



HR COMMITTEE MEETING

Meeting of 22 May 2024

HUMAN RESOURCES COMMITTEE

NOTICE

There will be a meeting of the Human Resources Committee of North East Scotland College on **Wednesday 22 May 2024 at 1300 hours** through the use of Microsoft Teams.

AGENDA

Agenda Item		Paper
28-23	Apologies for Absence	
29-23	Declaration of any Potential Conflicts of Interest in relation to any Agenda Items	
30-23	Minute of Previous Meeting – January 2024	x
31-23	Matters Arising from the Previous Meeting	x
	Matter for Decision	
32-23	Employers Pension Scheme Discretionary Policy	x
	Matters for Discussion	
33-23	People Services Enhancement Plan update	x
34-23	Gender Pay Gap presentation (L Laing)	
35-23	Employee Voice (L Laing) – Presentation	
36-23	Draft HR Committee Programme of Business & Schedule of Meetings	x
37-23	Equalities Policy (verbal update)	
	Matters for Information	
38-23	National Collective Bargaining (verbal update)	
39-23	Voluntary Severance Scheme (verbal update)	
40-23	Staff Wellbeing Initiatives and Activity Update	x
41-23	Staff Equalities Report	x
	Any Other Business	
43-23	Summation of Action and Date of Next Meeting	
	Committee next due to meet in September 2024.	

Denotes Reserved Items of Business

HUMAN RESOURCES COMMITTEE

MINUTE OF MEETING

Draft Minute of the meeting of NESCol's Human Resources Committee held on Wednesday 31 January 2024 at 10:00am via Microsoft Teams.

Agenda Item	<p>Present: Neil Cowie Susan Elston Jim Gifford – Vice Chair Carrie Beaton Cindy Dempster Leona McDermid – Chair Duncan Cockburn</p> <p>Guest Attendee: Jill Leishman, Learning and Information Manager (for Agenda Item 23-23 only)</p> <p>In attendance: Kimra Donnelly, Director of People Services Susan Lawrance, Secretary to the Board Karen Fraser, Minute Secretary</p>
16-23	<p>Apologies for Absence Apologies were received in advance from N McLennan.</p>
17-23	<p>Declaration of any Potential Conflicts of Interest in relation to any Agenda Items There were no declarations put forward.</p>
18-23	<p>Minute of Previous Meeting – September 2023 The Minute was approved as a true and accurate record, proposed by J Gifford and seconded by S Elston.</p>
19-23	<p>Matters Arising from the Previous Meeting Members noted that the 3 matters arising had been addressed, with K Donnelly providing a summary of the updates provided.</p>
	<p>Matter for Decision</p>
20-23	<p>Equal Pay Policy and Statement Annual Review Referencing Appendix 1 in which the Statement and Policy were presented, it was confirmed that no changes had been applied since</p>

	<p>their last approval in May 2023. Committee members reviewed and approved as presented, Decision = Approved as presented.</p>
	<p>Matters for Discussion</p>
21-23	<p>People Services Enhancement Plan update incl. VLE Members were invited to consider the updated Enhancement Plan for AY2023/24. The associated volume of work pertaining to this was recognised by those present.</p> <p>Following summation by K Donnelly, the provided information evoked discussion. The aim to be regarded as a progressive employer was highlighted. Making use of findings from the internal audit as a learning tool to assist with the Employee Voice Group (intended to replace IIP and associated costs), was suggested and will be investigated by K Donnelly.</p> <p>The capacity of the People Services team to progress all of the proposed developments was queried, with acknowledgement by N Cowie that resources may require to be reviewed. K Donnelly assured Committee the enhancement plan is prioritised with balance of other tasks whilst ensuring the priorities identified remain correct for the College.</p> <p>Members were thanked for the feedback provided.</p>
22-23	<p>People Services Equalities Action Plan update Members were provided with updates relating to the Priority Actions for AY2022/23 and AY2023/24, with content and progress noted. In response to a query for clarity on why particular strands of equality had been chosen for action, K Donnelly advised the shared Action Plan is more operational, and assured Committee other characteristics are being covered. Committee noted the proposed new Action plan for AY24/25 to cover new reporting requirements, such as race pay gaps, disability pay gaps etc.</p> <p>Action: Feedback on Action Plan to be considered for the new Action Plan in September 2024.</p>
	<p>Guest attendee J Leishman joined the meeting at 10:26am</p>
23-23	<p>Learning & Development Introduction (incl. Libraries) Jill Leishman Following her introduction to the Committee, J Leishman show-cased L&D and Libraries via PowerPoint presentation, which will be available following the meeting on the Regional Board – HR Committee - MS Teams area.</p> <p>Upon conclusion, questions and feedback were invited. Engagement with the just-completed Winter Development Day was highlighted. In response to a query, J Leishman advised that demand (from students – via SA comms - and staff as bookable teaching space) for the desktop PCs located within the library spaces is currently being analysed for cost effectiveness and usage monitoring. N Cowie added that IT usage, across</p>

	<p>the college, is being monitored to feed into discussions regarding financial sustainability and to investigate how both students and staff use the resources. It may be that expenditure can be reduced in these areas if usage is not high.</p> <p>J Leishman also re-assured Committee that by working closely with Learning Technologies Colleagues access to digital support is readily available for staff.</p> <p>Adjustments to the expectations of lecturing staff to undertake TQFE training was outlined. It was confirmed that self-development and person-led training will continue to be encouraged, whilst being mindful of monetary resource.</p>
	Guest attendee J Leishman left the meeting at 10:58am
	Matters for Information
24-23	National Collective Bargaining (verbal update)
	D Cockburn left the meeting at 11:30am

25-23	Voluntary Severance Scheme (verbal update)
26-23	Any Other Business Thanks for and appreciation of the volume and quality of work undertaken by K Donnelly and the People Services team was expressed by Members.
27-23	Summation of Actions and Date of Next Meeting S Lawrance provided a summary of the identified actions and highlighted the upcoming Board Development Event on the afternoon of Wednesday 07/02/24. The next Meeting was confirmed as Wednesday 22/05/24 at 1:00pm.

Red Font Denotes Reserved Items of Business

ACTIONS FROM HUMAN RESOUCCE COMMITTEE – 31 JANUARY 2024			
Agenda Item	Action	Responsible Person	Deadline
21-23	Usage of Internal Audits to support Employee Voice: To be investigated	K Donnelly	May 2024
22-23	Feedback on Action Plan: to be considered for new Plan for AY24/25	K Donnelly	Sept 2024



Agenda Item 31-23

HUMAN RESOURCES COMMITTEE

An update on matters arising from the meeting of the Human Resources Committee held on 27 September 2023

Agenda Item	
21-23	Action: Usage of Internal Audits to Support Employee voice to be investigated.
	Update: The results of the Employee Voice have been shared with both Executive and Leadership Teams, with Next Steps identified and is an Agenda Item at the May HR Committee Meeting item.
	Status: Complete – see above update.
22-23	Action: Feedback on current Action Plan to be considered for new AY Plan.
	Update: New Action Plan to be presented to Committee for discussion.
	Status In hand. New Action Plan will be presented to HR Committee at their first meeting of AY2024/25.



HUMAN RESOURCES COMMITTEE	
Meeting of 22 May 2024	
Title: Employers Pension Scheme Discretions Policy	
Author: Kimra Donnelly, Director of People Services	Contributor(s): Stuart Thompson, Vice Principal Finance & Resources
Type of Agenda Item:	
For Decision	<input checked="" type="checkbox"/>
For Discussion	<input type="checkbox"/>
For Information	<input type="checkbox"/>
Reserved Item of Business	<input type="checkbox"/>
Purpose: To enable the Committee to consider and approve the revised Employers Pension Scheme Discretions Policy.	
Linked to Strategic Theme:	
5. Leading Sustainability	
Linked to Strategic Risk(s) 5.1 & 6.1	
Executive Summary:	
<p>Appendix 1 is the draft Employers Pension Discretions Policy. It is proposed that this Policy replaces the existing HR15 Local Government Pension Scheme and Discretionary Fund policy (Appendix 2).</p> <p>The Local Government Pension Scheme Regulations contain a number of regulations over which the employer has discretion. Following changes to the Local Government Pension Scheme Regulations in 2018, all employers in the Scheme are now required to review and update their Employers Pension Discretions Policy, as held by the North-East Scotland Pension Fund.</p> <p>The Employers Pension Discretions Policy outlines how the College, as an employer of the Fund, will administer the Local Government Pension Scheme (LGPS) in respect of application of the various discretions.</p> <p>The College's Employers Discretions Policy was first approved in July 2015 and last reviewed in August 2020.</p> <p>The draft Employers Pension Discretions Policy has been updated with reference to the North East Scotland Pension Fund 'Guide to Discretions – May 2022' (Appendix 3) and in the template format provided by the North East Scotland Pension Fund.</p>	

In consultation with the Vice Principal Finance & Resources we have updated the positions on the use of the pension scheme discretions in line with the current financial climate.

If the draft Employers Pension Discretions Policy is approved by the HR Committee, The Director of People Services will then consult with the Trade Unions on the updated draft policy. On completion of this consultation an update of the final draft, including the Equality Impact and Data Protection Impact Assessments will then be provided to the HR Committee via email for formal approval.

It is proposed that these discretions are reviewed annually by the HR Committee.

Recommendation: It is recommended that the HR Committee approve the revised Employers Pension Scheme Discretions Policy and next steps as detailed in this report.

Previous Committee Recommendation/Approval: NA

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence: This report is for information only and the Employers Pension Discretions Policy will have an Equality Impact Assessment undertaken and shared with the HR Committee for approval.



Employer Discretions Policy

This policy on discretions applies with effect from 1 June 2024 and sets out our policy on the way in which we are likely to exercise our discretions as a Scheme employer under the Local Government Pension Scheme in Scotland.

The document begins by setting out the position in so far as it relates to the current Scheme, but for former members of the Scheme a number of other key provisions remain relevant depending on when they were a member and these are detailed further later on.

If you have any queries on this policy, please contact Kimra Donnelly by email: k.donnelly@nescol.ac.uk.

PLEASE NOTE THAT IF A DISCRETION IS IN BOLD THIS MEANS A WRITTEN POLICY REGARDING IT MUST BE MAINTAINED

Current discretions including those applicable to the current career average revalued earnings (CARE) Scheme

The following table sets out discretions under the current Local Government Pension Scheme which is governed by the Local Government Pension Scheme (Scotland) Regulations 2018. In some cases, the equivalent discretions under Local Government Pension Scheme (Scotland) Regulations 2014 will apply instead and so some entries in the table make reference to both sets of regulations. The Scottish Government has clarified that 2018 Regulations did not create a new scheme.

The following regulations are referred to for this purpose:

- the Local Government Pension Scheme (Scotland) Regulations 2018 [prefix R]¹
- the Local Government Pension Scheme (Scotland) Regulations 2014 [prefix R2]²
- the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014 [prefix TP]
- the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 [prefix A]
- the Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008 (as amended) [prefix B]
- the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 [prefix T]
- the Local Government Pension Scheme (Scotland) Regulations 1998 (as amended) [prefix L]

Discretion	Regulation	North East Scotland College policy on the exercise of this discretion
1. Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.	R16(2)(e) & R16(4)(d)	We will not exercise this discretion.
2. Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve force service leave).	R16(16)	We may extend the deadline in exceptional circumstances where it can be shown that members may not have been informed of the requirement for this decision within 30 days of return.
3. Whether all or some benefits can be paid if an employee reduces their hours or grade from age 55 onwards (flexible retirement).	R29(7) & TP11(2) ³	We will not exercise this discretion.
4. Whether to waive, in whole or in part, any actuarial reduction on benefits paid on flexible retirement.	R29(9) and TPSch 2, para 2(1)	We will not exercise this discretion.

¹ The 2018 Regulations (R) apply to post 01.06.2018 active members and post 01.06.2018 leavers and discretions in the table under the 2018 Regulations only apply to those persons

² The 2014 Regulations (R2) apply to members who left the scheme between 01.04.2015 and 31.05.2018 and discretions in the table under the 2014 Regulations only apply to those persons

³ TP11(2) refers to R2~29(6): this reference is understood to have been carried forward to R29(7) by R102(2)

<p><u>Note:</u> any resultant strain cost from the exercise of this discretion will be charged to the employer regardless of the member's age at date of retirement.</p>		
<p>5. Whether to apply the 85 year rule for a member voluntarily drawing benefits, with employer consent, on or after age 55 and before age 60 (other than on the grounds of flexible retirement).</p>	<p>TPSch 2, paras 1(2) and 2(1)⁴</p>	<p>We will not exercise this discretion.</p>
<p>6. Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age, other than on the grounds of flexible retirement (where the member only has post 31/3/15 membership).</p> <p><u>Note:</u> any resultant strain costs due to the exercise of this discretion will be charged to the employer regardless of the employee's age.</p>	<p>R29(9) or R2 29(8)</p>	<p>We will not exercise this discretion..</p>
<p>7. Whether to waive, in whole or in part, any actuarial reduction on pre and post April 2015 benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/15 and post 31/3/15 membership).</p>	<p>TP3(1), (5) and (12), TPSch 2, para 2(1)⁵</p>	<p>We will not exercise this discretion.</p>
<p>8. Whether 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 (by up to a prescribed cap).</p>	<p>R30</p>	<p>We will not exercise this discretion.</p>
<p>9. Decide which employees to nominate for membership (admission bodies).</p>	<p>R3(1)(b)</p>	<p>All employees who are eligible to join the scheme will be nominated for membership in accordance with North East Scotland College admission agreement with NESPF.</p>
<p>10. Whether, in respect of an admission body providing a service in respect of outsourced work, to set off against payments due to that body any sums due from that body to the Fund.</p>	<p>RSch 2, Part 2, para 12(c)</p>	<p>We will consider any application of this discretion on a case by case basis.</p>

⁴ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

⁵ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

11. Determine the rate of employee's contributions.	R9(1) to R9(4)	The employee's rate of contributions will be determined in accordance with these Regulations and from the guidance issued by the Scottish Ministers.
12. Determine intervals at which employees' contributions are to be made.	R9(8)	Employees' contributions will be aligned to the North East Scotland College set pay periods.
13. Whether and in what circumstances to contribute to a shared cost AVC scheme.	R17(1) & definition of SCAVC in RSch 1	We have an established a shared cost AVC scheme, which members have the option to elect to participate in.
14. Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was entered into before 30/6/05).	TP15(1)(b) & L65(8) & former L65(9)(b) ⁶	We will not have a general policy to allow late application to convert scheme AVCs into membership credit but may do so if exceptional circumstances can be demonstrated, such as the member being unaware of this right. Each case will be considered on its individual merits.
15. No right to a return of contributions due to an offence of a fraudulent character or grave misconduct unless the employer directs a total or partial refund is to be made.	R19(2)	We will not direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.
16. Specify in an employee's contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable.	R20(1)(b)	Elements of pay received by an employee other than those specified in these regulations and not otherwise precluded will only be pensionable if specified as such in the member's contract of employment.
17. In determining Assumed Pensionable Pay (APP), whether a lump sum payment made in the previous 12 months is a "regular lump sum".	R21(5)	The exercise of this discretion will be considered on a case by case basis with due regard given to all circumstances relating to the calculation of a member's APP.
18. Where in the Employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of	R21(6)	Where pensionable pay in the 3 month period prior to commencement of APP is materially lower than the level of pay that would normally have been received, We will not normally substitute this with a higher level of pensionable pay, except when determining calculations for ill health retirement or death in service when we will consider each case on its merits.

⁶ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

pensionable pay having had regard to the level of pensionable pay received by the member in the previous 12 months.		
19. Whether to extend the 12 month option period for a member to elect that post 2015 deferred benefits should not be aggregated with an ongoing concurrent employment.	R22(7)(b)	We will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
20. Whether to extend the 12 month option period for a member to elect that post 2015 deferred benefits should not be aggregated with a new employment.	R22(8)(b)	We will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
21. Whether to extend the 12 month option period for a member to elect that pre 2015 deferred benefits for a member who re-joined post 31 March 2015 can be aggregated to purchase an amount of CARE pension.	TP10(6) ⁷	We will not normally extend the 12 month time limit but may do so if exceptional circumstances can be demonstrated. Each case will be considered on its merits.
22. Whether to use a certificate produced by an IRMP under the 2009 Scheme for the purposes of making an ill health determination under the 2015 Scheme.	TP12(4)	We will not have a general policy regarding this issue.
23. Whether to apply to Scottish Ministers for a forfeiture certificate (where member is convicted of a relevant offence).	R86(1) & (8) or R2 89(1) & (8)	After considering each case on its individual merits, We may apply for a forfeiture certificate where a member is convicted of a relevant offence.
24. Where a forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R89/ R2 92 below).	R86(4) or R2 89(4)	Following the issue of a forfeiture certificate, We may direct that benefits are to be forfeited.
25. Whether to recover from the Fund any monetary obligation or, if less, the value of the member's benefits (other than, transferred in pension rights or AVCs/ SCAVCs) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left the employment.	R87(2) or R2 90(2)	After considering each case on its individual merits, We may recover from North East Scotland Pension Fund the amount of loss in cases of criminal, negligent or fraudulent acts by a member.

⁷ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

<p>26. Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R86/ R2 89 or recovery of a monetary obligation under R87/ R2 90 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement.</p>	<p>R89 or R2 92</p>	<p>We may consider whether should there be forfeiture under R 86 or recovery of a monetary obligation under R 87, the member or the member's surviving spouse or civil partner should be deprived of any Guaranteed Minimum Pension entitlement. Each case will be considered on its individual merits.</p>
<p>27. Decide whether to issue a Certificate of Protection if the member does not request one within 12 months of a reduction or restriction in pay.</p>	<p>R90(5) or R2 93(4A)</p>	<p>We will normally issue a Certificate of Protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member out with the 12 month period specified in the regulations if exceptional circumstances can be demonstrated, such as the employee being unaware of this facility.</p>
<p>28. Agree to bulk transfer payment.</p>	<p>R93(1)(b) or R2 96(1)(b)</p>	<p>We will consult with NESPF and the fund actuaries in this regard.</p>
<p>29. Extend normal time limit for acceptance of a transfer value beyond the 12 month time limit from joining the LGPS.</p>	<p>R95(6)</p>	<p>We will not generally extend the normal time limit for acceptance of a transfer value beyond 12 months from joining the scheme but may do so where exceptional circumstances can be proved. Each case will be considered on its individual merits including if there would be any financial impact on North East Scotland College and/or the Pension Fund.</p>
<p>30. Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending in the 10 years prior to leaving and ending on the anniversary of the date of leaving.</p>	<p>TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)⁸</p>	<p>We will allow a member to select final pay for fees to be any three consecutive years ending 31st March in the 10 years prior to leaving. We agree that this will automatically be done by NESPF.</p>
<p>31. Issue a certificate of protection of pension benefits where eligible non-councillor member fails to apply for one (pay cuts / restrictions occurring pre 1.4.15.)</p>	<p>TP3(1)(a), A43(5)⁹</p>	<p>We will issue a certificate of protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member outwith the 12 month period specified in the regulations if exceptional circumstances can be proved such as the employee being unaware of this facility.</p>

Formulating and publishing a policy under the 2014 and 2018 Regulations

The employer must formulate, publish and keep under review a statement of their policy. A copy of the policy must be sent to the relevant administering authority.

If the employer decides to amend the policy, they must send a copy to the relevant administering authority within one month of the date of the decision to amend the policy.

⁸ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

⁹ Discretion applicable to all scheme members to whom the 2018 or 2014 Regulations apply.

In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.

