

## Staff Employment Policy

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Date	January 2019
Person Responsible	Deputy Principal Finance & Resources
Approval/ review bodies	SLT/JNC
Frequency of Review*	36 months

*\*Policies will be reviewed more frequently if legal changes or good practice require*

Review History:		
Date of review	Reviewed by	Reason for review
January 2014	HRM	Planned review and added information
August 2014	HRM	Added information
January 2019	HRM	Planned review and added information

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## 1. Introduction

This policy sets out North Kent College's (the **College**) position on a range of staff employment matters including pay and retirement.

The aim of this policy is to demonstrate the College's commitment to staff at the college and promote age diversity in its workforce.

This policy does not constitute part of your contract of employment and may be amended from time to time by the College.

## 2. Working Hours

The College operates "core" hours during which full time staff are required to be present (pro rata for part time staff). The hours are:

Monday to Thursday: 08:45 to 17:15

Friday: 08:45 to 16:45

One hour for lunch (unpaid)

Depending on the member of staff's role these hours may vary, for example a lecturer may cover an evening class or some facilities staff operate on a shift basis. However a full time staff member must be on site working for 37 hours per week (pro rata for part time staff) with a full lunch hour unpaid per day.

All staff whether part time or full time must have a 30 minute unpaid break after a period of five hours on shift. Other unpaid breaks may be timetabled in, depending upon the role of the member of staff in order to provide a total of a one hour unpaid break. This only applies if an amended work pattern is in force. Lecturing staff, in particular, are expected to be flexible in order to meet the needs of the student's timetables. There is no provision for paid breaks during the working day.

## 3. Teaching Hours

All teaching staff have a set number of teaching hours per year; the remaining hours being used to prepare future lesson plans and schemes of work plus attend relevant meetings, mark student work and carry out departmental duties as required. The teaching hours are detailed below:

Curriculum Manager	400 to 600 hours per year depending on curriculum area
Assistant Curriculum Manager	700 to 750 hours per year depending on curriculum area
Lecturer	860 hours per year
Senior Practitioner	750 hours per year
Practitioner	500 hours per year
Instructor	105 to 250 hours per year depending on curriculum area

Note: Pro rata for part-time staff
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#### **4. Pay Arrangements**

The College pays staff on a monthly basis on or before the 25<sup>th</sup> of each month. All payments are made to the staff member's bank or building society account. It is not acceptable to pay salary into an account for which the staff member is not named.

Timesheets and claims for expenses must be submitted by the deadlines published in iTrent and on StaffNet, in order to be included in the pay run.

Salary advances are not paid unless there are very exceptional circumstances. New starters to the College employed after the 15<sup>th</sup> of the month will not be paid in that month.

Casual staff (zero hours contracts) are paid via timesheets, monthly in arrears. Sessional teaching staff are paid by spreading the teaching contract into equal payments covering the duration of the contract but still monthly in arrears.

It is a staff member's responsibility to check their pay slip and notify payroll as a matter of urgency if there are any discrepancies. The College reserves the right to deduct any over-payments; usually from the next payment due.

#### **5. Salary Scales**

The College reviews all job descriptions and allocates the role into a specific salary banding or spot salary, depending on the type of role (academic or support) and the levels of responsibility, skill level and qualifications required. On appointment, and for roles attached to a grade range, most new staff will enter the salary range for the job at the lowest point. However, this can be discussed at the interview and/or offer stage.

On rare occasions, the College may offer an additional allowance to reflect the market rate and or specialist skills. Such an allowance is subject to regular review and is not normally pensionable.

Once appointed, staff in roles attached to a salary banding progress through the salary range with an annual increment on 1 August of each year, until such time the ceiling for the pay band is achieved. Progression in the first year of employment is subject to the staff member having joined the College prior to the 1 April of the same academic year, satisfactory work performance and not being subject to formal disciplinary action.

For posts which are offered on the basis of a spot salary, which is determined by the level of responsibility, skill level, qualifications required and local market rates for similar roles, there is no incremental progression. However, periodic reviews of the spot rates will take place, and increases to pay as a result of any review will be applied as appropriate.

The salary scales and spot salary rates are published on StaffNet.

