

Datganiad Polisi Tâl

Yn cynnwys Polisi Disgresiwn Cyflogwr y Cynllun
Pensiwn Llywodraeth Leol

2020 – 2021

Mawrth 2020

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1. Cyflwyniad gan yr Arweinydd

1.1 Mae Cyngor Sir Caerfyrddin yn cydnabod y diddordeb sydd gan y cyhoedd yng nghyflog y sector cyhoeddus ac mae wedi ymrwymo i fod yn agored, yn dryloyw ac yn atebol, ac fel Arweinydd, rwyf am sicrhau bod talwyr ein Treth Gyngor yn gallu cyrchu gwybodaeth am sut ydym yn talu pobl.



1.2 Mae'r Cyngor wedi ymrwymo i ymagwedd agored a thryloyw at dâl, a fydd yn galluogi'r trethdalwr lleol i gyrchu ein datganiad polisi tâl yn hwylus, deall a meddu ar farn wybodus ynghylch a yw penderfyniadau lleol ar bob agwedd ar gydnabyddiaeth ariannol yn deg ac yn gwneud y defnydd gorau o gronfeydd cyhoeddus.

1.3 I helpu â hyn, mae gan Gyngor Sir Caerfyrddin Grŵp Ymgynghorol ynghylch Tâl o blith Aelodau trawsbleidiol, sy'n wleidyddol gytbwys. Mae'r Grŵp hwn yn cynghori'r Cyngor ynghylch ei Ddatganiad Polisi Tâl.

1.4 Fel un o'r prif gyflogwyr yn Sir Gaerfyrddin, a'r awdurdod lleol trydydd mwyaf yng Nghymru, uchelgais y Cyngor Sir yw cyfrannu at adeiladu cymuned leol fwy ffyniannus drwy fodelu arferion cyflogaeth da, gan gynnwys sicrhau tegwch yn y ffordd y mae'n talu ac yn gwobrwyd ei weithwyr presennol a gweithwyr y dyfodol.

1.5 Mae'r Cyngor hefyd yn dymuno bod yn ffynhonnell gyflogaeth ddeniadol bosibl i geiswyr swyddi ar draws ei gymuned, ac mae wedi ymrwymo i ddefnyddio ei adnoddau i greu cyfleoedd cyflogaeth ystyrlon â thâl teg i bobl leol.

1.6 Yn ogystal â'n darpariaethau presennol, rydym yn bwriadu gweithio gyda'r Undeb Credyd lleol i gyflwyno cyfleuster cynilo'n uniongyrchol o'r cyflog, er mwyn ei gwneud yn haws i'n gweithwyr gynilo'n rheolaidd gyda chyn lleied o ffwdan â phosibl.

1.7 Unwaith eto mae ein datganiad eleni yn dangos sut ydym yn parhau i sicrhau y gall ein gweithwyr ddisgwyl cael cyflog rhesymol. Mae'n bleser gennyl gadarnhau, yn absenoldeb cytundeb cyflog cenedlaethol nad yw wedi'i gwblhau eto, y bydd Cyflog Byw Gwirioneddol ar ffurf tâl atodol, a fydd yn sicrhau bod y rhai sydd ar y cyflog isaf yn cael yr hyn sy'n gyfwerth â £9.30 yr awr (gan gynnwys lwfansau sefydlog), yn cael ei dalu o 1 Ebrill ymlaen. Golyga hyn na fydd oedi cyn cynyddu cyflog y gweithwyr hyn.

1.8 Rydym wedi ymrwymo i ddarparu gwasanaethau o safon sy'n cynnig gwerth am arian, mewn ffordd sy'n cydbwys o consyrn am ein gweithwyr ar gyflogau is â sicrwydd swyddi a fforddiadwyedd. Rydym yn parhau i ymdrechu i ddarparu

gwasanaethau hanfodol o safon uchel i ddinasyddion Sir Gaerfyrddin mewn hinsawdd ariannol sy'n fwyfwy heriol.

1.9O dan gyfarwyddyd ein Prif Weithredwr, Wendy Walters, mae gwaith yn dal i fynd rhagddo i ganfod ffyrdd pellach o leihau costau, gan gadw dinasyddion wrth wraidd popeth a wnawn ar yr un pryd.

1.10 Yn sgil yr heriau cyllidebol a wynebir gan y Cyngor, mae nifer o fentrau wedi bod yn llwyddiannus, fel tîm TIC (Trawsnewid i wneud Cynnydd) y Cyngor, sy'n defnyddio egwyddorion meddwl trwy systemau diwastraff a phroses aildrefnu, ac sydd wedi ychwanegu gwerth drwy helpu'r Cyngor i arbed dros £19m. Mae llawer i'w wneud o hyd, ac wrth ymgysylltu â staff, Cynghorwyr a'r cyhoedd, byddwn yn awr yn canolbwytio ar wneud arbedion drwy ddadansoddi Gwariant Arferol, mwyhau'r potensial i Greu Incwm, a pharhau i leihau gwastraff, dyblygu a biwrocratiaeth dros y blynnyddoedd nesaf, fel y gallwn ddiogelu ein gwasanaethau rheng flaen.

1.11 Mae'r wybodaeth ganlynol yn amlinellu sail weithredu a sefyllfa gyffredinol y Cyngor o ran cyflogaeth, tâl ac amodau gwasanaeth, ac mae'n berthnasol i ofynion statudol cyfredol y Ddeddf Lleoliaeth a'r Cod Tryloywder.

Y Cynghorydd Emlyn Dole



Arweinydd Cyngor Sir Caerfyrddin

2. Cyflwyniad gan y Prif Weithredwr



- 2.1. Croeso i'n nawfed Datganiad Polisi Tâl sy'n nodi sut rydym yn gwario arian cyhoeddus yn briodol, ac sy'n dangos ein hymrwymiad i fod yn agored ac yn dryloyw ynghylch tâl a lwfansau.
- 2.2. Mae'r polisi tâl hwn yn amlinellu ar ba sail y gall Cyngor Sir Caerfyrddin gystadlu mewn marchnadoedd llafur ar bob lefel ac ar gyfer pob rôl, gan alluogi'r Cyngor i ddenu, cadw, a gwobrwyd pobl yn deg drwy roi iddynt y wybodaeth, y profiad, y sgliliau a'r rhinweddau sy'n hanfodol i ddarparu gwasanaethau'n effeithiol i drigolion, busnesau a rhanddeiliaid eraill yn Sir Gaerfyrddin.
- 2.3. Rydym yn ymwybodol o'n rhwymedigaethau fel cyflogwr cyfartal ac rydym am sicrhau bod pobl yn cael eu trin yn deg a chyda pharch yn holl weithgareddau a phrosesau'r Cyngor. Nod y Cyngor yw bod yn sefydliad sy'n recriwtio ac yn cadw gweithlu amrywiol a medrus o'r gymuned leol a thu hwnt, a'r bwriad yw bod ei ymagwedd at dâl ac amodau ei weithlu yn cefnogi'r amcan hwn.
- 2.4. Dros y 10 mlynedd diwethaf mae'r Cyngor wedi pontio diffyg o £120m yn y gyllideb, ac mae'r toriad mewn cyllid wedi cael ei wneud yn waeth gan y gofyniad i ariannu gwasgfeydd mewn nifer o feysydd gwasanaeth, gan gynnwys gofal cymdeithasol statudol (ar gyfer oedolion a phlant), darparu Gwasanaethau Gwastraff, a'n darpariaeth Gwasanaeth Addysg. O ganlyniad, mae'r swm sydd ar gael ar gyfer pob gwasanaeth arall wedi gostwng mewn termau real dros yr un cyfnod. Hyd yn oed wrth edrych ymlaen at ddyraniad cyllideb arfaethedig 2020/21 gan Lywodraeth Cymru, mae'r Cyngor yn debygol o weld gostyngiad real yn y gyllideb a ddyrennir o achos gwasgfeydd sylweddol ym meysydd Tâl a Phensiwn.
- 2.5. Mae Datganiad Polisi Tâl eleni yn dangos cynnydd parhaus ar faterion tâl, ac yn dilyn ein polisi yn y blynnyddoedd a fu o dalu'r Cyflog Byw Gwirioneddol fel Cyngor, rydym wedi ymrwymo i sicrhau bod ein gweithwyr sydd ar y cyflog isaf yn derbyn yr hyn sy'n cyfateb i hyn o 1 Ebrill, heb orfol aros i drafodaethau tâl gael eu cwblhau.
- 2.6. Croesawaf y ffaith fod y Cyflog Byw a datblygiadau eraill wedi peri i'r lluosrif rhwng cyflog blynnyddol ein gweithiwr Cyngor sydd ar y cyflog isaf a'r Prif Weithredwr, fel cymhareb, ostwng yn sylweddol yn y 12 mis diwethaf, o 1:10.28 i 1:8.52, oherwydd y cynnydd yng nghyflog ein staff sydd ar y cyflog isaf a'r gostyngiad yng nghyflog y Prif Weithredwr. Mae'r arbediad hwn yn ychwanegol at yr arbedion a wnaed yng nghost uwch-reolwyr yn y blynnyddoedd diwethaf, gan gynnwys lleihau nifer y swyddi Prif Swyddogion ynghyd â swyddi cydweithredol a ariennir ar y cyd. Fel Cyngor sydd wedi ymrwymo i dâl teg, croesewir bod ein cymhareb tâl yn sylweddol is na'r cymarebau 9-12:1 a geir mewn mannau eraill.

- 2.7. Yn dilyn trafodaethau gyda'n Panel Ymgynghorol ynghylch y Polisi Tâl, rwyf i, fel Prif Weithredwr (a'r Pennaeth Gwasanaeth Taledig), wedi penderfynu peidio ag ailbenodi Cyfarwyddwr Adfywio, nac ychwaith ail Brif Weithredwr Cynorthwyol, a fydd yn ein helpu ni i leihau cost ein cyflogau uwch ac yn arbed rhyw £300k i'r Cyngor.
- 2.8. Yn ogystal â hynny, parhawn i roi cyfle i'n gweithlu fanteisio ar nifer o fuddiannau fel prynu gwyliau blynnyddol ychwanegol a gweithio ystwyth, sy'n rhoi i weithwyr hyblygrwydd y mae mawr ei angen arnynt, yn ogystal â'n cynorthwyo ni i reoli'r beichiau ariannol parhaus a wynebwn wrth gydbwysedd ein cyllideb, a thrwy hynny ein galluogi i ddiogelu swyddi a gwasanaethau hanfodol, sy'n un o'm prif flaenoriaethau.

Wendy Walters



Y Prif Weithredwr - Cyngor Sir Caerfyrddin

3. Pwrpas

3.1. Pwrpas y datganiad yw bod yn dryloyw ynghylch ymagwedd y Cyngor at bennu cyflog ei weithwyr (ac eithrio'r Athrawon sy'n gweithio yn ysgolion yr awdurdod lleol), trwy nodi sut mae cyflogau'r holl weithwyr yn cael eu pennu. Mae hyn yn gofyn bod Awdurdodau Lleol Cymru a Lloegr yn cynhyrchu ac yn cyhoeddi Datganiad Polisi Tâl ar gyfer pob blwyddyn ariannol, gan fanylu ar y canlynol:

- Polisiau'r Cyngor ar gyfer pob agwedd ac elfen o gydnabyddiaeth ariannol ei Swyddogion a'i Brif Swyddogion, sydd wedi eu cynnwys yn Atodiadau A i L o'r Datganiad Polisi Tâl hwn;
- Yr ymagwedd at gyhoeddi a sicrhau mynediad at wybodaeth ynghylch pob agwedd ar gydnabyddiaeth ariannol i Brif Swyddogion;
- Polisi'r Cyngor ar gydnabyddiaeth ariannol i'w weithwyr sy'n cael y cyflogau isaf;
- Y berthynas rhwng y gydnabyddiaeth ariannol a roddir i'w Brif Swyddogion ac i weithwyr eraill.

3.2. Hwn yw nawfed Datganiad Polisi Tâl Cyngor Sir Caerfyrddin ac mae'n cwmpasu'r cyfnod rhwng 1 Ebrill 2020 a 31 Mawrth 2021.

3.3. Ar ôl cael ei gymeradwyo gan y Cyngor llawn, bydd y datganiad polisi hwn yn disodli Datganiad Polisi Tâl 2019/2020, ac yn destun adolygiad yn unol â'r ddeddfwriaeth berthnasol sydd mewn grym ar y pryd.

4. Y Fframwaith Deddfwriaethol

4.1. O dan Adran 112 o Ddeddf Llywodraeth Leol 1972, mae gan y Cyngor "rym i benodi swyddogion ar sail telerau ac amodau rhesymol y mae'r Awdurdod yn barnu eu bod yn addas". Mae'r Datganiad Polisi Tâl hwn (y 'datganiad') yn cyflwyno ymagwedd y Cyngor at dâl, yn unol â gofynion Adran 38 o Ddeddf Lleoliaeth 2011. Mae'n ystyried Canllawiau Statudol "Atebolrwydd am Daliadau Llywodraeth Leol yng Nghymru" a gyhoeddwyd gan Lywodraeth Cymru ym mis Mai 2017, sy'n cymryd i ystyriaeth Ganllawiau Comisiwn Staff y Gwasanaethau Cyhoeddus, a gyhoeddwyd ym mis Rhagfyr 2016.

4.2. O dan Adran 39 o'r Ddeddf Lleoliaeth, rhaid i'r Datganiad Polisi Tâl gael ei gymeradwyo drwy benderfyniad gan yr Awdurdod cyn ei fod yn dod i rym, a'i gymeradwyo cyn 31 Mawrth yn union cyn y flwyddyn ariannol y mae'n berthnasol iddi.

4.3. Wrth bennu tâl a chydnabyddiaeth ariannol ei holl weithwyr, bydd y Cyngor yn cydymffurfio â'r holl ddeddfwriaeth gyflogaeth berthnasol. Mae hyn yn cynnwys Deddf Cydraddoldeb 2010, Rheoliadau Gwaith Rhan-amser (Atal Triniaeth Lai

Ffafriol) 2000, Rheoliadau Gweithwyr Asiantaeth 2010 a, lle bo'n berthnasol, Rheoliadau Trosglwyddo Ymgynneriadau (Diogelu Enillion). O ran y gofynion Cyflog Cyfartal a geir yn y Ddeddf Cydraddoldeb, nod y Cyngor yw sicrhau nad oes gwahaniaethu o ran tâl o fewn ei strwythurau tâl, a bod modd cyfiawnhau'r gwahaniaethau tâl yn wrthrychol trwy systemau Gwerthuso Swyddi a wiriwyd o ran cydraddoldeb, fel bod cyflogau yn cael eu cysylltu'n uniongyrchol â gofynion, galwadau a chyfrifoldebau'r rôl.

- 4.4. Yn unol â Rheoliadau Deddf Cydraddoldeb 2010 (Dyletswyddau Penodol ac Awdurdodau Cyhoeddus) 2017, mae'r Awdurdod hefyd yn cynnal archwiliad cyflog cyfartal ac mae'r adroddiad yn cael ei gyhoeddi ar ein gwefan: <https://www.sirgar.llyw.cymru/cartref/cyngor-a-democratiaeth/cydraddoldeb-ac-amrywiaeth/>

5. Cwmpas y Polisi Tâl

- 5.1. Mae Deddf Lleoliaeth 2011 yn gofyn bod awdurdodau lleol yn datblygu ac yn cyhoeddi eu Polisi Tâl ar bob agwedd ar y gydnabyddiaeth ariannol a roddir i Brif Swyddogion (gan gynnwys pan fydd eu cyfnod mewn swydd yn dod i ben), a hefyd yng nghyswllt y rhai "sy'n derbyn y cyflogau isaf" yn y Cyngor, gan egluro eu Polisi ar y berthynas rhwng y gydnabyddiaeth ariannol a roddir i Brif Swyddogion ac i grwpiau eraill.
- 5.2. Nid yw'r darpariaethau yn Neddf Lleoliaeth 2011 sy'n ymwneud â datganiadau Polisi Tâl yn berthnasol ond i weithwyr a benodir ac a reolir yn uniongyrchol gan y Cyngor. Nid oes rhaid, felly, i weithwyr a benodir ac a reolir gan Benaethiaid Ysgol/Gyrff Llywodraethu, gael eu cynnwys yng nghwmpas datganiadau Polisi Tâl. Mae hyn yn adlewyrchu'r sefyllfa unigryw o ran deddfwriaeth gyflogaeth sy'n golygu bod gweithwyr ysgol yn cael eu cyflogi gan yr awdurdod lleol, ond bod penderfyniadau yngylch penodi a rheoli'r cyfryw weithwyr yn cael eu gwneud yn bennaf gan benaethiaid ysgolion/gyrff llywodraethu, fel sy'n briodol. Fodd bynnag, mae pob Corff Llywodraethu yn Sir Gaerfyrddin (gan gynnwys Ysgolion Gwirfoddol a Gynorthwyir) wedi cytuno'n ffurfiol i fabwysiadu'r strwythur tâl a'r amodau a thelerau cyflogaeth cysylltiedig ar gyfer yr holl staff 'llyfr gwyrdd' a gyflogir yn lleol. Cyflogir athrawon yn unol â'r Cyflog a'r Amodau i Athrawon y cytunir arnynt yn genedlaethol.
- 5.3. Er sicrhau cysondeb, nid yw'r data cysylltiedig â thâl a gyflwynir yn y datganiad Polisi Tâl hwn yn cynnwys data ar gyfer gweithwyr sy'n cael eu penodi a'u rheoli gan benaethiaid ysgolion/gyrff llywodraethu.
- 5.4. Mae'r ddogfen hon hefyd yn cynnwys Polisi Disgresiwn Cyflogwr Cynllun Pensiwn Llywodraeth Leol y Cyngor, y mae'n ofynnol i'r Cyngor ei lunio. Nid yw'r Polisi wedi newid, ac er hwylustod mae wedi'i atodi fel Atodiad G.

6. Telerau ac Amodau Cyflogaeth

6.1. Mae'r Cyngor yn cyflogi tua 8,697 o weithwyr. Mae eu cyflogaeth yn cael ei chwmpasu gan ystod o delerau ac amodau sy'n deillio o:

- Y Cyd-gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol (Llyfr Gwyddonol)
- Y Cyd-gyngor Cenedlaethol (JNC) ar gyfer Prif Weithredwyr
- Y Cyd-gyngor Cenedlaethol (JNC) ar gyfer Prif Swyddogion
- Pwyllgor Soulbury
- Cyflog ac Amodau Athrawon Ysgol

6.2. Darperir y canlynol ar ffurf Atodiadau i'r polisi hwn:

- Graddau Cyflog Cyngor Sir Caerfyrddin - Gweithwyr Gwasanaethau Llywodraeth Leol (Atodiad A)
- Graddau Cyflog JNC Prif Weithredwr a Phrif Swyddogion Cyngor Sir Caerfyrddin (Atodiad B)
- Rheolau Gweithdrefn Cyflogi Swyddogion (Atodiad C)
- Graddau Cyflog Cenedlaethol - Soulbury (Atodiad D)
- Gweithwyr Gwasanaethau Llywodraeth Leol - Cynlluniau Dyletswyddau Ychwanegol ac Honoraria (Atodiad E)
- Cynllun Taliadau Marchnad Atodol (Atodiad F)
- Polisi Disgresiwn Cyflogwr y Cynllun Pensiwn Llywodraeth Leol (Atodiad G)
- Cynllun Terfynu Cyflogaeth (Atodiad H)
- Polisi Ymddeoliad Hyblyg (Atodiad I)
- Amodau Gwasanaeth Prif Weithredwyr Awdurdod Lleol JNC (Atodiad J)
- Amodau Gwasanaeth Prif Swyddogion Awdurdod Lleol JNC (Atodiad K)
- Sampl o Ddatganiad Manylion Ysgrifenedig (Atodiad L)

6.3. Mae manylion ynghylch niferoedd staff fesul band tâl a rhywedd wedi eu cynnwys yn yr Adroddiad Cydraddoldebau/Archwiliad Cyflog Cyfartal a gyhoeddir ar wahân.

6.4. Codiadau Cyflog Cenedlaethol

6.4.1. Ar gyfer pob grŵp o weithwyr, bydd unrhyw godiadau cyflog y cytunir arnynt yn genedlaethol, a drafodir gan gyflogwyr llywodraeth leol ar y cyd â'r undebau llafur cydnabyddedig, yn cael eu gweithredu, gan gynnwys Prif Swyddogion a'r Prif Weithredwr. Bydd y Cyngor yn talu'r codiadau cyflog hyn y cytunir arnynt yn genedlaethol pan benderfynir arnynt, oni bai bod y Cyngor llawn yn penderfynu fel arall.

6.4.2. Cyn y trafodaethau Cyflog Cenedlaethol, bydd y Cyngor yn sicrhau bod ei weithwyr sydd ar y cyflogau isaf yn parhau i dderbyn yr hyn sy'n cyfateb i'r Cyflog Byw Gwirioneddol, sef £9.30 yr awr drwy dalu tâl atodol o 1 Ebrill 2020. Addasir hyn pan gaiff canlyniad y trafodaethau cyflog eu cadarnhau.

6.4.3. Wrth gyfrif cyfraddau y Cyflog Byw Gwirioneddol, ystyrir yr holl dâl yn cynnwys lwfansau megis tâl atodol gweithio ar y penwythnos a lwfans yn ystod y tymor y Cyngor, felly mae llawer o'n staff sy'n cael y cyflogau isaf yn derbyn cyfanswm cyflog sy'n uwch na chyfraddau y Cyflog Byw Gwirioneddol.

6.5. Gwerthuso Swyddi

6.5.1. Mae gwerthuso swyddi yn ffordd systematig o benderfynu ar werth swydd o gymharu â swyddi eraill mewn sefydliad. Y nod yw gwneud cymhariaeth systematig rhwng swyddi i asesu eu gwerth cymharol, at ddibenion sefydlu strwythur cyflogau rhesymol a chyflog cyfartal rhwng swyddi. Cwblhaodd y Cyngor ymarfer gwerthuso swyddi yn 2010/2011 mewn perthynas â swyddi oedd yn destun amodau gwasanaeth gweithwyr y Cyd-gyngor Cenedlaethol. Mae'r strwythur graddio, yr ymgynghorwyd arno gyda'r undebau llafur cydnabyddedig ac sy'n seiliedig ar ganlyniad yr ymarfer gwerthuso swyddi, wedi bod ar waith ers 2011/12 a'r unig newid a wnaed iddo oedd ychwanegu Gradd O yn 2016/17.

6.5.2. Mae'r Cyngor yn defnyddio Cynllun y GLPC i werthuso holl swyddi'r Cyd-gyngor Cenedlaethol. Mae hwn yn gynllun cydnabyddedig ym myd llywodraeth leol a chafodd ei ddatblygu ar y cyd â'r undebau llafur.

6.5.3. Mae pob swydd NJC yn cael gradd sy'n mapio draw i strwythur cyflogau'r Cyngor, sy'n cael ei seilio ar y golofn gyflogau a gyd-drafodir yn genedlaethol. Y golofn hon sy'n pennu cyflogau mwyafrif helaeth gweithlu'r Cyngor nad ydynt yn staff addysgu.

6.5.4. Mae'r strwythur cyflogau a graddau yn seiliedig ar golofn gyflogau'r Cyd-gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol a gytunwyd yn genedlaethol, fel y'i diwygiwyd yn ystod 2019.

6.5.5. Mae'r holl delerau ac amodau eraill cysylltiedig â thâl yn destun trefniadau a drafodir yn genedlaethol a/neu'n lleol ac yn cael eu cyfeirio i'r Bwrdd Gweithredol a/neu'r Cyngor Llawn fel y bo'n briodol.

6.5.6. Cafodd gradd (O) yr uwch-reolwyr ei chyflwyno yn ystod 2016/17 i fynd i'r afael â'r gwahaniaeth rhwng brig y strwythur graddau hwn y cytunwyd arno'n lleol a gwaelod graddfeydd cyflog Prif Swyddogion y JNC. Mae hyn

yn rhoi mwy o hyblygrwydd i'r Awdurdod o ran ailbennu cyfrifoldebau yn dilyn lleihau nifer y swyddi fel Penaethiaid Gwasanaeth. Y bwriad yw pennu nifer fach o swyddi ar y radd hon. Rhaid i'r Prif Weithredwr gytuno ar unrhyw gynnig i bennu Gradd O ar gyfer unrhyw swydd ac awdurdodi hynny drwy'r Prif Weithredwr Cynorthwyol.

6.6. Cyflogau Cychwynnol

- 6.6.1. Arfer y Cyngor yw bod pob penodiad i swyddi gyda'r Cyngor yn cael ei wneud ar waelod y radd gyflog berthnasol, er bod modd amrywio hyn lle gellir cyfiawnhau hynny.
- 6.6.2. Yn gyffredinol, bydd pob gweithiwr newydd yn dechrau ar waelod y raddfa gyflog. Bydd Panel Penodi 'A' (ar gyfer Cyfarwyddwyr Corfforaethol) yn penderfynu ar gyflog cychwynnol y Cyfarwyddwyr a bydd Panel 'B' (ar gyfer Penaethiaid Gwasanaeth) yn penderfynu ar gyflog cychwynnol y Penaethiaid Gwasanaeth o fewn y graddfeydd cyflogau y cytunwyd arnynt.

6.7. Amodau a Thelerau eraill cysylltiedig â Thâl

- 6.7.1. Mae'r holl lwfansau eraill cysylltiedig â thâl yn destun cytundebau a drafodir yn genedlaethol a/neu'n lleol.
- 6.7.2. Mae'r telerau ac amodau cyflogaeth sy'n ymwneud â gwyliau blynnyddol, oriau gwaith, taliadau goramser, trefniadau gweithio ar y penwythnos a thâl salwch ar gyfer pob grŵp o weithwyr (ac eithrio staff addysgu) wedi'u nodi yn ein polisiau Rheoli Pobl perthnasol.
- 6.7.3. Ar 17 Chwefror 2020, llofnodwyd cytundeb ar y cyd gan yr undebau llafur i gyflwyno Taliad Cadw Cynnal a Chadw dros y Gaeaf o £120 yr wythnos a Lwfans Cynnal a Chadw dros y Gaeaf sy'n cyfateb i SCP23, yn lle'r darpariaethau goramser arferol. Bydd hyn yn cydnabod y dyletswyddau a gyflawnir y tu hwnt i oriau arferol ar sail rota, gan sicrhau trwy hynny barhad gwasanaeth graeanu'r gaeaf yn ystod tywydd gwael.

6.8. Taliadau Dyletswyddau Uwch ac Honoraria

- 6.8.1. Gall fod adegau pryd y gofynnir i weithiwr gyflawni dyletswyddau sy'n cynnwys mwy o gyfrifoldeb na'i swydd barhaol, am gyfnod o amser, neu gyflawni 'dyletswyddau uwch' mewn swydd uwch o fewn y Cyngor, sy'n cwmpasu'r ystod lawn o ddyletswyddau sydd ynghlwm wrth y swydd uwch. O dan amgylchiadau felly gellir gwneud taliad ychwanegol yn unol â pholisi'r Cyngor ynghylch taliadau am ddyletswyddau uwch neu honoraria. Gellir gweld y cynlluniau yn Atodiad F.

6.8.2. Rhaid i'r Prif Weithredwr gymeradwyo unrhyw daliadau dyletswyddau uwch neu honoraria a gynigir ar gyfer Prif Swyddogion, neu, lle y byddai'r taliadau dyletswyddau uwch neu honoraria yn golygu bod cyfanswm y pecyn tâl yn fwy na £100,000, rhaid ceisio cymeradwyaeth gan y Cyngor llawn mewn ymgynghoriad â Phanel Annibynnol Cymru ar Gydnabyddiaeth Ariannol.

6.8.3. Bydd taliadau honoraria ond yn berthnasol i sefyllfaoedd o fwy na phedair wythnos o hyd, ac fel arfer byddant ar gyfer y cyfnod hiraf posibl o hyd at 12 mis ac yn destun adolygiad bob tri mis oni bai y cytunir fel arall.

6.9. Cynllun Taliadau Marchnad Atodol

6.9.1. Mae defnyddio gwerthuso swyddi yn galluogi'r Cyngor i bennu lefelau cydnabyddiaeth ariannol priodol ar sail y berthynas rhwng meintiau swyddi mewnol a geir yn y Cyngor. Fodd bynnag, o dan amgylchiadau eithriadol, gall fod angen rhoi sylw i'r farchnad daliadau allanol er mwyn denu a chadw gweithwyr trwy gyflog cystadleuol lle mae'r profiad, y sgiliau a'r galluoedd yn brin.

6.9.2. Mae'r Cyngor wedi cyflwyno Cynllun Taliadau Marchnad Atodol er mwyn sicrhau bod y rheidwydd i gynnig unrhyw daliadau marchnad atodol yn cael ei gyfiawnhau'n wrthrychol trwy gyfeirio at dystiolaeth glir, dryloyw o elfennau cymaradwy yn y farchnad, gan ddefnyddio ffynonellau data priodol. Polisi'r Cyngor yw bod unrhyw daliadau ychwanegol o'r fath yn cael eu cyfyngu gymaint â phosibl, ac yn cael eu hadolygu'n rheolaidd er mwyn medru eu tynnu'n ôl lle bernir nad oes eu hangen bellach. Mae'r egwyddorion sy'n sail ar gyfer y Cynllun Taliadau Marchnad Atodol hwn yr un mor berthnasol i bob grŵp arall o weithwyr o fewn y Cyngor, a gellir eu rhoi ar waith yn unol â hynny.

6.9.3. Ar hyn o bryd mae'r Cyngor yn talu'r taliadau marchnad atodol canlynol i gydnabod yr anawsterau dybryd mae'r gwasanaeth yn eu hwynebu o ran recriwtio a chadw:

- Ymarferwyr lechyd Meddwl Cymeradwy – lwfans o £1000 y flwyddyn ar gyfer 33 sesiwn ar rota dydd a lwfans o £1500 y flwyddyn ar gyfer 24 sesiwn ar rota tu allan i oriau.

6.10. Cynllun Pensiwn Llywodraeth Leol

6.10.1. Cyhyd ag y bodlonir rhai amodau cymhwys, mae gan weithwyr hawl i ymuno â'r Cynllun Pensiwn Llywodraeth Leol (neu'r Cynllun Pensiwn Athrawon, lle bo hynny'n berthnasol) ac maent wedi'u cofrestru'n gontactiol i'r Cynllun. Mae'r Awdurdod yn gweithredu oddi mewn i'r fframwaith cofrestru awtomatig a gyflwynwyd yn Rheoliadau Cynlluniau Pensiwn Galwedigaethol a Phersonol (Cofrestru Awomatig) 2010.

6.10.2. Ar hyn o bryd mae cyfraddau cyfrannu'r gweithiwr, a ddiffinnir drwy statud, yn amrywio o 5.5% i 12.5% o'r tâl pensiynadwy gwirioneddol, yn dibynnu ar y lefelau cyflog cyfwerth amser llawn. Mae cyfradd cyfrannu'r cyflogwr yn cael ei phennu gan actiwarïaid sy'n cynghori Cynllun Pensiwn Llywodraeth Leol Dyfed, ac mae'n cael ei hadolygu bob tair blynedd er mwyn sicrhau bod y gronfa'n cael ei chyllido'n briodol. Cyfradd gyfrannu y cyflogwr yw 18%.

6.10.3. Mae gweithwyr sy'n aelodau gweithredol o'r Cynllun Pensiwn Llywodraeth Leol yn cael cyfle i ymuno â chynllun rhannu cost Cyfraniadau Gwirfoddol Ychwanegol (ildio cyflog) sy'n helpu gweithwyr sydd am gynyddu buddion pensiwn ar ôl ymddeol drwy gyfrannu at Gynllun Cyfraniadau Gwirfoddol Ychwanegol y Cynllun Pensiwn Llywodraeth Leol.