Discretions specific to scheme members who ceased active membership on or after 01 April 2009. and before 01 April 2015

Discretion	Regulation	North East Scotland College policy on the exercise of this discretion
1. Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.	B30(5)	We will not exercise this discretion.
2. Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership.	TSch1 & L65(8) & former L65(9)(b)	We will not have a general policy to allow late application to convert scheme AVCs into membership credit but may do so if exceptional circumstances can be demonstrated, such as the member being unaware of this right. Each case will be considered on its individual merits.
3. No right to a return of contributions due to an offence of a fraudulent character or grave misconduct unless the employer directs a total or partial refund is to be made.	A42(2)	We will not direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.
4. Employer may issue a certificate of protection where an employee fails to apply for one.	A43(5)	We will issue a certificate of protection of pension benefits if requested by the employee within twelve months of the date of reduction. A certificate may be issued on application from the member outwith the 12 month period specified in the regulations if exceptional circumstances can be proved such as the employee being unaware of this facility.
5. Whether Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund.	A45(1) & (2)	We will consider each case on its merits.
6. Whether to extend six month period to lodge a stage one IDR appeal (where employer is the person making the stage one IDR decision in the case of a pre-01.04.15 leaver).	A54(7)(b)	We will consider each case on its merits.
7. Whether to apply to the Scottish Ministers for a forfeiture certificate (where a member is convicted of a relevant offence).	A66(6)	We may apply for a forfeiture certificate where a member is convicted of a relevant offence
8. Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited.	A66(2)	Following the issue of the forfeiture certificate, We may direct that benefits are to be forfeited.
9. Where forfeiture certificate is issued, whether to direct interim payments out of the Pension Fund until a decision is taken to either apply the certificate or to pay benefits.	A67(1) & (2)	Following the issue of a forfeiture certificate, We may direct interim payments out of the Pension Fund until a decision is taken to either apply the certificate or to pay benefits.

10. Whether to recover from the Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left the employment.	A68(2)	After considering each case on its individual merits, We may recover from North East Scotland Pension Fund the amount of loss in cases of criminal, negligent or fraudulent acts by a member.
11. Whether to recover from the Fund any financial loss caused by fraudulent offence or grave misconduct of an employee (who has left because of that) or amount of refund if less.	A70(2) & (3)	After considering each case on its individual merits, We may recover from North East Scotland Pension Fund the amount of loss caused by fraudulent offence or grave misconduct of the employee (who has left because of that) or the amount of refund if less.
12. Whether to allow a member to select a final pay period for fees to be any 3 consecutive years ending with 31 st March in the 10 years prior to leaving.	B11(2)	We will allow a member to select final pay for fees to be any three consecutive years ending 31 st March in the 10 years prior to leaving. We agree that this will automatically be done by NESPF.

Formulating and publishing a policy under the 2009 Scheme Regulations

The employer must formulate, publish and keep under review a statement of their policy. A copy of the policy must be sent to the relevant administering authority.

If the employer decides to amend the policy, they must send a copy to the relevant administering authority within one month of the date of the decision to amend the policy.

In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.

Discretions under the Local Government Pension Scheme (Scotland) Regulations 1998 (as amended) specific to pre 01.04.2009. scheme leavers

Discretion	Regulation	North East Scotland College policy on the exercise of this discretion
1. Grant application from a post 31.3.98. / pre 1.4.09. leaver for early payment of benefits on or after age 50 and before age 60 (see Important Note below this table).	30(2)	We will not exercise this discretion.
2. Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31.3.98. / pre 1.4.09. leaver.	30(5)	We will not exercise this discretion.

<u>Note</u> : any resultant strain cost from the exercise of this discretion will be charged to the employer regardless of the member's age at date of retirement.		
3. Pre 1.4.09. optants out only to get benefits paid from NRD while in service if employer agrees.	30(7A)	We will have a general policy of approving applications under this regulation.
4. Allow member to select final pay period for fees to be a period of not less than 3 or more than 5 years back from date of leaving [Note: to all intents and purposes this discretion is now spent].	21(1)(b)	We will consider each case on its merits.
5. Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership (post 31.3.98 / pre 1.4.09 leavers).	33(1)(b)	We may exercise this discretion in partnership with NESPF.
6. Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy.	70(7)(a)	We will consider any instance of this position on its merits.
7. Agree dates on which instalments under reg 79(5) (Employer's Further Payments) are due.	79(7)(b)	We may exercise this discretion in partnership with NESPF.
8. No right to return of contributions due to offence of a fraudulent character unless employer directs a total or partial refund is to be made (pre 1.4.09. leavers).	87(2)	We will not direct a return of contributions in the event of an offence of a fraudulent character or grave misconduct.
9. Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund (pre 1.4.09. leavers).	91	We will consider each case on its merits.
10. Forfeiture of pension rights on issue of Secretary of State's certificate (pre 1.4.09. leavers).	111(2) & (5)	After considering each case on its merits, We may apply for a forfeiture certificate where a member is convicted of a relevant offence.
11. Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits (pre 1.4.09. leavers).	112(1)	Following the issue of a forfeiture certificate, We may direct that benefits are to be forfeited.
12. Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights) (pre 1.4.09. leavers).	113(2)	We will consider each case covered by this regulation on its merits.

13. Recovery from Fund of financial loss caused by employee, or amount of refund if less (pre 1.4.09. leavers).	115(2) & (3)	We will consider each case covered by this regulation on its merits.
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Note: benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. Also, any part of the benefits which had accrued after 5 April 2006 would generate a scheme sanction charge.

Formulating and publishing a policy under the LGPS (Scotland) Regulations 1998

The employer must formulate, publish and keep under review a statement of their policy. A copy of the policy must be sent to the relevant administering authority.

If the employer decides to amend the policy, they must send a copy to the relevant administering authority within one month of the date of the decision to amend the policy.

In formulating and reviewing its policy an employer is required by the Regulations to have regard to the extent to which the exercise of their discretionary powers could lead to a serious loss of confidence in the public service.

Discretions under the Local Government Superannuation (Scotland) Regulations 1987 (as amended) specific to pre 01.04.1998. scheme leavers

Discretion	Regulation	North East Scotland College policy on the exercise of this discretion
1. Grant application from a pre 1.4.98. leaver for early payment of deferred benefits on or after age 50 on compassionate grounds (see Important Note below this table).	E2(6)(b)	We will not exercise this discretion.

Note: benefits paid on or after age 50 and before age 55 are subject to an unauthorised payments charge and, where applicable, an unauthorised payments surcharge under the Finance Act 2006. However, as the benefits had accrued prior to 6 April 2006, they would not generate a scheme sanction charge.

Discretions specific to the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (as amended)

Under Regulation 51A of the Discretionary Payments Regulations, there is a general obligation on schedule body Scheme employers to formulate and keep under review a policy which applies in respect of exercising their discretions under these regulations. In practice this facility is open to admitted body scheme employers wishing to offer benefits under these regulations. Those wishing to do so also need to maintain such a policy.

Mandatory discretions

The following table sets out mandatory discretions which should be included in such a policy:

Discretion	Regulation	<i>North East Scotland College</i> policy on the exercise of this discretion
1. Power to increase statutory redundancy payments above statutory weekly pay limit	4(1)	We will calculate statutory redundancy payments based on the employee's actual pay where it exceeds the statutory weekly pay limit.
2. To award compensatory added years to an individual on retirement on efficiency / redundancy Grounds	8(1)	We will not grant compensatory added years to an individual on retirement on efficiency / redundancy grounds.
3. How to apportion any surviving spouse's annual compensatory added years payment where the deceased person is survived by more than one spouse.	20(2)	We will consider each case on its merits
4. If, under the preceding decision, the authority's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation.	20(4)	We will consider each case on its merits
5. Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998, the normal pension suspension rules should be disapplied during a period of re- marriage or new civil partnership i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid.	20(6)	We will consider each case on its merits
6. Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them.	20(6)	We will consider each case on its merits
7. How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children.	26(2)	We will consider each case on its merits.
8. Intervals at which instalments of annual compensation are payable (paying authority may agree to pay at different intervals to that on which LGPS pension is payable).	29(1)	We may exercise this discretion in partnership with NESPF.

9. To award lump sum compensation of up to 104 weeks' pay instead of compensatory added years	35	We will not exercise this discretion.
10. To award a lump sum of up to 30 weeks' pay in cases where, in the case of a member of the LGPS who has 2 or more years membership, the employer terminates employment on the grounds of ill health or infirmity of mind or body but does not terminate the employment under regulation 34 of the LGPS Regulations (Scotland) 2018.	49B	We will not exercise this discretion.

Formulating and publishing a policy under regulation 51A of the Discretionary Payments Regulations 1998

Each employer obliged to maintain a policy statement under these regulations must formulate, publish and keep this under review.

If the employer decides to amend the policy, a new written statement must be published within a month of when the employer decided on the amendment(s). No change can come into effect until one month has passed since the date the amended policy statement was published.

In formulating and reviewing its policy an employer is required by the Regulations to:

- have regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service, and
- be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

Disclaimer: This document has been prepared based on a standard form document provided by the North East Scotland Pension Fund (NESPF). The standard form on which this document is based represented NESPF's understanding of the information available at the time that document was published including the relevant statutory Instruments governing the Local Government Pension Scheme in Scotland and associated overriding legislation. Changes to rules and regulations can happen at short notice. It is acknowledged that employers should take their own legal/ financial advice on the interpretation of any particular piece of legislation. It is further acknowledged and should be noted that no responsibility whatsoever will be assumed by NESPF for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by employers or readers relying on any information contained in this document.



HR15 LOCAL GOVERNMENT PENSION SCHEME DISCRETIONARY FUND POLICY

Version Date: _____ MARCH 2020

Review Date: _____ AUGUST 2021

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1. Introduction

1.1 Under the terms of:

- regulation 58 of the Local Government Pension Scheme (Scotland) Regulations 2014
- paragraph 2(2) of Schedule 2 to the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014
- regulation 61 of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008 (in respect of leavers between 1 April 2009 and 31 March 2015), regulation 105 of the Local Government Pension Scheme (Scotland) Regulations 1998 (in respect of leavers between 1 April 1998 and 31 March 2009), and
- regulation 51A of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

The college must formulate, publish and keep under review its policy concerning the exercise of discretionary functions permitted by these different regulations.

- 1.2 The following policies confer no contractual rights on the members. The College retains the right to change the policies at any time without prior notice or consultation, and only the policy which is current at the time a relevant event occurs to a member will be the one applied to that member.

2. The Discretionary Functions

2.1 The Discretionary Functions are as follows:

2.1.1 General Discretionary functions:

- Regulation 16 - Contributions towards an active member's extra pension
- Regulation 29(5) - Early retirement
- Regulation 29(6) - Flexible retirement
- Regulation 29(8) - Waiver of actuarial reduction for early retirement
- Regulation 29(8) - Waiver of actuarial reduction for flexible retirement
- Regulation 30 - Additional Pension
- LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014 - The 85 year rule

2.1.2 Additional discretionary functions in respect of members who left service before 1 April 2015:

- LGPS (Benefits, Membership and Contributions) (Scotland) Regulations 2008, Regulation 30 - Early payment of benefits for leavers 1 April 2009 to 31 March 2015
- LGPS (Benefits, Membership and Contributions) (Scotland) Regulations 2008, Regulation 30 - Waiver of actuarial reduction for leavers 1 April 2009 to 31 March 2015
- LGPS (Scotland) Regulations 1998, Regulation 30 - Early payment of benefits for leavers 1 April 1998 to 31 March 2009
- LGPS (Scotland) Regulations 1998, Regulation 30 - Waiver of actuarial reduction for leavers 1 April 1998 to 31 March 2009

2.1.3 Additional discretionary functions under the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998:

- Regulation 4 - Calculation of pay for redundancy payments
- Regulation 8 - Compensatory added years
- Regulation 20(2) - Apportioning compensation between multiple spouses
- Regulation 20(4) - Suspension of spouse's compensation on remarriage
- Regulation 20(4) - Reinstatement of spouse's compensation
- Regulation 20(5) - Treatment of couple where both are entitled to compensation
- Regulation 26 - Determining the recipient of children's compensation
- Regulation 35 - Granting a termination payment
- Regulation 46B - Granting a lump sum payment on ill health

3. College Policy on General Discretionary Functions

3.1 **Regulation 16:** Whether the College will contribute towards the cost of purchasing an active member's extra annual pension

The College will not normally voluntarily contribute towards the cost of purchasing extra pension via a Shared Cost Additional Pension Contribution (SCAPC). However, where:

- an active scheme member returns from a period of authorised leave of absence, and
- the member does not, within 30 days of returning from the leave of absence, make an election to buy-back the amount of pension 'lost' during that period of leave of absence, and
- the member subsequently makes an election to do so and it can be demonstrated that the reason for the member missing the original 30 day deadline was because the member had not been made aware of that deadline, and

- the election is made no more than 3 months after the member returns from the period of leave of absence or such longer period as the College may deem reasonable in any individual case

A request for the College to voluntarily contribute towards the cost can be referred to the Human Resources Committee of the Board of Management for consideration. Where it is agreed that a contribution should be made, the Committee will also decide the amount of the contribution which will be no more than 2/3rds of the cost of buying back the 'lost' pension via a SCAPC.

- 3.2 **Regulation 29(5):** Whether the College will agree to early voluntary retirement or the early payment of benefits.

Policy in respect of active members:

The College will not agree to an active member's request for early voluntary retirement on or after age 55 and before age 60 except in circumstances where the College considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so. Each case

- will be considered on the merits of the financial and / or operational business case put forward, or
- will be considered on the merits of the compassionate case put forward, and
- will require the approval of the Human Resources Committee

Policy in respect of deferred members:

The College will not agree to a deferred member's request for early payment of their deferred benefits (other than on ill health grounds) on or after age 55 and before age 60 except in circumstances where the College considers there are compelling compassionate reasons for doing so.

Each case will be considered on the merits of the compassionate case put forward, and will require the approval of the Human Resources Committee.

- 3.3 **Regulation 29 (6):** Whether all or some benefits can be paid by the College if an employee aged 55 or over reduces their hours or grade (flexible retirement).

The College will not agree to flexible retirement except in circumstances where the College considers it is in its financial or operational interests to do so. Each case

- will be considered on the merits of the financial and / or operational business case put forward
- will set out whether, in addition to any pre 1 April 2009 benefits, the member will be permitted, as part of the flexible retirement agreement, to take
- all, some or none of their 1 April 2009 to 31 March 2015 benefits, and /or
- all, some or none of their post 31 March 2015 benefits, and will require the approval of the Human Resources Committee

3.4 Regulation 29 (8): Whether to waive any actuarial reduction for the early payment of benefits after age 55 and before age 60 (early retirement).

Where members choose, with the College's consent if under age 60, to voluntarily draw their benefits on or after age 55 and before Normal Pension Age the College will not agree to waive in whole or in part any actuarial reduction that would otherwise be applied to their benefits except in circumstances where the College considers it is in its financial or operational interests to do so or there are compelling compassionate reasons for doing so.

Each case:

- will be considered on the merits of the financial and / or operational business case put forward
- or
- will be considered on the merits of the compassionate case put forward
- and
- will require the approval of the Human Resources Committee including, where the reduction is only to be waved in part, approval for the amount of reduction to be waived

3.5 Regulation 29 (8): Whether the College will waive, in whole or part, the actuarial reduction on benefits paid on flexible retirement.

Where flexible retirement is agreed, the benefits payable will be subject to any actuarial reduction applicable under the Local Government Pension Scheme (Scotland) Regulations and the Local Government Pension Scheme (Transitional Provisions and Savings) (Scotland) Regulations 2014. The College will only waive any such reduction, in whole or in part, where it considers it is in its financial or operational interests to do so. Each case will be considered on its merits and the financial and / or operational business case put forward and will require the approval of the Human Resources Committee.

3.6 **Regulation 30:** Whether to grant additional pension to an active member.

The College will not make use of the discretion to grant extra annual pension of up to £5,000 (figure at 1 April 2015) to an active scheme member or within 6 months of leaving to a member who is dismissed by reason of redundancy or business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency except in circumstances where the College considers it is in its financial or operational interests to do so. Each case will be considered on its merits and the financial and / or operational business case put forward and will require the approval of the Human Resources Committee.

3.7 **LGPS (Transitional Provisions and Savings) (Scotland) Regulations 2014:** Whether to apply the 85 year rule.

The College will not apply the 85 year rule where members choose to voluntarily draw their benefits on or after age 55 and before age 60 except in circumstances where the College considers it is in its financial or operational interests to do so.

Each case will be considered on the merits of the financial and / or operational business case put forward, and will require the approval of the Human Resources Committee.

4. College Policy on Additional Discretionary Functions in Respect of Members Who Left Service Before 1 April 2015.

4.1 **The LGPS (Benefits, Membership and Contributions) (Scotland) Regulations 2008: Regulation 30:** Whether to grant early payment of pension to former scheme members who left the scheme between 1 April 2009 and 31 March 2015.

Where a former scheme member who left the scheme between 1 April 2009 and 31 March 2015 requests early release of deferred benefits on or after age 55 and before age 60 (on grounds other than permanent ill health), approval will only be given on compassionate grounds. Each case will be considered on its merits and will be subject to the approval of the Human Resources Committee. The benefits payable in such circumstances will be subject to any actuarial reduction applicable under the relevant LGPS Regulations.

4.2 **The LGPS (Benefits, Membership and Contributions) (Scotland) Regulations 2008: Regulation 30:** Whether to waive the reduction in the early payment of pension to former scheme members who left the scheme between 1 April 2009 and 31 March 2015.

The College will consider an application to waive, on compassionate grounds, any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65. Each case will be considered on its merits and will be subject to the approval of the Human Resources Committee.

- 4.3 **The LGPS (Scotland) Regulations 1998, Regulation 30:** Whether to grant early payment of pension to former scheme members who left the scheme between 1 April 1998 and 31 March 2009.

Where a former scheme member who left the scheme between 1 April 1998 and 31 March 2009 requests early release of deferred benefits on or after age 50 and before age 60 (on grounds other than permanent ill health), approval will only be given on compassionate grounds. Each case will be considered on its merits and will be subject to the approval of the Human Resources Committee. The benefits payable in such circumstances will be subject to any actuarial reduction applicable under the relevant LGPS Regulations.

- 4.4 **The LGPS (Scotland) Regulations 1998, Regulation 30:** Whether to waive the reduction in the early payment of pension to former scheme members who left the scheme between 1 April 1998 and 31 March 2009.

The College will consider an application to waive, on compassionate grounds, any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65. Each case will be considered on its merits and will be subject to the approval of the Human Resources Committee.

5. College Policy on Additional Discretionary Functions under the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1988.

- 5.1 **Regulation 4:** Whether to use employee's actual weeks' pay for calculating redundancy payments.

Unless the College decides otherwise, any redundancy payment will be calculated on an employee's actual weekly pay and not limited to the statutory weeks' pay limit where pay exceeds that limit.

- 5.2 **Regulation 8:** Whether to award compensatory added years.

The College will not normally grant compensatory added years. Where, however, a sound business case can be made for doing so or where other exceptional circumstances arise, it will consider awarding a period of compensatory added years

where this is permitted under the relevant LGPS Regulations. Each case will be considered on its merits and will be subject to the approval of the Human Resources Committee.

The College reserves the right to make such a payment conditional on the member of staff agreeing not to take all or part of the payments due to them under the College's redundancy/early retirement scheme in force at the time such an application is made.

- 5.2.1 **Regulation 20(2):** How to apportion compensatory added years between more than one spouse / civil partner.

The College will apportion any surviving spouse or civil partner's annual compensatory added year's pension where the deceased person is survived by more than one spouse or civil partner in such proportions as, at its sole discretion, it sees fit (based on the merits of the individual cases).

- 5.2.2 **Regulation 20(4):** Whether to suspend a spouse's / civil partner's compensation should they remarry or enter into a new civil partnership.

If the spouse or civil partner of a person who ceased employment before 1 April 1998 remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal annual compensation suspension rules will not normally be disapplied i.e. the spouse's or civil partner's annual compensatory added years pension will cease to be payable.

In exceptional circumstances, however, the College may decide, on compassionate grounds, to disapply the normal annual compensation suspension rules i.e. the spouse's or civil partner's annual compensatory added years pension will continue to be paid. Each application will be considered on its merits and will be subject to the approval of the Human Resources Committee

- 5.2.3 **Regulation 20(4):** Whether to reinstate a spouse's / civil partner's compensation should their subsequent marriage / civil partnership end.

Where a spouse's or civil partner's annual compensatory added years pension is suspended as a result of remarriage, entering into a new civil partnership or cohabitation, the College may, in exceptional circumstances, decide, on compassionate grounds, to reinstate such payments after the end of the period of remarriage, new civil partnership or cohabitation. Each application will be considered on its merits and will be subject to the approval of the Human Resources Committee.

- 5.2.4 **Regulation 20(5):** How to treat a couple who are both entitled to compensation.

If the spouse or civil partner of a person who ceased employment before 1 April 1998 with an award of compensatory added years remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partner's compensatory added years pension, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, will continue to be applied i.e. the spouses' or civil partners' compensatory added years pension will only be payable to one of them (being whichever one they choose).

