director, Swansea Bay City Deal (funded by Regional Partners)
- County Director - jointly funded by CCC and Hywel Dda Health Board²

9.2.5. The Council does not permit an employee occupying any post on the Council's agreed establishment to be paid other than via the Council's payroll, except in the cases of jointly funded / shared posts when they may be on the payroll of another local authority or the Health Board.

9.3. Pay

9.3.1. The Pay Policy Advisory Panel recommends that Senior Officer Remuneration be subject to the relevant National Pay Awards only.

9.3.2. 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, with details of their basic salary as at 1st April 2023, These details are available on the Council's website.

- Chief Executive - fixed salary point of £161,638 per annum (includes national pay award).
- Corporate Directors as statutory and non-statutory chief officers - the salary of the posts fall within a range of four incremental points between £130,604 rising to a maximum of £140,369 per annum.

² Hywel Dda Health Board employee

- Assistant Chief Executive as direct report to the Head of Paid Service - the salary of the post falls within a range of four incremental points between £111,062 rising to a maximum of £117,571 per annum.
- Heads of Service as direct reports to statutory and non-statutory chief officers - the salary of the posts fall within a range of four incremental points between £94,497 rising to a maximum of £103,860 per annum.
- Following appointment and on completion of a satisfactory probationary period, progression through the incremental scale of the relevant grade is subject to satisfactory performance assessed on an annual basis. The Council does not pay bonus or performance related pay to any of its staff.

9.3.3. Details of Chief Officers' pay is published in the Statement of Accounts.

9.4. Additions to Salary of Chief Officers

9.4.1. Chief Officers are remunerated in accordance with their contracts of employment, which provide for a four-point incremental salary scale and pension contributions. However, the salary for the Chief Executive is a fixed-point salary.

9.4.2. Where Chief Officers (and all other employees) use their private vehicles on Council business, the Council pays the standard HMRC mileage rate of 45 pence per mile. The Council also reimburses any other reasonable expenses, incurred by the Chief Officer whilst on Council business, on production of receipts and in accordance with JNC conditions and other local conditions.

9.4.3. In addition to the above, the Chief Officers who undertake the following roles receive an additional allowance of 10% of basic salary:

- Deputy Chief Executive

9.5. Changes to Chief Officer Remuneration

- 9.5.1. Any determination of the level, or changes to the level, of remuneration to be paid to a Chief Officer at appointment, where the salary is £100,000 and over will be determined by Full Council in line with the requirements of the Local Authorities' (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014.
- 9.5.2. The Council employs Chief Officers under JNC terms and conditions which are incorporated into individual contracts of employment. The JNC for Chief Officers negotiates on national (UK) annual cost of living pay increases for this group, and any award of the same is determined on this basis. Chief Officers employed under JNC terms and conditions are contractually entitled to any national JNC determined pay rises and this Council will therefore pay these as and when determined in accordance with current contractual requirements.

9.6. Recruitment and Appointment of Chief Officers

- 9.6.1. The Council's Policy and Procedure relating to the recruitment of Chief Officers is contained within the Officer Employment Procedure Rules as set out in the Council's Constitution. (Appendix C).
- 9.6.2. The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the approved pay structure and relevant Council policies in place at the time of recruitment.
- 9.6.3. Any salary that exceeds the threshold of £100,000 must be approved beforehand by Full Council.
- 9.6.4. Where the Council remains unable to recruit Chief Officers under a contract of employment or there is a need for interim support to provide cover for a vacant substantive Chief Officer post, the Council will, where necessary, consider temporary internal acting up arrangements in line with the Council's Payment of Acting Up and Honoraria Policy or external interim appointments. Internal acting up

arrangements can be appointed up to a maximum of 12 months in line with the Standing Order Regulations.

9.7. Joint Appointments

9.7.1. The Welsh Government has introduced a Local Government and Elections (Wales) Bill, which includes a greater general power of competence, a power for local authorities to make an application to merge voluntarily, and powers to facilitate regional working through corporate joint committees.

9.7.2. To maintain transparency in matters relating to pay the intention is to require CJsCs to prepare, annually, a statement setting out the CJC's policies on the remuneration of its chief officers, the remuneration of its lowest paid employees and the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.

9.8. Independent Remuneration Panel

9.8.1. Section 63 of the Local Government (Democracy) (Wales) Act 2013 amended the Local Government (Wales) Measure 2011 by inserting section 143A. This enables the Panel to take a view on anything in the Pay Policy Statements of local authorities that relates to the salary of the head of paid service. Section 39 of the Local Government (Wales) Act 2015 further amended the Measure extending this function to include Chief Officers of Principal Councils. However, this function ceased on 31 March 2020.

9.8.2. The Welsh Government issued amended guidance to the Panel which can be found at Amended WG Guidance. This sets the basis on which the Panel will carry out the function contained in the legislation.

9.8.3. Section 143A of the Local Government (Wales) Measure 2011 refers to the Independent Remuneration Panel in Wales ("the IRP") and sets out their functions in relation to salaries of heads of paid service. The

IRP may make recommendations about any policy in this Pay Policy Statement which relates to the salary of the council's Chief Executive and any proposed change to the salary of the council's Chief Executive. The council, will, as required, consult the IRP in relation to any change to the salary of the Chief Executive which is not commensurate with a change of the salaries of the council's other staff, and will have regard to any recommendation received from the IRP when deciding whether or not to proceed with making the change.

- 9.8.4. The council is required to identify in this pay policy statement whether any such referral has been made to the IRP, and if so, the nature of the referral, the IRP's decision, and the council's response.
- 9.8.5. An authority which chooses not to follow the advice of the Panel may become subject to a Ministerial direction to reconsider their position. The Act also provides that authorities will be able to reduce (but not increase) the salary payable to their Chief Executive in advance of a recommendation from the IRP, so long as the contract under which the salary is payable does not prevent the authority from changing the salary after receiving a recommendation.
- 9.8.6. The council has not made a referral to the IRP relating to the salary payable to the Chief Executive.

10. Talent Management

- 10.1. Our strategic approach to supporting talent management across the Council is underpinned by our People Strategy and the standards which we aim to achieve as an Investors in People employer.
- 10.2. We aim to support a workforce that is innovative, skilled, motivated, well informed, high performing, proud to work for Carmarthenshire County Council and committed to delivering high quality services to the public.

- 10.3. Key to delivering this is our ability to successfully recruit, retain and develop our employees to realise their full potential. The following provides an overview of our strategic approach to talent management:

Supporting a Learning Culture

- 10.4. The implementation of our new Learning Management System will modernise our approach to learning. This will provide our employees with the opportunity to take ownership of their own learning and career pathway. It will maximise the effective use of digital tools and skills for improved personal, team and organisational performance.
- i. Performance Management - Our annual review process celebrates employee's achievements during the year as well as providing support with developing skills for their current roles, career development and succession planning. We will be reviewing this process over the next financial year.
 - ii. Leadership Academi – our new Leadership Academi will make use of a range of learning opportunities to provide development from aspiring new managers to future leaders. The development will involve projects that support organisational improvement under our Transformation Strategy.
 - iii. Succession Planning - Our Future Workforce Team has successfully supported Apprentices and Graduates to gain permanent employment in key service areas. Our new Care Academi has received positive feedback so far and continues to grow. Our Workforce Development programme equips newly qualified Social Workers with the advanced knowledge, skills and qualifications they need as they progress to experienced practitioners and, in some cases to more senior practice roles.

11. Performance Related Pay

- 11.1. The Council does not pay any bonuses or performance related pay to its staff.

12. Support for Lower Paid Staff

- 12.1. All employees, regardless of whether they are over the statutory age of 25, are paid at a minimum of the voluntary Real Living wage rate, and this on-going principle was a recommendation of the cross-party Pay Policy Advisory Panel that met on 20th February
- 12.2. This Authority pays supplements for weekend working (8%) and term time only working (4%) which increase the pay of mainly lower paid employees.
- 12.3. With the above-mentioned supplements, many of our lower graded posts now attract a total remuneration higher than the Real Living Wage.

13. Off Payroll Arrangements

- 13.1. Where the Council is unable to recruit to a job under a contract of employment or where there is a need for specialist support for a specific project, the Council will, where necessary, consider engaging individuals under a contract for services. These will be sourced through the relevant procurement process contained within the Council's Contract Procedure Rules, ensuring the Council is able to demonstrate value for money from competition in securing the relevant service.
- 13.2. Where the contract for service is to provide cover for a vacant post, in addition to ensuring adherence to Contract Procedure Rules, decision making in relation to the appointment will be in line with the Council's rules in relation to appointments i.e. Council will determine appointments at Chief Executive Level, Appointments Committee A will determine appointments at Director level, Appointments Committee B will determine appointments at Heads of Service.
- 13.3. With effect from April 2017, the UK Government introduced "Intermediaries Legislation" known as IR35 that reformed tax rules of off payroll working in the public sector. The Council is compliant with this legislation.

14. Exit Policy

14.1. Early Retirement, Voluntary Redundancy and Compulsory Redundancy

- 14.1.1. The Council's approach to statutory and discretionary payments on termination of employment of employees, prior to reaching normal retirement age, is set out within its Employers Discretionary Compensation Policy (Local Government Pension Scheme) statement. This discretionary policy is included as Appendix G. This will be kept under review pending any re-introduction of exit pay cap regulations during the life of this Pay Policy.
- 14.1.2. Any other payments falling outside the provisions, or the relevant periods of contractual notice shall be subject to a formal decision made in accordance with the Scheme of Delegation as contained within the Council's Constitution.
- 14.1.3. The Council operates a Severance Scheme for all its employees, payments under which are authorized in accordance with the above discretionary policy. Our current Severance Scheme is attached at Appendix H.
- 14.1.4. The Authority will comply with the Welsh Government's guidance that full Council should be given the opportunity to vote before large severance packages beyond a particular threshold are approved for Chief Officers leaving the organisation. The guidance states that "as with salaries on appointment, the Welsh Ministers consider £100k is the right level for that threshold to be set. Members must be made aware of any statutory or contractual entitlements due to the employee and the consequences of a non-approval by Council, in which failure to fulfil the statutory or contractual obligations may enable the employee to claim damages for breach of contract". When calculating the value of a severance package, the following payments will be included:
- a. Salary paid in lieu of notice

- b. Lump sum redundancy/severance payment
- c. Cost to the Council of the strain on the pension fund arising from early access to an unreduced pension.

14.2. Flexible Retirement

- 14.2.1. Chief Officers and all other eligible Council employees are permitted to take flexible retirement in accordance with the provisions of the Local Government Pension Scheme and the Council's Flexible Retirement Scheme.

14.3. Re-employment

- 14.3.1. Employees who voluntarily leave the Council's employment under the Council's Severance Scheme cannot usually be re-employed in any capacity including on a casual basis, until at least 1 year has elapsed. Under no circumstances should an employee be re-appointed into the same or similar job to the one in which they were employed at the time of leaving. All such appointments should be made via the usual Authority's recruitment procedures.

- 14.3.2. However, in exceptional circumstances only, employees may be re-employed by the Council prior to 1 year, subject to the agreement of the Chief Executive and Leader of the Council. In approving a re-employment, the Authority will need to be satisfied that:

- The employee is not being re-employed in a role or capacity, which is broadly similar to the role which they left voluntarily
- The rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grading which applied to the employee prior to the end of their current contract
- The employment should be for a fixed term, not exceeding one year, unless there are exceptional circumstances; and
- The arrangement must provide financial / operational advantage to the Council.

- 14.3.3. This will be operated entirely at the Council's discretion and the decision in respect of each application will be final.
- 14.3.4. Other restrictions on re-employment may apply and reference will be made to the appropriate Conditions of Service when any re-employment is being considered.

14.4. £95k Exit Payment Cap

14.4.1. On Friday 12 February 2021, HM Treasury announced that the Restriction of Public Sector Exit Payments Legislation has been revoked with immediate effect, due to 'unforeseen consequences' of the legislation. On 25 February 2021, The Restriction of Public Sector Exit Payments (Revocation) Regulations 2021 were made and laid before parliament and will come into force on 19 March 2021. These regulations confirm the effect of the disapplication Directions made on the 12 February 2021 but are not retrospective. As a consequence of the Treasury announcement the following applies to the Fund and employers:

14.4.1.1. For exits from 12 February 2021, LGPS administering authorities must continue to pay qualifying scheme members an unreduced pension under regulation 30(7) of the LGPS 2013 regulations. Scheme employers will be required to pay full strain costs in relation to those unreduced benefits.

14.4.1.2. No further regulations have been introduced to replace the disapplied directions as at the date of writing. However, the Government has stated that the cap will be re-introduced so the Policy will be amended as and when any new regulations are introduced.

15. Pay Relativities within the Council

15.1. Lowest Paid Employees

The Council's definition of lowest paid persons for the purposes of this statement is:

- Those employed under a contract of employment with the Council who are employed on full time 37 hours per week equivalent salaries; and
 - Employees whose remuneration is equivalent to the lowest spinal column point of the nationally negotiated pay spine, plus any pay supplement bringing the salary up to the level of the Real Living Wage, used within the Council's local grading structure.
- 15.2. This definition is adopted to correlate with the National Joint Council (NJC) for Local Government Services recognition of lower paid employees within the national pay spine.
- 15.3. The relationship between the rate of pay for the "lowest paid" employees and the Council's Chief Officers is regulated by the processes used for determining pay and grading structures as set out in this Pay Policy Statement.
- 15.4. 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).
- 15.5. Will Hutton was asked by the UK 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 organization.
- 15.6. Hutton 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 the highest rate of pay and the median average pay of the whole of the Council's workforce (but excluding teachers and other employees appointed and managed by schools, in the case of local authorities).
- 15.7. As part of its commitment to pay transparency and following the recommendations of the Hutton "Review of Fair Pay in the Public Sector" (2011), the Council publishes the following information on an annual basis. The information for this Pay Policy is as follows (please note these ratios may

change following the introduction of National Pay Awards which are yet to be agreed):

15.7.1. Multiple of Salary Ratio

- The multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio 1:7.23
- The multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio 1:5.05
- The multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio 1:5.96
- The multiple between median earning of Council employees and the average Chief Officer (full-time equivalent basis) as a ratio 1:4.17

15.7.2. The median salary in the Council is £27,128 (all staff managed by schools have been excluded from the calculation).

15.7.3. All other pay related allowances are subject to either nationally or locally negotiated rates, that are determined in accordance with collective bargaining machinery and/or Council Policy. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money against the ability to recruit and retain appropriately skilled and experienced employees that can deliver high quality services to the public.

15.7.4. New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary subject to the qualifying criteria within the Council's Recruitment Salaries Guidance.

16. Publication

- 16.1. Upon approval by the full Council, this Pay Policy statement will be published on the Council's website.
- 16.2. In addition, for posts where pay is at least £60,000 per annum, as required under the Accounts and Audit (Wales) (Amendment) Regulations 2014, the Council's Annual Statement of Accounts will include a note setting out the total amount of:
- a) Salary, fees or allowances paid to or receivable by the person in the current and previous year
 - b) any bonuses so paid or receivable by the person in the current and previous year
 - c) any sums payable by way of expenses allowance that are chargeable to UK income tax
 - d) any compensation for loss of employment and any other payments connected with termination
 - e) any benefits received that do not fall within the above
 - f) The Authority will present this statement to Full Council before it is formally adopted and before the end of each financial year, i.e., 31 March.

If you require this information in an alternative format (for example large print), please contact People Management on: CEDutyHR@carmarthenshire.gov.uk

17. Appendices

The following are provided as Appendices to this policy:

- Carmarthenshire County Council's Pay Grades - Local Government Services Employees (Appendix A)
- Carmarthenshire County Council's JNC Chief Executive and Chief Officer Pay Grades (Appendix B)
- Officer Employment Procedure Rules (Appendix C)
- National Pay Grades - Soulbury (Appendix D)

- Local Government Services Employees - Acting Up and Honoraria Schemes (Appendix E)
- Market Supplement Scheme (Appendix F)
- LGPS Employer Discretions Compensation Policy (Appendix G)
- Severance Scheme (Appendix H)
- Flexible Retirement Policy (Appendix I)
- JNC Local Authority Chief Executives Conditions of Service (Appendix J)
- JNC Local Authority Chief Officers Conditions of Service (Appendix K)
- Sample Written Statement of Particulars (Appendix L)
- Pay rates for Modern Apprentices and other Trainee positions (Appendix M)
- Returning Officer Fee Structure (Appendix N)

Mae'r dudalen hon yn wag yn fwriadol

Strwythur Graddau		Pwynt	Sylfaenol Yn Unig		Sylfaenol + 8%		Sylfaenol + 4%		
			Ebrill 23 Cyflog(£)	Ebrill 23 Cyfradd yr awr	Ebrill 23 Cyflog(£)	Ebrill 23 Cyfradd yr awr	Ebrill 23 Cyflog(£)	Ebrill 23 Cyfradd yr awr	
Gradd A	Gradd B	Pts 2 - 3	2	22366	11.5929	24155	12.5203	23,261	12.0566
Gradd C			3	22737	11.7852	24556	12.7280	23,646	12.2566
		Pts 3 - 5	4	23114	11.9808	24963	12.9392	24,039	12.4600
	Gradd D		5	23500	12.1807	25380	13.1551	24,440	12.6679
		Pts 5 - 7	6	23893	12.3842	25804	13.3750	24,848	12.8796
Gradd E			7	24294	12.5920	26237	13.5994	25,265	13.0957
			8	24702	12.8035	26678	13.8278	25,690	13.3156
			9	25119	13.0197	27128	14.0613	26,124	13.5405
			11	25979	13.4654	28057	14.5426	27,018	14.0040
	Gradd F		12	26421	13.6948	28535	14.7904	27,478	14.2426
			14	27334	14.1679	29521	15.3013	28,427	14.7346
			15	27803	14.4110	30027	15.5639	28,915	14.9875
			17	28770	14.9120	31071	16.1050	29,920	15.5085
Gradd G			19	29777	15.4342	32159	16.6689	30,968	16.0515
			20	30296	15.7031	32720	16.9594	31,508	16.3313
			22	31364	16.2569	33873	17.5575	32,619	16.9072
			23	32076	16.6261	34643	17.9562	33,360	17.2911
	Gradd H		24	33024	17.1171	35666	18.4865	34,345	17.8018
			25	33945	17.5944	36660	19.0019	35,302	18.2982
			26	34834	18.0553	37621	19.4998	36,227	18.7775
			27	35745	18.5274	38604	20.0095	37,174	19.2684
Gradd I			28	36648	18.9957	39580	20.5153	38,114	19.7555
			29	37336	19.3522	40323	20.9004	38,829	20.1263
			30	38223	19.8121	41281	21.3971	39,752	20.6046
			31	39186	20.3110	42321	21.9359	40,753	21.1234
	Gradd J		32	40221	20.8474	43438	22.5152	41,829	21.6813
			33	41418	21.4681	44732	23.1856	43,075	22.3268
			34	42403	21.9786	45795	23.7369	44,099	22.8578
			35	43421	22.5060	46894	24.3065	45,157	23.4063
Gradd K			36	44428	23.0282	47982	24.8704	46,205	23.9493
			37	45441	23.5534	49077	25.4377	47,259	24.4956
			38	46464	24.0835	50181	26.0102	48,322	25.0468
			39	47420	24.5792	51214	26.5456	49,317	25.5624
	Gradd L		40	48474	25.1256	52352	27.1357	50,413	26.1306
			41	49498	25.6562	53458	27.7087	51,478	26.6824
			42	50512	26.1815	54552	28.2760	52,532	27.2287
			43	51515	26.7015	55636	28.8376	53,575	27.7695
Gradd M			44	52516	27.2204	56717	29.3980	54,617	28.3092
			45	53561	27.7622	57846	29.9832	55,704	28.8727
			46	54577	28.2887	58943	30.5518	56,760	29.4203
			47	55599	28.8185	60047	31.1240	57,823	29.9712
	Gradd N		48	57614	29.8627	62223	32.2517	59,918	31.0572
			49	60473	31.3447	65311	33.8522	62,892	32.5985
			50	63317	32.8190	68383	35.4445	65,850	34.1317
			51	66169	34.2971	71462	37.0409	68,816	35.6690
Gradd O			52	70961	36.7811	76638	39.7236	73,800	38.2523
			53	74499	38.6148	80459	41.7040	77,479	40.1594
			54	78220	40.5432	84477	43.7867	81,348	42.1650
			55	82129	42.5698	88700	45.9754	85,414	44.2726

Mae'r dudalen hon yn wag yn fwriadol

CYFLOGAU - PRIF WEITHREDWR/PRIF SWYDDOGION

O 01/04/2022

Prif Weithredwr

£	
161,638	1

Prif Weithredwr Cynorthwyol

£	
111,062	1
114,895	2
116,810	3
117,571	4

Cyfarwyddwyr

£	
130,604	1
135,489	2
137,928	3
140,369	4

Penaethiaid Gwasanaeth (1)

£	
97,497	1
100,678	2
102,267	3
103,860	4

Mae'r dudalen hon yn wag yn fwriadol

Rhan 4.8 - Rheolau Gweithdrefnau Cyflogi Swyddogion

Mae'r Rheolau hyn wedi'u llunio i gydymffurfio â gofynion Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2006 (fel y'u diwygiwyd gan Reoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) 2014).

Mae'r rheolau hyn yn diffinio'r termau canlynol:

Ystyr "prif swyddog" mewn perthynas â'r Cyngor yw

(a) Prif Weithredwr;

(b) y Swyddog Monitro;

(c) prif swyddog statudol a grybwyllwyd ym mharagraffau (a)(c) neu (d) o adran 2(6) o

Ddeddf Llywodraeth Leol a Thai 1989; neu

(d) prif swyddog anstatudol (o fewn ystyr adran 2(7) o Ddeddf Llywodraeth Leol a Thai 1989)

Ac mae unrhyw gyfeiriad at benodi prif swyddog neu honni ei benodi yn cynnwys cyfeiriad at gyflogi swyddog o'r fath neu honni ei gyflogi o dan gontract cyflogi.

Ystyr "prif swyddog cyllid" yw'r swyddog sydd â chyfrifoldeb, at ddibenion adran 151 o Ddeddf Llywodraeth Leol 1972 (gweinyddiaeth ariannol), dros weinyddu materion ariannol yr awdurdod lleol.

Ystyr "camau disgyblu" mewn perthynas ag aelod o'r staff yw unrhyw gamau a gymerir yn sgil camymddwyn honedig a fyddai, pe câi ei brofi, yn cael ei gofnodi yn nhrefn arferol y Cyngor, yn ffeil bersonol yr aelod o'r staff ac mae'n cynnwys unrhyw gynnig i ddiswyddo gweithiwr am unrhyw reswm ac eithrio yng nghyswllt dileu swydd, salwch parhaol neu lesgeidd corff neu feddwl, ond nid yw'n cynnwys methu ag adnewyddu contract gwaith cyfnod penodedig oni bai bod y Cyngor wedi ymrwymo i adnewyddu'r cyfryw gontract.

Ystyr "pennaeth y gwasanaethau democrataidd" yw'r swyddog penodedig o dan adran 8 o Fesur Llywodraeth Leol (Cymru) 2011

Ystyr "Prif Weithredwr" yw'r swyddog penodedig o dan adran 54 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021

Ystyr "aelod o'r staff" yw unigolyn sydd wedi'i benodi neu sy'n dal swydd gyflogedig â'r Cyngor.

Ystyr "swyddog monitro" yw'r swyddog a benodwyd o dan adran 5(1) o Ddeddf Llywodraeth Leol a Thai 1989 (penodi ac adroddiadau swyddog monitro)

Mae gan “cydnabyddiaeth ariannol” mewn perthynas â phrif swyddog yr un ystyr ag yn adran 43(3) o Ddeddf Lleoliaeth 2011 h.y.

- (a) Cyflog y prif swyddog neu, yn achos prif swyddog a gyflogir gan yr awdurdod o dan gontract ar gyfer gwasanaethau, taliadau a wneir gan yr awdurdod i'r prif swyddog am y gwasanaethau hynny;
- (b) unrhyw fonysau sy'n daladwy i'r prif swyddog gan yr awdurdod;
- (c) unrhyw daliadau, ffioedd neu lwfansau sy'n daladwy i'r prif swyddog gan yr awdurdod;
- (d) unrhyw fuddion mewn nwyddau y mae hawl gan y prif swyddog iddynt o ganlyniad i swyddogaeth neu gyflogaeth y prif swyddog;
- (e) unrhyw gynnydd neu welliant o ran hawl pensiwn y prif swyddog lle bo'r cynnydd neu'r gwelliant yn digwydd yn sgil penderfyniad a wnaed gan yr awdurdod;
ac
- (f) unrhyw symiau sy'n daladwy i'r prif swyddog gan yr awdurdod pan fydd y prif swyddog yn peidio â dal ei swydd dan yr awdurdod ac yn peidio â chael ei gyflogi ganddo, heblaw am symiau eraill y gallant fod yn daladwy yn rhinwedd unrhyw ddeddfiad.

I gael manylion ynghylch penodiadau, cyfansoddiad a gwaith y Panelau Penodi perthnasol a'r Pwyllgorau Ymchwilio, gweler Rhan 3 o Gyfansoddiad y Cyngor.

1. Recriwtio a Phenodi

(a) Datganiadau

- i) Bydd y Cyngor yn llunio datganiad yn ei gwneud yn ofynnol i unrhyw ymgeisydd am swydd swyddog nodi yn ysgrifenedig a ydynt yn rhiant, tadcu neu famgu, cymar, plentyn, llysblentyn, plentyn wedi ei fabwysiadu, ŵyr neu wyres, brawd, chwaer, ewythr, modryb, nai neu nith i Gynghorydd presennol, neu swyddog y Cyngor; neu gymar personau o'r fath.
- ii) Ni phenodir unrhyw ymgeisydd sy'n perthyn felly i Gynghorydd, neu i swyddog heb awdurdod y prif swyddog perthnasol neu swyddog a enwebwyd ganddo ef/hi.

(b) Gofyn am gefnogaeth i benodi.

- i) Yn ddarostyngedig i baragraff (iii), bydd y Cyngor yn anghymwyso unrhyw ymgeisydd sy'n ceisio cael cefnogaeth unrhyw Gynghorydd naill ai yn uniongyrchol neu yn anuniongyrchol i unrhyw swydd gyda'r Cyngor. Cynhwysir cynnwys y paragraff hwn mewn unrhyw wybodaeth am recriwtio.
- ii) Yn ddarostyngedig i baragraff (iii), ni fydd unrhyw Gynghorydd yn ceisio cael cefnogaeth i unrhyw berson ar gyfer unrhyw swydd gyda'r Cyngor.
- iii) Ni fydd unrhyw beth ym mharagraffau (i) a (ii) uchod yn atal Cynghorydd rhag rhoi tystlythyr ysgrifenedig i ymgeisydd i'w gyflwyno gyda chais am benodiad.

2. Recriwtio'r Prif Weithredwr, Cyfarwyddwyr a Phenaethiaid Gwasanaeth

- Lle bo'r Cyngor yn bwriadu penodi Prif Swyddog a bod y gydnabyddiaeth ariannol y mae'n bwriadu ei thalu yn £100,000 neu'n fwy y flwyddyn, bydd yn:

- llunio datganiad yn nodi:
 - dyletswyddau'r swyddog dan sylw; ac
 - unrhyw gymwysterau neu nodweddion i chwilio amdanynt yn y sawl a benodir;
- gwneud trefniadau i'r swydd gael ei hysbysebu'n gyhoeddus mewn modd sy'n debygol o'i dwyn i sylw pobl sy'n gymwys i ymgeisio amdani; a
- gwneud trefniadau i gopi o'r datganiad a grybwyllwyd uchod gael ei anfon at unrhyw un sy'n gwneud cais am hynny.

(ii) Lle bo is-baragraffau 2(i)(a)(i) ac (ii) yn berthnasol, nid yw'n ofynnol i'r Cyngor gymryd y cam a nodwyd yn is-baragraff 2(i)(b) uchod os yw'n bwriadu penodi prif swyddog am gyfnod heb fod yn hwy na 12 mis.

(iii) penderfynu ar lefel y cyflog, ac ar unrhyw newid yn y lefel honno, sydd i'w thalu i'r prif swyddog

3. Penodi Prif Weithredwr

Bydd y Cyngor llawn yn cymeradwyo penodi Prif Weithredwr yn dilyn argymhell penodiad o'r fath gan Bwyllgor Penodi "A".

4. Penodi Cyfarwyddwyr a Phenaethiaid Gwasanaeth

- Bydd Pwyllgor Penodi "A" yn penodi Cyfarwyddwyr.
- Bydd Pwyllgor Penodi "B" yn penodi Phenaethiaid Gwasanaeth gan gynnwys y Swyddog Monitro a Phennaeth y Gwasanaethau Democrataidd.

5. Llunio Rhestr Fer ar gyfer Penodi Prif Weithredwr, Cyfarwyddwyr a Phenaethiaid Gwasanaeth

- Bydd y trefniadau canlynol yn berthnasol ar gyfer llunio rhestr fer a phenodi p'un a yw ymgeiswyr allanol i'w hystyried neu beidio:

	<u>Rhestr Fer</u>	<u>Penodir gan</u>
Prif Weithredwr	Pwyllgor Penodi "A"	Y Cyngor yn unol ag argymhelliad Pwyllgor Penodi "A"
Cyfarwyddwyr	Wyth aelod o Bwyllgor Penodi "A" sy'n adlewyrchu cydbwysedd	Pwyllgor Penodi "A"

	gwleidyddol y Cyngor ac sydd wedi'u dewis yn ôl trefn rota yn nhrefn yr wyddor (gan gynnwys hefyd yr Aelod o'r Bwrdd Gweithredol sy'n gyfrifol am y maes gwasanaeth y mae'r swydd yn rhan ohono)	
Penaethiaid Gwasanaeth	Cyfarwyddwr perthnasol y gwasanaeth dan sylw drwy ymgynghori â'r Aelod(au) perthnasol o'r Bwrdd Gweithredol / Cadeirydd y Pwyllgor Craffu	Pwyllgor Penodi "B"

- 5.2 Lle nad oes person cymwys wedi gwneud cais sy'n cwrdd â gofynion hanfodol y swydd, bydd y personau sy'n gyfrifol am lunio rhestr fer ar gyfer y penodiad yn cael cyfarwyddyd i beidio â mynd ymlaen â'r penodiad ac i gymeradwyo trefniadau pellach i hysbysebu'r swydd(i) yn unol â pharagraff 2(b) uchod.

6. Penodiadau eraill

(a) Swyddogion islaw Penaethiaid Gwasanaeth

Mae penodi swyddogion islaw Penaethiaid Gwasanaeth (ac eithrio cynorthwywyr i grwpiau gwleidyddol), yn gyfrifoldeb y Prif Weithredwr neu ei enwebai ef/hi, ac ni ellir ei wneud gan Gynghorwyr, ac eithrio bod penodi athrawon a staff eraill a gyflogir gan yr awdurdod addysg lleol mewn ysgolion yn cael sylw yn unol â rheoliadau a wnaed dan Adran 35(4) a (5) o Ddeddf Addysg 2002.

(b) Cynorthwywyr i grwpiau gwleidyddol.

Penodir cynorthwy-ydd grŵp gwleidyddol yn unol â dymuniadau'r grŵp gwleidyddol hwnnw.

7. Camau disgyblu

- (a) Yn achos y Prif Weithredwr, Swyddog Monitro, Prif Swyddog Cyllid a Phennaeth y Gwasanaethau Democrataidd, neu swyddog y bwriedir cymryd camau disgyblu yn ei gylch lle roedd y swyddog, ond lle nad yw mwyach ar adeg y camau disgyblu, yn Brif Weithredwr, yn Swyddog Monitro, yn Brif Swyddog Cyllid neu'n Bennaeth y Gwasanaethau Democrataidd a lle bo'r camymddygiad honedig neu, fel y bo'r achos, y rheswm dros y cynnig am ddiswyddo, wedi digwydd yn ystod cyfnod pryd roedd y swyddog yn un o'r swyddogion hynny, gall gael ei atal dros dro o'i waith tra bo ymchwiliad yn cael ei gynnal i'r camymddygiad honedig. Bydd yr ataliad hwnnw ar dâl llawn ac ni fydd yn para mwy na deufis. Ni ellir cymryd unrhyw gamau disgyblu eraill mewn perthynas ag unrhyw rai o'r swyddogion uchod ac eithrio yn unol ag argymhelliad mewn adroddiad a wnaed gan berson annibynnol dynodedig a benodwyd gan Bwyllgor Ymchwilio y Cyngor.
- (b) Bydd Pwyllgor Ymchwilio "A" yn cymryd camau disgyblu mewn perthynas â Chyfarwyddwyr.

- (c) Bydd Pwyllgor Ymchwilio "B" yn cymryd camau disgyblu mewn perthynas â Phenathiaid Gwasanaeth.
- (d) Mater i'r grŵp gwleidyddol a benododd yr unigolyn dan sylw yw cymryd camau disgyblu mewn perthynas â chynorthwy-ydd i grŵp gwleidyddol.
- (e) Cymerir camau i atal neu ddisgyblu athrawon neu staff eraill sy'n gweithio mewn ysgolion ac sy'n cael eu cyflogi gan yr awdurdod addysg lleol, yn unol â rheoliadau a wnaed dan Adran 35(4) a (5) o Ddeddf Addysg 2002.
- (f) Ni fydd Cynghorwyr yn ymwneud â'r camau disgyblu yn erbyn unrhyw swyddog islaw'r penaethiaid gwasanaeth ac eithrio lle bo cyfranogiad o'r fath yn angenrheidiol ar gyfer cynnal unrhyw ymchwiliad i honiad o gamymddwyn, er y gall gweithdrefnau ynghylch disgyblaeth a gallu a gweithdrefnau cysylltiedig y Cyngor, fel y mabwysiedir hwy o bryd i'w gilydd, ganiatáu hawl i apelio i aelodau mewn perthynas â chamau disgyblu.

8. Diswyddo

- (a) Yn achos y Prif Weithredwr, Swyddog Monitro, Prif Swyddog Cyllid, Pennaeth y Gwasanaethau Democraidd ac unrhyw swyddogion a oedd yn y swyddi hynny ar adeg y camymddygiad honedig neu, fel y bo'r achos, y rheswm dros y cynnig am ddiswyddo, y Cyngor llawn yn unig all ei ddiswyddo, ar ôl ystyried adroddiad person annibynnol dynodedig a benodwyd gan Bwyllgor Ymchwilio y Cyngor.
- (b) Yn ddarostyngedig i (a) uchod, Pwyllgor Ymchwilio "A" yn unig sy'n cael diswyddo Cyfarwyddwyr.
- (c) Yn ddarostyngedig i (a) uchod, Pwyllgor Ymchwilio "B" yn unig sy'n cael diswyddo Penaethiaid Gwasanaeth.
- (d) Ni fydd Cynghorwyr yn ymwneud â diswyddo unrhyw swyddog islaw'r Penaethiaid Gwasanaeth ac eithrio lle bo cyfranogiad o'r fath yn angenrheidiol ar gyfer cynnal unrhyw ymchwiliad i honiadau o gamymddwyn, er y gall gweithdrefnau ynghylch disgyblaeth a gallu a gweithdrefnau cysylltiedig y Cyngor fel y mabwysiedir hwy o bryd i'w gilydd ganiatáu hawl i apelio i'r Pwyllgor Apelau.
- (e) Mater i'r grŵp gwleidyddol a benododd yr unigolyn dan sylw yw diswyddo cynorthwy-ydd i grŵp gwleidyddol. Bydd athrawon neu staff eraill mewn ysgolion sy'n cael eu cyflogi gan yr awdurdod addysg lleol yn cael eu diswyddo yn unol â rheoliadau a wnaed dan Adran 35(4) a (5) o Ddeddf Addysg 2002.

Mae'r dudalen hon yn wag yn fwriadol

	01/09/2023
1	£40,540
2	£41,920
3	£43,224
4	£44,545
5	£45,857
6	£47,170
7	£48,550
8	£49,878
9	£51,425
10	£52,805
11	£54,166
12	£55,484
13	£56,976
14	£58,308
15	£59,777
16	£61,106
17	£62,440
18	£63,748
19	£65,097
20	£65,794
21	£67,133
22	£68,301
23	£69,586
24	£70,739
25	£71,971
26	£73,173
27	£74,403
28	£75,650
29	£76,899
30	£78,146
31	£79,382
32	£80,637
33	£81,894
34	£83,180
35	£84,465
36	£85,784
37	£87,083
38	£88,396
39	£89,691
40	£90,985
41	£92,285

42	£93,585
43	£94,883
44	£96,189
45	£97,490
46	£98,794
47	£100,102
48	£101,399
49	£102,700
50	£104,004
51	£108,164
52	£112,491

Polisi Dyletswyddau Uwch ac Honoraria

Mawrth 2023



sirgar.llyw.cymru
carmarthenshire.gov.wales

1. Datganiad Polisi

- 1.1 Mae'r Cyngor yn cydnabod y gallai fod angen talu swm ychwanegol o bryd i'w gilydd pan ofynnir i weithiwr ymgymryd â dyletswyddau sy'n gysylltiedig â swydd ar raddfa uwch neu ymgymryd â dyletswyddau ychwanegol dros dro.
- 1.2 Lle mae'n debygol y bydd newidiadau i'r swydd yn barhaol, dylid cyflwyno proffil swydd diwygiedig i'r tîm Tâl a Buddion a dylai'r swydd gael ei hail-werthuso o dan gynllun Gwerthuso Swyddi'r Cyngor.
- 1.3 Gallai honorariwm, neu dâl dyletswyddau uwch, fod yn weithredol lle bo newidiadau'n rhai dros dro ac ar waith am gyfnod o 12 mis neu lai.
- 1.4 Pwrpas y Polisi hwn yw sicrhau bod y taliadau ychwanegol yn cael eu gwerthuso'n gywir a'u gweithredu'n gyson.
- 1.5 Mae'r weithdrefn hon yn cwmpasu pob gweithiwr, gan gynnwys staff ysgolion a gyflogir yn ganolog, ac eithrio athrawon a gyflogir yn ganolog a staff sy'n gweithio mewn ysgolion a reolir yn lleol.

2. Honorariwm

- 2.1 Lle mae angen i weithiwr naill ai ymgymryd â dyletswyddau sy'n gysylltiedig â swydd ar raddfa uwch neu ymgymryd â rhywfaint o ddyletswyddau ychwanegol dros dro, os oes mwy nag un gweithiwr addas â'r sgiliau a'r profiad priodol i ymgymryd â'r dyletswyddau a/neu'r cyfrifoldebau ychwanegol, yna bydd angen dilyn proses ddethol i benderfynu ar yr unigolyn gorau i ymgymryd â'r dyletswyddau a/neu'r cyfrifoldebau hynny. Cysylltwch â'ch Ymgynghorydd Adnoddau Dynol ynghylch y broses briodol i'w dilyn.
- 2.2 Bydd taliadau honorariwm yn weithredol ar ôl ymgymryd â'r dyletswyddau uwch/dyletswyddau ychwanegol am gyfnod o 28 diwrnod yn unig. Bydd y tâl yn cael ei ôl-ddyddio i'r diwrnod cyntaf.
- 2.3 Bydd unrhyw dâl honorariwm yn cael ei roi am gyfnod hyd at 12 mis yn unig a bydd yn cael ei adolygu a'i awdurdodi bob tri mis. Os bydd y dyletswyddau uwch/dyletswyddau ychwanegol yn parhau am gyfnod hirach na 12 mis, yna dylai'r rheolwr geisio cyngor gan ei Ymgynghorydd Adnoddau Dynol.

3. Eithriadau – dyletswyddau uwch mewn argyfwng

- 3.1 Bydd cyfnodau lle bydd angen i weithiwr ymgymryd â dyletswyddau uwch mewn argyfwng, e.e. yn ystod absenoldeb salwch. Bydd hyn gan amlaf yn berthnasol i wasanaethau rheng flaen lle bydd y gwasanaeth yn methu â gweithredu heb fod rhywun yn cyflenwi'r swydd, er enghraifft Llwythwr Cerbyd Sbwriel/Ailgylchu yn ymgymryd â dyletswyddau uwch sy'n rhan o swydd Gyrrwr Cerbyd Sbwriel/Ailgylchu sy'n absennol.

- 3.2 Bydd y rheol 28 diwrnod yn cael ei heithrio mewn achos o'r fath gan fod ymgymryd â'r dyletswyddau uwch yn debygol o fod am gyfnod byr ac ar sail ad hoc. Os ydych yn ansicr p'un a yw dyletswyddau uwch mewn argyfwng yn gymwys, holwch eich Ymgynghorydd Adnoddau Dynol.
- 3.3 Dylid parhau i gymryd gofal i sicrhau bod cyfle i ymgymryd â dyletswyddau uwch yn cael ei weithredu'n deg pan fod mwy nag un gweithiwr sydd â sgiliau priodol yn gallu ymgymryd â'r rôl.
- 3.4 Bydd dyletswyddau uwch mewn argyfwng yn weithredol pan fod gweithiwr yn cyflawni swyddogaeth lawn y swydd sydd ar raddfa uwch yn unig. Dylid talu swm llawn y gwahaniaeth rhwng y cyflog presennol ac isafswm cyflog y swydd ar raddfa uwch. Os yw isafswm cyflog y swydd ar raddfa uwch yn is neu'r un fath â chyflog presennol y gweithiwr, dylai dderbyn y tâl honorariwm ar bwynt nesaf y golofn dâl sydd uwchben ei gyflog presennol.
- 3.5 Pan fydd gweithiwr yn cyflenwi mewn argyfwng, bydd y tâl yn cael ei wneud o ddiwrnod cyntaf y cyfnod lle'r ymgymerir â'r dyletswyddau uwch. Dylai'r rheolwr gyflwyno manylion ynghylch y dyletswyddau uwch i'r Gyflogres.

4. Gweithdrefn

- 4.1 Rhaid i'r rheolwr perthnasol wneud achos busnes i gefnogi'r cais am dâl honorariwm drwy ddefnyddio'r ffurflen "Cais am Dâl Honorariwm" (Atodiad 1) a chyflwyno'r achos busnes i Gyfarwyddwr yr adran i'w gymeradwyo.

Mae'r mathau o dystiolaeth yn cynnwys:

- Y rheswm dros y tâl, e.e. cyflenwi absenoldeb tymor hir, neu ymgymryd â darn o waith penodol.
 - Manylion ynghylch y swydd yr effeithiwyd arni a graddfeydd y swydd barhaol a'r swydd ar raddfa uwch.
 - P'un ai yw cwmpas y dyletswyddau'n llawn neu'n rhannol – os yn rhannol, rhaid bod y tîm Tâl a Buddion wedi gwerthuso'r dyletswyddau cyn cyflwyno'r achos busnes.
 - Y gost – cyfrifiad o'r swm y byddai hawl i'r gweithiwr ei gael fesul mis.
- 4.2 Dylid talu swm llawn y gwahaniaeth rhwng y cyflog presennol ac isafswm cyflog y swydd ar raddfa uwch. Os yw isafswm cyflog y swydd ar raddfa uwch yn is neu'r un fath â chyflog presennol y gweithiwr, dylai dderbyn y tâl honorariwm ar bwynt nesaf y golofn dâl sydd uwchben ei gyflog presennol.
- 4.3 Lle gallai sefyllfaoedd tymor hir fod yn gymwys, e.e. cyfnod mamolaeth, dylid dilyn polisi Recriwtio a Dethol yr Awdurdod.

- 4.4 Lle penderfynir bod y dyletswyddau ychwanegol ar yr un raddfa â swydd barhaol gweithiwr, ni fydd tâl ychwanegol am hynny. Rôl y rheolwr yw sicrhau y gellir ymdopi â'r llwyth gwaith ychwanegol o fewn oriau gwaith safonol gweithiwr, neu, â'r gymeradwyaeth briodol, awdurdodi goramser lle bo angen.

5 Dull talu

- 5.1 Telir honoraria yn fisol neu bob pedair wythnos yn unol â chyfnod cyflog safonol y gweithiwr a byddant yn ymddangos fel tâl amlwg ar wahân ar y slip cyflog.

6 Awdurdodiad

- 6.1 Ar ôl i'r Cyfarwyddwr gytuno ar yr achos busnes, dylai ei anfon at y Uwchymgyngorydd Adnoddau Dynol i'w ystyried. Lle bo'r cais am dâl mewn perthynas â dyletswyddau ychwanegol, a bod y swydd yn cael ei gynnwys o dan y cynllun gwerthuso swyddi, bydd angen i'r tîm Tâl a Buddion awdurdodi hefyd er mwyn cadarnhau bod y raddfa sy'n cael ei defnyddio yn gywir.

- 6.2 Yna bydd yr achos busnes yn cael ei drosglwyddo i'r Gyflogres er mwyn trefnu'r taliad.

7.0 Monitro

- 7.1 Bydd Honorariwm a dyletswyddau uwch yn cael eu monitro'n rheolaidd gan yr is-adran Rheoli Pobl.

8.0 Gweithwyr ar gyflogau a ddiogelwyd

Nid oes gan weithwyr sydd ar gyflogau a ddiogelwyd ac sy'n cyflawni dyletswyddau ar raddfa uwch na'u graddfa barhaol, ond heb fod yn uwch na'u cyflog a ddiogelwyd, hawl i dderbyn unrhyw dâl ychwanegol. Serch hynny, dylid eu hannog i gymryd y cyfle i gyflawni dyletswyddau uwch fel rhan o'u datblygiad, i'w cynorthwyo i wella'r rhagolygon o ran cael dyrchafiad.

