

PUBLIC

**MINUTES** of a meeting of the **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on 3 November 2021 at County Hall, Matlock.

**PRESENT**

Councillor B Lewis (in the Chair)

Councillors R Flatley, R George, S Hobson, T Kemp, S Spencer and S Swann

Officers in attendance – E Alexander, E Crapper, S Davis, J Lakin, P Stone, I Stonehouse and D Wallace.

Apologies for absence were received on behalf of Councillor J Dixon

**Declarations of Interest**

There were no declarations of interest.

**6/21** **MINUTES RESOLVED** that the minutes of the meeting held on 23 September 2021 be confirmed as a correct record and signed by the Chairman.

**7/21** **TEACHERS' PAY AWARD – 1 SEPTEMBER 2021** The regulations governing teachers' pay and conditions of service were contained in the School Teachers Pay and Conditions Document (STPCD) which was revised by the Secretary of State annually. The STPCD imposed various duties on relevant bodies in relation to the determination of teachers' pay. Any changes need to be reflected in the authority's policies for the management of teachers employed in the education support services.

The Education (School Day and School Year) (England) (Coronavirus) (Amendment) Regulations which came into force on 1 June 2021 had reduced the minimum number of sessions which must be held in the school year 2021-2022 by one day. This was to enable schools to close for the additional bank holiday to celebrate the Platinum Jubilee of Her Majesty the Queen or where schools were already closed, as was the case in Derbyshire, close on another day to compensate. The STPCD 2021 reduced the working time that all Teachers must be available for the academic year commencing in September 2021, to compensate teachers for the additional bank holiday to celebrate the Platinum Jubilee of Her Majesty the Queen.

The main changes to the Teachers Pay Policy proposed for 2021 were as follows:

- adoption of the advisory pay points for teachers on the unqualified teachers pay range as outlined in the STPCD 2021 and the uplift of the bottom 3 points by £250
- a change in the number of days that teachers must be available to work for the academic year 2021-22 because of the additional Bank Holiday to mark the Queen's Platinum Jubilee bank holiday.
- changes to the statutory provisions for teacher induction which came into force on 1 September 2021.
- The policy contains all the other continuing provisions for the determination of individual salary ranges (ISR) for teachers paid on the leadership spine, payment of responsibility and special educational needs allowances, and part time teachers' pay calculation. These elements were unchanged.

The nationally agreed Teachers' Pay Award effective from 1 September 2021 was a consolidated award of £250 to all Teachers whose full-time equivalent basic earnings were less than £24,000.

The re-introduction of the advisory points on the unqualified teachers pay range is recommended to take into consideration the potential impact on recruitment and retention, and to provide a fair approach to the implementation of the agreed consolidated pay award.

The recommendation to school Governing Boards was that they adopt the same approach and agree the increase as detailed above, considering the benefits of a consistent approach across the Authority.

It was proposed that 6 June 2022 be designated a non-working day for teachers employed by Derbyshire County Council (DCC) and not employed in Schools to celebrate the platinum jubilee of Her Majesty the Queen.

Employees of the County Council on terms and conditions other than the STPCD who work only during term-time had contractual terms which reflected the working days required to work whilst schools were in session. To acknowledge the reduction of working days for the school year 2021-22 it was proposed, following consultation with Heads of Service, that where it met operational requirements, the 6 June 2021 be allocated as a non-working day for these staff.

It had been agreed that each school and academy be able to determine its own term-dates for the 2021-22 academic year to accommodate the requirement to reduce their academic year by one day. It was proposed therefore that where employees of Derbyshire County Council worked in only

one or two specific educational establishments, then their additional non-working day would be determined at a local level by the educational establishment and in agreement by their line manager. It was proposed that part-time employees be entitled to pro rata time off to reflect the reduction in working time applicable.

**RESOLVED** that the committee agree (1) to adopt the proposed Pay Policy for teachers employed by the LA and not attached to schools which includes the advisory pay points and uplift detailed in the background information.

(2) to the recommendation to Governing Boards of the adoption of the revised pay policy which includes the re-introduction of the advisory points on the Unqualified Teachers pay range and the application of the national pay award of a consolidated award of £250 to all Teachers whose full-time equivalent basic earnings are less than £24,000 backdated to 1 September 2021;

(3) that the 6 June 2022 be designated a non- working day for teachers employed by Derbyshire County Council (DCC), and not attached to schools; and

(4) that employees of the Council on terms and conditions other than the STPCD who work only during term-time be granted an additional non-working day for the 2021-22 academic year as a result of the additional Bank Holiday to mark the Queen's Platinum Jubilee. Where it meets operational requirements, the 6 June 2022 be allocated as a non-working day for these staff. Where employees of the Council work only in one or two specific educational establishments the additional non-working day will be determined at a local level in consultation with the educational establishment and in agreement by their line manager.

**8/21 SALARY SACRIFICE SHARED COST ADDITIONAL VOLUNTARY CONTRIBUTION (AVC) SCHEME EMPLOYER NON-MANDATORY DISCRETION IN THE LOCAL GOVERNMENT PENSION SCHEME (LGPS) REGULATIONS** The County Council, as the scheme employer must, under LGPS regulations, formulate, publish and keep under review a statement of policy on all mandatory discretions. There were a number of other discretions, which the Council may exercise under the LGPS Regulations 2013, where a written policy was not required; however, it was appropriate that these were included to ensure clarity on the Council's stance on these matters.

The change to the non-mandatory discretions policy would include Shared Cost AVC's as outlined in appendix 2 to the report. The salary sacrifice element was a pensionable emolument and pension contributions would be

made on the basis of the notional (pre salary sacrifice) pay rather than reduced actual pay. Employees will also receive additional benefit of reduced tax and national insurance contributions that was based on their actual pay (the reduced gross salary amount).

The Council's non-mandatory discretions policy statement had been published on the Derbyshire County Council website. As the Council had agreed to implement a shared cost AVC scheme through a salary sacrifice arrangement, the discretions policy had been updated to include this.

**RESOLVED** that the committee, in its role as the employing authority, notes the update to the Council's non-mandatory discretions policy to include a salary sacrifice shared cost AVC pension arrangement for members of the LGPS.

**9/21**        **EXCLUSION OF THE PUBLIC RESOLVED** to move that under Section 100(a)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that in view of the nature of the business, that if members of the public were present exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed to them and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING**

1. To consider the joint exempt report of the Director of Finance & ICT and the Director of Organisation Development & Policy on Pensions – Application for Market Supplement Payment Extensions (contains information relating to any individual)
2. To consider the joint exempt report of the Director of Public Health and the Director of Organisation Development & Policy on Public Health – Application for Market Supplement Payment Extensions (contains information relating to any individual)