6.11. Manteision eraill i Weithwyr

6.11.1. Mae'r Cyngor yn gyfrifol am gefnogi iechyd, diogelwch, llesiant a lles ei weithwyr er mwyn sicrhau eu bod yn gallu perfformio ar eu gorau. Fel rhan o'r ymagwedd hon, ac yn yr un modd â chyflogwyr mawr eraill, mae gan y Cyngor nifer fach o fanteision megis ad-dalu profion llygaid ar gyfer defnyddwyr offer sgrin arddangos yn y gwaith, talebau gofal plant drwy gynllun ildio cyflog (gan fod y Llywodraeth wedi dod â chynlluniau o'r fath i ben, mae'r fantais hon dim ond ar gael yn awr i'r rhai a ymunodd â'r cynllun cyn mis Hydref 2018) a'r Cynllun Beicio i'r Gwaith.

6.11.2. Dyfarnwyd y Safon Iechyd Corfforaethol Platinwm i'r Cyngor ym mis Chwefror 2020 oherwydd y gwaith mae'n ei wneud i gefnogi iechyd a llesiant ein staff. Ni yw'r unig Gyngor yng Nghymru i ddal y wobr hon ac rydym wedi gwneud hynny'n ddi-dor ers 2009.

6.11.3. Rydym yn cefnogi mentrau Iechyd a Llesiant ac wedi buddsoddi mewn Cydgysylltwyr Iechyd a Llesiant sy'n gweithio ar draws yr Awdurdod i hyrwyddo dewisiadau byw'n iach, megis annog

gweithgarwch, gwella diet, rhoi cyngor, cymell a darparu addysg iechyd i'r holl staff.

6.11.4. Rydym wedi recriwtio tîm o Hyrwyddwyr lechyd a Llesiant adrannol gwirfoddol sy'n gweithio gyda chydweithwyr i gynyddu ymwybyddiaeth o bynciau iechyd allweddol ac i gefnogi mentrau a digwyddiadau iechyd.

6.11.5. Mae tîm mewnol o arbenigwyr meddygol o fewn ein Canolfan lechyd Galwedigaethol yn rhoi cyngor i gefnogi iechyd meddwl a chorfforol cadarnhaol, ac fel awdurdod rydym wedi ail-arwyddo'r adduned 'Amser i Newid' yn ddiweddar i helpu i wella agweddau ac ymddygiad y cyhoedd tuag at bobl â phroblemau iechyd meddwl a lleihau'r stigma y mae pobl â phroblemau iechyd meddwl yn ei ddioddef yn eu perthnasoedd personol, bywydau cymdeithasol ac yn y gwaith.

6.11.6. Yn ogystal, rydym wedi sicrhau cyllid i ddarparu hyfforddiant lechyd Meddwl pwrpasol i'n rheolwyr a sesiynau cynyddu ymwybyddiaeth cyffredinol ar gyfer pob aelod o staff.

7. Gwneud Penderfyniadau yn cynnwys Ystyried Gwerth am Arian

7.1. Mae'r Cyngor wedi cytuno i sefydlu Panel Ymgynghorol ynghylch Polisi Tâl, a fydd yn wleidyddol gytbwys, i ystyried Polisi Tâl y Cyngor cyn ei gyflwyno i'r Cyngor Sir i'w gymeradwyo.

7.2. Mae Deddf Llywodraeth Leol a Thai 1989 yn nodi:

- (1) Y bydd dyletswydd ar bob awdurdod perthnasol i —
 - (a) dynodi un o'i swyddogion yn bennaeth ei wasanaeth taledig; a
 - (b) darparu i'r swyddog hwnnw y staff, y llety a'r adnoddau eraill sydd, yn ei farn ef, yn ddigon i ganiatáu i'w ddyletswyddau o dan yr adran hon gael eu cyflawni.
 - (2) Y bydd dyletswydd ar bennaeth gwasanaeth taledig awdurdod perthnasol, os yw'n¹ ystyried ei bod yn briodol gwneud hynny mewn perthynas ag unrhyw gynigion ganddo/ganddi ynghylch unrhyw un o'r materion a bennir yn is-adran
 - (3) isod, i baratoi adroddiad i'r awdurdod yn pennu'r cynigion.
- (3) Y materion hynny yw —

¹Mae'r cyfeiriad ato ef/hi wedi ei godi'n uniongyrchol o'r ddeddfwriaeth ac ni fwriedir i hynny fod yn hollgynhwysol

- (a) y modd y cydlynir sut mae'r awdurdod yn cyflawni ei swyddogaethau gwahanol;
- (b) nifer a graddau'r staff sy'n ofynnol gan yr awdurdod er mwyn cyflawni ei swyddogaethau;
- (c) trefniadaeth staff yr awdurdod; a
- (d) penodi staff yr awdurdod a'u rheoli'n briodol.

(4) Y bydd dyletswydd ar bennaeth gwasanaeth taledig awdurdod perthnasol, cyn gynted ag y bo'n ymarferol ar ôl iddo/iddi baratoi adroddiad o dan yr adran hon, i drefnu bod copi ohono'n cael ei anfon at bob aelod o'r awdurdod.

(5) Y bydd dyletswydd ar awdurdod perthnasol i ystyried unrhyw adroddiad o dan yr adran hon gan bennaeth ei wasanaeth taledig mewn cyfarfod a gynhelir dim mwy na thri mis ar ôl i gopïau o'r adroddiad gael eu hanfon gyntaf at aelodau'r awdurdod; ac ni fydd dim yn adran 101 o M1 Deddf Llywodraeth Leol 1972 nac yn adran 56 o [F1, neu Atodlen 10 neu 20 i,] M2 Deddf Llywodraeth Leol (yr Alban) 1973 (dirprwyo) yn berthnasol i'r ddyletswydd a osodir yn rhinwedd yr is-adran hon.

(6) O dan Reoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) (Diwygio) 2014, mae'n rhaid i unrhyw benderfyniad i bennu neu amrywio cydnabyddiaeth ariannol y rhai sydd i'w penodi'n Brif Swyddogion, sydd â chyflog o £100,000 neu'n fwy, gael ei gyfeirio i Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol a'i gadarnhau gan y Cyngor llawn.

7.3. Ers 2002, mae'r Cyngor wedi lleihau nifer y swyddi uwch - gweler paragraff 8.2. Bu'n bosibl cyflawni'r uchod drwy adolygu a chyfuno rolau a chyfrifoldebau er mwyn cael gwerth am arian.

7.4. Mae'r egwyddor hon yn berthnasol i bob swydd ddaw'n wag neu drwy ailstrwythuro os yw'n briodol, i sicrhau bod y gwasanaeth yn gallu cael ei ddarparu mor effeithiol a chost-effeithlon â phosibl.

8. Trefniadau Cyd-fargeinio gyda'r Undebau Llafur

8.1. Mae'r undebau llafur canlynol yn rhan o'r gwead cenedlaethol ar gyfer bargeinio ynghylch tâl a thelerau ac amodau:

NJC ar gyfer Gwasanaethau Llywodraeth Leol

UNSAIN

GMB

UNITE

JNC ar gyfer Prif Swyddogion

UNSAIN

GMB

Pwyllgor Soulbury

Cymdeithas Seicolegwyr Addysg

PROSPECT

NEU

Athrawon

Cymdeithas Genedlaethol y Prifathrawon

Cymdeithas Genedlaethol yr Ysgolfeistri ac Undeb yr Athrawesau

NEU

UCAC

Cymdeithas Arweinwyr Ysgolion a Cholegau

8.2. Mae cydnabyddiaeth undebau llafur at ddibenion ymgynghori a thrafod ar y cyd mewn perthynas â materion perthnasol, nad ydynt yn cael eu pennu gan gyrff trafod cenedlaethol, y mae'r ddwy ochr yn cytuno ei bod yn briodol ac yn fuddiol penderfynu arnynt trwy gytundeb. Cynhelir trafodaethau gyda'r nod o ddod i gytundeb ac osgoi anghydfodau. Hefyd mae cydnabyddiaeth yn ymwneud â chynrychiolaeth ar sail aelodau unigol o undeb llafur.

9. Cydnabyddiaeth Ariannol Uwch-reolwyr

9.1. Y Prif Weithredwr

9.1.1. Penodwyd Wendy Walters yn Brif Weithredwr Cyngor Sir Caerfyrddin ym mis Mehefin 2019 ar ôl 16 mlynedd o wasanaeth gyda'r Awdurdod. Mae Mrs Walters wedi gwasanaethu'r Cyngor yn flaenorol fel Cyfarwyddwr Adfywio a Pholisi, Prif Weithredwr Cynorthwyol a Phennaeth Datblygu Economaidd, yn ogystal â swyddi uwch-reolwr eraill. Cyn ymuno â'r Cyngor, bu'n gweithio yn y sectorau preifat a gwirfoddol.

9.1.2. Mae Mrs Walters wedi'i geni a'i magu yn Sir Gaerfyrddin ac wedi treulio llawer iawn o'i bywyd yn byw yno, ac mae hi'n siarad Cymraeg yn rhugl.

- 9.1.3. Fel Prif Weithredwr, Mrs Walters sydd â'r cyfrifoldeb cyffredinol am gyflawni blaenoriaethau corfforaethol a phartneriaeth allweddol y Cyngor fel y'u nodir yn y Strategaeth Gorfforaethol (2018 –2023), gweithio gydag Aelodau Etholedig a darparu arweinyddiaeth, cyngor a chyfeiriad strategol i'r Cyngor wrth gyflawni ei weledigaeth.
- 9.1.4. Mrs Walters sy'n arwain y Tîm Rheoli Corfforaethol ac mae hi'n cyflawni rhwymedigaethau statudol yr Awdurdod fel Pennaeth y Gwasanaeth Taledig, yn ogystal â bod yn brif ymgynghorydd polisi'r Cyngor.
- 9.1.5. Mae ganddi rôl allweddol mewn sawl menter gydweithredol ranbarthol, o ran sicrhau a gweithredu rhaglenni'r UE a rhaglenni cyllid allanol, ynghyd â datblygiadau adfywio gwerth miliynau o bunnoedd ar gyfer Sir Gaerfyrddin. Mae ei rôl hefyd yn cynnwys bod yn Glerc i'r Rhaglawiaeth, yn Swyddog Priodol ar gyfer y Gwasanaeth Crwner, ac yn Swyddog Canlyniadau ar gyfer etholiadau Seneddol, y Cynulliad Cenedlaethol, y Cyngor Sir ac etholiadau eraill.
- 9.1.6. Fel Prif Weithredwr, mae Mrs Walters yn gweithio o fewn yr amodau gwasanaeth cenedlaethol a gwmpesir gan y JNC ar gyfer Prif Weithredwyr. Cwmpesir y pedair swydd Cyfarwyddwr Corfforaethol gan y JNC ar gyfer Prif Swyddogion. Ynghyd â'r Pennaeth Gweinyddiaeth a'r Gyfraith (Swyddog Monitro) a'r Prif Weithredwr Cynorthwyol (Rheoli Pobl) mae'r swyddi hyn yn ffurio Tîm Rheoli Corfforaethol y Cyngor.
- 9.1.7. Mae gan y Prif Weithredwr reolaeth gorfforaethol a chyfrifoldeb gweithredol cyffredinol dros yr holl staff ac mae'n sicrhau y rhoddir cyngor diduedd a phroffesiynol yn y broses o wneud penderfyniadau i'r Bwrdd Gweithredol, y Pwyllgorau Craffu, y Cyngor llawn a phwyllgorau eraill. Hefyd mae'n ofynnol i'r Prif Weithredwr gynrychioli'r Awdurdod ar bartneriaethau a chyrrf allanol (fel sy'n ofynnol drwy statud neu'r Cyngor) ac mae'n darparu'r gwasanaethau hyn ar sail wleidyddol niwtral. Y Prif Weithredwr yw'r uwch-swyddog sy'n arwain y Cyngor ac yn gyfrifol amdano.
- 9.1.8. Mae'r Cyngor yn sefydliad mawr sydd â gwariant refeniw blynnyddol wedi'i gyllidebu o fwy na £500m a rhaglen buddsoddi cyfalaf 5 mlynedd o fwy na £250m, ac sy'n darparu ystod eang ac amrywiol o wasanaethau y mae pobl y Sir yn dibynnu arnynt. Er mwyn ymateb i'r gostyngiadau parhaus mewn gwariant ar wasanaethau cyhoeddus, mae'n ofynnol i awdurdodau newid yn sylweddol y ffordd maent yn rheoli eu gwasanaethau. Mae'r Cyngor hefyd yn gwario dros £60m y flwyddyn yn gweithredu ac yn gwella ei stoc dai.

9.1.9. Mae'r rôl y Prif Weithredwr yn un amser llawn a pharhaol, a dewisir deiliad y swydd ar sail teilyngdod, gan ystyried meinu prawf gwrthrychol, yn dilyn hysbyseb gyhoeddus. Penodir y Prif Weithredwr gan y Cyngor llawn.

9.1.10. Cyflog y Prif Weithredwr presennol fel Pennaeth y Gwasanaeth Taledig o 1 Ebrill 2019 yw £147,900.

9.1.11. Mae dyletswydd statudol ar y Cyngor i benodi Swyddog Canlyniadau ar gyfer Etholiadau a Refferenda penodedig. Y Prif Weithredwr sy'n ymgymryd â'r rôl hon. Y Swyddog Canlyniadau sydd â chyfrifoldeb personol am ystod eang o swyddogaethau mewn perthynas â chynnal Etholiadau a Refferenda, ac fe'i telir am gyflawni'r swyddogaethau hyn yn unol â'r ffioedd rhagnodedig.

9.1.12. Cytunwyd ar y ffioedd ar gyfer etholiadau lleol gan y Pwyllgor Polisi ac Adolygu ym mis Ebrill 1999. Mae'r ffioedd ar gyfer etholiadau heblaw rhai lleol yn cael eu pennu a'u had-dalu gan Swyddfa'r Cabinet neu Lywodraeth Cymru, nad oes gan y Cyngor awdurdodaeth drostynt.

9.1.13. Caiff treuliau mewn perthynas â milltiroedd a deithir mewn car, trafnidiaeth gyhoeddus, llety a pharcio dros nos ac ati eu had-dalu yn unol â Pholisi Teithio a Chynhaliaeth y Cyngor.

9.1.14. Mae'r Prif Weithredwr yn aelod gweithredol o'r Cynllun Pensiwn Llywodraeth Leol, fel y manylir yn Natganiad Cyfrifon cyhoeddedig yr Awdurdod. Nid oes unrhyw godiadau neu ychwanegiadau wedi bod i'r pensiwn y tu hwnt i'r trefniadau safonol.

9.1.15. Cyhoeddir manylion cyflog y Prif Weithredwr, gan gynnwys unrhyw daliadau ychwanegol, yn y Datganiad Cyfrifon. Cyhoeddir y ddogfen hon ar wahân.

9.2. Prif Swyddogion – Staff Uwch

9.2.1. Mae gweithwyr a ddiffinnir gan y Ddeddf Lleoliaeth fel Prif Swyddogion, gan gynnwys Cyfarwyddwyr Gwasanaethau, yn gweithio o fewn yr amodau gwasanaeth cenedlaethol a gwmpesir gan y JNC ar gyfer Prif Swyddogion.

9.2.2. Mae'r holl weithwyr eraill, ac eithrio nifer fach a gwmpesir gan y telerau a'r amodau cenedlaethol ar gyfer staff Soulbury neu'r JNC ar gyfer Gweithwyr Ieuengtid a Chymunedol (y penderfynir ar eu cyflog hefyd drwy fargeinio cenedlaethol), yn gweithio o fewn yr amodau gwasanaeth cenedlaethol a gwmpesir gan yr NJC ar gyfer Gweithwyr Llywodraeth Leol.

9.2.3. Mae gan y Cyngor 22 o swyddi Prif Swyddogion a geir yn strwythur parhaol Cyngor Sir Caerfyrddin ac sy'n cael eu cwmpasu gan ddiffiniad statudol Adran 43, ar 31 Mawrth 2020, a'r rheiny yw:

- Y Prif Weithredwr (1 swydd)
- Cyfarwyddwyr Corfforaethol (4 swydd)
- Prif Weithredwr Cynorthwyol (1 swydd)
- Penaethiaid Gwasanaeth (16 swydd)

9.2.4. Yn ogystal â'r strwythur parhaol, rhennir y swyddi canlynol yn rhanbarthol gyda'n partneriaid:

- Pennaeth Cydweithredu Rhanbarthol (a ariennir gan CSC a 5 Partner Rhanbarthol)
- Pennaeth y Gwasanaethau Integredig (a ariennir gan CSC/Iechyd)
- Pennaeth Comisiynu (a ariennir gan CSC/Sir Benfro)
- Cyfarwyddwr Rhaglen, Bargen Ddinesig Bae Abertawe (a ariennir gan Bartneriaid Rhanbarthol)

9.2.5. Nid yw'r Cyngor yn caniatáu i weithiwr sy'n llanw unrhyw swydd yn sefydliad cytunedig y Cyngor gael ei dalu ond trwy gyflogres y Cyngor, ac eithrio yn achos swyddi a rennir/a ariennir ar y cyd lle gallent fod ar gyflogres awdurdod lleol arall neu'r Bwrdd Iechyd.

9.3. Tâl

9.3.1. Mae'r Grŵp Ymgynghorol ynghylch Tâl yn argymhell bod Cydnabyddiaeth Ariannol Uwch-swyddogion yn destun Codiadau Cyflog Cenedlaethol perthnasol yn unig.

9.3.2. At ddibenion y datganiad hwn, ystyr uwch-reolwyr yw 'Prif Swyddogion', fel y diffinnir yn A43 o'r Ddeddf Lleoliaeth. Nodir y swyddi sy'n perthyn i'r diffiniad statudol isod, ynghyd â manylion eu cyflog sylfaenol ar 1 Ebrill 2019² (heb gynnwys trafodaethau cenedlaethol 2020/2021). Mae'r manylion hyn ar gael ar wefan y Cyngor.

- Prif Weithredwr fel pennaeth y gwasanaeth taledig - pwynt cyflog sefydlog o £147,900 (yn cynnwys codiad cyflog cenedlaethol).
- Cyfarwyddwyr Corfforaethol yn rhinwedd eu swyddi fel prif swyddogion statudol ac anstatudol - mae cyflog y swyddi oddi mewn i ystod o

²Ar yr adeg gyhoeddi, nid oedd y trafodaethau ynghylch tâl wedi cael eu cwblhau, felly cyflogau 2019/2020 sydd wedi'u nodi.

- bedwar pwynt cynyddran rhwng £119,149 ac uchafswm o £128,196 y flwyddyn;
- Prif Weithredwr Cynorthwyol, yn rhinwedd y ffaith ei fod yn adrodd yn uniongyrchol i Bennaeith y Gwasanaeth Taledig - mae cyflog y swyddi oddi mewn i ystod o bedwar pwynt cynyddran rhwng £101,045 ac uchafswm o £107,075 y flwyddyn;
- Penaethiaid Gwasanaeth (gan gynnwys y Swyddog Monitro), yn rhinwedd y ffaith eu bod yn adrodd yn uniongyrchol i brif swyddogion statudol ac anstatudol - mae cyflog y swyddi oddi mewn i ystod o bedwar pwynt cynyddran rhwng £88,478 ac uchafswm o £94,373 y flwyddyn.

9.3.3. Yn dilyn y penodiad ac ar ôl cwblhau cyfnod prawf boddhaol, bydd symud i fyny ar hyd graddfa gynydrannau'r radd berthnasol yn amodol ar berfformiad boddhaol, a asesir yn flynyddol. Nid yw'r Cyngor yn talu bonysau na thaliadau ar sail perfformiad i unrhyw un o'i staff.

9.3.4. Cyhoeddir manylion am dâl y Prif Swyddogion yn y Datganiad Cyfrifon.

9.4. Ychwanegiadau at Gyflog Prif Swyddogion

9.4.1. Mae Prif Swyddogion yn derbyn cydnabyddiaeth ariannol yn unol â'u contractau cyflogaeth, sy'n darparu ar gyfer graddfa gyflog oddi mewn i ystod o bedwar cynyddran a chyfraniadau pensiwn. Fodd bynnag, mae cyflog y Prif Weithredwr yn gyflog pwynt penodol.

9.4.2. Mae'r Cyngor yn talu cyfradd costau teithio safonol o 45 ceiniog y filltir i Brif Swyddogion (a phob gweithiwr arall) pan fônt yn defnyddio cerbyd preifat ar gyfer gwaith y Cyngor. Mae'r Cyngor hefyd yn ad-dalu unrhyw dreuliau eraill rhesymol a ddaw i ran y Prif Swyddog, wrth gyflawni gwaith y Cyngor, ar ôl cyflwyno derbynebau, ac yn unol ag amodau'r Cyd-bwyllgor Trafod Telerau (JNC) ac amodau lleol eraill.

9.4.3. Yn ogystal â'r uchod, bydd Prif Swyddogion sy'n cyflawni'r rolau canlynol yn derbyn lwfans ychwanegol o 10% o'u cyflog sylfaenol:

- Dirprwy Brif Weithredwr
- Penaethiaid Gwasanaeth JNC sy'n cyflawni rôl statudol

9.5. Newidiadau i Gydnabyddiaeth Ariannol Prif Swyddogion

9.5.1. Bydd unrhyw benderfyniadau ynghylch lefel y gydnabyddiaeth ariannol sydd i'w thalu i Brif Swyddog wrth ei benodi, pan fo'r cyflog yn £100,000

neu'n fwy, neu newidiadau i'r lefel honno, yn cael eu gwneud gan y Cyngor Llawn, yn unol â gofynion Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) (Diwygio) 2014.

9.5.2. Mae'r Cyngor yn cyflogi Prif Swyddogion o dan delerau ac amodau JNC, sy'n cael eu cynnwys mewn contractau cyflogaeth unigol. Mae'r JNC ar gyfer y Prif Swyddogion yn trafod cynnydd cyflog ar sail cost byw flynyddol genedlaethol (DU) ar gyfer y grŵp hwn, a phenderfynir ar unrhyw godiad o'r fath ar y sail hon. Mae gan Brif Swyddogion a gyflogir o dan delerau ac amodau JNC hawl yn ôl eu contract i unrhyw godiadau cyflog cenedlaethol y penderfynir arnynt gan y JNC, ac felly bydd y Cyngor hwn yn talu'r rhain pryd y penderfynir arnynt yn unol â gofynion contractiol presennol.

9.6. Recriwtio a Phenodi Prif Swyddogion

9.6.1. Cynhwysir Polisi a Gweithdrefnau'r Cyngor yng nghyswilt recriwtio Prif Swyddogion yn y Rheolau Gweithdrefn Cyflogi Swyddogion, fel y nodir yng Nghyfansoddiad y Cyngor. (Atodiad C).

9.6.2. Pennir y tâl cydnabyddiaeth sydd i'w gynnig i unrhyw Brif Swyddog newydd ei benodi yn unol â'r strwythur tâl a gymeradwywyd a'r polisiau perthnasol sydd gan y Cyngor ar waith adeg recriwtio.

9.6.3. Rhaid i unrhyw gyflog sy'n fwy na'r trothwy o £100,000 gael ei gymeradwyo ymlaen llaw gan y Cyngor Llawn.

9.6.4. Lle bo'r Cyngor yn dal i fethu recriwtio Prif Swyddogion o dan gcontract cyflogaeth neu lle bo angen cefnogaeth interim i gyflenwi ar gyfer swydd Prif Swyddog parhaol sy'n wag, bydd y Cyngor, lle bo angen, yn ystyried trefniadau dyletswyddau uwch mewnol dros dro, yn unol â Pholisi Taliadau Dyletswyddau Uwch ac Honoraria'r Cyngor neu benodiadau allanol dros dro. Gellir gwneud trefniadau dyletswyddau uwch mewnol hyd at fwyafswm o 12 mis yn unol â'r Rheoliadau Rheolau Sefydlog.

9.6.5. Bydd yn rhaid i'r Cyngor Llawn gymeradwyo unrhyw benodiadau neu daliadau terfynu cyflogaeth uwch na £100k ac unrhyw addasiadau i'r Polisi Tân hwn. Mae'n bosibl yr effeithir ar hyn gan Reoliadau Adfer a Chap Taliad Ymadael y Sector Cyhoeddus (a nodir yn Neddf Busnesau Bach, Menter a Chyflogaeth 2015), sydd heb gael eu cyhoeddi hyd yn hyn. Bydd y Polisi Tân yn cael ei ddiweddar yn y modd priodol yn dilyn unrhyw newidiadau deddfwriaethol o'r fath.

9.7. Penodiadau ar y Cyd

9.7.1. Mae Llywodraeth Cymru wedi cyflwyno Bil Llywodraeth Leol ac Etholiadau (Cymru) sy'n cynnwys pŵer cymhwysedd cyffredinol ehangach, pŵer i awdurdodau lleol wneud cais i uno'n wirfoddol, a phwerau i hwyluso gweithio rhanbarthol drwy gyd-bwyllgorau corfforaethol.

9.7.2. Bydd y Bil yn golygu y gall awdurdodau lleol wneud cais am greu cyd-bwyllgor corfforaethol ar gyfer unrhyw wasanaeth maent yn ei ddymuno. Fodd bynnag, bydd Gweinidogion Cymru ond yn gallu creu cyd-bwyllgor corfforaethol mewn nifer cyfyngedig o feisydd swyddogaethol a nodir yn y Bil. Y rhain yw: gwella addysg, cynllunio strategol ar gyfer datblygu a defnyddio tir a'r swyddogaeth neu baratoi cynllun datblygu strategol, trafnidiaeth, a datblygu economaidd.

9.7.3. Y nod yw lleihau cymhlethdod i gynghorau sy'n defnyddio gwahanol fathau o drefniadau gweithio rhanbarthol, a sicrhau bod y penderfyniadau'n cael eu gwneud mor agos at y bobl leol ag sy'n bosibl er democratiaeth effeithiol ac effeithlon. Yn y cyfamser, mae'r Bil yn ei gwneud yn ofynnol i brif gyngor benodi Prif Weithredwr a gwneud darpariaethau ynghylch ei rôl. Bydd hyn yn disodli'r term 'pennaeth y gwasanaeth taledig' ac yn diweddarur'r rôl i adlewyrchu arferion rheoli modern.

9.8. Panel Annibynnol ar Gydnabyddiaeth Ariannol

9.8.1. Mae Adran 143A o Fesur Llywodraeth Leol (Cymru) 2011 yn cyfeirio at Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol ac yn pennu swyddogaethau'r Panel mewn perthynas â chyflogau penaethiaid y gwasanaeth taledig. Gall Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol wneud argymhellion ynghylch unrhyw bolisi yn y Datganiad Polisi Tân hwn sy'n ymwneud â chyflog Pennaeth Gwasanaeth Taledig y Cyngor ac unrhyw newid arfaethedig i gyflog Pennaeth Gwasanaeth Taledig y Cyngor. Bydd y Cyngor, yn ôl yr angen, yn ymgynghori â Phanel Annibynnol Cymru ar Gydnabyddiaeth Ariannol ynghylch unrhyw newid i gyflog Pennaeth y gwasanaeth taledig nad yw'n gymesur â newid yng nghyflogau staff eraill y Cyngor, ac yn rhoi sylw i unrhyw argymhelliaid a geir gan Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol wrth benderfynu a ddylid symud ymlaen i wneud y newid neu beidio.

9.8.2. Mae'n ofynnol i'r Cyngor nodi yn y datganiad polisi Tân hwn a oes unrhyw atgyfeiriad o'r fath wedi cael ei wneud i Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol, ac, os felly, natur yr atgyfeiriad, penderfyniad y Panel ac ymateb y Cyngor. Nid oes atgyfeiriad wedi cael ei wneud i'r Panel Annibyniaeth ar Gydnabyddiaeth Ariannol yn ystod 2019/2020.

9.8.3. Gall awdurdod sy'n dewis peidio â dilyn cyngor y Panel fod yn destun cyfarwyddyd Gweinidogol i ailystyried ei safbwyt. Hefyd mae'r Ddeddf yn nodi y bydd awdurdodau yn gallu lleihau (ond nid cynyddu) y cyflog sy'n daladwy i'w pennath gwasanaeth taledig cyn argymhelliaid gan y Panel Annibynnol ar Gydnabyddiaeth Ariannol, cyn belled â nad yw'r contract y mae'r cyflog yn daladwy oddi tano yn rhwystro'r awdurdod rhag newid y cyflog ar ôl cael argymhelliaid.

9.8.4. Mae Deddf Llywodraeth Leol (Cymru) 2015 yn ymestyn grym y Panel Annibynnol ar Gydnabyddiaeth Ariannol, o dan adran 143A o Fesur Llywodraeth Leol (Cymru) 2011, i gwmpasu cyflogau sy'n daladwy i brif swyddogion (gan ddefnyddio diffiniad y Ddeddf Lleoliaeth) yn ogystal â phennaeth y gwasanaeth taledig.

10. Rheoli Talent

10.1. Caiff ymagwedd strategol at gefnogi rheoli talent ar draws y Cyngor ei hategu gan ein Strategaeth Pobl a'r safonau rydym yn anelu at eu cyrraedd fel cyflogwr Buddsoddwyr Mewn Pobl (ailachredwyd yn 2018 dan y Safon Cenhedlaeth 6 newydd sy'n fwy ymestynnol).

10.2. Ein nod yw cefnogi gweithlu blaengar, medrus, cryf ei gymhelliaid a gwybodus, sy'n perfformio'n dda, sy'n falch o weithio i Gyngor Sir Caerfyddin, ac sydd wedi ymrwymo i ddarparu gwasanaethau o ansawdd uchel i'r cyhoedd.

10.3. Yn allweddol i wneud hyn y mae ein gallu i reciwtio, cadw a datblygu ein gweithwyr er mwyn iddynt gyflawni hyd eithaf eu potensial. Mae'r canlynol yn darparu golwg gyffredinol ar ein hymagwedd strategol at reoli talent:

10.3.1. Cefnogi Diwylliant Dysgu

10.3.2. Wrth foderneiddio ein hymagwedd at ddysgu, bydd pob un o'n gweithwyr yn cael y cyfle i gael profiadau dysgu mwy effeithiol, gan eu galluogi i gael gafaol ar adnoddau seiliiedig ar wybodaeth mewn ffordd fwy ystwyth a manteisio i'r eithaf ar offer a sgiliau digidol ar gyfer gwella perfformiad personol, tîm a sefydliadol.

- i. Rheoli Perfformiad - Yn ogystal â rhoi pwyslais ar berfformiad, mae ein proses 'Helpu Pobl i Berfformio' (Arfarniad) yn ceisio rhoi cynlluniau datblygu personol ar waith, gan ddatblygu'r sgiliau angenrheidiol nid yn unig ar gyfer rolau presennol ond gan roi ffocws yn y dyfodol ar gefnogi datblygiad gyrfaoedd a chynllunio ar gyfer olyniaeth. Mae gennym fframwaith cefnogol ar gyfer Mentora a

Hyfforddiant Personol ar bob lefel ac rydym yn cydweithio â phartneriaid allweddol i ddarparu'r cymorth hwn.

- ii. Datblygu Gyrfaoedd – Yn ychwanegol at weithredu cyfleoedd secondiad mewnol ac allanol, rydym yn annog Sgyrsiau Datblygu Gyrafa effeithiol – gan ddarparu darpar reolwyr ac arweinwyr gyda'r dulliau i nodi cyfleoedd dysgu effeithiol e.e. dilyn a dysgu/ymlynu wrth brosiectau sy'n cynnal gwelliant sefydliadol megis ein rhaglen Trawsnewid i Wneud Cynnydd, Adolygwyd Mewnol ar gyfer Buddsoddwyr mewn Pobl yn ogystal â'r rheiny sy'n cynnig cyfleoedd arbrofol a chymhwys e.e. Rhaglen Arweinwyr y Dyfodol, Ysgol Haf Academi Wales.
- iii. Cynllunio ar gyfer Olyniaeth - Mae ein Rhaglen Barod am Waith wedi llwyddo i helpu Prentisiaid a Graddedigion i gael cyflogaeth barhaol mewn meysydd gwasanaeth allweddol. Mae rhai o'n meysydd mwyaf hanfodol ac effeithiol o ran cynllunio ar gyfer olyniaeth yn cynnwys galwedigaethau o fewn gofal cymdeithasol. Mae ein rhaglen Datblygu'r Gweithlu yn rhoi i Weithwyr Cymdeithasol newydd gymhwys y wybodaeth uwch, y sgiliau a'r cymwysterau y mae eu hangen arnynt wrth iddynt symud ymlaen i fod yn ymarferwyr profiadol, ac, mewn rhai achosion i rolau ymarferol uwch. Mae ein Strategaeth Sgiliau Iaith nid yn unig yn cefnogi gofynion statudol ar gyfer yr iaith Gymraeg, ond yn sicrhau ein bod yn cynllunio ar gyfer datblygu sgiliau yn y dyfodol i gynnwl gwasanaethau gwych. Yn ystod 2019/2020, roedd y Cyngor wedi recriwtio 12 o Raddedigion dan Hyfforddiant a fydd, gobeithio, yn mynd ymlaen i chwarae rhan allweddol o fewn y Cyngor neu yn ei gymuned yn y dyfodol.