9.0 Dod â'r dyletswyddau uwch/cyfrifoldebau ychwanegol dros dro i ben

Dylid cefnogi'r gweithiwr yn llwyr ac adolygu ei berfformiad yn llawn wrth gyflawni dyletswyddau ychwanegol. Gallai fod angen hyfforddiant a chymorth ychwanegol ar y gweithiwr yn ystod y cyfnod pan fydd yn ymgymryd â dyletswyddau uwch. Os bydd pryderon yn codi ynghylch perfformiad, dylid trafod y rhain cyn gwneud y penderfyniad i ddod â'r trefniant dyletswyddau uwch/cyfrifoldebau ychwanegol dros dro i ben.

Os yw swydd sydd wedi cael ei chyflawni drwy drefniadau dyletswyddau uwch yn cael ei hysbysebu a bod y gweithiwr sydd wedi bod yn cyflawni'r swydd yn llwyddiannus, bydd y cyfnod lle bu'r gweithiwr yn ymgymryd â'r dyletswyddau uwch yn cael ei ystyried wrth gytuno ar y pwynt yn y golofn gyflogau y bydd yn cael ei dalu.

Pan fydd y trefniadau yn dod i ben, dylid rhoi o leiaf un wythnos o rybudd a bydd angen i'r rheolwr lenwi ffurflen newid amgylchiadau arall i sicrhau bod y tâl am ddyletswyddau uwch/dyletswyddau ychwanegol yn dod i ben. Gall ymgartrefu o'r newydd yn eu rôl wreiddiol fod yn anodd i weithwyr, ac mae angen i reolwyr fod yn sensitif i bryderon posibl yn hyn o beth. Nid oes gan weithwyr a fu'n cyflawni dyletswyddau uwch hawl awtomatig i'r rôl ar drefniant mwy parhaol.

Fodd bynnag, rhaid i weithwyr a fu'n cyflawni dyletswyddau uwch/ymgymryd â chyfrifoldebau ychwanegol ac nad ydynt yn cael eu penodi i swydd ar raddfa uwch wedi hynny yn dilyn cyfweiliadau cystadleuol dderbyn adborth adeiladol ynghylch pam na fuont yn llwyddiannus.

Mae hyn yn wir ac eithrio trefniadau dyletswyddau uwch yn sgil gofynion iechyd a diogelwch a/neu isafswm staff, y gellir eu hadolygu'n ddyddiol gan y rheolwr gweithredol.

10.0 PRYDERON A FYNEGIR GAN WEITHWYR

Bwriad cymhwyso'r polisi uchod yn deg yw osgoi pryderon a fynegwyd gan weithwyr ynghylch trefniadau dyletswyddau uwch/cyfrifoldebau ychwanegol dros dro. Fodd bynnag, lle bo gweithiwr yn mynegi pryder, dylai geisio datrys y mater yn anffurfiol yn y lle cyntaf drwy drafod gyda'r rheolwr llinell, yn unol â Gweithdrefn Achwyniadau'r Cyngor. Dylid ceisio cyngor gan yr Ymgynghorydd Adnoddau Dynol yn gynnar o dan yr amgylchiadau hyn, er mwyn osgoi unrhyw bryderon parhaus.

SICRHAU CYFLE CYFARTAL

Mae angen i'r holl weithwyr fabwysiadu dull cadarnhaol, agored a theg a sicrhau y cydymffurfir â Pholisi Cydraddoldeb ac Amrywiaeth yr Awdurdod a'i gymhwyso'n gyson i bawb heb ystyried hil, lliw, cenedl, tarddiad ethnig neu genedlaethol, anabledd, crefydd a chred neu ddiffyg cred, oedran rhyw, ailbennu rhywedd, hunaniaeth rhywedd a mynegiant rhywedd, cyfeiriadedd rhywiol, beichiogrwydd neu famolaeth, statws priodas neu bartneriaeth sifil.

Yn ogystal, mae Safonau'r Gymraeg yn gofyn i ni 'sicrhau nad yw'r iaith yn cael ei thrin yn llai ffafriol na'r Saesneg' a dylid defnyddio'r egwyddor hon wrth gymhwyso'r egwyddor hon.

Os oes gennych bryderon ynghylch cydraddoldeb ac amrywiaeth yng nghyswllt gweithredu'r polisi a'r weithdrefn hon, cysylltwch ag un o'r Tîm Adnoddau Dynol a fydd yn sicrhau, os bydd angen, fod y polisi neu'r weithdrefn yn cael eu hadolygu yn unol â hynny.

Os oes angen copi o'r cyhoeddiad hwn arnoch mewn fformat arall, a fydddech cystal â chysylltu â Rheoli Pobl drwy anfon e-bost at CEDutyHR@sirgar.gov.uk

ATODIAD A

Achos busnes – Cais am dâl honorariwm

Adran	
Is-adran	
Enw'r gweithiwr	
Rhif y gweithiwr	
Teitl y swydd barhaol	
Rhif y swydd – swydd barhaol	
Y cyflog presennol	
Rheswm dros y tâl: (dylech gynnwys teitl, rhif a graddfa'r swydd sy'n cael ei chyflenwi, neu, os ymgymerir â chyfrifoldebau ychwanegol, dylech gynnwys manylion llawn ynghylch y cyfrifoldebau sy'n cael eu cyflawni uwchlaw'r swydd barhaol)	
Y cyfnod talu *	dd/mm/bbbb hyd dd/mm/bbbb
Cyfanswm y tâl	£
Yn fisol neu fesul pedair wythnos (dileu fel y bo'n briodol)	Yn fisol / fesul pedair wythnos

*dylai'r tâl fod am hyd at dri mis. Os oes angen ymestyn y cyfnod talu ymhellach, rhaid cyflwyno ffurflen newydd i'w awdurdodi. Ni ddylai cyfanswm cyfnod y tâl honorariwm fod yn fwy na 12 mis.

I'w awdurdodi gan y Rheolwr Llinell	
Enw llawn	
Teitl y swydd	
Llofnod	

Y dyddiad	
Cymeradwywyd gan y Cyfarwyddwr	
Enw llawn	
Teitl y swydd	
Llofnod	
Y dyddiad	
Cytunwyd gan y fîm Tâl a Buddion	
Enw llawn	
Teitl y swydd	
Llofnod	
Y dyddiad	
Cytunwyd gan y Uwch-ymgyngorydd Adnoddau Dynol	
Enw llawn	
Teitl y swydd	
Llofnod	
Y dyddiad	

DS: ni fydd unrhyw daliadau yn cael eu prosesu hyd nes i'r holl adrannau gael eu cwblhau.

Cynllun Taliadau Marchnod Atodol

Mawrth 2023



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carmarthenshire.gov.wales

1. Pwrpas y cynllun

Mae defnyddio cynllun Gwerthuso Swyddi yn caniatáu creu strwythur taliadau teg a chyfartal sy'n sicrhau bod cyfraddau tâl wedi eu seilio ar feini prawf cadarn ar draws y sefydliad. Fodd bynnag, ni fydd y graddau cyflog a geir o ganlyniad o reidrwydd yn adlewyrchu gwerth swyddi yn y farchnad allanol ehangach.

Datblygwyd y cynllun taliadau marchnad atodol hwn i gydnabod y gall fod diffyg cyflenwad o sgiliau a phrofiad penodol ar adegau. Mae defnyddio taliadau marchnad atodol yn un ffordd o sicrhau bod gennym ddigon o weithwyr sydd â'r sgiliau angenrheidiol i ddiogelu darpariaeth o'r gwasanaethau hyn.

Un o ddibenion allweddol y cynllun yw sicrhau bod unrhyw daliadau marchnad atodol yn cael eu talu'n deg ac yn gyson, er mwyn osgoi methu â chydymffurfio â deddfwriaeth cyflogau cyfartal. Byddai angen bod tystiolaeth glir bod y raddfa gyflog sylfaenol a delir gan Gyngor Sir Caerfyrddin am swydd benodol yn sylweddol is na chyfradd y farchnad ar gyfer swydd berthnasol, gyfatebol mewn marchnad debyg, a bod unrhyw anawsterau recriwtio neu gadw o ganlyniad i'r graddau cyflog.

Fodd bynnag, rhaid i gyflwyno taliadau marchnad atodol gael ei reoli'n briodol er mwyn osgoi creu anghysondebau cyflog a allai fod yn anghyfreithlon a pheryglon o ran y Ddeddf Cyflogau Cyfartal. Y mae, felly, reolau penodol iawn ar gyfer cymhwysio taliadau marchnad atodol, er mwyn sicrhau bod modd eu cyfiawnhau'n wrthrychol.

Rhaid i Daliadau Marchnad Atodol:

I. fod wedi eu cyfyngu i nifer penodol o swyddi lle ceir tystiolaeth glir bod cyflog y Cyngor ei hun yn sylweddol is a / neu lle gellir dangos ei fod yn cystadlu â chyfradd y farchnad ar gyfer swyddi penodol a lle ceir problemau recriwtio neu gadw hirhoedlog.

II. gael eu cymhwyso dim ond lle bo problemau recriwtio neu gadw yng nghyswllt rôl benodol iawn (ni ellid cyfiawnhau cymhwysiad cyffredinol i bob gweithiwr cymdeithasol, er enghraifft, petai'r problemau'n ymwneud â gweithwyr cymdeithasol gofal plant yn unig).

III. gael eu dynodi fel trefniant dros dro, a bod yn destun adolygu a monitro rheolaidd o ran y canlyniadau.

IV. gael eu cymhwyso i ddeiliaid swyddi presennol yn ogystal â rhai newydd eu recriwtio i'r swydd dan sylw.

V. gael eu nodi'n glir fel trefniadau ar wahân i gyflogau sylfaenol (fel bod y gweithiwr yn deall ar ba sail y'u gwneir, a bod modd eu cyfiawnhau os bydd mater cyflog cyfartal yn codi).

VI. gael eu talu'n ddelfrydol ar wahân i'r cyflog sylfaenol, naill ai'n fisol, yn chwarterol, yn hanner blyneddol neu ar ffurf taliad blyneddol (p'un bynnag sy'n fwyaf effeithiol fel mesur recriwtio a/neu gadw).

VII. allu cael eu tynnu'n ôl. Dylai'r telerau contractiol a'r broses ar gyfer tynnu'n ôl fod yn glir ac wedi'u sefydlu.

VIII. gael eu dileu'n raddol neu eu tynnu'n ôl os dengys adolygiad nad ydynt yn bodloni'r meini prawf uchod.

IX. fel arfer ni fydd taliadau'n cael eu gwneud i weithwyr yn eu cyfnod prawf neu yn ystod unrhyw gyfnod hyfforddi cychwynnol arall. Bydd hyn yn cael ei gytuno â'r adran pan fydd tâl marchnad atodol yn cael ei ystyried.

2. Cwmpas y cynllun

Mae'r weithdrefn hon yn cwmpasu pob gweithiwr, gan gynnwys staff ysgolion a gyflogir yn ganolog, ac eithrio athrawon a gyflogir yn ganolog a staff sy'n gweithio mewn ysgolion a reolir yn lleol.

3. Defnyddio'r cynllun

Mae'r cynllun hwn yn disodli unrhyw gynllun blaenorol a weithredir gan Gyngor Sir Caerfyrddin a bydd yn cael ei weithredu ochr yn ochr â strwythur cyflogau a graddau Cyngor Sir Caerfyrddin.

Cymhwysir y cynllun at swyddi penodol yn ôl trefniant dros dro lle caiff achos busnes addas ei ddatblygu a'i gymeradwyo. Ni luniwyd y cynllun i adlewyrchu perfformiad unigolyn.

Bydd y cynllun yn destun adolygiad achlysurol er mwyn sicrhau ei fod yn parhau'n berthnasol.

4. Paratoi achos busnes ar gyfer taliadau marchnad atodol

Cyn cyflwyno achos busnes ar gyfer tâl marchnad atodol, rhaid i Bennaeth y Gwasanaeth fodloni ei hun bod yr holl fesurau heblaw tâl i geisio recriwtio a/neu gadw aelod o staff wedi cael eu harchwilio'n rhesymol, gan gynnwys adolygiad o'r sgiliau, y cymwysterau a'r profiad sy'n ofynnol ar gyfer y swydd.

Os bernir bod tâl marchnad atodol yn dal yn briodol, dylai Pennaeth y Gwasanaeth ddatblygu achos busnes y dylid ei gyflwyno i'r Prif Weithredwr Cynorthwyol (Rheoli Pobl), neu'r sawl a enwebir ganddo/ganddi, ynghyd â thystiolaeth o'r methiant i recriwtio a/neu gadw staff, yn ogystal â thystiolaeth o'r cyfraddau cyflog ar gyfer y rôl honno mewn sefydliadau eraill perthnasol.

Bydd y Prif Weithredwr Cynorthwyol (Rheoli Pobl) neu'r sawl a enwebir ganddo yn ymateb i Bennaeth y Gwasanaeth a naill ai'n argymhell talu'r tâl marchnad atodol, neu'n gwrthod y cais.

Bydd y wybodaeth ganlynol yn cael ei hystyried wrth benderfynu a yw tâl marchnad atodol yn briodol.

- Tystiolaeth yn dangos natur a chwmpas yr anawsterau recriwtio/cadw;
- Hyd a lled yr effaith bosibl ar wasanaethau os na cheir ateb i'r anawsterau recriwtio/cadw;
- Am ba hyd y mae'r broblem yn debygol o barhau;
- Tystiolaeth o ddata cyflogau o'r sefydliadau cymaradwy perthnasol. Gall hyn fod ar sail data lleol, rhanbarthol neu genedlaethol, yn dibynnu ar yr hyn sy'n berthnasol i'r swydd. Yn ddelfrydol, dylai'r data hwn gynnwys y pecyn cyfan, nid cyflog sylfaenol yn unig, fel bod modd cymharu'r pecynnau cyfan.

Mae nifer o ddangosyddion a all awgrymu bod problem recriwtio a/neu gadw difrifol mewn Gwasanaeth penodol. Mae'n bwysig nodi mai dangosyddion yn unig yw'r rhain; nid ydynt yn golygu y bydd swydd yn denu tâl marchnad atodol.

Mae'r dangosyddion fel a ganlyn:-

- Mae'r swydd wedi cael ei hysbysebu'n allanol dair gwaith, a methwyd â phenodi unigolyn i'r swydd ar sail y tair ymgais hynny.
- Gwybodaeth ynghylch trosiant mewn swydd neu nifer o swyddi o fewn y Cyngor.
- Gwybodaeth ynghylch y farchnad lafur allanol, e.e. ymwybyddiaeth o fethiant prifysgolion i recriwtio myfyrwyr i gyrsiau penodol.
- Gwybodaeth a gasglwyd trwy holiaduron neu gyfweliadau ymadael.
- Unrhyw broblemau eraill sylweddol o ran cadw staff.

Dylai rheolwyr edrych ar ddatrysiadau recriwtio amgen pan gaiff swydd ei hysbysebu am yr ail a'r trydydd tro; ni ddylai rheolwyr hysbysebu'r swydd dair gwaith heb adolygu'r dogfennau a'r dulliau a ddefnyddiwyd. Ar yr un pryd, nid oes rhaid i reolwr hysbysebu swydd ar dri achlysur gwahanol os oes tystiolaeth sylweddol o ffynonellau gwybodaeth eraill y gallai fod achos dros dalu tâl marchnad atodol.

5. Cyllid

Ariannir taliadau marchnad atodol gan yr is-adran y lleolir y swydd ynddi. Os yw'r swydd yn gweithredu ar draws is-adrannau, rhennir y gost gan yr is-adrannau dan sylw.

6. Talu Taliadau Marchnad Atodol

Cyfrifir y taliad gan y Prif Weithredwr Cynorthwyol (Rheoli Pobl) neu'r sawl a enwebir ganddo/ganddi, ar y cyd â'r Tîm Tal a Buddion. Seilir y taliad ar y cyflog canolrifol ar gyfer y rolau cyfatebol, a gymerwyd o arolwg cyflogau allanol annibynnol.

7. Cyfrifo tâl marchnad atodol

Bydd yr holl daliadau atodol yn cael eu cyfrifo fel cynyddrannau ychwanegol ar sail y dystiolaeth a ddarparwyd, a byddant yn cyfateb i'r gynyddran agosaf o dan y cyflog cymaradwy. Dylid pennu lefel ar gyfer y taliad y bernir y bydd yn lliniaru'r anawsterau recriwtio a chadw / gweithredol, ond heb fod yn eithafol, fel bod modd ei gyfiawnhau o ran y cyflog a delir i swyddi cymaradwy yn y farchnad.

Rhaid i bwrpas, cyfiawnhad a chwmpas unrhyw daliad marchnad atodol fod yn dryloyw, a rhaid cadw cofnodion i ddangos hynny, fel bod modd i'r Cyngor ymateb yn effeithiol i unrhyw her ynghylch y rhesymeg sydd y tu ôl i daliad o'r fath.

Nodir taliadau marchnad atodol fel eitem ar wahân ar slipiau cyflog, ac nid ydynt yn rhan o'r cyflog sylfaenol ar gyfer y swydd. Byddant yn destun treth, YG a chyfraniadau pensiwn yn y ffordd arferol.

Bydd taliadau marchnad atodol yn cael eu hystyried ar gyfer cyfrifiadau goramser ac unrhyw ychwanegiadau/lwfansau eraill.

8. Hyd cyfnod y taliadau a'u hadolygu

Pennir hyd cyfnod y taliadau ar y cychwyn, ar sail am ba hyd y mae'r anawsterau recriwtio yn debygol o barhau, a chadarnheir hyn yn ysgrifenedig i'r gweithiwr. Ni fydd y cyfnod taliadau atodol cychwynnol yn parhau am fwy na 12 mis.

Bydd y tâl marchnad atodol yn cael ei adolygu o leiaf bob 12 mis, neu'n gynharach os bydd angen. Os bydd rheolwr yr adran o'r farn bod angen i'r tâl marchnad atodol barhau, bydd angen iddo/iddi ddarparu achos busnes newydd, yn cynnwys y wybodaeth ddiweddaraf, ym mhob adolygiad. Bydd yr achos busnes hwn, ynghyd ag

unrhyw wybodaeth arall berthnasol, yn cael eu hystyried gan y Prif Weithredwr Cynorthwyol (Rheoli Pobl) neu'r sawl a enwebir ganddo/ganddi.

Lle nad yw'r achos busnes dros gefnogi parhau â'r taliad yn berthnasol ac yn gynaliadwy bellach, tynnir y tâl atodol yn ôl a rhoddir rhybudd cytundebol ysgrifenedig i ddeiliad/ddeiliaid y swydd.

Lle penderfynir tynnu tâl marchnad atodol yn ôl, bydd hyn yn berthnasol i bob swydd yn yr un grŵp o swyddi (e.e. yr holl Weithwyr Cymdeithasol yn y Gwasanaethau Plant) a deiliaid y swyddi hynny ar yr un pryd.

Mae nifer o sefyllfaoedd a all sbarduno tynnu taliadau marchnad atodol yn ôl, yn cynnwys:-

- Nid oes swyddi gwag bellach yn y grŵp hwnnw o swyddi
- Gellir llenwi swyddi ar ôl hysbysebu am y tro cyntaf
- Mae'r trosiant wedi gostwng i lefel dderbyniol
- Dengys ymchwil marchnad nad oes cyfiawnhad dros y taliad bellach

Nid yw'r rhestr hon yn hollgynhwysol.

9. Rheoli'r Cynllun

Bydd y cynllun a'r holl daliadau a wneir fel rhan ohono yn cael eu monitro a'u hadolygu'n flynyddol, gan roi adroddiad ynghylch hynny i'r Prif Weithredwr Cynorthwyol (Rheoli Pobl) neu'r sawl a enwebir ganddo/ganddi a'r adran.

Dylai swyddi gwag gael eu hysbysebu yn y modd arferol, gan nodi gradd a chyflog y swydd. Dylid nodi'r tâl marchnad atodol fel ffigur ar wahân, fel a ganlyn:-

Cyflog o £XX,XXX hyd at £XX,XXX (ynghyd â thâl marchnad atodol ychwanegol hyd at uchafswm o £xxx lle bo'n briodol).

10. Dehongliad

Dylai unrhyw faterion dehongli sy'n deillio o'r cynllun gael eu pennu gan y Prif Weithredwr Cynorthwyol (Rheoli Pobl).

11. Sicrhau triniaeth gyfartal

Mae angen i'r holl weithwyr fabwysiadu dull cadarnhaol, agored a theg a sicrhau y cydymffurfir â Pholisi Cydraddoldeb ac Amrywiaeth yr Awdurdod a'i gymhwyso'n gyson i bawb heb ystyried hil, lliw, cenedl, tarddiad ethnig neu genedlaethol, anabledd, crefydd a chred neu ddiffyg cred, oedran rhyw, ailbennu rhywedd, hunaniaeth rhywedd a mynegiant rhywedd, cyfeiriadedd rhywiol, beichiogrwydd neu famolaeth, statws priodas neu bartneriaeth sifil.

Yn ogystal, mae Safonau'r Gymraeg yn gofyn i ni 'sicrhau nad yw'r iaith yn cael ei thrin yn llai ffafriol na'r Saesneg' a dylid defnyddio'r egwyddor hon wrth gymhwyso'r egwyddor hon.

Os oes gennych bryderon ynghylch cydraddoldeb ac amrywiaeth yng nghyswllt gweithredu'r polisi a'r weithdrefn hon, cysylltwch ag un o'r Tîm Adnoddau Dynol a fydd yn sicrhau, os bydd angen, fod y polisi neu'r weithdrefn yn cael eu hadolygu yn unol â hynny.

Os oes angen copi o'r cyhoeddiad hwn arnoch mewn fformat arall, a fydddech cystal â chysylltu â Rheoli Pobl drwy ffonio est 6184 neu drwy anfon e-bost at

RPUnedCymorthBusnes@sirgar.gov.uk

Atodiad 1

CAIS I GYMERADWYO TÂL MARCHNAD ATODOL

Mae'n rhaid i'r ffurflen hon gael ei llenwi a'i llofnodi gan y rheolwr sy'n gofyn am dâl marchnad atodol ac yna dylid ei hanfon at y Uwch-Ymgynghorydd Gwasanaethau Pobl.

1. MANYLION Y SWYDD

Teitl y swydd	
Swydd newydd neu swydd bresennol?	
Rhif(au) Swydd(i) os yw'n swydd bresennol	
Nifer y staff yn y swydd hon (yn cynnwys unrhyw swyddi gwag)	
Adran	
Is-adran	
Gradd	
Ystod cyflog	
Cyfanswm y tâl marchnad atodol y gwneir cais amdano (cyfanswm misol)	
Y cyfnod yr ymgeisir am y tâl marchnad atodol (cyfnod cychwynnol heb fod yn fwy na 12 mis)	

2. CYFIAWNHAD DROS Y TALIAD

Mae'r adran hon yn gofyn am dystiolaeth i gefnogi'r cais am dâl marchnad atodol (rhaid llenwi'r holl flychau).

(1) Disgrifiwch y swydd neu grwpiau o swyddi y gwneir cais am dâl marchnad atodol. Rhowch amlinelliad bras o'r cyfrifoldebau. (Atodwch y disgrifiad swydd a'r siart trefniadaeth)
(2) Cadarnhewch fod y proffil swydd a gwerthusiad y swydd(i) wedi cael eu gwirio'n ddiweddar er mwyn sicrhau eu bod yn gyfredol.
Cadarnhawyd (ticiwch):
(3) Pa dystiolaeth sydd ar gael o ran anawsterau recriwtio mewn perthynas â chyflog a/neu gadw?
(a) Nifer o weithiau y mae'r swydd wedi cael ei hysbysebu (yn cynnwys dyddiadau'r hysbysebion)
(b) Nifer yr ymatebion i'r hysbysebion swyddi

(c) Asesiad o ran nifer yr ymatebion (digonol, annigonol)

(d) Asesiad o ran safon yr ymatebion (e.e. boddhaol, yn is na'r safon ddisgwyliedig)

(e) Ystadegau trosiant ar gyfer y swydd(i)

(f) Data cefnogi o gyfweiliadau ymadael, arolygon staff neu adborth arall

(g) Erthyglau mewn cylchgronau/gwefannau cyrff proffesiynol, y wasg ac ati ynghylch prinder sgiliau a/neu dystiolaeth o arolygon cyflogau cenedlaethol

(4) Pa dystiolaeth sy'n dangos mai cyflog (ac nid ffactorau eraill) sy'n achosi'r problemau recriwtio/cadw?

(5) Pa fentrau recriwtio/cadw eraill y rhoddwyd cynnig arnynt/sydd wedi dirwyn i ben? (e.e. newid dulliau/mathau o hysbysebu; newid i'r wybodaeth ar gyfer ymgeiswyr swyddi posibl)

(6) A oes dulliau eraill wedi cael eu hystyried heblaw tâl marchnad atodol, h.y. mesurau i ddatrys materion 'heb dâl'. Os felly, nodwch. Er enghraifft:

- A oes prinder rhanbarthol/cenedlaethol y byddai cynlluniau hyfforddi newydd/arall yn cynnig ateb mwy priodol?
- A oes materion o fewn y grŵp galwedigaethol, y gwasanaeth neu'r tîm y byddai'n fwy priodol i reolwr eu datrys?
- Pa fesurau eraill yr ymchwiliwyd iddynt (e.e. newidiadau priodol i rôl/cyfrifoldebau'r swydd; gofynion cymhwysu/gwybodaeth/profiad; newidiadau i drefniadau gwaith yn cynnwys opsiynau gweithio'n hyblyg?

(7) A yw llenwi'r swydd(i) yn hanfodol i gynnal lefelau staffio digonol er mwyn sicrhau y darperir gwasanaethau yn unol â'r gofynion? (Dylid cynnwys unrhyw oblygiadau cyfreithiol a pha mor hir y mae'r swydd(i) wedi bod yn wag)
(8) A yw'r effaith o wneud y taliad hwn ar y staff eraill yn y tîm/gwasanaeth wedi cael ei hystyried a sut ydych chi'n bwriadu mynd i'r afael â hyn.
(9) Data'r farchnad lafur: y gyfradd ar gyfer y swydd: (a) Beth yw'r gyfradd bresennol y flwyddyn? (b) A yw hyn yn lleol, yn rhanbarthol neu'n genedlaethol? (c) Pa ffynonellau sydd wedi cael eu defnyddio i gasglu'r data (e.e. hysbysebion diweddar yn y cyfryngau, data arolygon, cronfeydd data cyflog, sefydliadau eraill)?
(10) Swyddi cymharol Swyddi cymharol yw'r rheini sy'n gymharol i'r swydd sy'n cael ei hasesu ar gyfer tâl marchnad atodol ar sail y meini prawf isod. Darparwch y manylion canlynol ar gyfer y swyddi cymharol mewn <u>tri</u> sefydliad. <ul style="list-style-type: none"> • Teitl y swydd • Ystod cyflog • Manteision eraill • Awdurdod/sefydliad • Gofynion allweddol y disgrifiad swydd a sut y mae'r rhain yn cymharu â rheini ar gyfer y swydd fewnol • Sut y mae'r swydd gymharol yn cymharu o ran maint y swydd, math/maint y sefydliad, cwmpas a chyfrifoldebau (e.e. poblogaeth leol, nifer y bobl sy'n cael eu goruchwylio, nifer sy'n gyflogedig yn yr ardal gwasanaeth, maint y gyllideb ac ati. • Unrhyw ddata cefnogi ychwanegol arall • Beth yw ffynhonnell y wybodaeth?

3. CYFANSWM Y TALIAD A'R MATH

Cyfanswm y taliad y gofynnir amdano'r flwyddyn	£
Sail (neu resymeg) dros gyfrifiad y taliad	

Pe bai'n cael ei gymeradwyo, sut fydd y tâl marchnad atodol yn cael ei dalu?

Cyfanswm y rhandaliad	£
Pa mor aml – misol, chwarterol, bob chwe mis, blynyddol	

4. FFYNHONNELL GYLLID

Nodwch sut y mae'r taliad ychwanegol yn cael ei ariannu (e.e. cyllideb bresennol, cyllideb newydd, arian grant)

5. UNRHYW SYLWADAU ERAILL

Dylech gynnwys unrhyw wybodaeth ychwanegol i gefnogi'r cais hwn nad ydych wedi'i nodi eisoes.

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6. LLOFNOD Y RHEOLWR SY'N CYFLWYNO'R CAIS

Llofnod:
Teitl eich swydd:
Adran/Is-adran:
Dyddiad:

7. CYMERADWYWYD GAN Y Prif Weithredr Cynorthwyol (Rheoli Pobl)
Rwy'n cytuno bod y tâl marchnad atodol yn briodol a bod yr holl wiriadau angenrheidiol wedi'u cyflawni yn unol â pholisïau a gweithdrefnau Cyngor Sir Caerfyrddin ac ymchwiliwyd i'r holl ffynonellau eraill.

Dyddiad cytuno gan y Rheoli Pobl:	
Cytunwyd	Do / Naddo
Os na chafodd ei gytuno, nodwch y rheswm.	
Manylion unrhyw ddiwygiadau i'r cynnig gwreiddiol a'r rhesymau	

Llofnod:	
Teitl y swydd:	

8. GWEINYDDIAETH

Dyddiad hysbyswyd y rheolwr o'r penderfyniad	
Dyddiad gweithredol y taliadau/cychwyn y taliad	
Hysbyswyd y gwasanaeth/adran Adnoddau Dynol	
Enwau'r staff y dylid talu'r tâl atodol iddynt a'r dyddiad y maent yn cael eu hysbysu o'r penderfyniad	
Dyddiad adolygu (heb fod yn fwy na 12 mis o ddyddiad cychwyn y taliad)	

The Authority is required to publish its policy in respect of the Discretionary Compensatory Regulations under the Local Government Pension Scheme (LGPS). These discretions are subject to change, either in line with any change in regulations or by due consideration by the Authority. These provisions do not confer any contractual rights.

LGPS Regulations 2013

- The Authority has used its discretion not to contribute to a shared cost APC scheme (**Regulation 16 (2)(e) and 16 (4)(d)**).
- The Authority will consider whether all or some benefits can be paid if an employee reduces his/her hours or grade (flexible retirement). Each application will be considered on its own merits following full consideration of all financial and service delivery implications. The Authority may waive the resulting actuarial reduction on benefits paid on flexible retirement, in whole or in part, providing that appropriate supporting evidence is presented (**Regulation 30 – 6 -8**).
- The Authority may waive, in whole or in part, the actuarial reduction on benefits which a member draws before normal pension age (early retirement), providing appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Regulation 30 – 8**).
- The Authority has used its discretion not to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (**Regulation 31**).

LGPS (Transitional Provisions, Savings and Amendment) Regulation 2014

- The Authority will consider all requests to “switch on” the 85 year rule for a member drawing benefits on or after age 55 and before age 60, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Schedule 2, para. 1(2) and 2(2)**).
- The Authority may waive, on compassionate grounds, the resulting actuarial reduction applied to benefits from pre 1 April 2014 membership, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Schedule 2, para. 2(3)**).

LGPS (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

- The Authority will base the redundancy pay at actual weeks pay where this exceeds the statutory weeks pay limit (Regulation 5).
- The calculation for redundancy pay will be based on the statutory redundancy weeks pay x 1.5. e.g. under the statutory redundancy table the maximum redundancy weeks calculation is 30 weeks, the Authority will pay up to a maximum of 45 weeks. Where an individual has reached aged 55 they will also receive release of unreduced pension benefits built up to the date of termination (Regulation 6).
- For efficiency of service retirements where an individual has reached aged 55 they will receive release of unreduced pension benefits built upto the date of termination (Regulation 6).

- Where there is a mutual agreement for the release of an individual under the Authority's Severance Scheme the Authority will use its discretion to give compensation payments based on actual salary. The discretionary payments will be based on age and service, with a multiplier to be applied of 1.5, and limited to a maximum of 45 weeks. Where an individual has reached aged 55 they will also receive release of unreduced pension benefits built up to the date of termination.
- 2 years continuous qualifying service is required to access these Compensation Arrangements.

LGPS (Benefits, Membership and Contributions) Regulations 2007

- Each request for early payment of deferred benefits on or after age 55 and before age 60 will be considered on its own merits following full consideration of all financial and service delivery issues. The Authority may waive the resulting actuarial reduction on compassionate grounds applied to deferred benefits paid early, providing that appropriate supporting evidence is presented. **(Regulation 30 - 2 and 5)**.
- The Authority has used its discretion not to augment membership for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014 **(Regulation 12)**.
- The Authority will consider all requests to grant an application for early payment or suspended tier 3 ill health pension on or after age 55 and before age 60, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications. The Authority may waive, on compassionate grounds, the actuarial reduction applied to benefits paid early, providing that appropriate supporting evidence is presented. **(Regulation 30A -3 and 5)**

LGPS Regulations 1997 (as amended)

- The Authority may grant application, from a post 31.3.98 / pre 1.4.08 leaver or from a councillor, for early payment of benefits on or after age 55 and before age 60, as appropriate and in light of the circumstances relating to each case. The Authority may waive, on compassionate grounds, the actuarial reductions applied to benefits paid early for a post 31.3.98 / pre 1.4.08 leaver or a councillor leaver, as appropriate and in light of the circumstances relating to each case **(Regulation 31 – 2 and 5)**
- The Authority may grant to councillor optants out and pre 1.04.08 employee optants who continue in service, to receive a pension and lump sum from their NRD without reduction, after taking into account the circumstances relating to each case **(Regulation 31 – 7A)**

Dyfed Pension Fund Administering Authority discretions are available on www.dyfedpensionfund.org.uk. The full list of discretionary policies for Carmarthenshire County Council can also be found on this site.

If you require this information in any other format please contact your HR team on 01267 246100.

Cynllun Terfynu Cyflogaeth

Mawrth 2023



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carmarthenshire.gov.wales

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Egwyddorion Cyffredinol

Mae Cyngor Sir Caerfyrddin wedi ymrwymo i weithio gyda'i weithwyr a'r Undebau Llafur i leihau effaith y toriadau yn y gyllideb ar y gweithlu ac ar y gwasanaethau a ddarperir. Fodd bynnag, mae Llywodraeth Leol yn parhau i wynebu dyfodol economaidd anodd, a allai arwain at ostyngiad sylweddol yn y gyllideb. Mae'n anorfod y bydd hyn yn effeithio ar y modd y darparwn wasanaethau ac ar y gweithwyr sy'n darparu'r gwasanaethau hynny. Mae'r Cynllun Terfynu Cyflogaeth yn cynnig cymorth ariannol i weithwyr sy'n gadael eu cyflogaeth yn gynnar am resymau effeithlonrwydd.

Cwmpas

Mae'r cynllun hwn yn berthnasol i holl weithwyr Cyngor Sir Caerfyrddin sydd wedi cwblhau o leiaf ddwy flynedd o wasanaeth cymwys, ac eithrio staff mewn ysgolion a reolir yn lleol lle y bydd y corff llywodraethu yn pennu'r polisi.

Yn unol â'r broses cymeradwyo'r achos busnes, ni fydd gweithwyr sy'n destun trothwyon neu weithdrefnau disgyblaeth neu fedrusrwydd (o ran iechyd neu berfformiad) yn cael mynediad i'r cynllun Terfynu Cyflogaeth, hyd oni ellir dangos y dilynwyd y broses briodol. Dylai rheolwyr drafod â'u Swyddog Ymgynghorol Adnoddau Dynol cyn cytuno ar unrhyw gefnogaeth amodol i ryddhau gweithiwr o dan y Cynllun Terfynu Cyflogaeth.

Y Cynllun

Mae'r cynllun yn dilyn egwyddorion y Rheoliadau Digolledu Dewisol. Gallai polisi'r Cyngor o ran y Rheoliadau Polisi Dewisol newid, naill ai'n unol â newidiadau yn y rheoliadau neu'n dilyn ystyriaeth briodol iddynt gan yr Awdurdod. Nid yw'r disgrisiynau hyn yn rhoi unrhyw hawliau contractiol.

Gwneir taliad yn unol â'r tabl taliadau terfynu cyflogaeth

Bydd taliad yn cael ei wneud drwy'r gyflogres gyntaf sydd ar gael ar ôl y dyddiad terfynu. Ystyrir rhyddhau buddion pensiwn yn achos yr aelodau hynny o'r Cynllun Pensiwn Llywodraeth Leol sy'n 55 oed neu'n hŷn.

Mae terfynu cyflogaeth yn wirfoddol yn dwyn y contract cyflogaeth i ben trwy gytundeb o'r ddeutu ar ddyddiad cytunedig.

Y Broses

Bydd yr adran yn adolygu'r mynegiant o ddiddordeb i benderfynu a ellir cefnogi'r cais ac a ellir gwneud achos busnes i'ch rhyddhau.

Nid oes hawl i'r cynllun terfynu. Bydd penderfyniad yr Awdurdod yn derfynol, felly nid yw'r cynllun hwn yn cynnwys proses apelio.

Os oes gennych ddiddordeb mewn ymchwilio i'r posibilrwydd o derfynu cyflogaeth yn wirfoddol, a fydddech cystal â llenwi'r ffurflen 'Mynegiannau o Ddiddordeb' amgaeedig a thrafod eich cais â'ch rheolwr llinell.

Peidiwch â chysylltu â'r Adain Bensiynau i ofyn am amcangyfrif o'ch buddion. Dim ond os caiff y ffurflen mynegiannau o ddiddordeb ei llenwi a'i chwblhau y darperir amcangyfrif. Fodd bynnag, mae canllawiau a gwybodaeth ddefnyddiol ar gael ar wefan Cronfa Bensiwn Dyfed gan gynnwys cyfrifiannell ar-lein:

<https://mypensiononline.dyfedpensionfund.org.uk/?locale=cy-GB>

Ar ôl i'ch mynegiannau o ddiddordeb ddod i law bydd eich Pennaeth Gwasanaeth yn adolygu eich cais. Wedyn cysylltir â chi i ymchwilio'n fanylach i'ch cais ac i drafod y goblygiadau.

Ni fyddwch yn ymrwmo i unrhyw fynegiannau o ddiddordeb hyd nes i chi lofnodi ffurflen dderbyn a Chytundeb Setlo, fel sy'n briodol, sy'n cadarnhau terfynu cyflogaeth ar ddyddiad y cytunwyd arno o'r ddeutu. Ar ôl ichi lofnodi nid oes rheidrwydd ar yr Awdurdod i dderbyn unrhyw gais dilynol y gallech ei wneud am dynnu'n ôl o'r cytundeb.

Bydd gweithwyr sy'n gadael cyflogaeth y Cyngor ar sail terfynu cyflogaeth yn wirfoddol yn gwneud hynny ar **ddyddiad terfynu y cytunir arno o'r ddeutu, ni fydd cyfnod rhoi rhybudd yn berthnasol i'r naill ochr na'r llall** ac ni fydd tâl yn lle gwyliau, amser o'r gwaith neu wyliau hyblyg sydd heb eu cymryd.

Ni chaiff gweithwyr sy'n gadael cyflogaeth y Cyngor yn wirfoddol o dan y Cynllun hwn, weithio i Gyngor Sir Caerfyrddin eto mewn unrhyw fodd, gan gynnwys gwaith achlysurol, hyd nes y bydd o leiaf blwyddyn wedi mynd heibio. Ni ddylid ailbenodi gweithiwr i'r un swydd, neu i swydd debyg i'r un yr oedd wedi'i gyflogi ynddi adeg ymadael. Dylid gwneud yr holl gyfryw benodiadau trwy weithdrefnau recriwtio arferol yr Awdurdod.

O dan amgylchiadau eithriadol, gall y Cyngor ailgyflogi gweithwyr cyn pen blwyddyn, cyn belled â bod y Prif Weithredwr ac Arweinydd y Cyngor yn cytuno i hynny. Wrth gymeradwyo ailgyflogi gweithiwr bydd rhaid i'r Awdurdod fod wedi'i fodloni ynghylch y canlynol:

- nid yw'r gweithiwr yn cael ei ailgyflogi mewn rôl neu rinwedd sy'n lled-debyg i'r un yr oedd wedi'i gadael yn wirfoddol;
- dylai'r tâl am y gwaith y mae'r gweithiwr a ailgyflogir yn ei gyflawni fod yn briodol i'r gwaith sydd i'w gyflawni yn hytrach nag i'r radd oedd yn berthnasol i'r gweithiwr cyn i'w gontract/contract presennol ddod i ben;
- dylai'r gyflogaeth bara am gyfnod penodol, nad yw'n hwy na blwyddyn, oni bai bod amgylchiadau eithriadol; ac
- mae'n rhaid i'r trefniadau gynnig budd ariannol neu weithrediadol i'r Cyngor.

Gweithredir hyn yn ôl disgrisiwn llwyr y Cyngor ac mae'r penderfyniad ynghylch pob cais yn derfynol.

Gellir cael rhagor o wybodaeth hefyd ar y tudalennau Adnoddau Dynol ar y fewnrwyd. Os nad ydych yn gallu cael mynediad i'r tudalennau hyn, cysylltwch â'ch rheolwr llinell.

Cysylltwch â Swyddog Ymgynghorol Adnoddau Dynol yr Adran os bydd angen rhagor o eglurhad arnoch am y cynllun.

SICRHAU CYFLE CYFARTAL

Rhaid i bob gweithiwr fabwysiadu agwedd gadarnhaol, agored a theg a gofalu y cedwir at Bolisi Cydraddoldeb ac Amrywiaeth yr Awdurdod ac y caiff ei weithredu'n gyson heb ystyried hil, lliw, cenedligrwydd, gwreiddiau ethnig neu genedlaethol, anabledd, crefydd a chred neu ddiffyg cred, oed, rhyw, ailbennu rhywedd, hunaniaeth rywedd a mynegiant rhywedd, cyfeiriadedd rhywiol, beichiogrwydd neu famolaeth, statws priodasol neu bartneriaeth sifil.

Yn ogystal, mae Safonau'r Gymraeg yn gofyn i ni 'sicrhau nad yw'r iaith yn cael ei thrin yn llai ffatriol na'r Saesneg' a dylid defnyddio'r egwyddor hon wrth gymhwyso'r egwyddor hon.

Os oes gennych bryderon ynghylch cydraddoldeb ac amrywiaeth mewn perthynas â gweithredu'r polisi a'r weithdrefn, cysylltwch ag aelod o'r Tîm Adnoddau Dynol a fydd yn sicrhau, os bydd angen, fod y polisi neu'r weithdrefn yn cael eu hadolygu yn unol â hynny.

Os oes angen y cyhoeddiad hwn mewn fformat arall arnoch, cysylltwch â Rheoli Pobl drwy anfon neges e-bost at CEDutyHR@sirgar.gov.uk

Polisi Ymddeol Hyblyg a Graddol

Rheoli Pobl

Ionawr 2020

Cyflwyniad

Rydym ni (Cyngor Sir Caerfyrddin) wedi ymrwymo i roi mwy o ddewis a hyblygrwydd i chi (ein gweithwyr) os byddwch yn dymuno symud tuag at ymddeoliad graddol, neu aros yn y gwaith wedi'r Oedran Pensiwn Arferol, gan sicrhau bod eich cyfnod pontio o fywyd gwaith i'ch ymddeoliad yn bleserus.

Rydym yn cydnabod bod denu a chadw gweithlu hyfforddedig, brwdfrydig a hyblyg, o oedran cymysg, ag ystod eang o sgiliau a phrofiad, yn hanfodol i ddarparu gwasanaethau o ansawdd.

Mae'r polisi hwn yn nodi sut y gallwch weithio gyda'ch rheolwr i sicrhau hyblygrwydd wrth i chi agosáu at ymddeol.

Yn unol â'r ddeddfwriaeth, nid ydym wedi pennu oedran ymddeol gorfodol ar gyfer ein gweithwyr ers 1 Hydref 2011.

Cwmpas

Mae'r polisi hwn yn berthnasol i'r holl weithwyr sy'n aelodau gweithredol o'r Cynllun Pensiwn Llywodraeth Leol (CPLIL) ond nid yw'n cynnwys staff cymorth ac athrawon a gyflogir mewn ysgolion a reolir yn lleol, lle bydd y corff llywodraethu'n pennu'r polisi, nac ychwaith athrawon digyswllt nad ydynt yn aelodau gweithredol o'r Cynllun Pensiwn Athrawon.

Dylai athrawon digyswllt sy'n aelodau gweithredol o'r Cynllun Pensiwn Athrawon (CPA) gyfeirio at yr adran o'r polisi sy'n berthnasol iddynt.

Yn ogystal, dylid darllen y polisi hwn ar y cyd â [Pholisi Disgresiwn y Cyflogwr](#).

Dylid ei ddarllen hefyd ar y cyd â'n [Polisi Adleoli](#) sy'n cynnig cymorth i weithwyr sydd mewn perygl o golli eu gwaith.

Os nad ydych yn aelod o'r Cynllun Pensiwn Llywodraeth Leol na'r Cynllun Pensiwn Athrawon ac rydych yn dymuno cyflwyno cais am leihau oriau gwaith, gweler ein [Polisi Gweithio Hyblyg](#).