5.3 Regulation 26: How to determine the recipient of children's compensation.

If compensatory added years were awarded to an employee who was not in the LGPS (because the employee had not joined or had opted out of the LGPS) the College will decide to whom and in what proportions any children's annual compensatory added years payments are to be paid as the College, at its sole discretion, sees fit (based on the merits of the individual cases).

5.4 Regulation 35: Whether to make a termination payment.

The College will not typically make a termination payment (inclusive of any redundancy payment) of up to a maximum of 104 weeks' pay to employees whose employment is terminated on the grounds of redundancy or efficiency of the service, however each case will be considered on its merits and the financial and/or operational business case put forward.

5.5 Regulation 49B: Whether to grant a lump sum payment on termination of employment from ill health.

The College will not make a lump sum payment to a member of the LGPS who has at least 2 years' membership and whose employment is terminated on the grounds of ill health or infirmity of mind or body in circumstances where the member does not meet the criteria for an ill health pension under the LGPS except in circumstances where the College considers there are compelling compassionate reasons for doing so. Each case will be considered on the merits of the compassionate case put forward and will require the approval of the Human Resources Committee.

**LOCAL GOVERNMENT PENSION SCHEME AND
DISCRETIONARY FUND**

Status:	Approved	Summary of changes
Approved by:	SET – July 2015	
Date of version:	March 2020	
Date of Consultation:	May 2020 (EIS & UNISON)	
Responsibility for Policy:	Director of People Services	
Responsibility for Review:	Director of People Services	
Review date:	August 2020	
DPIA date:	April 2020	
EIA date:	April 2020	

**LOCAL GOVERNMENT PENSION SCHEME AND
DISCRETIONARY FUND**

DATA PROTECTION IMPACT ASSESSMENT (DPIA)

<p>1. Does the activity that this policy or procedure relates to use personal data in any way? (Use may refer to collecting and gathering; storing electronically; storing by paper; sharing with other parties (internal or external to college); use of images as well as written information; retaining and archiving; or erasing, deleting and destroying)</p>	<p>Yes</p>
<p>2. Does the activity that this policy or procedure relates to use special category personal data in any way? (Special category data is data about: race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation)</p>	<p>Yes</p>
<p>3. Does the activity that this policy or procedure relates to involve the use of social media or a third-party system?</p>	<p>Yes</p>

If the answer is 'yes' to one or more of the above questions, the Data Protection Officer must be consulted.

<p>Date of DPO consultation:</p>	<p>N/A</p>
<p>Description of outcome and actions required (if any): <i>To be addressed at time of full policy review</i></p>	
<p>DPIA screening/full DPIA required:</p>	<p>No</p>

LOCAL GOVERNMENT PENSION SCHEME AND DISCRETIONARY FUND

EQUALITY IMPACT ASSESSEMENT (EIA)

Part 1. Background Information

Title of Policy:	Local Government Pensions Scheme and Discretionary Fund
Person Responsible:	Director of People Services
Date of Assessment:	April 2020
What are the aims of the Policy?	Legal compliance, the college must formulate, publish and keep under review its policy concerning the exercise of discretionary functions permitted by these different pensions regulations
Who will this Policy impact upon?	All staff in a pension scheme falling under the regulations.

Part 2. Public Sector Equality Duty Comparison

(Consider the proposed action against each element of the PSED and describe potential impact, which may be positive, neutral or negative. Provide details of evidence.)

Need	Impact	Evidence
Eliminating unlawful discrimination, harassment and victimisation	<ul style="list-style-type: none"> This policy ensures that the College's legal obligations are met allows discretion to be applied where there are compassionate or compelling reasons to do so. 	Local Government Regulations
Advancing Equality of Opportunity	<ul style="list-style-type: none"> Ensures all who are applicable to apply have the opportunity to do so. 	
Promoting good relations		

Part 3. Action & Outcome (Following initial assessment, describe any action that will be taken to address impact detected)

No action is required.

**LOCAL GOVERNMENT PENSION SCHEME AND
DISCRETIONARY FUND**

Sign-off *	
Name:	Alison Kerr
Position:	HR Business Partner
Date of original EIA:	July 2015
Date EIA last reviewed:	April 2020

**Please note that an electronic sign-off is sufficient*



North East Scotland Pension Fund
nespf



GUIDE TO

Discretions

May 2022



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Introduction

This guide contains information to help you, as an employer in the North East Scotland Pension Fund (the "**Fund**") to help with preparing and publishing a Statement of Policy on discretions.

You need to keep your Statement of Policy under review and if any changes are made following a review, you should arrange to make any necessary revisions to your Statement of Policy and send a published copy to the Council at the address above within **one month** of making the changes.

Please note that, depending on the circumstances, you may need to consult your employees or their representatives before making any significant changes to your policies.

Your employees and former employees who are, or were, in the LGPS must be able to access your policy. Most employers will publish it on their website, however, it's your choice where you decide to publish it.

This guide sets out a summary of the key discretions that apply to you as an employer participating in the Fund and does not contain details of every provision which may apply to your situation or circumstances as an employer. There may be situations which will not be set out in this guide, for example where certain protected members have been compulsorily transferred to the Fund.

This guide is intended to be read alongside the Fund's standard form employer discretions policy template and cross refers to the discretions set out in the **first table** of that document.

For further information about the discretions and how they apply to different situations please see: <https://scotlgpsregs.org> or seek independent legal advice.

There are several **mandatory discretions** (in other words discretions which employers must cover off in their Statement of Policy) as well as a number of **non-mandatory discretions** for which employers can decide whether or not to set a policy. Where possible we would recommend that you include non-compulsory items.

If you are unsure about the effect of exercising a discretion one way or another (including whether doing so will result in a funding strain cost becoming payable) please discuss the issue with the Fund's Employer Relationship Team.

Points Employers Must Cover Off In Their Statement of Policy

As mentioned above, there are certain discretions which you must cover off in your Statement of Policy.

The number given to each discretion in this guide corresponds to the number given to it in the first table of the Fund's standard form employer discretions policy template.

The first table sets out discretions arising under the current, prevailing pensions regulations which is what this this guide focusses on exclusively.

Subsequent tables set out discretions applicable to people who ceased active membership under the Earlier Schemes and you will need to cover some of these off in your Statement of Policy as what is required should hopefully be relatively straight forward. Nonetheless, if you have any queries regarding any historic discretions, please do not hesitate to get in touch with your usual employer relationship contact.

Employers should note that Scheme members may have different routes to accessing their benefits which have different implications for them and this is why discretions relating to the Earlier Schemes remain potentially relevant, hence why they are included in the standard form employer discretions policy template.

All mandatory discretions which arising under the current pensions regulations and the Earlier Schemes are highlighted in **bold** in that document.



Discretion 1: Additional Pension Contributions

Employees can pay additional pension contributions (APCs) to boost their pension at retirement or to cover lost pension and you as their employer can decide whether as a matter of **policy** you wish to contribute to the cost of buying such additional pension through a 'Shared Cost' APCs arrangement (or SCAPC). You need to set out your stance on this point in your employer policy statement.

Whether or not to offer it at all

Even if it is not your general policy to contribute to this type of arrangement, there might be circumstances where you might still want to. Here is an example of the type of situation where you might want to:

- you have agreed a period of authorised absence with an employee building up benefits in the Scheme;
- they come back to work and don't make an election to buy back pension "lost" during the period of absence before the standard deadline (which is 30 days from returning from leave of absence);
- they had missed the deadline because they hadn't been made aware of it;
- the election is made no more than say 6 months after they come back or some longer period that you think feels right in the circumstances.

The above example also involves Discretion 2, and although you are not strictly speaking required to cover that discretion off in your Statement of Policy it may nonetheless make sense to do so given the way in which it tends to tie-in with the mandatory discretion referred to above.

Another situation where you might want to extend the time limit

For practical reasons, if a member has a number of periods of authorised unpaid leave of absence during the scheme year which would affect their benefits you might want to extend the 30 day limit to enable the member to make a single election to cover each of the absences so that the cut of is 30 days after the end of the scheme year. If you went down this route, you would be required to contribute two thirds of the cost of the shared cost APC.

Note that, any extra annual pension granted under a SCAPC arrangement would normally be subject to an actuarial reduction where, other than in a case of ill health retirement, that extra pension is drawn before the member's Normal Pension Age. Any queries regarding this should be directed to the employer relationship team.

Interaction with amount of additional pension which can be provided for those leaving on redundancy or business efficiency grounds.

The amount of extra annual pension purchased (or being purchased) by you under a SCAPC arrangement (including a SCAPC arrangement where you are contributing 2/3rds of the cost of purchasing pension 'lost' during a period of absence) reduces the amount of extra annual pension you could award when granting additional pension on redundancy or business efficiency terminations.

Please note that this discretion does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work to pay a shared cost APC to cover the amount of pension 'lost' during that period of absence. In these cases, there is no discretion as you must then contribute 2/3rds of the cost of the SCAPC.



Discretions 3 and 4: Flexible retirement

Employees who are over the prescribed minimum age (currently 55), and who reduce their hours or grade, are able to submit a request to draw some or all of their benefits early. This is known as 'flexible retirement' and there are two key points which you need to reach a decision on in this area:

- **firstly**, you need to form a policy on whether to let such members of the Scheme who are still employed by you draw some or all of their benefits* in this way (to be clear, this particular discretion only relates to people who are still employed by you and the general position now is that people who have left service can draw their benefits early without your agreement); and
- **secondly**, if so, whether to waive any actuarial reduction which would otherwise normally be applied to take account of early payment.

These are two separate but related points which you need to reach a view on and deal with in your Statement of Policy.

Whether or not to offer it at all

If you wish to intend to carry forward an existing policy this should be suitably amended to reflect the foregoing. Employers need to think carefully about flexible retirement

The different benefit tranches

Put broadly, LGPS benefits come in a number of different tranches and can probably be subdivided for argument's sake into: the "older" final salary benefits, "newer" final salary style benefits, and "current" career average benefits.

If someone is looking to take their benefits, they need to (or "must") take their older final salary benefits but you need to decide whether to permit them to draw all, part or indeed, well, none of pension benefits built up under the subsequent tranches. Again, this is something you need to think about, reach a view on, and set that view out in your Statement of Policy.

Funding strain due to decision to apply the Rule of 85

If flexible retirement is agreed for a Scheme member aged 55 or over but under 60 and they are within the scope of Rule of 85 protection that protection will apply. Please contact the employer relationship team if you have any queries about the cost implications of granting a request for flexible retirement for an employee with this type of transitional protection.]

Funding strain due to decision to waive actuarial reduction

Where flexible retirement is agreed for an employee under Normal Pension Age and agree to waive any actuarial reduction, in whole or in part, you will need to meet the cost of this

Discretion 5: Rule of 85

The Rule of 85 is a historic provision that enabled some members with long service who retire before reaching age 65 to take their pension unreduced. Broadly, this rule is satisfied if the member's age at the time they draw their benefits and their scheme membership (each in whole years) add up to 85 or more.

This mechanism has progressively been phased out so that it does not apply at all to members who joined more recently. However, some more longstanding members have protected service under transitional protection arrangements. To have this protection, the person in question must have been a member of LGPS Scotland on 30 November 2006.

Members who meet the condition can retire from age 60 and take those elements of their benefits which are covered by the protection without actuarial reduction.

The protection doesn't automatically apply to those taking voluntary early retirement (that is broadly speaking early retirement after leaving service) before this age and it is up to you to decide whether to "switch on" the Rule of 85 for them. You need to consider what your thinking is on this point and cover it off in your Statement of Policy.

Further information regarding the Rule of 85 and how this operates is available on the Fund's website.

Whether or not to offer it at all

If you "switch on" the Rule of 85 you will need to meet a strain on fund cost being charged to you as the employer. Please contact the employer relationship team if you require an estimate of the amount which you would require to pay in connection with a given case.

You may wish to consider applying the 85 year rule to encourage members to retire early, where for example, you are looking to achieve a balanced age profile within the workforce or to avoid possible redundancies later.

You could in addition (where relevant) exercise your discretion to waive actuarial reductions which might otherwise apply. Whilst also exercising the discretion to waive actuarial reductions would be more expensive than just switching back on the 85 year rule, it would still (in nearly all cases) be less expensive than redundancy.

A half-way house would be to not apply the 85 year rule but to agree to waive some of the actuarial reduction that would otherwise be applied to the member's benefits. In this way the cost of drawing benefits early would be met in part by the scheme member (via an actuarial reduction to their benefits) and in part by you, as the employer (via a strain on fund charge).

Discretions 6 and 7: The waiver, in whole or in part, of an actuarial reduction on benefits which a member voluntarily draws early

You also need to decide whether you wish to **waive any actuarial reduction** which might otherwise apply where a member voluntarily applies to take their benefits early.

Although a decision to apply the above discretions in an employees' favour could lead to additional costs you should think carefully about them.

Whether or not to offer it at all

In deciding whether to waive an actuarial reduction on early retirement you should take into account any factors (including HR and employment considerations) which may be relevant. You should also think about whether waiving actuarial reduction for certain members and not others could open you up to any challenges of discrimination for example on the grounds of age or gender.

Discretion 8: Granting additional pension in certain circumstances

Where a member's employment is terminated on grounds of redundancy or business efficiency, you have the option to grant additional pension at your own cost and the time limit for doing so is six months from the members date of leaving.

The overall cap on the maximum amount which can be granted was initially set in 2015 at £5,000 and increases annually. Note that any amount built up under the first discretion referred to above counts towards this amount.

Whether or not to offer it at all

If you are considering granting extra annual pension to employees, you will need to think about whether doing so could leave you open to challenge on age or gender discrimination grounds. Equality legislation broadly requires you to treat all staff equally regardless of their age, unless there is an objective justification for treating them differently.

Since 31 March 2015, it has not been possible for employers to grant extra 'augmented' membership. However, it is possible for employers to grant a member additional pension actuarially equivalent to the value of any lump sum termination payment (in excess of the redundancy payment) the employer would otherwise have awarded under the Discretionary Payments Regulations 1998 i.e. 'additional pension by conversion'.

Other points to note

The limit noted above includes the amount of extra annual pension which you purchase (or are in the process of purchasing) under a Shared Cost Additional Pension Contributions (SCAPC) arrangement (see discretion (1) above (regarding Shared Cost APCs)) and any amount of extra pension you have already granted.

Any extra annual pension which you grant would normally be subject to an actuarial reduction if drawn early. The only general exceptions to this principle are probably ill health retirement cases or people taking their benefits on redundancy or business efficiency grounds.

An issue that potentially arises in granting extra annual pension is that, in some cases, it can result in the value of the scheme member's benefits being increased by more than the permitted standard Annual Allowance (AA) under the tax regime governing pension schemes.

Employers should note that the Annual Allowance may be less in individual cases where "tapering" of the AA applies. Any increase in value above that figure could result in a tax charge for the individual.

Any additional pension granted will also count towards the capitalised value of a person's pension benefits which have to be assessed against the member's Lifetime Allowance (LTA) under the pensions tax regime.

Each time a person retires and draws benefits from a pension scheme they use up a part of their LTA. If the capitalised value of their benefits is more than their remaining LTA, they will have to pay tax on the excess (at the rate of 25% if the excess is paid in the form of pension and 55% if paid in the form of a lump sum).

Other Points

There are several other discretions which do not require a written policy but where it is nonetheless good practice to do so.

When do changes in policy become effective?

For discretions relating to the LGPS, changes to your policy take effect **immediately** (that is as soon as you decide what you want to do). After that you have an obligation to update your written statement setting out that policy within three months.

In contrast, for issues relating to the Discretionary Payments Regulations 1998 changes to your policy only take effect one month after you publish your amended policy statement.

Points Employers Can Choose to Cover Off In Their Statement of Policy

These are the discretions for which you are not required to have a Statement of Policy but for which you may wish to adopt one.

Non-mandatory discretions aren't highlighted in bold in the Fund's employer policy template.

There is no requirement to have a written policy in respect of these however we have set out below six key discretions for which it might, in particular, make sense for you to maintain a written policy, just to ensure that people can be clear on your position regarding these matters.

Discretions 11 and 12: Contributions

There are a few discretions relating to contributions which might be worth seeking to cover off in your Statement of Policy.

For example:

- **you need to set your criteria for contribution band allocation:**
when a new employee is first admitted to active membership they are allocated to a pension contribution band, however you need to decide how the pension contribution band (which employees are allocated to on joining and at each subsequent April) is determined.
- **you need to set the intervals at which contributions are to be made.**
- **you need to set your criteria for reviewing and changing contribution band allocation:**
you need to decide the circumstances in which you will, in addition to the review each April, review the pension contribution band to which an employee has been allocated following a permanent material change to the member's terms and conditions of employment which affects the member's pensionable pay in the course of a Scheme year (1 April to 31 March)

For more information on allocation to a contribution band in sections 2A, 2B, 4, 5 and 10 of the HR guide at <https://scotlgpsregs.org/resources/guidesetc.php>

Discretion 13: Shared Cost Additional Voluntary Contribution (SCAVC) arrangements

whether, how much, and in what circumstances to contribute to this type of arrangement.

Discretion 17: Assumed Pensionable Pay

When calculating 'assumed pensionable pay', you need to decide whether or not to factor in the amount of any 'regular lump sum payment'¹ paid to a member in the 12 month period before certain types of absence.

This may² be relevant when a person is absent:

- due to sickness or injury and is on reduced contractual pay (or indeed no pay);
- during ordinary maternity, paternity or adoption leave;
- during shared parental leave, or during paid additional maternity or adoption leave; or
- due to reserve forces service leave.

It may also be relevant when a person dies in service or retires with a Tier 1 or Tier 2 ill health pension.

Whether or not to agree to do so

Whether or not to include the amount of any 'regular lump sum payment' in the definition of 'assumed pensionable pay' is a matter entirely at your discretion.

Nonetheless, any decision as to whether or not to include in the calculation of a scheme member's assumed pensionable pay the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred should be fair, equitable and justifiable.

Some points which should hopefully help when reaching your conclusions on the appropriate course of action:

- in certain circumstances a person could (in theory) end up with a bigger pension accrual than if they had not been absent and had been at work. For example:
 - In May of a given year a member receives an annual performance payment of £1200.
 - About six months later in November of the same year the member commences a period of two months' sickness absence and receives reduced contractual pay

¹ A 'regular lump sum payment' is a payment for which the member's employer determines there is a reasonable expectation that such a payment would be paid on a regular basis.

² It may not be relevant if for some reason actual pensionable pay received is greater than assumed pensionable pay for a given period.

- As the £1200 performance payment has been included in full in cumulative 'pensionable pay', including this again in 'assumed pensionable pay' would lead to 2/12 of £1,200 (i.e. £200) being added into the cumulative pensionable pay.
- If the member had not been sick, that £200 would not have been included in pensionable pay (as the member was not next due to potentially get a further lump sum annual performance payment until the following May).
- separately, the degree of certainty with which you can say that a regular lump sum payment will arise in the future may be a relevant factor to take account of when deciding how to proceed. Specifically:
 - what if the member is, say, only 40 at the time of the ill health retirement / death in service?
 - Is it likely that you would have paid such a lump sum to the member every year between age 40 and the member's Normal Pension Age?
 - This would seem to be implied as being the case if you were to add the lump sum back into the assumed pensionable pay figure to be used to calculate the amount of ill health enhanced pension and / or survivor pension.

Discretion 18 and 19: Aggregation of Benefits: Election not to Aggregate

whether to extend the 12-month time limit for a member who has a deferred benefit within the local government pension scheme in Scotland (either following cessation of employment or a concurrent employment) to elect to **not** have those aggregated with their current member record relating to their employment with you under the Fund.

Whether or not to accept a late election

LGPS pensions accounts which became deferred on and from 1 April 2015 are normally joined to a member's new pension account automatically, unless the member elects to keep them separate. If a person wants to keep their pension accounts separate, they need to submit an election to do so within 12 months of joining the LGPS, unless you have a policy to allow longer.

There may be circumstances where it would be reasonable for you to accept a late election to retain separate benefits.

For example:

- where the available evidence indicates the member sought to make an election within 12 months of becoming an active member of the Fund, but the election was not received due to circumstances outside the members' control;
- where the available evidence indicates the member had not been informed of the time limit mentioned above;
- where the member would suffer a detriment to their pension benefits if those benefits were to be aggregated and they had not been informed of the implications for them of having their benefits automatically aggregated when they ought to have been.