11.Tâl yn ôl perfformiad

- 11.1. Nid yw'r Cyngor yn gwneud unrhyw daliadau bonws na thaliadau ar sail perfformiad i unrhyw un o'i staff.

12.Cymorth ar gyfer Staff sy'n Derbyn Tâl Is

- 12.1. Mae'r holl weithwyr, p'un a ydynt dros yr oed statudol o 25 oed ai peidio, i gael eu talu ar y gyfradd Cyflog Byw Gwirioneddol wirfoddol man lleiaf, ac roedd yr egwyddor barhaus hon yn un o argymhellion y Panel Ymgynghorol trawsbleidiol ynghylch y Polisi Tâl a gyfarfu ar 21 Chwefror 2020.

- 12.2. Mae'r Awdurdod hwn yn talu taliadau atodol am weithio ar y penwythnos (8%) a gweithio yn ystod y tymor (4%) sy'n cynyddu cyflog gweithwyr sy'n derbyn y cyflogau isaf yn bennaf.
- 12.3. Gyda'r taliadau atodol uchod, mae mwyafrif helaeth ein swyddi sydd ar raddau is bellach ac iddynt gyfanswm cydnabyddiaeth ariannol sy'n uwch na'r Cyflog Byw Gwirioneddol.

13.Trefniadau Oddi ar y Gyflogres

- 13.1. Lle nad yw'r Cyngor yn gallu reciwtio rhywun i swydd o dan gcontract cyflogaeth neu lle mae angen cymorth arbenigol i brosiect penodol, bydd y Cyngor, lle bo'r angen, yn ystyried cysylltu ag unigolion sydd dan gcontract ar gyfer gwasanaethau. Dilynir y broses gaffael berthnasol yn Rheolau o ran Gweithdrefnau Contractau y Cyngor, gan sicrhau bod y Cyngor yn gallu dangos gwerth am arian o gymharu â'r gystadleuaeth o ran sicrhau'r gwasanaeth perthnasol.
- 13.2. Os mai llenwi swydd wag yw'r contract ar gyfer gwasanaeth, yn ychwanegol at sicrhau y cydymffurfir â'r Rheolau o ran Gweithdrefnau Contractau, caiff penderfyniadau mewn perthynas â phenodi eu gwneud yn unol â rheolau'r Cyngor mewn perthynas â phenodiadau h.y. bydd y Cyngor yn penderfynu ar benodiadau ar lefel Prif Weithredwr, bydd Pwyllgor Penodiadau A yn penderfynu ar benodiadau ar lefel Cyfarwyddwyr, a bydd Pwyllgor Penodiadau B yn penderfynu ar benodiadau ar lefel Penaethiaid Gwasanaeth.
- 13.3. Yn Ebrill 2017, cyflwynodd Llywodraeth y DU "Ddeddfwriaeth Cyfryngwyr" a elwir IR35, a ddiwygiodd reolau treth gweithio oddi ar y gyflogres yn y sector cyhoeddus. Mae'r Cyngor yn cydymffurfio â'r ddeddfwriaeth ddiwygiedig hon.

14. Polisi Ymadael

- 14.1. Ymddeol yn Gynnari, Dileu Swydd yn Wifoddol a Dileu Swydd yn Orfodol
- 14.1.1. Cyflwynir ymagwedd y Cyngor at daliadau statudol a dewisol pan derfynir cyflogaeth gweithwyr, cyn iddynt gyrraedd oedran ymddeol arferol, yn ei ddatganiad Polisi Disgresiwn Cyflogwr (Cynllun Pensiwn Llywodraeth Leol). Mae'r polisi disgresiynol hwn wedi cael ei ddiweddu ac mae wedi'i gynnwys fel Atodiad G a cheisir cytundeb i weithredu'r polisi diwygiedig hwn gan y Cyngor Sir fel rhan o'i ystyriaethau ar y Polisi Tâl.

14.1.2. Rhaid i unrhyw daliadau eraill nad ydynt yn cael eu cwmpasu gan y darpariaethau neu'r cyfnodau perthnasol o rybudd contractiol fod yn destun penderfyniad ffurfiol a wnaed yn unol â'r Cynllun Dirprwyd sydd yn rhan o Gyfansoddiad y Cyngor.

14.1.3. Mae'r Cyngor yn gweithredu Cynllun Terfynu Cyflogaeth i'w holl weithwyr, a chaiff taliadau o dan y cynllun hwn eu hawdurdodi yn unol â'r polisi disgrifiynol uchod. Mae ein Cynllun Terfynu Cyflogaeth presennol wedi'i atodi fel Atodiad H.

14.1.4. Bydd yr Awdurdod yn cydymffurfio â chanllawiau Llywodraeth Cymru y dylid rhoi cyfle i'r Cyngor llawn bleidleisio cyn bod pecynnau terfynu cyflogaeth mawr y tu hwnt i drothwy penodol yn cael eu cymeradwyo ar gyfer Prif Swyddogion sy'n gadael y sefydliad. Mae'r canllawiau yn nodi "yn yr un modd â chyflogau adeg penodiad, mae Gweinidogion Cymru yn ystyried mai £100,000 yw'r lefel gwir ar gyfer penu'r trothwy hwnnw. Mae'n rhaid i aelodau fod yn ymwybodol o unrhyw hawliadau statudol neu gontactiol y mae hawl gan y gweithiwr iddynt a'r canlyniadau os nad yw'r Cyngor yn cymeradwyo, a allai, os methir cyflawni'r rhwymedigaethau statudol neu gontactiol, alluogi'r gweithiwr i hawlio iawndal am dorri'r contract". Wrth gyfrifo gwerth pecyn terfynu cyflogaeth, bydd y taliadau canlynol yn cael eu cynnwys:

- a. Cyflog a dalwyd am roi rhybudd
- b. Cyfandaliad dileu swydd/taliad terfynu cyflogaeth
- c. Y gost i'r Cyngor o ran y straen ar y gronfa bensiwn sy'n deillio o gael mynediad cynnar i bensiwn heb ei leihau.

14.2. Hyblygrwydd o ran Ymddeol

14.2.1. Mae hawl gan y Prif Swyddogion a holl Weithwyr cymwys eraill y Cyngor i gael ymddeoliad hyblyg yn unol â darpariaethau'r Cynllun Pensiwn Llywodraeth Leol a Chynllun Ymddeoliad Hyblyg y Cyngor.

14.3. Cap Ymadael a Darpariaethau Adfer

14.3.1. Mae Llywodraeth y DU yn bwriadu cyflwyno Rheoliadau a fydd yn gosod cap o £95,000 ar daliadau ymadael i weithwyr y sector cyhoeddus. Hefyd mae'n fwriad ganddi i ddatblygu rheoliadau i alluogi adfer taliadau ymadael a wneir i weithwyr sy'n gadael y sector cyhoeddus ac sy'n dychwelyd o fewn 12 mis, er bod yr amserlen ar gyfer y rheoliadau hyn yn aneglur o hyd. Yr isafswm cyflog y bydd y darpariaethau adfer yn berthnasol iddo yw £80,000 y flwyddyn. Os bydd Llywodraeth y DU yn

cyflwyno'r Rheoliadau hyn, bydd polisiau'r Cyngor yn cael eu diweddu bryd hynny fel y bo'n briodol er mwyn rhoi ystyriaeth i hynny.

14.3.2. Bydd gan Weinidogion Cymru y grym i lacio'r cap ar gyfer taliadau ymadael a wneir gan awdurdodau sy'n bennaf neu'n llwyr ymarfer swyddogaethau a ddatganolwyd - mae hyn yn cynnwys (ond heb ei gyfyngu i) daliadau ymadael i staff cyrff GIG, awdurdodau lleol, gwasanaethau Tân ac achub, awdurdodau Parc Cenedlaethol a chyrff a noddir yng Nghymru. Bydd y grym hwn yn weithredol pan gyflwynir y cap, ond hyd nes y gwelir y rheoliadau terfynol, mae'n anodd bod yn glir yngylch sut y bydd Gweinidogion Cymru yn penderfynu rhoi'r hepgoriad hwn ar waith.

14.4. Ailgyflogi

14.4.1. Ni ellir ailgyflogi gweithwyr sy'n gadael cyflogaeth y Cyngor yn wirfoddol o dan Gynllun Terfynu Cyflogaeth y Cyngor mewn unrhyw fodd, gan gynnwys gwaith achlysuol, hyd nes y bydd o leiaf flwyddyn wedi mynd heibio. Ni ddylid ailbenodi gweithiwr i'r un swydd, neu i swydd debyg i'r un yr oedd wedi'i gyflogi yn ddi adeg ymadael, ar unrhyw gyfrif. Dylid gwneud yr holl gyfryw benodiadau trwy weithdrefnau recriwtio arferol yr Awdurdod.

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

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

14.4.3. Gweithredir hyn yn ôl disgrifiwn llwyr y Cyngor a bydd y penderfyniad ynghylch pob cais yn derfynol.

14.4.4. Gall cyfyngiadau eraill ar ailgyflogi fod yn berthnasol a dylid cyfeirio at yr Amodau Gwasanaeth priodol wrth ystyried ailgyflogi.

15. Perthynoledd Taliadau o fewn y Cyngor

15.1. Gweithwyr sydd ar y Cyflogau isaf

Diffiniad y Cyngor o'r bobl sy'n derbyn y cyflogau isaf at ddibenion y datganiad hwn yw:

- Rhai a gyflogir o dan gcontract cyflogaeth gyda'r Cyngor sydd wedi eu cyflogi ar gyflogau amser llawn, cyfwerth â 37 awr yr wythnos;
- Gweithwyr y mae cyfanswm eu taliadau cydnabyddiaeth yn cyfateb i Bwynt 1 ar y Golofn Gyflog a drafodwyd yn genedlaethol a ddefnyddir yn strwythur graddio lleol y Cyngor.

15.2. Mabwysiadir y diffiniad hwn i gyfateb i gydnabyddiaeth y Cyd-gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol i weithwyr sy'n cael cyflogau is oddi mewn i'r golofn gyflog genedlaethol.

15.3. Rheolir y berthynas rhwng cyfradd tâl y gweithwyr sy'n derbyn y "cyflogau isaf" a Phrif Swyddogion y Cyngor gan y prosesau a ddefnyddir ar gyfer pennu strwythurau cyflogau a graddau, fel y nodwyd yn y Datganiad Polisi Tâl hwn.

15.4. Mae'r canllawiau statudol o dan y Ddeddf Lleoliaeth yn argymhell defnyddio lluosrifau cyflog yn fod i fesur y berthynas rhwng cyfraddau cyflog ar draws y gweithlu ac eiddo uwch-reolwyr, fel y cynhwyswyd yn nogfen Hutton "Adolygiad o Daliadau Teg yn y Sector Cyhoeddus" (2010).

15.5. Gofynnodd y Llywodraeth i Will Hutton archwilio'r achos dros derfyn penodedig ar gyfer dosbarthiad cyflogau trwy ei wneud yn ofynnol i sicrhau na all rheolwr sector cyhoeddus ennill mwy nag 20 gwaith yr hyn a enillir gan y person sy'n derbyn y tâl isaf yn y sefydliad.

15.6. Daeth Hutton i'r casgliad bod y berthynas ag enillion canolrif yn fesur mwy perthnasol, ac mae Côd y Llywodraeth o Arfer a Argymhellir ym maes Tryloywder Data yn argymhell cyhoeddi'r gymhareb rhwng y gyfradd dâl uchaf a thâl canolrif cyfartalog holl weithlu'r Cyngor (ond gan eithrio athrawon a gweithwyr eraill a benodir ac a reolir gan ysgolion, yn achos awdurdodau lleol).

15.7. Pennir y berthynas rhwng cyfradd tâl y rhai sy'n derbyn y tâl isaf a'r Prif Swyddogion gan y prosesau a ddefnyddir ar gyfer penu strwythurau cyflogau a graddau, fel y nodwyd yn gynharach yn y datganiad polisi hwn.

15.8. Fel rhan o'i ymrwymiad i dryloywder taliadau, ac yn dilyn argymhellion adroddiad Hutton "Adolygiad o Daliadau Teg yn y Sector Cyhoeddus" (2011), mae'r Cyngor yn cyhoeddi'r wybodaeth ganlynol yn flynyddol:

- Y lluosydd rhwng cyflog blynyddol gweithiwr y Cyngor sy'n derbyn y cyflog isaf a'r Prif Weithredwr (ar sail cyfwerth ag amser llawn) fel cymhareb
- Y lluosydd rhwng cyflog blynyddol gweithiwr y Cyngor sy'n derbyn y tâl isaf a chyfartaledd y Prif Swyddogion (ar sail cyfwerth ag amser llawn) fel cymhareb
- Y lluosydd rhwng canolrif enillion gweithwyr y Cyngor a'r Prif Weithredwr (ar sail cyfwerth ag amser llawn) fel cymhareb
- Y lluosydd rhwng canolrif enillion gweithwyr y Cyngor a chyfartaledd y Prif Swyddogion (ar sail cyfwerth ag amser llawn) fel cymhareb.

15.9. Mae'r wybodaeth ar gyfer y Polisi Tân hwn fel a ganlyn (nodwch y gall y cymarebau hyn newid ar ôl cyflwyno'r Codiadau Cyflog Cenedlaethol, na chytunwyd arnynt hyd yn hyn):

15.9.1. Cymhareb Lluosydd Cyflog

- Y lluosydd rhwng cyflog blynyddol gweithiwr y Cyngor sy'n derbyn y tâl isaf a'r Prif Weithredwr (ar sail cyfwerth ag amser llawn) fel cymhareb **1:8.52**
- Y lluosydd rhwng cyflog blynyddol gweithiwr y Cyngor sy'n derbyn y tâl isaf a chyfartaledd y Prif Swyddogion (ar sail cyfwerth ag amser llawn) fel cymhareb **1:5.74**
- Y lluosydd rhwng canolrif enillion gweithwyr y Cyngor a'r Prif Weithredwr (ar sail cyfwerth ag amser llawn) fel cymhareb **1:7.27**
- Y lluosydd rhwng canolrif enillion gweithwyr y Cyngor a chyfartaledd y Prif Swyddogion (ar sail cyfwerth ag amser llawn) fel cymhareb **1:4.90**

15.9.2. Y cyflog canolrifol yn y Cyngor yw £20,344 (mae'r holl staff a reolir gan ysgolion wedi'u heithrio rhag y cyfrifiad).

15.9.3. Mae'r holl lwfansau eraill cysylltiedig â thâl yn destun cyfraddau a drafodwyd naill ai'n genedlaethol neu'n lleol, ac a bennwyd yn unol â systemau cyd-fargeinio a/neu Bolisi'r Cyngor. Wrth bennu ei strwythur graddio a phennu lefelau taliadau cydnabyddiaeth ar gyfer yr holl swyddi, mae'r Cyngor yn rhoi sylw i'r angen am sicrhau gwerth am arian yn erbyn y

gallu i recriwtio a chadw gweithwyr sydd â sgiliau a phrofiad priodol sy'n gallu darparu gwasanaethau o ansawdd uchel i'r cyhoedd.

15.9.4. Fel arfer, bydd penodiadau newydd ar lefel isaf y radd berthnasol, er bod modd amrywio hyn yn ôl y galw yn amodol ar y mein prawf cymhwyster yng Nghanllawiau'r Cyngor ar Gyflogau Recriwtio a/neu Gynllun Taliadau Marchnad Atodol y Cyngor.

16. Cyhoeddi

16.1. Pan gaiff ei gymeradwyo gan y Cyngor llawn, cyhoeddir y datganiad Polisi Tân hwn ar wefan y Cyngor.

16.2. Hefyd, yn achos swyddi lle mae'r Tân yn £60,000 y flwyddyn o leiaf, fel sy'n ofynnol o dan Reoliadau Cyfrifon ac Archwilio (Cymru) (Diwygio) 2014, bydd Datganiad Cyfrifon Blynnyddol y Cyngor yn cynnwys nodyn yn cyfeirio at y cyfansymiau canlynol:

- a) Y cyflog, y ffioedd neu'r lwfansau a dalwyd i'r person neu yr oedd modd iddo eu derbyn yn y flwyddyn gyfredol a'r flwyddyn flaenorol
- b) unrhyw fonybau a dalwyd i'r person neu yr oedd modd iddo eu derbyn yn y flwyddyn gyfredol a'r flwyddyn flaenorol
- c) unrhyw symiau taladwy ar ffurf lwfans treuliau y gellir eu hawlio yn ôl yn erbyn treth incwm y Deyrnas Unedig
- d) unrhyw daliad i wneud iawn am golli cyflogaeth ac unrhyw daliadau eraill cysylltiedig â therfynu cyflogaeth
- e) unrhyw fanteision a dderbyniwyd nad ydynt yn cael eu cwmpasu gan yr uchod
- f) Bydd yr Awdurdod yn cyflwyno'r datganiad hwn i'r Cyngor Llawn cyn iddo gael ei fabwysiadu'n ffurfiol a chyn diwedd pob blwyddyn ariannol, h.y. 31 Mawrth.

(Os oes angen copi o'r wybodaeth hon arnoch mewn fformat arall (er enghraift, print bras), cysylltwch â Rheoli Pobl drwy ffonio Estyniad 6184 neu e-bostio:

RPUnedCymorthBusnes@sirgar.gov.uk

Atodiad A

Graddau Cyflog Cyngor Sir Caerfyrddin Gweithwyr Gwasanaethau Llywodraeth Leol

Graddfeydd Cyflog	Tal yn unig Ebrill-20 Cyflog(£s)		Tal + 8% Ebrill-20 Cyflog(£s)		Tal + 4% Ebrill-20 Cyflog(£s)	
	Ebrill-20 Cyfradd yr awr	Ebrill-20 Cyfradd yr awr	Ebrill-20 Cyfradd yr awr	Ebrill-20 Cyfradd yr awr	Ebrill-20 Cyfradd yr awr	Ebrill-20 Cyfradd yr awr
Gradd A	1 17,364 2 17,711 3 18,065 4 18,426 5 18,795 6 19,171 7 19,554 8 19,945 9 20,344 11 21,166 12 21,589 14 22,462 15 22,911 17 23,836 19 24,799 20 25,295 22 26,317 23 26,999 24 27,905 25 28,785 26 29,636 27 30,507 28 31,371 29 32,029 30 32,878 31 33,799 32 34,788 33 35,934 34 36,876 35 37,849 36 38,813 37 39,782 38 40,760 39 41,675 40 42,683 41 43,662 42 44,632 43 45,591 44 46,514 45 47,476	9.0000 9.1801 9.3636 9.5507 9.7419 9.9368 10.1354 10.3380 10.5448 10.9709 11.1902 11.6427 11.8754 12.3548 12.8540 13.1111 13.6408 13.9943 14.4639 14.9200 15.3611 15.8126 16.2604 16.6015 17.0415 17.5189 18.0315 18.6255 19.1138 19.6181 20.1178 20.6201 21.1270 21.6013 22.1237 22.6312 23.1340 23.6310 24.1094 24.6081	9.7202 9.9146 10.1126 10.3147 10.5215 10.7320 10.9460 11.1653 11.3887 11.8484 12.0853 12.5741 12.8255 13.3433 13.8823 14.1602 14.7319 15.1139 15.6208 16.1137 16.5901 17.0778 17.5614 17.9294 18.4047 18.9205 19.4740 20.1157 20.6429 21.1876 21.7272 22.2699 22.8173 23.3294 23.8938 24.4417 24.9849 25.5214 26.0381 26.5767	18,753 19,128 19,510 19,900 20,299 20,705 21,118 21,541 21,972 22,859 23,316 24,259 24,744 25,743 26,783 27,319 28,422 29,159 30,137 31,088 32,007 32,948 33,881 34,591 35,508 36,503 37,571 38,809 39,826 40,877 41,918 42,965 44,021 45,009 46,098 47,155 48,203 49,238 50,235 51,274	18,059 18,419 18,788 19,163 19,547 19,938 20,336 20,743 21,158 22,013 22,453 23,360 23,827 24,789 25,791 26,307 27,370 28,079 29,021 29,936 30,821 31,727 32,626 33,310 34,193 35,151 36,180 37,371 38,351 39,363 40,366 41,373 42,390 43,342 44,390 45,408 46,417 47,415 48,375 49,375	9.3605 9.5471 9.7383 9.9327 10.1317 10.3344 10.5407 10.7516 10.9668 11.4099 11.6380 12.1081 12.3502 12.8488 13.3682 13.6356 14.1866 14.5541 15.0424 15.5166 15.9753 16.4449 16.9109 17.2655 17.7231 18.2197 18.7531 19.3704 19.8783 20.4029 20.9228 21.4447 21.9719 22.4653 23.0085 23.5362 24.0592 24.5765 25.0740 25.5924

		46	48,412	25.0932	52,285	27.1007	50,348	26.0967
		47	49,353	25.5810	53,301	27.6273	51,327	26.6041
		48	51,208	26.5425	55,305	28.6660	53,256	27.6040
		49	53,840	27.9067	58,147	30.1391	55,994	29.0232
		50	56,459	29.2642	60,976	31.6055	58,717	30.4346
		51	59,085	30.6253	63,812	33.0755	61,448	31.8501
Gradd O		52	63,498	32.9127	68,578	35.5458	66,038	34.2292
		53	66,755	34.6009	72,095	37.3688	69,425	35.9848
		54	70,181	36.3767	75,795	39.2866	72,988	37.8316
		55	73,781	38.2427	79,683	41.3018	76,732	39.7722

Atodiad B

Graddfa Cyflog JNC Prif Weithredwr a Phrif Swyddagion

Prif Weithredwr

£	
£147,900	Pwynt Sefydlog

Cyfarwyddwyr

£	Pwynt Cynyddran
128,196	4
125,935	3
123,675	2
119,149	1

Prif Weithredwr Cynorthwyo

£	Pwynt Cynyddran
107,075	4
106,371	3

104,597	2
101,045	1

Pennaethiaid Gwasanaeth

£	Pwynt Cynyddran
94,373	4
92,897	3
91,425	2
88,478	1

Atodiad C

Rheolau Gweithdrefn Cyflogi Swyddogion

Atodiad D

Graddau Cyflog Cenedlaethol – Soulbury

Gweithwyr Proffesiynol	01.09.17	01.09.18	01.09.19
Gwella			
Addysg			
SCP			
1	34067	34749	35444
2	35287	35993	36713
3	36439	37168	37912
4	37606	38359	39127
5	38767	39543	40334
6	39928	40727	41542
7	41148	41971	42811
8	42321*	43168*	44032*
9	43689	44563	45455
10	44908	45807	46724
11	46112	47035	47976
12	47277	48223	49188
13	48597**	49569**	50561**

14	49773	50769	51785
15	51073	52095	53137
16	52248	53293	54359
17	53426	54495	55585
18	54582	55674	56788
19	55775	56891	58029
20	56391***	57519***	58670***
21	57575	58727	59902
22	58607	59780	60976
23	59744	60939	62158
24	60762	61978	63218
25	61851	63089	64351
26	62914	64173	65457
27	64001	65282	66588
28	65102	66405	67734
29	66207	67532	68883
30	67309	68656	70030
31	68402	69771	71167
32	69512	70903	72322
33	70623	72036	73477
34	71761	73197	74661
35	72895	74353	75841
36	74062	75544	77055
37	75210	76715	78250
38	76371	77899	79457
39	77515	79066	80648
40	78659	80233	81838
41	79809	81406	83035
42	80958	82578	84230
43	82106	83749	85424
44	83259	84925	86624
45	84410	86099	87821
46	85562	87274	89020
47	86719	88454	90224
48	87865***	89623***	91416***
	*	*	*
49	89016***	90797***	92613***
	*	*	*
50	90168***	91972***	93812***
	*	*	*

Nodiadau: Nid yw graddfeydd cyflog i gynnwys mwy na phedwar pwynt olynol, a seiliwyd ar y dyletswyddau a'r cyfrifoldebau sydd ynghlwm wrth swyddi a'r angen am recriwtio a symbylu staff.

* y pwynt isaf ar y raddfa fel arfer ar gyfer Gweithwyr Proffesiynol Gwella Addysg sy'n cyflawni'r ystod lawn o ddyletswyddau ar y lefel hon.

** y pwynt isaf ar y raddfa fel arfer ar gyfer Gweithwyr Proffesiynol Gwella Addysg Uwch sy'n cyflawni'r ystod lawn o ddyletswyddau ar y lefel hon.

***** y pwynt isaf ar y raddfa fel arfer ar gyfer Prif Weithwyr Proffesiynol Gwella Addysg sy'n cyflawni'r ystod lawn o ddyletswyddau ar y lefel hon.**

****** estyniad i'r ystod i ddarparu ar gyfer asesiadau proffesiynol strwythuredig**

Rheolwr	01.09.17	01.09.18	01.09.19
Gwasanaet h ieuenctid / Cymunedol SCP			
1	35333	36040	36761
2	36489	37219	37964
3	37645	38398	39166
4	38824*	39601*	40394*
5	40023	40824	41641
6	41192	42016	42857
7	42388**	43236**	44101**
8	43747	44622	45515
9	44497	45387	46295
10	45654	46568	47500
11	46805	47742	48697
12	47958	48918	49897
13	49103	50086	51088
14	50259	51265	52291
15	51417	52446	53495
16	52578	53630	54703
17	53745	54820	55917
18	54904	56003	57124
19	56057	57179	58323
20	57235***	58380***	59548***
21	58435***	59604***	60797***
22	59663***	60857***	62075***
23	60915***	62134***	63377***
24	62194***	63438***	64707***

Nodiadau

Rhaid i'r raddfa ar gyfer Swyddogion y Gwasanaeth ieuencid a Chymunedol gynnwys o leiaf

4 pwynt.

Nid yw graddfeydd cyflog i gynnwys mwy na phedwar pwynt olynol, a seiliwyd ar y dyletswyddau a'r cyfrifoldebau sydd ynghlwm wrth swyddi a'r angen am recriwtio, cadw, a symbolu staff.

* y pwynt isaf ar y raddfa fel arfer ar gyfer swyddogion y gwasanaeth ieuencid a chymunedol uwch sy'n cyflawni'r ystod lawn o ddyletswyddau ar y lefel hon (gweler paragraff 5.6 o Adroddiad Soulbury).

** y pwynt isaf ar y raddfa fel arfer ar gyfer prif swyddog y gwasanaeth ieuencid a chymunedol

sy'n cyflawni'r ystod lawn o ddyletswyddau ar y lefel hon (gweler paragraff 5.8 o Adroddiad Soulbury).

*** estyniad i'r ystod i ddarparu ar gyfer pwyntiau dewisol ar y raddfa ac asesiadau proffesiynol strwythuredig.
Seicolegwyr

Seicole	01.09.1	01.09.1	01.09.1
gwyr	7	8	9

Addysg
dan
Hyfford
diant
SCP

1	22955	23415	23884
2	24636	25129	25632
3	26314	26841	27378
4	27996	28556	29128
5	29675	30269	30875
6	31355	31983	32623

Seicole	01.09.17	01.09.1	01.09.1
gwyr		8	9

Addysg
Cynorth
wyol
SCP

1	28218	28783	29359
2	29371	29959	30559
3	30523	31134	31757
4	31669	32303	32950

Seicolegwyr	01.09.17	01.09.18	01.09.19
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Addysg
Graddfa A
SCP

1	35731	36,446	37,175
2	37545	38,296	39,062
3	39359	40,146	40,949
4	41171	41,994	42,834
5	42984	43,844	44,721
6	44797	45,693	46,607
7	46504	47,434	48,383
8	48211	49,175	50,159
9	49810*	50806*	51822*
10	51411*	52439*	53488*
11	52903*	53961*	55040*

Uwch-	01.09.17	01.09.1	01.09.1
Seicole		8	9
gwyr			
Addysg			
/			
Pen			
Seicole			
gwyr			
Addysg			
SCP			
1	44797	45693	46607
2	46504	47434	48383
3	48211*	49,175*	50,159*
4	49810	50806	51822
5	51411	52439	53488
6	52903	53961	55040
7	53516	54586	55678
8	54661	55754	56869
9	55795	56911	58050
10	56950	58089	59251
11	58081	59243	60428
12	59235	60420	61628
13	60409	61617	62849
14	61543**	62774**	64029**
15	62731**	63986**	65266**
16	63908**	65186**	66490**
17	65093**	66395**	67723**
18	66276**	67602**	68954**

Nid yw graddfeydd cyflog i gynnwys mwy na phedwar pwynt olynol, a seiliwyd ar y dyletswyddau

a'r cyfrifoldebau sydd ynghlwm wrth swyddi a'r angen am recriwtio, cadw a symblyu staff

* Y pwynt isaf ar y raddfa fel arfer ar gyfer Prif Seicolegydd Addysg sy'n cyflawni'r ystod lawn o ddyletswyddau ar y lefel hon. ** Estyniad i'r ystod i ddarparu ar gyfer pwyntiau dewisol ar y raddfa ac asesiadau proffesiynol

strwythuredig.

Atodiad E

Polisi Dyletswyddau uwch ac honoraria

1. Datganiad Polisi

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

2. Honorariwm

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

3. Eithriadau – dyletswyddau uwch mewn argyfwng

- 3.1 Bydd cyfnodau lle bydd angen i weithiwr ymgymryd â dyletswyddau uwch mewn argyfwng, e.e. yn ystod absenoldeb salwch. Bydd hyn gan amlaf yn berthnasol i wasanaethau rheng flaen lle bydd y gwasanaeth yn methu â gweithredu heb fod rhywun yn cyflenwi'r swydd, er enghraift Llwythwr Cerbyd Sbwriel/Ailgylchu yn ymgymryd â dyletswyddau uwch sy'n rhan o swydd Gyrrwr Cerbyd Sbwriel/Ailgylchu sy'n absennol.
- 3.2 Bydd y rheol 28 diwrnod yn cael ei heithrio mewn achos o'r fath gan fod ymgymryd â'r dyletswyddau uwch yn debygol o fod am gyfnod byr ac ar sail ad

hoc. Os ydych yn ansicr p'un a yw dyletswyddau uwch mewn argyfwng yn gymwys, holwch eich Ymgynghorydd Adnoddau Dynol.

- 3.3 Dylid parhau i gymryd gofal i sicrhau bod cyfle i ymgymryd â dyletswyddau uwch yn cael ei weithredu'n deg pan fod mwy nag un gweithiwr sydd â sgiliau priodol yn gallu ymgymryd â'r rôl.
- 3.4 Bydd dyletswyddau uwch mewn argyfwng yn weithredol pan fod gweithiwr yn cyflawni swyddogaeth lawn y swydd sydd ar raddfa uwch yn unig. Dylid talu swm llawn y gwahaniaeth rhwng y cyflog presennol ac isafswm cyflog y swydd ar raddfa uwch. Os yw isafswm cyflog y swydd ar raddfa uwch yn is neu'r un fath â chyflog presennol y gweithiwr, dylai dderbyn y tâl honorariwm ar bwynt nesaf y golofn dâl sydd uwchben ei gyflog presennol.
- 3.5 Pan fydd gweithiwr yn cyflenwi mewn argyfwng, bydd y tâl yn cael ei wneud o ddiwrnod cyntaf y cyfnod lle'r ymgymrir â'r dyletswyddau uwch. Dylai'r rheolwr gyflwyno manylion ynghylch y dyletswyddau uwch i'r Gyflogres.