Overtime payments are only made in exceptional circumstances and always with prior permission of the Manager to work the additional hours. In such circumstances, overtime is paid at time and a half for hours worked over the full time working hours of 37 per week. If the total hours worked are less than 37 hours per week only the member of staff's normal hourly rate will be paid.

Where possible any overtime worked should be converted into time off in lieu ("TOIL"), booked via iTrent. TOIL is accrued at single time only (i.e. one hours' TOIL will be accrued for an additional one hour worked). TOIL should be agreed in advance with the Manager.

Casual staff are paid hourly based on the salary for the role at the lowest point.

## **6. Salary Reviews**

Exceptionally, if a staff member wishes to seek a re-evaluation of their role and an increase in pay the individual should in the first instance discuss this with their line manager. Thereafter the staff member should put their case for re-grading or pay increase in writing to HR. This document must state the full reasons for the request and include a draft revised job description (if appropriate). Members of staff may only make one salary review application per year.

Salary entry points are discussed at interview and prior to appointment, therefore requesting a salary increase following appointment is not usually a justification for requesting an increase. Likewise, the College does not increase salaries on the completion of a successful probation. A request for a salary review would normally require an employee to demonstrate a material change to the role.

On receipt of the salary review application HR will review the proposal in conjunction with the relevant SLT Lead. The review will include consideration of other similar graded or operated roles within the College and the quality/detail of the request. HR will inform the staff member of the decision in writing.

The staff member can appeal against the decision by writing a full statement to the Principal (or designate). A further review will take place and HR will inform the staff member of the final decision. There is no further appeal.

## **7. Pension Arrangements**

The College on employment automatically enrolls new staff either into the Teachers' Pension Scheme (for staff who teach or hold an academic position) or the Local Government Scheme ("LGPS") operated by Kent County Council (for support staff and non-academic management staff).

Both schemes provide College staff with important and valuable benefits. The schemes are contributory – both the staff member and the College contribute to the scheme which are considered to be CARE schemes (career average). Staff contributions are taken from the monthly pay roll before tax. The level of staff contributions varies according to scheme and pay level.

Staff are considered to have opted into their allocated scheme upon appointment, irrespective of their employment type or status, unless they expressly opt out in writing using the appropriate pension form downloaded electronically by them from the relevant pension website. If a new staff member opts out of their pension

scheme the auto enrolment process will require the College to put them back into the scheme after three years, unless they have opted out within twelve months of the re-enrolment date. If sessional/casual when the staff members earnings reach the threshold for auto enrolment they will be put into the scheme unless they opt out again.

During the course of employment a staff member may opt out of their scheme however there are regulations about re-joining.

### **7.1. Teachers' Pension Scheme**

The Teacher's Pension Scheme ("TPS") is operated on a national basis by Capita. Staff members are advised to use the scheme website for updates and they can access their own benefits.

Employee contribution rates are set by the Teachers' Pension Scheme and may change from time to time. The current contribution rate can be found on the Teachers Pension website using the following link:

[www.teacherspensions.co.uk/employers/managing-members/contributions/calculating-contributions.aspx](http://www.teacherspensions.co.uk/employers/managing-members/contributions/calculating-contributions.aspx)

Those within 10 years of normal pension age (**NPA**) on 1 April 2012 will be protected from new scheme changes (other than changes to contribution increases).

- 7.1.1 The NPA of 65 applies if you joined the TPS after January 2007. If you joined before 1 January 2007 and have continued in pensionable service you will have an NPA of 60.
- 7.1.2 Staff who were more than 10 years but less than 13.5 years away from the NPA, remained in the previous scheme for a limited period after 2015 before commencing in the new scheme.
- 7.1.3 All other employees will automatically start the new scheme which commenced in 2015. This will provide a pension in two parts: one based on service to 2015; and one based on service in the new scheme from 2015.
- 7.1.4 The normal pension age will be linked to the "state pension age". State pension age will increase to 66 by 2020, to 67 between 2026 and 2029 and to 68 between 2044 and 2046.
- 7.1.5 The new scheme is a "career average" scheme. Pensions will be based on 1/57th of earnings.
- 7.1.6 Any benefits accrued up to 2015 will be protected and payable, based on final salary, on retirement.

### **7.2. Local Government Pension Scheme ("LGPS")**

The LGPS is a national pension scheme however Kent County Council ("KCC") administers the scheme for the College. KCC operates a website for updates and information.