Discretion 20: Aggregation of Benefits: Election to Aggregate

whether to extend the 12-month time limit for a member who has a deferred benefit within the local government pension scheme in Scotland before 1 April 2015 (either following cessation of employment or a concurrent employment before that date) to elect to **have** those aggregated with their current member record relating to their employment with you under the Fund to buy additional pension in the CARE Scheme.

Whether or not to accept a late election

LGPS pensions accounts which became deferred before 1 April 2015 are not normally joined to a member's new pension account automatically. They will stay separate from a person's pension account unless they elect to combine them. If a person wants to combine them with their new pension account, they need to submit an election to do so within 12 months of joining the LGPS, unless you have a policy to allow longer. There may be circumstances where it would be reasonable for you to accept a late election to aggregate benefits.

For example:

- where the available evidence indicates the member made an election within 12 months of joining the NESPF, but the election was not received by the Council (e.g. the election form was lost in the post); or
- where the available evidence indicates the member had not been informed of the 12 month time limit due to maladministration.

Discretion 28: Transfers In

whether to let someone transfer in other pension rights if they have not made such an election within 12 months of joining.

Whether or not to permit a late election

There may be circumstances where you might want to permit a late election.

As an example:

- Where a member started the process within 12 months of joining, but the quotation of what the transfer value will purchase has not been provided within 11 months of joining (meaning that the member didn't really have sufficient time to complete the process for reasons outside their control).
- Where there is evidence that an election was made but not received (for example, because it was lost in the post)
- Where there is evidence that the member had not been informed of the time limit for some reason (perhaps due to maladministration).

Accepting an option after 12 months can result in additional cost to you in certain circumstances. For example a transfer in before proceeding with a redundancy, business efficiency or ill health retirement could lead to a material increase in the strain cost which would be required to pay.

Discretions under the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998

Scheme employers (employing authorities), other than admission bodies, are required to formulate, publish and keep under review a Statement of Policy which applies in respect of exercising their discretions under the above regulations. In practice, this facility is open to admitted body scheme employers wishing to offer benefits under these regulations. Those wishing to do so will also need to formulate, publish and keep under review a Statement of Policy.

In formulating and reviewing your policy under the Discretionary Payments Regulations 1998, you must have regard to the extent to which the exercise of your discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service. You must also be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

You **must** include in your written Statement of Policy, your policy in relation to the following:

- **you need to decide how to calculate redundancy payments**
specifically, you need to decide whether to base a redundancy payment on an employee's actual weeks' pay where this exceeds the statutory week's pay limit
- **you need to decide what you want to do about termination payments more generally**
specifically, you need to decide whether to make a termination payment (inclusive of any redundancy payment) of up to a maximum of 104 weeks' pay to an employee who is, or is eligible to be, a member of the LGPS and whose employment is terminated on the grounds of redundancy or in the interests of the efficient exercise of the employer's functions
- **you need to decide your policy on Compensatory Added Years**
these are unfunded benefits provided on a 'pay as you go' basis. You need to decide whether to award a period of compensatory added years to an employee who is, or is eligible to be, a member of the Scheme and whose employment is, for example, terminated on the grounds of redundancy or on business efficiency grounds.

Further information about Compensatory Added Years (CAY)

In order to be eligible for CAY compensation, the person concerned must be aged 55 or over (or 50 if they were in the Scheme on 5 April 2006 with continuous service since then and have a protected pension age) and under 65.

Some other relevant points:

- As a minimum the person needs to have been in the Scheme for at least 5 years or are otherwise prospectively eligible to be in the scheme for that period of time.
- There is, very broadly, a 40 year cap (as the period provided, when added to the period the employee has been in, or eligible to be in, the Scheme (before any pro-ration for part-time membership) cannot exceed 40 years).

And beyond this the period provided cannot exceed:

- the length of time the person has been in, or is eligible to be in, the Scheme
- the length of time from the date of early retirement to the person's 65th birthday less any existing CAY amount the person already has (from an earlier termination)
- ten years

The shortest of the foregoing effectively sets the limit on the level of CAY compensation which can be provided. The above is not and cannot be a full summary of all of the issues arising with CAY compensation and if you have any specific queries regarding an active case please contact the employer relationship team.

- **points to consider if awarding CAY Compensation**

Where a period of compensatory added years has been awarded you also then need to reach a view on the following:

- how any surviving spouse's or civil partner's annual compensatory added years is to be apportioned where the deceased person is survived by more than one spouse or civil partner
- whether, if the spouse or civil partner of a person who ceased employment before 1 April 1998 remarries, enters into a civil partnership or cohabits after 1 April 1998, the normal annual compensation suspension rules will be disapplied i.e. the spouse's or civil partner's annual compensatory added years will continue to be paid
- if, under the preceding decision, the employer's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation
- whether, where the spouse or civil partner of a person who ceased employment before 1 April 1998 with an award of compensatory added years (CAY) remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partner's annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or co-habitation lasts, should be disapplied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them

- how, if compensatory added years were awarded to an employee who was not in the Fund (because the employee had not joined or had opted out) the employer will decide to whom any children's annual compensatory added years payments are to be paid and, in such a case, how the annual added years will be apportioned amongst the eligible children.
- **you need to decide whether to make a lump sum payment in certain circumstances**

specifically, you need to decide whether to make a lump sum payment to a member of the Fund who has at least 2 years membership and whose employment is terminated on the grounds of ill health or infirmity of mind or body in circumstances where the member does not meet the criteria for an ill health pension from the Scheme. The payment can be an amount equal to one week's pay for every whole year of employment with the employer (subject to a maximum of 30 weeks' pay).

Points to consider

You should already have prepared and published a policy on the above matters under the Discretionary Payments Regulations 1998. You should ensure that your current policy is up to date.

You cannot make a termination payment (described in the second bullet) if you have made an award of:

- compensatory added years under Part III of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998, or
- additional pension under regulation 30 of the Local Government Pension Scheme (Scotland) Regulations 2018.

You also cannot make an award of compensatory added years (described in the third bullet) if you make an award of:

- compensation (of up to 104 week's pay) under Part IV of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998, or
- additional pension under regulation 30 of the Local Government Pension Scheme (Scotland) Regulations 2018.

Although not mandatory, you might also wish to formulate, publish and keep under review a Statement of Policy on:

- **Injury awards**

You can make an injury award **if a person sustains an injury or contracts a disease as a result of anything they were required to do in performing the duties of their job.** It is up to you how to calculate the amount of the award.

Broadly, such an award can be made if the illness or injury mentioned above leads to them suffering a reduction in remuneration, renders them unable to continue to work (in other words they cease to be employed as a result of an incapacity which is like to be permanent), or leads to their death leaving a spouse, civil partner or dependant.

- **Gratuity payments**

You can make a **gratuity payment** if in respect of certain periods of non-pensionable service where a person dies in service, retires or is made redundant or retired on business efficiency grounds.

You may have previously prepared and published a policy on the above matters under the Discretionary Payments Regulations 1998. You should ensure that any policy on the above matters is up to date.

Disclaimer: This document has been prepared based on the Fund's understanding of the information presently available including the relevant Statutory Instruments governing the Local Government Pension Scheme in Scotland and associated overriding legislation. Changes to rules and regulations can happen at short notice and may be implemented prior to us being able to issue revised documentation. Readers should take their own legal/ financial advice on the interpretation of any particular piece of legislation. No responsibility whatsoever will be assumed by NESPF for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on any information contained in this guide.

Our aim has been to state the position as at the date of this guide and any developments after this date will be taken into account in any future Guide produced.



HUMAN RESOURCES COMMITTEE Meeting of 22 May 2024	
Title: People Services AY 2023-24 Enhancement Plan Update	
Author: Kimra Donnelly, Director of People Services	Contributor(s): People Services Teams
Type of Agenda Item: For Decision <input type="checkbox"/> For Discussion <input checked="" type="checkbox"/> For Information <input checked="" type="checkbox"/> Reserved Item of Business <input type="checkbox"/>	
Purpose: To enable the HR Committee to consider the update on the People Services Enhancement Plan for AY2023-24.	
Linked to Strategic Theme: 1. Being Agile and Responsive	
Linked to Strategic Risk(s): 1.2, 2.1, 2.2	
Executive Summary: Appendix 1 provides a progress update on the 9 strategic areas identified in the People Services Enhancement Plan AY2023-24 that are detailed below. <ul style="list-style-type: none"> • Implementation of Virtual Learning Environment (VLE) • Wellbeing • People Services Equalities Action Plan • Creation and development of a Learning & Development Strategy • Launch new Employee Voice Group • Introduce a programme of internal CPD for all staff delivered by peers, partners and Learning & Development, including Management Training for new and emerging managers • Further develop a data driven library service • Structure Review of the Learning Development, Learning Technology and Library Teams. • Improved Service Provision to the curriculum Following discussions on service provision with senior managers in the curriculum a 9th objective has been added to the People Services Enhancement Plan.	

During the next few months People Services will review the progress on this academic year's Enhancement Plan and provide a final update and the Enhancement Plan for A&2024-25 at the HR Committee in September 2024.

Recommendation: It is recommended that the HR Committee consider and note the information provided in this report.

Previous Committee Recommendation/Approval: People Services AY2023-24 Enhancement Plan was approved by the HR Committee on 27 September 2023 and reviewed by the HR Committee on 31 January 2024.

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence:

This report is for information only.



Support Area Enhancement Plan Template AY 2023-24

Department/Team: People Services

Support Area AY 2023-24

SECTION 1 - ENHANCEMENT PLAN

In identifying the actions, it is important to **ensure that they address a specific area for improvement and are designed to positively impact on service delivery**. The actions should be SMART - specific, measurable, achievable, realistic and time bound – and should seek to address any areas for improvement identified in commentaries

Please reference each Developmental Driver using the following coding:

Area for Improvement (from the self-evaluation) – Reference back to OurEvaluation (e.g. AI - 2)

Strategic Objective - Reference number from the [Strategic Plan](#) (e.g. SO1.1)

Supporting Strategy - Reference relevant [Supporting Strategies](#)

Reference to [Education Scotland Quality Framework](#) *How Good Is Our College?* (e.g. HGIOC 2.4)

Reference risk from [Strategic Risk Register](#) (e.g. R2.1)

Reference the [Equality Outcomes](#) and/or Equality Enhancement Plan (EO)

You can add further areas for development as they arise; this enhancement plan should be continuously reviewed and augmented as required throughout the academic session. You are required however to formally evaluate progress and update the plan in **February** and final review between **July** and **September**. You should give a brief update of progress and evaluate your progress using the RAG status. The Director of Quality will review all updated enhancement plans as part of the college-wide quality assurance activity.

RAG Guidance

Green - colour the box green if the impact has been achieved or you are on target to achieve the desired impact.

Amber - colour the box amber if there is a chance you will not achieve the desired impact by June.

Red - colour the box red if you feel there is a significant likelihood of not achieving the desired impact by June.

Enhancement Plan Requirements

You **must** include at least one action for each of the **Equalities, Sustainability and Students' Association Partnership Agreement** themes in your enhancement plan and clearly link to areas for development within your enhancement plan and recorded on OurEvaluation.

Support Area AY 2023-24

No.	Area for Development (Development Driver)	Impact (The intended difference to be made)	Action/s to be taken (Describe each activity you will undertake to have the desired impact)	By When & by Whom	Development Driver Code (e.g. A11, E2, R1, HGIOC 2.4)
1	Implementation of Virtual Learning Environment (VLE)	The VLE procurement process has now been completed with Brightspace being awarded the contract. We will start the implementation process in September 2023 with the system being in full use by the institution by August 2024 at the end of the Blackboard contract.	<ol style="list-style-type: none"> Block 1 23/24 will be the main implementation phase as well as the migration of content from 22/23. Block 2 onwards will be staff training as well as an early adopters phase with some curriculum areas. The content from 23/24 will begin to be migrated from May/June 2024. 	Learning Technologies Team Curriculum staff AY 2023-24	SO 1, 1.1 SO 2, 2.6 SO3, 3.8 SO 4

February Update:

The training of the staff, who will be part of the Early Adopters Phase (Feb 24 onwards), has been completed. One group of staff attended the live sessions with a Brightspace trainer and another group have access to the recorded sessions. In total, 30 staff completed this training and will be using Brightspace with their students in Block 2 23/24.

During the Winter Staff Development Day in January 2024, staff attended a webinar delivered by a Brightspace trainer to give an overview of the new VLE. This was followed by the Digital Learning Advisor, from the Learning Technologies Team, taking staff through the training options that will be available from February onwards. She also gave opportunity for staff to ask questions. The rest of the day allowed staff to start using the online Brightspace Premium Guided training materials purchased by the College.

The integrations of various external systems into Brightspace is nearly complete and the team have been working with the Brightspace implementation team to resolve some issues that have been encountered.

The migration of content from Blackboard into Brightspace is continuing and our Learning Technologist has been working with Brightspace support to improve the import mechanism and resolve some issues that have been uncovered during test imports/conversions.

Support Area AY 2023-24

The close-down of Blackboard during the summer break is being planned. This will include taking archives of courses so that their data is preserved for the future. Third-party, as well as in-house solutions are being investigated to find the most cost-effective solution.

We are also looking into what data can be brought out of Brightspace to create PowerBI dashboards and we will continue working with the Business Systems and the Director of Student Access & Information.

May Update:

Implementation of Brightspace has continued with the Early Adopter Phase having begun in February. Staff have continued to access the Premium Guided Training and, as of 09.05.24, 119 have now fully completed it. 169 have started / partially completed it, which includes 132 teaching staff. The Learning Technologies Team offered training to staff and lunch-time mini-bite sessions. More sessions will be planned before the summer break. Brightspace trainers will also deliver 8 hours of training to staff in August before Block 1 teaching starts. This training includes an Immersion series covering aspects of creating content, assessments, and engagement and a further two Q&A sessions to allow staff to ask any questions regarding the new VLE. The Premium Guided Training will continue to be available throughout the summer and the full contract of the VLE.

Integrations between Brightspace and other systems have now been completed with the Teams Meeting integration being enabled. The data feed files to create courses, users and enrolments has been created by ITTS and this will move to an automated nightly process in the coming weeks.

The course content from 22-23 Blackboard courses is awaiting transfer into Brightspace. This has been delayed while we work with Brightspace to resolve some bugs in the conversion process that affects quiz questions. This is due to be imported into Brightspace during May and 23-24 content will be brought in during Summer 2024.

The existing content from the MyNESCol (MyDay) system has been transferred into Brightspace in a new area named “NESCol Life” - this will replace the existing MyNESCol platform in mid-May. The VLE will also become known as MyNESCol.

PowerBI dashboards have been requested from the Business Systems team in ITTS.

The Learning Technologies Team continue to have weekly implementation meetings with D2L Brightspace.

A 1-year archive licence has been purchased from Anthology Blackboard to retain access to student submissions during 24/25, giving staff time to download any candidate evidence that needs to be retained for longer than 1 year.

YuJa Panorama has been purchased to replace Anthology Ally and this will enhance our digital accessibility provision with an improved service. This is due to launch in early-August.

MyNESCol / Brightspace will fully launch as the College’s VLE in August 2024.

September (end of year) Update:

2	Wellbeing	To support the College in being an organisation that delivers on the	1. Launch and implement the revised Staff & Student Wellbeing	People Services Teams	SO 2, 5.8 R 2.1
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Support Area AY 2023-24

		<p>aim of improving social sustainability by taking staff and student’s wellbeing seriously.</p> <p>Further progressing wellbeing as a substantive part of a manager’s role as opposed to a reactive response.</p>	<p>Strategy and Staff Wellbeing Framework.</p> <p>2. Enable managers to incorporate staff wellbeing into their teams’ day to day working environment.</p> <p>3. Work in conjunction with the Students’ Association and the Wellbeing Matters Group to ensure coordinated and resources are best used for wellbeing support for both staff and students.</p>	AY 2023-24	Wellbeing Strategy
<p>February Update:</p> <p>People Services have completed their part of the Staff & Student Wellbeing Strategy. The Principal is writing an introduction to Staff Wellbeing Framework (which has been drafted), and the Framework will then be finalised. Once the strategy and framework have been launched, there will be training for managers on the newly-developed Staff Wellbeing & Disability Agreement. The Staff Wellbeing & Disability Agreement will then be launched to all staff.</p> <p>The Wellbeing Matters Group has been subsumed into the Equalities & Wellbeing Committee, which has representatives from People Services and the Students’ Association, to facilitate staff/student co-ordination. There is also a Wellbeing Sub-Group.</p> <p>People Services worked with Students’ Association for a co-ordinated approach for the Christmas Sparkle event.</p>					
<p>May Update:</p> <p>A full update will be provided as a separate report to the HR Committee on 22 May 2024.</p>					
<p>September (end of year) Update:</p>					
3	Continue to progress the People Services Equalities Action Plan with particular reference to a review of the Recruitment & Selection process.	Ensuring People Services support and enable the College to embed equalities and demonstrate best practice.	1. To take forward findings and recommendations from recent equalities reports and the equalities survey. Particularly focusing on the College’s recruitment practices.	People Services Teams AY 2023-24	SO 2 EO 1, 2, 3, 4 R 2.1, 2.3 People Services Strategy

Support Area AY 2023-24

February Update: Recruitment: Recruitment Working Group has drafted guidance to help make the recruitment & interview process more transparent. Once finalised, this will be made available to applicants on our website/ MyJobScotland. A checklist of reasonable adjustments has been drafted, to make it easier for job applicants to identify any reasonable adjustments/support they may require during the recruitment/interview process. People Services Team has attended training on using the SCQF qualifications framework in job adverts, to become more inclusive. Gender Pay Gap: A staff survey on the underlying reasons for the College's gender pay gap has been completed and is being used as the basis for focus groups, planned for end January/February.					
May Update: Recruitment <ul style="list-style-type: none">• Following training provided to People Services Assistants, recruitment adverts are now available in different formats, as far as possible, on MyJobScotland• SCQF training was implement for all People Services staff and SCQF levels are now being used in job adverts, to encourage applications from people with wider skills sets and to be more inclusive• Recruitment & Interview process guidance is out for consultation before making available on our website/MyJobScotland, with the aim of making the recruitment & interview process more transparent<ul style="list-style-type: none">○ This is particularly important for neurodivergent people – and to let people know what to expect throughout the process• A checklist of the types of reasonable adjustments that could be made to support people during the recruitment/interview process is out for consultation before making available on our website/MyJobScotland, to make the process of identifying any required support easier Gender Pay Gap – underlying causes: <ul style="list-style-type: none">• Focus Groups were held in January & February 2024 with representation across all levels of support staff and lecturing staff – full-time & part-time – in Fraserburgh and Aberdeen• Report, including next steps, will be presented to the HR Committee on 22 May 2024.					
September (end of year) Update:					

Support Area AY 2023-24

4	Development and creation of a Learning & Development Strategy.	<p>After a period of change, Learning & Development will have a clear focus which is transparent and fair.</p> <p>This will lead to changes in pathways for curriculum staff, external course booking form, probation and iCon to allow more joined up thinking and clarity for all staff.</p>	<ol style="list-style-type: none"> 1. Review and update existing Staff Development policies and procedures. 2. Review and update External Course Booking Form. 3. Review and update Existing Probation Policy and Procedure. 4. Initial changes to iCon leading to potentially more substantial changes in coming years. 	Learning & Development Team – AY 2023-24	SO2, 2.2, SO2, 2.4, SO 2, 2.5, People Services Strategy
<p>February Update:</p> <p>The Learning & Development Strategy / Policy is drafted and is currently being reviewed by the Learning and Information Manager. External course booking form and guidance is ready to be launched at the start of Block 2. ICon changes have been requested and progress update will be requested from IT.</p> <p>Review of Staff Development policy will be complete by Block 2 in line with new Course Booking Form. Review of Probation will take place in line with new Induction in August 24.</p>					
<p>May Update:</p> <p>A draft Learning & Development Strategy/Policy has been developed and will progress in line with the new College Strategic Plan and supporting documents. External Course booking form has been developed but on hold to allow for further consultation with the Unions on the reduction of course fee pack back agreement.</p> <p>Probation forms will be linked to new staff completing mandatory elements in induction and shall be launched in line with new induction programme in August 24.</p> <p>ICon changes have been made and consulted upon. This will be launched in August 24 with the supporting documents created to provide a refresher on the process and detail the changes made.</p>					
<p>September (end of year) Update:</p>					