4. Gweithdrefn

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

Mae'r mathau o dystiolaeth yn cynnwys:

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

5 Dull talu

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

6 Awdurdodiad

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

7.0 Monitro

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

8.0 Gweithwyr ar gyflogau a ddiogelwyd

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

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

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

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

Pan fydd y trefniadau yn dod i ben, dylid rhoi o leiaf un wythnos o rybudd a bydd angen i'r rheolwr lenwi ffurflen newid amgylchiadau arall i sicrhau bod y tâl am

ddyletswyddau uwch/dyletswyddau ychwanegol yn dod i ben. Gall ymgartrefu o'r newydd yn eu rôl wreiddiol fod yn anodd i weithwyr, ac mae angen i reolwyr fod yn sensitif i bryderon posibl yn hyn o beth. Nid oes gan weithwyr a fu'n cyflawni dyletswyddau uwch hawl awtomatig i'r rôl ar drefniant mwy parhaol.

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

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

10.0 PRYDERON A FYNEGIR GAN WEITHWYR

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

SICRHAU CYFLE CYFARTAL

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

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

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

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

RPUnedCymorthBusnes@sirgar.gov.uk



ATODIAD A

Achos busnes – Cais am dâl honorariwm

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

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

I'w awdurdodi gan y Rheolwr Llinell	
Enw llawn	
Teitl y swydd	
Llofnod	
Y dyddiad	
Cymeradwywyd gan y Cyfarwyddwr	
Enw llawn	
Teitl y swydd	
Llofnod	
Y dyddiad	
Cytunwyd gan y tîm Tâl a Buddion	
Enw llawn	
Teitl y swydd	
Llofnod	
Y dyddiad	
Cytunwyd gan Adnoddau Dynol	
Enw	
Teitl y swydd	
Llofnod	
Y dyddiad	

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

Atodiad F

Cynllun Taliadau Marchnod Atodol

1. Pwrpas y cynllun

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

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

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

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

Rhaid i Daliadau Marchnad Atodol:

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

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

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

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

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

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

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

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

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

2. Cwmpas y cynllun

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

3. Defnyddio'r cynllun

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

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

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

4. Paratoi achos busnes ar gyfer taliadau marchnad atodol

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

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

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

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

- Tystiolaeth yn dangos natur a chwmpas yr anawsterau recriwtio/cadw;
- Hyd a lled yr effaith bosibl ar wasanaethau os na cheir ateb i'r anawsterau recriwtio/cadw;

- Am ba hyd y mae'r broblem yn debygol o barhau;
- Tystiolaeth o ddata cyflogau o'r sefydliadau cymaradwy perthnasol. Gall hyn fod ar sail data lleol, rhanbarthol neu genedlaethol, yn dibynnu ar yr hyn sy'n berthnasol i'r swydd. Yn ddelfrydol, dylai'r data hwn gynnwys y pecyn cyfan, nid cyflog sylfaenol yn unig, fel bod modd cymharu'r pecynnau cyfan.

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

Mae'r dangosyddion fel a ganlyn:-

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

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

5. Cyllid

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

6. Talu Taliadau Marchnad Atodol

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

7. Cyfrifo tâl marchnad atodol

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

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

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

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

8. Hyd cyfnod y taliadau a'u hadolygu

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

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

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

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

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

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

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

Nid yw'r rhestr hon yn hollgynhwysol.

9. Rheoli'r Cynllun

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

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

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

10. Dehongliad

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

11. Sicrhau triniaeth gyfartal

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

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

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

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

RPUnedCymorthBusnes@sirgar.gov.uk

Atodiad 1

CAIS I GYMERADWYO TÂL MARCHNAD ATODOL

Mae'n rhaid i'r ffurflen hon gael ei llenwi a'i llofnodi gan y rheolwr sy'n gofyn am dâl marchnad atodol ac yna dylid ei hanfon at y Uwch-Ymgynghorydd Tal a Buddion er mwyn cael cytundeb y Tîm Cymorth Trefniadaethol.

1. MANYLION Y SWYDD

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

2. CYFIAWNHAD DROS Y TALIAD

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

(1) Disgrifiwch y swydd neu grwpiau o swyddi y gwneir cais am dâl marchnad atodol. Rhowch amlinelliad bras o'r cyfrifoldebau. (Atodwch y disgrifiad swydd, y fanylob person a'r siart trefniadaeth)
(2) Cadarnhewch fod y proffil swydd a gwerthusiad y swydd(i) wedi cael eu gwirio'n ddiweddar er mwyn sicrhau eu bod yn gyfredol. Cadarnhawyd (ticiwch):

(3) Pa dystiolaeth sydd ar gael o ran anawsterau recriwtio mewn perthynas â chyflog a/neu gadw?

(a) Nifer o weithiau y mae'r swydd wedi cael ei hysbysebu (yn cynnwys dyddiadau'r hysbysebion)

(b) Nifer yr ymatebion i'r hysbysebion swyddi

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

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

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

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

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

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

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

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

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

(7) A yw llenwi'r swydd(i) yn hanfodol i gynnal lefelau staffio digonol er mwyn sicrhau y darperir gwasanaethau yn unol â'r gofynion? (Dylid cynnwys unrhyw oblygiadau cyfreithiol a pha mor hir y mae'r swydd(i) wedi bod yn wag)

(8) A yw'r effaith o wneud y taliad hwn ar y staff eraill yn y tîm/gwasanaeth wedi cael ei hystyried a sut ydych chi'n bwriadu mynd i'r afael â hyn.

(9) Data'r farchnad lafur: y gyfradd ar gyfer y swydd:

(a) Beth yw'r gyfradd bresennol y flwyddyn?

(b) A yw hyn yn lleol, yn rhanbarthol neu'n genedlaethol?

(c) Pa ffynonellau sydd wedi cael eu defnyddio i gasglu'r data (e.e. hysbysebion diweddar yn y cyfryngau, data arolygon, cronfeydd data cyflog, sefydliadau eraill)?

(10) Swyddi cymharol

Swyddi cymharol yw'r rheini sy'n gymharol i'r swydd sy'n cael ei hasesu ar gyfer tâl marchnad atodol ar sail y meinu prawf isod. Darparwch y manylion canlynol ar gyfer y swyddi cymharol mewn **tri** sefydliad.

- Teitl y swydd
- Ystod cyflog
- Manteision eraill
- Awdurdod/sefydliad
- Gofynion allweddol y disgrifiad swydd/manyleb person a sut y mae'r rhain yn cymharu â rheini ar gyfer y swydd fewnol
- Sut y mae'r swydd gymharol yn cymharu o ran maint y swydd, math/maint y sefydliad, cwmpas a chyfrifoldebau (e.e. poblogaeth leol, nifer y bobl sy'n cael eu goruchwyliau, nifer sy'n gyflogedig yn yr ardal gwasanaeth, maint y gyllideb ac ati).
- Unrhyw ddata cefnogi ychwanegol arall
- Beth yw ffynhonnell y wybodaeth?

3. CYFANSWM Y TALIAD A'R MATH

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

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

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

4. FFYNHONNELL GYLLID

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

5. UNRHYW SYLWADAU ERAILL

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

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

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

7. CYMERADWYWYD GAN Y Prif Weithredr Cynorthwyol (Rheoli Pobl)

Rwy'n cytuno bod y tâl marchnad atodol yn briodol a bod yr holl wiriadau angenrheidiol wedi'u cyflawni yn unol â pholisïau a gweithdrefnau Cyngor Sir Caerfyrddin ac ymchwiliwyd i'r holl ffynonellau eraill.

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

8. GWEINYDDIAETH

Dyddiad hysbyswyd y rheolwr o'r penderfyniad	
Dyddiad gweithredol y taliadau/cychwyn y taliad	

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

Atodiad G

[Polisi Disgresiwn Cyflogwr Y Cynllun Pensiwn](#)

Atodiad H

Cynllun Terfynu Cyflogaeth

Egwyddorion Cyffredinol

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

Cwmpas

2. Mae'r cynllun hwn yn berthnasol i holl weithwyr Cyngor Sir Caerfyrddin sydd wedi cwblhau o leiaf ddwy flynedd o wasanaeth cymwys, ac eithrio staff mewn ysgolion a reolir yn lleol lle y bydd y corff llywodraethu yn pennu'r polisi.
3. Yn unol â'r broses cymeradwyo'r achos busnes, ni fydd gweithwyr sy'n destun trothwyon neu weithdrefnau disgylblaeth neu fedrusrwydd (o ran iechyd neu berfformiad) yn cael mynediad i'r cynllun Terfynu Cyflogaeth, hyd oni ellir dangos y dilynwyd y broses briodol. Cynghorir rheolwyr i drafod â Swyddog Ymgynghorol Adnoddau Dynol cyn cytuno ar unrhyw

gefnogaeth amodol i ryddhau gweithiwr o dan y Cynllun Terfynu Cyflogaeth.

Y Cynllun

4. Bydd y cynllun yn dilyn egwyddorion y Rheoliadau Digolledu Dewisol. Gallai polisi'r Cyngor o ran y Rheoliadau Polisi Dewisol newid, naill ai'n unol â newidiadau yn y rheoliadau neu'n dilyn ystyriaeth briodol iddynt gan yr Awdurdod. Nid yw'r disgrifiynau hyn yn rhoi unrhyw hawliau contractiol.
5. Gwneir taliadau terfynu cyflogaeth yn unol â'r tabl a atodwyd ac fe'u telir trwy'r gyflogres ar y dyddiad cyntaf posibl ar ôl y dyddiad terfynu cyflogaeth.
6. Ystyrir rhyddhau buddion pensiwn yn achos yr aelodau hynny o'r Cynllun Pensiwn Llywodraeth Leol sy'n 55 oed neu'n hŷn.
7. Mae terfynu cyflogaeth yn wirfoddol yn dwyn y contract cyflogaeth i ben trwy gytundeb o'r ddeutu ar ddyddiad cytunedig.

Y Broses

8. Mae'r meinu prawf cymhwysedd fel a ganlyn - bydd yr adran yn adolygu'r mynegiannau o ddiddordeb yn feirniadol er mwyn penderfynu a ellir cefnogi'r cais ac a ellir cyflwyno achos busnes i'ch rhyddhau ar sail sy'n ddichonadwy yn ariannol ac yn weithredol.
9. Nid oes hawl i derfynu cyflogaeth. Bydd penderfyniad yr Awdurdod yn derfynol, felly nid yw'r cynllun hwn yn cynnwys proses apelio.
10. Os oes gennych ddiddordeb mewn ymchwilio i'r posibilwydd o derfynu cyflogaeth yn wirfoddol, a fydd ech y ffurflen 'Mynegiannau o Ddiddordeb' amgaeedig a thrafod eich cais â'ch rheolwr llinell.
11. Peidiwch â chysylltu â'r Adain Bensiynau i ofyn am amcangyfrif o'ch buddion. Dim ond os caiff y ffurflen mynegiannau o ddiddordeb ei llenwi a'i chwblhau y darperir amcangyfrif.
12. Fodd bynnag, mae canllawiau a gwybodaeth ddefnyddiol ar gael ar wefan Cronfa Bensiwn Dyfed gan gynnwys cyfrifiannell ar-lein:
<https://mypensiononline.dyfedpensionfund.org.uk/?locale=cy-GB>

13. Ar ôl i'ch mynegiannau o ddiddordeb ddod i law, bydd eich Pennaeth Gwasanaeth yn adolygu eich cais ac yn penderfynu a yw'n bosibl rhoi rhagor o ystyriaeth iddo. Pan fydd yr ymarfer hwn wedi'i gwblhau cysylltir â chi i ymchwilio'n fanylach i'ch cais ac i drafod y goblygiadau.
14. Ni fyddwch wedi ymrwymo i unrhyw fynegiannau o ddiddordeb hyd nes bod gofyn ichi lofnodi ffurflen dderbyn a Chytundeb Setlo, fel sy'n briodol, sy'n cadarnhau terfynu cyflogaeth ar ddyddiad y cytunwyd arno o'r ddeutu. Ar ôl ichi lofnodi, nid oes rheidrwydd ar yr Awdurdod i dderbyn unrhyw gais dilynol y gallech ei wneud am dynnu'n ôl o'r cytundeb.

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

16. Employees who voluntarily leave the Council's employment under this Scheme cannot work for Carmarthenshire County Council again in any capacity, including on a casual basis, until at least one year has elapsed. Under no circumstances should an employee be re-appointed into the same or similar job to the one in which s/he was employed at the time of leaving. All such appointments should be made via the usual Authority's recruitment procedures.

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

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

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

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

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

SICRHAU CYFLE CYFARTAL

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

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

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

Os oes angen copi o'r cyhoeddiad hwn arnoch mewn fformat arall, cysylltwch â Rheoli Pobl drwy ffonio est 6184 neu drwy anfon e-bost at UnedCymorthBusnesRP@sirgar.gov.uk

Atodiad I

Polisi Ymddeoliad Hyblyg

Cyflwyniad

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

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

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

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

Cwmpas

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

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

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

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

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

Pwyntiau Allweddol

- Mae ymddeoliad hyblyg/graddol yn ddull cynlluniedig o ran ymddeol sy'n golygu gweithio llai o oriau a/neu symud i swydd ar radd is yn wirfoddol ac, ar yr un pryd, yn caniatáu mynediad at fuddion pensiwn a gronnwyd.
- Nid oes hawl awtomatig i chi weithio llai o oriau neu ar radd is, wrth dderbyn buddion pensiwn. Fodd bynnag, bydd yr holl geisiadau o'r fath yn cael eu hystyried mewn modd rhesymol.
- Mae'n angenrheidiol cael y gymeradwyaeth berthnasol, yn unol â'n [gweithdrefn ar gyfer Achosion Busnes dros Ymddeol](#).
- Os ydych wedi bod yn aelod gweithredol o'r Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon am o leiaf **2 flynedd** neu os ydych wedi trosglwyddo hawliau pensiwn blaenorol i mewn i'r cynllun, gallwch ystyried y posiblwydd o Ymddeoliad Hyblyg/Graddol.

- Gallwch dderbyn eich buddion pensiwn Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon yn wirfoddol heb leihad pan fyddwch yn cyrraedd Oedran Pensiwn Arferol.
- Mae'n rhaid i chi geisio ein cytundeb i godi eich buddion pensiwn yn 55 oed, fan gynharaf, wrth barhau i weithio llai o oriau neu symud i swydd ar gyflog is.
- Rhaid codi buddion pensiwn un diwrnod cyn cyrraedd 75 oed, fan hwyraf.
- Darperir canllawiau ynghyllch y rheol 85 mlynedd ar gyfer aelodau'r Cynllun Pensiwn Llywodraeth Leol yn **Atodiad 1**.
- Darperir canllawiau ynghyllch ymddeol yn raddol ar gyfer aelodau'r Cynllun Pensiwn Athrawon yn **Atodiad 2**

Beth yw'r Oedran Pensiwn Arferol?

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

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

Beth yw ymddeoliad hyblyg/graddol?

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

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

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

Beth yw manteision y polisi ymddeoliad hyblyg/graddol?

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

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

Pwy sy'n gymwys ar gyfer ymddeoliad hyblyg/graddol

Os ydych yn aelod o'r Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon, gallwch gysylltu â'ch rheolwr llinell i drafod cais am ymddeoliad hyblyg/graddol ar ôl cyrraedd 55 oed.³ Bydd yn bwysig i chi ystyried eich patrwm gweithio arfaethedig, sut y bydd y newid yn effeithio arnoch yn ariannol, gan gynnwys eich buddion pensiwn a'r effaith y gallai eich cais ei chael ar y gwasanaeth. Bydd yn helpu'ch rheolwr os byddwch yn cynnwys yn eich cais unrhyw ateb i unrhyw effaith negyddol posibl ar ddarpariaeth y gwasanaeth o ganlyniad i ganiatáu lleihad yn yr oriau gwaith/gradd.

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

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

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

³ Dylai gweithwyr nad ydynt yn aelodau o'r Cynllun Pensiwn Llywodraeth Leol/Cynllun Pensiwn Athrawon gyfeirio at y Polisi Gweithio Hyblyg

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

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

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

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

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

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

Amodau Gwasanaeth

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

Os byddwch yn dechrau swydd newydd, byddwch yn derbyn contract cyflogaeth newydd a, chyhyd â bod eich gwasanaeth mewn llywodraeth leol yn barhaus heb

doriad, bydd hyn yn cael ei gydnabod at ddibenion gwyliau blynnyddol a thâl salwch, ac ar gyfer hawliau cyflogaeth, megis taliadau dileu swydd.

Goblygiadau ariannol ymddeoliad hyblyg/graddol

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

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

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

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

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

Lleihau'r pensiwn a'r goblygiadau

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

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

Hepgor y lleihad yn y pensiwn

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

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

Gweithdrefn ar gyfer Ceisiadau Ymddeoliad Hyblyg

Prosesir ceisiadau fel a ganlyn:

- gallwch weld y wybodaeth ddiweddaraf am eich pensiwn drwy fynd i www.cronfabensiwindyfed.org.uk neu www.teacherspensions.co.uk;
- byddwch yn cyflwyno cais ffurfiol yn ysgrifenedig i'ch rheolwr llinell, gan nodi'r lleihad yn yr oriau neu'r radd y gwneir cais amdano a'r dyddiadau arfaethedig;
- bydd eich rheolwr llinell yn trefnu amser sy'n gyfleus i'r ddau ohonoch er mwyn trafod y cais gyda chi;
- bydd eich rheolwr llinell yn cadarnhau a ellir cefnogi'r cais yn amodol ar gymeradwyo'r Achos Busnes dros Ymddeoliad Hyblyg;
- bydd eich rheolwr llinell yn cysylltu â'r Tîm Adnoddau Dynol i gael y ffigurau pensiwn straen actiwaraid ar gyfer yr achos busnes ac yn rhoi'r union ffigurau i chi;
- byddwch yn cadarnhau â'ch rheolwr llinell os byddwch yn dymuno bwrw ymlaen â'ch cais ar ôl gweld y ffigurau;
- bydd eich rheolwr llinell yn cwblhau'r Achos Busnes dros Ymddeoliad Hyblyg ac yn ei gyflwyno i'ch Pennaeth Gwasanaeth neu'ch Cyfarwyddwr i'w gymeradwyo yn unol â'r Canllawiau ynghylch Llunio Achos Busnes dros Ymddeol.

Ar ôl cymeradwyo'r cais

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

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

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

Sicrhau Triniaeth Gyfartal

Rhaid arfer cysondeb yn y modd y gweithredir y polisi hwn mewn perthynas â'r holl weithwyr heb ystyried hil, lliw, cenedligrwydd (gan gynnwys dinasyddiaeth), tarddiad ethnig neu genedlaethol, iaith, anabledd, crefydd, cred neu ddiffyg cred, oedran [yn amodol ar reoliadau statudol], rhyw, hunaniaeth neu fynegiant rhywedd, cyfeiriadedd

rhywiol, statws o ran cyfrifoldebau magu plant, statws priodasol na statws partneriaeth sifil, beichiogrwydd na mamolaeth.

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

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

Atodiad 1

Ffeithlen Cronfeydd Pensiwn Cymru ynghylch Cynllun Pensiwn Llywodraeth Leol 2014

Y Rheol 85 Mlynedd

Pryd y gallaf ymddeol?

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

Beth yw'r Rheol 85 Mlynedd?

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

Pryd y gwaredwyd y Rheol 85 Mlynedd?

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

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

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

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

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

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

Faint o 'leihad' fydd?

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

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

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

Gyda chyflwyno Cynllun Pensiwn Llywodraeth Leol 2014 o 1 Ebrill 2014, mae modd i chi ymddeol yn wirfoddol o 55 oed ymlaen (heb ganiatâd eich cyflogwr). Os dewiswch ymddeol yn wirfoddol rhwng 55 oed a 60 oed, **NI** fydd y diogelwch a roddir

o dan y Rheol 85 Mlynedd yn berthnasol yn awtomatig ac felly caiff eich buddion eu lleihau'n **LLAWN**. Fodd bynnag, os dewiswch ymddeol yn 60 oed neu ar ôl hynny, **BYDD** y diogelwch o dan y Rheol 85 Mlynedd yn berthnasol. Yn ôl disgrifiwn eich cyflogwr y mae modd defnyddio'r Rheol 85 Mlynedd yn achos ymddeol yn wirfoddol rhwng 55 oed a 60 oed. Bydd gan eich Cyflogwr bolisi ynghylch y mater hwn.

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

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

Rhagor o wybodaeth

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

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

Atodiad 2

Ymddeoliad Graddol ar gyfer aelodau o'r Cynllun Pensiwn Athrawon

Os ydych yn athro/athrawes digyswilt, gallwch ddymuno parhau i weithio a chodi rhyw faint o'r buddion pensiwn a gronnwyt gennych.

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

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

Os bydd athro/athrawes digyswilt yn cyflwyno cais am ymddeoliad graddol

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

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

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

Bydd angen i chi gadarnhau'r canlynol:

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

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

Beth yw Oedran Pensiwn Arferol y Cynllun Pensiwn Athrawon?

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

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

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

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

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

Atodiad J

**JOINT NEGOTIATING COMMITTEE
for
LOCAL AUTHORITY CHIEF EXECUTIVES**

**NATIONAL SALARY FRAMEWORK
&
CONDITIONS OF SERVICE**

HANDBOOK

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UPDATED 13 OCTOBER 2016

PREAMBLE

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

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

NB:

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

THE CHIEF EXECUTIVE

1. DEFINITION

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

- (i) Responsibility for:
 - (a) leading the management team or equivalent, in particular in securing a corporate approach
 - (b) securing the provision of advice on the forward planning of objectives and services
 - (c) ensuring the efficient and effective implementation of the council’s programmes and policies across all services and the effective deployment of the authority’s resources to those ends.

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

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

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

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

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

2. ADVICE TO POLITICAL GROUPS

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

3. WHOLE-TIME SERVICE

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

4. PERFORMANCE APPRAISAL

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

5. FIXED TERM CONTRACTS

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

SALARIES

6. SALARY FRAMEWORK

The salary paid to a chief executive will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are

covered by **Paragraph 7** or the authority expressly agrees that they shall be retained by the officer, shall be paid by the officer into the council's accounts.

7. RETURNING OFFICER FEES

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

8. SETTING REMUNERATION LEVELS

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

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

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

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

OTHER CONDITIONS OF SERVICE

9. APPLICATION OF TERMS AND CONDITIONS GENERALLY

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

- Adoption Scheme
- Car Allowances
- Continuous Service
- Grievance
- Health, Safety & Welfare
- Maternity / Paternity Scheme
- Official Conduct
- Reimbursement of Expenditure
- Sickness Scheme
- Training & Development

10. REMOVAL EXPENSES: NEW APPOINTMENTS

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

11. ANNUAL LEAVE

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

12. RESTRICTIONS ON RE-EMPLOYMENT

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

- (i) will not divulge any information to any third party which is confidential to the authority
- (ii) will not, without the consent of the authority, within a period of 12 months take up employment with or provide services for reward to any body:

(a) if during the chief executive's last two years of employment the authority has been involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward

(b) which is likely to benefit from commercially sensitive information which is known to the chief executive by virtue of his / her past employment by the authority

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

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

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

13.3 There are, therefore, differences between the English and Welsh regulations and accordingly there are two separate procedures (one for local authorities in England and one for local authorities in Wales). The model procedures with guidance on their application and operation in both countries are introduced below **A England** and **B Wales**, and contained at **Appendix 5a (England)** and **Appendix W5a (Wales)**.

A ENGLAND

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

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

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

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

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

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

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

Considerations prior to contemplating disciplinary action

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

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

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

Early informal resolution and joint secretarial conciliation

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

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

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

13.14 Conciliation is preferable to the use of formal procedures if it can bring about a mutually agreed solution to any problems. While the process itself is informal any resolution should make it clear what specific changes in behaviour and / or performance are expected and within what timescales. Depending on the nature of the case, a mutually agreed resolution could include, for example:

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

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

The formal JNC procedure and associated guidance

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

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

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

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

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

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

B WALES

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

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

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

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

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

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

Considerations prior to contemplating disciplinary action

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

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

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

Early informal resolution and joint secretarial conciliation

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

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

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

W13.14 Conciliation is preferable to the use of formal procedures if it can bring about a mutually agreed solution to any problems. While the process itself is informal any resolution should make it clear what specific changes in behaviour and / or performance are expected and within what timescales. Depending on the nature of the case, a mutually agreed resolution could include, for example:

☒ For minor performance and conduct issues it may make sense for there to be an off-the-record agreement that an informal warning will be issued. While the law is clear that to take any sort of disciplinary action the Designated Independent Person process has to be used, it may be sufficient for elected members to express their concerns informally and let the matter rest there. If the chief executive is prepared to accept such a warning in the appropriate spirit then it may not be in either party's interest for the formal procedures to be initiated.

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

The formal JNC procedure and associated guidance

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

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

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

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

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

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

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

14. Grievance Procedures

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

APPENDIX 1

CONSTITUTION

1. TITLE

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

2. SCOPE

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

3. MEMBERSHIP

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

Representing local authorities:

Local Government Association 9

Welsh Local Government Association 1

Representing chief executives:

Association of Local Authority Chief Executives

and Senior Managers 11

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

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

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

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

FUNCTIONS

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

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

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

PROCEDURE

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

9. *Chair and Vice-Chair* The Committee shall appoint annually a Chair and Vice-Chair. The Chair, or in his / her absence the Vice-Chair, shall preside at all meetings of the Committee. In the absence of both the Chair and the Vice-Chair at any meeting, a Chair shall be elected to preside. In no case shall a Chair have a second or casting vote.

10. Officers Each side shall appoint a joint secretary.

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

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

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

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

FINANCE

15. Each side shall meet its own expenses.

APPLICATION

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

ARBITRATION

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

AMENDMENTS TO CONSTITUTION

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

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

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

APPENDIX 2

JOINT GUIDANCE ON APPRAISAL OF THE CHIEF EXECUTIVE

1. INTRODUCTION

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

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

2. RESPONSIBILITY FOR APPRAISAL

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

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

3. AIMS OF APPRAISAL

② To identify and clarify the key objectives, priorities and targets of the council and appropriate timescales for their achievement over the next (e.g. twelve) months

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

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

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

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

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

4. THE APPRAISAL CYCLE

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

5. KEY ELEMENTS OF THE APPRAISAL PROCESS

□ Continuous two-way monitoring of performance against objectives

□ Preparation for an appraisal interview

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

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

□ A continuing process of informal discussion regarding performance

6. The appraisal interview and afterwards

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

□ The process should be two-way

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

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

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

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

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

□ A date for the next review should be agreed

7. EXTERNAL ASSISTANCE

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

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

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

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

8. OTHER MATTERS

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

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

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

APPENDIX 3

CONSIDERATIONS IN DEVELOPING REMUNERATION COMMITTEES – JOINT GUIDANCE

1. Composition

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

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

2. Remit

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

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

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

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

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

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

3. Process

3.1 The Committee should meet at least annually to:

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

4. Recommendations

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

- ❑ The council's own personnel / HR function, possibly in the form of a report on current issues
- ❑ National and / or Regional Employers' Organisations
- ❑ Independent external pay data / advice / facilitation from:
 - ❑ External consultancy organisations with relevant experience in pay market analysis
 - ❑ Pay benchmark information (from local employers / other similar local authorities)
- ❑ Performance data drawn from council-wide performance management indicators
- ❑ Submissions made by the Association of Local Authority Chief Executives and Senior Managers on behalf of their members

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

4.3 In addition, in the first year of operation, the Committee would need to meet initially to agree the pay data to be collected and to agree its expectations of the process. The Committee would also need to determine what it would recommend as an overall executive pay policy, having regard to the general pay and employment strategy of the council.

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

5. Confidentiality and Protocols

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

APPENDIX 4

JNC AGREED PROTOCOLS FOR JOINT SECRETARIAL CONCILIATION

1. General principles

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

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

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

② Informality

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

② No pre-conditions

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

❑ Without prejudice

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

❑ No publicity

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

2. Process for the conciliation meeting

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

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

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

- ❑ The Employers' Secretary (or their representative) will probably start with a briefing from council representatives while the Staff Side Secretary (or their representative) will probably start with a briefing from their member
- ❑ The Joint Secretaries are likely to have their own private discussions at various points during the proceedings

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

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

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

APPENDIX 5

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

CONTENTS OF MODEL PROCEDURES & GUIDANCE

England Wales

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

Introduction

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

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

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

Local authority elected members will want to ensure that they:

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

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

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

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

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

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

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

A. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE – ENGLAND

1. 1. Issues requiring investigation – (procedure)

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

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

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

Issues requiring investigation – (guidance)

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

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

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

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

redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract”.

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

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

1.2 Structures to manage the procedure

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

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

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

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

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

1.2.5 Appropriate training should be provided for Independent Panel members.

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

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

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

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

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

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

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

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

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

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

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

2. Timescales - (guidance)

2.1 An important principle when taking disciplinary action is that the process should be conducted expeditiously but fairly. There is, therefore, a need to conduct investigations with appropriate thoroughness, to arrange hearings and allow for representation. It is not in the

interests of the council, or the chief executive, that proceedings are allowed to drag on without making progress towards a conclusion.

2. Timescales - (procedure)

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

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

2.2 Statutory and indicative timescales

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

2.3 Avoiding delays in the procedure

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

2.3.1 Availability of Independent Investigator

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

2.3.2 Availability of the chief executive in case of sickness

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

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

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

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

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

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

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

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

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

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

2.3.3 Availability of representative

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

2.3.4 Availability of witnesses

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

2.3.5 Availability of committee members

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

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

2.3.6 Availability of Independent Panel members

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

3. Suspension – (guidance)

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

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

3. Suspension - (procedure)

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

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

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

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

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

3.3 Alternatives to suspension

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

3.4 Power to suspend

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

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

3.5 Short notice suspension

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

3.6 Suspension protocols

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

4. Right to be accompanied – (procedure)

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

3.7 Review of suspension

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

4. Right to be accompanied – (guidance)

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

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

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

- ❑ where the IDC considers the report of the Independent Investigator and provides the chief executive with the opportunity to state their case before making its decision.
- ❑ during any appeal against the decision taken by the IDC.
- ❑ at a council meeting considering a proposal for dismissal and also fulfilling the requirement relating to a right of appeal

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

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

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

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

The IDC shall decide whether:

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

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

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

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

5.1 The range of issues and to some extent the seriousness of the issues, which come before the IDC, will depend on the filter that the council adopts. Issues such as those relating to

sickness absence and performance are likely to arise at the IDC having followed the authority's sickness absence or performance management / appraisal procedures (see **Paragraph 1.3**).

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

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

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

5.4.1 Threshold test for the appointment of an Independent Investigator

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

- if it were to be proved, it would be such as to lead to the dismissal or
 - other action which would be recorded on the chief executive's personal file and
 - there is evidence in support of the allegation sufficient to require further investigation

5.4.2 Conducting the initial IDC investigation

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

(b) This will be achieved by:

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

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

5.4.3 Treatment of witness evidence

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

5.4.4 Conflicts of interest

(a) The model procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing IDC. **Paragraph 1.2** indicates the basic rules concerning its membership. However, because a standing committee will comprise named councillors, there

may be occasions when this presents problems of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Committee, although they will of course be able to give evidence, if required. The authority should attempt to construct its Committees, and establish quorums and substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the council to establish a new Committee to perform the function of the IDC.

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

5.4.5 Maintaining the fairness and integrity of the procedure

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

5.4.6 Other appropriate actions

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

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

(c) It is possible at any stage to consider the mutual termination of the contract and sometimes this will be a suitable alternative for all concerned. This might particularly be the

case where relationships are breaking down but there is no evidence of misconduct attached to the chief executive. The Joint Secretaries could be available to assist (see **Appendix 4**).

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

- ❑ Falls within the authority's discretions under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, or
- ❑ Is a payment in consideration of an agreement that compromises a genuine legal claim that the chief executive might have at a Court or Employment Tribunal

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

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

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

5.4.7 Power to agree financial settlements

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

5.4.8 Access to appropriate professional / independent advice

(a) Conducting an investigation into allegations or serious issues involving the chief executive can be demanding on the individuals involved. The IDC (and the Appeal Committee and council) will have access to the local authority's officers, but given the closeness of relationships between the chief executive and the other senior officers this can be a difficult time for those required to advise the Committee, to conduct investigations internally, or to source advice from outside the authority.