Pwyntiau Allweddol

- Mae ymddeoliad hyblyg/graddol yn ddull cynlluniedig o ran ymddeol sy'n golygu gweithio llai o oriau a/neu symud i swydd ar radd is yn wirfoddol ac, ar yr un pryd, yn caniatáu mynediad at fuddion pensiwn a gronwyd.
- Nid oes hawl awtomatig i chi weithio llai o oriau neu ar radd is, wrth dderbyn buddion pensiwn. Fodd bynnag, bydd yr holl geisiadau o'r fath yn cael eu hystyried mewn modd rhesymol.
- Mae'n angenrheidiol cael y gymeradwyaeth berthnasol, yn unol â'n [gweithdrefn ar gyfer Achosion Busnes dros Ymddeol](#).

- Os ydych wedi bod yn aelod gweithredol o'r Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon am o leiaf **2 flynedd** neu os ydych wedi trosglwyddo hawliau pensiwn blaenorol i mewn i'r cynllun, gallwch ystyried y posibilrwydd o Ymddeoliad Hyblyg/Graddol.
- Gallwch dderbyn eich buddion pensiwn Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon yn wirfoddol heb leihad pan fyddwch yn cyrraedd Oedran Pensiwn Arferol.
- Mae'n rhaid i chi geisio ein cytundeb i godi eich buddion pensiwn yn 55 oed, fan gynharaf, wrth barhau i weithio llai o oriau neu symud i swydd ar gyflog is.
- Rhaid codi buddion pensiwn un diwrnod cyn cyrraedd 75 oed, fan hwyraf.
- Darperir canllawiau ynghylch y rheol 85 mlynedd ar gyfer aelodau'r Cynllun Pensiwn Llywodraeth Leol yn **Atodiad 1**.
- Darperir canllawiau ynghylch ymddeol yn raddol ar gyfer aelodau'r Cynllun Pensiwn Athrawon yn **Atodiad 2**

Beth yw'r Oedran Pensiwn Arferol?

At ddibenion y Cynllun Pensiwn Llywodraeth Leol mae'r Oedran Pensiwn Arferol yr un fath ag Oedran Pensiwn y Wladwriaeth, ond mae rheoliadau'r cynllun hwn yn cynnwys dewisiadau eraill o ran ymddeol yn gynnar neu barhau i weithio. Gallwch gael golwg ar eich oedran pensiwn y wladwriaeth drwy fynd i wefan y llywodraeth: www.gov.uk/calculate-state-pension

Ceir esboniad o'r Oedran Pensiwn Arferol at ddibenion y Cynllun Pensiwn Athrawon yn **Atodiad 2**, oherwydd y newidiadau i'r cynllun a fydd yn dod i rym ar 1 Ebrill 2015.

Beth yw ymddeoliad hyblyg/graddol?

Mae ymddeoliad hyblyg/graddol yn eich galluogi i dderbyn eich pensiwn o dan y Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon (gall y pensiwn gael ei leihau yn actiwaraid) a symud tuag at ymddeol fesul cam drwy:

- leihau eich oriau gwaith a/neu
- symud i swydd ar gyflog is

Fel arall, gallwch wneud cais am barhau i weithio llai o oriau neu ar radd is a phenderfynu peidio â derbyn unrhyw fuddion pensiwn tan yr Oedran Pensiwn Arferol, ac yna ni fyddai'r pensiwn yn cael ei leihau yn actiwaraid.

Beth yw manteision y polisi ymddeoliad hyblyg/graddol?

Dyma newid o ymddeol ar ôl oedran penodedig i ddull mwy hyblyg o lawer, fel bod modd i chi gynllunio'n ariannol ac yn gymdeithasol, ac ymaddasu'n raddol o fyd gwaith i ymddeoliad.

Mae hefyd yn fuddiol i ni gan y gallwn gadw staff profiadol â sgiliau gwerthfawr a galluogi gwell cynllunio ar gyfer olyniaeth.

Pwy sy'n gymwys ar gyfer ymddeoliad hyblyg/graddol

Os ydych yn aelod o'r Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon, gallwch gysylltu â'ch rheolwr llinell i drafod cais am ymddeoliad hyblyg/graddol ar ôl cyrraedd 55 oed.¹ Bydd yn bwysig i chi ystyried eich patrwm gweithio arfaethedig, sut y bydd y newid yn effeithio arnoch yn ariannol, gan gynnwys eich buddion pensiwn a'r effaith y gallai eich cais ei chael ar y gwasanaeth. Bydd yn helpu'ch rheolwr os byddwch yn cynnwys yn eich cais unrhyw ateb i unrhyw effaith negyddol posibl ar ddarpariaeth y gwasanaeth o ganlyniad i ganiatáu lleihad yn yr oriau gwaith/gradd.

Mae eich rheolwr llinell yn gyfrifol am ystyried cais am ymddeoliad hyblyg/graddol yn ofalus a rhoi sylw i sut y gellir caniatáu'r cais am ymddeoliad hyblyg/graddol a'r patrwm gweithio a ddymunir o fewn y swyddogaeth neu'r maes gwasanaeth penodol. Os na ellir cefnogi'r cais dylai eich rheolwr llinell drafod dewisiadau eraill gyda chi a all fod yn dderbyniol i'r ddwy ochr.

Os gellir cefnogi'r cais mae'n rhaid i'ch rheolwr llinell lunio achos busnes dros ymddeol i'w gymeradwyo mewn perthynas â:

- lleihau oriau a/neu weithio ar radd is; a
- thalu'r buddion pensiwn yn gynnar.

Dylai'r achos busnes gynnwys manylion ynghylch yr effaith ar ddarpariaeth y gwasanaeth a'r budd i'r Adran, yn ogystal â'r budd i chi, ac unrhyw gostau cysylltiedig. Rhaid bodloni'r meini prawf canlynol:

- Rhaid eich bod yn cael eich cyflogi gennym ar gontract cyflogaeth parhaol; ac
- Yn achos aelodau o'r Cynllun Pensiwn Llywodraeth Leol argymhellir y dylid torri o leiaf 20% ar yr oriau neu weithio ar radd is. Byddwn yn ystyried yr holl geisiadau gan roi sylw i'r holl faterion ariannol a materion darparu gwasanaethau fesul achos.
- Yn achos aelodau o'r Cynllun Pensiwn Athrawon, cyfeiriwch at **Atodiad 2**.

Ym mhob achos, gan gynnwys achosion lle byddwch yn gofyn am leihau eich oriau'n raddol dros gyfnod o amser, dylai'r achos busnes gynnwys manylion y lleihau oriau arfaethedig; dyddiadau lleihau'r oriau a'r dyddiad ymddeol terfynol arfaethedig, a hynny o'r dechrau'n deg. Y rheswm dros hyn yw sicrhau cynllunio ar gyfer olyniaeth.

Os yw cais am ymddeoliad hyblyg/graddol a'r achos busnes dilynol yn dangos cost i ni, mae'n rhaid i'r achos busnes nodi'n glir y gost a'r manteision i'r gwasanaeth o gydsynio i'r cais. Mae eich rheolwr yn gyfrifol am sicrhau bod yr achos busnes yn darparu'r holl wybodaeth sy'n ofynnol.

¹ Dylai gweithwyr nad ydynt yn aelodau o'r Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon gyfeirio at y Polisi Gweithio Hyblyg

Nid oes cyfnod treialu ar gyfer ymddeoliad hyblyg yn y Cynllun Pensiwn Llywodraeth Leol ac, unwaith y cytunir arno, ni ellir gwrthdroi'r penderfyniad, oherwydd yr effaith uniongyrchol ar y buddion pensiwn. Ni ellir gwrthdroi'r penderfyniad i leihau nifer yr oriau tra bydd y gweithiwr yn yr un swydd.

Mae'n rhaid i ymddeoliad graddol o dan reolau'r Cynllun Pensiwn Athrawon bara am isafswm o 12 mis.

Amodau Gwasanaeth

Os byddwch yn lleihau eich oriau yn yr un swydd, cedwir holl amodau eich contract cyflogaeth, ar sail pro rata ac yn rhan-amser, gan gynnwys cydnabod gwasanaeth parhaus at ddibenion gwyliau blynyddol a thâl salwch, ac ar gyfer hawliau cyflogaeth, megis taliadau dileu swydd.

Os byddwch yn dechrau swydd newydd, byddwch yn derbyn contract cyflogaeth newydd a, chyhyd â bod eich gwasanaeth mewn llywodraeth leol yn barhaus heb doriad, bydd hyn yn cael ei gydnabod at ddibenion gwyliau blynyddol a thâl salwch, ac ar gyfer hawliau cyflogaeth, megis taliadau dileu swydd.

Goblygiadau ariannol ymddeoliad hyblyg/graddol

Bydd y pensiwn blynyddol a chyfundaliad y grant ymddeol (os yw'n berthnasol) yn cael eu talu o ddyddiad dechrau'r ymddeoliad hyblyg/graddol a gellir cyrchu Cyfraniadau Gwirfoddol Ychwanegol os byddwch yn dewis gwneud hynny.

Ar ôl i chi ymddeol yn hyblyg, gallwch gyfrannu at y Cynllun Pensiwn Llywodraeth Leol yn y swydd newydd, neu'r swydd ran-amser, a dechrau pensiwn ychwanegol a gyrchir pan fyddwch yn ymddeol yn derfynol. Mae'n bwysig nodi bod y cofnod pensiwn llywodraeth leol newydd yn groniad pensiwn ar wahân. Golyga hyn na fydd y gwasanaeth blaenorol (sy'n gysylltiedig â'r pensiwn y dechreuwyd ei dalu yn sgil ymddeoliad hyblyg) yn cael ei gyfrif yn wasanaeth a gronnwyd mewn perthynas â'r buddion diweddarach.

Os ydych yn ymddeol yn raddol o dan y Cynllun Pensiwn Athrawon, gweler **Atodiad 2**.

Rydych yn gyfrifol am geisio eich cyngor ariannol annibynnol eich hunain, oherwydd na all y Cyngor gynnig hyn, ond gall y wybodaeth ganlynol fod yn ddefnyddiol:

- Effaith ymddeoliad hyblyg/graddol fydd lleihau'r cyflog, a bydd buddion pensiwn yn cael eu talu yn ei le yn rhannol. Gan ddibynnu ar lefel y lleihad yn y cyflog a swm y buddion pensiwn a gronnwyd, gall lefel gyffredinol yr incwm a dderbynnir yn ystod cyfnod yr ymddeoliad hyblyg/graddol, neu ar y dyddiad ymddeol o'r Cyngor yn y pen draw, fod yn llai na'r hyn a dderbynnir drwy barhau i weithio yn y contract gwreiddiol tan oedran pensiwn arferol y Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon, neu wedi hynny;
- ystyrir y pensiwn yn incwm trethadwy ac, felly, gellir tynnu treth incwm ohono, yn yr un ffordd â'ch cyflog;

- pan fyddwch yn cyrraedd oedran pensiwn y wladwriaeth, efallai bydd gennych hawl i dderbyn buddion pensiwn y wladwriaeth, ar ben eich buddion o'r Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon. Cynghorir i chi geisio cyngor gan yr adran berthnasol o'r Llywodraeth.

Lleihau'r pensiwn a'r goblygiadau

Mae swm y buddion pensiwn a roddir o dan y cynllun ymddeoliad hyblyg/graddol yn cael ei gyfrifo yn yr un ffordd ag ar gyfer ymddeol yn gynnar yn wirfoddol (y Cynllun Pensiwn Llywodraeth Leol) neu fuddion wedi'u newid yn actiwaraid (y Cynllun Pensiwn Athrawon). Bydd buddion pensiwn yn llai os derbynnir hwy cyn oedran pensiwn arferol tybiedig y Cynllun Pensiwn Llywodraeth Leol neu'r Cynllun Pensiwn Athrawon.

Gallwch barhau yn y cynllun pensiwn a chronni ail bensiwn (yn achos y Cynllun Pensiwn Llywodraeth Leol) neu barhau i gronni gwasanaeth pensiynadwy ychwanegol (yn achos y Cynllun Pensiwn Athrawon) yn seiliedig ar yr oriau llai neu'r radd is. Bydd y buddion hyn yn cael eu talu heb eu lleihau yn actiwaraid pan fyddwch yn cyrraedd yr oedran pensiwn arferol, neu unrhyw bryd wedi hynny pe byddwch yn dewis parhau i weithio y tu hwnt i'r oedran pensiwn arferol, ond rhaid eu cyrchu o leiaf 1 diwrnod cyn eich pen-blwydd yn 75 oed. Byddwch yn derbyn yr holl fuddion pensiwn, megis ymddeol oherwydd salwch a marw yn y swydd. Gallwch hefyd brynu Cyfraniadau Pensiwn Ychwanegol neu dalu Cyfraniadau Gwirfoddol Ychwanegol.

Hepgor y lleihad yn y pensiwn

Mae rheoliadau'r Cynllun Pensiwn Llywodraeth Leol yn caniatáu disgresiwn i gyflogwyr hepgor y lleihad yn y pensiwn. Bydd hyn yn bosibl o dan **amgylchiadau eithriadol** yn unig yn unol â Pholisi Disgresiwn y Cyflogwr. Mae'n rhaid i'ch rheolwr gael cyngor gan y tîm Adnoddau Dynol cyn bwrw ymlaen ag unrhyw gais am ymddeoliad hyblyg lle bwriedir i ni ysgwyddo cost y lleihad yn y pensiwn. Rhaid i'r rhesymau dros wneud hynny gael eu nodi'n glir yn yr Achos Busnes.

Os byddwn yn cytuno i hepgor y lleihad yn y pensiwn ac y cymeradwyir y cais am ymddeoliad hyblyg, ac os byddwch yn ymddiswyddo wedi hynny; yn cynyddu eich oriau gwaith yn wirfoddol neu'n gwneud cais am swydd arall yn yr Awdurdod cyn y dyddiad ymddeol y cytunwyd arno, rydym yn cadw'r hawl i adennill gennych gostau llawn y straen a roddwyd ar y gronfa bensiwn.

Gweithdrefn ar gyfer Ceisiadau Ymddeoliad Hyblyg

Prosesir ceisiadau fel a ganlyn:

- gallwch weld y wybodaeth ddiweddaraf am eich pensiwn drwy fynd i www.cronfabensiwndyfed.org.uk neu www.teacherspensions.co.uk;
- byddwch yn cyflwyno cais ffurfiol yn ysgrifenedig i'ch rheolwr llinell, gan nodi'r lleihad yn yr oriau neu'r radd y gwneir cais amdano a'r dyddiadau arfaethedig;
- bydd eich rheolwr llinell yn trefnu amser sy'n gyfleus i'r ddau ohonoch er mwyn trafod y cais gyda chi;

- bydd eich rheolwr llinell yn cadarnhau a ellir cefnogi'r cais yn amodol ar gymeradwyo'r Achos Busnes dros Ymddeoliad Hyblyg;
- bydd eich rheolwr llinell yn cysylltu â'r Tîm Adnoddau Dynol i gael y ffigurau pensiwn straen actiwaraid ar gyfer yr achos busnes ac yn rhoi'r union ffigurau i chi;
- byddwch yn cadarnhau â'ch rheolwr llinell os byddwch yn dymuno bwrw ymlaen â'ch cais ar ôl gweld y ffigurau;
- bydd eich rheolwr llinell yn cwblhau'r Achos Busnes dros Ymddeoliad Hyblyg ac yn ei gyflwyno i'ch Pennaeth Gwasanaeth neu'ch Cyfarwyddwr i'w gymeradwyo yn unol â'r Canllawiau ynghylch Llunio Achos Busnes dros Ymddeol.

Ar ôl cymeradwyo'r cais

- am leihau'r oriau gwaith: rhaid i'ch rheolwr llinell gysylltu â'r Tîm Gwasanaethau Gweithwyr Adnoddau Dynol i gadarnhau'r newid yn yr oriau gwaith a'r dyddiad cychwyn;
- am leihau'r radd: dylech ymgeisio am swyddi gwag addas, yn unol â'n polisi Recriwtio a Dethol, neu os ydych yn gymwys, y Polisi Adleoli lle bernir eich bod 'mewn perygl'. Os byddwch yn llwyddiannus wrth gael cynnig swydd arall / cael eich adleoli mewn swydd arall, dylech geisio cadarnhad o'r buddion pensiwn sy'n daladwy. Os byddwch yn dymuno bwrw ymlaen â'r cais, rhaid ceisio cymeradwyaeth derfynol gan y Pennaeth Gwasanaeth presennol y gofynnir iddo gyflwyno Achos Busnes terfynol dros Ymddeoliad Hyblyg i'w gymeradwyo, yn unol â'r gweithdrefnau y cytunwyd arnynt.

Mae ymddeoliad hyblyg/graddol yn ôl ein disgrisiwn ac felly nid oes hawl apelio pan na fydd cais yn cael ei gymeradwyo.

Fodd bynnag, lle na ellir cefnogi cais, dylai eich rheolwr llinell geisio cyngor gan y Tîm Adnoddau Dynol cyn cadarnhau hynny i chi, er mwyn sicrhau y rhoddwyd ystyriaeth resymol i'r cais ac er mwyn ymchwilio i ddatrysiadau posibl eraill.

Sicrhau Triniaeth Gyfartal

Rhaid arfer cysondeb yn y modd y gweithredir y polisi hwn mewn perthynas â'r holl weithwyr heb ystyried hil, lliw, cenedligrwydd (gan gynnwys dinasyddiaeth), tarddiad ethnig neu genedlaethol, iaith, anabledd, crefydd, cred neu ddiffyg cred, oedran [yn amodol ar reoliadau statudol], rhyw, hunaniaeth neu fynegiant rhywedd, cyfeiriadedd rhywiol, statws o ran cyfrifoldebau magu plant, statws priodasol na statws partneriaeth sifil, beichiogrwydd na mamolaeth.

Os oes gennych unrhyw bryderon cydraddoldeb ac amrywiaeth yng nghyswllt gweithredu'r polisi a'r weithdrefn, cysylltwch ag aelod o'r Tîm Adnoddau Dynol.

Os oes angen copi o'r wybodaeth hon arnoch mewn fformat arall (er enghraifft print bras), cysylltwch â Rheoli Pobl drwy ffonio estyniad 6184 neu drwy anfon e-bost at RPUndCymorthBusnes@sirgar.gov.uk

Atodiad 1**Ffeithlen Cronfeydd Pensiwn Cymru ynghylch Cynllun Pensiwn Llywodraeth Leol 2014
Y Rheol 85 Mlynedd****Pryd y gallaf ymddeol?**

Mae'r Oedran Pensiwn Arferol o dan Gynllun Pensiwn Llywodraeth Leol 2014 yn gysylltiedig â'ch Oedran Pensiwn y Wladwriaeth, a 65 yw'r isafswm oedran. Fodd bynnag, cewch ymddeol yn wirfoddol pan fyddwch yn 55 oed neu'n hŷn, ond gallai eich buddion gael eu lleihau yn actiwaraid er mwyn ystyried y taliadau cynnar a wneir cyn eich Oedran Pensiwn Arferol.

Beth yw'r Rheol 85 Mlynedd?

Prawf yw'r rheol 85 mlynedd i asesu a fyddai buddion aelod yn cael eu lleihau, pe byddai'n ymddeol cyn cyrraedd yr Oedran Ymddeol Arferol. Os oedd oedran yr aelod a nifer blynyddoedd ei aelodaeth yn y Cynllun (a fesurir ill dau mewn blynyddoedd llawn) yn gyfanswm o 85 mlynedd neu ragor, **NI** fyddai buddion yr aelod yn cael eu lleihau. Os NA fodlonwyd y rheol hon, roedd lleihad llawn yn berthnasol o ran buddion yr aelod.

Pryd y gwaredwyd y Rheol 85 Mlynedd?

Ar 1 Hydref 2006, cafodd y Rheol 85 Mlynedd ei dileu o'r Rheoliadau. Os oeddech yn aelod gweithredol ar 30 Medi 2006, bydd peth neu'r cyfan o'ch aelodaeth wedi'i ddiogelu o dan y Rheol 85 Mlynedd. Os oedd y Rheol 85 Mlynedd yn berthnasol i chi, bydd yn parhau i fod yn berthnasol o 1 Ebrill 2014 ymlaen. Os gwnaethoch ymaelodi â'r Cynllun Pensiwn Llywodraeth Leol ar 1 Hydref 2006 neu ar ôl hynny, NI fydd y Rheol 85 Mlynedd yn cael effaith ar eich amgylchiadau.

A wyf wedi fy niogelu o dan y Rheol 85 Mlynedd?

Os oeddech yn aelod gweithredol ar 30 Medi 2006 a'ch bod wedi dewis ymddeol cyn eich Oedran Pensiwn Arferol, a bod y Rheol 85 Mlynedd wedi'i bodloni, bydd rhywfaint o ddiogelwch gennych.

Os ganed chi **ar 31 Mawrth 1956 neu cyn hynny**, bydd yr holl fuddion a gronnwyd hyd at 31 Mawrth 2016 yn cael eu diogelu'n llawn. Bydd y buddion o 1 Ebrill 2016 ymlaen wedi'u lleihau am y cyfnod o'ch dyddiad gadael tan eich Oedran Pensiwn y Wladwriaeth.

Os ganed chi **ar/rhwng 1 Ebrill 1956 a 31 Mawrth 1960**, bydd yr holl fuddion a gronnwyd hyd at 31 Mawrth 2008 yn cael eu diogelu'n llawn, **OND** bydd y buddion a gronnwyd rhwng 1 Ebrill 2008 a 31 Mawrth 2020 yn cael eu lleihau ar sail 'daprog' am y cyfnod o'ch dyddiad gadael tan i chi gyrraedd eich 65 oed (yr oedran ymddeol arferol o dan Gynllun 2008). Bydd unrhyw fuddion a gronnir ar ôl 1 Ebrill 2020 yn cael eu lleihau'n **LLAWN** am y cyfnod rhwng eich dyddiad gadael a'ch Oedran Pensiwn y Wladwriaeth

Os ganed chi **ar 1 Ebrill 1960 neu ar ôl hynny**, bydd yr holl fuddion a gronnwyd hyd at 31 Mawrth 2008 yn cael eu diogelu'n llawn, **OND** bydd lleihad **LLAWN** yn berthnasol i'r buddion a gronnir o 1 Ebrill 2008 tan eich dyddiad gadael. O ran aelodaeth o 1 Ebrill 2008 tan 31 Mawrth 2014, bydd lleihad yn berthnasol am y cyfnod o'ch dyddiad gadael tan eich penblwydd yn 65 oed. Bydd lleihad yn berthnasol i'ch aelodaeth o 1 Ebrill 2014 am y cyfnod o'ch dyddiad gadael tan eich Oedran Pensiwn y Wladwriaeth.

Faint o 'leihad' fydd?

Bydd eich buddion yn cael eu lleihau yn unol â'r cyfarwyddyd a roddwyd gan Adran Actiwari'r Llywodraeth. Bydd y cyfnod o'ch dyddiad gadael tan yr oedran ymddeol priodol yn cael ei gyfrifo mewn blynyddoedd a diwrnodau, felly bydd canran y lleihad yn cael ei haddasu ar gyfer blynyddoedd rhannol. (Ffactorau ar 08/01/2019).

Pa sawl Blwyddyn yn Gynnar	Pensiwn Blynyddol Lleihad	Lleihad Awtomatig i'r Cyfandaliad
0	0%	0%
1	5.1%	2.3%
2	9.9%	4.6%
3	14.3%	6.9%
4	18.4%	9.1%
5	22.2%	11.2%
6	25.7%	13.3%
7	29.0%	15.3%
8	32.1%	17.3%
9	35.0%	19.2%
10	37.7%	21.1%
11	41.6%	21.1%
12	44.0%	21.1%
13	46.3%	21.1%

A fydd y Rheol 85 Mlynedd yn berthnasol os ymddeolaf o 55 oed ymlaen?

Gyda chyflwyno Cynllun Pensiwn Llywodraeth Leol 2014 o 1 Ebrill 2014, mae modd i chi ymddeol yn wirfoddol o 55 oed ymlaen (heb ganiatâd eich cyflogwr). Os dewiswch ymddeol yn wirfoddol rhwng 55 oed a 60 oed, **NI** fydd y diogelwch a roddir o dan y Rheol 85 Mlynedd yn berthnasol yn awtomatig ac felly caiff eich buddion eu lleihau'n **LLAWN**. Fodd bynnag, os dewiswch ymddeol yn 60 oed neu ar ôl hynny, **BYDD** y diogelwch o dan y Rheol 85 Mlynedd yn berthnasol. Yn ôl disgrisiwn eich cyflogwr y mae modd defnyddio'r Rheol 85 Mlynedd yn achos ymddeol yn wirfoddol rhwng 55 oed a 60 oed. Bydd gan eich Cyflogwr bolisi ynghylch y mater hwn.

Beth os caiff fy swydd ei dileu neu os bydd yn rhaid i mi ymddeol ar sail effeithlonrwydd?

Os bydd eich cyflogwr yn dileu eich swydd neu os bydd yn rhaid i chi ymddeol ar sail effeithlonrwydd, a'ch bod yn 55 oed neu'n hŷn, bydd eich buddion yn cael eu talu ar unwaith **HEB** leihad.

Rhagor o wybodaeth

Arweiniad cyffredinol yn unig y mae'r ffeithlen hon yn ei roi. I gael rhagor o wybodaeth cysylltwch â'r canlynol:

Ffôn: **01267 224 043** E-bost: pensiynau@sirgar.gov.uk

Atodiad 2

Ymdeoliad Graddol ar gyfer aelodau o'r Cynllun Pensiwn Athrawon

Os ydych yn athro/athrawes digyswllt, gallwch ddymuno parhau i weithio a chodi rhywfaint o'r buddion pensiwn a gronnwyd gennych.

Mae ymdeoliad graddol o dan y Cynllun Pensiwn Athrawon yn caniatáu i chi benderfynu faint o'r buddion a gronnwyd yr ydych am eu derbyn, hyd at fwyafswm o 75% o'r holl fuddion. Dylech nodi bod hyn yn wahanol i 75% o'r buddion sydd ar gael yn ystod pob cam o'r ymdeoliad graddol. Os byddwch yn cymryd 75% o'ch buddion yn ystod cam cyntaf eich ymdeoliad graddol, bydd ymdeoliad graddol ar ôl hynny yn ystyried y buddion newydd, h.y. y rhai a gronnwyd eisoes ar adeg cam cyntaf yr ymdeoliad a'r cronïad newydd yn ystod yr ymdeoliad graddol, a chymryd 75% o'r buddion hynny minws y 75% a gymerwyd eisoes i gyfrifo'r 'Pensiwn Ychwanegol' i'w dalu yn ystod ail gam y dyfarniad ymdeol. Os yw aelodau wedi cronni cyflog terfynol a buddion cyfartalog gyrfa, nid oes rhaid iddynt gael mynediad at y ddau fath o fuddion pan fyddant yn ymdeol yn raddol, h.y. gallent ddewis derbyn pensiwn yn unig o'u pensiwn cyflog terfynol neu i'r gwrthwyneb. Wrth gwrs, gallant ddewis cymryd buddion o'r ddau, yn amodol ar y mwyafswm o 75%.

Mae ymdeoliad graddol yn ddewis ymarferol, os dilynir canllawiau syml.

Os bydd athro/athrawes digyswllt yn cyflwyno cais am ymdeoliad graddol

1. Rhaid i'ch cyflog pensynadwy ostwng o leiaf 20%, o gymharu â'ch enillion dros y chwe mis blaenorol, am o leiaf 1 flwyddyn ar ôl dyddiad yr ymdeoliad graddol, e.e. gallai hyn fod oherwydd bod eich oriau wedi lleihau, neu eich bod wedi derbyn swydd â llai o gyfrifoldeb (a thrwy hynny gyflog llai).
2. Gallwch ymdeol yn raddol, ac, yn dilyn toriad yn y gwasanaeth, ddechrau penodiad newydd mewn rôl gefnogol mewn sefydliad addysgol megis cynorthwydd ystafell ddosbarth. Gall y penodiad newydd fod gyda'r un cyflogwr neu gyflogwr gwahanol ond mae'n rhaid iddo ddiwydd o fewn 6 mis i'r dyddiad y daeth y swydd flaenorol i ben.
3. Cewch ymdeol yn raddol os ydych yn cael bwch mewn cyflogaeth ar yr amod nad oes mwy na chwe mis wedi mynd heibio ers i'ch swydd flaenorol ddod i ben.
4. Mae'n rhaid i'r cyflogwr sy'n gyfrifol am y trefniadau gweithio newydd lofnodi'r ffurflen gais ar gyfer ymdeoliad graddol ac mae'n rhaid cyflwyno'r cais o fewn tri mis ar ôl i chi ddechrau'r swydd.
5. Gall aelodau sydd wedi'u diogelu gymryd hyd at ddau ymdeoliad graddol cyn ymdeol yn derfynol. Gall aelodau o'r cynllun cyfartalog gyrfa gymryd hyd at dri ymdeoliad graddol cyn ymdeol yn derfynol, ond dim ond dau cyn 60 oed.

Fodd bynnag, o Ebrill 2015 bydd newidiadau i'r Cynllun Pensiwn Athrawon yn effeithio ar rai athrawon sydd â diddordeb mewn ymdeoliad graddol. Argymhellir eich bod yn edrych ar y wefan Pensiynau Athrawon i gael y wybodaeth ddiweddaraf cyn cyflwyno cais.

Gallwch gael ffurflen gais o'r ardal aelodau ddiogel, '[Fy Mhensiwn Ar-lein](#)'. Gan y gofynnir i chi gwblhau nifer o gwestiynau a dewisiadau, mae'n rhaid i chi gymryd gofal wrth wirio eich bod wedi cwblhau'r holl adrannau perthnasol yn gywir. Gallwch asesu eich opsiynau, o ran

cyfnewid pensiwn am gyfandaliad, e.e. gan ddefnyddio'r modelwyr sydd ar gael ar 'Fy Mhensiwn Ar-lein'.

Bydd angen i chi gadarnhau'r canlynol:

- eich dyddiad arfaethedig ar gyfer ymddeol yn raddol;
- y dyddiad cychwyn a'r cyflog newydd a fydd yn cael ei dalu; a
- manylion y gwasanaeth a'r cyflog ers eich diweddariad gwasanaeth diwethaf neu o ddyddiad y gofynnwyd amdano gan Bensiynau Athrawon.

Os bydd unrhyw oedi o ran darparu'r wybodaeth, efallai na fyddwch yn derbyn eich buddion ar eich dyddiad ymddeol/talu. Dylid cyflwyno ceisiadau o leiaf dri mis cyn y dyddiad ymddeol arfaethedig, ond bydd unrhyw gais a dderbynnir dros chwe mis cyn y dyddiad ymddeol yn cael ei wrthod. Y rheswm am hyn yw bod manylion gwasanaethau a chyflogau yn gallu newid yn y cyfamser.

Beth yw Oedran Pensiwn Arferol y Cynllun Pensiwn Athrawon?

Mae'r oedran pensiwn arferol at ddibenion y Cynllun Pensiwn Athrawon yn dibynnu ar ba bryd yr oeddech wedi ymuno â'r cynllun. Os buoch yn aelod o'r Cynllun Pensiwn Athrawon er 1 Ionawr 2007 65 oed fydd eich Oedran Pensiwn Arferol.

Fodd bynnag, os oeddech yn aelod o'r Cynllun Pensiwn Athrawon cyn 1 Ionawr 2007 bydd eich oedran pensiwn arferol yn 60 - ar yr amod nad oes gennych fwy na phum mlynedd o fwllch yn eich gwasanaeth.

Os oes gennych fwy na phum mlynedd o fwllch yn eich gwasanaeth, bydd eich oedran pensiwn arferol yn parhau i fod yn 60 ar gyfer y gwasanaeth hyd at ddiwedd y bwllch, ond yn 65 ar gyfer unrhyw wasanaeth yn y dyfodol. At ddibenion pensiwn byddwch yn cael eich cyfrif yn 'aelod â gwasanaeth cymysg'.

Nodwch y newidiadau i'r Oedran Pensiwn Arferol sy'n weithredol o 1af Ebrill 2015: Ni fydd oedran pensiwn arferol (cyflog terfynol) yr aelodau yn newid o 1 Ebrill 2015. O 1 Ebrill 2015 bydd oedran pensiwn arferol (cyfartaledd gyrfa) aelod yn gyfartal ag oedran pensiwn y wladwriaeth neu'n 65 os yw hwnnw'n uwch. Gall gweithwyr gael golwg ar eu hoedran pensiwn y wladwriaeth drwy fynd i wefan y llywodraeth: www.gov.uk/calculate-state-pension

I gael y wybodaeth ddiweddaraf edrychwch ar: www.teacherspensions.co.uk

Mae'r dudalen hon yn wag yn fwriadol

**Appendix J - Joint Negotiating Committee for Local Authority Chief Executives
National Salary Framework & Conditions of Service Handbook**

JOINT NEGOTIATING COMMITTEE
for
LOCAL AUTHORITY CHIEF EXECUTIVES

NATIONAL SALARY FRAMEWORK
&
CONDITIONS OF SERVICE

HANDBOOK

UPDATED 13 OCTOBER 2016

PREAMBLE

The Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities is the national negotiating body for the pay and conditions of service of chief executives in England and Wales.

The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists of chief executives nominated by the Association of Local Authority Chief Executives and Senior Managers (ALACE). ALACE is registered as an independent trade union.

Employers' Secretary:

SARAH MESSENGER
LGA, Local Government House
Smith Square
London SW1P 3HZ

Officers' Side Secretary:

IAN MILLER Hon Secretary ALACE
www.alace.org.uk

Tel: 07515 190917
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NB:

All hyperlinks and email addresses contained in this Agreement are correct at the time of publication. Please notify the Joint Secretaries of any discrepancies by emailing them at the addresses shown on the cover page.

THE CHIEF EXECUTIVE

1. DEFINITION

The term “chief executive” means the officer who is the head of the council’s paid service. The duties and responsibilities of the post shall be determined by the individual employing authority. They shall include the statutory responsibilities of the head of the paid service, and such other duties as determined by the authority, which should include the following:-

(i) Responsibility for:

(a) leading the management team or equivalent, in particular in securing a corporate approach

(b) securing the provision of advice on the forward planning of objectives and services

(c) ensuring the efficient and effective implementation of the council’s programmes and policies across all services and the effective deployment of the authority’s resources to those ends.

For these purposes the chief executive has authority over all other employees of the council.

(ii) Advising the council, its executive and its committees on all matters of general policy and all other matters upon which his or her advice is necessary, with the right of attendance at all committees of the council and all subcommittees and working parties.

(iii) Advising the leader or elected mayor of the council, or where appropriate the party group leaders, on any matter relevant to the council’s functions.

(iv) Representing and negotiating on behalf of the council on external bodies and networks.

(v) Advising or making suitable arrangements for advising the Lord Mayor, Mayor or Chair of the council on all matters within the duties of that office.

2. ADVICE TO POLITICAL GROUPS

The chief executive shall not be required to advise any political group of the council, either as to the work of the group or as to the work of the council, neither shall he or she be required to attend any meetings of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with the chief executive and which includes adequate safeguards to preserve the political neutrality of the chief executive in relation to the affairs of the council.

3. WHOLE-TIME SERVICE

The chief executive shall devote his or her whole-time service to the work of the council and shall not engage in any other business or take up any other additional appointment without the express consent of the council. He or she shall not subordinate his or her duty as chief executive to his or her private interests or put himself or herself in a position where his or her duty and private interests conflict.

4. PERFORMANCE APPRAISAL

This guidance is intended for use by senior elected members and the chief executive when agreeing a process for appraising the performance of the chief executive. The focus of this process should be on clarifying what the chief executive is expected to achieve and on identifying any continuing development needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable. The LGA, Regional Employers' Organisations, ALACE and SOLACE are potential sources of advice and assistance. Guidance is attached at **Appendix 2**.

5. FIXED TERM CONTRACTS

Fixed term contracts can raise issues of considerable legal complexity. It is important for both sides to understand the implications of the contract before completing it. The joint secretaries are available to act in an impartial role in that process if requested by either side. **Paragraph 13.4** contains further information regarding procedures for the ending of a fixed-term contract.

SALARIES

6. SALARY FRAMEWORK

The salary paid to a chief executive will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 7** or the authority expressly agrees that they shall be retained by the officer, shall be paid by the officer into the council's accounts.

7. RETURNING OFFICER FEES

The chief executive shall be entitled to receive and retain the personal fees arising from such of the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions as he or she performs subject to the payment of pension contributions thereon, where appropriate, Unless a specific term has been included in the chief executive's contract referring to alternative arrangements.

8. SETTING REMUNERATION LEVELS

The Localism Act 2011 requires councils to produce and publish a pay policy statement. According to the Act and statutory guidance published in 2012 and 2013, the statement should include the local authority's policy on specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency arrangements. It should also set out the approach to be adopted towards pay dispersion, (i.e. differentials). In addition, the Local Government Transparency Code 2015 requires councils to publish the differential between the taxable benefits of senior managers and the median taxable earnings figure for the council's whole workforce, and details of senior employee salaries (above £50,000), names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.

In this context it is essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief executives have been made in an open and accountable way.

One option is for a council to establish a remuneration committee. The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3**.

The establishment of a remuneration committee is of course optional and different models may well suit individual authorities. What is clear though is that more than lip service must be paid to the notion of providing a verifiable and accountable process for recommending the remuneration level of the most highly-paid official.

OTHER CONDITIONS OF SERVICE

9. APPLICATION OF TERMS AND CONDITIONS GENERALLY

A chief executive shall enjoy terms and conditions in other respects not less favourable than those accorded to other officers employed by the council. Such terms and conditions may include:

Adoption Scheme

Car Allowances

Continuous Service

Grievance

Health, Safety & Welfare

Maternity / Paternity Scheme

Official Conduct

Reimbursement of Expenditure

Sickness Scheme

Training & Development

10. REMOVAL EXPENSES: NEW APPOINTMENTS

In the case of officers taking up new appointments, authorities may (in the interests of local government and to facilitate the moving of officers) reimburse fully or contribute towards the costs reasonably incurred in removal and in setting up a new home, and other costs reasonably incurred in taking up a new appointment.

11. ANNUAL LEAVE

The chief executive shall be entitled to a minimum of 30 days' annual leave (in addition to statutory and other public holidays but inclusive of any long service leave, extra statutory and local holidays). In exceptional circumstances and by mutual agreement annual leave may be carried forward to the next leave year.

12. RESTRICTIONS ON RE-EMPLOYMENT

After termination of the chief executive's employment he / she:

- (i) will not divulge any information to any third party which is confidential to the authority
- (ii) will not, without the consent of the authority, within a period of 12 months take up employment with or provide services for reward to any body:
 - (a) if during the chief executive's last two years of employment the authority has been involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward
 - (b) which is likely to benefit from commercially sensitive information which is known to the chief executive by virtue of his / her past employment by the authority

13. PROCEDURES FOR, DISCIPLINE, CAPABILITY, REDUNDANCY AND OTHER DISMISSALS

13.1 In principle it is for each local authority to determine its procedures and practical arrangements for the handling of disciplinary action and termination of the employment contract, taking into account the relevant considerations in general employment law. However, in the case of a chief executive (head of paid service) there are further legal requirements for certain types of disciplinary action and dismissal.

13.2 In England, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and in Wales, the Local Authorities Standing Orders (Wales) Regulations 2006 provide a degree of protection for chief executives against unwarranted political interference in their role as heads of paid service of local authorities. In England, the Regulations require that the council takes into account any advice, views or recommendations of an independent panel before a chief executive can be dismissed, for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract. In Wales, the regulations require that a Designated Independent Person is required to investigate and make a recommendation in the event of disciplinary action being taken against the chief executive on the grounds of misconduct or if there is any other proposal to dismiss the chief executive for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract. The considerations and the management of these different types of disciplinary action and potential dismissal therefore will vary.

13.3 There are, therefore, differences between the English and Welsh regulations and accordingly there are two separate procedures (one for local authorities in England and one for local

authorities in Wales). The model procedures with guidance on their application and operation in both countries are introduced below **A England** and **B Wales**, and contained at **Appendix 5a (England)** and **Appendix W5a (Wales)**.

A ENGLAND

Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts

13.4 Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of an Independent Investigator or Independent Panel (**England Page 49**).

However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities. In addition, dismissals for all reasons including those set out in this paragraph must be approved by the Council itself.

Disciplinary action on grounds of conduct, proposals to dismiss on the grounds of misconduct and proposals to dismiss for other reasons such as capability and some other substantial reason

13.5 Disciplinary action or situations in which there is the potential to dismiss on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of an Independent Investigator. Where it results in a proposal to dismiss, it will require the involvement of an Independent Panel before the Council considers the proposal.

13.6 The JNC has developed model procedures to use in these cases where an Independent Investigator and Independent Panel may be required and the matter cannot be resolved informally.

13.7 A summary table at **Appendix 5d** indicates the appropriate procedures to follow for the different types of situations, i.e. whether the issue should follow a local procedure or whether it should follow the JNC model procedure.

Considerations prior to contemplating disciplinary action

13.8 Taking disciplinary action against a chief executive can be a difficult, time-consuming and potentially very expensive process made more complex because it happens so rarely that many elected members and senior staff will be unfamiliar with the relevant legal and employment contract provisions.

13.9 A key issue is whether formal disciplinary action is necessary at all or whether informal resolution to a problem could provide a better solution in the circumstances. This will sometimes be the case and the Joint Secretaries may be able to assist. (See paragraphs 13.11 – 13.14).

13.10 Where formal procedures are to be engaged, the JNC urges elected members and those who advise them to ensure that they understand the procedure, seek appropriate advice at every stage and do not compromise the outcome of any proceedings. (See paragraphs 13.15 – 13.20).

Early informal resolution and joint secretarial conciliation

13.11 Authorities should have regard to the ACAS advisory handbook *Discipline and Grievance at Work*. A key message in this guidance is that prevention is better than cure: “The use of formal disciplinary procedures should be considered a ‘last resort’ rather than the first option. Many problems can be sorted out through informal dialogue”.

13.12 The JNC encourages authorities to adopt this informal approach. Experience shows that once formal disciplinary procedures have been instituted against a chief executive the inevitable high profile of the case can make it more difficult for normal working relationships to be resumed. There might also be an effect on staff morale and it is possible for there to be negative publicity in the local and sometimes national media.

13.13 A guiding principle of the early informal approach is therefore to obtain improvement and remedy problems. Where potential disciplinary problems (either conduct or performance) are identified then either of the parties may wish to approach the appropriate JNC Side Secretary. The Joint Secretaries are available at any stage in the proceedings to facilitate discussions between the parties and act as impartial conciliators. **Appendix 4** sets out the JNC’s protocol for Joint secretarial conciliation. Joint secretarial assistance can also be requested during the formal stages of the procedure although the scope for resolution may be reduced by then as the parties are more likely to have adopted adversarial positions.

13.14 Conciliation is preferable to the use of formal procedures if it can bring about a mutually agreed solution to any problems. While the process itself is informal any resolution should make it clear what specific changes in behaviour and / or performance are expected and within what

timescales. Depending on the nature of the case, a mutually agreed resolution could include, for example:

▣ For minor performance and conduct issues it may make sense for there to be an off-the-record agreement that an informal warning will be issued. If the chief executive is prepared to accept such a warning in the appropriate spirit then it may not be in either party's interest for the formal procedures to be initiated.

▣ Where there are performance shortcomings with a relatively inexperienced chief executive then one solution could be for a more experienced, possibly retired, chief executive to act as a mentor.

The formal JNC procedure and associated guidance

13.15 The model procedures have been agreed by the JNC in the light of the experience of the Joint Secretaries in their involvement in individual cases. The procedure includes appropriate variations for application in councils with leader / cabinet executives, mayor / cabinet executives and those operating a committee system.

13.16 Where informal resolution is not possible the model procedure should apply unless alternative arrangements have been agreed by both parties locally. The model procedure can also be modified by mutual agreement to suit the particular circumstances of the case, but not so as to contradict the requirements of the Standing Orders Regulations. There is an obligation on both the authority and its chief executive to give fair consideration to reasonable proposals from the other party to modify the model procedure to suit local circumstances.

13.17 The principles of natural justice and good management practice must govern the conduct of any proceedings against the chief executive. Authorities should also have full regard to the principles and standards set out in *Discipline and Grievance - ACAS Code of Practice*.

13.18 The procedure should be handled as quickly as is consistent with the need to investigate the case and to give the chief executive a fair opportunity to reply fully to complaints. In order to use the model procedure, authorities will need to do some preparatory work by considering appropriate committees and delegated powers before incidents which might engage the procedure arise.

13.19 The Joint Secretaries of the JNC should be notified as soon as it is proposed to use the procedure and it is recommended that both parties contact the appropriate side secretary as soon as possible to ascertain whether more detailed assistance might be desirable

13.20 The range of possibilities is difficult to cover completely within the content of this handbook. However, the handbook contains the model procedure and guidance on the operation of the procedure and associated issues. There are also flow diagrams to assist in making the process as clear as possible. Further advice and guidance can be sought from the Joint Secretaries.

B WALES

Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts

W13.4 Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of a Designated Independent Person. However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities.