Support Area AY 2023-24

5	Launch new Employee Voice Group.	<p>Colleagues have an opportunity to shape engagement with the wider college community.</p> <p>Wider colleagues have an opportunity to communicate their views and ideas on a range of topics such as wellbeing, communication, learning and development etc.</p> <p>This has the potential to lead to new innovation and will improve communication.</p>	<p>1. Working with colleagues from curriculum and support, create new framework around Employee Engagement.</p> <p>2. Survey to gauge where we are now around wellbeing.</p>	<p>L&D Team</p> <p>Employee Voice Group</p> <p>First Meeting, August 2023.</p>	<p>SO 2, 2.1, SO 2, 2.2, SO 2, 2.3, SO 2, 2.4, SO 2, 2.5</p> <p>People Services Strategy</p>
<p>February Update:</p> <p>Employee Voice working group was launched in November 23. The group collaborated on the questions for the Employee Engagement Questionnaire, which was open for responses in December 23. 212 responses were submitted, and these are now being analysed and evaluated, January 24. A report will go to Leadership Team and the Employee Voice Group will work on actions. A more detailed report will be provided to the HR Committee in May 2024.</p>					
<p>May Update:</p> <p>A report outlining the results of the Employee Voice Survey was shared with the Leadership and work was completed with Stuart Thomson to gain clarity on the raw data. A brief overview of the findings was shared with staff via the Principals Newsletter. The Employee Voice working group is meeting regularly on the three key themes from the survey with a solution focus approach. A presentation of the results will be delivered to the HR Committee on 22/5/24.</p>					
<p>September (end of year) Update:</p>					
6	Introduce a programme of internal CPD for all staff delivered by peers, partners and Learning &	Colleagues from curriculum, support and leadership have the opportunity to take part in short,	1. A monthly session will be arranged, most likely either at lunchtime or 4pm.	L&D Team	SO2, 2.2, SO 2, 2.4,

Support Area AY 2023-24

	<p>Development, including Management Training for new and emerging managers.</p>	<p>impactful learning experiences delivered internally.</p> <p>Colleagues have the opportunity to deliver these learning experiences as CPD opportunities for themselves.</p> <p>Colleagues have opportunity to engage in Management Training to futureproof our succession planning.</p> <p>36 hours CPD is easier to achieve for all staff.</p>	<p>2. Working in partnership with AVPs and HoS develop management programme that can be contextualised to sector.</p>	<p>Wider college colleagues AVPs, and HoS</p> <p>September 2023 onwards</p>	<p>People Services Strategy</p>
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February Update:

NESCol Minibites was launched in October 23 with 5 sessions being offered in Block 1. A more substantial offering is coming in Block 2. Wellbeing Training for managers took place in September, October and November 23, with excellent feedback. Additional sessions for managers and wider staff will be available on sleep, imposter syndrome and inner voice. Psychological Safety and Leadership Behaviours workshops for the Leadership Team is scheduled for Spring 24. HR Business Partners are delivering sessions via the CM Forum in Jan 24 and May 24 in partnership with Assistant Vice Principals. Additional offers to come in Block 2 include a forum for Support Managers to Meet and the introduction of Teach Meets for lecturers.

May Update:

NESCol Minibites continue to be popular, and there has been a positive response to the new wellbeing sessions delivered in May on Imposter Syndrome and Sleep. The Executive Team worked with The Wellbeing Outfit on Psychological Safety training and with Jane Saddler from Core Coaching to establish the programme and objectives of the Leadership Behaviours session. This session was held on 30/4 with the Leadership Team. As this is developed it will be cascaded through all staff and management development training.

Support Area AY 2023-24

Conduct and Capability training was delivered by an HR Business Partner and HR Advisor with CMs, HoS and other managers. This work was carried out in partnership with the AvPs.

Planning for AY2024-25 Winter Development day has begun with building on the success of last years volunteering and community initiatives and initial discussions have taken place with AVPs are looking at a programme around Universal Design for Learning.

Initial meetings with the Head of Student Support & Engagement are being arranged to incorporate the CDN on line Trauma Informed Practice training with other mandatory training (Corporate Parenting and Safe Guarding).

5 Support Staff Managers are signed up to a six-week Transformational Coaching programme which will run from April to June.

Meetings have been held with Curriculum and Support managers to identify training needs for staff for AY24-25.

It has been a challenge to find a provider for British Sign Language training. This is now in place and training will begin for frontline staff.

September (end of year) Update:

7	Further develop a data driven library service.	Due to only now being able to reflect on a normal, post-COVID academic year it is imperative that the Librarians work to develop a data-driven library service to inform decision making to ensure best use of resources.	<ol style="list-style-type: none"> 1. To collate, analyse and evaluate statistics and data related to the library service; from online resources, events, circulation data, social media, journals etc. 2. Working as reflective practitioners to report back on this data using Our Evaluation. 3. Using this data for decision making. 	Information Services Librarians AY 2023-24	SO 4, 4.3, SO 4, 4.6, SO 4, 4.7, SO 4, 4.8
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February Update:

Meeting was held with National Library Scotland on their Data Driven Library Project, November 23. However, due to the staffing issues in the library, this project has been somewhat limited due to all three librarians having to work on the library desk. Vacancies close end of January, therefore hopefully this will get up and running by March 24. Work started does include analysing use of high price renewals on price per use and price per individual user, contact with departments and promotion of resources and analysis of door count and occupancy of campus libraries.

May Update:

Support Area AY 2023-24

Analysis of the evening and Saturday opening figures highlighted low use of the libraries at Aberdeen City and Fraserburgh Campuses during these periods and a decision has been made to close Fraserburgh library at 7pm Tue/Thu and City Campus library at 8pm Mon-Thu. Additionally, the library will now be closed on Saturdays. These changes are to take effect from the beginning of academic year 24/25.

Due to staff shortages the library at Altens campus was unstaffed between January-April 2024 and therefore we don't have reliable occupancy/enquiries stats for this period. Although the library review is still pending these enquiries and occupancy statistics will be an important factor in the decision making process. IT-related enquiries at the desk continue to make up a significant percentage of overall enquiries and therefore the potential for having student IT based within libraries would take the burden away from library assistants enabling them to carry out tasks away from the desk.

We continue to monitor the usage statistics on an individual and ongoing basis for our online resources. With planned cuts to the library budget in AY 24/25 we will work closely with departments to understand how they use these databases if at all, to help us make decisions about what resources to keep and those that are not providing return on investment.

September (end of year) Update:

8	Structure Review of the Learning Development, Learning Technology and Library Teams	A full review of the merger of Libraries and Learning Development will be undertaken in summer of 2024. In addition to this the review will include the Learning Technology team and parts of the Quality team (the delivering mandatory training) to ensure that staff development is delivered in the most effective and efficient way.	1. A full service structure review is to be undertaken with proposals presented to Executive Team.	Director of People Services June 2024	SO 1, 5 People Services Strategy
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February Update:

An initial planning meeting has taken place with the intention for the structure review to start in February 2024.

May Update:

Data gathering from other Colleges has begun and initial meetings are scheduled in May. These will inform the business case/discussion paper to go to the Executive Team and the stakeholder Review Group.

Support Area AY 2023-24

September (end of year) Update:					
9	Improve Service Provision to the Curriculum	Better align People Services team priority actions with the requirements of the curriculum. Enhance working relationships between the People Services teams and the Curriculum Teams	<ol style="list-style-type: none"> 1. Arrange regular meetings with AVPs to establish a better understanding of the curriculum’s People Services requirements, expected standard of delivery and outcomes. 2. Identify services /processes that may hinder the curriculum progressing elements of their objectives. 3. Encourage more collaborative working between the People Services teams and the Curriculum Teams. 	Director of People Services, Associate Vice Principals, Learning & Information Manager, and Learning Technologies Manager. AY2023-25	Strategic Theme 1.1,2.2, 2.5 People Services Strategy
February Update:					
An initial meeting with the Principal and Associate Vice Principals to discuss areas of improvement was held and a way forward was agreed.					
May Update:					
To date People Services have begun to consult regularly on work that directly impacts the curriculum, however, there is still more work to do in this area. In particular establishing a better understanding of curriculum requirements. Regular meetings have been scheduled quarterly with the Associate Vice Principals, Director of People Services and the Vice Principal Curriculum & Quality. These meetings will provide a regular opportunity to discuss service provision, areas that supporting the curriculum well and areas where enhancement is required. The Learning & Information Manager will attend part of these meetings to provide feedback on Learning & Development work undertaken that has impact on the curriculum and to provide suggestions for future activity. The first of these meetings is scheduled for June 2024.					

Support Area AY 2023-24

September (end of year) Update:

HUMAN RESOURCES COMMITTEE – PROGRAMME OF BUSINESS AY2024-25

Please note that the Programme of Business will be amended as required to include agenda items that arise throughout the academic year.

September 2024
For Decision
HR Policies Update (if required)
Committee Terms of Reference
Programme of Business AY2024/25
For Discussion
People Services Management Information (annual report)
People Services Enhancement Plan (closing off of last AY, start of new AY)
People Services Equalities Action Plan
For Information
Industrial Action Update (Kimra - verbal)
National Collective Bargaining Update
Learning and Technologies VLE Presentation
Equalities and Wellbeing update
Committee Evaluation (Susan L)

JANUARY 2025
For Decision
HR Policies Update (if required)
Equal Pay Policy and Statement (reviewed annually)
For Discussion
People Services Enhancement Plan (update)
People Services Equalities Action Plan
Learning & Development Equalities Report
For Information
National Collective Bargaining Update
Learning & Development Update (including use of libraries)
Learning Technologies Update
Employee Voice Update

MAY 2025
For Decision
HR Policies Update (if required)
People Services Equalities Action Plan
Nescol Equality Reporting
For Discussion
People Services Enhancement Plan – Progress Report
Pension Discretionary Policy (Reviewed Annually)
For Information
National Collective Bargaining Update

Reserved items



HUMAN RESOURCES COMMITTEE Meeting of 22 May 2024	
Title: Staff Wellbeing Initiatives & Activity Update	
Author: Katrina Coull, HR Advisor-Wellbeing	Contributor(s): Kimra Donnelly, Director of People Services
Type of Agenda Item: For Decision <input type="checkbox"/> For Discussion <input type="checkbox"/> For Information <input checked="" type="checkbox"/> Reserved Item of Business <input type="checkbox"/>	
Purpose: To enable the HR Committee to consider the information provided on staff wellbeing initiatives.	
Linked to Strategic Theme: 2. Empowering People	
Linked to Strategic Risk(s)	
Executive Summary: Staff Wellbeing – Initiatives & Activity Update <u>Implementation of Wagestream</u> - NESCol successfully implemented a financial wellbeing app in January 2024 (MyView PayNow using Wagestream & Zellis). The MyView PayNow app supports staff to manage their finances and access a wide variety of resources. Staff can track their salary every month, access some of their already earned salary earlier in the month and set money aside directly through their salary to improve savings. The app has been well received so far and 23% of employees are currently enrolled on the app. In addition to this, there has been over 250 usages of the early access to salary and 17 employees have utilised the savings pot function. <u>Staff Wellbeing Framework</u> - A Staff Wellbeing Framework has been designed to support the delivery of NESCol's Wellbeing Strategy. This is due to be launched in line with the updated Wellbeing Strategy for NESCol. The framework outlines how the college will embed a positive wellbeing culture for staff. The aims are aligned with the college's strategic aims and uses the four pillars of wellbeing model to inform processes and best practice (Social & Physical Wellbeing, Financial Wellbeing, Work-related Wellbeing, Mental & Emotional Wellbeing). The framework also outlines the responsibilities at each level of the organisation and how	

wellbeing services will be evaluated and monitored by various committees and the People Services Team.

Wellbeing & Disability Agreement - As per advice from the Disability Mentoring Scheme, the People Services team have created a Wellbeing & Disability Agreement which will be launched in line with the staff Wellbeing Framework.

The form creates an opportunity for staff to discuss a disability, health condition or any other factors affecting their wellbeing with their line manager. These are often referred to as "Disability Passports" and will allow staff to document any support or reasonable adjustments that are required to help them at work.

The PS team will provide training to all line managers on the use of the form, which will also include generic Occupational Health referral training and stress risk assessment training. A Minibite sessions will be available for all staff to provide more information around the agreement and how it can be used.

NESCol Minibites - The programme of NESCol Minibites sessions designed by the L&D team have included sessions on Staff Benefits & Support. Pluxee, our benefits provider, provided a 30 minute session to staff on their discounts portal and cycle2work scheme. The People Services team also did a Staff Benefits & Support session in November which included information on the discounts available, cycle2work scheme, employee assistant programme and signposting to various services available. When looking at our reports from Pluxee, these sessions aligned with an increase in the usage of the staff benefits system that month. Therefore, more sessions on our Staff Benefits System and Support services are planned for next academic session through NESCol Minibites.

Wellbeing Training Sessions - In February 2024, Maggie's facilitated a Cancer in the Workplace Workshop for staff to support line managers and staff to support colleagues affected by cancer. The session looked at the impact of cancer on families, carers and friends, challenges in the workplace for people with cancer or those affected by it and how to communicate with those affected by cancer in the workplace.

In May 2024, Dalmore Associates are hosting sessions on Imposter Syndrome and Sleep as part of a suite of Wellbeing Sessions available to all staff following on from the success of the sessions for Managers last year.

ASSIST Suicide Training took place for a number of staff (including members of the People Services Team and Student Support Team). Gender Based Violence Training was also offered to the Student Support Teams and People Services team.

Recommendation: It is recommended that the HR Committee note the information provided in this report.

Previous Committee Recommendation/Approval: NA

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence: This report is for information only.



HUMAN RESOURCES COMMITTEE Meeting of 22 May 2024	
Title: Staff Equalities Report	
Author: Katrina Coull, HR Advisor - Wellbeing	Contributor(s): Elaine Reid, Senior HR Business Partner, Kimra Donnelly, Director of People Services
Type of Agenda Item: For Decision <input type="checkbox"/> For Discussion <input type="checkbox"/> For Information <input checked="" type="checkbox"/> Reserved Item of Business <input type="checkbox"/>	
Purpose: To provide the HR Committee with the findings of the College's staff equality profile - 2023 compared with 2022.	
Linked to Strategic Theme: 2. Empowering People	
Linked to Strategic Risk(s): 2,1 & 2.3	
Executive Summary: <p>The Equality Act 2010 has a Public Sector Equality Duty (PSED), which is underpinned by Specific Duties for Scotland. The Specific Duties require the College to gather, use and publish employee information in relation to protected characteristics. This report is produced annually by the College and in line with the Specific Duties which is published every 2 years (covering annual information).</p> <p>The Specific Duties require the College to gather information on the composition of its employees and information on the recruitment, development and retention of employees with respect to, in each year, the number and relevant protected characteristics of such people.</p> <p>Appendix 1 covers employee information (including recruitment and retention) by protected characteristics for the years 2023 and 2022. Information on staff development will be reported separately to the HR Committee in September 2024.</p>	
Recommendation: It is recommended that the Committee note the information provided.	

Previous Committee Recommendation/Approval (if applicable):

Equality Impact Assessment:

Positive Impact

Negative Impact

No Impact

Evidence: This report is for information only.

North East Scotland College Staff Equality Profile: 2023 compared with 2022

Executive Summary and Commentary

The Equality Act 2010 has a Public Sector Equality Duty (PSED), which is underpinned by Specific Duties for Scotland. The Specific Duties require the College to gather, use and publish employee information in relation to protected characteristics. This report is *produced* annually by the College and in line with the Specific Duties which is *published* every 2 years (covering annual information).

This report covers employee information (including recruitment and retention) by protected characteristics for the years 2023 and 2022.

In 2023 there was a decrease in the number of non-declaration rates (prefer not to say/not provided/blank) across most protected characteristics, which could be attributed to the College continuing to make staff aware of the importance of providing protected characteristics information. Having low non-declaration rates enables the College to have a more accurate picture of the protected characteristics of its staff, which in turn enable the College to determine if there are any actions it should be taking to advance equality of opportunity.

As at 31 December 2023 the College had a headcount of 552, compared with a headcount of 588 in 2022.

In terms of the protected characteristic of sex, unlike national statistics which show that there are more men in work than women, the College continues to employ more female staff, with the percentage rising to 57.8% of headcount in 2023 (57.0% in 2022). The percentage of male staff fell to 42.2% of headcount in 2023, compared with 43.0% in 2022.

The percentage of female staff working part-time also rose to 25.4% in 2023, compared with 24.7% in 2022, with the percentage of male staff working part-time decreasing to 3.8% in 2023 compared with 5.3% in 2022. Wider national UK statistics also show that more women work part-time than men.

In 2023, in terms of gender identity, 48.7% of headcount declared they were female, compared with 46.1% in 2022 and 31.5% declared they were male in 2023, compared with 30.8% in 2022. The percentage in a "Blank/not provided" category decreased to 17.8% in 2023 from 21.6% in 2022, which could be as a result of the College's efforts to address non-declaration rates.

The College has an aging workforce with 15.4% of its staff in the 60-75+ age group in 2023 (15.6% in 2022) with the largest age category being 45-59 years, accounting for 46.2% of staff in 2023 (44.6% in 2022). Overall, these figures illustrate the concentration of College staff in the 45 years plus categories.

In terms of race/ethnicity, the majority of staff (91.5% in 2023; 90.8% in 2022) are in a White ethnicity category, with 69.7% in 2023 (69.0% in 2022) being in a White: Scottish category. 1.6% of staff in 2023 are in Asian, Asian Scottish/British category (1.2% in 2022); 1.1% in 2023 are in a Black, African, Caribbean category (1.0% in 2022). The percentage in a "Not provided/blank" category fell to 3.4% in 2023 compared with 5.4% in 2022.

The 2022 Scottish census figures are due to be published in May 2024 so were not available for benchmarking at this time. However, at the time of writing, the most recent data is from 2018, so indicative comparisons have been made with these statistics. The Scottish Government's Equality

Evidence Finder details that the largest ethnic group in 2018 was White Scottish at 76.7%, with 95.4% of the adult population in Scotland being in a White ethnicity category. These are also the categories in the College which have the greatest percentage of staff. In Scotland, minority ethnic adults represented 4.6% of the population in 2018.

In 2023, the percentage of staff declaring they had a disability rose to 13.8% of headcount, compared with 11.4% in 2022, which could perhaps be attributed to the College making staff aware of what constitutes a disability (see appendix). 58.2% of staff declared they did not have a disability in 2023, compared with 60.4% in 2022. In addition to this, the percentage in the “Unaware/blank” category reduced to 22.5% in 2023, compared with 27.2% in 2022, although the “Prefer not to say” category rose to 2.2% in 2023, compared with 1.0% in 2022.

The College disability figures are below UK levels (24% of the population; 23% of working age adults) and Scottish levels (26% of the population) in 2021/22. However, Nescol has more people declaring a disability when compared with the Scottish Funding Council figures for staff in the College sector in Scotland (7.5% in 2021-22).

Overall, these figures indicate that the College needs to continue to address the disability non declaration rates and also identify why its figures are below national levels. In 2022, the College worked with a disability mentoring scheme in order to address some of these issues. As a result of this, the College is looking to introduce a Wellbeing & Disability Agreement which will provide an opportunity for staff to discuss a disability, health condition or any other factor that is affecting their wellbeing, with their line manager and then document any agreed reasonable adjustments.

In terms of the Sexual Orientation protected characteristic, the percentage of staff in a “heterosexual or straight” category increased to 86.4% in 2023, compared with 85.0% in 2022, with the percentage of staff in a “bisexual” category rising to 1.8% in 2023 compared with 1.7% in 2022 and the percentage of staff in a “gay or lesbian” category rose to 2.4% in 2023, compared with 2.2% in 2022. Notably, the percentage of staff in a “not disclosed/blank” category fell to 4.7% in 2023 in comparison to 7.1% in 2022, which could be attributed to the College’s commitment to addressing low declaration rates.

In terms of wider UK statistics, there has been a decreasing trend in the proportion of the UK population that identifies as “heterosexual or straight” and this also seems to be the case in the College.