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

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

5.4.9 Ill-health - medical advice

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

5.4.10 Performance

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

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

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

6. Appointment of an Independent Investigator - (procedure)

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

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

6. Appointment of an Independent Investigator - (guidance)

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

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

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

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

6.5 Terms of reference – allegations or issues to be investigated

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

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

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

6.6 Remuneration

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

7. The Independent investigation – (guidance)

7.1 Resources

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

7. The Independent investigation – (procedure)

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

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

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

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

7.2 Working arrangements

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

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

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

7.3 Suspension

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

7.4 Confidential contact at authority

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

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

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

Having considered any other associated factors the IDC may:

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

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

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

8.1 Report of the Independent Investigator

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

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

- ② If the Independent Investigator has proceeded by way of an evidence-gathering process, the Committee should hold a hearing, giving both the Independent Investigator and the chief executive the right to call and question each other's witnesses

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

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

8.2 New material evidence

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

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

8.3 Recommendations by the Independent Investigator – outcomes or options

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

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

8.4 Decision by the IDC

8.4.1 The IDC should take its decision on the basis of the Independent Investigator's report, and its own findings. It is open to the Committee to impose a lesser or greater sanction than that recommended and it is obviously important for later stages of the procedure that the reasons for doing so are recorded.

9. Action short of dismissal – (guidance)

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

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

9. Action short of dismissal – (procedure)

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

10. Where dismissal is proposed – (procedure)

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

Executive constitutions only

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

Executive objections procedure

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

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

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

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

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

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

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

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

The role of the Independent Panel

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

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

The role of the Council

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

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

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

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

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

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

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

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

10.2 Executive objections procedure

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

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

10.2.3 It will also be appropriate to explain that in order for an objection to be considered material and well-founded, the objection would need to be not only based on evidence (well-founded) but must also be relevant to the case (material).

10.2.4 Given the procedure followed it would be unusual for a member of the executive to be in a position to raise an objection that would be sufficient to change the outcome significantly. However, this may be the case.

10.2.5 It is for the IDC to decide whether any objections put forward by members of the executive are material and well-founded. If they are, then the Committee will need to consider the effect of the objection and act accordingly. For example, this may require further investigation.

10.3 The role of the Independent Panel

10.3.1 The Independent Panel must be appointed at least 20 days before the meeting of the council at which the recommendation for dismissal is to be considered.

10.3.2 It is likely that Independent Panel members will be unfamiliar with their role under the Regulations and with matters relating to the working environment of chief executives. Accordingly, it is important for Panel members to be offered appropriate training for the role the Panel is to fulfil.

10.3.3 The role of the Panel is to offer any advice, views or recommendations it may have to the council on the proposal for dismissal. The Panel will receive the IDC proposal and the reasons in support of the proposal, the report of the Independent Investigator and any oral and / or written representations from the chief executive. The Independent Investigator may be invited to attend to provide clarification if required. The Panel will be at liberty to ask questions of either party.

10.3.4 The Panel should then formulate any advice, views or recommendations it wishes to present to the council. If the Panel is recommending any course of action other than that the council should approve the dismissal, then it should give clear reasons for its point of view.

10.4 The role of the Council

10.4.1 The Regulations require that in all constitutions, where there is a proposal to dismiss the chief executive, the council must approve the dismissal before notice of dismissal is issued. The council must therefore consider the proposal and reach a decision before the chief executive can be dismissed.

10.4.2 Given the thoroughness and independence of the previous stages, in particular, the investigation of the Independent Investigator (where applicable), it will not be appropriate to undertake a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the proposal to dismiss, and any advice, views or recommendations of the Independent Panel.

10.4.3 The chief executive will have the opportunity to attend and be accompanied by their representative and to put forward his / her case before a decision is reached.

10.4.4 The Council is at liberty to reject the proposal to dismiss. It can then decide on the appropriate course of action which could include substituting a lesser sanction or, in a case of misconduct or other reasons such as capability or some other substantial reason, referring it back to the IDC to determine that sanction.

11. Appeals – (guidance)

11.1 Appeals against dismissal

11.1.1 *Discipline and Grievance – ACAS Code of Practice* requires that an employee who has been dismissed is provided the opportunity to appeal against the decision.

11.1.2 As the Standing Orders Regulations require that the council approves the dismissal before notice of dismissal is issued, there might be some concerns about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss. The model procedure therefore envisages that the council meeting fulfils the requirement for an appeal. Before the council takes a decision on the recommendation to dismiss the chief executive it will take representations from the chief executive. Those representations will constitute the appeals process.

11.2 Appeals against action short of dismissal

11. Appeals – (procedure)

Appeals against dismissal

Where the IDC has made a proposal to dismiss; the hearing by the council will also fulfil the appeal function.

Appeals against action short of dismissal

If the IDC takes action short of dismissal, the chief executive may appeal to the Appeals Committee. The Appeals Committee will consider the report of the Independent Investigator and any other relevant information considered by the IDC, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The chief executive will have the opportunity to appear at the meeting and state his / her case.

The Appeals Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

11.2.1 Appeals against actions short of dismissal will be heard by the Appeals Committee. The appeal hearing will take the form of a review of the case and the decision that was taken by the IDC.

11.2.2 This process should follow the procedure that the local authority applies generally to its other employees.

1. Issues requiring investigation – (procedure)

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

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

B. THE MODEL DISCIPLINARY PROCEDURE AND GUIDANCE - WALES

1. Issues requiring investigation – (guidance)

1.1 The Local Authorities (Standing Orders) (Wales) Regulations 2006

1.1.1 The Local Authorities (Standing Orders) (Wales) Regulations 2006 (Regulation 8, and Schedule 4) require that no disciplinary action be taken against the chief executive other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). The definition of disciplinary action (Interpretation, Regulation 2) is wide.

1.1.2 Disciplinary action: in relation to a member of staff of a relevant authority (county council or county borough council) means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

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

1.1.3 Therefore, although the definition refers to disciplinary action, it clearly requires that any action that could lead to a warning for misconduct or where there are circumstances which may result in a proposal for dismissal for any reason other than the following be covered by the process:

- Redundancy;
- Expiry of a fixed term contract;
- Retirement or termination on permanent ill-health grounds.

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

1.2 Structures to manage the procedure

1.2.1 A key feature of the model procedure is the specific roles envisaged by the IDC, the Appeals Committee and the council. Authorities will need to consider a number of important issues around the composition of committees and the delegation of appropriate powers. In particular, it must be borne in mind that the appointment and dismissal of staff are non-executive functions. Therefore these bodies have to be put in place by the council not the leader / Mayor or executive.

1.2.2 The Welsh regulations require (Regulation 9 (1)) that when it appears that an allegation of misconduct which may lead to disciplinary action has been made against the head of paid service (chief executive) the authority must appoint a committee ("an investigation committee") to consider the alleged misconduct. In this model the JNC envisages that for practical reasons, not explicitly set out in the regulations, this committee will have a wider function than performing only the initial investigation. For example it will also receive the report of the Designated Independent Person, may make recommendations to full council, may take disciplinary action itself in some circumstances (in accordance with the regulations) and have a number of other functions such as powers to suspend the chief executive and appoint a Designated Independent Person, etc. It is therefore referred to throughout as the Investigating and Disciplinary Committee (IDC) (It does not matter what the committee is called locally, and it could for example perform other local functions. The important feature is that it has appropriate powers and resources to perform its role and responsibilities). It is also envisaged and strongly advised that authorities should have a standing committee rather than attempt to set one up only when an allegation arises. The IDC must be a politically balanced committee comprising a minimum of three members (Regulation 9 (2)) although an authority might wish to have a larger committee, particularly if this is necessary to achieve political balance. Where authorities operate a leader / cabinet or mayor / cabinet executive structure, this must include one member of the executive but not more than half of the

members of the committee are to be members of the executive. This Committee may need to be in a position to take decisions and appropriate actions as a matter of urgency. It may need to meet at very short notice to consider allegations and decide whether there is a case to answer and to consider whether suspension of the chief executive might be appropriate. It is also possible that in some circumstances members of the committee may find themselves in a position where they have a conflict of interest. It is therefore recommended that authorities take this into account when constructing the committee and its powers, including the quorum and substitutes. The role of the IDC is explained further at appropriate stages in the guidance.

1.2.3 The Appeals Committee is not stipulated in the Standing Orders Regulations but again has a practical purpose in relation to the procedure. Again it must be a politically balanced committee and it is strongly recommended that it be a standing committee. The number of members is not specified but it is suggested, as with the IDC that there is a minimum of three members but that an authority might wish to have a larger committee. The members of the Appeals Committee should not be members of the IDC. Where authorities operate an executive structure this must include one member of the executive but not more than half of the members of the committee are to be members of the executive. The Appeals Committee will have a more limited role. Its purpose will be to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to award no sanction or a lesser sanction.

1.3 Managing access to the procedure (see also paragraph 5.1)

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

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

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

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

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

2. Timescales – (procedure)

It is in the interests of all parties that proceedings be conducted expeditiously. It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

1.3.6 Where management action is required in respect of the normal sickness of the chief executive, the authority needs to be clear about who takes appropriate actions. Initially, it could be the normal management team of elected members or Director of HR (according to local procedures) who will follow the authority's normal sickness absence procedures. Whoever is responsible will report to the IDC as appropriate to the matter being investigated – in particular where procedures have been followed to the point where dismissal appears to be a possibility (see flow diagrams **Appendices W5a, 5b and 5c**).

1.3.7 Any shortcomings in a chief executive's performance can be better identified, and therefore remedied, at an early stage if there is an objective performance appraisal system in place as required by the JNC agreement (see **Appendix 2**). For a chief executive the system is likely to be linked to objectives in the authority's community plan and the performance objectives should be specific, measurable, achievable, realistic, and time-related. It may, but will not necessarily, be the system against which pay progression is measured (see **Appendix 5c**).

2. Timescales – (guidance)

2.1 An important principle when taking disciplinary action is that the process should be conducted expeditiously but fairly. There is, therefore, a need to conduct investigations with appropriate thoroughness, to arrange hearings and allow for representation. It is not in the

interests of the council, or the chief executive, that proceedings are allowed to drag on without making progress towards a conclusion.

2.2 Statutory and indicative timescales

2.2.1 The procedure does not set out explicit timescales except those specifically referred to in the Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended). In this guidance we also make reference to other statutory timescales and restrictions which are applicable to disciplinary procedures more generally, such as those contained in the Employment Relations Act 1999 (in connection with the right to be accompanied).

2.3 Avoiding delays in the procedure

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

2.3.1 Availability of the Designated Independent Person (DIP) (see paragraph 6)

(a) The Local Authority (Standing Orders) (Wales) Regulations 2006 require that the Designated Independent Person must be agreed between the council and the chief executive within 1 month of the date on which the requirement to appoint the Designated Independent Person arose otherwise a Designated Independent Person will be nominated by Welsh Ministers for formal appointment by the council. The practicalities of discussing and agreeing on the DIP is a matter which could be delegated to an appropriate officer, eg, Monitoring Officer of HR Director.

(b) There is no provision in the Regulations on the amount of the fee to be paid to the DIP for their work. However, the Regulations do provide that the authority must pay reasonable remuneration to the DIP, including any reasonable costs.

(c) Where a decision has been taken to appoint a DIP it is important that the authority move quickly to achieve this to adhere to the timescale set out in the regulations in (a) above but also due to the two-month time limit on suspension, this is also particularly important where the chief executive has been suspended.

(d) The regulations provide that it is the committee's responsibility to appoint the Designated Independent Person. This would include agreeing the terms of remuneration and working methods for the Designated Independent Person.

(e) The JNC Joint Secretaries maintain a list of individuals who have the necessary knowledge and experience of local government issues to act at this level and in this capacity. The list is intended to provide a resource to local authorities. It also provides a way to help avoid unnecessary delays.

2.3.2 Availability of the chief executive in case of sickness

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

- ☒ the issue under investigation is the chief executive's sickness in itself (i.e. a capability issue); or alternatively
- ☒ while during an investigation for another reason such as allegations about the chief executive's conduct, the chief executive commences sickness absence during the disciplinary process

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

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

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

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

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

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

2.3.3 Availability of representative

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

2.3.4 Availability of witnesses

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

2.3.5 Availability of committee members

(a) It is recommended that, in addition to the requirements set out in **paragraphs 1.22 and 1.23** in establishing the IDC and the Appeals Committee, authorities take availability issues into account and any operational quorum when considering the numbers of members to serve on these committees.

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

3. Suspension - (guidance)

3. Suspension – (procedure)

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

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

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

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

Any suspension must not last longer than 2 months unless the Independent Person has used his / her power to direct an extension to that period.

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

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

3.3 Alternatives to suspension

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

3.4 Power to suspend

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

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

3.5 Short notice suspension

The procedure also recognises that in exceptional circumstances it may be necessary to suspend at very short notice and before the IDC can meet, e.g. because the remaining presence of the chief executive could be a serious danger to the health and safety of others, or a serious risk to the resources, information or reputation of the authority. An elected member should

hold the delegated power to suspend in an emergency. It is suggested that this power might be held by the Chair of the IDC or the Chair of the Urgency Committee.

3.6 Suspension protocols

(a) If suspension were deemed appropriate, the IDC (or in exceptional circumstances, the chair) would also be the appropriate body to agree or authorise any protocols which are necessary to manage the suspension and the investigation. For example, the chief executive might request access to workplace materials and even witnesses. Arrangements should be made to manage such requests and facilitate appropriate access. Another general principle would be that whilst suspended, the chief executive would remain available to participate in the investigation and to attend any necessary meetings. Therefore other important issues would include communication channels for day-to-day communication and any stipulations for reporting any scheduled or unscheduled absence from the area, e.g. pre-arranged holiday.

3.7 Time limits on suspension

(a) Where the chief executive is suspended The Local Authorities (Standing Orders) (Wales) Regulations 2006 (Regulation 8, Schedule 4) specify that any suspension for the purposes of investigating the allegation must be on full pay and terminate no later than 2 months from the day the suspension takes effect. This period can be extended by the Designated Independent Person who also has the power to vary the terms on which any suspension has taken place.

(b) Where a chief executive is suspended and it is decided that a Designated Independent Person shall be appointed, the authority must look to a speedy appointment. It is not always easy to identify and agree terms with a Designated Independent Person and any delay in commencing the process could create the danger that the 2-month period may expire before a DIP is in place. The regulations indicate that the chief executive would then be entitled to return to work. If such a situation arises it would be preferable to try to reach an agreement

4. Right to be accompanied – (procedure)

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

with the chief executive on an alternative to them returning to the office until the Designated Independent Person has been appointed.

4. Right to be accompanied - (guidance)

4.1 Although the statutory right to be accompanied applies only at a disciplinary hearing, the JNC procedure provides the opportunity for the chief executive to be accompanied at all

stages by their trade union representative or some other person of their choice, at their own cost.

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

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

- where the IDC considers the report of the Designated Independent Person and provides the chief executive with the opportunity to state their case before making its decision
- during any appeal against the decision taken by the IDC
- At a council meeting considering a proposal for dismissal and also fulfilling the requirement relating to a right of appeal

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

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

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

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

The chief executive will be invited to put forward written representations and any evidence including evidence from witnesses he / she wishes the Committee to consider.

The Committee will also provide the opportunity for the chief executive to make oral representations.

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

The IDC shall decide whether:

- the issue requires no further formal action under this procedure; or
- the issue should be referred to a Designated Independent Person.

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

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

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

(a) may make such enquiries of the chief executive or any other person it considers appropriate

(b) may request the chief executive or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit, and (c) may receive written or oral representations from the chief executive or any other person it considers appropriate

5.3 When an issue comes before the IDC it needs to make a judgement as to whether the allegation can be dismissed or whether it requires more detailed investigation by a Designated Independent Person (DIP). The regulations (Reg 9 (2)) require that the Committee must make its decision within 1 month of its appointment to consider the allegation. As the procedure envisages a standing committee in place to consider allegations we believe that the 1 month period would begin to run from the date that the 'allegation' was put to the Committee for consideration.

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

5.4.1 Threshold test for the appointment of a DIP

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

- ¤ if it were to be proved, it would be such as to lead to the dismissal or other action which would be recorded on the chief executive's personal file; and
- ¤ there is evidence in support of the allegation sufficient to require further investigation.

5.4.2 Conducting the initial IDC Investigation

(a) It is intended that this stage is conducted as expeditiously as possible with due regard to the facts of the case. At this stage it is not necessarily a fully detailed investigation of every aspect of the case as that will be the responsibility of the Designated Independent Person (if appointed). However, it is important that before any decision is taken to appoint a Designated

Independent Person the chief executive is aware of the allegations that have been made against him / her (or the issue to be addressed) and given the opportunity to respond.

(b) This will be achieved by:

- The IDC writing to the chief executive setting out the allegations / issues and providing any evidence to be considered.
- Providing the opportunity for the chief executive to respond to the allegations in writing and to provide personal evidence or witness evidence.
- Providing the opportunity for the chief executive to appear before the IDC and to call witnesses.

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

5.4.3 Treatment of witness evidence

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

5.4.4 Conflicts of interest

(a) The model procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing IDC. **Paragraph 1.2.2** indicates the basic rules concerning its membership. However, because a standing committee will comprise named councillors, there may be occasions when this presents problems of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Committee, although they will of course be able to give evidence, if required. The authority should attempt to construct its Committees, established quorums, and substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the council to establish a new Committee to perform the function of the IDC.

(b) Declarations of interest are matters for individual councillors who are required to follow the authority's Code of Conduct for Members and can seek advice from their Monitoring Officer or Standards Committee. Considerable problems could follow for the speed at which the case is conducted if the chief executive considers there are valid grounds for making a formal complaint to the Public Services Ombudsman for Wales about the involvement of a councillor in a case.

5.4.5 Maintaining the fairness and integrity of the procedure

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

5.4.6 Other appropriate actions

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

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

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

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

- ❑ Falls within the authority's discretions under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 or
- ❑ Is a payment in consideration of an agreement that compromises a genuine legal claim that the chief executive might have at a Court or Employment Tribunal

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

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

5.4.7 Power to agree financial settlements

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

5.4.8 Access to appropriate professional / independent advice

(a) Conducting an investigation into allegations or serious issues involving the chief executive can be demanding on the individuals involved. The IDC (and the Appeal Committee and council) will have access to the local authority's officers, but given the closeness of relationships between the chief executive and the other senior officers this can be a difficult time for those required to advise the Committee, to conduct investigations internally, or to source advice from outside the authority.

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

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

5.4.9 Ill-health - medical advice

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

5.4.10 Performance

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

6. Appointment of a Designated Independent Person – (procedure)

The Designated Independent Person must be agreed between the IDC and the chief executive within 1 month of the decision to appoint a DIP. If there is a failure to agree on a suitable Designated Independent Person the council will appoint the person nominated by Welsh Ministers.

Once a Designated Independent Person has been agreed, the IDC will be responsible for making the appointment, providing the necessary facilities, agreeing remuneration and providing all available information about the allegations.

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

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

6. Appointment of a Designated Independent Person - (guidance)

6.1 Where a decision has been taken to appoint a Designated Independent Person it is important that the council moves quickly to achieve this. The Regulations provide that the authority and the chief executive must agree on a DIP within 1 month of the decision to appoint one. This may also be particularly important if the chief executive has been suspended because of the two-month time limit on suspension (see **paragraph 2.3.1**).

6.2 The IDC is responsible for appointing the Designated Independent Person. This will include issues such as the terms of remuneration and working methods.

6.2.1 Terms of reference – allegations or issues to be investigated

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

- ☒ aware of the precise allegation(s) or issue(s) to be investigated
- ☒ provided with access to sources of information and people identified as relevant to the case

aware of expectations regarding timescales and any known factors which could hinder their investigation, e.g. the availability of key people

(b) The IDC will be responsible for providing this information. It will also be in a position to discuss timescales for the Designated Independent Person's investigation. The Committee must, after consulting the Designated Independent Person, attempt to agree a timetable within which the DIP is to undertake the investigation. Where there is no agreement the DIP must set a timetable which he / she considers appropriate.

6.2.2 Remuneration

(a) There is no provision in the Regulations that stipulates the rate of remuneration to be paid to the Designated Independent Person for their work. However, the Regulations do provide (Regulation 9 (10)) that:

'A relevant authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.'

(b) This is a fairly broad obligation on local authorities. One issue that has caused delay and failure to appoint in some cases is the issue of providing the Designated Independent Person with an indemnity. Some DIPs may decline to accept the role unless the authority indemnifies them against any future legal costs arising from the role performed. There has been a difference of opinion as to whether the DIP should have insurance in their own right to cover such an eventuality, or whether the council should provide this or indeed whether it has the power to do so. In the opinion of the CLG, at the time of implementation, this issue is to all intents and purposes resolved by the wording of Regulation 9(10), i.e. that the Regulations require the council to bear all of the costs of the DIP incurred by him / her in, or in connection with, the discharge of his / her functions under this Regulation.

7. The Independent Person investigation – (guidance)

7.1 Resources

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

7. The Independent Person investigation – (procedure)

The Local Authorities (Standing Orders) (Wales) Regulations 2006 require the Designated Independent Person to investigate and make a report to the council. In this model procedure this would be the IDC. The JNC believes that the Designated Independent Person should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which the allegations and supporting evidence including evidence provided by witnesses are stated by the authority's representative and the chief executive or his / her representative is able to present his / her case.

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

stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct or incapability or supports a need for action under this procedure for some other substantial reason; and recommending any disciplinary action (if any is appropriate) or range of actions which appear to him / her to be appropriate for the authority to take against the chief executive.

Note: wording above not all in regulations but necessary to deal with other situations resulting in proposals to dismiss

some of the investigation work to an assistant. This should be agreed with the IDC and the chief executive should be informed. If the work is delegated to someone else outside of the authority this might also require further discussion on any difference in the terms of remuneration for the assistant to the Designated Independent Person.

7.2 Working arrangements

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

- stating in his / her opinion whether (and, if so, the extent to which) the evidence he / she has obtained supports any allegation of misconduct or other issue under investigation and
- to recommend any disciplinary action which appears to him / her to be appropriate for the council to take against the head of paid service / chief executive

7.2.2 The IDC must, after consulting the Designated Independent Person, attempt to agree a timetable within which the DIP is to undertake the investigation. Where there is no agreement the DIP must set a timetable which he / she considers appropriate.

7.2.3 The Regulations only require the Designated Independent Person to investigate and report to the council. The methodology should be confirmed with the parties. However, the JNC believes that the Designated Independent Person should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which details of the allegations and supporting evidence are stated by the authority's representative and where the chief executive is given the opportunity to respond.

7.3 Power to extend suspension

7.3.1 The Regulations provide that suspension of the chief executive for the purposes of investigating the issue should last for no longer than two months.

7.3.2 The DIP does not have the power to suspend the chief executive and neither is his / her permission required in order to suspend the chief executive. However, the Regulations provide that where the authority has suspended the chief executive, the Designated Independent Person has the power to direct:

- that the authority terminate the suspension
- that the suspension should continue beyond the two month limit
- that the terms on which the suspension has taken place must be varied

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

The IDC will consider the report of the Designated Independent Person and also give the chief executive the opportunity to state his / her case before making a decision. Having considered any other associated factors the Committee may:

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

7.4 Confidential contact at authority

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

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

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

8.1 Report of the Designated Independent Person

The requirement is that the Designated Independent Person makes a report to the council and sends a copy to the chief executive simultaneously. In the JNC procedure it is envisaged that the report be made to the IDC which will have delegated powers from the authority to receive the report and take a decision on the outcome. Unless the chief executive is exonerated by the report then at this stage the chief executive should be given the opportunity to state his / her case before the committee makes its decision.

8.2 New material evidence

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

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

The way the evidence is taken into account will depend on its nature. The introduction of new evidence in itself cannot be used to justify a more serious sanction than recommended by the Designated Independent Person. If this is a possibility, the Designated Independent Person should review his / her decision taking into account the new evidence.

8.3 Recommendations by the DIP - outcomes or options

8.3.1 The Regulations require the Designated Independent Person to recommend any disciplinary action that appears to be appropriate. At this stage clarity is to be welcomed and a clear reasoned decision is preferable. However, it could be that there is not one obvious action and it may be that the Designated Independent Person recommends a range of alternative actions. In this case the IDC would need to select the action to be taken.

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

8.4 Decision by the IDC

The Committee is required to take a decision on the basis of the Designated Independent Person's report. It is always open to the Committee to impose a lesser sanction than that recommended but it cannot impose a greater sanction.

9. Action short of dismissal - (guidance)

Where the decision taken by the Committee is action short of dismissal the action will be taken by the Committee itself. There is no requirement to seek confirmation by the council. The constitution of the IDC will need to include the delegated power to take disciplinary action in these circumstances.

10. Where the IDC proposes dismissal - (guidance)

Where the Committee proposes dismissal the Regulations require that the council must approve the dismissal before notice of dismissal is issued.

9. Action short of dismissal – (procedure)

Where the decision is to take action short of dismissal the IDC will impose the necessary penalty / action, up to the maximum recommended by the Designated Independent Person.

10.2 Executive objections procedure

10.2.1 Although previous statutory guidance referred to conducting an executive objections procedure in authorities operating leader / cabinet and mayor / cabinet constitutions this is not required.

10.3 The role of The Council

10.3.1 The Regulations require that where there is a proposal to dismiss the chief executive, the council must approve the dismissal before notice of dismissal is issued. The Council must therefore consider the proposal from the IDC and reach a decision before the chief executive can be dismissed.

10.3.2 Given the thoroughness and independence of the previous stages, in particular, the investigation of the Designated Independent Person it will not be appropriate to undergo a full re-hearing of the case. Instead, consideration by the council will take the form of a review of the case and the recommendation to dismiss.

10.3.3 The chief executive will have the opportunity to be accompanied by their representative and to put forward his / her case before a decision is reached.

11. Appeals – (*guidance*)

11.1 Appeals against dismissal

11.1.1 *Discipline and Grievance at Work – The ACAS Guide* requires that an employee who has been dismissed is provided the opportunity to appeal against the decision.

11.1.2 As the Standing Orders Regulations require that the council approves the dismissal before notice of dismissal is issued, there might be some concerns about the ability to offer a fair appeal if the whole council was already familiar with the issues and had already taken the decision to dismiss. The model procedure therefore envisages that the council meeting fulfils the requirement for an appeal. Before the council takes a decision on the recommendation to dismiss the chief executive it will take representation from the chief executive. Those representations will constitute the appeals process.

11.2 Appeals against action short of dismissal

11.2.1 Appeals against actions short of dismissal will be heard by the Appeals Committee. The appeal hearing will take the form of a review of the case and the decision that was taken by the IDC.

11.2.2 This process should follow the procedure that the local authority applies generally to its other employees.

Appendix 5a

ENGLAND ONLY: Disciplinary Procedure for Local Authority Chief Executives

Investigating and disciplinary committee convened (IDC)

This should be a standing committee of the Council

Option 1.

No further action. This should be immediately communicated to the Chief Executive and the complainant notified if necessary.

The IDC considers the allegation[s]

The Chief Executive should be asked for comments. In the light of the Chief Executive's comments and having carefully considered the complaint / allegation the IDC may decide on any of the following actions

Option 3

Case to answer / further investigation required

If following consideration of the Chief Executive's response the IDC believes that the case cannot be dismissed and requires further investigation and that, if the allegations were to be upheld they would result in a sanction greater than an informal warning, the IDC should appoint an Independent Investigator, II, and consider suspension.

Option 2.

Informal un-recorded oral warning

If the matter is not serious but there is some minor fault or error on the part of the Chief Executive then the IDC can issue an informal un-recorded warning

oral warning.

The report of the II

Irrespective of the manner in which the II investigates the case on completion of their investigation the II must prepare a report with

recommendations and rationale for submission to the IDC.

Suspension

The chair of the IDC should have delegated authority to suspend two months and only extended following consultation with the II representations from the Chief Executive

Suspension should be reviewed after a period of and consideration of any objections /

Hearing the case

Alternatively the II may hear the case.

If the II hears the case both parties will have the usual opportunities to present evidence and cross examine witnesses etc. At the hearing both parties are afforded the opportunity to be represented by an individual of their choice, although representation for the Chief Executive should be obtained at his / her expense. Following the hearing the II will produce a report for consideration by the IDC.

Evidence collection and investigation

It may be a process of evidence gathering, hearing submissions etc. which will lead to the formulation of a recommendation for consideration by the IDC.

Role of the II

In practice it should be for the II to determine the process they will follow. This will be dependent upon the nature of the allegations and availability of information. However, the JNC's preferred process is 'Evidence Collection and Investigation'.

Appointment of the Independent Investigator (II)

An Independent Investigator is appointed-

A list of suitably qualified individuals should be maintained by the Joint Secretaries. This could operate as a taxi rank system or the authority could be given three names from which the Chief Executive could pick. Only genuine conflicts of interest etc. should be acceptable reasons for rejection by the Chief Executive. If the Chief Executive will not agree within 14 days the Council should be free to appoint their choice from the list.

Consideration and Decision of the IDC

If the II has held a full hearing the IDC will limit their hearing to a consideration of the II's report. They may decide to call witnesses for clarification. The Chief Executive and II should attend this meeting and both parties afforded the opportunity to summarise their case. The hearing should be conducted in accordance with the ACAS code of practice.

If the II did not hear the case then the IDC should now afford the Chief Executive the opportunity for a hearing to allow the postholder to challenge the recommendations of the II, call witnesses etc. The same rule regarding costs of representation would apply in this context

Report to full Council

Following consideration by the IP a report should be presented to Council. This report should comprise the recommendation of the IDC, the II's report and any comments on the recommendation for dismissal from the IP. In the light of this information Council should consider the recommendation to dismiss. The Chief Executive should be provided with a right of appeal against the decision and allowed to attend this meeting and address Council. The II may also be invited to attend to provide clarification if required. Following this consideration Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction. This stage in the process constitutes the Chief Executive's final right of appeal.

Composition, role and process of the IP

The IP should be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972, and should comprise only independent persons (at least two) appointed under S28(7) of the Localism Act 2011. Appropriate training should be provided to these Independent members. Both parties should be present or represented* at the meeting. The IP should receive any oral representations from the Chief Executive, in which case it should invite any response on behalf of the IDC to the points made, and may ask questions of either party. The IP should review the decision and prepare a report for Council. This report should contain clear rationale if they disagree with the recommendation to dismiss.

* the IDC should nominate a person to attend on its behalf

Recommendation to dismiss

If there is a recommendation to dismiss, the reports of the IDC and the II should then be sent to Independent Panel (IP) for its consideration. The Chief Executive may make written representations to the IP

Action short of dismissal

A decision to take action short of dismissal should be communicated in writing to the Chf Exec with rationale for the decision. The Chf Exec has the right of appeal to the appeals committee against this decision

No case to answer

Appropriate communication should be prepared in agreement with the Chief Executive to ensure that as far as possible there is no damage to the postholder's reputation. The IDC should consider reimbursement of any reasonable expenses incurred by the employee.