Disciplinary action on grounds of conduct, proposals to dismiss on the grounds of misconduct and proposals to dismiss for other reasons such as capability and some other substantial reason

W13.5 Disciplinary action or situations in which there is the potential to dismiss on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of a Designated Independent Person. There are also additional considerations as to the impact of the Standing Orders Regulations such as limits on suspension of the chief executive and the powers and method of appointment of the Designated Independent Person, which authorities and chief executives need to be aware of.

W13.6 The JNC has developed model procedures to use in these cases where a Designated Independent Person may be required and the matter cannot be resolved informally. The model procedures with guidance on their application and operation are contained at **Pages 54-75**.

W13.7 A summary table at **Appendix 5d** indicates the appropriate procedures to follow for the different types of situations, i.e. whether the issue should follow a local procedure or whether it should follow the JNC model procedure.

Considerations prior to contemplating disciplinary action

W13.8 Taking disciplinary action against a chief executive can be a difficult, time-consuming and potentially very expensive process made more complex because it happens so rarely that many elected members and senior staff will be unfamiliar with the relevant legal and employment contract provisions.

W13.9 A key issue is whether formal disciplinary action is necessary at all or whether informal resolution to a problem could provide a better solution in the circumstances. This will sometimes be the case and the Joint Secretaries may be able to assist. (See paragraphs W13.11 – W13.14).

W13.10 Where formal procedures are to be engaged the JNC urges elected members to ensure that they understand the procedure, seek appropriate advice at every stage and do not compromise the outcome of any proceedings. (See paragraphs W13.15 – W13.21).

Early informal resolution and joint secretarial conciliation

W13.11 Authorities should have regard to *Discipline and Grievances at Work: The ACAS Guide*. A key message in this guidance is that prevention is better than cure: “The use of formal disciplinary procedures should be considered a ‘last resort’ rather than the first option. Many problems can be sorted out through informal dialogue”.

W13.12 The JNC encourages authorities to adopt this informal approach. Experience shows that once formal disciplinary procedures have been instituted against a chief executive the inevitable high profile of the case can make it more difficult for normal working relationships to be resumed. There might also be an effect on staff morale and it is possible for there to be negative publicity in the local and sometimes national media.

W13.13 A guiding principle of the early informal approach is therefore to obtain improvement and remedy problems. Where potential disciplinary problems (either conduct or performance) are identified then either of the parties may wish to approach the appropriate JNC Side Secretary. The Joint Secretaries are available at any stage in the proceedings to facilitate discussions between the parties and act as impartial conciliators. **Appendix 4** sets out the JNC’s protocol for Joint Secretarial conciliation. Joint Secretarial assistance can also be requested during the formal stages of the procedure although the scope for resolution may be reduced by then as the parties are more likely to have adopted adversarial positions.

W13.14 Conciliation is preferable to the use of formal procedures if it can bring about a mutually agreed solution to any problems. While the process itself is informal any resolution should make it clear what specific changes in behaviour and / or performance are expected and within what

timescales. Depending on the nature of the case, a mutually agreed resolution could include, for example:

☐ For minor performance and conduct issues it may make sense for there to be an off-the-record agreement that an informal warning will be issued. While the law is clear that to take any sort of disciplinary action the Designated Independent Person process has to be used, it may be sufficient for elected members to express their concerns informally and let the matter rest there. If the chief executive is prepared to accept such a warning in the appropriate spirit then it may not be in neither party's interest for the formal procedures to be initiated.

☐ Where there are performance shortcomings with a relatively inexperienced chief executive then one solution could be for a more experienced, possibly retired, chief executive to act as a mentor.

The formal JNC procedure and associated guidance

W13.15 The model procedures have been agreed by the JNC in the light of leading counsel's opinion and the experience of the Joint Secretaries in their involvement in individual cases. The procedure is suitable for application in councils with leader/cabinet executives and mayor / cabinet executives.

W13.16 Where informal resolution is not possible the model procedure should apply unless alternative arrangements have been agreed locally. The model can also be modified by mutual agreement to suit the particular circumstances of the case, but not so as to contradict the requirements of the Standing Orders Regulations. There is an obligation on both the authority and their chief executive to give fair consideration to reasonable proposals from the other party to modify the model procedure to suit local circumstances.

W13.17 The principles of natural justice and good management practice must govern the conduct of any proceedings against the chief executive. Authorities should also have full regard to the principles and standards set out in *Discipline and Grievance - ACAS Code of Practice*

W13.18 The procedure should be handled as quickly as is consistent with the need to investigate the case and to give the chief executive a fair opportunity to reply fully to complaints. In order to use the model procedure, authorities will need to do some preparatory work by considering appropriate committees and delegated powers before incidents which might engage the procedure arise.

W13.19 The Joint Secretaries of the JNC should be notified as soon as it is proposed to use the procedure and it is recommended that both parties contact the appropriate side secretary as soon as possible to ascertain whether more detailed assistance might be desirable.

W13.20 The range of possibilities is difficult to cover completely within the content of this handbook. However, the handbook contains the model procedure and guidance on the operation of the procedure and associated issues. There are also flow diagrams to assist in making the process as clear as possible. Further advice and guidance can be sought from the Joint Secretaries.

W13.21 In the event that as a result of following the formal procedure the decision is taken to appoint a DIP, the JNC has produced a brief Guidance Note (**Appendix 6**) to assist members, Chief Executives and the DIP to understand the role.

14. Grievance Procedures

In principle it is for each local authority to determine its procedures and practical arrangements for the handling of grievances, taking into account the relevant considerations in general employment law. However, in the case of a chief executive, there are particular factors which may need to be borne in mind in the case of a grievance against a chief executive or a grievance brought by a chief executive, and the JNC has therefore adopted model procedures for use in such circumstances. These are set out in **Appendix 7**.

APPENDIX 1

CONSTITUTION

1. TITLE

The Committee shall be known as the Joint Negotiating Committee for Chief Executives of Local Authorities (hereinafter referred to as “the Committee”).

2. SCOPE

The Committee shall have within their scope all chief executives of all principal local authorities in England and Wales as defined in paragraph 1 of the national conditions of service.

3. MEMBERSHIP

The Committee shall consist of not more than 11 members on each side. The current membership is appointed as follows:-

Representing local authorities:

Local Government Association 9

Welsh Local Government Association 1

Representing chief executives:

Association of Local Authority Chief Executives
and Senior Managers 11

4. If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the constitution, such failure to appoint shall not vitiate the

decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his / her place.

5. A member of the Committee shall automatically retire on ceasing to be a member of the organisation which he / she represents.

6. On the occurrence of a casual vacancy, a new member shall be appointed by the organisation in whose representation the vacancy occurs and shall sit until the end of the period for which his / her predecessor was appointed.

FUNCTIONS

7. The functions of the Committee shall be to consider from time to time the salary framework and general conditions of service of the officers named in paragraph 2 hereof and to make recommendations in regard to such scales and conditions to the local authorities by which such officers are employed.

Provided that, in considering general conditions of service, the Committee shall have regard to the general conditions of service now or hereafter recommended by the National Joint Council for Local Government Services or to any agreed alternative local conditions.

All recommendations made by the Committee to local authorities shall be sent simultaneously to the bodies named in paragraph 3 hereof.

PROCEDURE

8. **Sub-Committees** The Committee may appoint from their own members such sub-committees as they may consider necessary and with such authorities as they may from time to time determine. The reports of all sub-committees shall be submitted to the full Committee.

9. **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. The Chair, or in his / her absence the Vice-Chair, shall preside at all meetings of the Committee. In the

absence of both the Chair and the Vice-Chair at any meeting, a Chair shall be elected to preside. In no case shall a Chair have a second or casting vote.

10. Officers Each side shall appoint a joint secretary.

11. Meetings Meetings of the Committee shall be held as often as may be necessary, and the Chair shall call a special meeting if so requested by one-third of either side of the Committee. The notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat, and no other matters shall be discussed. A special meeting shall take place within fourteen days after the request has been received.

12. Voting The voting in the Committee and in sub-committees shall be by show of hands or otherwise as the Committee or sub-committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members entitled to vote present on each side of the Committee or sub-committee, as the case may be.

13. Quorum The quorum of the Committee shall be 8, consisting of 4 representatives from each side. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.

14. Notices of meetings All notices of meetings of the Committee and of any sub-committee thereof shall be sent to the respective members at least seven clear days before the date of the meeting.

FINANCE

15. Each side shall meet its own expenses.

APPLICATION

16. In the event of any question arising as to the interpretation of recommendations issued by the Committee and their application to a particular chief executive or of any other question arising relating to salaries which cannot be settled by the employing authority and the officer concerned, the Committee shall at the request of either party consider the matter and endeavour to assist them in securing a settlement.

ARBITRATION

17. In the event of a dispute over terms and conditions of employment arising between the two sides of the Committee on any matter, the dispute shall, at the request of either side, be reported to the Advisory, Conciliation and Arbitration Service (ACAS) by the Joint Secretaries with a request that the matter be referred for settlement by arbitration. The arbitration award shall be accepted by the two sides, and shall be treated as though it were an agreement between the two sides.

AMENDMENTS TO CONSTITUTION

18. Alterations in the constitution of the Committee shall be made as follows:

(a) in paragraph 3 of this constitution any change to the organisations represented on each Side, shall be a matter for each Side to determine

(b) all other clauses can only be changed with the assent of both bodies named in paragraph 3

APPENDIX 2

JOINT GUIDANCE ON APPRAISAL OF THE CHIEF EXECUTIVE

1. INTRODUCTION

1.1 This guidance is intended for use by senior elected members and the chief executive when agreeing a process for appraising the performance of the chief executive. The focus of this process should be on clarifying what the chief executive is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.

1.2 The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief executive's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

2. RESPONSIBILITY FOR APPRAISAL

2.1 The responsibility for appraising the chief executive lies with senior elected members. It is a contractual obligation on the part of both the chief executive and the employing council to engage in a regular process of appraisal.

2.2 It will be for local decision in the light of local circumstances whether the appraisal should be carried out by a small committee representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief executive is employed by the council as a whole, not by the controlling group, and is therefore required to serve all of the council.

3. AIMS OF APPRAISAL

☐ To identify and clarify the key objectives, priorities and targets of the council and appropriate timescales for their achievement over the next (e.g. twelve) months

☒ Agree what the chief executive should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to deliver the council's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively

☒ Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance

☒ Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals

☒ Discuss developmental requirements. The chief executive will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief executive with the requisite skills to meet the council's objectives. The parties should be proactive and anticipate future developmental needs in the context of the council's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between leading members and the chief executive. It should not be assumed that it is only the chief executive who may need to adjust his / her approach to the working relationship

3.1 Appraisal should be set in the context of the council's objectives, priorities and targets, generally expressed in corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the council as a whole.

4. THE APPRAISAL CYCLE

4.1 Appraisal should take place on a predetermined date, **at least annually**, backed up by regular monitoring meetings at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

5. KEY ELEMENTS OF THE APPRAISAL PROCESS

☒ Continuous two-way monitoring of performance against objectives

☒ Preparation for an appraisal interview

☐ An appraisal interview where recent and current performance, future objectives and development needs are discussed

☐ Agreement on action required from either party to ensure required performance is achievable

☐ A continuing process of informal discussion regarding performance

6. The appraisal interview and afterwards

☐ Both parties should be well informed and prepared for the interview

☐ The process should be two-way

☐ The interview should be free from interruptions, and notes should be taken when necessary

☐ The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions

☐ Targets which are realistic and capable of being monitored should be agreed

☐ Any agreed personal development plans should be implemented within the agreed timescale

☐ The chief executive should be given a reasonable opportunity to correct any shortfalls in performance

☐ A date for the next review should be agreed

7. EXTERNAL ASSISTANCE

7.1 External assistance in facilitating the appraisal process can be helpful in providing an independent perspective.

7.2 Within the local government 'family', it may be sought from the Local Government Association or by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE or SOLACE. Alternatively such assistance may be available from commercial sources, such as consultancy firms.

7.3 Such assistance from the aforementioned organisations may take the form of them either directly participating in the process for which a fee may be requested to cover staff time or the recommendation of, for example, a suitably experienced recently retired senior officer or other independent individual.

Note: If external assistance is sought, it must have the agreement of both sides.

8. OTHER MATTERS

8.1 The detailed content of appraisal interviews should normally be treated as confidential to the participants, unless both parties agree that it would be helpful for the targets agreed for the ensuing period to be shared more widely. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.

8.2 This may be useful in acting as a reminder that the chief executive and members need to ensure that chief officers are in their turn appraised.

8.3 It should, however, not be assumed that the process for appraising the chief executive should be followed in precise detail for other staff. There is a fundamental difference between elected members appraising the chief executive and managers appraising subordinates. The principles, nevertheless, are the same.

APPENDIX 3

CONSIDERATIONS IN DEVELOPING REMUNERATION COMMITTEES – JOINT GUIDANCE

1. Composition

1.1 In order to be representative but viable, the Committee needs to be small but it can be useful to have an odd number of members to ensure that clear decisions can be taken. Working by consensus is also a viable option. It is suggested that the Committee should have no more than 5 members.

1.2 The Committee can be composed entirely of elected members if this is the most workable solution in an authority but consideration may be given to having some external representation. Any external members should of course have no conflicts of interest and should be experienced in managing large organisations.

2. Remit

2.1 The Committee will be responsible for providing advice and will have delegated authority for making decisions or recommendations to the full council (or another committee) on pay and remuneration issues within its agreed remit in relation to the chief executive.

2.2 To make properly informed decisions on pay policy the Committee will need to ensure that it has comprehensive, relevant and reliable advice and market data provided by the online pay benchmarking system [epaycheck](#) (incl hyperlink). Further advice is also available from the Local Government Association or by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE or SOLACE. Alternatively such assistance may be available from commercial sources, such as consultancy firms.

2.3 The remit of the Committee would include all those elements of the remuneration package which are not set nationally (e.g. pensions) or by overall council policy, including:

- ☐ Fixed point salary
- ☐ Variable pay elements
- ☐ Some additional benefits within the context of overall pay.

2.4 It would also be responsible for oversight of any performance / contribution-related pay scheme for the chief executive (targets to be set and reviewed elsewhere as part of the chief executive's appraisal process).

2.5 The Committee would not be responsible for the actual operation of any appraisal processes, which should be kept separate.

3. Process

3.1 The Committee should meet at least annually to:

- ☐ Determine any requirement for a formal review of the relevant pay market
- ☐ (Where determined necessary) commission relevant research and analysis and make recommendations thereon
- ☐ Review any remuneration issues arising from established performance / contribution-related pay assessment

4. Recommendations

4.1 The Committee's recommendations should be based on data / advice / evidence / views collected from a number of possible sources, including (but not limited to):

- ☐ The council's own personnel / HR function, possibly in the form of a report on current issues
- ☐ National and / or Regional Employers' Organisations
- ☐ Independent external pay data / advice / facilitation from:

- ☐ External consultancy organisations with relevant experience in pay market analysis
- ☐ Pay benchmark information (from local employers / other similar local authorities)

- ☐ Performance data drawn from council-wide performance management indicators
- ☐ Submissions made by the Association of Local Authority Chief Executives and Senior Managers on behalf of their members

4.2 The Committee would then make reasoned recommendations to the relevant Committee of the council or would be in a position to act with delegated authority, as defined within the constitution.

4.3 In addition, in the first year of operation, the Committee would need to meet initially to agree the pay data to be collected and to agree its expectations of the process. The Committee would

also need to determine what it would recommend as an overall executive pay policy, having regard to the general pay and employment strategy of the council.

4.4 The Committee may also need to hold additional meetings at the request of the council, when advice is required for example on changes to existing systems or if a new appointment is to be made.

5. Confidentiality and Protocols

5.1 Confidentiality should always be maintained whilst discussions are taking place and until decisions are published. It may well be advisable to agree other protocols for the operation of the Committee, to which members would be expected to adhere.

APPENDIX 4

JNC AGREED PROTOCOLS FOR JOINT SECRETARIAL CONCILIATION

1. General principles

1.1 Conciliation is an informal process designed to assist the parties in exploring the ground for possible agreement between them.

1.2 If conciliation is to work the participants must therefore have the confidence to float suggestions without compromising their respective positions. It is therefore essential that, if ultimately no agreement is possible, any avenues explored informally should not then be used in any subsequent discussions, unless agreed by both parties.

1.3 To achieve this objective the conciliation needs to be underpinned by the following principles:

☐ Informality

The conciliation process is informal, which means that the proceedings should be off the record and non-legalistic

☐ No pre-conditions

Neither side should seek to impose any pre-conditions on the process, unless by joint agreement

☒ **Without prejudice**

This is probably the most important principle. Neither party will have the confidence to float suggestions for resolution if they are likely to prejudice their position later on. The parties must therefore mutually respect this principle and guarantee that they will not use anything discussed in conciliation at a later stage or publicise it

☒ **No publicity**

These principles could be undermined if either of the parties used the media to publicise its case. Accordingly there should not be any publicity unless the parties agree to the contrary

2. Process for the conciliation meeting

2.1 As conciliation is an informal process there is no need for case statements. However, the Joint Secretaries need to familiarise themselves with the case beforehand so the respective parties are asked to provide a briefing note for this purpose which indicates what they are seeking to achieve.

2.2 It is for the individual parties to decide who will represent them at the conciliation meeting. For the council the Joint Secretaries believe that there should be a minimum of a politician with sufficient authority to make decisions and / or provide policy direction (this would probably need to be the leader of the council) together with a technical adviser (who may be an officer of the council or other appropriate person). For ALACE it would normally be the chief executive and ALACE adviser. This is not intended to constrain the number of people participating in the process but, if the number of representatives from either side is large, it would be helpful to restrict the number during any face-to-face discussions (see below).

2.3 The Joint Secretaries will conduct the conciliation meeting along the “shuttle-diplomacy” lines used by ACAS. This means that any of the following is possible as a formulation for discussions:

☒ The Employers’ Secretary (or their representative) will probably start with a briefing from council representatives while the Staff Side Secretary (or their representative) will probably start with a briefing from their member

☒ The Joint Secretaries are likely to have their own private discussions at various points during the proceedings

▣ The Joint Secretaries together may ask to have discussions with either or both of the respective parties

▣ The Joint Secretaries may judge that it would be helpful for them to have discussions with the two parties together. In this event, if either party has brought a large team, it would be helpful if only a few representatives were present during such joint discussions

2.4 The council is asked to provide at least three suitable rooms. The nature of conciliation means that discussions may be long and there may be periods when one or both of the parties is waiting for other discussions to take place.

2.5 Where the matter is resolved the parties will have to agree how it is to be processed and any joint communications. If no resolution is possible then it is important that the principles outlined above in **paragraph 1.3** are observed.

APPENDIX 5

THE MODEL DISCIPLINARY PROCEDURES & GUIDANCE TO THE PROCEDURES (A. ENGLAND and B. WALES)

CONTENTS OF MODEL PROCEDURES & GUIDANCE

England Wales

	Independent Person (Wales).		
	Conducting the initial investigation, treatment of witness evidence, conflicts of interest, maintaining the fairness of the procedure, other possible actions, power to agree financial settlements, access to appropriate professional, independent or medical advice, evidence of performance issues.		
6.	Appointment of an Independent Investigator (England) or Designated Independent Person (Wales)	44	69
	Power to appoint the Designated Independent Person, agreeing terms of reference and remuneration.		
7.	The Independent (Person) investigation	45	70
	Resources, working arrangements, powers to extend or end suspensions, confidential contact at authority.		
8.	Receipt and consideration of the Independent Investigator / Designated Independent Person's Report by the Investigating and Disciplinary Committee	47	72
	The report of the Independent Investigator / Designated Independent Person, consideration of new material evidence, recommendations by the Independent Investigator / Designated Independent Person, decision by the Investigating and Disciplinary Committee.		
9.	Action short of dismissal	48	73
	Action short of dismissal to be taken by the Investigating and Disciplinary Committee.		
10.	Where the Investigating and Disciplinary Committee propose dismissal	49	73
11	Appeals	52	74
	Appeals against proposals to dismiss to the council, appeals against action short of dismissal to Appeals Committee.		

Introduction

The model procedures should be followed except in so far as the parties locally agree to vary them. The council has discretion in how far to follow the agreed guidance. The Local Government Association (LGA) and the Association of Local Authority Chief Executives and Senior Managers (ALACE) through the JNC for Chief Executives commend this model procedure because:

- ▣ The procedure and guidance have been drawn-up in light of the experience of the Joint Secretaries in their involvement with individual cases;
- ▣ Its variants apply to constitutions with council leader / cabinet executives, mayor/cabinet executives and those councils operating a committee system;

Local authority chief executives are protected under specific regulations that make distinctive provisions, compared to other employees. The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and the Local Authorities (Standing Orders) (Wales) Regulations 2006 aim to protect the chief executive from unwarranted political interference in their role as head of paid service of the authority. High levels of accountability work most effectively within clear criteria for responsibilities. Even with the distinctive role of Head of Paid Service, disciplinary action will need to be based on clear evidence.

Local authority elected members will want to ensure that they:

- ▣ Understand the procedure to be used;
- ▣ Seek appropriate advice at every stage;
- ▣ Do not compromise the outcome of any proceedings;
- ▣ Allow every opportunity for fair procedures to operate.

This guidance outlines the key elements of procedures for disciplining chief executives.

The elements of what is procedure and what is guidance to the procedure is arranged in such a way as to present each element of the model procedure – immediately followed by the relevant part of the guidance for ease of reference.

As there are significant differences between the English and Welsh regulations, for ease of understanding there are two separate sections:

A. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – ENGLAND (from page 29)

B. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – WALES (from page 54)

Further guidance on process applying to both procedures is expressed in flow diagram format which is provided as **Appendices 5a, W5a, 5b and 5c.**

A. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – ENGLAND

1. 1. Issues requiring investigation – (procedure)

Where an allegation is made relating to the conduct or capability of the chief executive or there is some other substantial issue that requires investigation, the matter will be considered by the Investigating & Disciplinary Committee (IDC).

This Committee will be a standing committee appointed by the council. Arrangements for flexibility are recommended in the event that a member of the standing committee has a conflict of interest.

Other structures are necessary to manage the whole process, including an Independent Panel should there be a proposal for the dismissal of the chief executive. This will be comprised of independent persons, appointed in accordance with ***The Local Authorities (Standing Orders) (England) Regulations 2001*** as amended.

Issues requiring investigation – (guidance)

1.1 The Local Authorities (Standing Orders) (England) Regulations 2001 as amended

1.1.1. The Local Authorities (Standing Orders) (England) Regulations 2001 (the Regulations) (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) provide that the dismissal of a chief executive in cases of disciplinary action (as defined in the Regulations) may only take place if the proposal to dismiss is approved by way of a vote at a meeting of the authority, after they have taken into account:

- ☐ any advice, views or recommendations of a panel (the Independent Panel)
- ☐ the conclusions of any investigation into the proposed dismissal and
- ☐ any representations from the protected officer concerned

1.1.2 **Disciplinary action:** in relation to a member of staff of a local authority is defined in the Regulations as “any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and

includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract”.

The definition of disciplinary action would therefore include other reasons for dismissal such as capability or some other substantial reason including a breakdown in trust and confidence between the chief executive and the authority.

1.1.4 The attached **Appendix 5d** (potential reasons for termination table) sets out those circumstances that could potentially result in dismissal and whether or not they are covered by this procedure.

1.2 Structures to manage the procedure

1.2.1 A key feature of the model procedure is the specific roles envisaged by the Investigating and Disciplinary Committee (IDC), the Appeals Committee, the Independent Panel and the council. Authorities will need to consider a number of important issues around the composition of committees and the delegation of appropriate powers. In particular, it must be borne in mind that staffing issues are a non-executive function and so these bodies have to be put in place by the council not the Leader / Mayor or executive.

1.2.2 The IDC must be a politically balanced committee comprising, it is suggested, five members. Where authorities operate a leader / cabinet or mayor / cabinet executive structure, this must include at least one member of the executive. This Committee may need to be in a position to take decisions and appropriate actions as a matter of urgency. It may need to meet at very short notice to consider allegations and decide whether there is a case to answer and to consider whether suspension of the chief executive might be appropriate. It is also possible that in some circumstances members of the IDC may find themselves in a position where they have a conflict of interest. It is therefore recommended that authorities take this into account when constructing the committee and its powers, including the quorum and substitutes. The IDC also has an important role in considering the report of an Independent Investigator. The role of the IDC is explained further at appropriate stages in the guidance. (The Committee that performs this function may locally be known by a different name although its role and responsibilities will be that outlined throughout this document and referred to herein as the IDC. This Committee may also fulfil other functions).

1.2.3 The Appeals Committee must be a politically balanced committee of, it is suggested, five members who are not members of the IDC. Where authorities operate an executive structure this must include at least one member of the executive. The Appeals Committee will have a more limited role. Its purpose will be to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to impose no sanction or a lesser sanction.

1.2.4 The JNC has agreed that the Independent Panel should comprise of independent persons (at least two in number) who have been appointed by the council, or by another council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011. Councils are required to issue invitations for membership of the Panel in accordance with the following priority order:

- (a) an independent person who has been appointed by the council and who is a local government elector in the authority's area
- (b) any other independent person who has been appointed by the council and
- (c) an independent person who has been appointed by another council or councils

1.2.5 Appropriate training should be provided for Independent Panel members.

1.2.6 It should be noted that any remuneration paid to members of an Independent Panel may not exceed that payable in respect of their role under the Localism Act.

1.2.7 A requirement for any disciplinary process is to carry out an investigation of the allegations to establish the facts of the case and to collate evidence for use in the disciplinary hearing. In the case of a chief executive, it will normally be necessary to engage an independent person for this purpose, and this person is referred to here as the Independent Investigator. Arrangements have been agreed to enable the speedy appointment of a competent and experienced person to perform this role, with the assistance of the Joint Secretaries.

1.3 Managing access to the procedure (See also Para 5 of this guidance) – considering the allegations or other issues under investigation

1.3.1 The procedure itself does not require that every single issue which implies some fault or potential error on the part of the chief executive be investigated using this process. It is for the authority to decide the issues that will engage the formal process.

1.3.2 Authorities will therefore need to consider what constitutes an 'allegation' made relating to the conduct or capability of the chief executive and what it considers are other substantial issues requiring investigation. Clearly the route for complaints against the council and the chief executive and for issues that might be substantial and require some form of investigation, and possibly formal resolution, is varied. Ideally, procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded, or trivial or can best be dealt with under some other procedure.

1.3.3 For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the council's general complaints procedure. If the matter is a grievance from a member of staff directed against the chief executive, it may be appropriate to first deal with it through the council's grievance procedure. Of course if the matter were a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would be one that would be suitable for an investigation under the disciplinary procedure.

1.3.4 An authority will need to put into place arrangements that can manage the process. In particular - that records are kept of allegations and investigations and that there is a clear route into the disciplinary procedure. It could be, for example, that in the case of allegations against the chief executive, the monitoring officer and the Chair of the IDC would oversee referrals to that Committee.

1.3.5 Where the issue to be investigated is related to the sickness absence or capability of the chief executive in terms of performance, there is likely to be a link with the authority's sickness procedure or appraisal / performance management procedure.

1.3.6 Where management action is required in respect of the normal sickness of the chief executive, the authority needs to be clear about who takes appropriate actions. Initially, it could be the Director of HR (according to local procedures) who will follow the authority's normal sickness absence procedures. Whoever is responsible will report to the IDC as appropriate to the matter being investigated – in particular where procedures have been followed to the point where dismissal appears to be a possibility (see flow diagrams **Appendices 5a, 5b & 5c** for reference).

1.3.6 Any shortcomings in a chief executive's performance can be better identified, and therefore remedied, at an early stage if there is an objective performance appraisal system in place as required by the JNC agreement (see **Appendix 2**).

1.3.7 For a chief executive the system is likely to be linked to objectives in the authority's community plan and the performance objectives should be specific, measurable, achievable, realistic and time-related. It may, but will not necessarily, be the system against which pay progression is measured (see flow diagram **Appendix 5c**).

2. Timescales – (guidance)

2.1 An important principle when taking disciplinary action is that the process should be conducted expeditiously but fairly. There is, therefore, a need to conduct investigations with appropriate thoroughness, to arrange hearings and allow for representation. It is not in the interests of the council, or the chief executive, that proceedings are allowed to drag on without making progress towards a conclusion.

2. Timescales – (procedure)

It is in the interests of all parties that proceedings be conducted expeditiously.

It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

2.2 Statutory and indicative timescales

2.2.1 The procedure does not set out explicit timescales except the specific requirement in the Local Authority (Standing Orders) (England) Regulations 2001 for the appointment of the Independent Panel at least 20 working days before the meeting of the council at which consideration as to whether to approve a proposal to dismiss is to be given. In this guidance we make reference to other statutory timescales and restrictions which are applicable to disciplinary procedures more generally, such as those contained in the Employment Relations Act 1999 (in connection with the right to be accompanied).

2.3 Avoiding delays in the procedure

One cause of delay in the procedure is the availability of the key people necessary to manage and control the process.

2.3.1 Availability of Independent Investigator

An Independent Investigator should only be formally appointed once the IDC has determined that there is a case that requires further investigation. However to minimise delays in any potential investigation, steps should be taken to identify a shortlist of three potential Independent Investigators from the list held by the JNC Joint Secretaries (see paras 6.3 and 6.4) concurrently with arrangements for the initial meeting of the IDC. This is not pre-judging whether an investigator will be needed, but a practical step to assist in minimising any delays.

2.3.2 Availability of the chief executive in case of sickness

(a) It is possible that the sickness of the chief executive could impact on the ability to follow the disciplinary procedure. This may be because:

☐ the issue under investigation is the chief executive's sickness in itself (ie. a capability issue); or alternatively,

☐ while during an investigation for another reason such as allegations about the chief executive's conduct, the chief executive commences sickness absence during the disciplinary process.

(b) In principle, the sickness of the chief executive will invoke the local authority's normal sickness procedures. The nature of the investigation and facts surrounding the sickness will dictate the appropriate way of dealing with the issue.

(c) If the investigation is about the long-term sickness or frequent ill-health problems experienced by the chief executive the authority should have already obtained appropriate medical information and advice by following its local processes. This would normally include referral to the authority's occupational health adviser who would examine the chief executive and / or seek further medical information from the chief executive's GP or any specialist dealing with the case. However, the IDC or Independent Investigator may feel the need for further or more up-to-date advice and again they should use the authority's normal processes and procedures to obtain this. If the chief executive's absence or problems at work are as a result of a disability which places him / her at a substantial disadvantage compared to others without the disability, then the authority must consider and undertake reasonable adjustments in order to remove the disadvantage. The IDC must satisfy itself that this has been fully considered and that no further reasonable adjustments could be made which would remedy the situation.

(d) Where the issue under investigation is not health-related and is, for example, the conduct of the chief executive and he / she then commences sickness absence then the approach will depend on the type and length of the illness and exactly when it occurs during the process.

(e) A short period of illness should not normally create a major problem although the timing of the illness can create difficulties if it coincides with scheduled meetings for investigating or hearing aspects of the case. If this occurs then reasonable efforts should be made to rearrange the meeting. However, if the sickness becomes more persistent or is likely to become longer term then the authority will take steps to identify whether the chief executive, although possibly not fit to perform the full range of duties, is fit enough to take part in the investigation or disciplinary hearing.

(f) If it appears that there will be a long period of ill health which will prevent the chief executive taking part in the process, the authority and possibly the Independent Investigator will have to make a judgement as to how long to wait before proceeding. In some cases it may be appropriate to wait a little longer where a prognosis indicates a likely return within a reasonable timescale.

(g) However, where this is not the case, the authority will in most cases need to press ahead given the importance of resolving issues which can have a significant impact on both parties due to the nature and high profile of the role of chief executive. If this is the case the authority should ensure that the chief executive is given the opportunity to attend any meetings or hearings. However, the chief executive should be informed that if they cannot attend the meetings or hearings then they would proceed without them. If this is the case the chief executive may make written

submissions to be considered and may also send their representative to speak on their behalf before a decision is taken.

2.3.3 Availability of representative

The availability of the chief executive's representative can also be a possible cause of delay. Reasonable account should be taken of the availability of all relevant parties when setting dates and times of meetings. Where it is simply not possible to agree dates to suit everybody the authority needs to be aware of the statutory right to be accompanied at disciplinary hearings and to take this into account when setting dates (see **Paragraph 4**).

2.3.4 Availability of witnesses

If the Independent Investigator or the IDC allows either party to call witnesses and the witnesses are unable to attend, their evidence should not be discounted and should still be considered. Alternatives may include written statements or minutes / records where individuals have been interviewed as part of the investigation. However, such evidence may not carry the same weight as evidence that can be subjected to cross-examination.

2.3.5 Availability of committee members

(a) It is recommended that, in establishing the IDC and the Appeals Committee, authorities take availability issues into account and any operational quorum when considering the numbers of members to serve on these committees.

(b) It should be particularly borne in mind that the IDC might need to be able to meet at short notice to consider serious allegations against the chief executive.

2.3.6 Availability of Independent Panel members

The Independent Panel must be appointed at least 20 days before the council meeting at which consideration whether or not to approve a proposal to dismiss is to be given. The appointment of Independent Panel members should, therefore, take into account their availability to undertake their role within that timescale.

3. Suspension – (guidance)

3.1 Although suspension in order to investigate an allegation or a serious issue is not disciplinary action in itself, it is a serious step in the process that should be managed well. Unlike with most other posts, the suspension of the chief executive may come immediately to the attention of the local and perhaps national media with potentially damaging consequences for the reputation of the chief executive and the authority.

3.2 Where a chief executive is suspended and facing allegations this is potentially stressful for the individual and disruptive to the council. It is therefore in the interests of all parties that such cases are dealt with as expeditiously as possible.

3. Suspension – (procedure)

Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

However, the IDC will need to consider whether it is appropriate to suspend the chief executive. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the chief executive might compromise the investigation or impair the efficient exercise of the council's functions.

In any case, the chief executive shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

An elected member should hold the delegated power to suspend the chief executive immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the chief executive are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

The continuance of a suspension should be reviewed after it has been in place for two months.

3.3 Alternatives to suspension

Suspension will not be appropriate in every case, as this will depend on the nature of the allegation or seriousness of the issue. Before suspending the chief executive, careful consideration should be given to whether it is necessary and whether there are any other suitable alternative ways of managing the situation, for example by agreeing particular working arrangements such as working from home for a period or working in some other way that protects the chief executive and authority from further allegations of a similar nature.

3.4 Power to suspend

(a) The chief executive is the head of paid service and normally bears the delegated responsibility for implementing council policy on staffing matters. However, when it is the chief executive who is the subject of an allegation or investigation, the authority will need to be clear about who has the power to suspend the chief executive and in what circumstances.

(b) The point at which it may become clear that suspension is an appropriate action is likely to be at the stage where the IDC has conducted its initial assessment. The model procedure therefore envisages that the IDC should have the power to suspend the chief executive.

3.5 Short notice suspension

(a) The procedure also recognises that in exceptional circumstances it may be necessary to suspend at very short notice and before the IDC can meet, e.g. because the remaining presence of the chief executive could be a serious danger to the health and safety of others, or a serious risk to the resources, information or reputation of the authority. An elected member should hold the delegated power to suspend in an emergency. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

3.6 Suspension protocols

If suspension were deemed appropriate, the IDC (or in exceptional circumstances, the chair) would also be the appropriate body to agree or authorise any protocols which are necessary to manage the suspension and the investigation. For example, the chief executive might request access to workplace materials and even witnesses. Arrangements should be made to manage such requests and facilitate appropriate access. Another general principle would be that whilst suspended, the chief executive would remain available to participate in the investigation and to attend any necessary meetings. Therefore other important issues would include communication

4. Right to be accompanied – (procedure)

Other than in circumstances where there is an urgent requirement to suspend the chief executive, he or she will be entitled to be accompanied at all stages.

channels for day-to-day communication and any stipulations for reporting any scheduled or unscheduled absence from the area, e.g. pre-arranged holiday.

3.7 Review of suspension

Where the chief executive is suspended, the suspension should be reviewed after two months, and only continued following consultation with the Independent Investigator and after taking into account any representations made by the chief executive.

4. Right to be accompanied – (guidance)

4.1 Although the statutory right to be accompanied applies only at a disciplinary hearing, the JNC procedure provides the opportunity for the chief executive to be accompanied at all stages by their trade union representative or some other person of their choice, at their own cost.

4.2 The procedure recognises that there may be, in exceptional circumstances, a need to suspend the chief executive at short notice, when it is not possible to arrange for their trade union representative to be present. These circumstances might include for example where there is a serious risk to the health and safety of others or serious risk to the resources, information, or reputation of the authority.

4.3 Although it would be beneficial to agree dates for the necessary meetings required, the procedure cannot be allowed to be delayed owing to the unavailability of a representative. The statutory right to be accompanied in a disciplinary hearing contained in s.10 of the Employment Relations Act 1999 applies only to hearings where disciplinary action might be taken or be confirmed, that is to say when a decision may be taken on the sanction, or a decision may be confirmed during an appeal. In this model procedure the statutory entitlement to be accompanied would arise:

☐ where the IDC considers the report of the Independent Investigator and provides the chief executive with the opportunity to state their case before making its decision.

☐ during any appeal against the decision taken by the IDC.

5. *Considering the allegations or other issues under investigation – (procedure)*

The IDC will, as soon as is practicable inform the chief executive in writing of the allegations or other issues under investigation and provide him / her with any evidence that the Committee is to consider, and of his / her right to present oral evidence.

The chief executive will be invited to put forward written representations and any evidence including written evidence from witnesses he / she wishes the Committee to consider. The Committee will also provide the opportunity for the chief executive to make oral representations. At this initial consideration of the need to investigate further, it is not anticipated that witnesses will be called. The discretion to call witnesses lies solely with the IDC.

The IDC will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the chief executive before taking further action.

The IDC shall decide whether:

- the issue requires no further formal action under this procedure or
- the issue should be referred to an Independent Investigator

at a council meeting considering a proposal for dismissal and also fulfilling the requirement relating to a right of appeal

4.4 At these important stages (IDC receiving the report of the Independent Investigator and any appeal against the decision taken by the IDC), if the chief executive's trade union representative is unavailable for the date set then the chief executive will have the right under the provisions of the Employment Relations Act 1999, to postpone the meeting for a period of up to one week.

4.5 If the representative is unable to attend within that period the authority will have the right to go ahead with the hearing without further delay, although reasonable consideration should be given to arranging an alternative date.

5. *Considering the allegations or other issues under investigation – (guidance)*

5.1 The range of issues and to some extent the seriousness of the issues, which come before the IDC, will depend on the filter that the council adopts. Issues such as those relating to sickness absence and performance are likely to arise at the IDC having followed the authority's sickness absence or performance management / appraisal procedures (see **Paragraph 1.3**).

5.2 It is possible in some cases that with some minimal investigation the IDC can dismiss the allegation without even the need to meet with the chief executive. However, this procedure is aimed at dealing with situations where the matter is not so easily disposed of. It therefore provides a process whereby the chief executive is made aware of the allegations and provided with the opportunity to challenge the allegations or to make their response.

5.3 When an issue comes before the IDC it needs to make a judgement (see **paragraph 5.4.1**) as to whether the allegation can be dismissed or whether it requires more detailed investigation, in which case this will be undertaken by an Independent Investigator. If the IDC is of the opinion that the allegations do not warrant an investigation, this should be immediately notified to the chief executive without delay, and, if necessary, the complainant informed accordingly. If the IDC is of the opinion that the matter is not serious but there is some minor fault or error, then it can issue an unrecorded oral warning in accordance with its standard procedures.

5.4 The appointment of an Independent Investigator is a serious step but does not mean that the chief executive is guilty of some misdemeanour. In some cases the eventual result of the investigation will be to absolve the chief executive of any fault or wrongdoing. The appointment of an Independent Investigator operates so that both the authority and the chief executive can see that matters are dealt with fairly and openly. However, the matter still needs to be handled carefully in public relations terms due to the potential damage to the reputation of the chief executive or the local authority.

5.4.1 Threshold test for the appointment of an Independent Investigator

Cases will vary in complexity but the threshold test for the IDC in deciding whether to appoint an Independent Investigator is to consider the allegation or matter and assess whether:

☐ if it were to be proved, it would be such as to lead to the dismissal or

other action which would be recorded on the chief executive's personal file and

☐ there is evidence in support of the allegation sufficient to require further

investigation

5.4.2 Conducting the initial IDC investigation

(a) It is intended that this stage is conducted as expeditiously as possible with due regard to the facts of the case. At this stage it is not necessarily a fully detailed investigation of every aspect of the case as that will be the responsibility of the Independent Investigator (if appointed). In order to avoid delay the IDC will want to explore the availability of potential Independent Investigators on the list maintained by the JNC Joint Secretaries at an early stage (see paras 6.3 and 6.4). However, it is important that before any decision is taken to formally appoint an Independent Investigator, the chief executive is aware of the allegations that have been made against him / her (or the issue to be addressed) and given the opportunity to respond.

(b) This will be achieved by:

- ☐ The IDC writing to the chief executive setting out the allegations / issues and providing any evidence to be considered
- ☐ Providing the opportunity for the chief executive to respond to the allegations in writing and to provide personal evidence or witness statements. The calling of witnesses at this stage is at the discretion of the IDC
- ☐ Providing the opportunity for the chief executive to appear before the IDC

(c) Fair notice should be given to enable the chief executive adequate time to prepare a response to the allegations or issues under investigation. During the initial hearing by the Committee, the chief executive is entitled to attend and can be accompanied by a representative (subject to **paragraph 2.3.3** and **paragraph 4**).

5.4.3 Treatment of witness evidence

In general, if the authority has witness evidence relating to an allegation this should be presented in written form to the chief executive, although in exceptional cases it might be appropriate to anonymise the evidence in order to protect the identity of a witness. However, it remains important that the detail of the allegation is put to the chief executive in order that he / she understands the case against him / her.

5.4.4 Conflicts of interest

(a) The model procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing IDC. **Paragraph 1.2** indicates the basic rules concerning its membership. However, because a standing committee will comprise named councillors, there may be occasions when this presents problems of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Committee, although they will of course be able to give evidence, if required. The authority should attempt to construct its Committees, and establish quorums and substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the council to establish a new Committee to perform the function of the IDC.

(b) Declarations of interest are matters for individual councillors who are required to follow their authority's code of conduct for elected members and can seek advice from their Monitoring Officer. Problems could follow for the speed at which the case is conducted if the chief executive considers there are valid grounds for making a formal complaint to the council about the involvement of a councillor in a case.

5.4.5 Maintaining the fairness and integrity of the procedure

Where there is a matter that requires investigation it is important that a fair and correct procedure is followed. Allegations against the chief executive or serious issues that require resolution should follow this procedure. It is important that councillors do not undermine the fairness of the procedure by for example putting motions to full council about the case as there is a serious risk that it could prejudice the disciplinary procedure. Additionally, such actions will not only create adverse publicity for the authority and the chief executive but may create conflicts of interest and could limit the role that those councillors can then take as the case progresses.

5.4.6 Other appropriate actions

(a) It could be that when faced with an issue, whether it be an allegation of misconduct, or connected with the capability of the chief executive, or some other substantial issue, the IDC might be in a position to consider alternatives to immediately moving to the appointment of an Independent Investigator or alternatively to dismiss the allegation or issue.

(b) Clearly this will depend on the facts of the matters being investigated. It could be that the authority has another more appropriate policy or procedure to follow. Alternatively, it could be that the issue is one which might benefit from some mediation or attempts to resolve the particular issue in dispute prior to moving formally to appointing an Independent Investigator.

(c) It is possible at any stage to consider the mutual termination of the contract and sometimes this will be a suitable alternative for all concerned. This might particularly be the case where relationships are breaking down but there is no evidence of misconduct attached to the chief executive. The Joint Secretaries could be available to assist (see **Appendix 4**).

(d) If any financial settlements are considered, it is important that such an arrangement:

☐ Falls within the authority's discretions under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, or

☐ Is a payment in consideration of an agreement that compromises a genuine legal claim that the chief executive might have at a Court or Employment Tribunal

In both cases the settlement must also comply with any other restrictions on exit payments, such as the £95,000 cap on such payments, including the circumstances in which the council may exercise powers to waive the cap.

(e) The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 are designed to enable a local authority to compensate employees whose employment terminates on grounds of redundancy or in the interests of the efficient exercise of the authority's functions. It is therefore possible that a payment will be legitimate in certain circumstances. However, where there is an obvious case requiring disciplinary action and the allegation is such that dismissal is a likely outcome, it is not likely that an external auditor will sanction a deal under the current regulations.

(f) The authority must take appropriate legal advice when attempting to reach a financial settlement to ensure that any payment is justified and lawful. Relevant considerations will include the likelihood of the claim succeeding and the amount of compensation that could be awarded by a Court or an Employment Tribunal.

5.4.7 Power to agree financial settlements

When considering its delegation of power the authority must include consideration of which Committee or Officeholder has the authority to negotiate a settlement and also a process by which any settlement would be sanctioned including liaison with the external auditor.

5.4.8 Access to appropriate professional / independent advice

(a) Conducting an investigation into allegations or serious issues involving the chief executive can be demanding on the individuals involved. The IDC (and the Appeal Committee and council) will have access to the local authority's officers, but given the closeness of relationships between the

chief executive and the other senior officers this can be a difficult time for those required to advise the Committee, to conduct investigations internally, or to source advice from outside the authority.