In 2023, with regards to gender reassignment, 78.8% of headcount said “yes” their gender matched their sex at birth compared with 75.3% in 2022 and 1.3% said “no” their gender did not match their sex at birth in 2023, compared with 1.4% in 2022. The percentage of staff in the “blank/not indicated” category decreased to 18.1% in 2023 from 22.1% in 2022.

With regards benchmarking the College data for this protected characteristic, it should be noted that is currently difficult to obtain accurate figures on the size of the trans community. However, for the first time, the 2022 Census asked questions about transgender status or history, and therefore once the data from this is published, there should be more opportunity to benchmark the College’s data across the wider population profile.

For the protected characteristic of religion/belief, the College is very broadly in line with wider statistics, although more updated benchmark figures will be available when the 2022 Scottish census is published in May 2024. The largest percentage of staff are in a “no religion” category (46.7% in 2023; 45.6% in 2022). In Scotland, in 2018, just over half the population reported not belonging to a religion. The College has fewer staff in a “Christian” category (35.1% in 2023; 36.1% in 2022) compared with

46% of the Scottish adult population in 2018. It should also be noted that the percentage of College staff in the “undisclosed/blank” category fell to 6.5% in 2023 compared with 8.7% in 2022, however those in prefer not to disclose category increased to 8.3% in 2023 compared with 7.3% in 2022.

With regards to the protected characteristic of marriage/civil partnership, the largest category in the College was “married” (53.8% in 2023; 53.9% in 2022). The number of staff in a civil partnership increased to 1.6% of headcount in 2023 compared with 1.0% in 2022. Also, the percentage in an “unknown/blank” category fell to 8.3% in 2023, compared with 9.4% in 2022.

The staff leavers profile is largely in line with the wider staff profile across all protected characteristics. In 2023, 76 people left employment at the College, compared with 77 in 2022.

With regards to the recruitment of staff, in 2023, the College received 540 applications for its job vacancies, with 242 being shortlisted, resulting in 64 appointments. This compared with 2022, where the College received 442 applications for its job vacancies, with 244 being shortlisted, resulting in 60 appointments. Given the small numbers involved, particularly at the appointment stage, care must be taken when interpreting the numbers. However, they can be used indicatively.

The recruitment figures that follow illustrate that the College needs to continue to examine and improve its recruitment processes and to these ends a Recruitment Working Group has been set up.

The College continues to attract more applications from – and appoint – more females than males. 48.7% of applications in 2023 were from females, resulting in 53.1% of appointments being female. This is a decrease from 2022, where 56.6% of applications were from females, and 66.7% of appointments were female. Males accounted for 43.1% of applications in 2023, and 40.6% of appointments, showing an increase from 2022, where males accounted for 38.9% of applications and 31.7% of appointments.

With regards to disability, in 2023, 70.6% of applications were from those with no disability, and 79.7% of those appointed did not have a disability. In 2023, 19.3% of applications reported having a disability and 14.1% of those appointed had a disability. This is a clear increase from 2022, where the number of those that were appointed that had a disability was 5.0%, which could indicate that the work done with the Disability Mentoring Scheme and the focus on improving our recruitment processes for those with a disability is having a positive impact.

For the protected characteristic of sexual orientation, the majority of applications in 2023, were from people in a “heterosexual/straight category” (80.6%) and the majority of those appointed (87.5%) were also in this category.

In terms of the protected characteristic of religion/belief, in 2023, 46.5% of applications were from people in a “no religion/belief” category, however this category accounted for 59.4% of those appointed.

The College continues to appoint proportionately fewer people from a Black, Asian, Ethnic Minority ethnicity category. In 2023, 20.2% of applications were from people in this ethnicity category but only 7.8% of those appointed were in this category.

This could perhaps be explained by the College trying to recruit more widely by using alternative job boards such as Indeed, in addition to advertising through its usual platform on Myjobscotland.

Although this matter requires further investigation, it appears that the College received considerably more applications from people who did not meet the criteria for certain posts, many of whom were in a BAME ethnicity category.

In 2022, 12.9% of applications were from those in a “Black, Asian, Ethnic Minority” category, but only 1.7% of those appointed were from the same category. What is worth noting is that the percentage of appointments for people in a Black, Asian, Ethnic Minority” category rose from 1.7% of appointments in 2022 to 7.7% of appointments in 2023.

This compares with those in a White ethnicity category, where in 2023, 70.7% of applications were in this category, of which 84.4% were appointed. In 2022, 79.4% of applications were in a White ethnicity category as were 93.3% of those appointed.

The report then identifies next steps to address the points identified and also provides an update on progress against the actions identified in the previously published Staff Equality Report.

Background

The Equality Act 2010 has a Public Sector Equality Duty (PSED) under section 149. This includes a general equality duty which requires listed authorities, including the College, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different protected characteristic groups, considering the need to:
 - remove or minimise disadvantages suffered by people due to their protected characteristics.
 - meet the needs of people with protected characteristics.
 - encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- foster good relations between people from different protected characteristic groups, tackling prejudice and promoting understanding between people from different groups.

The Equality Act 2010 (Specific Duties) (Scotland) regulations 2012 (as amended), requires listed authorities to gather, use and publish employee information. The purpose of the specific duties is to assist public bodies, including the College, to meet the general equality duty.

The Specific Duties require the College to gather information on the composition of its employees and information on the recruitment, development and retention of employees with respect to, in each year, the number and relevant protected characteristics of such people. This information must be published every two years.

The information gathered must be used to improve the College’s performance in terms of the general equality duty.

Sources:

Equality Challenge Unit (now called Advance HE), “The public sector equality duty: specific duties for Scotland (revised), February 2017, available online at:

https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/ECU_Public-sector-equality_Scotland-2017_1579099261.pdf

Accessed 02 April 2024

Equality Act 2010 Public Sector Equality Duty (Section 149), available online at:

<https://www.legislation.gov.uk/ukpga/2010/15/section/149>

Accessed: 6th February 2024

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Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, available online at:

<https://www.legislation.gov.uk/ssi/2012/162/contents/made>

Accessed: 6th February 2024

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Introduction

The College is required to publish protected characteristics data for its staff every 2 years (covering annual information) and use this data to meet the general equality duty.

This report provides staff data for 2023 compared with 2022.

In 2021, within the limitations of its HR/Payroll system, the College updated its Equal Opportunities Monitoring Questionnaire (via MyView – which is part of the HR/Payroll system where staff can update their protected characteristics information themselves). The equality monitoring questions/protected characteristics categories were revised, as far as possible, in line with the guidance from Advance HE, March 2018, available online at:

<https://www.advance-he.ac.uk/knowledge-hub/guidance-gathering-staff-equality-data-colleges>

Accessed: 02 April 2024

Staff were asked to update their protected characteristics information and it was explained why it was important to do so (see Appendix for the email that was sent to all staff). Staff were also sent reminders, in 2022 and 2023, asking them to update their information if they had not already done so. The College also provided additional information on what constitutes a disability to encourage staff to declare this protected characteristic (see Appendix).

Notes regarding the analysis

It should be noted that, for the purposes of this document, student interns have not been included. This is due to the short-term, College course-related nature of the internship, and the inclusion of their numbers would not give a representative staff picture.

As this report looks at the number of employees by protected characteristic, staff who have 2 posts have only been counted once, under the category of their main post.

As outlined earlier, the College has updated its equal opportunities monitoring questionnaire/protected characteristics categories. However, if staff did not update their protected characteristics, their information would remain in the legacy categories.

Previously, the College's HR/Payroll system only allowed for sex/gender to be reported as male or female in line with HMRC requirements, so all gender analysis was done on the basis of sex/gender defined as male/female. However, in 2021, the College worked with its HR/Payroll provider to enable the College to report on gender identity. Consequently, the College can now report on sex and gender identity.

In previous reports, the various blank/unknown/not indicated/prefer not to say categories were grouped together under the heading "Prefer Not to Say/Not indicated". However, from 2021, "Prefer Not to Say" has been split out into a separate category and the other categories of "Blank", "Unaware", "Undisclosed", "Not disclosed", "Not provided" are presented as they are reported by the HR/Payroll system.

For the protected characteristic of gender reassignment, the College changed the question in its equal opportunities monitoring questionnaire in 2021 to: "Does your gender match your sex as registered at birth?"

The number of "no" responses may possibly reflect where staff did not update this protected characteristic (in line with the new question). The previous question was: Transgender: yes/no/prefer not to say.

It should be noted that throughout this report, Nescol figures are rounded to one decimal place, so percentage figures may not total 100, due to rounding.

Generally, where there are fewer than 5 staff in a particular protected characteristic category, the actual number is not reported in case individual staff may be identifiable.

Staff Equality Overview by Protected Characteristics: 2023 and 2022

All figures relate to 31 December 2023 and are compared with figures as at 31 December 2022.

As at 31 December 2023, the College had a headcount of 552, compared with a headcount of 588 as at 31 December 2022.

Sex/Gender

The College reports on both sex and gender identity.

Sex

The Equality and Human Rights Commission (EHRC) defines the protected characteristic of "sex" as being a man or a woman.

Source:

Equality and Human Rights Commission, sex discrimination, last updated 19 February 2020, available online at:

<https://www.equalityhumanrights.com/equality/equality-act-2010/your-rights-under-equality-act-2010/sex-discrimination#:~:text=In%20the%20Equality%20Act%202010,or%20their%20Gender%20Recognition%20Certificate.>

Accessed: 29 March 2024

As at 31 December 2023, the profile for the College was:

Position status	Headcount			% of total headcount		
	Female	Male	Total	Female	Male	Total
Full-time	179	212	391	32.4	38.4	70.8
Part-time	140	21	161	25.4	3.8	29.2
Total	319	233	552	57.8	42.2	100.0

Note: % figures rounded to one decimal place

As at 31 December 2022, the profile for the College was:

Position status	Headcount			% of total headcount		
	Female	Male	Total	Female	Male	Total
Full-time	190	222	412	32.3	37.8	70.1
Part-time	145	31	176	24.7	5.3	29.9
Total	335	253	588	57.0	43.0	100.0

Note: % figures rounded to one decimal place

The 2022 Scottish Census outlines that there were more females (51.2%) than males (48.8%) living in Aberdeen City. This is also represented throughout Aberdeenshire where the percentage of women living in this area was 50.8% compared with 49.2% males. On a national level, there were also more females (51.4%) than males (48.6%) living in Scotland overall.

Source:

Scotland's Census (2022), Scotland's Census 2022 Rounded Population Estimates Data, last updated 14th September 2023, Available at:

<https://www.scotlandscensus.gov.uk/documents/scotland-s-census-2022-rounded-population-estimates-data/>

Accessed: 6th February 2024.

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However, although national statistics outline that there are more women living in Scotland than men, According to Scottish Labour Market statistics, in 2021, there were 1,277,500 women aged over 16 employed across Scotland. Whereas, in comparison, there were 1,324,300 men over the age of 16 employed in Scotland which clearly shows that there are more men in work than women in Scotland.

Source:

Scotland's Labour Market Statistics: People, Places and Regions – Protected Characteristics. Statistics from the Annual Population Survey 2021, published on 21st September 2022, Available at:

<https://www.gov.scot/publications/scotlands-labour-market-people-places-regions-protected-characteristics-statistics-annual-population-survey-2021/pages/5/>

Accessed on 29th March 2024.

Nonetheless, the College employs more females than males. In 2023, females made up 57.8% of the total headcount at the college, whereas males made up 42.2%. (57.0% female and 43.0% male in 2022) The percentage of women employed by the College is higher than the percentage of women in the Aberdeen/shire population, with the percentage of women employed at the College rising in 2023 (57.8% in 2023; 57.0% in 2022). However, when comparing the College figures with wider statistics, it should be noted that the Aberdeen City/Aberdeenshire statistics cover people of all ages (from 0 years to over 75+), whereas this is obviously not the case for the College.

Part-time work, by male/female

According to the ONS, 33,174 were in employment in October – December 2023, in the UK, of this 24,813 worked full-time and 8,361 worked part-time.

When broken down, 14,760 men worked full time from October – December 2023 and 10,053 women were working full time. Of the 8,361 working part time, of 2,350 were men working part-time and 6,011 were women working part-time. This equates to 25.2% of those in employment working part-time. Of the 8,361 people working part time in the UK, 71.9% were women.

Please note all figures are in thousands.

Source:

Office for National Statistics (2024) EMP01 SA: Full-time, part-time and temporary workers (seasonally adjusted), last updated 13th February 2024, available at:

[EMP01 SA: Full-time, part-time and temporary workers \(seasonally adjusted\) - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/employment-and-labour-markets/people-in-work/employment-and-unemployment/tables/emp01sa)

Accessed: 19th February 2024.

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These figures clearly illustrate that there are fewer women in work than men and that a considerably higher proportion of women who are working, work part-time, in comparison to men.

With regards to part-time work, this is also the case in the College. In 2023, the number of males working part time decreased to 3.8% of the headcount from 5.3% in 2022. In addition to this, the percentage of females working part time at the college increased in 2023 (25.4% in 2023; 24.7% in 2022) However, as previously stated, the College employs more females than males compared with wider statistics.

Gender identity

As at 31 December 2023, the profile for the College was:

Gender Identity	Headcount	% of Headcount
Female	269	48.7
Male	174	31.5
Prefer not to say/Prefer to Self describe	11	2.0
Blank/Not provided	98	17.8
Total	552	100.0

As at 31 December 2022, the profile for the College was:

Gender Identity	Headcount	% of Headcount
Female	271	46.1
Male	181	30.8
Prefer not to say/Prefer to Self describe	9	1.5
Blank/Not provided	127	21.6
Total	588	100.0

The high proportion of those in the “blank/not provided” category could be attributed to the limitations with the College’s HR/Payroll System on reporting on Gender Identity prior to the update in 2021. However, there has been a decrease in this category in 2023 (17.8% of headcount) compared with 21.6% in 2022, which could be as a result of the College’s action in addressing non declaration rates.

Age

The age profile for the College as at 31 December 2023 was:

Age Band	Headcount			% of total headcount		
	Female	Male	Total	Female	Male	Total
16-29	19	13	32	3.4	2.4	5.8
30-44	111	69	180	20.1	12.5	32.6
45-59	148	107	255	26.8	19.4	46.2
60-75+	41	44	85	7.4	8.0	15.4
Total	319	233	552	57.8	42.2	100.0

Note: % figures rounded to one decimal place

The age profile for the College as at 31 December 2022 was:

Age Band	Headcount			% of total headcount		
	Female	Male	Total	Female	Male	Total
16-29	26	23	49	4.4	3.9	8.3
30-44	116	69	185	19.7	11.7	31.5
45-59	150	112	262	25.5	19.0	44.6
60-75+	43	49	92	7.3	8.3	15.6
Total	335	253	588	57.0	43.0	100.0

Note: % figures rounded to one decimal place

According to National Records of Scotland, the population of Aberdeen City, by age, in 2021, was as follows:

Population by age group by sex, Aberdeen City, 2021

Age group	Male	Female	All people	% of population	Scotland % of population
All people	113,188	114,242	227,430	100.0	100.0
0 to 15	18,342	17,518	35,860	15.8	16.6
16 to 24	11,655	13,066	24,721	10.9	10.2
25 to 44	39,196	35,698	74,894	32.9	26.4
45 to 64	27,196	27,418	54,614	24.0	27.2
65 to 74	10,179	10,688	20,867	9.2	10.9
75 and over	6,620	9,854	16,474	7.2	8.7

Source: [Population Estimates Time Series Data](#) cited in:

National Records of Scotland, Aberdeen City Council Area Profile, updated July 2022, available online at:

<https://www.nrscotland.gov.uk/files/statistics/council-area-data-sheets/aberdeen-city-council-profile.html>

Accessed: 19th February 2024

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For Aberdeenshire, according to the National Records of Scotland, the age profile in 2021 was as follows:

“Population by age group by sex, Aberdeenshire, 2021

Age group	Male	Female	All people	% of population	Scotland % of population
All people	130,501	132,189	262,690	100.0	100.0
0 to 15	24,910	23,668	48,578	18.5	16.6
16 to 24	12,356	10,399	22,755	8.7	10.2
25 to 44	30,523	30,990	61,513	23.4	26.4
45 to 64	37,585	38,642	76,227	29.0	27.2
65 to 74	15,068	15,639	30,707	11.7	10.9
75 and over	10,059	12,851	22,910	8.7	8.7

Source: [Population Estimates Time Series Data](#) cited in

National Records of Scotland, Aberdeenshire Council Area Profile, Updated July 2022, available online at:

[https://www.nrscotland.gov.uk/files//statistics/council-area-data-sheets/aberdeenshire-council-profile-correction.html#:~:text=Between%20001%20and%202021%2C%20the,Scotland's%20population%20rose%20by%208.2%25.&text=In%202021%2C%20there%20were%20more,49.7%25\)%20living%20in%20Aberdeenshire.](https://www.nrscotland.gov.uk/files//statistics/council-area-data-sheets/aberdeenshire-council-profile-correction.html#:~:text=Between%20001%20and%202021%2C%20the,Scotland's%20population%20rose%20by%208.2%25.&text=In%202021%2C%20there%20were%20more,49.7%25)%20living%20in%20Aberdeenshire.)

Accessed: 19th February 2024

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The College figures show that the largest age category for College staff is the 45-59 age group (46.2% in 2023; 44.6% in 2022). When the 45-59 and 60-75+ age categories are added together, 61.6% of College staff in 2023 were aged 45+ and in 2022, this figure was 60.2%, demonstrating that the College has an aging workforce.

Although the age categories for Aberdeen City and Aberdeenshire are different to the ones used by the College – and cover all ages from 0 – 75+ years, it can be seen that in Aberdeen City, the greatest number of people are in the 24-45 age category (32.9%), followed by 24.0% being in the 45-64 age group whereas in Aberdeenshire, the greatest number of people are in the 45-64 age category (29%), followed by 23.4% being in the 25-44 age group. This would indicate that the College is more in line with the Aberdeenshire age profile than the Aberdeen City age profile.

Race/Ethnicity

The following table outlines the race/ethnicity profile for the College, as at 31 December 2023 compared with 31 December 2022.

Note that where there are fewer than 5 staff in any category, the figures are not published as staff could otherwise be identified.

Ethnicity	Total Number 2023	Total % of overall headcount 2023 (headcount = 552)	Total Number 2022	Total % of overall headcount 2022 (headcount = 588)
White: Scottish	385	69.7	406	69.0
White: British	62	11.2	66	11.2
White: English	20	3.6	23	3.9
White: Welsh	N/P	N/P	N/P	N/P
White: Irish	N/P	N/P	N/P	N/P
White: Polish	6	1.1	7	1.2
White: Other	31	5.6	32	5.4
All White ethnicity categories	505	91.5	534	90.8
Mixed or Multiple Ethnic Groups	N/P	N/P	5	0.9
Asian, Asian Scottish/British: Bangladeshi	N/P	N/P	N/P	N/P
Asian, Asian Scottish/British: Chinese	N/P	N/P	N/P	N/P
Asian, Asian Scottish/British: Indian	N/P	N/P	N/P	N/P
Asian, Asian Scottish/British: Other	N/P	N/P	N/P	N/P
All Asian, Asian Scottish/British ethnicity categories	9	1.6	7	1.2
Black/African/Caribbean/British-African	N/P	N/P	N/P	N/P
Black, Black Scottish/British	N/P	N/P	N/P	N/P

Black or Caribbean background: Other	N/P	N/P	N/P	N/P
African, African Scottish/British	N/P	N/P	N/P	N/P
All Black, African, Caribbean ethnicity categories	6	1.1	6	1.0
Other Ethnic: Arab, Arab Scottish/British	N/P	N/P	N/P	N/P
Prefer not to say	7	1.3	N/P	N/P
Not provided/Blank	19	3.4	32	5.4

Note: % figures are rounded to one decimal place; N/P = not published

According to the Scottish Government Equality Evidence Finder. “In 2018, the largest ethnic group was White Scottish at 76.7% in Scotland.” In addition to this, minority ethnic adults represented 4.6% of the population in 2018. A detailed table from the Scottish Government Equality Evidence Finder is as below:

Ethnicity in Scotland, 2018

Indicator	Disaggregation	Breakdown	DateCode	Figure
% of Adult Population	% of Adult Population	White: Scottish	2018	76.7
% of Adult Population	% of Adult Population	White: Other British	2018	12.1
% of Adult Population	% of Adult Population	White: Polish	2018	1.6
% of Adult Population	% of Adult Population	White: Other	2018	5
% of Adult Population	% of Adult Population	Asian	2018	2.8
% of Adult Population	% of Adult Population	All other ethnic groups	2018	1.7
% of Adult Population	% of Adult Population	Unknown	2018	0.1

Source: Scottish Government, Equality Evidence Finder, available online at: <https://scotland.shinyapps.io/sg-equality-evidence-finder/>

(Data was found by clicking on the intersection of “Ethnicity” and “Demographics” and then “Population Estimates” and downloading the chart data)

Accessed: 28 February 2024

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According to the Scottish Funding Council, whose statistics provide summary information on staff employed in the college education sector in Scotland, Black and minority ethnic staff made up 2.6% (361) of all headcounts in 2022-23.