[www.kentpensionfund.co.uk](http://www.kentpensionfund.co.uk)

Employee contribution rates are set by the LGPS and may change from time to time. The current contribution rate can be found on the Kent Pension Website using the following link:

<http://www.kentpensionfund.co.uk/local-government/current-member-paying-in/membership-and-contributions/contributions>

Part time staff contribution rates are assessed based on actual annual pensionable pay.

The College will also contribute a percentage of total salary, for staff who are members of the LGPS scheme. . This rate is set by, and reviewed on an tri-annual basis by, KCC based on the scheme valuations.

From 1 April 2014 the LGPS scheme changed to a **career average re-valued earnings (“CARE”) basis**. From this date the accrual rate became 1/49<sup>th</sup> with the re-valuation rate being based on the consumer price index.

Pensionable pay will include shift allowance, contractual bonuses, overtime and additional hours, merit awards, performance related awards, maternity pay, paternity pay, adoption pay and any other taxable benefit specified in your contract as being pensionable.

From April 2014, staff have had the option to contribute into the 50/50 section. This means that staff contribute 50% of normal pension contributions whilst still building up their pension at 50% of the normal accrued benefits. For more details, including the opt-in form, please follow the following link:

<https://www.kentpensionfund.co.uk/local-government/current-member-paying-in/membership-and-contributions/the-5050-section>

When calculating your pension, the LGPS will use any payments made to the pension scheme up to 31 March 2014 to calculate a pension based on the previous terms so will be protected.

### **7.3. Pensions Transfers**

Depending on where you have accrued a previous occupational pension it may be possible to transfer your benefits into the College pension scheme. However there are specific deadlines in relation to transfers related to the specific pension scheme.

Both schemes offer advice and support in relation to your benefits and contributions.

#### **7.4. The Local Government Pension Scheme Regulations 2013 (as amended)**

This policy statement clarifies the College's position on the discretions it can exercise, in accordance with the The Local Government Pension Scheme Regulations 2013 (as amended, the "LGPS 2013") regulations (as amended) and guidance on how they apply to different retirement options.

The policy statement applies to all members of staff who are eligible to be members of the LGPS, as defined in the regulations i.e. employees with a contract of employment of over three month's duration, who are under 75 years of age and are contractually enrolled at the start of employment. Those with contracts of less than three months, including casuals, can join but need to elect to do so.

Employees who are members of the pension scheme are only entitled to receive pension benefits if they have two years or more service. Under LGPS 2013 Regulation 18, if an employee has less than two year's qualifying service in the pension scheme by the time their active membership ceases, then their contributions can usually be repaid or transferred to another scheme.

##### **7.4.1. Regulation 16 (2)e and (4)d – Shared Cost Additional Pension Contributions ("SCAPC")**

The College does not operate a SCAPC where a scheme member wishes to purchase extra annual pension (up to the limit defined in the regulations).

##### **7.4.2. Regulation 30(6) & 30(8) – Flexible Retirement**

The College will provide consent to consider flexible retirement requests where the member of staff is an active member of the pension scheme, aged 55 or over and there are clear business efficiencies to the College. Other circumstances may arise which will allow the College to consider flexible retirement but these will be judged on the merits of the individual matter. The definition of business efficiency shall include, but not be limited to financial savings and/or quality improvements judged on a case by case basis.

If consent has been given under Regulation 30 (6) it is not the College's policy to waive any actuarial reduction unless there are exceptional circumstances. Each case will be considered on its merits, with final approval resting with the Deputy Principal Finance and Resources.

##### **7.4.3. Regulation 30(8) Waiving of Actuarial Reductions**

It is not the College's policy to waive any actuarial reductions applied to benefits paid early, or where a scheme member has previously been awarded a deferred benefit.



#### **7.4.4. Regulation 31 – Award of Additional Pension**

The College has the discretion to award additional pension (up to the additional pension limit defined in the regulations) to an active member or within six months of leaving the scheme to a scheme member who was dismissed on grounds of redundancy or business efficiency. This will only be exercised in exceptional circumstances and will be subject to final approval by the Deputy Principal Finance and Resources.