(b) The authority should provide that the IDC has powers to appoint external advisers as appropriate. Useful sources of general advice on the operation of the procedure and assistance with conducting investigations include the Local Government Association by contacting the Employers' Secretary or from the appropriate Regional Employers' Organisation or ALACE.

In addition to this general advice and assistance, given the potential complexity of the issue, authorities might also require access to their own legal advice.

5.4.9 Ill-health - medical advice

In cases of capability related to sickness or where during the course of any other investigation, the ill-health of the chief executive results in their unavailability it will be important that the IDC has access to appropriate medical advice from the council's Occupational Health provider (see **paragraph 2.3.2**).

5.4.10 Performance

(a) Where the issue is one of capability in terms of performance or competence, other than ill-health, the council will need to be in a position to establish or demonstrate the nature of the concerns. Evidence will be necessary in order to justify a further investigation.

(b) This might come from a variety of sources, e.g. performance appraisal records, inspection reports, etc. Where the council follows an established appraisal / performance management process, this can also provide an appropriate route to establishing issues suitable for referral to the IDC (see **Appendix 2**).

(c) Where the issue is breakdown of trust and confidence, the council will need to be able to establish that the fault for the breakdown could reasonably be regarded as resting solely or substantially with the chief executive.

6. Appointment of an Independent Investigator - (procedure)

The IDC will be responsible for appointing an Independent Investigator, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.

The Independent Investigator should be selected from the list maintained by the National Joint

6. Appointment of an Independent Investigator - (guidance)

6.1 Where a decision has been taken to appoint an Independent Investigator, it is important that the council moves quickly to take this forward. This is particularly important if the chief executive has been suspended. This can be assisted if the availability of potential Independent Investigators is explored at an early stage.

6.2 This will require that the council is clear as to who has the power to appoint the Independent Investigator and to agree the terms of remuneration and working methods. The model procedure envisages that this will be the responsibility of the IDC.

6.3 It is in the interests of the council and the chief executive that both sides should have confidence in the independence and relevant competence of the Independent Investigator, not least to avoid, or at least minimise, argument later in the process about the quality or credibility of the investigation. To this end, it has been agreed that the Joint Secretaries will maintain a list of potential Independent Investigators, who have been selected for their suitability and experience for this work. Independent Investigators on that list will be offered on a 'taxi-rank' basis subject to their availability within the desired timescales, and no material connections with the council or the chief executive nor any connection to the allegations.

6.4 The Council will approach the National Joint Secretaries and will be supplied with the top three names from the list (if in exceptional circumstances three names are not available, both local parties will agree to choose from a shorter list). If these are acceptable to the council, the chief executive will be invited to select one of the names. The only acceptable reason for not selecting from the names supplied being conflict of interest. If an appointment is not agreed by the chief executive within 14 days of the date of the names being supplied, the council will be at liberty to select an Investigator from the names supplied.

6.5 Terms of reference – allegations or issues to be investigated

(a) When appointing an Independent Investigator it is important that they are provided with terms of reference. The Investigator will need to be:

- ☑ aware of the precise allegation(s) or issue(s) to be investigated
- ☑ provided with access to sources of information and people identified as relevant to the case
- ☑ aware of expectations regarding timescales and any known factors which could hinder their investigation, e.g. the availability of key people

(b) The IDC will be responsible for providing this information. It will also be in a position to discuss timescales for the investigation.

6.6 Remuneration

Remuneration for the Independent Investigator will be set at the Local Government Association's normal consultancy rate for external consultancy work.

7. The Independent investigation – (guidance)

7.1 Resources

7.1.1 The amount of time required to be spent on the investigation will depend on the case. Due to the demands on their time, the Independent Investigator could decide to delegate some of the

7. The Independent investigation – (procedure)

The ACAS Code of Practice on Discipline and Grievance requires there to be an investigation to establish the facts of the case before proceeding to the disciplinary hearing. The JNC believes that, for chief executives, this should be carried out by an Independent Investigator. He / she should determine the procedure for the investigation, either operating on the basis of an independent investigation using his / her powers to access information, or a formal hearing, at which the allegations and supporting evidence including evidence provided by witnesses are presented by the authority's representative and the chief executive or his / her representative is able to present his / her case. While the recommended procedure allows for either option, on balance the JNC's preference is for the 'investigation' model, but the decision on this remains with the Independent Investigator.

Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report stating in his/her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason; and recommending any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.

investigation work to an assistant. This should be agreed with the IDC and the chief executive should be informed. If the work is delegated to someone else outside of the authority this might also

require further discussion on any difference in the terms of remuneration for the assistant to the Independent Investigator

7.2 Working arrangements

7.2.1 Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report:

- ▣ stating in his / her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or other issue under investigation; and
- ▣ to recommend any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.

7.2.2 The methodology adopted by the Investigator should be confirmed with the parties. However, the JNC believes that the Independent Investigator should operate on the basis either of a process of evidence gathering, hearing submissions etc or a formal hearing, at which both parties will have the usual opportunities to present evidence, cross-examine witnesses etc. Both parties can be represented by an individual of their choice (the chief executive's representation should be obtained at his / her own expense). While the recommended procedure allows for either option, on balance the JNC's preference is for the 'investigation' model, but the decision on this remains with the Independent Investigator.

7.3 Suspension

7.3.1 The Independent Investigator does not have the power to suspend the chief executive, but if the chief executive has been suspended for two months, the IDC is required to review the suspension (see **paragraph 3.2.5**).

7.4 Confidential contact at authority

7.4.1 Although the Independent Investigator has a degree of independence, it is advisable to agree some protocols for his / her investigation in order that disruption to the council's work is kept to a minimum at what can be a difficult time. The Independent Investigator will also require agreed contact and reporting arrangements with the parties. It is recommended therefore that the council designates an officer to administer the arrangements.

8. Receipt and consideration of the Independent Investigator's report by the IDC – (procedure)

The IDC will consider the report of the Independent Investigator, and also give the chief executive the opportunity to state his / her case and, to question witnesses, where relevant, before making a decision.

Having considered any other associated factors the IDC may:

- Take no further action
- Recommend informal resolution or other appropriate procedures
- Refer back to the Independent Investigator for further investigation and report
- Take disciplinary action against the chief executive short of dismissal

7.4.2 During the investigation the Independent Investigator will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed.

8. Receipt and consideration of Independent Investigator's report by the IDC - (guidance)

8.1 Report of the Independent Investigator

8.1.1 The report of the Independent Investigator is made to the IDC which will have delegated powers from the authority to receive the report and take a decision on the outcome. Unless the chief executive is exonerated by the report then at this stage the chief executive should be given the opportunity to state his/her case before the committee makes its decision.

8.1.2 This may be done in one of two ways, according to the process followed by the Independent Investigator:

If the Independent Investigator has proceeded by way of an evidence-gathering process, the Committee should hold a hearing, giving both the Independent Investigator and the chief executive the right to call and question each other's witnesses

☐ If the Independent Investigator has held a full hearing, the Committee may choose to limit their meeting to a consideration of the Independent Investigator's report. However, the Committee will need to consider whether to call witnesses for clarification, bearing in mind the ACAS Code of Practice requirement that the employee should be given a reasonable opportunity to call relevant witnesses. The Independent Investigator and the chief executive should both attend the meeting and be given an opportunity to summarise their case.

Under both options the IDC hearing should be conducted in accordance with the ACAS Code of Practice.

8.2 New material evidence

8.2.1 Where there is, at this stage, new evidence produced which is material to the allegation / issue and may alter the outcome, the IDC may:

- ☐ take this into account in making their decision or
- ☐ request that the Independent Investigator undertake some further investigation and incorporate the impact of the new evidence into an amended report

8.3 Recommendations by the Independent Investigator – outcomes or options

8.3.1 The Independent Investigator is expected to recommend any disciplinary action that appears to be appropriate. At this stage clarity is to be welcomed and a clear reasoned recommendation should be given. However, it could be that there is not one obvious action and it may be that the Independent Investigator recommends a range of alternative actions.

8.3.2 Whilst the Independent Investigator's role is to make recommendations on disciplinary action, he / she may wish to comment on potential options for the way forward following the investigation process.

8.4 Decision by the IDC

8.4.1 The IDC should take its decision on the basis of the Independent Investigator's report, and its own findings. It is open to the Committee to impose a lesser or greater sanction than that

recommended and it is obviously important for later stages of the procedure that the reasons for doing so are recorded.

9. Action short of dismissal – (guidance)

9.1 Where the chief executive is found to have no case to answer, appropriate communication should be prepared with the chief executive to ensure as far as possible that there is no damage to the chief executive's reputation.

9.2 Where the decision taken by the IDC is action short of dismissal, the action will be taken by the Committee itself. There is no requirement to seek confirmation by the council (or in authorities operating Mayor and cabinet or leader and cabinet executives, checking to see whether there are any objections raised by members of the executive). The constitution of the IDC will need to include the delegated power to take disciplinary action in these circumstances.

9. Action short of dismissal – (procedure)

The IDC may agree to impose no sanction, or to take action short of dismissal, in which case the Committee will impose an appropriate penalty / take other appropriate action.

10. Where dismissal is proposed – (procedure)

Proposal to dismiss on the grounds of misconduct and for other reasons such as capability or some other substantial reason

Executive constitutions only

In Mayor / cabinet and leader / cabinet **executive constitutions only**. The IDC will inform the Proper Officer that it is proposing to the council that the chief executive be dismissed and that the executive objections procedure should commence.

Executive objections procedure

The Proper Officer will notify all members of the executive of:

- The fact that the IDC is proposing to the council that it dismisses the chief executive
- Any other particulars relevant to the dismissal
- The period by which any objection to the dismissal is to be made by the leader / elected mayor on behalf of the executive, to the Proper Officer

At the end of this period the Proper Officer will inform the IDC either:

- that the leader / elected mayor has notified him / her that neither he / she nor any member of the executive has any objection to the dismissal
- that no objections have been received from the leader / elected mayor in the period or
- that an objection or objections have been received and provide details of the objections

The IDC will consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, then the Committee will act accordingly, i.e. it will consider the impact of the executive objections on its proposal for dismissal, commission further investigation by the Independent Investigator and report if required, etc.

9.3 The chief executive has a right of appeal against the decision (see **paragraph 11**).

Having satisfied itself that there are no material and well-founded objections to the proposal to dismiss, the IDC will inform the chief executive of the decision and put that proposal to the Independent Panel along with the Independent Investigator's report and any other necessary

proposal to the Independent Panel along with the Independent Investigator's report and any other necessary material. This is not a full re-hearing and will not involve the calling of witnesses

The role of the Independent Panel

Where the IDC is proposing dismissal, this proposal needs to go before the Independent Panel.

Both parties should be present or represented (the IDC might be represented by its Chair or other nominated person at the meeting). The Panel should receive any oral representations from the Chief Executive, in which case it should invite any response on behalf of the IDC to the points made, and may ask questions of either party. The Independent Panel should review the decision and prepare a report for Council. This report should contain a clear rationale if the Panel disagrees with the recommendation to dismiss.

The role of the Council

The council will consider the proposal that the chief executive should be dismissed, and must take into account:

- Any advice, views or recommendations of the Independent Panel
- The conclusions of the investigations into the proposed dismissal
- Any representations from the chief executive

The chief executive will have the opportunity to appear before the council and put his or her case to the council before a decision is taken.

Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts

Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of an Independent Investigator or Independent Panel.

However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities. In addition, dismissals for all reasons including those set out in this paragraph must be approved by the Council itself.

10. Where the IDC proposes dismissal – (*guidance*)

10.1 Where the Committee proposes dismissal, the Regulations require that the council must approve the dismissal before notice of dismissal is issued. Additionally, in councils that operate with either a Mayor and cabinet executive or a leader and cabinet executive, notice of dismissal must not be issued until an opportunity has been given to members of the executive to object to the dismissal.

10.2 Executive objections procedure

10.2.1 The executive objections procedure set out in the model procedure reflects the requirements of the Standing Orders Regulations (see Schedule 1, Part 1 (Mayor and cabinet executive), Paragraph 6 and Part 2 (leader and cabinet executive), Paragraph 6).

10.2.2 It is important that the authority identify The ‘Proper Officer’ to undertake the role specified in the Regulations, i.e. notifying members of the executive of the proposal to dismiss, providing relevant information and the timescale during which any material and well-founded objections should be made.

10.2.3 It will also be appropriate to explain that in order for an objection to be considered material and well-founded, the objection would need to be not only based on evidence (well-founded) but must also be relevant to the case (material).

10.2.4 Given the procedure followed it would be unusual for a member of the executive to be in a position to raise an objection that would be sufficient to change the outcome significantly. However, this may be the case.

10.2.5 It is for the IDC to decide whether any objections put forward by members of the executive are material and well-founded. If they are, then the Committee will need to consider the effect of the objection and act accordingly. For example, this may require further investigation.

10.3 The role of the Independent Panel

10.3.1 The Independent Panel must be appointed at least 20 days before the meeting of the council at which the recommendation for dismissal is to be considered.

10.3.2 It is likely that Independent Panel members will be unfamiliar with their role under the Regulations and with matters relating to the working environment of chief executives. Accordingly, it is important for Panel members to be offered appropriate training for the role the Panel is to fulfil.

10.3.3 The role of the Panel is to offer any advice, views or recommendations it may have to the council on the proposal for dismissal. The Panel will receive the IDC proposal and the reasons in support of the proposal, the report of the Independent Investigator and any oral and / or written representations from the chief executive. The Independent Investigator may be invited to attend to provide clarification if required. The Panel will be at liberty to ask questions of either party.

10.3.4 The Panel should then formulate any advice, views or recommendations it wishes to present to the council. If the Panel is recommending any course of action other than that the council should approve the dismissal, then it should give clear reasons for its point of view.

10.4 The role of the Council

10.4.1 The Regulations require that in all constitutions, where there is a proposal to dismiss the chief executive, the council must approve the dismissal before notice of dismissal is issued. The council must therefore consider the proposal and reach a decision before the chief executive can be dismissed.

10.4.2 Given the thoroughness and independence of the previous stages, in particular, the investigation of the Independent Investigator (where applicable), it will not be appropriate to undertake a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the proposal to dismiss, and any advice, views or recommendations of the Independent Panel.

10.4.3 The chief executive will have the opportunity to attend and be accompanied by their representative and to put forward his / her case before a decision is reached.

10.4.4 The Council is at liberty to reject the proposal to dismiss. It can then decide on the appropriate course of action which could include substituting a lesser sanction or, in a case of misconduct or other reasons such as capability or some other substantial reason, referring it back to the IDC to determine that sanction.

11. Appeals – (guidance)

11.1 Appeals against dismissal

11.1.1 *Discipline and Grievance – ACAS Code of Practice* requires that an employee who has been dismissed is provided the opportunity to appeal against the decision.

11.1.2 As the Standing Orders Regulations require that the council approves the dismissal before notice of dismissal is issued, there might be some concerns about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss. The model procedure therefore envisages that the council meeting fulfils the requirement for an appeal. Before the council takes a decision on the recommendation to dismiss the chief executive it will take representations from the chief executive. Those representations will constitute the appeals process.

11.2 Appeals against action short of dismissal

11. Appeals – (procedure)

Appeals against dismissal

Where the IDC has made a proposal to dismiss; the hearing by the council will also fulfil the appeal function.

Appeals against action short of dismissal

If the IDC takes action short of dismissal, the chief executive may appeal to the Appeals Committee. The Appeals Committee will consider the report of the Independent Investigator and any other relevant information considered by the IDC, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The chief executive will have the opportunity to appear at the meeting and state his / her case.

The Appeals Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

11.2.1 Appeals against actions short of dismissal will be heard by the Appeals Committee. The appeal hearing will take the form of a review of the case and the decision that was taken by the IDC.

11.2.2 This process should follow the procedure that the local authority applies generally to its other employees.

1. Issues requiring investigation – (procedure)

Where an allegation is made relating to the conduct or capability of the chief executive or there is some other substantial issue that requires investigation, the matter will be considered by the Investigating & Disciplinary Committee (IDC).

This Committee will be a standing committee appointed by the council. Arrangements for flexibility are recommended in the event that a member of the standing committee has a conflict of interest.

B. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE - WALES

1. Issues requiring investigation – (guidance)

1.1 The Local Authorities (Standing Orders) (Wales) Regulations 2006

1.1.1 The Local Authorities (Standing Orders) (Wales) Regulations 2006 (Regulation 8, and Schedule 4) require that no disciplinary action be taken against the chief executive other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). The definition of disciplinary action (Interpretation, Regulation 2) is wide.

1.1.2 Disciplinary action: in relation to a member of staff of a relevant authority (county council or county borough council) means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

This definition would therefore include other reasons for dismissal such as capability or some other substantial reason including a breakdown in trust & confidence between the chief executive and the authority.

1.1.3 Therefore, although the definition refers to disciplinary action, it clearly requires that any action that could lead to a warning for misconduct or where there are circumstances which may result in a proposal for dismissal for any reason other than the following be covered by the process:

- ☑ Redundancy;
- ☑ Expiry of a fixed term contract;
- ☑ Retirement or termination on permanent ill-health grounds.

1.1.4 The attached **Appendix 5d** sets out those circumstances that could potentially result in dismissal and whether or not they are covered by this procedure.

1.2 Structures to manage the procedure

1.2.1 A key feature of the model procedure is the specific roles envisaged by the IDC, the Appeals Committee and the council. Authorities will need to consider a number of important issues around the composition of committees and the delegation of appropriate powers. In particular, it must be borne in mind that the appointment and dismissal of staff are non-executive functions. Therefore these bodies have to be put in place by the council not the leader / Mayor or executive.

1.2.2 The Welsh regulations require (Regulation 9 (1)) that when it appears that an allegation of misconduct which may lead to disciplinary action has been made against the head of paid service (chief executive) the authority must appoint a committee (“an investigation committee”) to consider the alleged misconduct. In this model the JNC envisages that for practical reasons, not explicitly set out in the regulations, this committee will have a wider function than performing only the initial investigation. For example it will also receive the report of the Designated Independent Person, may make recommendations to full council, may take disciplinary action itself in some circumstances (in accordance with the regulations) and have a number of other functions such as powers to suspend the chief executive and appoint a Designated Independent Person, etc. It is therefore referred to throughout as the Investigating and Disciplinary Committee (IDC) (It does not matter what the committee is called locally, and it could for example perform other local functions. The important feature is that it has appropriate powers and resources to perform its role and responsibilities). It is also envisaged and strongly advised that authorities should have a standing committee rather than attempt to set one up only when an allegation arises. The IDC must be a politically balanced committee comprising a minimum of three members (Regulation 9 (2)) although an authority might wish to have a larger committee, particularly if this is necessary to achieve political balance. Where authorities operate a leader / cabinet or mayor / cabinet executive structure, this must include one member of the executive but not more than half of the members of the committee are to be members of the executive. This Committee may

need to be in a position to take decisions and appropriate actions as a matter of urgency. It may need to meet at very short notice to consider allegations and decide whether there is a case to answer and to consider whether suspension of the chief executive might be appropriate. It is also possible that in some circumstances members of the committee may find themselves in a position where they have a conflict of interest. It is therefore recommended that authorities take this into account when constructing the committee and its powers, including the quorum and substitutes. The role of the IDC is explained further at appropriate stages in the guidance.

1.2.3 The Appeals Committee is not stipulated in the Standing Orders Regulations but again has a practical purpose in relation to the procedure. Again it must be a politically balanced committee and it is strongly recommended that it be a standing committee. The number of members is not specified but it is suggested, as with the IDC that there is a minimum of three members but that an authority might wish to have a larger committee. The members of the Appeals Committee should not be members of the IDC. Where authorities operate an executive structure this must include one member of the executive but not more than half of the members of the committee are to be members of the executive. The Appeals Committee will have a more limited role. Its purpose will be to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to award no sanction or a lesser sanction.

1.3 Managing access to the procedure (see also paragraph 5.1)

1.3.1 The procedure itself does not require that every single issue which implies some fault or potential error on the part of the Chief executive be investigated using this process. It is for the authority to decide the issues that will engage the formal process.

1.3.2 Authorities will therefore need to consider what constitutes an 'allegation' made relating to the conduct or capability of the Chief executive and what it considers are other substantial issues requiring investigation. Clearly the route for complaints against the council and the chief executive and for issues that might be substantial and require some form of investigation, and possibly formal resolution, is varied. Ideally, procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded, or trivial or can best be dealt with under some other procedure.

1.3.3 For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the council's general complaints procedure. If the matter is a grievance from a member of staff directed against the chief executive, it may be appropriate to first deal with it through the council's grievance procedure. Of course if the matter were a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would be one that would be suitable for an investigation under the disciplinary procedure.

1.3.4 An authority will need to put into place arrangements that can manage the process. In particular - that records are kept of allegations and investigations and that there is a clear route into the disciplinary procedure. It could be, for example, that in the case of allegations against the chief executive, the monitoring officer, and the Chair of the IDC would oversee referrals to that Committee. Alternatively, some authorities might prefer that the role were performed by the HR Director.

1.3.5 Where the issue to be investigated is related to the sickness absence or capability of the chief executive in terms of performance, there is likely to be a link with the authority's sickness procedure and appraisal / performance management procedure.

2. Timescales – (procedure)

It is in the interests of all parties that proceedings be conducted expeditiously. It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

1.3.6 Where management action is required in respect of the normal sickness of the chief executive, the authority needs to be clear about who takes appropriate actions. Initially, it could be the normal management team of elected members or Director of HR (according to local procedures) who will follow the authority's normal sickness absence procedures. Whoever is responsible will report to the IDC as appropriate to the matter being investigated – in particular where procedures have been followed to the point where dismissal appears to be a possibility (see flow diagrams **Appendices W5a, 5b and 5c**).

1.3.7 Any shortcomings in a chief executive's performance can be better identified, and therefore remedied, at an early stage if there is an objective performance appraisal system in place as required by the JNC agreement (see **Appendix 2**). For a chief executive the system is likely to be linked to objectives in the authority's community plan and the performance objectives should be specific, measurable, achievable, realistic, and time-related. It may, but will not necessarily, be the system against which pay progression is measured (see **Appendix 5c**).

2. Timescales – (guidance)

2.1 An important principle when taking disciplinary action is that the process should be conducted expeditiously but fairly. There is, therefore, a need to conduct investigations with appropriate thoroughness, to arrange hearings and allow for representation. It is not in the interests of the

council, or the chief executive, that proceedings are allowed to drag on without making progress towards a conclusion.

2.2 Statutory and indicative timescales

2.2.1 The procedure does not set out explicit timescales except those specifically referred to in the Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended). In this guidance we also make reference to other statutory timescales and restrictions which are applicable to disciplinary procedures more generally, such as those contained in the Employment Relations Act 1999 (in connection with the right to be accompanied).

2.3 Avoiding delays in the procedure

One cause of delay in the procedure is the availability of the key people necessary to manage and control the process.

2.3.1 Availability of the Designated Independent Person (DIP) (see paragraph 6)

(a) The Local Authority (Standing Orders) (Wales) Regulations 2006 require that the Designated Independent Person must be agreed between the council and the chief executive within 1 month of the date on which the requirement to appoint the Designated Independent Person arose otherwise a Designated Independent Person will be nominated by Welsh Ministers for formal appointment by the council. The practicalities of discussing and agreeing on the DIP is a matter which could be delegated to an appropriate officer, eg, Monitoring Officer or HR Director.

(b) There is no provision in the Regulations on the amount of the fee to be paid to the DIP for their work. However, the Regulations do provide that the authority must pay reasonable remuneration to the DIP, including any reasonable costs.

(c) Where a decision has been taken to appoint a DIP it is important that the authority move quickly to achieve this to adhere to the timescale set out in the regulations in (a) above but also due to the two-month time limit on suspension, this is also particularly important where the chief executive has been suspended.

(d) The regulations provide that it is the committee's responsibility to appoint the Designated Independent Person. This would include agreeing the terms of remuneration and working methods for the Designated Independent Person.

(e) The JNC Joint Secretaries maintain a list of individuals who have the necessary knowledge and experience of local government issues to act at this level and in this capacity. The list is intended to provide a resource to local authorities. It also provides a way to help avoid unnecessary delays.

2.3.2 Availability of the chief executive in case of sickness

(a) It is possible that the sickness of the chief executive could impact on the ability to follow the disciplinary procedure. This may be because:

- ▣ the issue under investigation is the chief executive's sickness in itself (i.e. a capability issue); or alternatively
- ▣ while during an investigation for another reason such as allegations about the chief executive's conduct, the chief executive commences sickness absence during the disciplinary process

(b) In principle, the sickness of the chief executive will invoke the local authority's normal sickness procedures. The nature of the investigation and facts surrounding the sickness will dictate the appropriate way of dealing with the issue.

(c) If the investigation is about the long-term sickness or frequent ill-health problems experienced by the chief executive the authority should have already obtained appropriate medical information and advice by following its local processes which would normally include referral to the authority's occupational health adviser who would examine the chief executive and / or seek further medical information from the chief executive's GP or any specialist dealing with the case. However, the IDC or Designated Independent Person may feel the need for further or more up-to-date advice and again they should use the authority's normal processes and procedures to obtain this. If the chief executive's absence or problems at work are as a result of a disability which places him / her at a substantial disadvantage compared to others without the disability, then the authority must consider and undertake reasonable adjustments in order to remove the disadvantage. The IDC must satisfy itself that this has been fully considered and that no further reasonable adjustments could be made which would remedy the situation.

(d) Where the issue under investigation is not health-related and is e.g. the conduct of the chief executive and the chief executive then commences sickness absence then the approach will depend on the type and length of the illness and exactly when it occurs during the process.

(e) A short period of illness should not normally create a major problem although the timing of the illness can create difficulties if it coincides with scheduled meetings for investigating or hearing aspects of the case. If this occurs then reasonable efforts should be made to rearrange the meeting. However, if the sickness becomes more persistent or is likely to become longer term then the authority will take steps to identify whether the chief executive, although possibly not fit to perform the full range of duties, is fit enough to take part in the investigation or disciplinary hearing.

(f) If it appears that there will be a long period of ill health which will prevent the chief executive taking part in the process, the authority and possibly the DIP will have to make a judgement as to how long to wait before proceeding. In some cases it may be appropriate to wait a little longer where a prognosis indicates a likely return within a reasonable timescale.

(g) However, where this is not the case, the authority will in most cases need to press ahead given the importance of resolving issues which can have a significant impact on both parties due to the nature and high profile of the role of chief executive. If this is the case the authority should ensure that the chief executive is given the opportunity to attend any meetings or hearings. However, the chief executive should be informed that if they cannot attend the meetings or hearings then they would proceed without them. If this is the case the chief executive may make written submissions to be considered and may also send their representative to speak on their behalf before a decision is taken.

2.3.3 Availability of representative

The availability of the chief executive's representative can also be a possible cause of delay. Reasonable account should be taken of the availability of all relevant parties when setting dates and times of meetings. Where it is simply not possible to agree dates to suit everybody the authority needs to be aware of the statutory right to be accompanied at disciplinary hearings and to take this into account when setting dates (see **Paragraph 4**).

2.3.4 Availability of witnesses

If the Designated Independent Person allows either party to call witnesses and the witnesses are unable to attend, their evidence should not be discounted and should still be considered. Alternatives may include written statements or minutes / records where individuals have been interviewed as part of the investigation. However, such evidence may not carry the same weight as evidence that can be subjected to cross-examination.

2.3.5 Availability of committee members

(a) It is recommended that, in addition to the requirements set out in **paragraphs 1.22 and 1.23** in establishing the IDC and the Appeals Committee, authorities take availability issues into account and any operational quorum when considering the numbers of members to serve on these committees.

(b) It should be particularly borne in mind that the IDC might need to be able to meet at short notice to consider serious allegations against the chief executive.

3. Suspension – (guidance)

3. Suspension – (procedure)

Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

However, the IDC will need to consider whether it is appropriate to suspend the chief executive. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the chief executive might compromise the investigation or impair the efficient exercise of the council's functions.

In any case, the chief executive shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

An elected member should hold the delegated power to suspend the chief executive immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the chief executive are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

Any suspension must not last longer than 2 months unless the Independent Person has used his / her power to direct an extension to that period.

3.1 Although suspension in order to investigate an allegation or a serious issue is not disciplinary action in itself it is a serious step in the process that should be managed well. Unlike with most other posts, the suspension of the chief executive may come immediately to the attention of the local and perhaps national media with potentially damaging consequences for the reputation of the chief executive and the authority.

3.2 Where a chief executive is suspended and facing allegations this is potentially stressful for the individual and disruptive to the council. It is therefore in the interests of the chief executive and the council that such cases are dealt with as expeditiously as possible.

3.3 Alternatives to suspension

Suspension will not be appropriate in every case, as this will depend on the nature of the allegation or seriousness of the issue. Before suspending the chief executive, careful consideration should be given to whether it is necessary and whether there are any other suitable alternative ways of managing the situation, for example by agreeing particular working arrangements such as working from home for a period or working in some other way that protects the chief executive and authority from further allegations of a similar nature.

3.4 Power to suspend

(a) The chief executive is the head of paid service and normally bears the delegated responsibility for implementing council policy on staffing matters. However, when it is the chief executive who is the subject of an allegation or investigation, the authority will need to be clear about who has the power to suspend the chief executive and in what circumstances.

(b) The point at which it may become clear that suspension is an appropriate action is likely to be at the stage where the IDC has conducted its initial assessment. The model procedure therefore envisages that that Committee should have the power to suspend the chief executive.

3.5 Short notice suspension

The procedure also recognises that in exceptional circumstances it may be necessary to suspend at very short notice and before the IDC can meet, e.g. because the remaining presence of the chief executive could be a serious danger to the health and safety of others, or a serious risk to the resources, information or reputation of the authority. An elected member should hold the

delegated power to suspend in an emergency. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

3.6 Suspension protocols

(a) If suspension were deemed appropriate, the IDC (or in exceptional circumstances, the chair) would also be the appropriate body to agree or authorise any protocols which are necessary to manage the suspension and the investigation. For example, the chief executive might request access to workplace materials and even witnesses. Arrangements should be made to manage such requests and facilitate appropriate access. Another general principle would be that whilst suspended, the chief executive would remain available to participate in the investigation and to attend any necessary meetings. Therefore other important issues would include communication channels for day-to-day communication and any stipulations for reporting any scheduled or unscheduled absence from the area, e.g. pre-arranged holiday.

3.7 Time limits on suspension

(a) Where the chief executive is suspended The Local Authorities (Standing Orders) (Wales) Regulations 2006 (Regulation 8, Schedule 4) specify that any suspension for the purposes of investigating the allegation must be on full pay and terminate no later than 2 months from the day the suspension takes effect. This period can be extended by the Designated Independent Person who also has the power to vary the terms on which any suspension has taken place.

(b) Where a chief executive is suspended and it is decided that a Designated Independent Person shall be appointed, the authority must look to a speedy appointment. It is not always easy to identify and agree terms with a Designated Independent Person and any delay in commencing the process could create the danger that the 2-month period may expire before a DIP is in place. The regulations indicate that the chief executive would then be entitled to return to work. If such

4. Right to be accompanied – (procedure)

Other than in circumstances where there is an urgent requirement to suspend the chief executive, he or she will be entitled to be accompanied at all stages.

a situation arises it would be preferable to try to reach an agreement with the chief executive on an alternative to them returning to the office until the Designated Independent Person has been appointed.

4. Right to be accompanied – (guidance)

4.1 Although the statutory right to be accompanied applies only at a disciplinary hearing, the JNC procedure provides the opportunity for the chief executive to be accompanied at all stages by their trade union representative or some other person of their choice, at their own cost.

4.2 The procedure recognises that there may be, in exceptional circumstances, a need to suspend the chief executive at short notice, when it is not possible to arrange for their trade union representative to be present. These circumstances might include for example where there is a serious risk to the health and safety of others or serious risk to the resources, information, or reputation of the authority.

4.3 Although it would be beneficial to agree dates for the necessary meetings required, the procedure cannot be allowed to drag on owing to the unavailability of a representative. The statutory right to be accompanied in a disciplinary hearing contained in s.10 of the Employment Relations Act 1999 applies only to hearings where disciplinary action might be taken or be confirmed. That is to say when a decision may be taken on the sanction or a decision may be confirmed during an appeal. In this model procedure the statutory entitlement to be accompanied would arise:

- ☐ where the IDC considers the report of the Designated Independent Person and provides the chief executive with the opportunity to state their case before making its decision
- ☐ during any appeal against the decision taken by the IDC
- ☐ At a council meeting considering a proposal for dismissal and also fulfilling the requirement relating to a right of appeal

4.4 At these important stages (IDC receiving the report of the DIP and any appeal against the decision taken by that Committee), if the chief executive's trade union representative is unavailable for the date set then the chief executive will have the right under the provisions of the Employment Relations Act 1999, to postpone the meeting for a period of up to one week.

4.5 If the representative is unable to attend within that period the authority will have the right to go ahead with the hearing without further delay, although reasonable consideration should be given to arranging an alternative date.

**5. Considering the allegations or other issues under investigation –
(procedure)**

The IDC will, as soon as is practicable inform the chief executive in writing of the allegations or other issues under investigation and provide him / her with any evidence that the Committee is to consider including the right to hear oral evidence.

The chief executive will be invited to put forward written representations and any evidence including evidence from witnesses he / she wishes the Committee to consider.

The Committee will also provide the opportunity for the chief executive to make oral representations.

The IDC will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the chief executive before taking further action.

The IDC shall decide whether:

- the issue requires no further formal action under this procedure; or
- the issue should be referred to a Designated Independent Person.

5. Considering the allegations or other issues under investigation – (guidance)

5.1 The range of issues and to some extent the seriousness of the issues, which come before the IDC, will depend on the filter that the council adopts. Issues such as those relating to sickness absence and performance are likely to arise at the IDC having followed the authority's sickness absence or performance management / appraisal procedures (see **paragraph 1.3**).

5.2 It is possible in some cases that with some minimal investigation the IDC can dismiss the allegation without even the need to meet with the chief executive. However, this procedure is aimed at dealing with situations where the matter is not so easily dismissed. It therefore provides a process whereby the chief executive is made aware of the allegations and provided with the opportunity to challenge the allegations or to make their response. The IDC has a number of specific powers. It

- (a) may make such enquiries of the chief executive or any other person it considers appropriate
- (b) may request the chief executive or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit, and
- (c) may receive written or oral representations from the chief executive or any other person it considers appropriate

5.3 When an issue comes before the IDC it needs to make a judgement as to whether the allegation can be dismissed or whether it requires more detailed investigation by a Designated Independent Person (DIP). The regulations (Reg 9 (2)) require that the Committee must make its decision within 1 month of its appointment to consider the allegation. As the procedure envisages a standing committee in place to consider allegations we believe that the 1 month period would begin to run from the date that the 'allegation' was put to the Committee for consideration.

5.4 The appointment of a Designated Independent Person is a serious step but does not mean that the chief executive is guilty of some misdemeanour. In some cases the eventual result of the investigation will be to absolve the chief executive of any fault or wrongdoing. The appointment of a Designated Independent Person operates independently so that both the authority and the chief executive can see that matters are dealt with fairly and openly. However, the matter still needs to be handled carefully in public relations terms due to the potential damage to the reputation of the chief executive or the local authority.

5.4.1 Threshold test for the appointment of a DIP

Cases will vary in complexity but the threshold test for the IDC in deciding whether to appoint a Designated Independent Person is to consider the allegation or matter and assess whether:

- ☐ if it were to be proved, it would be such as to lead to the dismissal or other action which would be recorded on the chief executive's personal file; and
- ☐ there is evidence in support of the allegation sufficient to require further investigation.

5.4.2 Conducting the initial IDC Investigation

(a) It is intended that this stage is conducted as expeditiously as possible with due regard to the facts of the case. At this stage it is not necessarily a fully detailed investigation of every aspect of the case as that will be the responsibility of the Designated Independent Person (if appointed). However, it is important that before any decision is taken to appoint a Designated Independent

Person the chief executive is aware of the allegations that have been made against him / her (or the issue to be addressed) and given the opportunity to respond.

(b) This will be achieved by:

☐ The IDC writing to the chief executive setting out the allegations / issues and providing any evidence to be considered.

☐ Providing the opportunity for the chief executive to respond to the allegations in writing and to provide personal evidence or witness evidence.

☐ Providing the opportunity for the chief executive to appear before the IDC and to call witnesses.

(c) Fair notice should be given to enable the chief executive adequate time to prepare a response to the allegations or issues under investigation. During the initial hearing by the IDC, the chief executive is entitled to attend and can be accompanied by a representative (subject to **paragraph 2.3.3** and **paragraph 4**).

5.4.3 Treatment of witness evidence

In general, if the authority has witness evidence relating to an allegation this should be presented to the chief executive, although in exceptional cases it might be appropriate to anonymise the evidence in order to protect the identity of a witness. However, it remains important that the detail of the allegation is put to the chief executive in order that he / she understands the case against him / her.

5.4.4 Conflicts of interest

(a) The model procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing IDC. **Paragraph 1.2.2** indicates the basic rules concerning its membership. However, because a standing committee will comprise named councillors, there may be occasions when this presents problems of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Committee, although they will of course be able to give evidence, if required. The authority should attempt to construct its Committees, established quorums, and substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the council to establish a new Committee to perform the function of the IDC.

(b) Declarations of interest are matters for individual councillors who are required to follow the authority's Code of Conduct for Members and can seek advice from their Monitoring Officer or Standards Committee. Considerable problems could follow for the speed at which the case is conducted if the chief executive considers there are valid grounds for making a formal complaint to the Public Services Ombudsman for Wales about the involvement of a councillor in a case.

5.4.5 Maintaining the fairness and integrity of the procedure

Where there is a matter that requires investigation it is important that a fair and correct procedure is followed. Allegations against the chief executive or serious issues that require resolution should follow this procedure. It is important that councillors do not undermine the fairness of the procedure by for example putting motions to full council about the case as there is a serious risk that it could prejudice the disciplinary procedure. Additionally, such actions will not only create adverse publicity for the authority and the chief executive but may create conflicts of interest and could limit the role that those councillors can then take as the case progresses.

5.4.6 Other appropriate actions

(a) It could be that when faced with an issue, whether it be an allegation of misconduct, or connected with the capability of the chief executive, or some other substantial issue, the IDC might be in a position to consider alternatives to immediately moving to the appointment of a Designated Independent Person or alternatively to dismiss the allegation or issue.

(b) Clearly this will depend on the facts of the matters being investigated. It could be that the authority has another more appropriate policy or procedure to follow. Alternatively, it could be that the issue is one which might benefit from some mediation or attempts to resolve the particular issue in dispute prior to moving to appointing a Designated Independent Person.

(c) It is possible at any stage to consider the mutual termination of the contract and sometimes this will be a suitable alternative for all concerned. This might particularly be the case where relationships are breaking down but there is no evidence of misconduct attached to the chief executive. The Joint Secretaries could be available to assist (see **Appendix 4**).

(d) If any financial settlements are considered, it is important that such an arrangement:

☐ Falls within the authority's discretions under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 or

☐ Is a payment in consideration of an agreement that compromises a genuine legal claim that the chief executive might have at a Court or Employment Tribunal

(e) The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 are designed to enable a local authority to compensate employees whose employment terminates on grounds of redundancy or in the interests of the efficient exercise of the authority's functions. It is therefore possible that a payment will be legitimate in certain circumstances. However, where there is an obvious case requiring disciplinary action and the allegation is such that dismissal is a likely outcome, it is not likely that a District Auditor will sanction a deal under the current regulations.

(f) The authority must take appropriate legal advice when attempting to reach a financial settlement to ensure that any payment is justified. Relevant considerations will include the likelihood of the claim succeeding and the amount of compensation that could be awarded by a Court or an Employment Tribunal.

5.4.7 Power to agree financial settlements

When considering its delegation of power the authority must include consideration of which Committee or Officer has the authority to negotiate a settlement and also a process by which any settlement would be sanctioned including liaison with the appointed auditor.

5.4.8 Access to appropriate professional / independent advice

(a) Conducting an investigation into allegations or serious issues involving the chief executive can be demanding on the individuals involved. The IDC (and the Appeal Committee and council) will have access to the local authority's officers, but given the closeness of relationships between the chief executive and the other senior officers this can be a difficult time for those required to advise the Committee, to conduct investigations internally, or to source advice from outside the authority.

(b) The authority should provide that the IDC has powers to appoint external advisers as appropriate. Useful sources of general advice on the operation of the procedure and assistance with conducting investigations include the Local Government Association by contacting the Employers' Secretary or from the Welsh Local Government Association or ALACE or SOLACE.

In addition to this general advice and assistance, given the potential complexity of the issue, authorities might also require access to their own legal advice.

5.4.9 Ill-health - medical advice

In cases of capability related to sickness or where during the course of any other investigation, the ill-health of the chief executive results in their unavailability it will be important that the Investigating and Disciplinary Committee has access to appropriate medical advice from the council's Occupational Health provider (see **paragraph 2.3.2**).

5.4.10 Performance

(a) Where the issue is one of capability in terms of performance or competence, other than ill-health, the council will need to be in a position to establish or demonstrate the nature of the concerns. Evidence will be necessary in order to justify a further investigation.

6. Appointment of a Designated Independent Person – (procedure)

The Designated Independent Person must be agreed between the IDC and the chief executive within 1 month of the decision to appoint a DIP. If there is a failure to agree on a suitable Designated Independent Person the council will appoint the person nominated by Welsh Ministers.

Once a Designated Independent Person has been agreed, the IDC will be responsible for making the appointment, providing the necessary facilities, agreeing remuneration and providing all available information about the allegations.

(b) This might come from a variety of sources, e.g. performance appraisal records, inspection reports, etc. Where the council follows an established appraisal / performance management process, this can also provide an appropriate route to establishing issues suitable for referral to the Investigating & Disciplinary Committee (see **Appendix 2**).

(c) Where the issue is breakdown of trust and confidence, the council will need to be able to establish that the fault for the breakdown could reasonably be regarded as resting solely or substantially with the chief executive.

6. Appointment of a Designated Independent Person - (guidance)

6.1 Where a decision has been taken to appoint a Designated Independent Person it is important that the council moves quickly to achieve this. The Regulations provide that the authority and the chief executive must agree on a DIP within 1 month of the decision to appoint one. This may also be particularly important if the chief executive has been suspended because of the two-month time limit on suspension (see **paragraph 2.3.1**).

6.2 The IDC is responsible for appointing the Designated Independent Person. This will include issues such as the terms of remuneration and working methods.

6.2.1 Terms of reference – allegations or issues to be investigated

(a) When appointing the Designated Independent Person it is important that they are provided with terms of reference. The DIP will need to be:

- ☑ aware of the precise allegation(s) or issue(s) to be investigated
- ☑ provided with access to sources of information and people identified as relevant to the case

▣ aware of expectations regarding timescales and any known factors which could hinder their investigation, e.g. the availability of key people

(b) The IDC will be responsible for providing this information. It will also be in a position to discuss timescales for the Designated Independent Person's investigation. The Committee must, after consulting the Designated Independent Person, attempt to agree a timetable within which the DIP is to undertake the investigation. Where there is no agreement the DIP must set a timetable which he / she considers appropriate.

6.2.2 Remuneration

(a) There is no provision in the Regulations that stipulates the rate of remuneration to be paid to the Designated Independent Person for their work. However, the Regulations do provide (Regulation 9 (10)) that:

'A relevant authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.'

(b) This is a fairly broad obligation on local authorities. One issue that has caused delay and failure to appoint in some cases is the issue of providing the Designated Independent Person with an indemnity. Some DIPs may decline to accept the role unless the authority indemnifies them against any future legal costs arising from the role performed. There has been a difference of opinion as to whether the DIP should have insurance in their own right to cover such an eventuality, or whether the council should provide this or indeed whether it has the power to do so. In the opinion of the CLG, at the time of implementation, this issue is to all intents and purposes resolved by the wording of Regulation 9(10), i.e. that the Regulations require the council to bear all of the costs of the DIP incurred by him / her in, or in connection with, the discharge of his / her functions under this Regulation.

7. The Independent Person investigation – (guidance)

7.1 Resources

The amount of time required to be spent on the investigation will depend on the case. Due to the demands on their time, the DIP could decide to delegate

7. The Independent Person investigation – (procedure)

The Local Authorities (Standing Orders) (Wales) Regulations 2006 require the Designated Independent Person to investigate and make a report to the council. In this model procedure this would be the IDC. The JNC believes that the Designated Independent Person should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which the allegations and supporting evidence including evidence provided by witnesses are stated by the authority's representative and the chief executive or his / her representative is able to present his / her case.

Once appointed it will be the responsibility of the Designated Independent Person to investigate the issue / allegation and to prepare a report:

stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason; and recommending any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.

Note: wording above not all in regulations but necessary to deal with other situations resulting in proposals to dismiss

some of the investigation work to an assistant. This should be agreed with the IDC and the chief executive should be informed. If the work is delegated to someone else outside of the authority this might also require further discussion on any difference in the terms of remuneration for the assistant to the Designated Independent Person.