Source: Scottish Funding Council, SFC Statistics, 26 March 2024, College Staffing data 2022-23, available online at:

<https://www.sfc.ac.uk/publications/college-staffing-data-2022-23/>

Accessed: 02 April 2024

Other information is still largely based on the 2011 census and more up-to-date information will not be available until the 2022 census data becomes available in May 2024.

However, with regards to the college, these figures show that the majority of staff (91.5% in 2023; 90.8% in 2022) are in a White ethnicity category, with a 69.7% in 2023 (69.0% in 2022) of staff being in a “White: Scottish” category. 1.6% of staff in 2023 are in Asian, Asian Scottish/British category (1.2% in 2022) and 1.1% in 2023 are in a Black, African, Caribbean category (1.0% in 2022)

Until the information from the 2022 Scottish Census is available in May 2024, at the time of writing it is only possible to provide older comparative information as a benchmark. As outlined earlier, the Scottish Government’s Equality Evidence Finder detailed that the largest ethnic group in 2018 was White Scottish at 76.6% with 95.4 of the adult population in Scotland being in a White ethnicity category. Minority ethnic adults represented 4.6% in 2018.

Disability

The College disability profile as at 31 December 2023 was:

	Total Number	Total % of overall headcount	Male (Number)	Female (Number)
Disability	76	13.8	25	51
No disability	321	58.2	125	196
Prefer not to say	12	2.2	8	4
Unaware/Blank	143	25.9	75	68
Total	552	100.1	233	319

Note: % Figures have been rounded to one decimal place

The College disability profile as at 31 December 2022 was:

	Total Number	Total % of overall headcount	Male (Number)	Female (Number)
Disability	67	11.4	23	44
No disability	355	60.4	149	206
Prefer not to say	6	1.0	4	2

Unaware/Blank	160	27.2	77	83
Total	588	100.0	253	335

Note: % Figures have been rounded to one decimal place

It should be noted that the College continues to work closely with occupational health to provide support for *any* member of staff who has or who develops a health condition/disability which may impact on their ability to do their job and also provides support to staff via the College’s Employee Assistance Programme.

According to the House of Commons Library Research Briefing, 23 August 2023, “an estimated 16.0 million people in the UK had a disability in 2021/22. This represents 24% of the total population. The prevalence of disability rises with age: in 2021/22 11% of children in the UK were disabled, compared with 23% of working age adults and 45% of adults over State pension age.” The report, p8, goes on to highlight that from 2019/2020 – 2021/22 “Disability prevalence tended to be higher among female respondents (24%) than male respondents (21%)” and on p14, the report details that “the prevalence of disability varies across the UK. In 2021/22, Scotland and Wales had the highest proportion of disabled people (both 26%), whereas England was the same as the UK average of 24% and Northern Ireland was below the national average with 22% of people reporting a disability.”

Source: House of Commons Library Research Briefing, Esme Kirk-Wade, 23 August 2023, UK disability statistics: prevalence and life experiences, available online at:

<https://researchbriefings.files.parliament.uk/documents/CBP-9602/CBP-9602.pdf>

Accessed: 22 February 2024

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According to the Department for Work and Pensions, Disability prevalence by age group, FYE 2012 to FYE 2022, almost one in four people said they had a disability.

The percentage of working-age adults reporting a disability rose from 16% in 2011-12 survey to 23% in the most recent survey, an increase of 7 percentage points.

The proportion of disabled State Pension age adults has been between 42% - 46% in every year over the last decade, and was 45% in 2021-22.

In addition to this, 26% of females (8.7 million) reported a disability in 2021-22, an increase from 21% (6.5 million) in 2011-12. The percentage of males reporting a disability also increased from 18% (5.6 million) in 2011-12 to 22% (7.3 million) in 2021-22.

Source: Department for Work and Pensions, National Statistics, published 21 July 2023, Family Resources Survey: financial year 2021 to 2022, available online at:

<https://www.gov.uk/government/statistics/family-resources-survey-financial-year-2021-to-2022/family-resources-survey-financial-year-2021-to-2022#disability-1>

Accessed: 27 February 2024

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According to the Scottish Funding Council, whose statistics provide summary information on staff employed in the college education sector in Scotland, those with a declared disability made up 7.5% (1,059) of all headcounts in 2022-23.

Source: Scottish Funding Council, SFC Statistics, 28 March 2023, College Staffing data 2021-22, available online at: <https://www.sfc.ac.uk/publications/college-staffing-data-2022-23/>

Accessed: 12 April 2024

In 2021, the College updated its Equal Opportunities Monitoring questionnaire/protected characteristics categories and also provided additional information on what constitutes a disability (see appendix). These actions have resulted in an increase in the number of staff declaring that they have a disability (13.8% in 2023; 11.4% in 2022). However, there are still a considerable number of staff who left their disability category blank (25.9% in 2023; 27.2% in 2022) with the reasons for this being unclear.

Although the number of staff declaring a disability has risen, the College figures (13.8% in 2022) are below UK levels (23% of working age adults) and Scottish levels (26% of the population) in 2021/22. However, Nescol has more people declaring a disability when compared with the Scottish Funding Council figures for staff in the College sector in Scotland (7.5% in 2022-23).

Overall, these figures indicate that the College needs to continue to address the disability non-declaration rates and also identify why its figures are below national levels. In 2022, the College worked with the Disability Mentoring Scheme in order to address these issues. Following on from this scheme, the college has set up a Recruitment Working Group which aims to provide a more inclusive recruitment process for those with protected characteristics (including disabilities). In 2024, the College is also looking to introduce a Wellbeing & Disability Agreement which will provide an opportunity for any member of staff to discuss a disability, health condition or any other factors that are affecting their wellbeing with their line manager and then document any reasonable adjustments.

Religion or belief (including no belief)

The following table outlines the religion or belief (including no belief) profile for the College at 31 December 2023 and 31 December 2022.

Where there are fewer than 5 staff in a category, the actual number of staff is not published.

Religion	Total Number 2023	Total % of overall headcount 2023 (headcount = 552)	Total Number 2022	Total % of overall headcount 2022 (headcount = 588)
Christian: Church of Scotland	33	6.0	34	5.8
Christian: Protestant	12	2.2	11	1.9

Christian: Roman Catholic	9	1.6	8	1.4
Christian: Other	140	25.4	159	27.0
All Christian religion categories	194	35.1	212	36.1
Buddhist	N/P	N/P	N/P	N/P
Hindu	N/P	N/P	N/P	N/P
Jewish	N/P	N/P	N/P	N/P
Muslim	5	0.9	N/P	N/P
No Religion (inc agnostic or atheist)	258	46.7	268	45.6
Other religion	5	0.9	N/P	N/P
Other belief (eg veganism)	N/P	N/P	N/P	N/P
Prefer not to say	46	8.3	43	7.3
Undisclosed/Blank	36	6.5	51	8.7

Note: % figures are rounded to one decimal place; N/P = Not published

Although data from the 2022 Census will not be published until May 2024, data can be found from the Equality Evidence Finder, which has figures for religion in Scotland in 2018. According to their research, about half of adults in Scotland reported having no religion in 2018. Christians (Church of Scotland, Roman Catholic and other Christian) represented 46% of the adult population in 2018, however there was a decrease in the population that identified with Church of Scotland from 32% to 23%.

Source: [Scottish Surveys Core Questions 2019](#) (Last updated: January 2021) cited in

Scottish Government, Equality Evidence Finder, available online at: <https://scotland.shinyapps.io/sg-equality-evidence-finder/>

(Data was found by clicking on the intersection of “Religion” and “Demographics” and then “Population Estimates”)

Accessed: 28 February 2024

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The College figures show that the largest religion/belief category is “No religion” (46.7% in 2023; 45.6% in 2022), followed by “Christian” (35.1% in 2023; 36.1% in 2022;).

Given that, at the time of writing, the 2022 Scottish census figures are not available until May 2024 and that there are differing older benchmark statistics, it is not possible to make direct comparisons with the College figures. However, in broad terms, it would appear that the College is in line with wider 2018 statistics in that “no religion” is the largest religion category, although the College has fewer staff in a “Christian” category (35.1% in 2023; 36.1% in 2022) compared with 46% of the Scottish adult population in 2018.

Although the number of those in the “Undisclosed/blank” category decreased in 2023 to 6.5% from 8.7% in 2022, the number of those in the “Prefer not to say” category has increased in 2023 to 8.3% compared with 7.3% in 2022.

Marriage and Civil Partnership

The following table details the Marriage and Civil Partnership profile for the College at 31 December 2023 and 31 December 2022:

Marital Status	Total Number of Staff 2023	Total % of overall headcount 2023 (headcount = 552)	Total Number of Staff 2022	Total % of overall headcount 2022 (headcount =588)
Married	297	53.8	317	53.9
Civil Partnership	9	1.6	6	1.0
Single	143	25.9	151	25.7
Other	44	8.0	44	7.5
Prefer not to say	13	2.4	15	2.6
Unknown/Blank	46	8.3	55	9.4

Note: % figures are rounded to one decimal place

According to National Records of Scotland, in 2022, 17 civil partnerships were registered in Aberdeen City and 17 civil partnerships were registered in Aberdeenshire. In Scotland overall, 630 civil partnerships were registered in 2022.

Source:

National Records of Scotland, Marriage and Civil Partnership – Time Series Data, last updated 20 July 2023, available online at:

<https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/marriages-and-civil-partnerships/marriages-and-civil-partnership-time-series-data>

Accessed: 28 February 2024

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The College figures show that the percentage of staff in a “married” category has almost stayed the same (53.8% in 2023, compared with 53.9% in 2022). This is also the case in the percentage of staff in a “single” category (25.9% in 2023, compared with 25.7% in 2022). However, there has been a decrease in the percentage of staff in an “unknown/blank” category (8.3% in 2023; 9.4% in 2022), which could be driven by the college asking staff to provide this information.

The 2022 census figures were not available at the time of writing to give a broader context to the College figures.

Pregnancy and Maternity

This section details the number of pregnancies/maternity leaves for 2023 and 2022. However, where there are fewer than 5 staff, information is not published as staff could otherwise be identified.

It should be noted that the timing of maternity leave has an impact on when the member of staff returns to work, eg, if a member of staff’s maternity leave *begins* in October 2023, they would be less likely to return to work before the end of 2023. The figures below should, therefore, be interpreted in this light.

There were 21 pregnancies/maternity leaves at various points during 2023. 9 returned to work in 2023.

The number of flexible working requests after maternity leave was fewer than 5, so the number is not reported. However, all requests were granted.

There were 18 pregnancies/maternity leaves at various points during 2022. 5 returned to work in 2022

The number of flexible working requests after maternity leave was fewer than 5, so the number is not reported. However, all requests were granted.

Sexual orientation

The sexual orientation profile of the College as at 31 December 2023 and 2022 is detailed in the following table:

Where there are fewer than 5 staff in a category, the number of staff is not published. Given the small numbers in some categories, no further breakout is given of this protected characteristic, as individual staff could otherwise be identified.

Sexual Orientation	Total number of staff 2023	Total % of overall headcount 2023 (headcount = 552)	Total number of staff 2022	Total % of overall headcount 2022 (headcount = 588)
Heterosexual or Straight	477	86.4	500	85.0
Bisexual	10	1.8	10	1.7
Gay or Lesbian	13	2.4	13	2.2
Prefer to Self-Describe	N/P	N/P	N/P	N/P
Other	N/P	N/P	N/P	N/P
Prefer not to say	23	4.2	21	3.6
Not disclosed/Blank	26	4.7	42	7.1

Note: % figures are rounded; N/P = not published

When comparing to the UK as a whole, according to the Office for National Statistics detailed the following:

- In 2022, 93.4% of the UK population aged over 16 identified as heterosexual or straight, down from 95.0% in 2017.
- In the UK, around 3.3% of those above the age of 16 identified as lesbian, gay, bisexual or other in 2022, which is an increase from 2.1% in 2017.
- 2.7% did not know or refused to answer in 2022.

Moreover, in 2022, women were less likely than men to identify as lesbian, gay or bisexual (LGB), estimated at 3.0% of the population, whereas the proportion of men identifying as LGB was 3.8%

Source: Office for National Statistics, Sexual Orientation, UK: 2021 and 2022, release date 27 September 2023, available online at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexual-orientation-in-the-uk>

Accessed: 28 February 2024

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The College figures for this protected characteristic are broadly in line with wider statistics in that the largest category is “heterosexual” (86.4% in 2023; 85.0% in 2022 in the College) with 2.4% being in a “gay or lesbian” category in 2023 (2.2% in 2022).

There has been a decrease in the number of staff in the “not disclosed/blank” category (4.7% in 2023 compared with 7.1% in 2022).

In terms of wider UK statistics, there has been a decreasing trend in the proportion of the UK population that identifies as “heterosexual or straight” and this is also the case in the College.

Gender reassignment/Transgender

In 2021, the College updated the question it asked with regards to this protected characteristic, to be more in line with the one asked by Advance HE. The College now asks the question: Does your gender match your sex as registered at birth.

In 2023, the College profile was:

“Does your gender match your sex as registered at birth?”

	Number	% of total headcount (headcount = 552)
Yes	435	78.8%
No	7	1.3%
Prefer Not to Say	10	1.8%
Blank/Not indicated	100	18.1%

In 2022, the College profile was:

“Does your gender match your sex as registered at birth?”

	Number	% of total headcount (headcount = 588)
Yes	443	75.3%
No	8	1.4%
Prefer Not to Say	7	1.2%
Blank/Not indicated	130	22.1%

The number of “no” responses may possibly also reflect where staff did not update this protected characteristic (in line with the new question) and where the “no” answer, given the limitations of the HR/Payroll system, was a legacy response to the previously asked question: transgender: yes/no/prefer not to say.

For the first time, the 2022 Census will ask questions about transgender status or history. However, until this data is published in May 2024, it is difficult to make accurate comparisons between the college and national figures.

According to a report by Scottish Public Health Network, May 2018, p100:

In relation to Scotland, no single figure for the prevalence of people with trans identities exists. However, there is some literature that can be used to provide crude estimates of the number of trans people in Scotland. Given an estimated 2016 Scottish population of 5,404,700 people (918,799 under 16 years old, 4,485,901 aged 16 years and over) the following estimates could be derived:

Estimates of the size of the trans population in Scotland derived from literature	Prevalence estimate	Estimated size of trans population in Scotland
Source		
Reed <i>et al</i> * (32)	20 per 100,000	Approx 900 adults
Collin <i>et al</i> (33)	9.2 per 100,000	Approx 400 adults
US estimates (Crissman <i>et al</i> and Flores <i>et al</i> (28, 35)	0.53% of adults (95% CI 0.46, 0.61)	Approx 23,775 adults (95% CI 20,635-27,364 adults)
Clark <i>et al</i> (29)	1.2% of young people	Approx 11,000 young people
* This paper also provided higher estimates of prevalence.		

The report goes on to say, p101: Given that over 1,800 adults have been referred to Scottish GICs (gender identity clinics) between 2014 and 2017 (41 per 100,000 adults in 4 years) the former two estimates appear extremely low, and can probably be disregarded. True prevalence may be more in line with the findings from the US, which was calculated from self-reported gender identity and is the most often quoted likely prevalence i.e. 0.5% of the population, but this is considerably higher than the numbers referred to services.

Source: Scottish Public Health Network “Healthcare Needs Assessment of Gender Identity Services, R. Thomson, J. Baker and J. Arnot, May 2018

Available online at:

https://www.scotphn.net/wp-content/uploads/2017/04/2018_05_16-HCNA-of-Gender-Identity-Services-1.pdf

Accessed: 20 March 2024

According to Stonewall, which asks the question “How many trans people are there in Britain at the moment?”

“The 2021 Census was a historic moment for the LGBTQ+ community in England and Wales. For the first time, the Census included two new voluntary questions on sexual orientation and trans status. 0.5% of the population (262,000 people in England and Wales) reported having a gender identity that is different from the one they were assigned at birth. Within this, the number of trans women and trans men is almost exactly the same – each accounting for 0.1% of the population (48,000 people in England and Wales), with a slightly smaller proportion identifying as non-binary at 0.06% (30,000 people in England and Wales).”

Source: Stonewall, The truth about trans, How many trans people are there in Britain at the moment, available online at:

<https://www.stonewall.org.uk/help-advice/information-and-resources/truth-about-trans#trans-people-britain>

Accessed: 03 April 2024

Until the data is published from the Scotland Census 2022 in May 2024, it is difficult to benchmark the college data, as it is difficult to obtain accurate figures for how big the trans community is in Scotland. However, the College figures show an increase in the percentage of staff who indicated that their gender matches their sex at birth (78.8% in 2023; 75.3% in 2022) and a decrease in the percentage of

staff in a “blank/not indicated” category (18.1% in 2023; 22.1% in 2022), which could be due to individuals updating their protected characteristics from the previous information.

Retention of Staff

This section includes data on leavers, by protected characteristic, as well as information that can have an impact on retention, such as flexible working requests.

In 2023, 76 staff left the College, compared with 77 staff leaving the College in 2022.

Sex/Gender profile:

Sex:

In 2023, the profile of leavers was:

Female	45
Male	31

In 2022, the profile of leavers was:

Female	37
Male	40

The 2022 leavers would not be in line with the wider staff profile, as the College employs more female staff than male. However, the 2023 data is more in line with the wider staff profile.

Gender Identity:

In 2023, the profile of leavers was:

Female	29
Male	18
Not Indicated/Blank	29
Total	76

In 2022, the profile of leavers was:

Female	19
Male	15
Not Indicated/Blank	43
Total	77

There was a decrease in the number of leavers recorded as “Not indicated/blank” from 2023 (29) to 2022 (43), this again could be down to the College’s efforts in promoting staff to update their protected characteristics information.

Age profile:

The table below details the age profile of staff, compared with age profile of staff who left the College during 2023 and is compared with 2022.

The age profile for 2023 was:

Age group	Number of staff (at Dec 2023)	Number of leavers during 2023
16-29	32	6
30-44	180	17
45-59	255	28
60-75+	85	25

The age profile for 2022 was:

Age group	Number of staff (at Dec 2022)	Number of leavers during 2022
16-29	49	21
30-44	185	19
45-59	262	21
60-75+	92	16

There were more leavers in the 60+ category in 2023 (25) compared with 16 in 2022. The highest number of leavers was in the 45-59 category (28 in 2023, 21 in 2022), which is in line with this being the category with the highest number of staff.

Marriage and Civil Partnership status:

In 2023, this was as follows:

Single	17
Married	35
Divorced	N/P
Other	N/P
Unknown/Blank	18
Total	76

Note: N/P = not published, due to small numbers

In 2022, this was as follows:

Single	15
--------	----

Married	33
Divorced	N/P
Other	N/P
Unknown/Blank	24
Total	77

Note: N/P = not published, due to small numbers

This would be in line with the wider staff profile, in that the greatest number of staff in 2023 were in a “married” category.

Sexual Orientation:

In 2023, the sexual orientation of leavers was consistent with the wider staff profile in that the majority (59) were in a “Heterosexual or Straight” category. 16 leavers were in the “prefer not to say/not disclosed” category.

This is also the case for 2022, where 47 leavers were in a “Heterosexual or Straight” category. However, more leavers were in a “prefer not to say/not disclosed” category (28) in 2022, compared with the overall staff profile.

Other categories are not reported due to small numbers.

Gender reassignment/Transgender:

In 2023, the greatest number of leavers (47 out of 76) had the same sex assigned at birth, which is in line with the staff profile. 28 leavers were in the Not indicated/blank category.