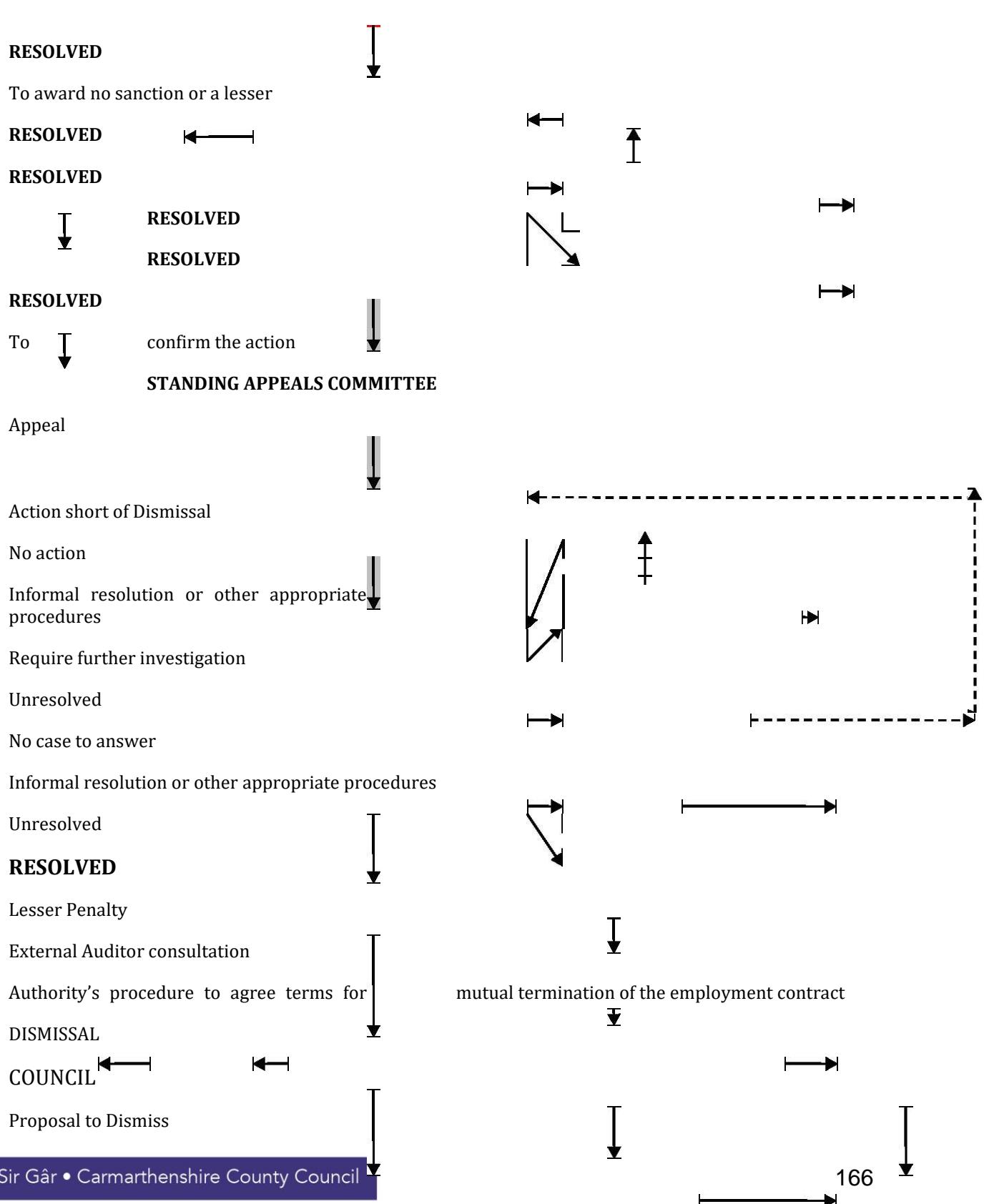
Recommendations of the IDC

Following either consideration of the report of the II or a full hearing of the case the IDC will essentially have three options

- 1. No case to answer**
2. Disciplinary action short of dismissal
- 3. Dismissal**

Appendix W5a

WALES ONLY: Disciplinary Procedure for Local Authority Chief Executives



Range of actions that can be taken by Investigating & Disciplinary Committee on the outcome of report of the DIP

DIP investigation and report

Appoint Independent Person (DIP)

Case to answer

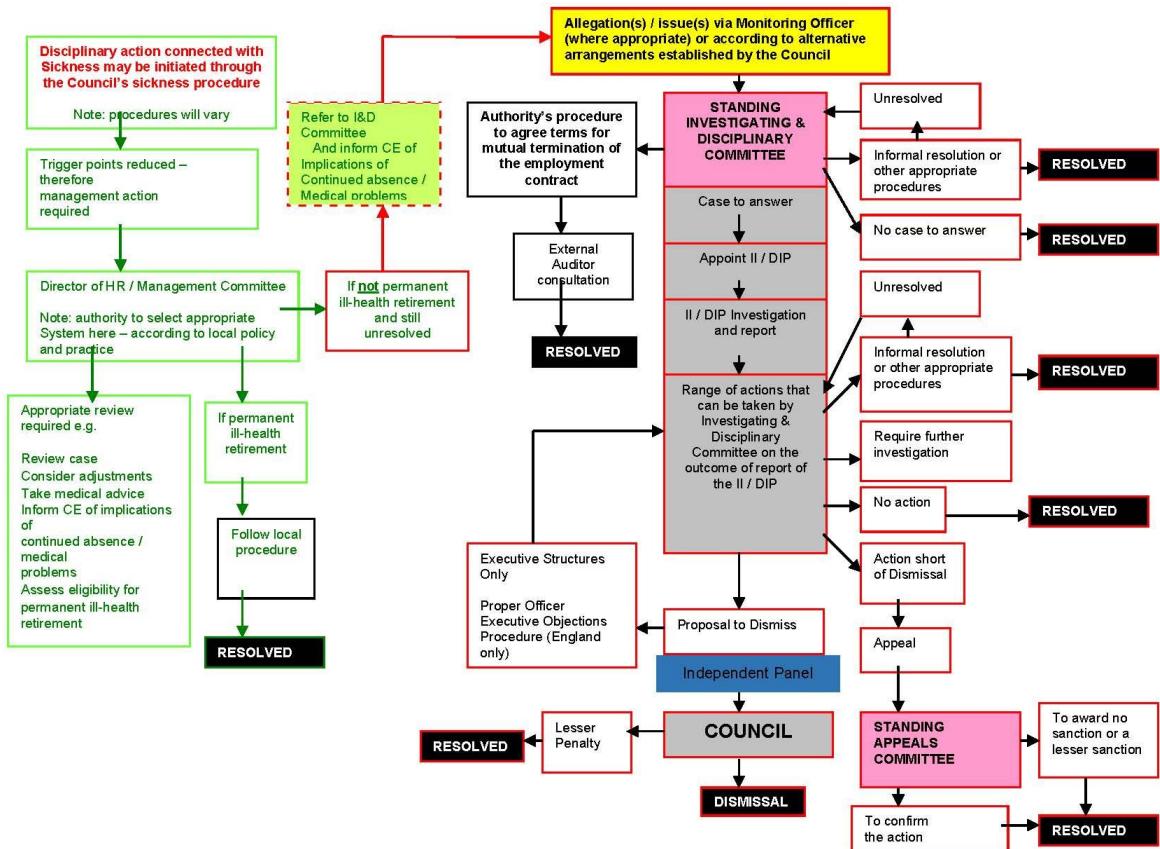
STANDING INVESTIGATING & DISCIPLINARY COMMITTEE

Allegation(s) / issue(s) via Monitoring Officer (where appropriate) or according to alternative arrangements established by the Council

Outline revised Model Disciplinary Procedure for Local Authority Chief Executives

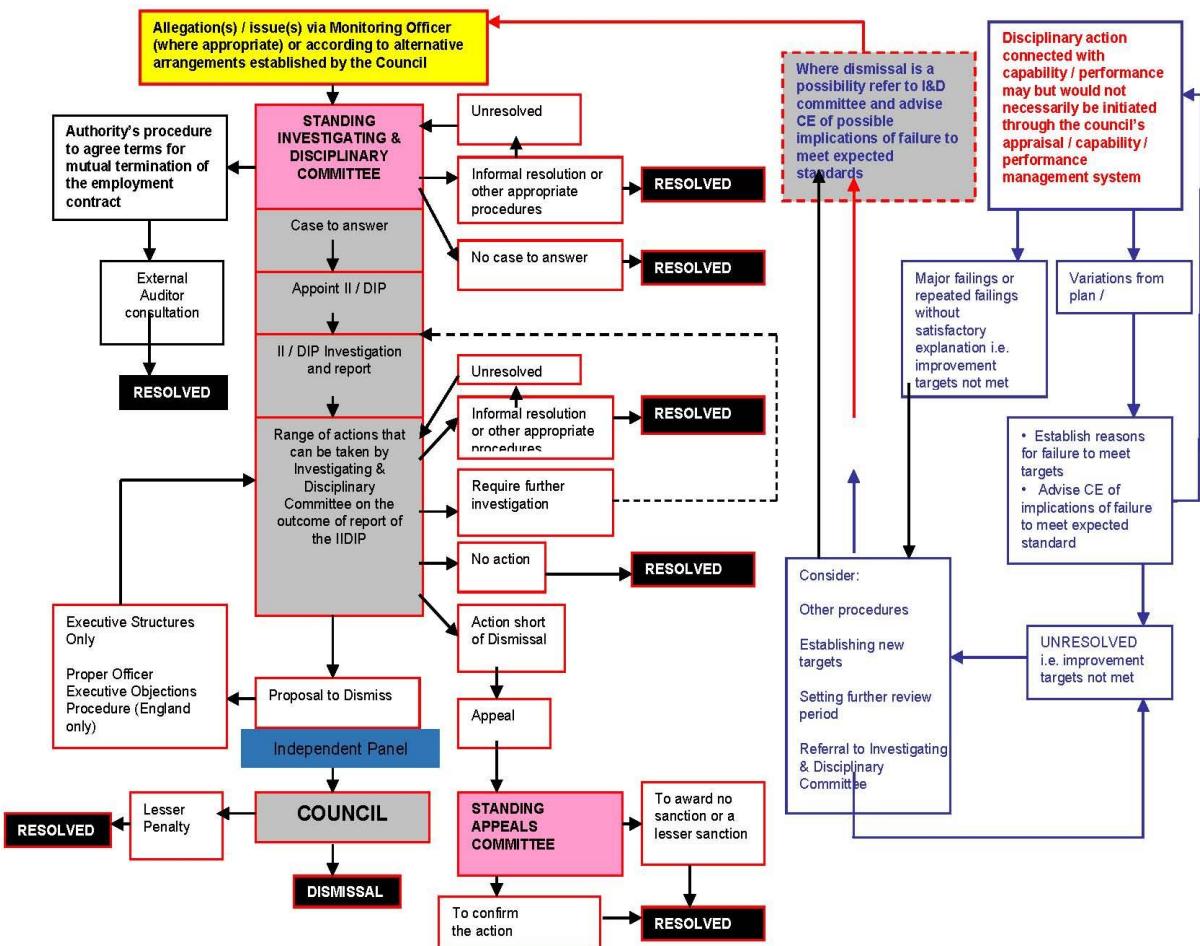
Appendix 5b

Example of Relationship with the Council's Sickness Procedure



Appendix 5c

Revised Model Disciplinary Procedure for Local Authority Chief Executives: Example of Relationship with the Council's Capability / Performance Management Processes



Appendix 5d

APPENDIX 5d Appendix

ACTION

R E A S O N F O R T E R M I N A

	Misconduct	Capability - Performance	Capability – Ill health (Long term or, frequent intermittent absence)	Some other Substantial Reason	Capabili Permane
Dismissal	Yes	Yes	Yes	Yes	Maybe – could be terminat
England only:	Yes	Yes	Yes	Yes	No
Independent Panel					
Required					
Wales only:					
Designated Independent Person					

APPENDIX 6

(Wales only)

1. DESIGNATED INDEPENDENT PERSONS

1.1 This joint guidance provides a commentary on the role of Designated Independent Persons (DIPs). While it is contained in the Handbook it is not intended that it be incorporated into the conditions of service of Chief Executives, but rather that it be regarded as a stand-alone document to assist DIPs.

2. THE ROLE

2.1 A designated independent person (“DIP”) is someone external to and Independent of an employing authority, who is individually appointed when that authority makes allegations of a disciplinary or capability nature against either the head of paid service, the monitoring officer or the section 151 chief financial officer.

2.2 The DIP concept has its origins in the June 1986 Widdicombe report *The Conduct of Local Authority Business* (HMSO Cmnd 9797), and the succeeding Local Government and Housing Act 1989. Section 20 of that Act made it a duty (for the first time in local government law) for local authorities to adopt certain procedural standing orders. Though the Act itself did not refer to DIPs, sufficiently wide powers were given to the Secretary of State for such a requirement to be incorporated into the Local Authorities (Standing Orders) Regulations 1993, SI No 202. The disciplinary provisions of those Regulations, which applied only to heads of paid service, remain partly in force (in respect of National Parks Authorities in both England and Wales), for local authorities in Wales the similarly titled SI 2006 No 1275 (W.121).

2.3 The role of a DIP, set out in regulation 9(6) in Wales, is to report to the authority concerned as to whether (and if so, the extent to which) the evidence obtained supports any allegation of misconduct against the officer concerned, and to recommend any disciplinary action which the DIP thinks it would be appropriate for the authority accordingly to take.

2.4 Disciplinary action is defined by regulation 2 to include any proposal for dismissal for any reason other than redundancy, permanent ill-health and (unless its renewal has been promised) failure to renew a fixed term contract. On the issue of allegations of breakdown in trust and confidence, see **paragraph 5.4.10 (c)**.

2.5 Each DIP appointment should be agreed between the authority and the officer concerned, but in default of agreement the appropriate Welsh Minister will nominate a DIP for the authority to appoint. The authority must pay the DIP reasonable remuneration and all the associated costs that the DIP incurs (but are under no obligation to afford or pay for any legal or other representation to the employee whose conduct is being investigated).

2.6 DIPs are given a number of powers to facilitate their role, including directions about continuing any suspension, inspection of relevant documents, and requiring any employee (in Wales this also includes any councillor) to answer questions about the conduct of the person being investigated. Regulation 9(7) of the 2006 Regulations in Wales require that the DIP is brought into an attempt mutually to agree a timetable for the hearing, and given default powers accordingly in regulation 9(8). As to how they actually carry out the task of obtaining evidence about the relevant conduct DIPs are not given any procedural duties or directions by the Regulations: the process is at their general discretion, and they have no powers to award costs, direct that settlements be reached, or conduct conciliation or mediation roles.

2.7 For those whose employment, however, is governed by the Conditions of Service agreed by the JNC for Chief Executives, the statutory basis is augmented by their contractual terms. Those JNC Conditions of Service contain a general commentary in **paragraph 13 on page 7** on procedures for discipline, capability, redundancy and other dismissals, accompanied by a model procedure at **Appendix 5B (Wales)**. DIPs are expected to operate in conformity with the principles that the JNC Conditions of Service set out. Accordingly the Joint Secretaries have in addition drafted and published this further commentary on DIPs, and the guidance at **paragraph 3**, in the light both of experience of how these Regulations have worked previously and how the JNC now envisages their future working.

2.8 **Paragraph 8.3.2**, while explicitly acknowledging the DIP's formal role only to make recommendations about any possible disciplinary action, adds that a DIP "may wish to comment on potential options for the way forward for the DIP process." This is intended to be used where a DIP considers that, notwithstanding that either no or only limited disciplinary action would be appropriate, the realities of the situation and the interests of those concerned (including the public interest) require a different kind of outcome to be achieved.

2.9 A DIP is not a judge, nor a substitute for an Employment Tribunal. While a statutory appointment in one sense, a DIP is given none of the personal immunities or powers of enforcement that they have. The role is best understood as an independent element of what remains essentially an internal and confidential process of the authority. While the Council cannot exceed the degree of severity of any disciplinary action recommended by the DIP, it is the view of the JNC that there is no obligation either to comply with any recommendation, e.g. the authority having considered the evidence and submissions of the chief executive might decide that the recommendation of the DIP is too severe in all the circumstances of the case. The decision reached remains that of the authority, who must maintain contractual appeal rights and will in principle be answerable to an Employment Tribunal in just the same way as with any other employee.

3. GUIDANCE

3.1 DIPs are given wide discretion as to the procedure they adopt, although the 2006 Regulations in Wales contain timetabling provisions. Accordingly, while there are no formal powers for DIPs to be given directions by anyone, this guidance has been drafted to assist DIPs in addressing issues and making the decisions likely to be required. It can do no more than inform those matters, but it is based on the experience of other DIP hearings that have been held.

3.2 **Paragraph 7** advises on practical matters including the resources, the working arrangements, the power to extend suspension beyond two months, and the need for confidential but co-ordinated contact with the authority.

The Degree of Formality

3.3 As stated above, a DIP is neither a judge nor a substitute for an Employment Tribunal. While a statutory appointment, a DIP is given none of the personal immunities or powers of enforcement that they have. The role is best understood as an independent element of what remains essentially an internal and confidential process of the authority. Nevertheless, an investigation by a DIP is a statutory process, and that requires structure and a mode of conduct appropriate to the seriousness of the matter for the parties involved. Some useful principles can be taken from the practice and procedure applied at Employment Tribunal Hearings.

3.4 Rule 2 of schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 SI No. 1237 (as amended) – schedule 1 comprises the Employment Tribunal Rules of Procedure – sets out the overriding objective to deal with cases fairly and justly including avoiding delays and dealing with cases in ways which are proportionate to the complexity and importance of the issues. Further, Rule 41 states that “The tribunal shall seek to avoid undue formality and may itself question the parties or any witnesses so far as appropriate in order to clarify the issues or elicit evidence. The tribunal is not bound by any rule of law relating to the admissibility of evidence in proceedings before the courts.” Rule 43 states inter alia that “The tribunal may exclude from the hearing any person who is to appear as a witness in the proceedings until such time as they give evidence if it considers it in the interests of justice to do so.” The Joint Secretaries consider that a similar approach by the DIP will usually be appropriate, meeting the over-riding objective “to deal with cases justly”

3.5 **Paragraph 7.2.3** expresses the view that the JNC believes that the DIP “should operate on the basis of a combination of independent investigation using his / her powers to access information, and a formal hearing, at which details of the allegations and supporting evidence are stated by the authority’s representative and where the chief executive is given the

opportunity to respond." This may well depend on the nature of the case given the wide scope of the Standing Orders Regulations to apply to different circumstances of potential discipline or dismissal. It may be, for example, that in some cases a more inquisitorial investigation may be appropriate rather than an adversarial challenge of allegations, eg, considering the evidence for and implications of long-term ill health.

The Degree of Confidentiality

3.6 With very limited exceptions, rule 5 of schedule 2 to the 2013 Regulations (as amended) provides for Employment Tribunal hearings to be public (although preliminary hearings must generally be held in private under rule 56. Here there is a distinct difference for the DIP process. Though there is no explicit bar to this in the Standing Orders Regulations, local authority hearings into disciplinary and capability matters are customarily held in private, and anyone the subject of a DIP hearing is likely to expect the same. The Joint Secretaries expect confidentiality also to be observed in these hearings.

3.7 If either side wishes to call two or more witnesses, the DIP will need to consider carefully whether they should be allowed to hear each other's evidence (as is usually the case in a criminal trial), or whether each witness should be heard separately with no-one else present not required or mutually agreed. The latter is the usual practice in local authority disciplinary hearings, and the Joint Secretaries assume that this will also be the norm in DIP hearings.

3.8 Whether to allow the press and media or others to be present is a separate matter from the joint presence of witnesses. No case is known to the Joint Secretaries where this has been agreed, and so they expect DIPs to refuse any such request if unacceptable to either side. A refusal is not considered to infringe human rights law provisions about open hearings, because as stated above a DIP hearing is an independent element of what remains essentially an internal and confidential process of the authority.

3.9 This latter point is emphasised by **paragraph 7.4.2** that during the investigation the DIP "will as a matter of principle, make every attempt to ensure the appropriate confidentiality of any information obtained and discussed."

Access to the DIP's Report

3.10 The DIP's functions end with the submission of the report to the appointing authority. A copy must be sent to the person investigated (regulation 9(6)(e) of SI 2006 No. 1275 in Wales), but there is no further obligation on anyone's part to supply or publish it. No one other than the authority has the legal right to do so. The Joint Secretaries consider DIP reports to be exempt from freedom of information disclosure by virtue of section 40 of the Freedom of

information Act 2000, ie. because of the potential to breach the data protection principles set out in schedule 1 to the Data Protection Act 1998.

3.11 The Joint Secretaries also consider that the DIP should seek clarity before submission of the report about access to or publication of all or any of it. The report could be drafted to include a short statement of the outcome intended for publication even where the rest of the report itself is to be kept confidential. DIPs should bear in mind that where material is published without approval, it may be unjust for there to be no lawful way for a response to be made or, in a case of selective publication, for the balance of the report to be restored.

3.12 The law of defamation must also be considered in relation to the publication of any DIP report. The Joint Secretaries consider that qualified privilege will attach to publication to the Council itself, but may well not cover wider publication or distribution.

Costs

3.13 DIPs have no power to award costs. Section 13A of the Employment Tribunals Act 1996 gave power for rules to be made for the award of costs in such Tribunals, but DIPs have no equivalent power. They will no doubt bear in mind the impact that any imbalance in the representational resources available to the person being investigated and to the employing authority may have on the conduct and outcome of any investigation.

Indemnity

3.14 A DIP is not an employee of the appointing local authority, so cannot be legally protected as such. While in addition to reasonable remuneration a local authority must pay “any costs incurred by him in, or in connection with, the discharge of his functions,” it is not unequivocally established that this requirement covers any costs arising out of any claim for damages made as a consequence of the investigation or anything contained in the report (particularly if the claim were made by the appointing authority). DIPs will no doubt want to be satisfied on appointment that they have either an adequate indemnity from the authority or appropriate insurance cover. **Paragraph 6.2.2(b)**, referring to the indemnity issue, concluded by noting the CLG opinion that regulation 9(10) of the 2006 Regulations is wide enough to both allow and require the employing authority to meet the DIP’s costs in this respect.

APPENDIX 7

Model Grievance Procedures

1. Introduction

1.1 These procedures covers the following circumstances:

- ❑ where an employee raises a grievance against the chief executive
- ❑ where a chief executive raises a grievance – by definition this will be against an individual elected member(s) or the employing council generally.

1.2 Section 1.3 of the guidance to the model disciplinary procedure covers some of this ground and references to this section are made below where appropriate.

1.3 The procedure in **paragraph 2** below is set out in as a flow chart.

2. Procedure for dealing with a grievance raised by an employee against the chief executive

2.1 An employee raising a grievance against the chief executive should do so using the grievance procedure provided for in his or her contract of employment. However, while operating within the context of the employee's grievance procedure, it is only the mandatory stages of a grievance procedure (i.e. the formal stages, as referred to in **paragraph 2.2**) that can resolve the grievance when the person complained of is the chief executive. With this in mind, the JNC has agreed the following advice.

2.2 Under the ACAS code the internal procedure to be followed by an aggrieved employee should comprise at least two formal stages. After the initial filtering and any attempt at informal resolution, if the matter remains unresolved, then a panel of elected members (the Grievance Committee) will hear the grievance on behalf of the employer (Formal Stage 1). It is here that the power exists to resolve a grievance against the chief executive. The panel can either **uphold** or **dismiss** the grievance. If the outcome of the Stage 1 investigation is that the

grievance is not upheld, then the complainant has the right to appeal (Formal Stage 2) to a panel of elected members (the Appeal Panel).

2.3 Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

1.4 There is a statutory right for the aggrieved employee to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at any meeting that deals with the grievance.

Initial filtering of grievances

2.5 Where an employee raises a grievance against the chief executive it would be appropriate for an initial filtering to take place, as procedures need to be in place which can filter out and deal with 'allegations' against the chief executive which are clearly unfounded or trivial or can best be dealt with under some other procedure. For example, allegations and complaints that are directed at the chief executive, but are actually complaints about a particular service, should be dealt with through the Council's general complaints procedure. If the matter is a serious complaint against the chief executive's personal behaviour such as sexual or racial harassment, the matter would potentially be one that would be appropriate for an investigation under the disciplinary procedure.

2.6 To enable this process to happen the Council should nominate an officer who would be the recipient of any grievance raised against the chief executive (referred to below as the Receiving Officer). This would most appropriately be the Council's Monitoring Officer. If the Monitoring Officer is the person bringing the grievance against the chief executive or is otherwise involved in the grievance, then another appropriate chief officer and / or a Monitoring Officer from a neighbouring authority should be commissioned to act as the Receiving Officer.

2.7 A meeting should be held between the Receiving Officer and the complainant without unreasonable delay after a grievance is received. The employee should be allowed to explain the grievance and how it could be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

2.8 The principle of an initial filtering is already acknowledged in relation to disciplinary procedures. The Receiving Officer is responsible for the filtering process, the outcome of which could include the following:

i. the Receiving Officer decides that the grievance is actually about a council service, rather than a complaint against the chief executive personally. In this case the Receiving Officer

would refer the matter back to the aggrieved employee, or their line manager, and indicate that the matter is one that they could raise under the appropriate complaints process for the council.

ii. the Receiving Officer decides that there are other formal appeal procedures that apply rather than the grievance procedure eg, in cases of redundancy.

iii. the Receiving Officer decides that the grievance should not be directed at the chief executive as it does not relate to a specific action of the chief executive or a specific omission of the chief executive and so should be directed to an intermediate manager.

iv. the Receiving Officer decides that the grievance is either patently frivolous or clearly unfounded. Individual grievances can be deeply held so a decision that it is frivolous or unfounded and will not be taken any further should not be taken lightly. To some extent this judgement may be informed by whether the individual employee has a history of submitting frivolous or unfounded grievances. Where that is not the case then the Receiving Officer may want to err on the side of caution, particularly if the substance of the grievance is something that could be pursued to an Employment Tribunal. This would probably require the Receiving Officer to check whether other procedures were more apt, but that does not necessarily compromise the Receiving Officer from dealing with the case as suggested below.

Resolving grievances informally

2.9 Where the Receiving Officer is satisfied that the grievance is neither procedurally flawed nor patently frivolous or clearly unfounded (such as a complaint about the organisation, process, provision of facilities, inadequate IT equipment, failure of consultation between departments etc) then there may be some value in an attempt being made to resolve the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

3. Resolving grievances formally

Formal Stage 1

The Grievance Investigation

3.1 Where informal attempts at resolution are considered inappropriate or have been tried and failed, then the Receiving Officer should manage the Stage 1 investigation. In most cases it will be appropriate for an independent investigator to be commissioned to carry out the investigation.

3.2 If the outcome of the investigation is in favour of the complainant, a solution should be proposed, taking into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in all the circumstances. If the chief executive is unwilling to accept these proposals, the matter will be referred to the Grievance Committee for it to resolve.

3.3 Just as the model disciplinary procedure recommends that Councils annually establish an Investigation and Disciplinary Committee and an Appeal Committee so that they are available if needed, so it is necessary for Councils annually to establish a Grievance Committee of 3 to 5 members with political proportionality, who are not members of the Investigation and Disciplinary Committee or the Appeal Committee.

The Grievance Committee hearing

3.4 The Grievance Committee will hear the case and reach its conclusion.

The Committee upholds the grievance

3.5 Where the Committee **upholds** the grievance this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.6 Where the Committee **upholds** the grievance and also decides that it is a matter of a serious nature then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee would then have to consider under section 5 of **Appendix 5** whether there was a case to answer, and, if so, would commission an independent investigation under the disciplinary procedure and the matter would proceed as laid down in **Appendix 5**.

3.7 The Committee dismisses the grievance – the right to appeal

Formal Stage 2

3.8 If the Committee finds against the complainant then that person has a right of appeal to a member Appeal Committee (or other such body established by the Council for this purpose), and the chief executive should be immediately informed that this has happened. The Appeal Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Receiving Officer.

3.9 Where the Appeal Committee **upholds** the appeal, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.10 Where the Appeal Committee **upholds** the appeal and also decides that it is a matter of a serious nature, then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee should consider commissioning an independent investigation to determine whether there was a case to answer, and if so what sanction was appropriate.

3.11 Where the Appeal Committee **dismisses** the appeal, then the matter would be regarded as having been concluded.

4 Procedure for dealing with grievances raised by the chief executive

4.1 Where the chief executive raises a grievance, then similar principles need to apply, namely:

② Informal attempts at resolution should be regarded as preferable to immediate recourse to formal procedures

② There should be two stages available to the aggrieved employee, in this case the chief executive.

4.2 A chief executive cannot take out a grievance against another member of staff, as any cause for such concern would constitute grounds for disciplinary action and as head of the paid service the chief executive could initiate such action against any other employee. A chief executive grievance has to be against one or more member(s) and the Council's Monitoring Officer should act as Receiving Officer.

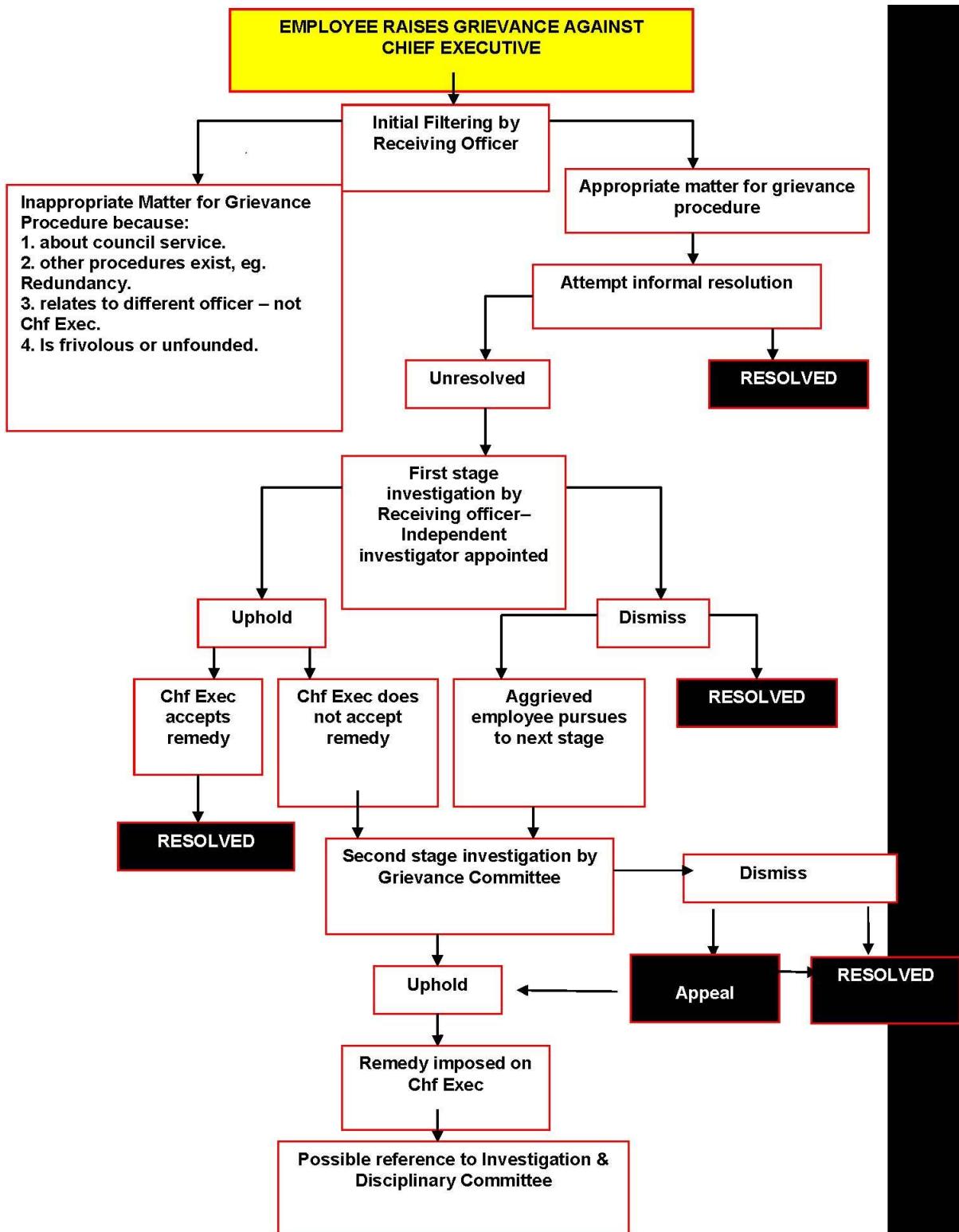
4.3 Where the chief executive raises a grievance, then this should be referred to the Receiving Officer in the first instance who should establish, through discussions with the appropriate parties, whether there is any prospect of resolving the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

4.4 In the event that informal resolution is neither appropriate nor successful, the Receiving Officer should refer the matter to the Council's Grievance Committee. If the Grievance Committee considers it appropriate, having come to its conclusions, it might refer a matter about the conduct or behaviour of an elected member to the council's Standards Committee or other appropriate arrangements.

4.5 An appeal by the Chief Executive against the outcome of the Grievance Committee's deliberations should be to the full Council.