7.2 Working arrangements

7.2.1 Once appointed it will be the responsibility of the Designated Independent Person to investigate the issue / allegation and to prepare a report:

- ▣ stating in his / her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or other issue under investigation and
- ▣ to recommend any disciplinary action which appears to him / her to be appropriate for the council to take against the head of paid service / chief executive

7.2.2 The IDC must, after consulting the Designated Independent Person, attempt to agree a timetable within which the DIP is to undertake the investigation. Where there is no agreement the DIP must set a timetable which he / she considers appropriate.

7.2.3 The Regulations only require the Designated Independent Person to investigate and report to the council. The methodology should be confirmed with the parties. However, the JNC believes that the Designated Independent Person should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which details of the allegations and supporting evidence are stated by the authority's representative and where the chief executive is given the opportunity to respond.

7.3 Power to extend suspension

7.3.1 The Regulations provide that suspension of the chief executive for the purposes of investigating the issue should last for no longer than two months.

7.3.2 The DIP does not have the power to suspend the chief executive and neither is his / her permission required in order to suspend the chief executive. However, the Regulations provide

that where the authority has suspended the chief executive, the Designated Independent Person has the power to direct:

- that the authority terminate the suspension
- that the suspension should continue beyond the two month limit

8. Receipt and consideration of the Designated Independent Person's report by the IDC– (procedure)

The IDC will consider the report of the Designated Independent Person and also give the chief executive the opportunity to state his / her case before making a decision. Having considered any other associated factors the Committee may:

- Take no further action
 - Recommend informal resolution or other appropriate procedures
 - Refer back to the Designated Independent Person for further investigation and report*
 - Take disciplinary action against the chief executive short of dismissal
 - Recommend dismissal of the chief executive to the council
- that the terms on which the suspension has taken place must be varied

7.4 Confidential contact at authority

7.4.1 Although the Designated Independent Person has a degree of independence, it is advisable to agree some protocols for his / her investigation in order that disruption to the council's work is kept to a minimum at what can be a difficult time. The Designated Independent Person will also require agreed contact and reporting arrangements with the parties. It is recommended therefore that the council designates an officer to administer the arrangements.

7.4.2 During the investigation the Designated Independent Person will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed.

8. Receipt and consideration of Designated Independent Person's report by the IDC - (guidance)

8.1 Report of the Designated Independent Person

The requirement is that the Designated Independent Person makes a report to the council and sends a copy to the chief executive simultaneously. In the JNC procedure it is envisaged that the report be made to the IDC which will have delegated powers from the authority to receive the report and take a decision on the outcome. Unless the chief executive is exonerated by the report then at this stage the chief executive should be given the opportunity to state his / her case before the committee makes its decision.

8.2 New material evidence

Where there is, at this stage, new evidence produced which is material to the allegation / issue and may alter the outcome, the IDC may:

- ▣ take this into account in making their decision or
- ▣ request that the Designated Independent Person undertake some further investigation and incorporate the impact of the new evidence into an amended report

The way the evidence is taken into account will depend on its nature. The introduction of new evidence in itself cannot be used to justify a more serious sanction than recommended by the Designated Independent Person. If this is a possibility, the Designated Independent Person should review his / her decision taking into account the new evidence.

8.3 Recommendations by the DIP - outcomes or options

8.3.1 The Regulations require the Designated Independent Person to recommend any disciplinary action that appears to be appropriate. At this stage clarity is to be welcomed and a clear reasoned decision is preferable. However, it could be that there is not one obvious action and it may be that the Designated Independent Person recommends a range of alternative actions. In this case the IDC would need to select the action to be taken.

8.3.2 Whilst the DIP's role is to make recommendations on disciplinary action, he / she may wish to comment on potential options for the way forward following the DIP process.

8.4 Decision by the IDC

The Committee is required to take a decision on the basis of the Designated Independent Person's report. It is always open to the Committee to impose a lesser sanction than that recommended but it cannot impose a greater sanction.

9. Action short of dismissal – (guidance)

Where the decision taken by the Committee is action short of dismissal the action will be taken by the Committee itself. There is no requirement to seek confirmation by the council. The constitution of the IDC will need to include the delegated power to take disciplinary action in these circumstances.

10. Where the IDC proposes dismissal – (guidance)

9. Action short of dismissal – (procedure)

Where the decision is to take action short of dismissal the IDC will impose the necessary penalty / action, up to the maximum recommended by the Designated Independent Person.

Where the Committee proposes dismissal the Regulations require that the council must approve the dismissal before notice of dismissal is issued.

10.2 Executive objections procedure

10.2.1 Although previous statutory guidance referred to conducting an executive objections procedure in authorities operating leader / cabinet and mayor / cabinet constitutions this is not required.

10.3 The role of The Council

10.3.1 The Regulations require that where there is a proposal to dismiss the chief executive, the council must approve the dismissal before notice of dismissal is issued. The Council must

therefore consider the proposal from the IDC and reach a decision before the chief executive can be dismissed.

10.3.2 Given the thoroughness and independence of the previous stages, in particular, the investigation of the Designated Independent Person it will not be appropriate to undergo a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the recommendation to dismiss.

10.3.3 The chief executive will have the opportunity to be accompanied by their representative and to put forward his / her case before a decision is reached.

11. Appeals – (guidance)

11.1 Appeals against dismissal

11.1.1 *Discipline and Grievance at Work – The ACAS Guide* requires that an employee who has been dismissed is provided the opportunity to appeal against the decision.

11.1.2 As the Standing Orders Regulations require that the council approves the dismissal before notice of dismissal is issued, there might be some concerns about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss. The model procedure therefore envisages that the council meeting fulfils the requirement for an appeal. Before the council takes a decision on the recommendation to dismiss the chief executive it will take representation from the chief executive. Those representations will constitute the appeals process.

11.2 Appeals against action short of dismissal

11.2.1 Appeals against actions short of dismissal will be heard by the Appeals Committee. The appeal hearing will take the form of a review of the case and the decision that was taken by the IDC.

11.2.2 This process should follow the procedure that the local authority applies generally to its other employees.

Appendix 5a

ENGLAND ONLY: Disciplinary Procedure for Local Authority Chief Executives

Investigating and disciplinary committee convened (IDC)

This should be a standing committee of the Council

Option 1.

No further action. This should be immediately communicated to the Chief Executive and the complainant notified if necessary.

The IDC considers the allegation[s]

The Chief Executive should be asked for comments. In the light of the Chief Executive's comments and having carefully considered the complaint / allegation the IDC may decide on any of the following actions

Option 3

Case to answer / further investigation required

If following consideration of the Chief Executive's response the IDC believes that the case cannot be dismissed and requires further investigation and that, if the allegations were to be upheld they would result in a sanction greater than an informal warning, the IDC should appoint an Independent Investigator, II, and consider suspension.

Option 2.

Informal un-recorded oral warning

If the matter is not serious but there is some minor fault or error on the part of the Chief Executive then the IDC can issue an informal un-recorded warning

oral warning.

The report of the II

Irrespective of the manner in which the II investigates the case on completion of their investigation the II must prepare a report with recommendations and rationale for submission to the IDC.

Suspension

The chair of the IDC should have delegated authority to suspend. months and only extended following consultation with the II and from the Chief Executive



Suspension should be reviewed after a period of two consideration of any objections / representations

Hearing the case

Alternatively the II may hear the case.

If the II hears the case both parties will have the usual opportunities to present evidence and cross examine witnesses etc. At the hearing both parties are afforded the opportunity to be represented by an individual of their choice, although representation for the Chief Executive should be obtained at his / her expense. Following the hearing the II will produce a report for consideration by the IDC.

Evidence collection and investigation

It may be a process of evidence gathering, hearing submissions etc. which will lead to the formulation of a recommendation for consideration by the IDC.

Role of the II

In practice it should be for the II to determine the process they will follow. This will be dependent upon the nature of the allegations and availability of information. However, the JNC's preferred process is 'Evidence Collection and Investigation'.

Appointment of the Independent Investigator (II)

An Independent Investigator is appointed-

A list of suitably qualified individuals should be maintained by the Joint Secretaries. This could operate as a taxi rank system or the authority could be given three names from which the Chief Executive could pick. Only genuine conflicts of interest etc. should be acceptable reasons for rejection by the Chief Executive. If the Chief Executive will not agree within 14 days the Council should be free to appoint their choice from the list.

Consideration and Decision of the IDC

If the II has held a full hearing the IDC will limit their hearing to a consideration of the II's report. They may decide to call witnesses for clarification. The Chief Executive and II should attend this meeting and both parties afforded the opportunity to summarise their case. The hearing should be conducted in accordance with the ACAS code of practice.

If the II did not hear the case then the IDC should now afford the Chief Executive the opportunity for a hearing to allow the postholder to challenge the recommendations of the II, call witnesses etc. The same rule regarding costs of representation would apply in this context

Report to full Council

Following consideration by the IP a report should be presented to Council. This report should comprise the recommendation of the IDC, the II's report and any comments on the recommendation for dismissal from the IP. In the light of this information Council should consider the recommendation to dismiss. The Chief Executive should be provided with a right of appeal against the decision and allowed to attend this meeting and address Council. The II may also be invited to attend to provide clarification if required. Following this consideration Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction. This stage in the process constitutes the Chief Executive's final right of appeal.

Composition, role and process of the IP

The IP should be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972, and should comprise only independent persons (at least two) appointed under S28(7) of the Localism Act 2011. Appropriate training should be provided to these Independent members. Both parties should be present or represented* at the meeting. The IP should receive any oral representations from the Chief Executive, in which case it should invite any response on behalf of the IDC to the points made, and may ask questions of either party. The IP should review the decision and prepare a report for Council. This report should contain clear rationale if they disagree with the recommendation to dismiss.

* the IDC should nominate a person to attend on its behalf

Recommendation to dismiss

If there is a recommendation to dismiss, the reports of the IDC and the II should then be sent to Independent Panel (IP) for its consideration. The Chief Executive may make written representations to the IP

Action short of dismissal

A decision to take action short of dismissal should be communicated in writing to the Chf Exec with rationale for the decision. The Chf Exec has the right of appeal to the appeals committee against this decision

No case to answer

Appropriate communication should be prepared in agreement with the Chief Executive to ensure that as far as possible there is no damage to the postholder's reputation. The IDC should consider reimbursement of any reasonable expenses incurred by the employee.

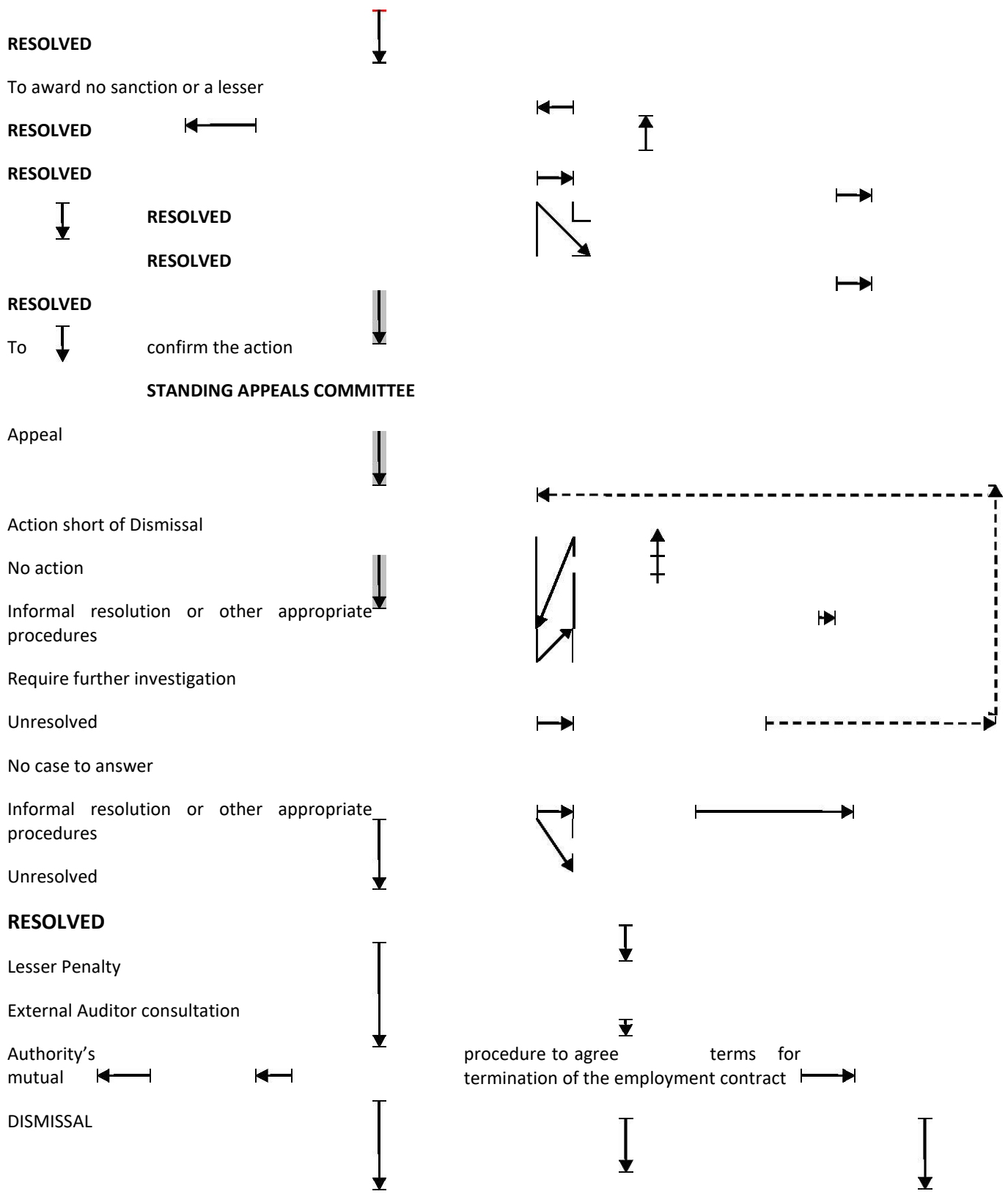
Recommendations of the IDC

Following either consideration of the report of the II or a full hearing of the case the IDC will essentially have three options

- 1. No case to answer**
- 2. Disciplinary action short of dismissal**
- 3. Dismissal**

Appendix W5a

WALES ONLY: Disciplinary Procedure for Local Authority Chief Executives



COUNCIL

Proposal to Dismiss

Range of actions that can be taken by Investigating & Disciplinary Committee on the outcome of report of the DIP

DIP investigation and report

Appoint Independent Person (DIP)

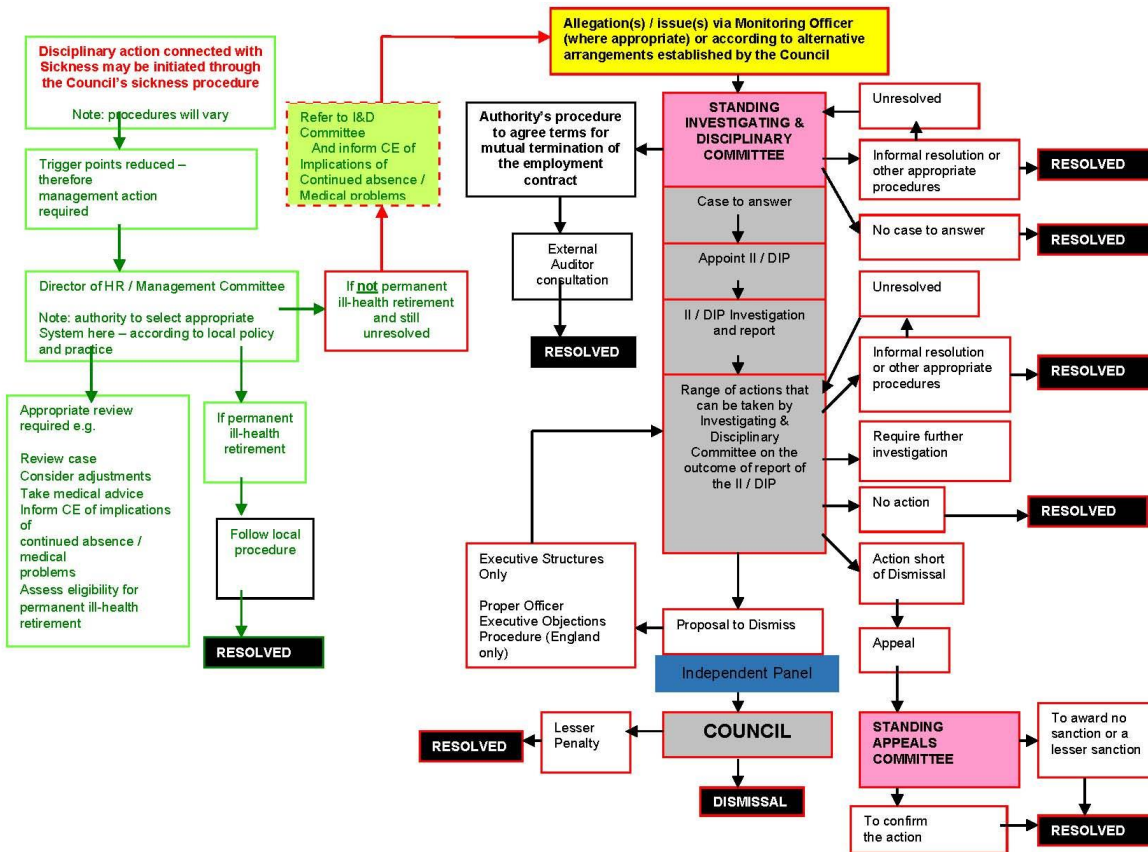
Case to answer

STANDING INVESTIGATING & DISCIPLINARY COMMITTEE

Allegation(s) / issue(s) via Monitoring Officer (where appropriate) or according to alternative arrangements established by the Council

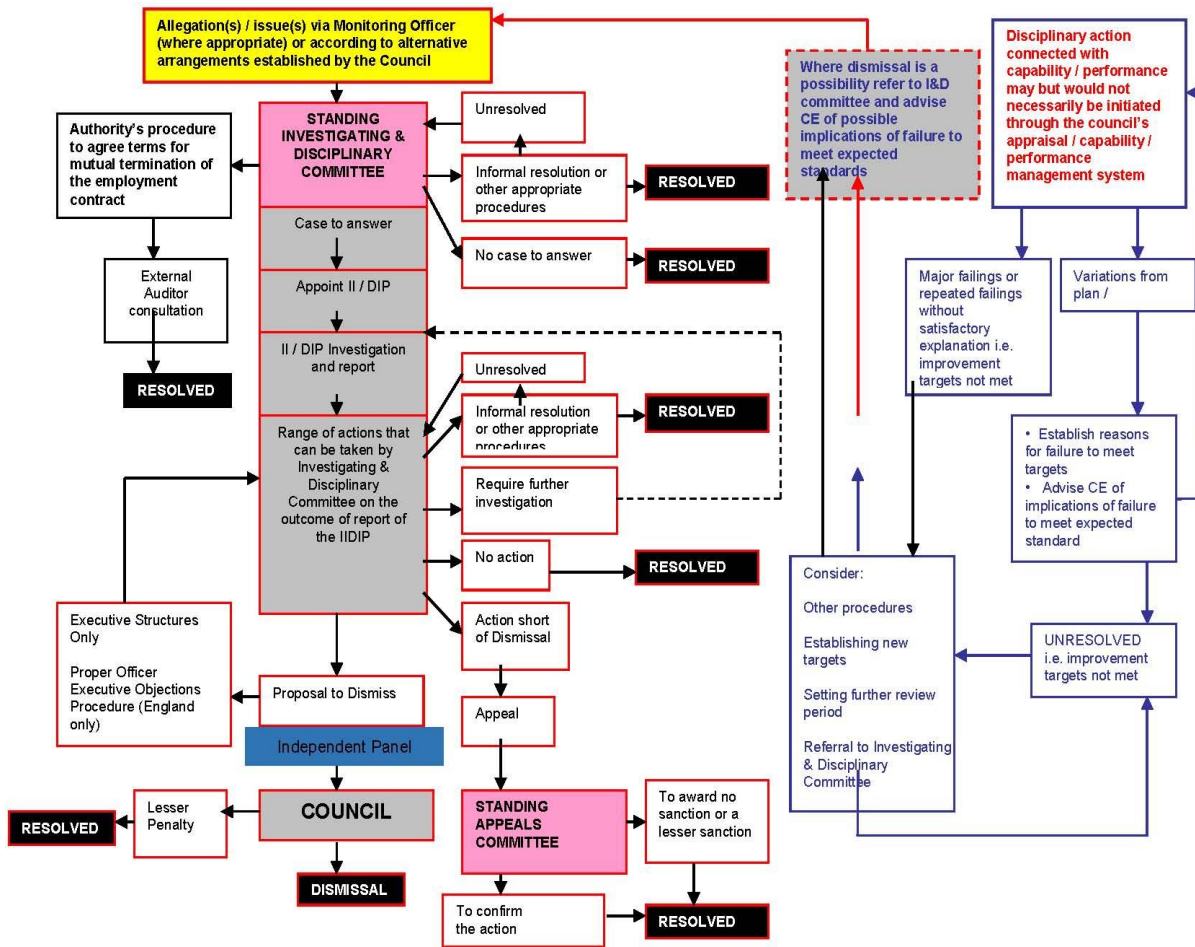
Outline revised Model Disciplinary Procedure for Local Authority Chief Executives Appendix 5b

Example of Relationship with the Council's Sickness Procedure



Appendix 5c

Revised Model Disciplinary Procedure for Local Authority Chief Executives: Example of Relationship with the Council's Capability / Performance Management Processes



Appendix 5d

APPENDIX 5dAppendix

ACTION	REASON FOR TERMINATION				
	Misconduct	Capability - Performance	Capability – Ill health (Long term or, frequent intermittent absence)	Some other Substantial Reason	Capability - Permanent
Dismissal	Yes	Yes	Yes	Yes	Maybe – could be terminated
England only: Independent Panel Required	Yes	Yes	Yes	Yes	No
Wales only: Designated Independent Person					

APPENDIX 6

(Wales only)

1. DESIGNATED INDEPENDENT PERSONS

1.1 This joint guidance provides a commentary on the role of Designated Independent Persons (DIPs). While it is contained in the Handbook it is not intended that it be incorporated into the conditions of service of Chief Executives, but rather that it be regarded as a stand-alone document to assist DIPs.

2. THE ROLE

2.1 A designated independent person (“DIP”) is someone external to and Independent of an employing authority, who is individually appointed when that authority makes allegations of a disciplinary or capability nature against either the head of paid service, the monitoring officer or the section 151 chief financial officer.

2.2 The DIP concept has its origins in the June 1986 Widdicombe report *The Conduct of Local Authority Business* (HMSO Cmnd 9797), and the succeeding Local Government and Housing Act 1989. Section 20 of that Act made it a duty (for the first time in local government law) for local authorities to adopt certain procedural standing orders. Though the Act itself did not refer to DIPs, sufficiently wide powers were given to the Secretary of State for such a requirement to be incorporated into the Local Authorities (Standing Orders) Regulations 1993, SI No 202. The disciplinary provisions of those Regulations, which applied only to heads of paid service, remain partly in force (in respect of National Parks Authorities in both England and Wales), for local authorities in Wales the similarly titled SI 2006 No 1275 (W.121).

2.3 The role of a DIP, set out in regulation 9(6) in Wales, is to report to the authority concerned as to whether (and if so, the extent to which) the evidence obtained supports any allegation of misconduct against the officer concerned, and to recommend any disciplinary action which the DIP thinks it would be appropriate for the authority accordingly to take.

2.4 Disciplinary action is defined by regulation 2 to include any proposal for dismissal for any reason other than redundancy, permanent ill-health and (unless its renewal has been promised) failure to renew a fixed term contract. On the issue of allegations of breakdown in trust and confidence, see **paragraph 5.4.10 (c)**.

2.5 Each DIP appointment should be agreed between the authority and the officer concerned, but in default of agreement the appropriate Welsh Minister will nominate a DIP for the authority to appoint. The authority must pay the DIP reasonable remuneration and all the associated costs that the DIP incurs (but are under no obligation to afford or pay for any legal or other representation to the employee whose conduct is being investigated).

2.6 DIPs are given a number of powers to facilitate their role, including directions about continuing any suspension, inspection of relevant documents, and requiring any employee (in Wales this also includes any councillor) to answer questions about the conduct of the person being investigated. Regulation 9(7) of the 2006 Regulations in Wales require that the DIP is brought into an attempt mutually to agree a timetable for the hearing, and given default powers accordingly in regulation 9(8). As to how they actually carry out the task of obtaining evidence about the relevant conduct DIPs are not given any procedural duties or directions by the Regulations: the process is at their general discretion, and they have no powers to award costs, direct that settlements be reached, or conduct conciliation or mediation roles.

2.7 For those whose employment, however, is governed by the Conditions of Service agreed by the JNC for Chief Executives, the statutory basis is augmented by their contractual terms. Those JNC Conditions of Service contain a general commentary in **paragraph 13 on page 7** on procedures for discipline, capability, redundancy and other dismissals, accompanied by a model procedure at **Appendix 5B (Wales)**. DIPs are expected to operate in conformity with the principles that the JNC Conditions of Service set out. Accordingly the Joint Secretaries have in addition drafted and published this further commentary on DIPs, and the guidance at **paragraph 3**, in the light both of experience of how these Regulations have worked previously and how the JNC now envisages their future working.

2.8 **Paragraph 8.3.2**, while explicitly acknowledging the DIP's formal role only to make recommendations about any possible disciplinary action, adds that a DIP "may wish to comment on potential options for the way forward for the DIP process." This is intended to be used where a DIP considers that, notwithstanding that either no or only limited disciplinary action would be appropriate, the realities of the situation and the interests of those concerned (including the public interest) require a different kind of outcome to be achieved.

2.9 A DIP is not a judge, nor a substitute for an Employment Tribunal. While a statutory appointment in one sense, a DIP is given none of the personal immunities or powers of enforcement that they have. The role is best understood as an independent element of what remains essentially an internal and confidential process of the authority. While the Council cannot exceed the degree of severity of any disciplinary action recommended by the DIP, it is the view of the JNC that there is no obligation either to comply with any recommendation, e.g. the authority having considered the evidence and submissions of the chief executive might decide that the recommendation of the DIP is too severe in all the circumstances of the case. The decision reached remains that of the authority, who must maintain contractual appeal rights and will in principle be answerable to an Employment Tribunal in just the same way as with any other employee.

3. GUIDANCE

3.1 DIPs are given wide discretion as to the procedure they adopt, although the 2006 Regulations in Wales contain timetabling provisions. Accordingly, while there are no formal powers for DIPs to be given directions by anyone, this guidance has been drafted to assist DIPs in addressing issues and making the decisions likely to be required. It can do no more than inform those matters, but it is based on the experience of other DIP hearings that have been held.

3.2 **Paragraph 7** advises on practical matters including the resources, the working arrangements, the power to extend suspension beyond two months, and the need for confidential but co-ordinated contact with the authority.

The Degree of Formality

3.3 As stated above, a DIP is neither a judge nor a substitute for an Employment Tribunal. While a statutory appointment, a DIP is given none of the personal immunities or powers of enforcement that they have. The role is best understood as an independent element of what remains essentially an internal and confidential process of the authority. Nevertheless, an investigation by a DIP is a statutory process, and that requires structure and a mode of conduct appropriate to the seriousness of the matter for the parties involved. Some useful principles can be taken from the practice and procedure applied at Employment Tribunal Hearings.

3.4 Rule 2 of schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 SI No. 1237 (as amended) – schedule 1 comprises the Employment Tribunal Rules of Procedure – sets out the overriding objective to deal with cases fairly and justly including avoiding delays and dealing with cases in ways which are proportionate to the complexity and importance of the issues. Further, Rule 41 states that “The tribunal shall seek to avoid undue formality and may itself question the parties or any witnesses so far as appropriate in order to clarify the issues or elicit evidence. The tribunal is not bound by any rule of law relating to the admissibility of evidence in proceedings before the courts.” Rule 43 states inter alia that “The tribunal may exclude from the hearing any person who is to appear as a witness in the proceedings until such time as they give evidence if it considers it in the interests of justice to do so.” The Joint Secretaries consider that a similar approach by the DIP will usually be appropriate, meeting the over-riding objective “to deal with cases justly”

3.5 **Paragraph 7.2.3** expresses the view that the JNC believes that the DIP “should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which details of the allegations and supporting evidence are stated by the authority’s representative and where the chief executive is given the opportunity to respond.” This may well depend on the nature of the case given the wide scope of the Standing Orders Regulations to apply to different circumstances of potential discipline or dismissal. It may be, for

example, that in some cases a more inquisitorial investigation may be appropriate rather than an adversarial challenge of allegations, eg, considering the evidence for and implications of long-term ill health.

The Degree of Confidentiality

3.6 With very limited exceptions, rule 5 of schedule 2 to the 2013 Regulations (as amended) provides for Employment Tribunal hearings to be public (although preliminary hearings must generally be held in private under rule 56. Here there is a distinct difference for the DIP process. Though there is no explicit bar to this in the Standing Orders Regulations, local authority hearings into disciplinary and capability matters are customarily held in private, and anyone the subject of a DIP hearing is likely to expect the same. The Joint Secretaries expect confidentiality also to be observed in these hearings.

3.7 If either side wishes to call two or more witnesses, the DIP will need to consider carefully whether they should be allowed to hear each other's evidence (as is usually the case in a criminal trial), or whether each witness should be heard separately with no-one else present not required or mutually agreed. The latter is the usual practice in local authority disciplinary hearings, and the Joint Secretaries assume that this will also be the norm in DIP hearings.

3.8 Whether to allow the press and media or others to be present is a separate matter from the joint presence of witnesses. No case is known to the Joint Secretaries where this has been agreed, and so they expect DIPs to refuse any such request if unacceptable to either side. A refusal is not considered to infringe human rights law provisions about open hearings, because as stated above a DIP hearing is an independent element of what remains essentially an internal and confidential process of the authority.

3.9 This latter point is emphasised by **paragraph 7.4.2** that during the investigation the DIP "will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed."

Access to the DIP's Report

3.10 The DIP's functions end with the submission of the report to the appointing authority. A copy must be sent to the person investigated (regulation 9(6)(e) of SI 2006 No. 1275 in Wales), but there is no further obligation on anyone's part to supply or publish it. No one other than the authority has the legal right to do so. The Joint Secretaries consider DIP reports to be exempt from freedom of information disclosure by virtue of section 40 of the Freedom of information Act 2000,

ie. because of the potential to breach the data protection principles set out in schedule 1 to the Data Protection Act 1998.

3.11 The Joint Secretaries also consider that the DIP should seek clarity before submission of the report about access to or publication of all or any of it. The report could be drafted to include a short statement of the outcome intended for publication even where the rest of the report itself is to be kept confidential. DIPs should bear in mind that where material is published without approval, it may be unjust for there to be no lawful way for a response to be made or, in a case of selective publication, for the balance of the report to be restored.

3.12 The law of defamation must also be considered in relation to the publication of any DIP report. The Joint Secretaries consider that qualified privilege will attach to publication to the Council itself, but may well not cover wider publication or distribution.

Costs

3.13 DIPs have no power to award costs. Section 13A of the Employment Tribunals Act 1996 gave power for rules to be made for the award of costs in such Tribunals, but DIPs have no equivalent power. They will no doubt bear in mind the impact that any imbalance in the representational resources available to the person being investigated and to the employing authority may have on the conduct and outcome of any investigation.

Indemnity

3.14 A DIP is not an employee of the appointing local authority, so cannot be legally protected as such. While in addition to reasonable remuneration a local authority must pay “any costs incurred by him in, or in connection with, the discharge of his functions,” it is not unequivocally established that this requirement covers any costs arising out of any claim for damages made as a consequence of the investigation or anything contained in the report (particularly if the claim were made by the appointing authority). DIPs will no doubt want to be satisfied on appointment that they have either an adequate indemnity from the authority or appropriate insurance cover. **Paragraph 6.2.2(b)**, referring to the indemnity issue, concluded by noting the CLG opinion that regulation 9(10) of the 2006 Regulations is wide enough to both allow and require the employing authority to meet the DIP’s costs in this respect.

APPENDIX 7

Model Grievance Procedures

1. Introduction

1.1 These procedures covers the following circumstances:

- ☐ where an employee raises a grievance against the chief executive
- ☐ where a chief executive raises a grievance – by definition this will be against an individual elected member(s) or the employing council generally.

1.2 Section 1.3 of the guidance to the model disciplinary procedure covers some of this ground and references to this section are made below where appropriate.

1.3 The procedure in **paragraph 2** below is set out in as a flow chart.

2. Procedure for dealing with a grievance raised by an employee against the chief executive

2.1 An employee raising a grievance against the chief executive should do so using the grievance procedure provided for in his or her contract of employment. However, while operating within the context of the employee's grievance procedure, it is only the mandatory stages of a grievance procedure (i.e. the formal stages, as referred to in **paragraph 2.2**) that can resolve the grievance when the person complained of is the chief executive. With this in mind, the JNC has agreed the following advice.

2.2 Under the ACAS code the internal procedure to be followed by an aggrieved employee should comprise at least two formal stages. After the initial filtering and any attempt at informal resolution, if the matter remains unresolved, then a panel of elected members (the Grievance Committee) will hear the grievance on behalf of the employer (Formal Stage 1). It is here that the power exists to resolve a grievance against the chief executive. The panel can either **uphold** or **dismiss** the grievance. If the outcome of the Stage 1 investigation is that the grievance is not

upheld, then the complainant has the right to appeal (Formal Stage 2) to a panel of elected members (the Appeal Panel).

2.3 Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

1.4 There is a statutory right for the aggrieved employee to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at any meeting that deals with the grievance.

Initial filtering of grievances

2.5 Where an employee raises a grievance against the chief executive it would be appropriate for an initial filtering to take place, as procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded or trivial or can best be dealt with under some other procedure. For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the Council's general complaints procedure. If the matter is a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would potentially be one that would be appropriate for an investigation under the disciplinary procedure.

2.6 To enable this process to happen the Council should nominate an officer who would be the recipient of any grievance raised against the chief executive (referred to below as the Receiving Officer). This would most appropriately be the Council's Monitoring Officer. If the Monitoring Officer is the person bringing the grievance against the chief executive or is otherwise involved in the grievance, then another appropriate chief officer and / or a Monitoring Officer from a neighbouring authority should be commissioned to act as the Receiving Officer.

2.7 A meeting should be held between the Receiving Officer and the complainant without unreasonable delay after a grievance is received. The employee should be allowed to explain the grievance and how it could be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

2.8 The principle of an initial filtering is already acknowledged in relation to disciplinary procedures. The Receiving Officer is responsible for the filtering process, the outcome of which could include the following:

i. the Receiving Officer decides that the grievance is actually about a council service, rather than a complaint against the chief executive personally. In this case the Receiving Officer would refer

the matter back to the aggrieved employee, or their line manager, and indicate that the matter is one that they could raise under the appropriate complaints process for the council.

ii. the Receiving Officer decides that there are other formal appeal procedures that apply rather than the grievance procedure eg, in cases of redundancy.

iii. the Receiving Officer decides that the grievance should not be directed at the chief executive as it does not relate to a specific action of the chief executive or a specific omission of the chief executive and so should be directed to an intermediate manager.

iv. the Receiving Officer decides that the grievance is either patently frivolous or clearly unfounded. Individual grievances can be deeply held so a decision that it is frivolous or unfounded and will not be taken any further should not be taken lightly. To some extent this judgement may be informed by whether the individual employee has a history of submitting frivolous or unfounded grievances. Where that is not the case then the Receiving Officer may want to err on the side of caution, particularly if the substance of the grievance is something that could be pursued to an Employment Tribunal. This would probably require the Receiving Officer to check whether other procedures were more apt, but that does not necessarily compromise the Receiving Officer from dealing with the case as suggested below.

Resolving grievances informally

2.9 Where the Receiving Officer is satisfied that the grievance is neither procedurally flawed nor patently frivolous or clearly unfounded (such as a complaint about the organisation, process, provision of facilities, inadequate IT equipment, failure of consultation between departments etc) then there may be some value in an attempt being made to resolve the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

3. Resolving grievances formally

Formal Stage 1

The Grievance Investigation

3.1 Where informal attempts at resolution are considered inappropriate or have been tried and failed, then the Receiving Officer should manage the Stage 1 investigation. In most cases it will be appropriate for an independent investigator to be commissioned to carry out the investigation.

3.2 If the outcome of the investigation is in favour of the complainant, a solution should be proposed, taking into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in all the circumstances. If the chief executive is unwilling to accept these proposals, the matter will be referred to the Grievance Committee for it to resolve.

3.3 Just as the model disciplinary procedure recommends that Councils annually establish an Investigation and Disciplinary Committee and an Appeal Committee so that they are available if needed, so it is necessary for Councils annually to establish a Grievance Committee of 3 to 5 members with political proportionality, who are not members of the Investigation and Disciplinary Committee or the Appeal Committee.

The Grievance Committee hearing

3.4 The Grievance Committee will hear the case and reach its conclusion.

The Committee upholds the grievance

3.5 Where the Committee **upholds** the grievance this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.6 Where the Committee **upholds** the grievance and also decides that it is a matter of a serious nature then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee would then have to consider under section 5 of **Appendix 5** whether there was a case to answer, and, if so, would commission an independent investigation under the disciplinary procedure and the matter would proceed as laid down in **Appendix 5**.

3.7 The Committee dismisses the grievance – the right to appeal

Formal Stage 2

3.8 If the Committee finds against the complainant then that person has a right of appeal to a member Appeal Committee (or other such body established by the Council for this purpose), and the chief executive should be immediately informed that this has happened. The Appeal Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Receiving Officer.

3.9 Where the Appeal Committee **upholds** the appeal, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.10 Where the Appeal Committee **upholds** the appeal and also decides that it is a matter of a serious nature, then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee should consider commissioning an independent investigation to determine whether there was a case to answer, and if so what sanction was appropriate.

3.11 Where the Appeal Committee **dismisses** the appeal, then the matter would be regarded as having been concluded.

4 Procedure for dealing with grievances raised by the chief executive

4.1 Where the chief executive raises a grievance, then similar principles need to apply, namely:

☐ Informal attempts at resolution should be regarded as preferable to immediate recourse to formal procedures

☐ There should be two stages available to the aggrieved employee, in this case the chief executive.

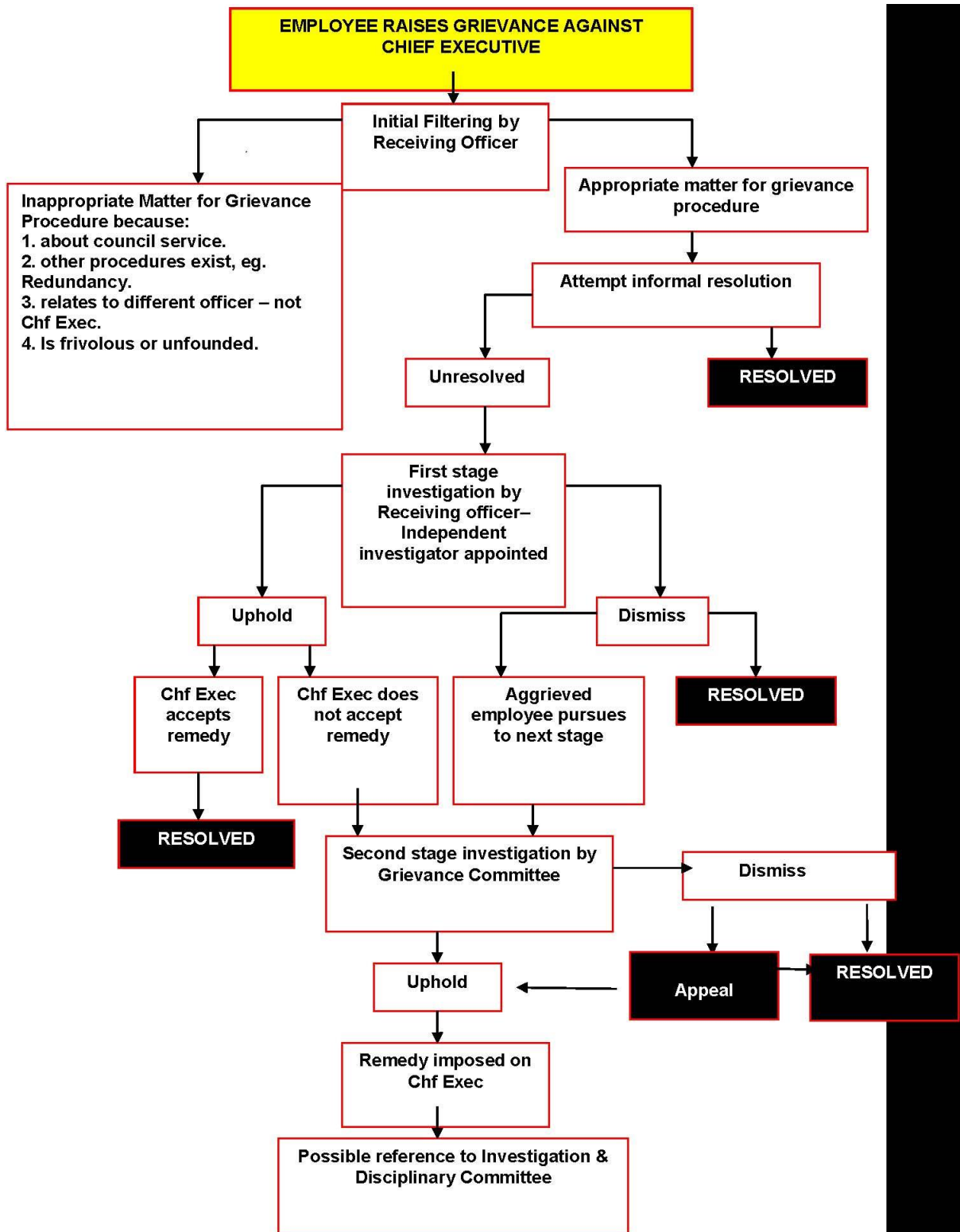
4.2 A chief executive cannot take out a grievance against another member of staff, as any cause for such concern would constitute grounds for disciplinary action and as head of the paid service the chief executive could initiate such action against any other employee. A chief executive grievance has to be against one or more member(s) and the Council's Monitoring Officer should act as Receiving Officer.

4.3 Where the chief executive raises a grievance, then this should be referred to the Receiving Officer in the first instance who should establish, through discussions with the appropriate parties, whether there is any prospect of resolving the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

4.4 In the event that informal resolution is neither appropriate nor successful, the Receiving Officer should refer the matter to the Council's Grievance Committee. If the Grievance Committee considers it appropriate, having come to its conclusions, it might refer a matter about the conduct or behaviour of an elected member to the council's Standards Committee or other appropriate arrangements.

4.5 An appeal by the Chief Executive against the outcome of the Grievance Committee's deliberations should be to the full Council.

5 Grievances raised by the chief executive during disciplinary proceedings



5.1 Where a chief executive is the subject of a disciplinary / capability investigation and raises a grievance relating to the case, the Investigating and Disciplinary Committee will decide how to deal with the grievance. This will depend on the facts of the case, the stage of the disciplinary procedure reached and the nature of the grievance raised. In some cases it may be appropriate to hear the grievance before continuing with the disciplinary / capability investigation. In other cases it will be appropriate to deal with the issues raised in the grievance as part of the wider disciplinary / capability investigation.

**Appendix K - Joint Negotiating Committee for Local Authority Chief
Officer Conditions of Service Handbook**

**JOINT NEGOTIATING COMMITTEE
for
LOCAL AUTHORITY CHIEF OFFICERS**

**CONDITIONS OF SERVICE
HANDBOOK**

UPDATED 8 August 2017

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The Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities is the national negotiating body for the pay and conditions of service of chief officers in England and Wales.

The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists representatives of GMB and UNISON.

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NB: All hyperlinks and email addresses contained in this Agreement are correct at the time of publication. Please notify the Joint Secretaries of any discrepancies by emailing them at the addresses shown on the cover page.

PART 1 - CONSTITUTION

TITLE

1 The Committee shall be known as the Joint Negotiating Committee for Chief Officers of Local Authorities (hereinafter referred to as "the Committee").

SCOPE

2 The Committee shall have within their scope any officer of a local authority in England and Wales who

a is a chief officer designated by the employing authority as the administrative and executive head

either i of a separate department

or ii of a particular function or service

which in either case is regarded by the authority as important in relation to the total activities of the authority; or

b is designated by the authority as a recognised deputy to any chief officer covered by (a) above including an officer of deputy status but whose post may carry a different title.

MEMBERSHIP

3 The Committee shall consist of 36 members, appointed as follows:-

Representing local authorities:

Local Government Association 9

Welsh Local Government Association 1

Representing officers:

GMB 23

Unison 3

4 If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the Constitution, such failure to appoint shall not vitiate the decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-

committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his/her place.

5 A member of the Committee shall automatically retire on ceasing to be a member of the organisation which he/she represents.

6 On the occurrence of a casual vacancy, a new member shall be appointed by the organisation in whose representation the vacancy occurs and shall sit until the end of the period for which his/her predecessor was appointed.

FUNCTIONS

7 The functions of the Committee shall be to secure the largest possible measure of joint action in respect of the salaries and service conditions of officers within the scope of the Committee; and to seek to resolve any differences between a local authority and its officers which may be referred to the Committee, in accordance with procedures to be determined by the committee from time to time.