#### **7.4.5. TP Regulations 1 (1)(c) of Schedule 2 – Whether to allow the rule of 85 to be “switched on” for members from age 55 and before age 60.**

It is not the College’s policy to make use of the discretion to “switch back on” the 85 year rule protections unless there are clear financial or operational advantages to the College.

Each case will be considered on its merits with the final decision being made by the Deputy Principal Finance and Resources.

#### **7.4.6. Regulation 9 (1) & (3) - Contributions**

The College will determine the appropriate contribution band for an employee each month. Variable time employees (casuals and zero hours contracted staff) will have their initial contribution rate at 1 April 2014 set at 5.5% with a re-assessment every three months thereafter.

Current individual contribution rates will be visible and available to be reviewed by all employees via the College's intranet site. The College will notify employees of any changes to their individual contribution rates, by email, within one month of any change.

#### **7.4.7. Regulation 17 (1) – Shared Cost Additional Voluntary Contributions (“SCAVC”)**

The College will not operate a SCAVC for employees.

#### **7.4.8. Regulation 21 (5) – In determining Assumed Pensionable Pay whether a lump sum payment made in the previous 12 months is a “regular lump sum”.**

The College will maintain a list which details what it considers being a regular lump sum payment made to our employees to be used in the calculation of the Assumed Pensionable Pay

#### **7.4.9. Regulation 22 (7)(b) & 22 (8)(b) - Aggregation of Benefits**

Employees who have previous LGPS pension benefits in England and Wales will automatically have these aggregated with their new LGPS employment, unless they elect within 12

months of commencing membership of the LGPS in the new employment to retain separate benefits. The College has the discretion to extend this period beyond 12 months and each case will be considered on its own merits.

#### **7.4.10. Regulation 100 (6) – Aggregation of Benefits**

If an employee wishes to transfer any pension benefits they have built up in other schemes to the LGPS, the election to do so must be made within 12 months of starting a new period of membership. This time limit may be extended if the employee can demonstrate exceptional circumstances so as to justify this.

### **8. Death in Service Benefits**

Both College pension schemes include a payment should you die whilst still in College employment. The lump sum death grant is based on three times your final year's pay. This payment is made no matter how long you have been a scheme member provided you are under 75 years of age.

Part-time employees receive a pro rata payment. The lump sum death grant is payable to your nominee; if you have not made a nomination the money will be paid to your estate. You can nominate more than one person by allocating a specific percentage to each person.

In addition an on-going survivor's pension will be available based on your pension contributions and is enhanced in terms of membership to age 65.

There are specific rules surrounding the death in service benefit therefore staff members should seek further information from their pension scheme.

If a staff member is not a member of a College pension scheme there is no entitlement to a death in service award.

### **9. Medical Retirement**

If a staff member becomes unable to work due to permanent ill health both pension schemes provide for an ill health retirement package.

The LGPS operates a three tiered scheme based on a health prognosis and likelihood to become capable of gainful employment in the future.

The Teachers' Pension Scheme operates a two tiered scheme based on whether the health prognosis means that the staff member is permanently unable to teach or undertake any gainful employment or just unable to teach.

Further information is available via the appropriate pension scheme.

Staff who become unable to work but are not pension scheme members do not have the right to receive any ill health retirement benefits.

## 10. Retirement

The College is proud to employ people of all ages and consider that age diversity is beneficial to the College. The College is committed to not discriminating against employees because of age and will endeavour not to make discriminatory comments regarding the same.

It is the College's aim to create a framework for workplace discussions, enabling members of staff to express their preferences and understand expectations regarding retirement and enabling both you and the College to plan for the future.

The College does not operate a fixed retirement age and will not pressurise employees into resigning because they have reached or are approaching a certain age. Nor will the College assume that you want to retire just because you are approaching a certain age. Staff members can choose to continue in work indefinitely, subject to being able to fulfil their duties.

In addition the College will consider applications from staff who may wish to consider flexible retirement arrangements. Such arrangements may include:

- 10.1 Reducing hours including part-time hours, job share and term time working;
- 10.2 Flexible working; or
- 10.3 Career breaks.

The College encourages staff to prepare for their retirement both financially and personally. Pre-retirement courses can be arranged for staff aged 60 and above usually via the pension scheme.