5 Grievances raised by the chief executive during disciplinary proceedings

5.1 Where a chief executive is the subject of a disciplinary / capability investigation and raises a grievance relating to the case, the Investigating and Disciplinary Committee will decide how to deal with the grievance. This will depend on the facts of the case, the stage of the disciplinary procedure reached and the nature of the grievance raised. In some cases it may be appropriate to hear the grievance before continuing with the disciplinary / capability investigation. In other cases it will be appropriate to deal with the issues raised in the grievance as part of the wider disciplinary / capability investigation.



Atodiad K

Amodau Gwasanaeth Prif Swyddogion Awdurdod Lleol JNC

JOINT NEGOTIATING COMMITTEE for LOCAL AUTHORITY CHIEF OFFICERS

CONDITIONS OF SERVICE HANDBOOK

UPDATED 8 August 2017

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

The Authorities' Side consists of elected members nominated by the Local Government Association and the Welsh Local Government Association. The Staff Side consists representatives of GMB and UNISON.

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

PART 1 - CONSTITUTION

TITLE

1 The Committee shall be known as the Joint Negotiating Committee for Chief Officers of Local Authorities (hereinafter referred to as "the Committee").

SCOPE

2 The Committee shall have within their scope any officer of a local authority in England and Wales who

a is a chief officer designated by the employing authority as the administrative and executive head

either i of a separate department

or ii of a particular function or service

which in either case is regarded by the authority as important in relation to the total activities of the authority; or

b is designated by the authority as a recognised deputy to any chief officer covered by (a) above including an officer of deputy status but whose post may carry a different title.

MEMBERSHIP

3 The Committee shall consist of 36 members, appointed as follows:-

Representing local authorities:

Local Government Association 9

Welsh Local Government Association 1

Representing officers:

GMB	23
Unison	3

4 If any of the organisations named in paragraph 3 hereof fail to appoint the number of representatives provided for by the Constitution, such failure to appoint shall not vitiate the decisions of the Committee always providing the quorum referred to in paragraph 13 is met. In the event of any member of the Committee or any sub-committee thereof being unable to attend any meeting of the Committee or of the sub-

committee, as the case may be, the organisation represented by such member shall be entitled to appoint another representative to attend and vote in his/her place.

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

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

FUNCTIONS

7 The functions of the Committee shall be to secure the largest possible measure of joint action in respect of the salaries and service conditions of officers within the scope of the Committee; and to seek to resolve any differences between a local authority and its officers which may be referred to the Committee, in accordance with procedures to be determined by the committee from time to time.

PROCEDURE

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

9 **Chair and Vice-Chair** The Committee shall appoint annually a Chair and Vice-Chair. When the Chair is a member of the Authorities' Side, the Vice-Chair shall be appointed from the Officers' Side and vice versa. The Chair shall be held in alternate years by a member of the Authorities' Side and a member of the Officers' Side. The Chair, or in his/her absence, the Vice-Chair, shall preside at all meetings of the Committee. In the absence of both the Chair and Vice-Chair at any meeting, a chair shall be elected to preside. In no case shall a Chair have a second or casting vote.

10 **Officers** The Committee shall appoint joint secretaries and a treasurer.

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

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

13 Quorum The quorum of the Committee shall be 10, consisting of 4 representatives of local authorities and 6 of the officers. In the absence of a quorum the Chair shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within fourteen days after the date fixed for the first special meeting, as the case may be. The quorum of a sub-committee shall, subject to any directions given by the Committee, be determined by the sub-committee.

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

FINANCE

15 The expenses of the Committee, excluding any necessary travelling or subsistence expenses incurred by the members, shall be shared equally by the two sides.

ARBITRATION

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

AMENDMENTS TO CONSTITUTION

17 Alterations in the Constitution of the Committee shall be made as follows:

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

b all other clauses can only be changed with the assent of both Sides.

PART 2 – CONDITIONS OF SERVICE

1. APPLICATION OF TERMS AND CONDITIONS GENERALLY

A chief officer shall enjoy terms and conditions in other respects not less favourable than those accorded to other employees of the local authority. Where terms and conditions are not specified locally, 'Green Book' provisions shall apply. Such terms and conditions may include:

- Adoption Scheme
- Car Allowances
- Continuous Service
- Grievance
- Health, Safety & Welfare
- Maternity / Paternity Scheme
- Reimbursement of Expenditure
- Sickness Scheme
- Training & Development

2. QUESTIONS OF INTERPRETATION

Any questions concerning the interpretation of the paragraphs of this booklet shall be referred to the Joint Secretaries who if necessary, may agree to refer it to the Joint Negotiating Committee for determination.

3. PERIODS OF NOTICE TO TERMINATE EMPLOYMENT

The period of notice on either side will normally be three months, but this can be changed by mutual agreement.

4. ANNUAL LEAVE

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

5. HONORARIUM PAYMENTS

A local authority may consider granting an honorarium (of an amount dependent upon the circumstances of each case) to an officer within purview of this Committee who performs duties outside the scope of his/her post over an extended period.

6. RELOCATION EXPENSES

In the case of officers being relocated it is the practice of some authorities to contribute towards the approved costs of removal

expenses and of other incidental expenses reasonably attributable to the removal; it would be in the best interests of local government and facilitate movement of officers if this practice were more widely followed.

7. SETTING REMUNERATION LEVELS

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

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

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

7.4 The issues that local authorities will need to consider if they set up such a committee are set out at **Appendix 3** of the JNC Conditions of Service Handbook for local authority Chief Executives.

8. PERFORMANCE APPRAISAL

8.1 Chief officers' responsibilities and accountabilities should be set out in writing at the appointment stage. Where this has not been done at the appointment stage it should be agreed with the individual officer concerned prior to the implementation of the performance appraisal scheme. Subsequently, there should be an annual process of performance appraisal linked to those responsibilities and accountabilities.

8.2 The performance appraisal process is separate from any scheme relating to either pay or performance related pay.

8.3 The performance appraisal process should involve the setting of both general and specific objectives for the year ahead and the review of performance in achieving previously set objectives. The focus of the process should be on clarifying what the chief officer will be expected to achieve and on identifying any continuing personal development needs to maintain a high level of performance.

8.4 The authority will provide training for all parties involved in the process, including elected members if involved.

8.5 The setting of objectives should be by consensus between the chief officer and his/her line manager, and/or the chief executive, and if desired an appropriate elected member. The result of the performance appraisal process will be to identify agreed objectives that are relevant and challenging but achievable and realistic in the light of available resources and time. (Joint Secretaries guidance on appraisal of chief officers is set out in full at **Annex 1**)

9. RESTRICTIONS ON RE-EMPLOYMENT

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

a will not divulge any information to any third party which is confidential to the authority.

b will not, without the consent of the authority, which will not unreasonably be withheld, within a period of 12 months take up employment with or provide services for reward to any body:

i if during the chief officer's last two years of employment with the authority the officer has been directly involved in transactions with that body for which the offer of employment or provision of services could reasonably be regarded as a reward

ii which is likely to benefit from commercially sensitive information which is known to the chief officer by virtue of his/her past employment by the authority.

9.2 These provisions would not apply if the termination of employment with the local authority arose as the result of redundancy or the externalisation of work and consequent transfer to a new employer.

10. SALARY

The salary paid to a chief officer will be that determined by the employing local authority. Salaries shall be deemed to be inclusive, and all other fees and emoluments, unless they are covered by **Paragraph 11** or the authority expressly agrees that they shall be

retained by the officer, shall be paid by the officer into the local authority's accounts.

11. RETURNING OFFICER FEES

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

12. OFFICIAL CONDUCT

12.1 The public is entitled to demand of a local government officer conduct of the highest standard.

12.2 An officer's off-duty hours are his/her personal concern but he/she should not subordinate his/her duty to his/her private interests nor put himself/herself in a position where his/her duty and his/her private interests conflict, or where public confidence in the conduct of the authority's business would be weakened.

12.3 Officers within purview of this Committee shall devote their whole-time service to the work of the local authority and shall not engage in any other business or take up any other additional appointment without the express consent of the local authority.

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

12.5 No officer shall communicate to the public the proceedings of any committee meeting nor the contents of any document relating to the authority which in either case is regarded by the authority as confidential unless required by law or expressly authorised to do so.

12.6 If it comes to the knowledge of an officer that a contract in which he/she has any pecuniary interest, whether direct or indirect (not being a contract to which he/she is himself/herself a party), has been or is proposed to be, entered into by the authority, he/she shall, as soon as practicable, given notice in writing to the chief executive of the authority of the fact that he/she is interested therein. (Attention is

drawn to the provisions of the Local Government Act 1972 Section 117).

12.7 Information concerning an officer's private affairs shall not be supplied to any person unless the consent of such officer is first obtained.

PART 3 - DISCIPLINE, CAPABILITY AND REDUNDANCY

1. SPECIFIC STATUTORY OFFICERS

1.1 Where disciplinary action against the Monitoring Officer or s151 Officer or, in Wales, the Head of Democratic Services is contemplated, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) in England, and the Local Authorities Standing Orders (Wales) Regulations 2006 in Wales, provide a degree of protection for these officers against unwarranted political interference in their statutory role within local authorities.

1.2 (**England**) Paragraph 13 and 13A and Appendix 5A of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Monitoring Officer or s151 Officer is contemplated.

1.3 (**Wales**) Paragraph 13 and 13B and Appendix 5B of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Head of Democratic Services is contemplated.

2. CHIEF OFFICERS OTHER THAN SPECIFIC STATUTORY OFFICERS

2.1 The size and structure of local authorities varies greatly and it is therefore difficult to set out single disciplinary and capability procedures which would fit all authorities. However, authorities will have local procedures to deal with such issues.

2.2 In general, informal conciliation is to be preferred to formal disciplinary and capability procedures if it can bring about a mutually agreed solution to the problems that have arisen. Such solutions should make it clear what specific changes in behaviour and/or performance are expected and within what timescales. However, provision is required to undertake more formal action where necessary.

2.3 The principles of natural justice and good management practice must govern the conduct of any proceedings against a chief officer on the grounds of either alleged misconduct (i.e. 'discipline') or an alleged inability to carry out their role (i.e. 'capability'). Authorities should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

2.4 A particular consideration for Chief Officers is that the procedures must take account of an officer's position in the hierarchy when determining who conducts investigations, undertakes disciplinary/capability hearings taking any appropriate action and who hears appeals. Depending on the structure of the authority and the circumstances of the case these functions should normally be undertaken by officers as appropriate but in some cases may require a committee of members to be involved in hearings or appeals.

2.5 Where the chief officer's continuing presence at work compromises an investigation or impairs the efficient exercise of the local authority's functions, the chief officer may (subject to whatever consultation or approval may be required under the authority's standing orders) be suspended from duty. The Council, or appropriate committee or senior officer, acting under delegated powers, may carry out such suspension on full pay. Written notice stating the reasons for any such suspension shall be given at the earliest opportunity possible.

2.6 Suspension protocols regarding communication and matters such as annual leave and sickness should be agreed. The necessity for the chief officer to remain suspended should be reviewed at regular intervals and where possible lengthy periods of suspension should be avoided.

2.7 In England, where an authority operates a mayor or leader cabinet executive system and as a result of disciplinary proceedings there is a recommendation to dismiss, they should check whether the executive objections procedure set out in schedule 1, part I, paragraph 6 and part II, paragraph 6 of the Local Authorities (Standing Orders) (England) Regulations 2001 applies, and if so ensure it is followed before the chief officer is dismissed.

2.8 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context.

2.9 The Joint Secretaries (or their representatives) are available to act in an impartial conciliation role, whether formal or informal if required to do so by the local parties.

3. REDUNDANCY

3.1 Employing authorities should consult with any chief officer affected at the earliest possible stage when there is a suggestion that the chief officer's post might be abolished or proposed for abolition.

3.2 If after such consultation a proposal is formulated to abolish the chief officer's post, and that is part of a proposal to dismiss 20 or more employees from one establishment within 90 days the procedure of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, requiring consultation with trade unions, should be followed, the required statutory information being sent to the chief officer and to each independent trade union recognised by the employers for collective bargaining purposes for the chief officer. Where the provisions of the Act do not apply in any event a period of not less than twenty-eight days should be allowed for the individual consultation process. The chief officer and a trade union representative should also be afforded an opportunity of making oral representations to the Committee or Council meeting concerned before a final decision is made.

3.3 If following such consultations the authority decide that the post must nevertheless be abolished, the officer should be offered any suitable alternative employment that may be available or which may become available in consequence of the re-organisation giving rise to the abolition of the chief officer's post.

3.4 The authority should also bear in mind the possible application of discretionary powers of premature retirement, and permissible enhancement of benefits or redundancy payments, and the possibilities of providing an alternative post or of extending the period of notice to assist the chief officer in finding other employment.

3.5 Where the chief officer in question is a Director of Public Health in England then the authority should ensure that it complies with section 73A of the National Health Act 2006, which provides that before terminating the appointment of its Director of Public Health, a local authority must consult the Secretary of State for Health. Further information on this is available in the Department of Health's guidance, Directors of Public Health in Local Government: Roles, responsibilities and context.

ANNEX 1

JOINT GUIDANCE ON APPRAISAL OF THE CHIEF OFFICER

1. INTRODUCTION

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

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

2. RESPONSIBILITY FOR APPRAISAL

2.1 The responsibility for appraising a chief officer lies primarily with their line manager and/or chief executive. It is a contractual obligation on the part of both the chief officer and the employing local authority to engage in a regular process of appraisal.

2.2 It will be for local decision in the light of local circumstances whether the appraisal should include any input from elected members representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief officer is employed by the local authority as a whole, not by the controlling group, and is therefore required to serve all of the local authority.

3. AIMS OF APPRAISAL

- To identify and clarify the key objectives, priorities and targets of the local authority and appropriate timescales for their achievement over the next (e.g. twelve) months
- Agree what the chief officer should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to help deliver the local authority's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively
- Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance

- Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals
- Discuss developmental requirements. The chief officer will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief officer with the requisite skills to meet the local authority's objectives. The parties should be proactive and anticipate future developmental needs in the context of the local authority's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between the chief officer and the chief executive. It should not be assumed that it is only the chief officer who may need to adjust his / her approach to the working relationship

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

4. THE APPRAISAL CYCLE

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

5. KEY ELEMENTS OF THE APPRAISAL PROCESS

- Continuous two-way monitoring of performance against objectives
- Preparation for an appraisal interview
- An appraisal interview where recent and current performance, future objectives and development needs are discussed
- Agreement on action required from either party to ensure required performance is achievable
- A continuing process of informal discussion regarding performance

6. THE APPRAISAL INTERVIEW AND AFTERWARDS

- Both parties should be well informed and prepared for the interview
- The process should be two-way
- The interview should be free from interruptions, and notes should be taken when necessary
- The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions
- Targets which are realistic and capable of being monitored should be agreed
- Any agreed personal development plans should be implemented within the agreed timescale
- The chief officer should be given a reasonable opportunity to correct any shortfalls in performance
- A date for the next review should be agreed

7. OTHER MATTERS

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

Atodiad L

Datganiad Ysgrifenedig o Fanylion

Annwyl Gydweithiwr

Yn y ddogfen hon cyfeirir at weithwyr sydd o fewn cwmpas cyfrifoldeb corff llywodraethu ysgol fel "gweithwyr ysgol". Nid yw'r term hwn yn cynnwys staff arlwo a glanhau sy'n gweithio mewn ysgolion, ond a gyflogir yn uniongyrchol gan y Cyngor.

MAN GWAITH

Cadarnheir eich gweithle dynodedig ar gyfer y swydd hon ar ffurflen ToE1.

Mae'r Awdurdod yn cadw'r hawl i newid eich man gwaith gan bennu unrhyw fan gwaith yn ardal y Cyngor, yn unol ag anghenion y gwasanaeth, heb roi tâl am unrhyw amser teithio ychwanegol, cyhyd ag y rhoddir rhybudd priodol ichi ynghylch gofyniad o'r fath.

Os ydych wedi'ch cyflogi fel gweithiwr teithiol, nid oes gennych fan gwaith sefydlog. Cyfeiriad y Cyngor yw Neuadd y Sir, Caerfyrddin SA31 1JP.

Mae Gwasanaeth Gofal Cartref Cyngor Sir Caerfyrddin yn gweithredu ledled y sir ac rydych yn cael eich cyflogi i weithio gyda'n pobl i gyd ym mhob rhan o'r sir yn ôl yr angen.



Gweithwyr Ysgol

EICH CYNGOR arleinamdan
www.sirgar.llyw.cymru
YOUR COUNCIL doitonline
www.carmarthenshire.gov.wales

Mae'r llywodraethwyr yn cadw'r hawl i ofyn eich bod yn gweithio ar unrhyw ran o safle cyfrebol yr ysgol neu ei safle yn y dyfodol, gan gynnwys ar safleoedd ysgol ychwanegol o dan drefniadau Cydweithio neu Ffedereiddio yn unol ag anghenion y gwasanaeth, heb dderbyn tâl am unrhyw amser teithio ychwanegol, cyhyd ag y rhoddir rhybudd priodol i chi ynghylch gofyniad o'r fath.

STATWS CYFLOGEDIG

Cadarnheir eich statws cyflogedig ar ffurflen ToE1.

Os ydych wedi eich cyflogi dros dro neu am gyfnod penodol, cadarnheir hynny ar ffurflen ToE1. Bydd y penodiad yn dod i ben ar y dyddiad a nodir ar ffurflen ToE1 am y rheswm a bennir ar ffurflen ToE1 neu pan fydd deiliyd y swydd yn dychwelyd at ei (d)dyletswyddau, p'un bynnag fydd yn digwydd gyntaf.

Fodd bynnag, gall y naill ochr neu'r llall ddod â'r penodiad hwn i ben cyn y dyddiad a nodir neu cyn i'r hyn y cyfeirir ato uchod ddigwydd ar yr amod bod y rhybudd priodol yn cael ei roi.

Mae gennych hawl i apelio yn erbyn terfynu contract dros dro neu gyfnod penodol. Dylid cyflwyno'r apêl yn ysgrifenedig lle bynnag y bo modd, gan nodi'r sail ar gyfer yr apêl a sicrhau ei fod yn cael ei derbyn o leiaf 7 niwrnod cyn y dyddiad terfynu. Dylid cyfeirio'r apêl at y Prif Weithredwr Cynorthwyol (Rheoli Pobl), Adeilad 4, Parc Dewi Sant, Heol Ffynnon Job, Caerfyrddin SA31 3HB.

Dylid cyfeirio apeliadau unrhyw weithwyr ysgol at Gadeirydd y corff llywodraethu.

CYFLOGAETH DDI-FWLCH

Bydd dyddiad dechrau eich gwasanaeth di-fwlch ym maes Llywodraeth Leol at ddibenion rhai hawliau cyflogaeth statudol penodol (h.y. lwfansau salwch, hawl i wyliau blynnyddol) yn unol â'r hyn a nodir ar ffurflen ToE1.

Bydd hyn yn cynnwys unrhyw wasanaeth di-fwlch blaenorol gydag unrhyw gorff a gwmpesir gan Orchmyntion Taliadau Colli Swydd (Parhad Cyflogaeth ym maes Llywodraeth Leol ac ati) (Addasiad) 1999, neu unrhyw ddeddfwriaeth wellhaol ddilynol, sy'n cwmpasu awdurdodau lleol a chyrrf cysylltiedig.

CYFNOD PRAWF (Ac eithrio gweithwyr ysgol)

Os ydych yn ymuno â gwasanaeth y Cyngor, mae'r penodiad yn destun cyfnod prawf o 6 mis o leiaf. Yn achos gweithwyr cymdeithasol newydd gymhwysol a rhai gweithwyr gofal plant bydd y cyfnod prawf yn 12 mis o leiaf. Yn ystod y cyfnod prawf hwn, caiff eich perfformiad ei fonitro'n ofalus ac asesir a ydych yn addas ar gyfer y swydd. Parheir i'ch cyflogi ar yr amod bod yr adroddiadau hyn yn foddaol. Os derbynir adroddiadau anffafriol ar unrhyw adeg yn ystod y cyfnod prawf, gall y Cyngor derfynu'u contract trwy roi'r cyfnod o rybudd sy'n ddyledus i chi. Cyfeiriwch at y Polisi Rheoli Gweithwyr sydd ar Gyfnod Prawf (sydd ar gael ar gais) i gael rhagor o fanylion.

TELERAU AC AMODAU CYFLOGAETH

Bydd eich telerau a'ch amodau cyflogaeth yn unol â chydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan y corff cyd-drafod/llywodraethu, fel y nodwyd ar ffurflen ToE1, a dylid eu darllen ochr yn ochr â'r paragraff priodol isod.

Y Cyd-Gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol (NJCCCC)

Bydd eich telerau a'ch amodau cyflogaeth yn unol â chydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan y Cyd-gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol ac a nodir yn y Cytundeb Cenedlaethol ynghylch Cyflogau ac Amodau Gwasanaeth, peirianwaith cyd-drafod Cyngor Cyswllt Cymru, a Rheolau Sefydlog, rheolau a phenderfyniadau'r Cyngor, a'r cydgytundebau lleol â'r Undebau Llafur sy'n cael eu cydnabod gan y Cyngor. Mae copïau o'r dogfennau hyn ar gael i'w harchwilio gan eich Prif Swyddog neu gan is-adran Rheoli Pobl y Prif Weithredwr, adeilad 14, Parc Dewi Sant, Heol Ffynnon Job Caerfyrddin, SA31 3HB neu ar fewnrwyd y Cyngor.

Y Cyd-gyngor Cyd-drafod ar gyfer Gweithwyr leuenctid a Chymunedol (Y&CWSC)

Bydd eich telerau a'ch amodau cyflogaeth yn unol â chydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan y Cyd-gyngor Cenedlaethol ar gyfer Gweithwyr leuenctid a Chymunedol ac a nodir yn y Cytundeb Cenedlaethol ynghylch Cyflogau ac Amodau Gwasanaeth, peirianwaith cyd-drafod Cyngor Cyswllt Cymru, a Rheolau Sefydlog, rheolau a phenderfyniadau'r Cyngor, a'r cydgytundebau lleol gyda'r Undebau Llafur sy'n cael eu cydnabod gan y Cyngor. Mae copïau o'r dogfennau hyn ar gael i'w harchwilio oddi wrth eich Prif Swyddog neu o Is-adran Rheoli Pobl Adran y Prif Weithredwr, Adeilad 14, Parc Dewi Sant, Heol Ffynnon Job, Caerfyrddin SA31 3HB, neu ar fewnrwyd y Cyngor

Pwyllgor Soulbury (SOULB-SC)

Bydd eich telerau a'ch amodau cyflogaeth yn unol â'r cydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan Bwyllgor Soulbury ac a nodir yn adroddiad Pwyllgor Soulbury ynghylch Graddfeydd Cyflogau ac Amodau Gwasanaeth Gweithwyr Proffesiynol ym maes Gwella Addysg, Seicolegwyd Addysg a Rheolwyr Gwasanaethau leuenctid/Cymunedol.

Bydd telerau ac amodau cyflogaeth ychwanegol yn unol â'r cydgytundebau a gyd-drafodir ac a newidir o bryd i'w gilydd gan y Cyd-gyngor Cenedlaethol ar gyfer Gwasanaethau Llywodraeth Leol ac a nodir yn y Cytundeb Cenedlaethol ynghylch Cyflogau ac Amodau Gwasanaeth, peirianwaith cyd-drafod Cyngor Cyswllt Cymru, a Rheolau Sefydlog, rheolau a phenderfyniadau'r Cyngor, a'r cydgytundebau lleol â'r Undebau Llafur sy'n cael eu cydnabod gan y Cyngor. Mae copïau o'r dogfennau hyn ar gael i'w harchwilio oddi wrth eich Prif Swyddog neu o Is-adran Rheoli Pobl Adran y Prif Weithredwr, Adeilad 14, Parc Dewi Sant, Heol Ffynnon Job, Caerfyrddin SA31 3HB, os nad oes modd arall ichi weld copi ohonynt.

Y Cyd-gyngor Cenedlaethol ar gyfer Prif Swyddogion Awdurdodau Lleol (CO-SC)

Bydd eich amodau gwasanaeth yn unol ag amodau'r Cyd-gyngor Cenedlaethol ar gyfer Prif Swyddogion Awdurdodau Lleol, ac ychwanegiadau atynt yn sgil penderfyniadau lleol.

DEDDF MEWNFUDO, LLOCHEΣ A CHENEDLIGRwyDD 2006

Mae eich cyflogaeth yn amodol ar y cyfyngiadau a roddwyd ar eich hawl i barhau yn y DU a'r gofynion statudol i gydymffurfio â Deddf Mewnfudo, Lloches a Chenedligrwydd 2006 a Chodau Ymarfer Asiantaeth Ffiniau'r DU. Bydd eich cyflogaeth barhaus felly yn cael ei hadolygu, ac yn dibynnu ar a fyddwch yn sicrhau caniatâd diliys yn y dyfodol i aros yn y DU ac i gyflawni'r math o waith sy'n cael ei gynnig ar hyn o bryd.

TÂL

Nodir pa mor aml y cewch eich talu a'ch grŵp tâl ar ffurflen ToE1, y dylid ei darllen ochr yn ochr â'r paragraffau priodol isod.

Gweithwyr a delir bob pedair wythnos (Grwpiau Tâl 9, 16)

Ôl-delir eich cyflog bob pedair wythnos trwy gredyd banc i gyfrif banc o'ch dewis.

Gweithwyr a delir yn fisol (Grŵp Tâl 11)

Ôl-delir eich cyflog ichi ar y 27^{ain} o bob mis yn gynhwysol o fis Ionawr i fis Tachwedd (neu ar y diwrnod gwaith agosaf os yw'r 27^{ain} ar y penwythnos neu ar Wyl Banc). Dyddiad taliad mis Rhagfyr fydd y 24^{ain} neu'r diwrnod bancio olaf cyn 25ain Rhagfyr. Telir y cyflog drwy gredyd banc i gyfrif banc o'ch dewis chi.

Gweithwyr a delir yn fisol (Grŵp Tâl 15)

Ôl-delir eich cyflog ichi ar ddiwrnod gwaith olaf pob mis. Fodd bynnag, os bydd diwrnod gwaith olaf y mis yn ddydd Llun neu'n ddydd Mawrth, cewch eich talu ar y dydd Gwener blaenorol. Telir y cyflog drwy gredyd banc i gyfrif banc o'ch dewis chi. Bydd eich cyflog cychwynnol y flwyddyn a'ch graddfa gyflog/gradd fel y nodir ar ffurflen ToE1.

Lle bo hynny'n briodol, bydd eich cyflog yn codi o fewn y radd mewn cynyddrannau blynnyddol hyd at bwynt uchaf y radd. Telir unrhyw gynyddrannau ar 1^{af} Ebrill bob blwyddyn ac eithrio yn achos y gweithwyr hynny sy'n cychwyn ar eu dyletswyddau rhwng 2^{il} Hydref a 31^{ain} Mawrth mewn unrhyw flwyddyn, a fydd yn derbyn eu cynyddran cyflog cyntaf 6 mis ar ôl dechrau gweithio i'r Awdurdod.

Tiwtoriaid

Bydd eich tâl yr awr am eich cyrsiau fel a nodir ar ffurflen ToE1.

Prif Swyddogion

Mae'r dilyniant ar hyd raddfa gynyddrannol y radd berthnasol yn amodol ar berfformiad boddhaol a asesir yn flynyddol. Nid yw'r Cyngor yn gwneud taliadau bonws nac ar sail perfformiad.

Gordaliadau

Os cewch eich gordalu am unrhyw reswm, bydd y swm a ordalwyd yn cael ei dynnu o daliad(au) cyflog dilynol neu unrhyw daliad arall sy'n ddyledus i chi oddi wrth y Cyngor; neu trwy anfoneb dyledwyr. Awdurdodir adain y gyflogres i dynnu 10% o'ch cyflog misol gros i adennill y gordaliad. Bydd hyn yn parhau hyd nes y bydd y swm llawn wedi'i adennill. Os byddwch am ad-dalu symiau mwy, cysylltwch ag adain y gyflogres a fydd yn gwneud y trefniadau angenrheidiol ar eich rhan.

ABSENOLDEB HEB EI AWDURDODI

Mae'r Awdurdod yn cadw'r hawl i wrthod talu neu i ddidynnu o gyflog dâl diwrnod am bob diwrnod o absenoldeb heb ei awdurdodi. Gwneir unrhyw benderfyniad yngylch y mater hwn gan Bennaeth y Gwasanaeth / y Corff Llywodraethu neu'r sawl a enwebir ganddo / ganddi. Gall absenoldeb heb ei awdurdodi arwain at gamau disgylbu.

ORIAU GWAITH

Yr oriau swyddfa arferol yw dydd Llun i ddydd lau 8.45 tan 17:00 a dydd Gwener 8.45 tan 16.30. Bydd eich rheolwr Ilinell/Pennaeth yr ysgol yn darparu eich patrwm gwaith a'ch oriau gwaith arferol fesul wythnos, heb gynnwys egwyl bwyd. Mae'r

Awdurdod yn gweithredu ystod o wahanol batrymau shifftiau sydd yn cael eu datblygu ac, o bryd i'w gilydd, yn cael eu diwygio er mwyn diwallu anghenion y gwasanaeth.

Mae eich oriau ar ddyletswydd i'w gweithio yn unol ag anghenion y gwasanaeth ac yn ôl cyfarwyddyd y Pennaeth / Cyfarwyddwr yr Adran neu'r sawl a enwebwyd i'w g/chynrychioli.

Prif Swyddogion

Dylid nod fod yr ystod gyflog yn rhoi ystyriaeth i'r ffaith na ellir cyflawni dyletswyddau'r swydd hon yn fodhaol yn ystod wythnos waith sefydlog a bod yn rhaid gweithio rhai oriau anghymdeithasol er mwyn cyflawni'r dyletswyddau'n briodol.

Gyrwyr

Rhaid i yrwyr gymryd seibiannau di-dâl yn unol â rheolau'r Undeb Ewropeaidd ac AETR ynghylch oriau gyrwyr.

Gweithwyr yn ystod y tymor

Os yw natur eich rôl yn gofyn eich bod wedi'ch cyflogi i weithio yn ystod y tymor yn unig, bydd gofyn eich bod yn gweithio wythnosau yn ystod y tymor, gan gynnwys diwrnodau HMS. Mae nifer yr wythnosau ac oriau tymor y byddwch yn eu gweithio bob wythnos yn unol â'r contract, heb gynnwys egwyliau prydau bwyd, fel y nodir ar ffurflen ToE1.

Sylwer – os byddwch yn gweithio yn ystod wythnosau'r tymor yn unig, yr oriau contract a nodir ar eich ToE1 fydd eich union oriau gwaith wythnosol (gan gynnwys gwyliau gyda thâl), wedi eu nodi ar gyfartaledd ar draws blwyddyn gyfan, er mwyn eich galluogi i dderbyn taliadau cyflog cyfartal ar hyd y flwyddyn. Telir lwfans o 4% ar ben y cyflog sylfaenol i gydnabod bod y gwaith yn ystod y tymor yn unig. Mae'r lwfans hwn yn daladwy i'r aelodau hynny o'r staff yn unig sy'n gweithio yn ystod y tymor mewn ysgolion neu lle bo'r gwaith yn gyfyngedig i'r tymor. Cynhwysir y 4% yn y cyfrifiadau cyflog at ddibenion salwch a gwyliau blynnyddol.

Tiwtoriaid

Mae oriau gwaith y contract yn amrywiol. Bydd yr oriau a bennir bob tymor neu flwyddyn academaidd yn dibynnu ar amrywiol ffactorau: amgylchiadau lleol, nifer y myfyrwyr sy'n cofrestru, y cyrsiau a gynigir ac ystyriaethau'n ymwneud â'r gyllideb. Bydd eich wythnos waith arferol yn seiliedig ar anghenion pob cwrs a gall amrywio yn ôl anghenion y cwrs a'r adeg o'r flwyddyn.

Os bydd nifer y myfyrwyr sy'n mynchu'r cwrs yn gostwng yn is na'r hyn sy'n dderbyniol gan arwain at ganslo'r dosbarth, ni chewch eich talu ar ôl dyddiad y dosbarth olaf a gynhaliwyd. Yr Awdurdod fydd yn penderfynu pa gyrsiau a ddarperir ac unrhyw newidiadau.