PROCEDURE

8 **Sub-Committees** The Committee may appoint from their own members such sub-committees as they may consider necessary and with such authorities as they may from time to time determine. The reports of all sub-committees shall be submitted to the full Committee.

9 **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. When the Chair is a member of the Authorities' Side, the Vice-Chair shall be appointed from the Officers' Side and vice versa. The Chair shall be held in alternate years by a member of the Authorities' Side and a member of the Officers' Side. The Chair, or in his/her absence, the Vice-Chair, shall preside at all meetings of the Committee. In the absence of both the Chair and Vice-Chair at any meeting, a chair shall be elected to preside. In no case shall a Chair have a second or casting vote.

10 **Officers** The Committee shall appoint joint secretaries and a treasurer.

11 **Meetings** Meetings of the Committee shall be held as often as may be necessary, and the Chair shall call a special meeting if so requested by one-third of either side of the Committee. The notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat, and no other matters shall be discussed. A special meeting shall take place within fourteen days after the request has been received.

12 **Voting** Voting in the Committee and in sub-committees shall be by show of hands or otherwise as the Committee or sub-committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members entitled to vote present on each side of the Committee or sub-committee, as the case may be.

13 **Quorum** The quorum of the Committee shall be 10, consisting of 4 representatives of local authorities and 6 of the officers. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.

14 **Notices of meetings** All notices of meetings of the Committee and of any sub-committee thereof shall be sent to the respective members at least seven clear days before the date of the meeting.

FINANCE

15 The expenses of the Committee, excluding any necessary travelling or subsistence expenses incurred by the members, shall be shared equally by the two sides.

ARBITRATION

16 In the event of a dispute over terms and conditions of employment arising between the two sides of the Committee on any matter of general application to staff or of application to particular classes of staff, the dispute shall, at the request of either side, be reported to the Advisory, Conciliation and Arbitration Service by the Joint Secretaries with a request that the matter be referred for settlement by arbitration. The arbitration award shall be accepted by the two sides, and shall be treated as though it were an agreement between the two sides.

AMENDMENTS TO CONSTITUTION

17 Alterations in the Constitution of the Committee shall be made as follows:

a in paragraph 3 of this Constitution any change to the organisations represented on each Side, shall be a matter for each Side to determine.

b all other clauses can only be changed with the assent of both Sides.

PART 2 – CONDITIONS OF SERVICE

1. APPLICATION OF TERMS AND CONDITIONS GENERALLY

A chief officer shall enjoy terms and conditions in other respects not less favourable than those accorded to other employees of the local authority. Where terms and conditions are not specified locally, 'Green Book' provisions shall apply. Such terms and conditions may include:

- Adoption Scheme
- Car Allowances
- Continuous Service
- Grievance
- Health, Safety & Welfare
- Maternity / Paternity Scheme
- Reimbursement of Expenditure
- Sickness Scheme
- Training & Development

2. QUESTIONS OF INTERPRETATION

Any questions concerning the interpretation of the paragraphs of this booklet shall be referred to the Joint Secretaries who if necessary, may agree to refer it to the Joint Negotiating Committee for determination.

3. PERIODS OF NOTICE TO TERMINATE EMPLOYMENT

The period of notice on either side will normally be three months, but this can be changed by mutual agreement.

4. ANNUAL LEAVE

The chief officer shall be entitled to a minimum of 30 days' annual leave (in addition to statutory and other public holidays but inclusive of any long service leave, extra statutory and local holidays). In exceptional circumstances and by mutual agreement annual leave may be carried forward to the next leave year.

5. HONORARIUM PAYMENTS

A local authority may consider granting an honorarium (of an amount dependent upon the circumstances of each case) to an officer within purview of this Committee who performs duties outside the scope of his/her post over an extended period.

6. RELOCATION EXPENSES

In the case of officers being relocated it is the practice of some authorities to contribute towards the approved costs of removal

expenses and of other incidental expenses reasonably attributable to the removal; it would be in the best interests of local government and facilitate movement of officers if this practice were more widely followed.

7. SETTING REMUNERATION LEVELS

7.1 The Localism Act 2011 requires local authorities to produce and publish a pay policy statement. According to the Act and statutory guidance published in 2012 and 2013, the statement should include the local authority's policy on specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency arrangements. It should also set out the approach to be adopted towards pay dispersion, (i.e. differentials). In addition, the Local Government Transparency Code 2015 requires local authorities to publish the differential between the taxable benefits of senior managers and the median taxable earnings figure for the local authority's whole workforce, and details of senior employee salaries (above £50,000), names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.

7.2 In this context it is essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief officers have been made in an open and accountable way.

7.3 One option is for a local authority to establish a remuneration committee. The establishment of a remuneration committee is of course optional and different models may well suit individual authorities. What is clear though is that more than lip service must be paid to the notion of providing a verifiable and accountable process for recommending the remuneration level of the most highly-paid officials.

7.4 The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3** of the JNC Conditions of Service Handbook for local authority Chief Executives.

8. PERFORMANCE APPRAISAL

8.1 Chief officers' responsibilities and accountabilities should be set out in writing at the appointment stage. Where this has not been done at the appointment stage it should be agreed with the individual officer concerned prior to the implementation of the performance appraisal scheme. Subsequently, there should be an annual process of performance appraisal linked to those responsibilities and accountabilities.

8.2 The performance appraisal process is separate from any scheme relating to either pay or performance related pay.

8.3 The performance appraisal process should involve the setting of both general and specific objectives for the year ahead and the review of performance in achieving previously set objectives. The focus of the process should be on clarifying what the chief officer will be expected to achieve and on identifying any continuing personal development needs to maintain a high level of performance.

8.4 The authority will provide training for all parties involved in the process, including elected members if involved.

8.5 The setting of objectives should be by consensus between the chief officer and his/her line manager, and/or the chief executive, and if desired an appropriate elected member. The result of the performance appraisal process will be to identify agreed objectives that are relevant and challenging but achievable and realistic in the light of available resources and time. (Joint Secretaries guidance on appraisal of chief officers is set out in full at **Annex 1**)

9. RESTRICTIONS ON RE-EMPLOYMENT

9.1 After termination of the chief officer's employment he/she:

a will not divulge any information to any third party which is confidential to the authority.

b will not, without the consent of the authority, which will not unreasonably be withheld, within a period of 12 months take up employment with or provide services for reward to any body:

i if during the chief officer's last two years of employment with the authority the officer has been directly involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward

ii which is likely to benefit from commercially sensitive information which is known to the chief officer by virtue of his/her past employment by the authority.

9.2 These provisions would not apply if the termination of employment with the local authority arose as the result of redundancy or the externalisation of work and consequent transfer to a new employer.

10. SALARY

The salary paid to a chief officer will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 11** or the authority expressly agrees that they shall be

retained by the officer, shall be paid by the officer into the local authority's accounts.

11. RETURNING OFFICER FEES

The chief officer shall be entitled to receive and retain the personal fees arising from such of the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions as he or she performs subject to the payment of pension contributions thereon, where appropriate, unless a specific term has been included in the chief officer's contract referring to alternative arrangements.

12. OFFICIAL CONDUCT

12.1 The public is entitled to demand of a local government officer conduct of the highest standard.

12.2 An officer's off-duty hours are his/her personal concern but he/she should not subordinate his/her duty to his/her private interests nor put himself/herself in a position where his/her duty and his/her private interests conflict, or where public confidence in the conduct of the authority's business would be weakened.

12.3 Officers within purview of this Committee shall devote their whole-time service to the work of the local authority and shall not engage in any other business or take up any other additional appointment without the express consent of the local authority.

12.4 An officer shall not be required to advise any political group of the local authority, either as to the work of the group or as to the work of the local authority, neither shall he/she be required to attend any meetings of any political group. This shall be without prejudice to any arrangements to the contrary which may be made in agreement with any officer and which includes adequate safeguards to preserve the political neutrality of the officer in relation to the affairs of the local authority.

12.5 No officer shall communicate to the public the proceedings of any committee meeting nor the contents of any document relating to the authority which in either case is regarded by the authority as confidential unless required by law or expressly authorised to do so.

12.6 If it comes to the knowledge of an officer that a contract in which he/she has any pecuniary interest, whether direct or indirect (not being a contract to which he/she is himself/herself a party), has been or is proposed to be, entered into by the authority, he/she shall, as soon as practicable, given notice in writing to the chief executive of the authority of the fact that he/she is interested therein.
(Attention is

drawn to the provisions of the Local Government Act 1972 Section 117).

12.7 Information concerning an officer's private affairs shall not be supplied to any person unless the consent of such officer is first obtained.

PART 3 - DISCIPLINE, CAPABILITY AND REDUNDANCY

1. SPECIFIC STATUTORY OFFICERS

1.1 Where disciplinary action against the Monitoring Officer or s151 Officer or, in Wales, the Head of Democratic Services is contemplated, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) in England, and the Local Authorities Standing Orders (Wales) Regulations 2006 in Wales, provide a degree of protection for these officers against unwarranted political interference in their statutory role within local authorities.

1.2 (**England**) Paragraph 13 and 13A and Appendix 5A of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Monitoring Officer or s151 Officer is contemplated.

1.3 (**Wales**) Paragraph 13 and 13B and Appendix 5B of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Head of Democratic Services is contemplated.

2. CHIEF OFFICERS OTHER THAN SPECIFIC STATUTORY OFFICERS

2.1 The size and structure of local authorities varies greatly and it is therefore difficult to set out single disciplinary and capability procedures which would fit all authorities. However, authorities will have local procedures to deal with such issues.

2.2 In general, informal conciliation is to be preferred to formal disciplinary and capability procedures if it can bring about a mutually agreed solution to the problems that have arisen. Such solutions should make it clear what specific changes in behaviour and/or performance are expected and within what timescales. However, provision is required to undertake more formal action where necessary.

2.3 The principles of natural justice and good management practice must govern the conduct of any proceedings against a chief officer on the grounds of either alleged misconduct (i.e. 'discipline') or an alleged inability to carry out their role (i.e. 'capability'). Authorities should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

2.4 A particular consideration for Chief Officers is that the procedures must take account of an officer's position in the hierarchy when determining who conducts investigations, undertakes disciplinary/capability hearings taking any appropriate action and who hears appeals. Depending on the structure of the authority and the circumstances of the case these functions should normally be undertaken by officers as appropriate but in some cases may require a committee of members to be involved in hearings or appeals.

2.5 Where the chief officer's continuing presence at work compromises an investigation or impairs the efficient exercise of the local authority's functions, the chief officer may (subject to whatever consultation or approval may be required under the authority's standing orders) be suspended from duty. The Council, or appropriate committee or senior officer, acting under delegated powers, may carry out such suspension on full pay. Written notice stating the reasons for any such suspension shall be given at the earliest opportunity possible.

2.6 Suspension protocols regarding communication and matters such as annual leave and sickness should be agreed. The necessity for the chief officer to remain suspended should be reviewed at regular intervals and where possible lengthy periods of suspension should be avoided.

2.7 In England, where an authority operates a mayor or leader cabinet executive system and as a result of disciplinary proceedings there is a recommendation to dismiss, they should check whether the executive objections procedure set out in schedule 1, part I, paragraph 6 and part II, paragraph 6 of the Local Authorities (Standing Orders) (England) Regulations 2001 applies, and if so ensure it is followed before the chief officer is dismissed.

2.8 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context.

2.9 The Joint Secretaries (or their representatives) are available to act in an impartial conciliation role, whether formal or informal if required to do so by the local parties.

3. REDUNDANCY

3.1 Employing authorities should consult with any chief officer affected at the earliest possible stage when there is a suggestion that the chief officer's post might be abolished or proposed for abolition.

3.2 If after such consultation a proposal is formulated to abolish the chief officer's post, and that is part of a proposal to dismiss 20 or more employees from one establishment within 90 days the procedure of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, requiring consultation with trade unions, should be followed, the required statutory information being sent to the chief officer and to each independent trade union recognised by the employers for collective bargaining purposes for the chief officer. Where the provisions of the Act do not apply in any event a period of not less than twenty-eight days should be allowed for the individual consultation process. The chief officer and a trade union representative should also be afforded an opportunity of making oral representations to the Committee or Council meeting concerned before a final decision is made.

3.3 If following such consultations the authority decide that the post must nevertheless be abolished, the officer should be offered any suitable alternative employment that may be available or which may become available in consequence of the re-organisation giving rise to the abolition of the chief officer's post.

3.4 The authority should also bear in mind the possible application of discretionary powers of premature retirement, and permissible enhancement of benefits or redundancy payments, and the possibilities of providing an alternative post or of extending the period of notice to assist the chief officer in finding other employment.

3.5 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context.

ANNEX 1

JOINT GUIDANCE ON APPRAISAL OF THE CHIEF OFFICER

1. INTRODUCTION

1.1 This guidance is intended for use by senior officers, elected members and the chief executive when agreeing a process for appraising the performance of the chief officer. The focus of this process should be on clarifying what the chief officer is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.

1.2 The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief officer's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

2. RESPONSIBILITY FOR APPRAISAL

2.1 The responsibility for appraising a chief officer lies primarily with their line manager and/or chief executive. It is a contractual obligation on the part of both the chief officer and the employing local authority to engage in a regular process of appraisal.

2.2 It will be for local decision in the light of local circumstances whether the appraisal should include any input from elected members representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief officer is employed by the local authority as a whole, not by the controlling group, and is therefore required to serve all of the local authority.

3. AIMS OF APPRAISAL

- To identify and clarify the key objectives, priorities and targets of the local authority and appropriate timescales for their achievement over the next (e.g. twelve) months
- Agree what the chief officer should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to help deliver the local authority's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively
- Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance

Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals

Discuss developmental requirements. The chief officer will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief officer with the requisite skills to meet the local authority's objectives. The parties should be proactive and anticipate future developmental needs in the context of the local authority's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between the chief officer and the chief executive. It should not be assumed that it is only the chief officer who may need to adjust his / her approach to the working relationship

3.1 Appraisal should be set in the context of the local authority's objectives, priorities and targets, generally expressed in corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the local authority as a whole.

4. THE APPRAISAL CYCLE

Appraisal should take place on a predetermined date, **at least annually**, backed up by regular monitoring meetings at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

5. KEY ELEMENTS OF THE APPRAISAL PROCESS

Continuous two-way monitoring of performance against objectives

Preparation for an appraisal interview

An appraisal interview where recent and current performance, future objectives and development needs are discussed

Agreement on action required from either party to ensure required performance is achievable

A continuing process of informal discussion regarding performance

6. THE APPRAISAL INTERVIEW AND AFTERWARDS

- Both parties should be well informed and prepared for the interview

- The process should be two-way

- The interview should be free from interruptions, and notes should be taken when necessary

- The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions

- Targets which are realistic and capable of being monitored should be agreed

- Any agreed personal development plans should be implemented within the agreed timescale

- The chief officer should be given a reasonable opportunity to correct any shortfalls in performance

- A date for the next review should be agreed

7. OTHER MATTERS

The detailed content of appraisal interviews should normally be treated as confidential to the participants, unless both parties agree that it would be helpful for the targets agreed for the ensuing period to be shared more widely. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.

«PERS_TITLE» «PERS_INITIALS» «PERS_SURNAME»
«ADDRESS_LINE_ONE»
«ADDRESS_LINE_TWO»
«ADDRESS_LINE_THREE»
«ADDRESS_LINE_FOUR»
«ADDRESS_POSTCODE»

Annwyl «PERS_TITLE» «PERS_SURNAME»

Contract Cyflogaeth

Mae'n bleser gennyf amgáu eich contract cyflogaeth gyda'r Awdurdod.

Mae hyn yn adlewyrchu eich rôl bresennol a allai fod yn wahanol i'r rôl oedd gennych pan ddechreuoch weithio gyda'r Cyngor. Fodd bynnag, bydd eich dyddiad dechrau gwreiddiol yn cael ei gofnodi.

Os ydych yn credu bod y wybodaeth yn eich contract yn anghywir, dylech drafod hyn gyda'ch Rheolwr Llinell yn y lle cyntaf. Os oes gennych unrhyw ymholiadau eraill, rhowch wybod i ni trwy anfon e-bost i:

CEHRM@sirgar.gov.uk

Byddwn yn ddiolchgar pe byddech yn ddigon caredig i nodi, drwy e-bost, eich bod yn derbyn y swydd ar y telerau ac amodau penodedig, gan gadw copi ar gyfer eich cofnodion eich hun.

Yn gywir



Mr Paul Thomas
Prif Weithredwr Cynorthwyol (Rheoli Pobl)

TELERAU CYFLOGAETH (ffurflen ToE1)

Dylid darllen y rhain ar y cyd â'r Datganiad o Fanylion Ysgrifenedig sy'n ffurfio'ch contract cyflogaeth.

Enw'r Cyflogwr	Cyngor Sir Caerfyrddin
Cyfeiriad	Neuadd y Sir, Caerfyrddin, SA31 1JP
Enw'r Gweithiwr	
Rhif y Gweithiwr	
Teitl y Swydd	
Rhif y Swydd	
Adran	
Corff Cyd-drafod/Llywodraethu	
Dyddiad dechrau dyletswyddau yn y swydd hon	
Trefniant gweithio a'r math o leoliad	
Y gweithle dynodedig ar gyfer y swydd hon	
Statws cyflogaeth	
Rheswm dros y gyflogaeth	
Dyddiad gorffen y Swydd Dros Dro/Swydd Dros Gyfnod Penodol (os yn berthnasol)	
Dyddiad dechrau'r cyfnod o Wasanaeth Di-dor mewn Llywodraeth Leol	
Amllder y cyfnod talu	
Graddfa gyflog / gradd	
Swm sylfaenol y pwynt ar y golofn gyflogau	
Cyflog cychwynnol gwirioneddol / cyflog pro rata i weithwyr rhan-amser	
Cyfradd yr awr	
Oriau yn ystod y tymor (os yn berthnasol)	
Oriau gwaith wythnosol cyfartalog	
Nifer yr wythnosau ar gyfer gwaith yn ystod y tymor (os yn berthnasol)	
Cyfradd cyfraniadau pensiwn	
Swydd dan gyfyngiadau gwleidyddol (os yn berthnasol)	
Gofyniad Contractiol i Aros Galwad ar gyfer Gwaith Cynnal a Chadw yn y Gaeaf (os yn berthnasol)	

Mae'r telerau cyflogaeth hyn yn disodli unrhyw delerau cyflogaeth blaenorol ar gyfer y swydd uchod. Byddwn yn ddiolchgar pe byddech yn ddigon caredig i nodi, drwy e-bost, eich bod yn derbyn y swydd ar y telerau ac amodau penodedig, gan gadw copi ar gyfer eich cofnodion eich hun.

Enw: «PERS FIRST FORENAME» «PERS OTHER FORENAMES»
«PERS SURNAME» Rhif Gweithiwr: «EMPLOYEE NUMBER»

Annwyl Gydweithiwr

Yn y ddogfen hon, cyfeirir at weithwyr sy'n dod o fewn cyfrifoldeb corff llywodraethu ysgol fel "gweithwyr ysgol". Nid yw'r term hwn yn cynnwys staff arlwyo a glanhau sy'n gweithio mewn ysgolion, sydd yn cael eu cyflogi'n uniongyrchol gan y Cyngor.

TREFNIADAU GWEITHIO/MAN GWAITH

Sefydlog

Os oes gennych drefniant gweithio lleoliad sefydlog, eich safle contractiol fydd un o weithleoedd penodol Cyngor Sir Caerfyrddin fel y nodir ar y ffurflen ToE1

Aml-leoliad/Hybrid

Fel gweithiwr aml-leoliad, gall eich gweithle amrywio yn dibynnu ar ofynion gwasanaeth a'ch trefniant gweithio dewisol. Gall hyn gynnwys gweithio gartref neu o unrhyw adeilad Cyngor neu adeilad a rennir yn y sector cyhoeddus. Cytunir ar y trefniadau hyn gyda'ch rheolwr.

Fodd bynnag, mae eich man gwaith swyddogol at ddibenion hawliadau costau teithio, lle a rennir a gwaith tîm wedi'i nodi ar y ffurflen ToE1. Bydd gofyn i chi fynd i'r safle hwn fel sy'n ofynnol gan eich gwasanaeth.

Mae'r Awdurdod yn cadw'r hawl i newid eich man gwaith unrhyw le o fewn ardal y Cyngor, yn unol ag anghenion y gwasanaeth, heb unrhyw dâl ychwanegol am amser teithio, cyhyd ag y rhoddir rhybudd priodol i chi ynghylch gofyniad o'r fath.

Os ydych yn cael eich cyflogi fel gweithiwr yn y gymuned, nid oes gennych fan gwaith sefydlog. Cyfeiriad y Cyngor yw Neuadd y Sir, Caerfyrddin, SA31 1JP.

Mae Gwasanaeth Gofal Cartref Cyngor Sir Caerfyrddin yn wasanaeth ar draws y Sir a chewch eich cyflogi i weithio gyda'n holl bobl gan gwmpasu pob rhan o'r Sir yn ôl y gofyn.

Gweithwyr ysgol

Mae'r Llywodraethwyr yn cadw'r hawl i fynnu eich bod yn gweithio ar unrhyw ran o safle'r ysgol, fel y mae ar hyn o bryd neu fel y gall fod yn y dyfodol, gan gynnwys unrhyw safleoedd ychwanegol o dan drefniadau Cydweithio neu Ffedereiddio yn unol â gofynion y gwasanaeth. Bydd hynny'n digwydd heb unrhyw dâl ychwanegol am amser teithio ar ôl rhoi rhybudd priodol ynghylch y cyfryw ofyniad.

STATWS CYFLOGAETH

Caiff eich statws cyflogaeth ei gadarnhau ar y ffurflen ToE1.

Os cewch eich cyflogi dros dro neu am gyfnod penodol, bydd hyn yn cael ei gadarnhau ar y ffurflen ToE1. Bydd y penodiad yn dod i ben ar y dyddiad a nodir yn y ffurflen ToE1 am y rheswm a bennir ar y ffurflen ToE1 neu pan fydd deiliad y swydd yn dychwelyd i'w ddyletswydd, pa un bynnag sy'n digwydd gyntaf.

Fodd bynnag, gall y penodiad gael ei derfynu'n gynharach gan y naill ochr neu'r llall cyhyd ag y rhoddir rhybudd priodol.

Rhannu Swydd

Mae'r Awdurdod yn cytuno i'ch cyflogi mewn swydd a rennir (ar yr amod ei fod yn gallu recriwtio partner rhannu swydd ar gyfer eich rôl pe bai swydd wag yn codi).

Os na fydd yr Awdurdod yn llwyddo i recriwtio person cymwys i lenwi'r gyfran o'r swydd a rennir sy'n wag, ac os nad ydych yn fodlon neu os nad ydych yn gallu gweithio'n llawn amser, mae'r Awdurdod yn cadw'r hawl i derfynu eich cyflogaeth o dan y Cynllun trwy roi'r cyfnod priodol o rybudd, fel y pennir yn Neddf Hawliau Cyflogaeth 1996. Dim ond ar ôl ymgynghori â chi a'ch Cynrychiolydd Undeb Llafur, pe baech yn dymuno gwneud hynny, y byddai camau o'r fath yn cael eu cymryd ynghylch y gwahanol ddewisiadau sydd ar gael ar y pryd.

Mae gennych hawl i apelio yn erbyn terfynu contract dros dro neu gyfnod penodol. Dylai'r apêl fod yn ysgrifenedig lle bo modd, gan ddatgan eich rhesymau dros apelio, a dylid ei chyflwyno fel ei bod yn dod i law o leiaf 7 niwrnod cyn y dyddiad terfynu. Dylid cyfeirio'r apêl at y Prif Weithredwr Cynorthwyol (Rheoli Pobl), Adeilad 4, Parc Dewi Sant, Heol Ffynnon Job, Caerfyrddin, SA31 3HB.

Dylid cyfeirio apelïadau unrhyw weithwyr ysgol at Gadeirydd y corff llywodraethu.

CYFLOGAETH DDI-DOR

Bydd dyddiad dechrau eich cyfnod o wasanaeth di-dor mewn Llywodraeth Leol at ddibenion rhai hawliau cyflogaeth statudol penodol (h.y. lwfansau salwch, hawl i wyliau blynyddol) fel y nodir ar y ffurflen ToE1.

Bydd hyn yn cynnwys unrhyw wasanaeth di-dor blaenorol gydag unrhyw sefydliad a gwmpesir gan Orchymyn Taliadau Dileu Swydd (Gwasanaeth Di-dor mewn Llywodraeth Leol ac ati) (Addasiad) 1999, neu unrhyw ddeddfwriaeth ddiwygio ddilynol sy'n cwmpasu awdurdodau lleol a chyrrff cysylltiedig.

CYFNOD PRAWF (Ac eithrio gweithwyr ysgol)

Os ydych yn ymuno â gwasanaeth y Cyngor, mae'r penodiad yn amodol ar 6 mis o gyfnod prawf. Ar gyfer gweithwyr cymdeithasol sydd newydd gymhwysu a rhai gweithwyr gofal plant, bydd hyn yn lleiafswm o 12 mis. Yn ystod y cyfnod prawf hwn bydd eich perfformiad yn cael ei fonitro'n ofalus a'ch addasrwydd ar gyfer y swydd yn cael ei asesu. Byddwch yn parhau i gael eich cyflogi yn amodol ar adroddiadau boddhaol. Os derbynnir adroddiadau anffafriol ar unrhyw adeg yn ystod y cyfnod prawf, gall y Cyngor derfynu eich contract drwy roi'r cyfnod o rybudd y mae gennych hawl iddo. Am ragor o wybodaeth gweler y Polisi Rheoli Gweithwyr sydd ar Gyfnod Prawf (sydd ar gael ar gais).

TELERAU AC AMODAU CYFLOGAETH

Bydd eich telerau ac amodau cyflogaeth yn unol â'r cydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan y corff cyd-drafod/llywodraethu fel y nodir ar y ffurflen ToE1 a dylid eu darllen ar y cyd â'r paragraff priodol isod.

Y Cyd-gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol (NJCCCC)

Bydd eich telerau ac amodau cyflogaeth yn unol â'r cydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan y Cyd-gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol ac a nodir yn y Cytundeb Cenedlaethol ynghylch Cyflogau ac Amodau Gwasanaeth, peirianwaith cyd-drafod Cyngor Cyswllt Cymru, a Rheolau Sefydlog, rheolau a phenderfyniadau'r Cyngor, a'r cydgytundebau lleol â'r undebau llafur sy'n cael eu cydnabod gan y Cyngor. Mae copïau o'r dogfennau hyn ar gael i'w harchwilio oddi wrth eich Prif Swyddog neu o Is-adran Rheoli Pobl Adran y Prif Weithredwr, Adeilad 4, Parc Dewi Sant, Heol Ffynnon Job, Caerfyrddin, SA31 3HB neu ar safle mewnwyd y Cyngor.

Pwyllgor Soulbury (SOULB-SC)

Bydd eich telerau a'ch amodau cyflogaeth yn unol â'r cydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan Bwyllgor Soulbury ac a nodir yn adroddiad Pwyllgor Soulbury ynghylch Graddfeydd Cyflogau ac Amodau Gwasanaeth Gweithwyr Proffesiynol ym maes Gwella Addysg, Seicolegwyr Addysg a Rheolwyr Gwasanaethau Ieuenctid/Cymunedol.

Bydd telerau ac amodau cyflogaeth ychwanegol yn unol â'r cydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan y Cyd-gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol ac a nodir yn y Cytundeb Cenedlaethol ynghylch Cyflogau ac Amodau Gwasanaeth, peirianwaith cyd-drafod Cyngor Cyswllt Cymru, a Rheolau Sefydlog, rheolau a phenderfyniadau'r Cyngor, a'r cydgytundebau lleol â'r Undebau Llafur sy'n cael eu cydnabod gan y Cyngor. Mae copïau o'r dogfennau hyn ar gael i'w harchwilio oddi wrth eich Prif Swyddog neu o Is-adran Rheoli Pobl Adran y Prif Weithredwr, Adeilad 4, Parc Dewi Sant, Heol Ffynnon Job, Caerfyrddin, SA31 3HB neu ar safle mewnwyd y Cyngor.

Y Cyd-gyngor Cenedlaethol ar gyfer Prif Swyddogion Awdurdodau Lleol (CO-SC)

Bydd eich amodau gwasanaeth yn unol ag amodau'r Cyd-gyngor Cenedlaethol ar gyfer Prif Swyddogion Awdurdodau Lleol, ac ychwanegiadau at yr amodau yn sgil penderfyniadau lleol.

DEDDF MEWNFUDO, LLOCHES A CHENEDLIGRWYDD 2006

Mae eich cyflogaeth yn amodol ar y cyfyngiadau a osodwyd ar eich amser i aros yn y DU a'r gofynion statudol i gydymffurfio â Deddf Mewnfudo, Lloches a Chenedligrwydd 2006 a Chodau Ymarfer Asiantaeth Ffiniau'r DU. Felly bydd eich cyflogaeth barhaus yn cael ei hadolygu ac yn ddibynol ar eich bod yn cael caniatâd dilys yn y dyfodol i aros yn y DU ac i wneud y math o waith a gynigir ar hyn o bryd.

CYFLOG

Caiff amllder eich tâl a'ch grŵp cyflog eu nodi ar y ffurflen ToE1 a dylid eu darllen ar y cyd â'r paragraffau priodol isod.

Gweithwyr a delir bob pedair wythnos (Grwpiau Cyflog 9, 16)

Bydd eich cyflog yn cael ei ôl-dalu bob pedair wythnos trwy gredyd banc i gyfrif banc o'ch dewis.

Gweithwyr a delir yn fisol (Grŵp Cyflog 11)

Bydd eich cyflog yn cael ei ôl-dalu i chi ar y 27^{ain} o bob mis ar gyfer mis Ionawr i fis Tachwedd yn gynhwysol (neu ar y diwrnod gwaith agosaf os yw'r 27^{ain} ar y penwythnos neu ar Wyl Banc). Dyddiad taliad mis Rhagfyr fydd y 24^{ain} neu'r diwrnod bancio olaf cyn 25^{ain} Rhagfyr. Telir trwy gredyd banc i gyfrif banc o'ch dewis.

Gweithwyr a delir yn fisol (Grŵp Cyflog 15)

Ôl-delir eich cyflog ar ddiwrnod gwaith olaf y mis. Fodd bynnag, os bydd y diwrnod gwaith olaf ar ddydd Llun neu ar ddydd Mawrth, byddwch yn cael eich talu ar y dydd Gwener blaenorol. Telir trwy gredyd banc i gyfrif banc o'ch dewis.

Bydd eich cyflog blynyddol cychwynnol a'ch graddfa/gradd fel y nodir ar y ffurflen ToE1.

Lle bo'n briodol, bydd eich cyflog yn codi o fewn y radd mewn cynyddrannau blynyddol hyd at bwynt uchaf y radd. Telir cynyddrannau ar 1^{af} Ebrill bob blwyddyn oni bai eich bod wedi cychwyn ar eich dyletswyddau rhwng 2^{il} Hydref a 31^{ain} Mawrth mewn unrhyw flwyddyn, ac yn yr achos hwnnw byddwch yn derbyn eich cynyddran cyflog gyntaf 6 mis ar ôl y dyddiad pan roeddech wedi cychwyn ar eich dyletswyddau.

Tiwtoriaid

Mae eich cyfradd gyflog fesul awr ar gyfer cyrsiau fel y nodir ar y ffurflen ToE1.

Prif Swyddogion

Mae'r dilyniant ar hyd graddfa gynyddrannol y radd berthnasol yn amodol ar berfformiad boddhaol a asesir yn flynyddol. Nid yw'r Cyngor yn gwneud taliadau bonws nac ar sail perfformiad.

Gordaliadau

Os cewch eich gordalu, o ganlyniad i gamgymeriad, bydd y swm a ordalwyd yn cael ei dynnu o daliad(au) cyflog dilynol neu unrhyw daliad arall sy'n ddyledus i chi oddi wrth y Cyngor. Mae Adain y Gwasanaethau Gweithwyr wedi'i hawdurdodi i dynnu 10% o'ch cyflog misol gros i adennill y gordaliad, a bydd yn parhau i wneud hynny hyd nes y bydd y swm llawn wedi'i adennill. Os byddwch yn dymuno gwneud ad-daliadau mwy, cysylltwch ag Adain y Gwasanaethau Gweithwyr.

Os na fydd gordaliad wedi'i adennill yn llawn erbyn amser eich taliad cyflog terfynol, mae Adain y Gwasanaethau Gweithwyr wedi'i hawdurdodi i adennill y swm llawn. Os na fydd y gordaliad wedi'i adennill yn llawn, am unrhyw reswm, bydd y mater yn cael ei gyfeirio at Adain Dyledwyr yr Awdurdod er mwyn i chi gael eich anfonebu am y taliad sy'n dal i fod yn ddyledus.

ABSENOLDEB HEB EI AWDURDODI

Mae'r Awdurdod yn cadw'r hawl i wrthod talu neu i ddidynnu o'ch cyflog dâl diwrnod am bob diwrnod o absenoldeb heb ei awdurdodi. Gwneir unrhyw benderfyniad ynghylch y mater hwn gan Bennaeth y Gwasanaeth/Corff Llywodraethu neu'r sawl a enwebir ganddo/ganddi. Gall absenoldeb heb ei awdurdodi arwain at gymryd camau disgyblu.

ORIAU GWAITH

Yr oriau swyddfa arferol yw dydd Llun i ddydd Iau o 8.45 tan 17.00 a dydd Gwener o 8.45 tan 16.30. Bydd eich rheolwr llinell/Pennaeth Ysgol yn darparu eich patrwm gwaith a'ch oriau gwaith arferol bob wythnos, heb gynnwys egwyliau bwyd. Mae'r Awdurdod yn cynnal ystod o wahanol batrymau sifftiau sy'n cael eu datblygu a'u newid o bryd i'w gilydd er mwyn diwallu anghenion y gwasanaeth.

Rhaid i'ch oriau dyletswydd gael eu gweithio yn unol ag anghenion y gwasanaeth ac ar gyfarwyddyd Pennaeth Ysgol/Cyfarwyddwr yr Adran neu ei gynrychiolydd enwebedig.

Prif Swyddogion

Dylid nodi fod yr ystod gyflog yn rhoi ystyriaeth i'r ffaith na ellir cyflawni dyletswyddau'r swydd hon yn foddhaol yn ystod wythnos waith sefydlog a bod yn rhaid gweithio rhai oriau anghymdeithasol er mwyn cyflawni'r dyletswyddau'n briodol.

Gyrwyr

Rhaid i yrwyr gymryd seibiannau di-dâl yn unol â rheolau'r UE a'r AETR ar oriau gyrwyr.

Gweithwyr yn Ystod y Tymor

Os yw natur eich rôl yn golygu eich bod yn gyflogedig yn ystod y tymor yn unig, bydd angen i chi weithio wythnosau yn ystod y tymor gan gynnwys diwrnodau HMS. Mae nifer yr wythnosau a'r oriau yn ystod y tymor yr ydych dan gontract i'w gweithio bob wythnos, heb gynnwys egwyliau bwyd, fel y nodir ar y ffurflen ToE1.

Sylwer - os ydych yn gweithio wythnosau yn ystod y tymor yn unig, yr oriau contract a ddangosir ar eich ffurflen ToE1 fydd eich oriau gwaith wythnosol (gan gynnwys gwyliau â thâl), ar gyfartaledd dros y flwyddyn, i'ch galluogi i dderbyn taliadau cyflog cyfartal drwy gydol y flwyddyn. Telir lwfans o 4% ar ben y cyflog sylfaenol i gydnabod bod y gwaith yn ystod y tymor yn unig. Mae'r lwfans hwn dim ond yn daladwy i'r gweithwyr hynny lle mae natur y gwaith yn gyfyngedig i'r tymor yn unig. Caiff y 4% ei gynnwys yn y cyfrifiadau cyflog at ddibenion salwch a gwyliau blynyddol.

Tiwtoriaid

Mae oriau gwaith y contract yn amrywio. Bydd yr oriau a bennir bob tymor neu flwyddyn academaidd yn dibynnu ar amrywiol ffactorau; amgylchiadau lleol, nifer y myfyrwyr sy'n cofrestru, y cyrsiau a gynigir ac ystyriaethau'n ymwneud â'r gyllideb. Bydd wythnos waith arferol yn seiliedig ar anghenion pob cwrs a gall amrywio yn dibynnu ar anghenion y cwrs a'r adeg o'r flwyddyn.

Os bydd nifer y myfyrwyr sy'n mynychu'r cwrs yn gostwng yn is na'r hyn sy'n dderbyniol gan arwain at ganslo'r dosbarth, ni chewch eich talu ar ôl dyddiad y dosbarth olaf a gynhaliwyd. Yr Awdurdod fydd yn penderfynu pa gyrsiau a ddarperir ac ar unrhyw newidiadau.

Gwasanaethau Gofal Cartref

Caiff oriau gwaith y contract (heb gynnwys egwyliau bwyd) fel y nodir ar y ffurflen ToE1 eu dyrannu ar sail rota yn unol ag anghenion y gwasanaeth. Rhaid i chi dderbyn oriau gwaith a gynigir ar y diwrnodau gwaith a neilltuwyd i chi ar y rota er mwyn bodloni eich rhwymedigaeth contractiol.

Staff Arlwyio

Er mwyn darparu ar gyfer yr amrywiad yn nifer y prydau a ddarperir/yr incwm a gynhrychir, gellir amrywio oriau'r contract. Bydd y Rheolwr Arlwyio yn rhoi gwybod am unrhyw ostyngiad neu gynnydd yn yr oriau, gan roi wythnos o rybudd, ac yn eu gweithredu'n unol â hynny.

Staff Cynorthwyo Teithwyr

Er mwyn darparu ar gyfer yr amrywiad yn nifer y plant sy'n cael eu cludo, gellir amrywio oriau'r contract. Bydd Rheolwr y Rhwydwaith yn rhoi gwybod am unrhyw ostyngiad neu gynnydd yn yr oriau, gan roi wythnos o rybudd, ac yn eu gweithredu'n unol â hynny.

Os byddwch yn gadael eich swydd ran o'r ffordd drwy'r flwyddyn, cyfrifir nifer yr oriau yr ydych wedi gweithio er mwyn sicrhau nad ydych wedi cael eich tandalu neu eich gordalu. Bydd unrhyw addasiad sydd ei angen yn cael ei wneud yn eich cyflog olaf.

Contract Oriau Blynyddol (dim ond yn berthnasol i weithwyr sy'n gweithio yn ôl patrwm gwaith busnes brig y cytunwyd arno).

Mae eich oriau gwaith cyfartalog bob wythnos o dan y contract, heb gynnwys egwyliau bwyd, fel y'u nodir ar y ffurflen ToE1. Bydd yr oriau gwaith a gadarnhawyd gan drefniadau gwaith yr adran yn cael eu cynllunio i ddiwallu anghenion y busnes yn ystod cyfnodau'r haf a'r gaeaf. Bydd gofyn i chi weithio mwy o oriau yn ystod yr haf a llai o oriau yn ystod y gaeaf. Eich Prif Swyddog sy'n penderfynu a ddylid rhoi oriau gweithio hyblyg ar waith. Telir goramser yn unol ag amodau'r Cyd-gyngor Cenedlaethol ar gyfer pob awr a weithiwyd dros yr uchafswm a bennwyd y cytunwyd arno ar gyfer yr haf, a'r uchafswm y cytunwyd arno ar gyfer y gaeaf.

Os byddwch yn gadael eich swydd ran o'r ffordd drwy'r flwyddyn, cyfrifir nifer yr oriau yr ydych wedi gweithio er mwyn sicrhau nad ydych wedi cael eich tandalu neu eich gordalu. Bydd unrhyw addasiad sydd ei angen yn cael ei wneud yn eich cyflog olaf.

Cysgu i Mewn

Mae gan weithwyr y mae'n ofynnol iddynt 'gysgu i mewn' ar y safle yr hawl i gael y lwfans a nodir yng Nghylchlythyr y Cyd-gyngor Cenedlaethol ynghylch Lwfansau. Mae'r lwfans cysgu i mewn yn cwmpasu'r rheidrydd i gysgu i mewn ynghyd ag ymateb i alwad am hyd at 30 munud yn ystod y nos. Os yw'n ofynnol i unigolyn weithio am fwy na 30 munud bydd yn cael ei gyfradd arferol (ynghyd â goramser os

yw hynny'n berthnasol) gan gynnwys unrhyw dâl ychwanegol am weithio yn ystod y nos (lle bo hynny'n berthnasol – gweler isod).

Gwaith Nos

Mae gan staff sy'n gweithio o leiaf 3 awr nos effro rhwng 11pm a 6am fel rhan o'r wythnos waith arferol yr hawl i gael taliad ychwanegol o amser a thraean ar eu cyfradd sylfaenol yr awr. Nid oes rhaid i'r tair awr fod yn olynol.

Gweithio ar y Penwythnos

I gydnabod gweithio ar y penwythnos, bydd ychwanegiad o 8% i'r cyflog sylfaenol yn cael ei dalu i ddeiliaid swyddi y mae'n ofynnol iddynt weithio o leiaf ddau ddiwrnod/sifft penwythnos ym mhob pedair wythnos fel rhan o'u patrwm gweithio arferol (yn rheolaidd/ar rota). Caiff y 8% ei gynnwys yn y cyfrifiadau cyflog at ddibenion salwch a gwyliau blynyddol.

Aros Galwad ac Ymateb i Alwad

Lle mae natur y gwaith yn golygu bod angen cyflawni dyletswyddau ychwanegol y tu allan i oriau gwaith arferol, gall y Rheolwr Llinell weithredu rota aros galwad yn ôl gofynion y gwasanaeth. Rhaid bod modd cysylltu â gweithiwr sy'n aros galwad bob amser yn ystod y cyfnod aros galwad a nodwyd, a rhaid iddo fod yn barod ac yn gallu dychwelyd i'r gwaith os yw'r sefyllfa'n cyfiawnhau hynny. Rhoddir gwybod am unrhyw newidiadau i'r trefniadau aros galwad sydd ar y contract o fewn mis i'r newid. Telir gweithwyr y mae'n ofynnol iddynt weithio dyletswyddau aros galwad ar gyfradd aros galwad yr Awdurdod fel y cytunwyd arni ar gyfer y sesiwn. Os caiff ei alw allan, bydd y cyfraddau arferol fesul awr ar gyfer yr oriau a weithiwyd yn berthnasol ynghyd â goramser/cyfraddau uwch os yn briodol.

Trefniadau Aros Galwad mewn Argyfwng yr Adran Priffyrdd a'r Rota Dyletswydd Chynnal a Chadw Dros y Gaeaf y Tu Allan i Oriau

Bydd disgwyl i chi deithio i amrywiol safleoedd neu ddepos yn Sir Gaerfyrddin yn ôl y gofyn er mwyn bodloni anghenion gweithredu a chymryd rhan yn nhrefniadau aros galwad mewn argyfwng yr Adran Priffyrdd a'r rota dyletswydd ar gyfer cynnal a chadw dros y gaeaf. Bydd yn ofynnol o bryd i'w gilydd ac ar sail ad-hoc i weithio goramser a bod ar ddyletswydd aros galwad i ddelio ag achosion brys ar y priffyrdd a dyletswyddau graeanu'r ffyrdd yn unol â'r rota y tu allan i oriau gwaith arferol. Mae'n bosibl y bydd trefniadau aros galwad mewn argyfwng a'r rota dyletswydd cynnal a chadw dros y gaeaf yn berthnasol yn ystod yr wythnos ac ar benwythnosau er mwyn sicrhau bod yr awdurdod yn bodloni ei rwymedigaethau statudol o ran sicrhau bod y priffyrdd yn cael eu cadw mewn cyflwr diogel ar gyfer yr holl ddefnyddwyr.

Goramser/gweithio y tu allan i oriau arferol (ac eithrio Prif Swyddogion)

Yr oriau gwaith safonol ar gyfer swydd amser llawn yw 37 awr yr wythnos. Ni fydd disgwyl i chi weithio goramser yn rheolaidd. Fodd bynnag, os bydd angen ac y cewch eich awdurdodi i weithio mwy na'r oriau gwaith safonol yr wythnos a bod unrhyw waith o'r fath y tu allan i'r oriau gwaith hyblyg, gallwch gael eich talu ar y gyfradd goramser briodol, os caiff ei awdurdodi.

Os cawsoch eich contractio i weithio oriau blynyddol neu ar rota dreigl, mae cyfraddau goramser yn daladwy dim ond am yr oriau a weithiwyd dros ben y cyfartaledd o 37 awr yng nghyfnod y contract.

Sylwch y bydd yr Awdurdod/ y Corff Llywodraethu yn gweithredu'r Rheoliadau Amser Gweithio wrth ddyrannu oriau ychwanegol a bydd disgwyl i'r holl staff roi gwybod i'w Rheolwr Llinell/Pennaeth yr ysgol am waith ychwanegol a wnaed, gan gynnwys swyddi eraill a all fod ganddynt mewn adain arall o'r Awdurdod neu waith i gyrff eraill.

Gweler y Côt Ymddygiad ynghylch hysbysu'r Awdurdod am waith cyflogedig arall (ac eithrio staff ysgolion).