In 2022, the greatest number of leavers was in the “Not indicated/blank” category (43 out of 77).

Race/Ethnicity:

In 2023 and 2022, the ethnicity profile of leavers was as follows, with the largest category of leavers being in line with the wider staff profile (i.e. White - Scottish):

2023:

White – Scottish	39
White - Other	N/P
White - English	N/P
White - British	14
Other Ethnic: Arab,Arab Scottish/British	N/P
Mixed or Multiple Ethnic Groups	N/P

Black/African/Caribbean/British- African/Other	N/P
Asian,Asian Scottish/British:Indian	N/P
Not Provided/Blank	14
Total	76

2022:

White - Scottish	35
White - Other	N/P
White - English	N/P
White - British	9
Other Ethnic: Arab,Arab Scottish/British	N/P
Mixed or Multiple Ethnic Groups	N/P
Black/African/Caribbean/British- African/Other	N/P
Asian,Asian Scottish/British:Indian	N/P
Not Provided/Blank	23
Total	77

Note: N/P = Not published

Religion/Belief (including no belief):

In 2023, the profile of leavers was as follows, with the greatest number of leavers being “no religion” followed by “Christian”, which is comparative to the wider staff profile.

Christian	26
Muslim	N/P
No Religion	27
Other Belief	N/P
Prefer not to say/undisclosed/blank	20
Total	76

Note: N/P = Not published

In 2022, the profile of leavers was as follows, with the greatest number of leavers (other than those in a “prefer not to say/undisclosed/blank” category) being in a “no religion” category, followed by “Christian”:

Christian	18
Muslim	N/P
No Religion	24
Other Belief	N/P
Prefer not to say/undisclosed/blank	31
Total	77

Note: N/P = Not published

Disability:

In 2023 and 2022, the disability profile of leavers was in line with the wider staff profile in the majority did not have a disability, as follows:

Disability	7
No Disability	38
Prefer not to say	N/P
Unaware	8
Not Indicated	22
Total	76

In 2022, the disability profile of leavers was as follows:

Disability	N/P
No Disability	34
Unaware/Blank	N/P
Not Indicated	38
Total	77

Reasons for leaving

In 2023, the main reasons for leaving, where there are 5 or more leavers in a category were:

Resigned	46
Mutual Agreement	8
Retired	7
End of Contract	6

In 2022, the main reasons for leaving, where there are 5 or more leavers in a category were:

Resigned	46
End of contract	7
Retired	11

Flexible Working Requests

In 2023, there were 28 flexible working requests, all of which were approved.

In 2022, there were 17 flexible working requests. As fewer than 5 were rejected, the precise number is not detailed. However, the rejections were for business reasons:

- negative impact on the leadership/management capacity of the College

- detrimental effect on the College's ability to meet student/customer needs

Shared Parental leave

In 2023, no members of staff took shared parental leave.

In 2022, no members of staff took shared parental leave.

Recruitment

In 2023, the College received 540 applications for its job vacancies, with 242 of those being shortlisted, resulting in 64 appointments.

Unlike for staff data where, if there were fewer than 5 members of staff in a category, numbers were not published as staff could otherwise be identified, at the recruitment stage, all numbers are reported so that the data can highlight any potential – and otherwise unseen - bias within the recruitment process. The one exception to this is for transgender/gender reassignment figures, where due to very small reported numbers in the “different gender to the one assigned at birth” category, numbers are only reported at the application stage.

The tables in the following pages detail the applications, shortlisting and appointment numbers and percentages by protected characteristic category.

This should enable trends to be identified, e.g, if 30% of applications are in a given category, proportionately, one would expect around 30% of those shortlisted and around 30% of those appointed also to be in that category.

It should be noted that pregnancy/maternity data are not collected during the recruitment process. These data are only collected for staff and are reported in the staff section of this report.

Recruitment: Sex/Gender

2023:

There were a total of 540 applications; 242 shortlisted; 64 appointments

Gender category	Number of applications	% of applications	Number shortlisted	% of shortlisted	Number appointed	% of appointments
Male	233	43.1	113	46.7	26	40.6
Female	263	48.7	115	47.5	34	53.1
Other	13	2.4	3	1.2	0	0.0
Prefer not say	1	0.2	0	0.0	0	0.0
Blank/Not indicated	30	5.6	11	4.5	4	6.3

Note: % figures are rounded and so may not total 100%

2022

There were a total of 442 applications; 244 shortlisted; 60 appointments

Gender category	Number of applications	% of applications	Number shortlisted	% of shortlisted	Number appointed	% of appointments
Male	172	38.9	91	37.3	19	31.7
Female	250	56.6	148	60.7	40	66.7
Other	2	0.5	0	0.0	0	0.0
Prefer not say	3	0.7	2	0.8	0	0.0
Blank/Not indicated	15	3.4	3	1.2	1	1.7

Note: % figures are rounded and so may not total 100%

Recruitment: Race/Ethnicity

2023

There were a total of 540 applications; 242 shortlisted; 64 appointments

Ethnicity category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
White	382	70.7	179	74.0	54	84.4
Black, Asian & Ethnic Minority	109	20.2	47	19.4	5	7.8
Mixed	9	1.7	2	0.8	1	1.6
Other	15	2.8	5	2.1	0	0.0
Prefer not say	0	0.0	0	0.0	0	0.0
Blank/Not indicated	25	4.6	9	3.7	4	6.3

Note: % figures are rounded and so may not total 100%

2022

There were a total of 442 applications; 244 shortlisted; 60 appointments

Ethnicity category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
White	351	79.4	207	84.8	56	93.3
Black, Asian & Ethnic Minority	57	12.9	22	9.0	1	1.7
Mixed	8	1.8	4	1.6	2	3.3
Other	9	2.0	4	1.6	0	0.0
Prefer not say	1	0.2	1	0.4	0	0.0
Blank/Not indicated	16	3.6	6	2.5	1	1.7

Note: % figures are rounded and so may not total 100%

Recruitment: Disability

2023

There were a total of 580 applications; 242 shortlisted; 64 appointments

Disability category	Number of applications	% applications	Number shortlisted	% shortlisted	Number appointed	% appointed
No disability	381	70.6	182	75.2	51	79.7
Disability	104	19.3	42	17.4	9	14.1
Prefer not to say	13	2.4	6	2.5	1	1.6
Blank/Not indicated	42	7.8	12	5.0	3	4.7

Note: % figures are rounded and so may not total 100%

2022

There were a total of 442 applications; 244 shortlisted; 60 appointments

Disability category	Number of applications	% applications	Number shortlisted	% shortlisted	Number appointed	% appointed
No disability	351	79.4	195	79.9	53	88.2
Disability	60	13.6	35	14.3	3	5.0
Prefer not to say	7	1.6	4	1.6	1	1.7
Blank/Not indicated	24	5.4	10	4.1	3	5.0

Note: % figures are rounded and so may not total 100%

Recruitment: Sexual Orientation

2023

There were a total of 580 applications; 242 shortlisted; 64 appointments

Sexual orientation category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
Heterosexual/straight	435	80.6	195	80.6	56	87.5
Lesbian/Gay female	5	0.9	1	0.4	1	1.6
Gay male	12	2.2	6	2.5	1	1.6
Bisexual	31	5.7	11	4.5	2	3.1
Other	9	1.7	6	2.5	0	0.0
Prefer Not to say	24	4.4	12	5.0	0	0.0
Blank/Not indicated	24	4.4	11	4.5	4	6.3

Note: % figures are rounded and so may not total 100%

2022

There were a total of 442 applications; 244 shortlisted; 60 appointments

Sexual orientation category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
Heterosexual/straight	349	79.0	213	87.3	55	91.7
Lesbian/Gay female	7	1.6	3	1.2	1	1.7
Gay male	24	5.4	2	0.8	0	0.0
Bisexual	21	4.6	10	4.1	3	5.0
Other	7	1.6	1	0.4	0	0.0
Prefer Not to say	16	3.6	10	4.1	0	0.0
Blank/Not indicated	18	4.1	5	2.1	1	1.7

Note: % figures are rounded and so may not total 100%

Recruitment: Gender Reassignment/Transgender

Is your gender the same gender as the one you were assigned at birth?

Due to small numbers in the “different gender to the one assigned at birth” category, transgender/gender reassignment figures are only reported at the application stage, to ensure anonymity.

2023

	Number	% (of applications)
Same gender assigned at birth	493	91.3
Different gender to the one assigned at birth	19	3.5
Prefer not to say	2	0.4
Blank/Not indicated	26	4.8

2022

	Number	% (of applications)
Same gender assigned at birth	416	94.1%
Different gender to the one assigned at birth	3	0.7%
Prefer not to say	2	0.5%
Blank/Not indicated	21	4.8%

Recruitment: Religion or belief (including no belief)

2023

There were a total of 580 applications; 242 shortlisted; 64 appointments

Religion/belief category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
Christian	154	28.5	70	28.9	13	20.3
Muslim	48	8.9	27	11.2	4	6.3
Hindu	10	1.9	1	0.4	0	0.0
No religion/belief	251	46.5	112	46.3	38	59.4
Other	9	1.7	2	0.8	1	1.6
Prefer Not to Say	40	7.4	17	7.0	3	4.7
Blank/Not indicated	28	5.2	13	5.3	5	7.8

Note: % figures are rounded and so may not total 100%

2022

There were a total of 442 applications; 244 shortlisted; 60 appointments

Religion/belief category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
Christian	132	29.9	72	29.5	17	28.3
Muslim	16	3.6	5	2.1	0	0.0
Hindu	8	1.8	4	1.6	0	0.0
No religion/belief	219	49.6	136	55.7	39	65.0
Other	12	2.7	2	0.8	0	0.0
Prefer Not to Say	36	8.1	19	7.8	3	5.0
Blank/Not indicated	19	4.3	6	2.5	1	1.7

Note: % figures are rounded and so may not total 100%

Recruitment: Marriage/Civil Partnership/Marital status

2023

There were a total of 540 applications; 242 shortlisted; 64 appointments

Marital status category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
Married/Civil Partnership	224	41.5	111	45.9	29	45.3
Single/Never married	223	41.3	90	37.2	27	42.2
Divorced	33	6.1	17	7.0	3	4.7
Separated	8	1.5	3	1.2	0	0.0
Widow/er	2	0.4	2	0.8	0	0.0
Prefer Not to Say	25	4.6	9	3.7	1	1.6
Blank/Not indicated	25	4.6	10	4.1	4	6.3

Note: % figures are rounded and so may not total 100%

2022

There were a total of 442 applications; 244 shortlisted; 60 appointments

Marital status category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
Married/Civil Partnership	189	42.8	111	45.5	29	48.3
Single/Never married	160	36.2	92	37.7	23	38.3
Divorced	27	6.1	19	7.8	3	5.0
Separated	9	2.0	1	0.4	1	1.7
Widow/er	6	1.4	2	0.8	0	0.0
Prefer Not to Say	31	7.0	14	5.7	2	3.3
Blank/Not indicated	20	4.5	5	2.1	2	3.3

Note: % figures are rounded and so may not total 100%

Recruitment: Age

2023

There were a total of 540 applications; 242 shortlisted; 64 appointments

Age category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
16-24	48	8.9	7	2.9	2	3.1
25-34	160	29.6	69	28.5	20	31.3
35-44	143	26.5	64	26.4	18	28.1
45-54	110	20.4	54	22.3	15	23.4
55-64	49	9.1	36	14.9	4	6.3
65+	3	0.6	0	0.0	0	0.0
Prefer not to say	0	0.0	0	0.0	0	0.0
Blank/Not indicated	27	5.0	12	5.0	5	7.8

Note: % figures are rounded and so may not total 100%

2022

There were a total of 442 applications; 244 shortlisted; 60 appointments

Age category	Number of applications	% of applications	Number shortlisted	% shortlisted	Number appointed	% appointed
16-24	36	8.1	12	4.9	5	8.3
25-34	132	29.9	70	28.7	12	20.0
35-44	134	30.3	75	30.7	18	30.0
45-54	90	20.4	60	24.6	17	28.3
55-64	35	7.9	24	9.8	7	11.7
65+	2	0.5	0	0.0	0	0.0
Prefer not to say	0	0.0	0	0.0	0	0.0
Blank/Not indicated	13	2.9	3	1.2	1	1.7

Note: % figures are rounded and so may not total 100%

Progress on actions since the previously *published* Staff Equality Report (Mainstreaming and Equality Outcomes Report: Appendix 2, published in April 2021)

This previous report identified areas to be addressed and that were that taken forward via a People Services Equalities Action Plan. These areas were:

Concentration of women in part-time work

The previously published report stated that People Services would use the information from the Staff Equality, Diversity and Inclusion Survey to structure focus groups to understand why there is such a predominance of women working part-time, if there are any barriers to progression and to determine if there are any actions the College should be taking. This action is highlighted in the People Services Equalities Action Plan.

Progress:

People Services have arranged focus groups for both lecturing and support staff for the beginning of 2024. Data will be gathered from these sessions and recommendations will be provided to inform any actions the College should be taking.

Address non-declaration rates

The previous report recorded a rise in the non-declaration rates in 2022 and stated the college should continue to address this by reminding staff regularly to update their protected characteristics and emphasising the importance of doing this. Again, this is outlined in the People Services Equalities Action Plan.

Progress:

The College has continued to remind staff to update their protected characteristics information and highlighted the importance of doing so (see Appendix). It is acknowledged throughout this report that the number of those in the “not disclosed/blank” category has decreased, which suggests the college’s efforts in addressing the non-declaration rates has been somewhat successful. However, it is still important for the college to continue to address this.

Examine recruitment practices

The previously published report recommended that the College needed to do more to improve their recruitment practices with regards to disability, race/ethnicity, religion/belief and sexual orientation.

Progress:

The Recruitment Working Group continue to evaluate current recruitment practices within the College. As part of this, job adverts have been created in accessible formats that allow individuals to read these using various accessibility software.

The People Services team are also working on providing recruitment guidance for all candidates which outlines the process at each step from shortlisting, interview stage to being appointed and will include what will be involved within each of these stages. This aims to provide a more transparent and inclusive recruitment process at the college.

Actions of the Recruitment Working Group continue to be followed up via with People Services Equalities Action Plan, where progress is monitored by the Human Resources Committee of the board.

Next steps

To address the matters identified in this report, the College will be focussing on the following:

Concentration of women in part-time work

It is still predominately female staff who work part-time in the College (26.4% of headcount in 2023; 24.7% in 2022), with 6.0% of headcount in 2023 being male (5.3% in 2022).

The College should continue to understand why there is such a predominance of women working part-time and whether there are any barriers to progression. The College will use the information collated from the focus groups scheduled in 2024 to determine if there are any actions the College should be taking. This action is also highlighted in the People Services Equalities Action Plan.

Examine recruitment practices

The College will continue to examine its recruitment processes in particular areas such as disability, race/ethnicity, religion/belief and sexual orientation through its Recruitment Working Group.

The Recruitment Working Group will continue to examine recruitment processes with regards to BAME applications, in particular with regards to the percentage of BAME applicants being appointed.

In addition, the Recruitment Working Group will continue its work on creating a more inclusive recruitment process. As part of this, the College will introduce a “reasonable adjustments” form which will allow candidates to request reasonable adjustments prior to the interview stage. The College is also examining its interview processes to ensure they provide a fair and inclusive approach for all during the interview stage, as per the work with the Disability Mentoring Scheme, such as, providing additional time in timed task exercises or ensuring the room is set up appropriately (e.g. do not have the panel with their backs to a window as this can be difficult for those who lip read)

Further actions with regards to recruitment are detailed in the People Services Equalities Action Plan and progress is monitored by the HR Committee of the Board.

The People Services Equalities Action Plan also details that wider training for managers on recruitment and selection is required, to include the suggestions from the Disability Mentoring Scheme outcomes and to avoid any inadvertent bias in the process

Promote Inclusive Practices within the College

The College's Equalities and Wellbeing Committee continues to promote the College's commitment to equality, diversity and inclusive.

The College plans to introduce a Wellbeing & Disability Agreement for all staff, which would be available from induction stage, in order to facilitate a more inclusive environment for all staff. This is scheduled to be implemented in line with our new Wellbeing Strategy in 2024.

The People Services team will also work with other internal departments such as the Students' Association to promote Inclusion days/events across the College in order to promote an inclusive environment for all that work at Nescol.

Appendix

The following email continues to be sent out to staff to encourage the declaration of protected characteristics



Dear Colleague

Could you please take a minute to update your equal opportunities/protected characteristics information on MyView?

You can access your MyView dashboard by logging into COLin and clicking on the My View button on the home page. You will then be prompted for your usual NESCol login and password. Select the “My Details” tab on the left and then “Equal Opportunities Info” (please also see the attached instructions).

Please then check - and update your information where necessary (remembering to ***SUBMIT*** once you have made any changes). Please note that the system will only allow you to select one option for each protected characteristic.

Additional information on what constitutes a disability under the Equality Act is attached for your information.

What are the protected characteristics?

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation.

Pregnancy and maternity is also a protected characteristic, but this information is gathered differently.

Why are we asking you to do this?

The College’s new HR/Payroll system has been updated and we want to ensure that your equal opportunities/protected characteristics information on the system is accurate and up-to-date.

The purpose of this is to help the College to meet its obligations under the Equality Act to:

- eliminate discrimination
- advance equality of opportunity between people from different protected characteristics groups
- foster good relations between people from different protected characteristics groups

What will the College do with equal opportunities/protected characteristics information?

Firstly, we want to reassure you that your information will be treated confidentially and will be used anonymously.

*It is collated data that we will analyse and **not** information about individuals. Information will only be used in a statistical way e.g. out of a headcount of XYZ staff, 44% (256 staff) are male; 67% (388 staff) staff are in a White: Scottish ethnicity category. This will give a picture of equality and diversity across all protected characteristics in the College.*

For example, an analysis of the data may show that the College does not e.g. employ very many part-time male staff. If we know this from our statistics, we can then look into the reasons why. Similarly, if the data showed that e.g. that we did not have many staff in certain ethnicity categories, we would try to understand why that was the case, so that we could take action to address this.

This is why it is important for all staff to check and update their information – otherwise the statistics will not give an accurate picture of equality and diversity across all protected characteristics in the College.

The College values respect and diversity and wants you to share in these values. Checking and updating your information helps us to have the data that we need in order to eliminate discrimination, advance equality of opportunity and foster good relation between people from different protected characteristics groups.

If you have any questions, please do not hesitate to contact People Services at humanresources@nescol.ac.uk

Kind regards

Your People Services Team

The following information was attached to the all-staff email.

Additional Information: Disability

Sometimes people are unsure whether they have an impairment which would come under the category of “disability”. These definitions may help:

Definition of disability (under the Equality Act 2010)

A disability is a physical or mental impairment which has a *long-term* and *substantial* adverse effect on a person’s *ability to carry out normal day-to-day activities*.

Substantial is defined as being more than minor or trivial, eg, it takes much longer than it usually would to complete a daily task, eg, getting dressed.

Long-term means an impairment:

- which has lasted at least 12 months; or
- where the total period for which it lasts, from the time of the first onset, is likely to be at least 12 months; or
- which is likely to last for the rest of the life of the person affected

Conditions which are *treated as a disability* under the Equality Act:

- Cancer
- HIV infection
- Multiple Sclerosis
- If you are certified blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist

There are some physical and mental conditions which ***might*** be treated as a disability under the Equality Act, ***depending on whether they have long-term and substantial effect on your daily life:***

- Problems with your sight or hearing
- Conditions where the effects vary over time or come in episodes, such as osteoarthritis, rheumatoid arthritis, fibromyalgia and ME
- Progressive conditions such as motor neuron disease, muscular dystrophy and forms of dementia
- Conditions which affect certain organs such as heart disease, asthma and strokes
- Learning difficulties such as dyslexia and dyspraxia
- Autistic spectrum disorders
- Mental health conditions e.g. depression, schizophrenia, bipolar affective disorders, eating disorders, obsessive compulsive disorder
- Impairment due to injury to the body or brain

Further information relating to the definition of disability under the Equality Act 2010 is available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/570382/Equality_Act_2010-disability_definition.pdf

If you have a disability, the College would work with Occupational Health, where appropriate, to see if it could make any reasonable adjustments to support you. Please contact People Services at humanresources@nescol.ac.uk if you would like to have a confidential discussion about any disability-related adjustments.