Applications for flexible retirement options should be made in writing to the member of staff's line manager. On receipt the manager will arrange a meeting (with a HR representative, if appropriate). The meeting will consider the following:

- 10.4 future intentions;
- 10.5 flexible retirement options;
- 10.6 cost to the College for accepting the requested option;
- 10.7 implications for department and College;
- 10.8 health review (if appropriate);
- 10.9 arrange appropriate help e.g. financial planning, pension advice; and
- 10.10 ensure sufficient notice is given to set up arrangements if accepted (this may include a recruitment timescale to cover any residual hours).

The manager will inform HR of their decision and HR will then process accordingly. If the retirement arrangement is not agreed the staff member may

appeal to their SLT Lead within 10 working days of the original decision. The SLT Lead will then consider the appeal. This may include a meeting with the staff member, SLT Lead and HR. The staff member may bring a current work colleague or trade union representative to the meeting.

As a general principle any flexible retirement request should result in a nil cost to the College. Flexible retirement pension options vary depending on scheme membership and age. Further information should be obtained from the relevant pension scheme by the staff member.

A staff member may request early retirement from age 55 onwards. The College will only agree such on the basis that there is a nil cost to the College.

If an ex-staff member wishes to access their pension through ill health the College will be required to investigate the health issues via Occupational Health and process the request as usual. The pension scheme will still have the right to reject such a request.

If an ex-staff member wishes to access their pension earlier than permitted by their scheme due to compassionate grounds the College will be asked to consider the circumstances. However, most such requests will result in a charge to the College so are unlikely to be accepted. The ex-staff member may wish to consider accessing their pension on an actuarial basis.

## **11. Re-Employment**

If a staff member left the College for reason of redundancy they may be considered for re-employment at the College after the minimum statutory period of four weeks, subject to the following conditions:

- 11.1 the post applied for did not exist and was not foreseeable at the time of the redundancy;
- 11.2 the vacancy has been externally advertised;
- 11.3 the appointment will be made using the usual College selection process (best person for the job);
- 11.4 the appointment has SLT level approval;
- 11.5 the redundancy was compulsory (if voluntary redundancy a 12 month period before re-employment will apply if the benefit package was enhanced); and
- 11.6 after 12 months the above conditions will not apply

If the staff member is employed by an Employment Agency it is acceptable for the College to allow them to work at the College without affecting any payments they have received. However, approval must be obtained from HR before accepting such a placement. Any such placement will be deemed to be temporary in nature.

If a staff member has taken ill health retirement benefits and is considered for employment a full occupational health report must be obtained prior to any

confirmation of employment. Re-employment is likely to affect pension payments. It will be the responsibility of the new staff member to inform their pension scheme of their re-employment.

A staff member who was dismissed for misconduct from the College will not be considered for re-employment.

## **12. Staff References (Current or Previously Employed)**

It is the College's policy to provide references regarding the employment of current or past employees, when requested by another employer or potential lender. All reference requests whether for other employers, voluntary organisations or from Banks, Building Societies or other potential lenders must be directed to the HR Department for response.

Anyone approached for a reference for a peer or colleague for whom they do not have management responsibility should make clear that (s)he is providing the reference in a personal capacity. Such a reference must not be on the College's headed paper and the relationship of the referee with the individual concerned must be made clear.

Where a Manager or Head of Department is approached for an "official College" reference for a member of staff reporting to them or within their department, they should forward such a request to HR for response. However it is acceptable to draft a suitable commentary about the individual which HR may then convert into the standard College format before issuing.

All references from the College will be provided in writing by HR who will ensure that the facts stated about an individual are correct. References will be marked "confidential" to the addressee.

A copy of any reference provided on behalf of the College will be included on the individual's HR file.

All written references will contain the following disclaimer in its final paragraph:

"In accordance with NKC's normal practice this reference is given in good faith and in confidence, without legal liability on behalf of the author or NKC."

Although requests for telephone or verbal references are frequently received, such requests will be declined other than in exceptional circumstances, since information given in this way may be misinterpreted. If, exceptionally, a verbal reference is given, steps should be taken to verify the identity of the enquirer and notes should be kept of the conversation. Where a verbal reference is given on behalf of the College the person giving the reference should not make any statements that (s)he would not be willing to make in writing.

The College does not provide unsolicited references addressed "to whom it may concern".