Yn achos yr holl oriau a weithir dros ben 37 awr yr wythnos mewn swydd benodol sydd wedi eu cymeradwyo ymlaen llaw gan eich Rheolwr Llinell / Pennaeth yr Ysgol, telir ychwanegiad o 50% ar ben y gyfradd sylfaenol yr awr.

PENSIWN

Yn unol â'r Rheoliadau Cynllun Pensiwn Llywodraeth Leol bydd pob gweithiwr newydd yn dod yn aelod awtomatig o'r Cynllun Pensiwn Llywodraeth Leol. Os dymunwch ddewis peidio â bod yn aelod o'r Cynllun Pensiwn Llywodraeth Leol, mae Ffurflen Dewis Peidio â Bod yn Aelod ar gael ar wefan Cronfa Bensiwn Dyfed: www.cronfabensiwndyfed.org.uk Fel arall cysylltwch â Chronfa Bensiwn Dyfed, Neuadd y Sir, Caerfyrddin SA31 1JP.

Dylech fod wedi derbyn canllaw i weithwyr ar y Cynllun Pensiwn Llywodraeth Leol yn crynhoi buddion y cynllun pensiwn. Mae rhagor o fanylion ar gael ar wefan Cronfa Bensiwn Dyfed – www.cronfabensiwndyfed.org.uk.

Bydd eich cyfradd gyfrannu yn cael ei hasesu yn unol â'ch cyflog pensiynadwy gwirioneddol, fel y nodir ar y ffurflen ToE1.

Caiff y tablau bandiau pensiwn eu hadolygu o bryd i'w gilydd ac o ganlyniad gallai eich band pensiwn gynyddu neu ostwng yn awtomatig. Gall eich band pensiwn hefyd gynyddu o ganlyniad i gynnydd mewn cyflog gan gynnwys unrhyw godiadau cyflog cynyddrannol. Bydd cyfraniadau pensiwn yn daladwy ar y cyfan o'ch cyflog trethadwy.

AMSER O'R GWAITH

Os ydych yn bwriadu cymryd amser o'r gwaith ond yn ansicr am y math o amser rydych yn gymwys ar ei gyfer, gallai fod o fudd ichi fwrw golwg ar y [Polisi Amser o'r Gwaith](#) yn y lle cyntaf. Bydd hyn yn eich cyfeirio at y mathau o amser o'r gwaith sydd ar gael ac yn nodi a ydynt yn rhai â thâl neu heb dâl.

Gwyliau

Gweithwyr ysgol

Bydd y flwyddyn wyliau yn weithredol o 1 Ebrill – 31 Mawrth. Mae gan y gweithwyr hynny sy'n dechrau neu'n terfynu eu cyflogaeth yn ystod y flwyddyn yr hawl i adael yn gymesur â nifer y misoedd o wasanaeth a gwblhawyd yn ystod y flwyddyn honno. Sylwer, yn achos ysgolion, nad yw gwyliau i gael eu cymryd yn ystod y tymor.

Tiwtoriaid Dysgu Cymunedol

Bydd y flwyddyn wyliau yn weithredol o 1 Medi – 31 Awst. Mae gan y gweithwyr hynny sy'n dechrau neu'n terfynu eu cyflogaeth yn ystod y flwyddyn yr hawl i adael yn gymesur â nifer y misoedd o wasanaeth a gwblhawyd yn ystod y flwyddyn honno.

Arlwyo

Bydd y flwyddyn wyliau yn weithredol o 1 Ionawr – 31 Rhagfyr. Mae gan y gweithwyr hynny sy'n dechrau neu'n terfynu eu cyflogaeth yn ystod y flwyddyn yr hawl i adael yn gymesur â nifer y misoedd o wasanaeth a gwblhawyd yn ystod y flwyddyn honno. Sylwer, yn achos ysgolion, nad yw gwyliau i gael eu cymryd yn ystod y tymor.

Ar gyfer yr holl weithwyr eraill

Bydd y flwyddyn wyliau yn weithredol o'ch pen-blwydd. Mae gan y gweithwyr hynny sy'n dechrau neu'n terfynu eu cyflogaeth yn ystod y flwyddyn yr hawl i adael yn gymesur â'u gwasanaeth yn ystod y flwyddyn honno.

Siaradwch â'ch rheolwr llinell/Pennaeth Ysgol i gadarnhau eich hawl. Gall fod gofyn i chi gymryd eich gwyliau blynyddol pan fydd eich sefydliad/gweithle ar gau ar gyfer cyfnodau penodol o wyliau, neu am unrhyw reswm arall, fel y bydd eich Rheolwr Llinell yn eich hysbysu.

Cyfrifir eich hawl i wyliau yn seiliedig ar hyd eich gwasanaeth di-dor, fel y nodir isod:

0 - 5 o flynyddoedd o wasanaeth - 26 diwrnod
Dros 5 - 10 o flynyddoedd o wasanaeth - 31 diwrnod
10 neu fwy o flynyddoedd o wasanaeth - 34 diwrnod

Cyfrifir eich gwyliau blynyddol ar sail pro-rata yn unol â'ch oriau contract a bydd yn destun isafswm yr hawliau statudol.

Ni chaiff unrhyw daliad ei roi i'r gweithiwr yn lle gwyliau contract a fydd wedi cronni (ac os yw'n briodol caiff swm ei ddiwynnu o'r cyflog) os terfynir contract y gweithiwr oherwydd camymddwyn difrifol neu oni fydd y gweithiwr yn rhoi rhybudd digonol o derfynu'r contract neu os bydd yn gadael cyn y bydd y cyfnod hysbysu ynghylch contract wedi dod i ben. Ystyr gwyliau contractiol at y dibenion hyn yw pob ac unrhyw hawl i wyliau y darperir ar ei chyfer yng nghontract y gweithiwr sy'n ychwanegol i isafswm y cyfnod gwyliau statudol y darperir ar ei gyfer yn Rheoliadau Amser Gweithio 1998 (h.y. 5.6 wythnos neu hyd at 28 niwrnod) oni bai fod eich Cyfarwyddwr Gwasanaeth/Pennaeth Ysgol o'r farn fod amgylchiadau eithriadol wedi atal y gweithiwr rhag cymryd gwyliau.

Bydd gweithwyr sy'n gadael gwasanaeth llywodraeth leol, sydd wedi cymryd mwy o ddiwrnodau o wyliau nag y mae ganddynt hawl iddynt ar y pwynt hwnnw, yn colli tâl sy'n cyfateb i'r nifer hwnnw o ddiwrnodau o'u taliad cyflog olaf neu unrhyw daliad arall sy'n ddyledus gan yr Awdurdod.

Dylid gofyn am wyliau blynyddol gan eich rheolwr llinell/Pennaeth Ysgol ac mae hyn yn amodol ar fod yr Adran/Pennaeth Ysgol yn cytuno.

Ar gyfer gweithwyr mewn sefydliadau sydd â chyfnodau gwyliau penodedig.

Bydd gofyn i chi gymryd eich gwyliau blynyddol i gyd pan fydd eich sefydliad/gweithle ar gau ar gyfer cyfnodau penodol o wyliau, neu am unrhyw reswm arall, fel y bydd eich Rheolwr Llinell yn eich hysbysu.

Gwyliau Banc/Cyhoeddus

Mae 8 diwrnod sydd wedi'u dynodi'n wyliau banc/cyhoeddus gan yr Awdurdod. Cyfrifir hyn ar sail pro rata fesul awr yn ystod y flwyddyn ar gyfer gweithwyr rhan-amser. Os ydych i fod i weithio ar ŵyl banc, neu os yw'n ofynnol i chi wneud hynny, cewch eich talu ar amser dwbl (h.y. yr amser ddwywaith) am yr holl oriau a weithiwyd yn gorfforol, yn gydnabyddiaeth lwyr am yr holl oriau a weithiwyd.

Rhannu Swydd

Bydd yr hawl i gymryd gwyliau â thâl ar wyliau banc neu wyliau cyhoeddus yn cael ei rhannu'n gymesur rhwng y rhai sy'n rhannu swyddi. Fel arall, a chyda chaniatâd eich rheolwr, gallwch ddewis addasu eich patrwm gwaith er mwyn sicrhau dosbarthiad teg o wyliau banc a gwyliau cyhoeddus. Bydd eich hawl i gymryd gwyliau â thâl ar wyliau cyhoeddus neu wyliau banc yn gyfwerth â hawl gweithwyr llawn amser ar sail pro rata.

Absenoldeb Salwch

Mae eich hawliau yn ystod unrhyw gyfnod pan fyddwch yn absennol oherwydd afiechyd neu anaf yn cael eu nodi yn amodau'r Cyd-gyngor Cenedlaethol Rhan 2 Adran 10.

Yn ystod y flwyddyn gyntaf o wasanaeth 1 mis ar gyflog llawn (ac ar ôl cwblhau 4 mis o wasanaeth) 2 fis ar hanner cyflog

Yn ystod yr ail flwyddyn o wasanaeth, 2 fis ar gyflog llawn a 2 fis ar hanner cyflog.

Yn ystod y drydedd flwyddyn o wasanaeth, 4 mis ar gyflog llawn a 4 mis ar hanner cyflog.

Yn ystod y bedwaredd a'r bum flwyddyn o wasanaeth, 5 mis ar gyflog llawn a 5 mis ar hanner cyflog.

Ar ôl pum mlynedd o wasanaeth, 6 mis ar gyflog llawn a 6 mis ar hanner cyflog.

Os nad ydych yn gallu dod i'r gwaith oherwydd afiechyd neu anaf, rhaid i chi hysbysu'ch rheolwr llinell/Pennaeth Ysgol cyn gynted ag y bo modd ar y diwrnod cyntaf y byddwch yn absennol gan roi'r rheswm dros eich absenoldeb, a dweud am faint o amser y bydd yn debygol o barhau.

Mae'n ofynnol i chi gwblhau ffurflen hunan-ardystio drwy [ResourceLink/My View](#) am y 7 diwrnod cyntaf o'r cyfnod yr oeddech fod i weithio (yn cynnwys dydd Sadwrn a dydd Sul) - dylai gweithwyr arlwygo a glanhau lenwi'r ffurflen bapur SA128 (Datganiad Hunan-ardystio Absenoldeb). Dylid gwneud hyn ar unwaith ar ôl i chi ddychwelyd i'r gwaith neu cyn gynted â phosibl os yw'r absenoldeb yn un hirdymor.

Os ydych yn absennol oherwydd salwch am fwy na 7 niwrnod, rhaid i chi gyflwyno Tystysgrif Ffitrwydd i Weithio gan Feddyg Teulu i'ch rheolwr llinell erbyn 8^{fed} diwrnod yr absenoldeb.

I gael rhagor o fanylion, gweler y Wybodaeth i Weithwyr ynghylch Absenoldeb Salwch a'r Weithdrefn Rheoli Absenoldeb Salwch (ar gael ar y Fewnrwyd).

Gweithwyr ysgol

Dylai gweithwyr ysgol gyfeirio at Bolisi a Gweithdrefn Rheoli Absenoldeb Salwch yr ysgol, sydd ar gael yn swyddfa'r ysgol, ynghyd ag unrhyw drefniadau sydd gan yr ysgol o ran rhoi gwybod.

RHOI RHYBUDD

- (i) Bydd yr Awdurdod yn rhoi wythnos o rybudd i chi i derfynu'r contract cyflogaeth yn ystod eich cyfnod prawf. Yn dilyn y cyfnod prawf, bydd gennych yr hawl i gael isafswm o wythnos o gyfnod rhybudd gan y Cyngor neu fel y nodir isod, pa un bynnag yw'r hwyaf:-

Cyfnod o Wasanaeth Di-dor

1 mis neu fwy ond llai na 2 flynedd
2 flynedd neu fwy ond llai na 12 mlynedd
12 mlynedd neu fwy

Isafswm y Rhybudd

1 wythnos
1 wythnos am bob blwyddyn o wasanaeth di-dor
12 wythnos

Mae'n ofynnol i chi roi un wythnos o rybudd i derfynu'r contract cyflogaeth yn ystod eich cyfnod prawf. Yn dilyn y cyfnod prawf, isafswm y cyfnod rhybudd y mae'n ofynnol i chi ei roi i derfynu eich cyflogaeth fydd;

Gradd A – K – 1 mis

Gradd L – O – 3 mis

Prif Swyddogion – 3 mis

Soulbury – cyflog cyfartal â, neu fwy na, phwynt colofn gyflogau 40 y

Cyd-gyngor Cenedlaethol – 3 mis

Gall eich cyflogwr derfynu eich cyflogaeth heb rybudd neu daliad yn lle rhybudd mewn achos o gamymddwyn difrifol.

MAMOLAETH

I gael gwybodaeth am Bolisi Mamolaeth yr Awdurdod, cliciwch [yma](#).

TADOLAETH

I gael gwybodaeth am Bolisi Tadolaeth yr Awdurdod, cliciwch [yma](#).

TÂL YN LLE RHYBUDD

Gall yr Awdurdod wneud taliad yn lle rhybudd am y cyfan neu ran o'ch cyfnod rhybudd ar ôl terfynu eich cyflogaeth (yn hytrach na'ch bod yn gweithio dros eich cyfnod rhybudd). Mae'r ddarpariaeth hon, a ddefnyddir gan yr Awdurdod fel y gwêl yn ddoeth, yn gymwys p'un a roddir rhybudd i derfynu'r contract gennych chi neu gan yr Awdurdod.

BUDDION

I gael manylion am eich cymhwyster i dderbyn buddion a allai fod ar gael i chi fel gweithiwr/cyflogai i'r Awdurdod, edrychwch ar ein [tudalen buddion](#) a [gwobrau staff](#).

CEIR/TEITHIO

Noder, os ydych wedi'ch awdurdodi i ddefnyddio'ch car at ddibenion gwaith, y dylech sicrhau eich bod yn gallu gyrru a bod yr yswiriant busnes priodol yn ei le gennych. Mae'r Awdurdod hefyd yn cadw'r hawl i sicrhau ar unrhyw adeg fod gennych y dogfennau priodol (MOT, yswiriant car a'r drwydded yrru briodol).

Caiff siwrneiau car awdurdodedig sy'n gysylltiedig â gwaith eu had-dalu ar gyfradd lwfans defnyddiwr car yr Awdurdod.

CYFRINACHEDD

Ni chewch, yn ystod eich cyflogaeth gyda'r Cyngor neu wedi iddi ddod i ben, ddatgelu unrhyw wybodaeth o natur gyfrinachol yn ymwneud â'r Ysgol, y Cyngor neu ei fusnes i unrhyw un heblaw yng nghyd-destun priodol eich cyflogaeth. Mae cadw gwybodaeth o'r fath yn gyfrinachol yn berthnasol yn ystod oriau gwaith ac oriau pryd nad ydych yn gweithio. Gall torri'r cymal hwn arwain at eich diswyddo'n ddiannod. Fel un o weithwyr y Cyngor, rydych yn gyfrifol am gydymffurfio â deddfwriaeth Diogelu Data wrth brosesu data personol fel rhan o'ch dyletswyddau. Rydych hefyd yn gyfrifol am gadw at bolisiau perthnasol y Cyngor wrth drin data personol.

CYFYNGIADAU AR GYFLOGAETH ARALL

Cyn cytuno i ymgymryd â gwaith arall (am dâl neu'n ddi-dâl) y tu allan i'r Cyngor, rhaid gofyn am ganiatâd y Pennaeth Gwasanaeth/Rheolwr Llinell priodol yn unol â'r Côt Ymddygiad – Gweithwyr (ar gael ar gais). (Noder – nid yw hyn yn berthnasol i staff ysgol sydd o fewn cyfrifoldeb y corff llywodraethu.)

Prif Swyddogion

Rhaid i chi roi'ch gwasanaeth llawn amser i waith y Cyngor ac eithrio pan ganiateir fel arall. Rhaid i chi gynnal egwyddorion Côt Ymddygiad y Gweithwyr a sicrhau eich bod yn datgan unrhyw fuddiannau personol yn unol â pholisiau'r Cyngor.

Tynnir eich sylw at y dyfyniad canlynol o Lawlyfr Amodau Gwasanaeth Prif Swyddogion y Cyd-gyngor Cenedlaethol:

Ar ôl i'ch cyflogaeth fel prif swyddog ddod i ben:

- a) ni fyddwch yn datgelu unrhyw wybodaeth i unrhyw drydydd parti sydd yn gyfrinachol i'r awdurdod.
- b) ni fyddwch, heb ganiatâd yr awdurdod, na fydd yn cael ei wrthod yn afresymol, o fewn cyfnod o 12 mis yn dechrau cyflogaeth gydag unrhyw gorff neu'n darparu gwasanaethau iddo am dâl:
 - i) os, yn ystod dwy flynedd ddiwethaf y prif swyddog o weithio gyda'r awdurdod, yw'r swyddog wedi bod yn ymwneud yn uniongyrchol â thrafodion gyda'r corff hwnnw y gellid ystyried yn rhesymol bod y cynnig o gyflogaeth neu i ddarparu gwasanaethau ar ei gyfer yn wobwr
 - ii) sy'n debygol o elwa ar wybodaeth sy'n sensitif yn fasnachol ac sy'n hysbys i'r prif swyddog yn rhinwedd ei gyflogaeth yn y gorffennol gan yr awdurdod.

Ni fyddai'r darpariaethau hyn yn berthnasol pe bai'r gyflogaeth gyda'r awdurdod lleol yn dod i ben yn sgil dileu swydd neu allanoli gwaith a'i drosglwyddo wedyn i gyflogwr newydd.

GOFYNION CYFFREDINOL DEILIAD Y SWYDD

Byddwch yn gyfrifol am sicrhau bod gofynion atebol eich swydd yn cael eu cyflawni (mae copi o'ch proffil swydd ar gael ar gais), a gellir asesu eich perfformiad o ran gwneud hynny o dro i dro. Byddwch yn cyflawni gwaith a dyletswyddau o'r fath fel sy'n arferol neu'n angenrheidiol mewn perthynas â'ch penodiad neu waith o'r fath y gall fod yn rhesymol ofynnol i chi ei wneud. Mae'n ofynnol i chi alw prosesau a gweithdrefnau sefydledig y Cyngor/Ysgol i herio ymddygiad ac arferion peryglus, camdriniol, gwahaniaethol neu gamfanteisiol ac adrodd amdanynt. Byddwch yn gyfrifol am eich gweithredoedd eich hun, eich ymddygiad ac unrhyw ganlyniadau dilynol. Disgwylir i'r holl weithwyr gydnabod terfynau eu cymhwysedd a bod yn gyfrifol am gyfyngu eu gweithredoedd i'r rhai y maent yn teimlo eu bod yn gymwys i'w cyflawni. Byddwch yn rhoi sylw dyledus i'r economi ac i'r defnydd o adnoddau a hynny gan gynnal y safonau bob amser.

Disgwylir i chi gynnal gwerthoedd craidd y Cyngor/Ysgol bob amser a sicrhau nad yw eich ymddygiad yn dwyn anfri ar y Cyngor/Ysgol yn fwriadol.

Mae'r Cyngor yn cadw'r hawl i fynnu archwiliad gan y Gwasanaeth Datgelu a Gwahardd mewn perthynas â'r holl weithwyr mewn swyddi sydd â chyfrifoldebau diogelu.

Bydd yn ofynnol i weithwyr cyflogedig mewn swyddi lle mae'n ofynnol iddynt gofrestru gyda Gofal Cymdeithasol Cymru neu mewn gwasanaethau cofrestredig o dan Arolygiaeth Gofal Cymru gofrestru gyda Gwasanaeth Diweddarau'r DBS (y ceir ffi danysgrifio flynyddol ar ei gyfer) a'ch cyfrifoldeb chi yw sicrhau bod eich tanysgrifiad yn cael ei adnewyddu'n flynyddol i gynnal eich cofrestriad proffesiynol.

Mae'n ofynnol i chi roi gwybod i'ch Rheolwr/Pennaeth Ysgol/Cyfarwyddwr a/neu'r adain Adnoddau Dynol cyn gynted â phosibl os ydych dan ymchwiliad am drosedd neu'n cael eich dyfarnu'n euog o drosedd (gan gynnwys rhybuddion a gorchmynion rhwymo i gadw'r heddwch). Sylwch y bydd pob datgeliad yn cael ei drin yn gwbl gyfrinachol ac na fydd o reidrwydd yn effeithio ar eich gallu i wneud eich swydd. Gall methu â rhoi gwybod am faterion o'r fath arwain at gamau disgyblu.

Lle bo angen, byddwch yn cynnal aelodaeth o gyrff proffesiynol priodol.

Ar gyfer gweithwyr ym maes Gofal Cymdeithasol

Os cewch eich cyflogi o fewn y Sector Gofal Cymdeithasol, mae'n ofynnol i chi hefyd gadw at egwyddorion y Côt Ymarfer Proffesiynol yn unol â'r ddogfen a gyhoeddwyd gan Gofal Cymdeithasol Cymru. Gallwch lawrlwytho copi trwy fynd i www.gofalcymdeithasol.cymru

Bydd rhwymedigaeth arnoch hefyd i gofrestru a chynnal eich cofrestriad gyda Chyngor Gofal Cymru yn ôl y galw.

Y POLISI A'R WEITHDREFN DISGYBLU

Mae Polisi a Gweithdrefn Disgyblu'r Awdurdod ar gael [yma](#). Os ydych yn anfodlon ynghylch unrhyw benderfyniad disgyblu, mae gennych yr hawl i apelio. Dylid cyfeirio'r apêl at y Prif Weithredwr Cynorthwyol (Rheoli Pobl), Adeilad 4, Parc Dewi Sant, Heol Ffynnon Job, Caerfyrddin, SA31 3HB.

Staff ysgol

Mae'r rheolau disgyblu sy'n berthnasol i chi wedi'u cynnwys ym Mholisi a Gweithdrefn Disgyblu'r Ysgol (mae polisi'r ysgol ar gael o swyddfa'r ysgol). Os ydych yn anfodlon ynghylch unrhyw benderfyniad disgyblu, mae gennych yr hawl i apelio yn unol â darpariaeth briodol y polisi. Mae'r manylion llawn ar gael gan eich Pennaeth neu gan Glerc Corff Llywodraethu'r ysgol.

Prif Swyddogion

Mae'r gweithdrefnau disgyblu sy'n berthnasol i chi wedi'u nodi yn Amodau Gwasanaeth y Cyd-bwyllgor Cenedlaethol ar gyfer Prif Swyddogion Awdurdodau Lleol.

Y WEITHDREFN ACHWYNIADAU

Os oes gennych achwyniad ynghylch eich cyflogaeth, dylech yn gyntaf oll drafod y mater â'ch goruchwylydd uniongyrchol yn unol â'r [Polisi a'r Weithdrefn Achwyniadau](#). Mae'n esbonio'r camau a fydd yn agored i chi o fewn y weithdrefn honno os byddwch yn anfodlon â'r canlyniad. Sylwer bod polisi ar wahân ar gyfer ymdrin ag achwyniadau ynghylch bwlio ac aflonyddu - [Safonau Ymddygiad](#).

Staff ysgol

Mae polisi'au/canllawiau disgyblu, achwyniadau ac urddas a pharch yr ysgol ar gael o swyddfa'r ysgol.

DISWYDDO

Os cewch eich diswyddo o gyflogaeth yr Awdurdod, cewch wybod y rheswm a chynigir hawl i chi apelio yn unol â thelerau'r polisi priodol (ac eithrio yn ystod eich cyfnod prawf pan fydd y Polisi Rheoli Gweithwyr sydd ar Gyfnod Prawf yn gymwys i staff ac eithrio'r rheiny a gyflogir gan ysgolion), fel a ganlyn:

Iechyd	Polisi Rheoli Absenoldeb Salwch
Dileu Swydd	Polisi Dileu Swyddi
Perfformiad	Polisi Galluogrwydd
Ymddygiad	Polisi Disgyblu

CYFYNGIADAU GWLEIDYDDOL

Os cawsoch eich hysbysu yn eich ffurflen ToE1 fod cyfyngiadau gwleidyddol ar eich swydd, cyfeiriwch at y telerau a amlinellwyd yn y ddogfen cyfyngiadau gwleidyddol, os gwelwch yn dda (ar gael ar gais).

DYSGU A DATBLYGU

Un o amodau eich cyflogaeth yw eich bod yn ymgymryd â'r holl waith dysgu a datblygu priodol. Bydd hyn yn cynnwys unrhyw ddatblygiad a nodwyd i adeiladu eich sgiliau er mwyn eich galluogi i gyflawni eich dyletswyddau'n llawn (gan gynnwys dyletswyddau ychwanegol y gallai fod yn rhesymol i chi eu cyflawni). Gellir nodi datblygiad o'r fath mewn Cytundeb Dysgu ar ôl i chi ddechrau. Bydd y cytundeb hwn yn cynnwys unrhyw amserlen benodol.

IECHYD A DIOGELWCH

Mae'n ofynnol ichi gydymffurfio â Rheolau Iechyd a Diogelwch priodol yr Awdurdod. Os ydych mewn swydd sy'n amodol ar arolygu iechyd, disgwylir ichi fynychu archwiliadau meddygol yn ôl yr angen.

Mae'r Datganiad o Fanylion Ysgrifenedig hwn yn disodli unrhyw Ddatganiad o Fanylion Ysgrifenedig blaenorol. Byddwn yn ddiolchgar pe byddech yn ddigon caredig i nodi, drwy e-bost, eich bod yn derbyn y swydd ar y telerau ac amodau penodedig, gan gadw copi ar gyfer eich cofnodion eich hun.

Yn gywir



Mr Paul Thomas
Prif Weithredwr Cynorthwyol (Rheoli Pobl)

Mae croeso i chi gysylltu â'r Cyngor drwy gyfrwng y Gymraeg neu'r Saesneg.

You are welcome to contact the Council through the medium of Welsh or English.

DOGFENNAU A PHOLISIÄU – ar gael ar safle mewnwyd yr Awdurdod -

<http://mewnwyd/ein-pobl/adnoddau-dynol/>

Neu ar gyfer staff ysgol - Mae'r holl bolisiâu ar gael o swyddfa'r ysgol.

Atodiad M – Graddfeydd Cyflog Arfaethedig ar gyfer Prentisiaethau

Lefel	Graddfa Gyflog	Y Gyfradd Bresennol
Lefel 2	Gradd B (Pwynt 2 ar y Golofn Gyflog)	£22,366
Lefel 3	Gradd C (Pwynt 3 ar y Golofn Gyflog)	£22,737
Lefel 4	Gradd C (Pwynt 4 ar y Golofn Gyflog)	£23,114
Lefel 5	Gradd D (Pwynt 5 ar y Golofn Gyflog)	£23,500
Lefel 6	Gradd E (Pwynt 7 ar y Golofn Gyflog)	£24,294
Graddedigion	Gradd F (Pwynt 12 ar y Golofn Gyflog)	£26,421

Mae'r dudalen hon yn wag yn fwriadol

Atodiad N Lwfans Cyflog y Swyddog Canlyniadau – Etholiadau Sirol a Lleol

	Ffioedd Presennol *
Ward a Ymleddir	£181
Ward Un Umgeisydd	£60.28
Pleidleisiau Post – ffi am anfon a derbyn (fesul gornest)	Dim
Etholiadau Cyngor Tref/Cymuned – ffi sefydlog	Dim
Etholiadau lleol - Ward a Ymleddir	£181
Etholiadau lleol - Ward Un Umgeisydd	£60.28
Isetholiad - Ward a Ymleddir	£181
Isetholiad - Ward Un Umgeisydd	£60.28
Pleidleisiau Post – ffi am anfon a derbyn (fesul gornest)	Dim
Ffi Hyfforddi	Dim

Mae'r dudalen hon yn wag yn fwriadol

CABINET

DYDD LLUN 19EG CHWEFROR 2024

YN BRESENNOL: Y Cyngorydd D. Price [Cadeirydd] (Yn y Siambr)

Cynghorwyr (Yn y Siambr):

C.A. Davies

G. Davies

H.A.L. Evans

L.D. Evans

P.M. Hughes

A. Lenny

E.G. Thomas

A. Vaughan-Owen

Hefyd yn bresennol fel sylwedydd (o bell):

Y Cyngorydd D.M. Cundy

Hefyd yn bresennol (Yn y Siambr):

W. Walters – Prif Weithredwr

J. Morgan – Cyfarwyddwr Gwasanaethau Cymunedol

C. Moore – Cyfarwyddwr Gwasanaethau Corfforaethol

G. Morgans – Cyfarwyddwr Addysg & Gwasanaethau Plant

A. Williams - Cyfarwyddwr Lle & Cynladwyedd

L. Rees-Jones - Pennaeth Gweinyddiaeth a'r Gyfraith

C. Higginson - Rheolwr y Cyfryngau

L. Jenkins - Swyddog Cymorth y Cabinet

J. Owen - Swyddog Gwasanaethau Democraidd

R. Morris - Swyddog Cymorth i'r Aelodau

S. Rees – Cyfieithydd ar y Pryd

Hefyd yn bresennol (o bell)

R. Griffiths - Pennaeth Lle & Cynladwyedd

M. Evans Thomas, Prif Swyddog Gwasanaethau Democraidd

M. Runeckles - Swyddog Cymorth i'r Aelodau

Y Siambr, Neuadd Y Sir, Caerfyrddin ac o bell : 10.00 yb - 10.56 yb

1. YMDDIHEURIADAU AM ABSENOLDEB

Cafwyd ymddiheuriad am absenoldeb gan y Cyngorydd J. Tremlett.

2. DATGANIADAU O FUDDIANNAU PERSONOL

Y Cyngorydd / Swyddog	Rhif y Cofnod	Y Math o Fuddiant
Y Cyngorydd G. Davies	11 - Penodi Llywodraethwr ALL	Ef yw Cadeirydd y Corff Llywodraethu yn Ysgol Brynaman.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

3. I LOFNODI FEL COFNOD CYWIR COFNODION CYFARFOD Y CABINET A GYNHALIWYD AR Y 29 IONAWR 2024

Cyfeiriwyd at gofnod rhif 7 o gofnodion y cyfarfod diwethaf – Strategaeth y Rhaglen Moderneiddio Addysg, a nodwyd y dylai'r penderfyniad ddarllen fel a ganlyn:-

“PENDERFYNWYD YN UNFRYDOL gymeradwyo Strategaeth y Rhaglen Moderneiddio Addysg at ddibenion ymgynghori.”

PENDERFYNWYD, ar yr amod y byddai'r newid a nodwyd uchod yn cael ei gynnwys, lofnodi cofnodion cyfarfod y Cabinet oedd wedi'i gynnal ar 29 Ionawr, 2024, i nodi eu bod yn gywir.

4. CWESTIYNAU Â RHYBUDD GAN YR AELODAU

Dywedodd y Cadeirydd nad oedd dim cwestiynau â rhybudd wedi cael eu cyflwyno gan yr Aelodau.

5. CWESTIYNAU A RHYBYDD GAN Y CYHOEDD

Dywedodd y Cadeirydd nad oedd dim cwestiynau wedi dod i law gan y cyhoedd.

6. STRATEGAETH CYLLIDEB REFENIW 2024/25 i 2026/27

Bu'r Cabinet yn ystyried adroddiad a oedd yn dwyn ynghyd y cynigion diweddaraf ynghylch Cyllideb Refeniw 2024/25 a'r ffigurau mynegiannol ar gyfer blynyddoedd ariannol 2025/26 a 2026/27. Roedd yr adroddiad yn crynhoi'r sefyllfa ddiweddaraf o ran y gyllideb, gan roi'r wybodaeth ddiweddaraf am ddilysu'r gyllideb, y gwasgfeydd o ran gwariant, setliad terfynol Llywodraeth Cymru, a'r ymatebion o'r ymgynghoriad ynghylch y gyllideb.

Wrth gyflwyno'r adroddiad, dywedodd yr Aelod Cabinet dros Adnoddau byddai mabwysiadu'r cynigion yn yr adroddiad yn galluogi'r Cabinet i gyflwyno cyllideb deg a chytbwys i'r Cyngor Sir, a oedd yn ymateb i'r sylwadau oedd wedi deillio o'r broses ymgynghori. Fodd bynnag, roedd yn teimlo bod dyletswydd arno i dynnu sylw at risgiau'r strategaeth, yn ogystal â'r ansicrwydd yn y dyfodol ynghylch codiadau cyflog a chwyddiant, y mae'n rhaid i ni ei dderbyn fel rhan arferol o'n proses pennu'r gyllideb. Nodai'r adroddiad nifer o risgiau o ganlyniad i ansicrwydd ynghylch ariannu pensiynau athrawon a diffoddwyr tân, y risg o ran cyflawni ein buddsoddiad yn y Gwasanaethau Plant, a'r risg oedd ynghlwm wrth ostyngiadau yn y gyllideb ar draws pob rhan o wasanaethau'r Cyngor.

Cadarnhaodd y gallwn o hyd, os yw'r holl gynigion a amlinellir yn yr adroddiad yn cael eu gweithredu, ddarparu Strategaeth Gyllideb sy'n:-

- ymateb i'r ymgynghoriad;
- sicrhau hyd y gellid fod lefelau a safonau'r gwasanaethau'n cael eu cynnal;

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

- cydnabod bod pobl Sir Gaerfyrddin yn ei chael hi'n anodd yn yr hinsawdd bresennol ac sydd felly'n sicrhau bod gwasanaethau craidd yn cael eu diogelu; ac
- yn paratoi'r Awdurdod hwn, i'r graddau mwyaf posibl, ar gyfer unrhyw ansicrwydd a allai ddigwydd yn y dyfodol.

Cyfeiriwyd at ddifrifoldeb y sefyllfa y mae'r Awdurdod yn ei hwynebu ac at y ffaith ein bod yn gwneud ein gorau glas dros drigolion Sir Gaerfyrddin yn ystod cyfnod heriol iawn. Mae'r Adran Addysg yn wynebu'r ergyd fwyaf yn ei hanes gan ei bod yn arfer cael ei diogelu yn y gorffennol. Fodd bynnag, nid ydym yn gallu gwneud hynny bellach ac mae'n wynebu toriadau fel pob adran arall. Mynegwyd siom eto nad yw cyflogau athrawon wedi eu hariannu'n llawn am y ddwy flynedd nesaf, sydd wedi cael effaith fawr ar y gyllideb.

Diolchodd y Cadeirydd i'r swyddogion a'r Aelod Cabinet dros Adnoddau am eu gwaith ar y gyllideb dros y misoedd diwethaf. Mynegodd ei bryder fod hwn yn gyfnod heriol iawn, pan oedd Awdurdodau Lleol yn y sefyllfa amhosibl o geisio darparu gwasanaethau rheng flaen tra'n parhau i wynebu toriadau gan y llywodraeth ganolog. Teimlai fod pwynt yn dod pan oedd yn rhaid gofyn rhai cwestiynau sylfaenol am ddyfodol gwasanaethau cyhoeddus yn y wlad hon. Ychwanegodd fod dyletswydd arnom ni i gyd dros y misoedd nesaf i wneud achos dros bwysigrwydd gwasanaethau cyhoeddus a llywodraeth leol yn gyffredinol, a thros yr angen am ragor o fuddsoddiad gan nad yw'r hyn sydd gennym ar hyn o bryd yn gynaliadwy. Pwysleisiodd ein bod, wrth bennu'r gyllideb, wedi ceisio diogelu gwasanaethau rheng flaen gan gadw unrhyw gynnydd yn y Dreth Gyngor i isafswm ar yr un pryd, ac er bod 7.5% yn uwch na'r hyn a ddymunir, roedd yn llawer gwell na rhai Awdurdodau Lleol eraill, sy'n wynebu codiadau oedd mewn ffigurau dwbwl yn y dreth gyngor, tra bo rhai'n wynebu methdalwriaeth.

PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR

- 6.1 cymeradwyo'r Strategaeth Gyllideb ar gyfer 2024/25, sy'n cynnwys y newidiadau ym mharagraff 25;**
- 6.2 cymeradwyo Treth Gyngor Band D o £1,602.80 am 2024/25 (cynnydd o 7.5%);**
- 6.3 cymeradwyo dileu cynigion arbedion penodol fel y nodir ym mharagraff 3.2.7;**
- 6.4 cymeradwyo'r defnydd o £3m o gronfa wrth gefn y Grant Cynnal Refeniw, sef £2m i gefnogi costau dros dro lleoliadau preswyl a gomisiynir i blant, ac £1m i gefnogi'r gyllideb ysgolion dirprwyedig, fel yr amlinellir ym mharagraff 5.2.3;**
- 6.5 cymeradwyo'r Cynllun Ariannol Tymor Canolig a fydd yn sylfaen i gynllunio ar gyfer y blynyddoedd sydd i ddod;**
- 6.6 bod Cyfarwyddwr y Gwasanaethau Corfforaethol, mewn ymgynghoriad â'r Prif Weithredwr, yr Arweinydd a'r Aelod Cabinet dros Adnoddau, yn cael awdurdod dirprwyedig i wneud unrhyw newid sy'n angenrheidiol o ganlyniad i setliad terfynol Llywodraeth Cymru a oedd i'w gyhoeddi ar 27 Chwefror 2024.**

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

7. RHAGLEN GYFALAF PUM MLYNEDD (CRONFA'R CYNGOR) 2024/25 - 2028/29

Bu'r Cabinet yn ystyried adroddiad a oedd yn dwyn ynghyd y cynigion diweddaraf am raglen gyfalaf bum mlynedd 2024/25 hyd at 2028/29. Roedd yr adroddiad yn cymryd i ystyriaeth yr ymgynghoriad a gynhaliwyd a'r goblygiadau refeniw oedd yn deillio o'r rhaglen.

Y gwariant gros arfaethedig ar y rhaglen gyfalaf ar gyfer 2024/25 yw £86.930m, a'r bwriad oedd i'r Cyngor Sir gyllido £50.374m o'i adnoddau ei hun drwy ddefnyddio benthyciadau, arian wrth gefn, ariannu drwy refeniw uniongyrchol, derbyniadau cyfalaf a grant cyfalaf cyffredinol, a bod y £36.556m o gyllid oedd yn weddill yn dod o ffynonellau allanol.

Roedd y rhaglen gyfalaf newydd yn cael ei hariannu'n llawn dros y pum mlynedd, ond cynigiwyd tanymrwymo peth o'r cyllid oedd ar gael i roi hyblygrwydd ar draws y rhaglen i dalu am unrhyw gostau ychwanegol. Mae strategaeth gyfalaf yr Awdurdod, sy'n ofynnol gan y Côt Darbodaeth ar gyfer Cyllid Cyfalaf mewn Awdurdodau Lleol, wedi'i diweddarau ac mae'n nodi'r cyd-destun hirdymor y gwneir penderfyniadau gwariant cyfalaf a buddsoddi ynddo. Mae'n rhoi ystyriaeth briodol i risg a gwobrwyo a'r effaith ar gyflawni canlyniadau blaenoriaethol. Mae'r strategaeth gyfalaf yn cwmpasu gwariant ar Gronfa'r Cyngor a chyfalaf HRA a chafodd ei chynnwys fel Atodiad C i'r adroddiad.

PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR

- 7.1 bod y Rhaglen Gyfalaf bum mlynedd a'r cyllid, fel y'u nodwyd yn Atodiad A yr adroddiad, gyda chyllideb 2024/25 yn gyllideb bendant a chyllidebau 2025/26 tan 2028/29 yn gyllidebau amhendiant/dangosol yn cael eu cymeradwyo;**
- 7.2 bod y rhaglen yn cael ei hadolygu, yn ôl yr arfer, oni lwyddir i gael y cyllid Cyngor Sir neu allanol disgwylidig;**
- 7.3 bod y Strategaeth Gyfalaf, fel y'i nodir yn Atodiad C o'r adroddiad, yn cael ei chymeradwyo;**
- 7.4 bod Cyfarwyddwr y Gwasanaethau Corfforaethol, mewn ymgynghoriad â'r Prif Weithredwr, yr Arweinydd a'r Aelod Cabinet dros Adnoddau, yn cael awdurdod dirprwyedig i wneud unrhyw newidiadau sy'n angenrheidiol o ganlyniad i setliad terfynol Llywodraeth Cymru a oedd i'w gyhoeddi ar 27 Chwefror 2024.**

8. POLISI RHEOLI'R TRYSORLYS A STRATEGAETH 2024-25

Atgoffwyd y Cabinet fod y Cyngor, yn unol â gofynion Côt Ymarfer diwygiedig CIPFA ynghylch Rheoli'r Trysorlys, wedi cytuno i gynnal Polisi Rheoli'r Trysorlys a oedd yn manylu ar bolisiâu ac amcanion gweithgareddau'r Awdurdod o ran Rheoli'r Trysorlys, a hefyd i gymeradwyo Strategaeth Rheoli'r Trysorlys yn flynyddol cyn dechrau'r flwyddyn ariannol yr oedd yn ymwneud â hi.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

Yn ogystal, dan ddarpariaethau Deddf Llywodraeth Leol 2003, roedd yn ofynnol i'r Cyngor gymeradwyo Dangosyddion Rheoli'r Trysorlys ar gyfer y flwyddyn i ddod. Yn unol â'r gofynion uchod, rhoddodd y Cabinet ystyriaeth i Bolisi a Strategaeth y Cyngor ynghylch Rheoli'r Trysorlys ar gyfer blwyddyn ariannol 2024-25 cyn eu rhoi gerbron y Cyngor yn ffurfiol ar gyfer eu mabwysiadu'n derfynol.

PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR

- 8.1 bod y Polisi a'r Strategaeth Rheoli'r Trysorlys ar gyfer 2024-25 a'r argymhellion ynddynt yn cael eu cymeradwyo;**
- 8.2 bod Dangosyddion Rheoli'r Trysorlys, y Dangosyddion Darbodaeth, y Datganiad ynghylch y Ddarpariaeth Isafswm Refeniw, y Strategaeth Fuddsoddi, a'r argymhellion yn cael eu cymeradwyo.**

9. ADRODDIAD CHWARTEROL YNGYLCH RHEOLI'R TRYSORLYS A DANGOSYDD DARBODAETH EBRILL 1AF 2023 I RHAGFYR 31AIN 2023

Bu'r Cabinet yn ystyried Adroddiad ynghylch y Dangosyddion Darbodaeth a Rheoli'r Trysorlys a oedd yn rhoi'r wybodaeth ddiweddaraf am weithgareddau rheoli'r trysorlys o 1 Ebrill hyd at 31 Rhagfyr 2023.

PENDERFYNWYD YN UNFRYDOL gymeradwyo'r adroddiad.

10. STRATEGAETH LEOL RHEOLI PERYGL LLIFOGYDD AC ERYDU ARFORDIROL

Atgoffwyd y Cabinet fod Adran 10.7 o Deddf Rheoli Llifogydd a Dŵr 2010 yn ei gwneud yn ofynnol i bob Awdurdod Lleol gyhoeddi eu strategaeth a'u cynllun rheoli perygl llifogydd lleol. Bydd y strategaeth, a gefnogir gan gynllun mwy tactegol, yn egluro ein sefyllfa bresennol o ran rheoli perygl llifogydd ac erydu arfordirol, ein nodau ar gyfer 2030 a sut y byddwn yn eu cyflawni. Y ddogfen hon oedd y strategaeth leol a bydd y cynllun yn cael ei lunio yn chwarter 4.

PENDERFYNWYD YN UNFRYDOL ARGYMELL I'R CYNGOR gymeradwyo'r Strategaeth Leol Rheoli Perygl Llifogydd ac Erydu Arfordirol.

11. PENODI LLYWODRAETHWR AR RAN YR AWDURDOD LLEOL

[NODER: Roedd y Cynghorydd G. Davies wedi datgan buddiant yn yr eitem hon yn gynharach.]

Rhoddwyd gwybod i'r Cabinet fod lle gwag fel Llywodraethwr ALL ar Gorff Llywodraethu Ysgol Gynradd Brynmanan. Mae'r Cynghorydd Glynog Davies (Cadeirydd y Corff Llywodraethu) a'r Pennaeth yn enwebu Miss Gabriella Robinson, sydd eisoes wedi gwasanaethu am gyfnod fel rhiant-lywodraethwr. Roeddent o'r farn y byddai'r Corff Llywodraethu ar ei ennill o gael ei harbenigedd fel Llywodraethwr ALL.

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf

O dan amgylchiadau arferol, penodir Llywodraethwr yr Awdurdod Lleol gan y Cynghorydd Glynog Davies yn ei rôl fel Aelod Cabinet dros Addysg, Pobl Ifanc a'r Gymraeg. Fodd bynnag, o ystyried yr amgylchiadau, roedd yn cael ei ddwyn gerbron y Cabinet i'w ystyried.

PENDERFYNWYD YN UNFRYDOL benodi Miss Gabriella Robinson i swydd Llywodraethwr yr Awdurdod Lleol yn Ysgol Gynradd Brynaman.

12. UNRHYW FATER ARALL Y GALL Y CADEIRYDD OHERWYDD AMGYLCHIADAU ARBENNIG BENDERFYNU EI YSTYRIED YN FATER BRYS YN UNOL AG ADRAN 100B(4)(B) O DDEDDF LLYWODRAETH LEOL, 1972.

Dyweddodd y Cadeirydd nad oedd unrhyw eitemau eraill o fater brys.

CADEIRYDD

DYDDIAD

Sylwer: Mae'r cofnodion hyn yn amodol ar gael eu cadarnhau yn y cyfarfod nesaf