Gwasanaethau Gofal Cartref

Mae oriau gwaith y contract wedi eu seilio ar rota gylchol, sydd yn cael ei chyfrifo yn unol ag anghenion y gwasanaeth, heb gynnwys egwyliau prydau bwyd. I gyflawni eich rhwymedigaethau o dan y contract, mae'n rhaid ichi dderbyn yr oriau gwaith a gynigiwyd ar eich dyddiau gwaith ar y rota.

Staff Arlwo

Er mwyn darparu ar gyfer yr amrywiad yn nifer y prydau a ddarperir/yr incwm a gynhyrchir, gellir amrywio oriau'r contract. Bydd y Rheolwr Arlwo yn rhoi gwybod am unrhyw ostyngiad neu gynnydd yn yr oriau, gan roi wythnos o rybudd, ac yn eu gweithredu'n unol â hynny.

Staff Cynorthwyydd Teithwyr

Er mwyn diwallu'r amrywiad yn nifer y plant sy'n cael eu cludo, gallai oriau'r contract amrywio. Bydd Rheolwr y Rhwydwaith yn rhoi gwybod am unrhyw ostyngiadau neu gynnydd yn yr oriau gydag un wythnos o rybudd a byddant yn cael eu gweithredu yn unol â hynny.

Os byddwch yn gadael eich swydd ran o'r ffordd drwy'r flwyddyn, gwneir cyfrifiad i sicrhau nad ydych wedi derbyn gormod neu ddim digon o dâl. Gwneir unrhyw addasiad angenrheidiol yn eich pecyn cyflog olaf.

Contract Oriau Blynnyddol (yn berthnasol i weithwyr sydd yn gweithio yn ôl patrwm busnes brig cytunedig yn unig)

Mae oriau gwaith eich contract yr wythnos ar gyfartaledd, heb gynnwys egwyliau prydau bwyd, fel y nodir ar ffurflen ToE1. Bydd yr oriau gwaith a gadarnheir gan drefniadau gwaith cytunedig yr Adran wedi eu llunio i ddarparu ar gyfer anghenion y busnes yn ystod cyfnodau'r haf a'r gaeaf. Bydd gofyn i chi weithio mwy o oriau yn ystod cyfnod yr haf, a llai o oriau yn ystod cyfnod y gaeaf. Eich Prif Swyddog fydd yn penderfynu ynghylch caniatáu oriau gweithio hyblyg neu beidio. Caiff goramser ei dalu'n unol ag amodau'r Cyd-gyngor Cenedlaethol ar gyfer yr holl oriau a weithir dros yr uchafswm penodedig a gytunwyd am gyfnod yr Haf a'r uchafswm penodedig a gytunwyd ar gyfer cyfnod y Gaeaf.

Os byddwch yn gadael eich swydd ran o'r ffordd drwy'r flwyddyn, gwneir cyfrifiad i sicrhau nad ydych wedi derbyn gormod neu ddim digon o dâl. Gwneir unrhyw addasiad angenrheidiol yn eich pecyn cyflog olaf.

Cysgu i mewn

Mae gan weithwyr y mae'n ofynnol iddynt 'gysgu i mewn' ar y safle, hawl i gael y lwfans a nodir yng Nghylchlythyr y Cyd-gyngor Cenedlaethol ynghylch Lwfansau. Mae'r lwfans cysgu i mewn yn cwmpasu'r rheidrwydd i gysgu i mewn ynghyd ag ymateb i alwad am hyd at 30 munud yn ystod y nos. Os yw'n ofynnol i unigolyn weithio am fwy na 30 munud bydd yn cael ei gyfradd arferol (ynghyd â goramser lle bo hynny'n berthnasol) gan gynnwys unrhyw dâl ychwanegol am weithio yn ystod y nos (lle bo hynny'n berthnasol). I fod yn gymwys i gael cyfradd amser a thraean am weithio yn ystod y nos, nid oes yn rhaid i'r tair awr a weithir yn ystod yr un sifft fod yn oriau olynol.

Gwaith Nos

Gall staff sy'n gweithio isafswm o 3 awr o nosau effro rhwng 11pm a 6am fel rhan o'r wythnos waith arferol hawlio taliad uwch o amser a thraean am eu horiau sylfaenol.

Gweithio ar y Penwythnos

I gydnabod gweithio ar y penwythnos, bydd ychwanegiad o 8% i'r cyflog sylfaenol am yr holl oriau a weithir yn cael ei dalu i ddeiliaid swyddi y mae'n ofynnol iddynt weithio o leiaf ddau ddiwrnod/shifft penwythnos ym mhob pedair wythnos fel rhan o'u patrwm

gweithio arferol (yn rheolaidd/ar rota). Cynhwysir yr 8% yn y cyfrifiadau cyflog at ddibenion salwch a gwyliau blynnyddol.

Gwaith Wrth Gefn a Galw Allan

Lle bo natur y gwaith yn galw am gyflawni dyletswyddau ychwanegol y tu allan i'r oriau gwaith arferol, gall y Rheolwr Llinell drefnu rota wrth gefn yn unol ag anghenion y gwasanaeth. Rhaid bod modd cysylltu â gweithiwr wrth gefn bob amser yn ystod y cyfnod wrth gefn a nodwyd, a rhaid iddo/iddi fod yn barod, ac mewn cyflwr, i ddychwelyd i'r gwaith os bydd y sefyllfa yn galw am hynny. Hysbysir am unrhyw newidiadau i drefniadau wrth gefn contractiol o fewn un mis i'r newid. Bydd gweithwyr y mae gofyn iddynt gyflawni dyletswyddau wrth gefn yn derbyn tâl cytunedig yr Awdurdod ar gyfer gwaith wrth gefn am y sesiwn. Os cânt eu galw allan, bydd y cyfraddau arferol yr awr yn daladwy am yr oriau a weithiwyd, a hefyd gyfraddau uwch/goramser lle bo hynny'n briodol.

Goramser/Gweithio y tu allan i Oriau Arferol (ac eithrio Prif Swyddogion)

Yr oriau gwaith safonol llawn amser yw 37 awr yr wythnos. Ni fydd disgwyl i chi weithio goramser yn rheolaidd. Fodd bynnag, os bydd gofyn, ac os ydych wedi'ch awdurdodi i weithio dros ben yr oriau gwaith safonol ar gyfer wythnos, ac os bydd unrhyw waith o'r fath yn digwydd y tu allan i'r oriau gweithio hyblyg, gallwch dderbyn tâl amdanynt ar y gyfradd briodol ar gyfer goramser.

Os yw eich contract yn pennu oriau blynnyddol neu waith ar rota dreigl, telir gordal am yr oriau gwaith a weithir dros ben y 37 awr ar gyfartaledd yng nghyfnod y contract.

Sylwer y bydd yr Awdurdod/y Corff Llywodraethu yn gweithredu'r Rheoliadau Amser Gweithio wrth ddyrrannu oriau ychwanegol ac y bydd disgwyl i'r holl staff roi gwybod i'w Rheolwr Llinell/Pennaeth am waith ychwanegol a wnaed, gan gynnwys swyddi eraill a all fod ganddynt mewn adain arall o'r Awdurdod neu ymrwymiadau gwaith i gyrrff eraill.

Gweler y Côd Ymddygiad ynghylch hysbysu'r Awdurdod am Waith Cyflogedig arall (heb gynnwys staff ysgolion).

Yn achos yr holl oriau a weithir dros ben 37 awr yr wythnos mewn swydd benodol sydd wedi eu cymeradwyo ymlaen llaw gan eich Rheolwr Llinell / Pennaeth, telir ychwanegiad o 50% ar ben y gyfradd sylfaenol yr awr.

PENSIWN

Yn unol â'r Rheoliadau Cynllun Pensiwn Llywodraeth Leol, bydd pob gweithiwr newydd yn mynd yn aelod o'r Cynllun Pensiwn Llywodraeth Leol (LGPS) yn awtomatig. Os dymunwch ddewis peidio â bod yn aelod o'r Cynllun Pensiwn Llywodraeth Leol, mae Ffurflen Dewis Peidio â Bod yn Aelod ar gael ar wefan Cronfa Bensiwn Dyfed: [www.cronfabensiwendyfed.org.uk](http://www.cronfabensiwndyfed.org.uk). Neu cysylltwch â: Cronfa Bensiwn Dyfed, Neuadd y Sir, Caerfyrddin SA31 1JP.

Dylech fod wedi cael Canllaw i Weithwyr ynghylch y Cynllun Pensiwn Llywodraeth Leol (LGPS) sy'n crynhoi manteision y cynllun pensiwn. Mae rhagor o fanylion ar gael ar wefan Cronfa Bensiwn Dyfed – www.cronfabensiwendyfed.org.uk.

Bydd eich cyfradd gyfrannu'n cael ei hasesu'n unol â'ch cyflog pensiynadwy gwirioneddol, fel y nodwyd ar y ffurflen ToE1.

Mae tablau'r bandiau pensiwn yn cael eu hadolygu'n rheolaidd ac o ganlyniad gallai eich band pensiwn gynyddu neu leihau'n awtomatig. Hefyd gallai eich band pensiwn gynyddu yn sgil codiad cyflog gan gynnwys unrhyw godiadau cyflog cynyddrannol. Bydd cyfraniadau pensiwn yn daladwy ar eich holl gyflog trethadwy.

GWYLIAU

Gweithwyr Ysgol A Gweithwyr Ieuengtid a Chymunedol

Bydd y flwyddyn wyliau yn weithredol o 1 Ebrill tan 31 Mawrth. Bydd gwyliau'r gweithwyr hynny sy'n dechrau neu'n gorffen gweithio yn ystod y flwyddyn yn dibynnu ar nifer y misoedd o wasanaeth a gwblhawyd yn ystod y flwyddyn honno.

Tiwtoriaid Dysgu Cymunedol

Bydd y flwyddyn wyliau yn weithredol o 1 Medi tan 31 Awst. Bydd gwyliau'r gweithwyr hynny sy'n dechrau neu'n gorffen gweithio yn ystod y flwyddyn yn dibynnu ar nifer y misoedd o wasanaeth a gwblhawyd yn ystod y flwyddyn honno.

Staff Arlwo a Glanhau

Bydd y flwyddyn wyliau yn weithredol o 1 Ionawr tan 31 Rhagfyr. Bydd gwyliau'r gweithwyr hynny sy'n dechrau neu'n gorffen gweithio yn ystod y flwyddyn yn dibynnu ar nifer y misoedd o wasanaeth a gwblhawyd yn ystod y flwyddyn honno. Sylwer, yn achos ysgolion, nad yw gwyliau i gael eu cymryd yn ystod y tymor.

Yn achos pob gweithiwr arall

Bydd y flwyddyn wyliau yn weithredol o ddyddiad eich pen-blwydd. Bydd gan y gweithwyr hynny sy'n dechrau neu'n gorffen eu cyflogaeth yn ystod y flwyddyn hawl i dderbyn gwyliau sy'n gymesur â'u gwasanaeth yn ystod y flwyddyn honno.

Cyfrifir eich gwyliau blynnyddol ar sail bob awr pro rata yn ystod y flwyddyn ar gyfer gweithwyr rhan amser.

Bydd eich hawl i dderbyn gwyliau blynnyddol yn ystod y flwyddyn wyliau hon ar sail pro rata; dylech drefnu cyfarfod â'ch rheolwr Llinell/Pennaeth i gadarnhau'r hyn y gallwch ei hawlio. Gall fod gofyn i chi gymryd eich gwyliau blynnyddol pan fydd eich sefydliad/gweithle ar gau ar gyfer cyfnodau penodol o wyliau, neu am unrhyw reswm arall, fel y bydd eich Rheolwr Llinell yn eich hysbysu.

Cyfrifir eich hawl i wyliau ar sail eich gwasanaeth di-fwlch, fel y nodir isod:

0 – 5	o flynyddoedd o wasanaeth	26 diwrnod
5 – 10	o flynyddoedd o wasanaeth	31 diwrnod
10 neu fwy	o flynyddoedd o wasanaeth	34 diwrnod

Ni fydd gweithiwr yn derbyn tâl yn lle gwyliau contractiol a gronnwyd (a didynnir swm o'r cyflog lle bo hynny'n briodol) os terfynir swydd oherwydd camymddwyn difrifol neu os yw'r gweithiwr yn rhoi rhybudd annigonol i derfynu swydd, neu os yw'n gadael cyn diwedd y cyfnod contractiol. Ystyr gwyliau contractiol i'r dibenion hyn fydd pob gwyliau blynnyddol a ddarperir yng nghontract y gweithiwr uwchlawn'r cyfnod gwyliau statudol sylfaenol a bennir yn Rheoliadau Amser Gweithio 1998 (h.y. 5.6 wythnos neu uchafswm o 28 niwrnod) oni bai bod eich Gwasanaeth/eich Pennaeth o'r farn bod amgylchiadau eithriadol wedi eich rhwystro rhag cymryd gwyliau.

Os yw gweithwyr sy'n gadael gwasanaeth llywodraeth leol wedi cymryd mwy o ddiwrnodau o wyliau nag y mae ganddynt hawl iddynt yr adeg honno, tynnir tâl sy'n cyfateb i'r nifer hwnnw o ddyddiau o'u taliad cyflog olaf neu unrhyw daliad arall sy'n ddyledus gan yr Awdurdod.

Dylech wneud cais am wyliau blynnyddol i'ch rheolwr Llinell/Pennaeth, ac mae'n amodol ar gytundeb yr Adran/Pennaeth.

Ar gyfer gweithwyr mewn sefydliadau sydd â chyfnodau gwyliau penodol.

Bydd gofyn eich bod yn cymryd eich holl wyliau blynnyddol pan fydd eich sefydliad/gweithle ar gau ar gyfer cyfnodau penodol o wyliau, neu am unrhyw reswm arall, fel y bydd eich Rheolwr Llinell/Pennaeth yn eich hysbysu.

Gwyliau Banc/Cyhoeddus

Mae 8 diwrnod wedi eu dynodi fel gwyliau banc cyhoeddus gan yr Awdurdod. Cyfrifir hyn ar sail oriau pro rataf y flwyddyn ar gyfer gweithwyr rhan amser. Os ydych ar yr amserlen i weithio ar wyliau banc, neu os oes gofyn eich bod yn gwneud hynny, telir amser dwbl i chi (h.y. amser ac amser eto) am yr holl oriau a weithiwyd mewn gwirionedd, i wneud iawn yn llawn am yr holl oriau a weithiwyd.

ABSENOLDEB SALWCH

Mae eich hawliau yn ystod unrhyw gyfnod pan fyddwch yn absennol oherwydd afiechyd neu anaf yn cael eu nodi yn amodau'r Cyd-Gyngor Cenedlaethol Rhan 2 Adran 10.

Yn ystod y flwyddyn 1^{af} o wasanaeth, 1 mis ar gyflog llawn (ac ar ôl cwblhau 4 mis o wasanaeth) 2 fis ar hanner cyflog

Yn ystod yr 2^{ll} flwyddyn o wasanaeth, 2 fis ar gyflog llawn, a 2 fis ar hanner cyflog

Yn ystod y 3^{edd} flwyddyn o wasanaeth, 4 mis ar gyflog llawn, a 4 mis ar hanner cyflog

Yn ystod y 4^{edd} a'r 5^{ed} flwyddyn o wasanaeth, 5 mis ar gyflog llawn, a 5 mis ar hanner cyflog

Ar ôl 5 mlynedd o wasanaeth, 6 mis ar gyflog llawn a 6 mis ar hanner cyflog

Os nad ydych yn gallu dod i'r gwaith oherwydd afiechyd neu anaf, rhaid i chi hysbysu'ch rheolwr llinell/Pennaeth cyn gynted ag y bo modd ar y diwrnod cyntaf y byddwch yn absennol gan roi'r rheswm dros eich absenoldeb, ac am faint o amser y bydd yn debygol o barhau.

Mae'n ofynnol ichi hunan-ardystio eich absenoldeb salwch am 7 niwrnod calendr cyntaf yr absenoldeb (gan gynnwys dydd Sadwrn a dydd Sul) drwy lenwi ffurflen SA128 (Datganiad Hunan-ardystio ynghylch Absenoldeb). Dylid gwneud hynny ar unwaith wrth ichi ddychwelyd i'r gwaith, neu cyn gynted â phosibl, os yw'r absenoldeb yn un tymor hir.

Os ydych yn absennol oherwydd afiechyd am fwy na 7 diwrnod, rhaid cyflwyno Tystysgrif Ffitrwydd i Weithio gan Feddyg Teulu i'ch rheolwr llinell erbyn 8^{fed} diwrnod yr absenoldeb.

I gael rhagor o fanylion, gweler y Wybodaeth i Weithwyr ynghylch Absenoldeb Salwch a'r Weithdrefn Rheoli Absenoldeb Salwch (sydd ar gael ar gais).

Gweithwyr Ysgol

Dylai gweithwyr ysgol gyfeirio at Bolisi a Gweithdrefn Rheoli Absenoldeb Salwch yr ysgol, sydd ar gael yn swyddfa'r ysgol, ynghyd ag unrhyw drefniadau sydd gan yr ysgol o ran rhoi gwybod.

RHYBUDD

(i) Bydd yr Awdurdod yn rhoi un wythnos o rybudd i derfynu contract cyflogaeth yn ystod cyfnod prawf. Yn dilyn y cyfnod prawf, bydd gennych hawl i dderbyn isafswm o 1 wythnos o rybudd gan y Cyngor neu fel y nodir isod, p'un bynnag yw'r hwyaf:-

Cyfnod o Wasanaeth Di-fwlch

1 mis neu ragor ond llai na 2 flynedd

2 flynedd neu ragor ond llai na 12 mlynedd

12 mlynedd neu fwy

Isafswm y Rhybudd

1 wythnos

1 wythnos am bob blwyddyn o wasanaeth di-fwlch

12 wythnos

Mae'n rhaid ichi roi un wythnos o rybudd i derfynu contract cyflogaeth yn ystod eich cyfnod prawf. Yn dilyn y cyfnod prawf, isafswm y cyfnod o rybudd y mae'n rhaid i chi ei roi i derfynu'ch cyflogaeth fydd;

Gradd A – K – 1 mis
Gradd L – O – 3 mis
Prif Swyddogion – 3 mis

Gall y cyflogwr derfynu eich cyflogaeth heb rybudd na thâl yn lle rhybudd mewn achos o gamymddygiad difrifol.

TÂL YN LLE RHYBUDD

Gall yr Awdurdod roi tâl yn lle rhybudd am y cyfan neu am unrhyw ran o'ch cyfnod rhybudd pan derfynir eich cyflogaeth (yn hytrach na'ch bod chi'n gweithio eich cyfnod rhybudd). Mae'r ddarpariaeth hon, sydd yn ôl disgrifiwn yr Awdurdod, yn berthnasol boed y rhybudd i derfynu'r contract wedi ei roi gennych chi neu gan yr Awdurdod.

CEIR/TEITHIO

Sylwer, os ydych wedi eich awdurdodi i ddefnyddio'ch car at ddibenion gwaith, y dylech sicrhau eich bod yn ffit ac wedi'ch awdurdodi i yrru, a bod gennych yswiriant busnes priodol. Mae'r Awdurdod hefyd yn cadw'r hawl i sicrhau ar unrhyw adeg fod gennych y dogfennau priodol (MOT, yswiriant car a'r drwydded yrru briodol).

Ad-delir costau teithiau car awdurdodedig yng nghyswilt y gwaith ar gyfradd lwfans defnyddiwr car yr Awdurdod.

Ar gyfer Gweithwyr Teithiol yn unig

Os ydych wedi'ch cyflogi fel gweithiwr teithiol heb fan gwaith sefydlog, ad-delir milltiroedd busnes awdurdodedig i chi yn achos teithio dros 10 milltir o'ch cartref i leoliad y swydd gyntaf, ac o leoliad y swydd olaf adref (**20 milltir y dydd**). Fodd bynnag, os ydych yn gweithio shifft ranedig, telir unrhyw filltiroedd ychwanegol yn llawn.

CYFRINACHEDD

Ni chewch, yn ystod eich cyflogaeth nac ar ôl i'ch cyflogaeth gyda'r Cyngor gael ei therfynu, ddatgelu i neb ac eithrio wrth gyflawni priod dyletswyddau eich swydd, unrhyw wybodaeth gyfrinachol am yr Ysgol, y Cyngor na'i fusnes. Mae cyfrinachedd y wybodaeth hon yn berthnasol yn ystod oriau gwaith ac oriau y tu allan i'r gwaith. Gallwch gael eich diswyddo ar unwaith am dorri'r cymal hwn.

Fel gweithiwr i'r Cyngor, rydych yn gyfrifol am gydymffurfio â deddfwriaeth Diogelu Data wrth brosesu data personal fel rhan o'ch dyletswyddau. Rydych hefyd yn gyfrifol am gadw at bolisiâu perthnasol y Cyngor wrth drin data personol.

CYFYNGIADAU AR WAITH ARALL

Cyn cytuno i gyflawni gwaith arall (am dâl neu heb dâl) y tu allan i'r Cyngor, rhaid ceisio caniatâd gan y Pennaeth Gwasanaeth/Rheolwr Llinell priodol yn unol â'r Côd

Ymddygiad - Gweithwyr (sydd ar gael ar gais). (Sylwer – nid yw hyn yn berthnasol i staff ysgol sydd yn cael eu cwmpasu gan gyfrifoldebau'r corff llywodraethu.)

Prif Swyddogion

Rhaid i chi roi'ch gwasanaeth llawn amser i waith y Cyngor ac eithrio pan ganiateir fel arall. Rhaid i chi gynnal egwyddorion Côd Ymddygiad y Gweithwyr a sicrhau eich bod yn datgan unrhyw fuddiannau personol yn unol â pholisiau'r Cyngor.

Tynnir eich sylw at y dyfyniad canlynol o Lawlyfr Amodau Gwasanaeth Prif Swyddogion y Cyd-bwylgor Trafod Telerau:

Wedi i gyflogaeth prif swyddog ddod i ben:

- a) ni fyddwch yn datgelu unrhyw wybodaeth i unrhyw drydydd parti os yw'r wybodaeth honno'n gyfrinachol i'r awdurdod.
- b) ni fyddwch, heb ganiatâd yr awdurdod, na fydd yn cael ei atal yn afresymol, o fewn cyfnod o 12 mis yn dechrau cyflogaeth gydag unrhyw gorff neu'n darparu gwasanaethau am dâl i unrhyw gorff:
 - i) os yw'r prif swyddog, yn ystod dwy flynedd ddiwethaf ei gyflogaeth gyda'r awdurdod, wedi bod yn ymwneud yn uniongyrchol â thrafodion gyda'r corff hwnnw y gellid ystyried yn rhesymol bod cynnig y gyflogaeth neu ddarparu'r gwasanaethau yn cael ei wneud am dâl
 - ii) sy'n debygol o elwa ar wybodaeth fasnachol sensitif y mae'r prif swyddog yn gwybod amdani trwy rinwedd ei gyflogaeth yn y gorffennol gyda'r awdurdod.

Ni fyddai'r darpariaethau hyn yn berthnasol os daeth y gyflogaeth gyda'r awdurdod lleol i ben o ganlyniad i ddileu swydd neu allanoli gwaith a throsglwyddiad dilynol i gyflogwr newydd.

GOFYNION CYFFREDINOL DEILIAD Y SWYDD

Chi fydd yn gyfrifol am sicrhau fod cyfrifoldebau'ch swydd (Proffil Swydd ar gael ar gais) yn cael eu cyflawni ac mae'n bosibl y bydd eich perfformiad yn cael ei asesu o bryd i'w gilydd. Byddwch yn gwneud y cyfryw waith a dyletswyddau ag sy'n arferol neu'n angenrheidiol mewn perthynas â'ch penodiad, neu'r cyfryw waith ag y gellir yn rhesymol ei fynnu gennych. Mae gofyn eich bod yn defnyddio prosesau a gweithdrefnau sefydledig y Cyngor/yr Ysgol i herio a rhoi gwybod am ymddygiad ac arfer peryglus, camdriniol, camwahaniaethol neu gamfanteisiol. Chi fydd yn gyfrifol am eich gweithredoedd eich hun, eich ymddygiad ac unrhyw ganlyniadau yn eu sgil. Disgwylir i bob gweithiwr gydnabod terfynau eu gallu, a bod yn gyfrifol am gyfyngu eu gweithredoedd i'r rhai y maent yn teimlo'n alluog i'w cyflawni. Byddwch yn rhoi sylw dyledus i fod yn ddiwastraff a defnyddio adnoddau, ond gan gynnwl safonau bob amser.

Disgwylir i chi gynnwl bob amser werthoedd craidd y Cyngor/yr Ysgol a sicrhau nad yw eich ymddygiad yn dwyn gwarth ar y Cyngor/yr Ysgol yn fwriadol.

Mae'r Cyngor yn cadw'r hawl i geisio gwiriad gan y Gwasanaeth Datgelu a Gwahardd (DBS) ar gyfer pob gweithiwr mewn swyddi sydd â chyfrifoldebau diogelu.

O ran gweithwyr mewn swyddi lle mae'n ofynnol iddynt gofrestru gyda Gofal Cymdeithasol Cymru neu mewn Gwasanaethau Cofrestredig o dan Arolygiaeth Gofal Cymru, bydd yn ofynnol iddynt gofrestru gyda Gwasanaeth Diweddar y DBS (mae tâl tanysgrifio blynnyddol ar gyfer hyn) a'ch cyfrifoldeb chi yw sicrhau bod y tanysgrifiad yn cael ei gadw'n flynyddol er mwyn cynnal y cofrestriad proffesiynol.

Mae'n ofynnol ichi roi gwybod i'ch Rheolwr/Pennaeth/Cyfarwyddwr a/neu eich adain Adnoddau Dynol cyn gynted ag y bo modd os ydych yn destun ymchwiliad i dramgydd droseddol neu os cawsoch eich euogfarnu am gyflawni tramgydd droseddol (gan gynnwys rhybuddion a gorchmynion rhwymo). Sylwer y bydd pob datganiad yn cael ei drin yn gwbl gyfrinachol ac na fydd o reidrwydd yn effeithio ar eich gallu i wneud eich swydd. Os na fyddwch yn hysbysu'r Cyngor am faterion o'r fath, gall arwain at gamau disgyblu.

Lle bo angen, byddwch yn cynnal aelodaeth o gyrrf proffesiynol priodol

Ar gyfer gweithwyr Gofal Cymdeithasol

Os ydych wedi'ch cyflogi yn y sector Gofal Cymdeithasol, mae hefyd yn ofynnol i chi lynu at egwyddorion y Côd Ymarfer Proffesiynol, a welir yn y ddogfen a gyhoeddwyd gan Gyngor Gofal Cymru (sydd ar gael ar gais). Gallwch lawrlwytho copi o www.ccwales.org.uk. Bydd rhwymedigaeth arnoch hefyd i gofrestru gyda Chyngor Gofal Cymru a chynnal y cofrestriad hwnnw yn ôl y galw.

POLISI A GWEITHDREFN DISGYBLU

Mae'r Polisi a Gweithdrefn Disgyblu'r Awdurdod ar gael ar gais . Os byddwch yn anfodlon ar unrhyw benderfyniad disgyblu, mae gennych hawl i apelio. Dylid cyfeirio'r apêl at y Prif Weithredwr Cynorthwyol (Rheoli Pobl), Adeilad 14, Parc Dewi Sant, Heol Ffynnon Job, Caerfyrddin SA31 3HB.

Staff Ysgol

Nodir y rheolau disgyblu sy'n berthnasol i chi ym Mholisi a Gweithdrefn Disgyblu'r Ysgol (mae polisi'r ysgol ar gael o swyddfa'r ysgol). Os ydych yn anfodlon ar unrhyw benderfyniad disgyblu, mae gennych hawl i apelio yn unol â'r ddarpariaeth briodol yn y polisi. Mae manylion llawn ar gael oddi wrth eich Pennaeth neu Glenc Corff Llywodraethu yr ysgol.

Prif Swyddogion

Nodir y gweithdrefnau disgyblu sy'n berthnasol i chi yn Amodau Gwasanaeth y Cyd-gyngor Cenedlaethol ar gyfer Prif Swyddogion Awdurdodau Lleol.

Y WEITHDREFN GWYNO

Os oes gennych gŵyn ynghylch eich cyflogaeth, dylech drafod y mater yn y lle cyntaf gyda'ch goruchwyllydd uniongyrchol yn unol â'r polisi a'r weithdrefn gwyno (sydd ar gael ar gais). Mae'n esbonio'r camau a fydd yn agored i chi o fewn y weithdrefn honno os byddwch yn anfodlon ar y canlyniad. Sylwer bod polisi ar wahân ar gyfer ymdrin ag achwyniadau ynghylch bwlio ac aflonyddu; Polisi Urddas yn y Gweithle (ar gael ar gais).

Staff Ysgol

Os oes gennych gŵyn ynghylch eich cyflogaeth, dylech drafod y mater yn y lle cyntaf gyda'ch rheolwr llinell/pennaeth yn unol â'r polisi a'r weithdrefn gwyno (mae polisi'r ysgol ar gael o swyddfa'r ysgol). Mae'n esbonio'r camau a fydd yn agored i chi o fewn y weithdrefn honno.

DISWYDDO

Os cewch eich diswyddo o'ch cyflogaeth gyda'r Awdurdod, rhoddir y rheswm dros wneud hynny ichi a chynigir cyfle ichi apelio yn unol â thelerau'r polisi priodol (ac eithrio yn ystod eich cyfnod prawf pan fydd y Polisi Rheoli Gweithwyr sydd ar Gyfnod Prawf yn weithredol), fel a ganlyn:

Iechyd	Polisi Rheoli Absenoldeb Salwch
Dileu swyddi	Polisi Dileu Swyddi
Perfformiad	Polisi Gallu
Ymddygiad	Polisi Disgyblu

CYFYNGIADAU GWLEIDYDDOL

Os cawsoch eich hysbysu ar ffurflen ToE1 fod cyfyngiadau gwleidyddol ar eich swydd, cyfeiriwch at y telerau a amlinellwyd yn y ddogfen cyfyngiadau gwleidyddol, os gwelwch yn dda (mae copi o'r ddogfen hon ar gael ar gais).

DYSGU A DATBLYGU

Mae'n amod o'ch cyflogaeth eich bod yn ymgymryd â'r holl ddysgu a datblygu priodol. Bydd hyn yn cynnwys unrhyw ddatblygiad a nodwyd i ychwanegu at eich sgliau, er mwyn eich galluogi i gyflawni eich dyletswyddau'n llawn (gan gynnwys dyletswyddau ychwanegol y byddai'n rhesymol gofyn ichi eu cyflawni). Gellir nodi datblygiad o'r fath mewn Cytundeb Dysgu pan fyddwch yn dechrau yn eich swydd. Bydd y cytundeb hwn yn cynnwys unrhyw amserlen a bennwyd.

IECHYD A DIOGELWCH

Mae'n ofynnol ichi gydymffurfio â Rheolau Iechyd a Diogelwch priodol yr Awdurdod. Os ydych yn dal swydd sy'n destun goruchwyliaeth iechyd, disgwylir i chi gael archwiliadau meddygol yn ôl y galw.

Mae'r Datganiad Ysgrifenedig hwn o Fanylion yn disodli unrhyw Ddatganiad Ysgrifenedig blaenorol o Fanylion.
Gofynnir i chi nodi eich bod yn derbyn y penodiad hwn ar sail y telerau a'r amodau uchod trwy lofnodi'r ddua gopi o'r Telerau Cyflogaeth (Ffurflen ToE1) a dychwelyd un copi ataf fi.

Yn gywir



Mr Paul Thomas
Prif Weithredwr Cynorthwyol (Rheoli Pobl)

Mae croeso i chi gysylltu gyda'r Cyngor trwy gyfrwng y Gymraeg neu'r Saesneg.

You are welcome to contact the Council through the medium of Welsh or English.

DOGFENNAU A PHOLISIAU – Mae'r polisiau ar gael ar fewnrwyd yr Awdurdod. Neu
Yn achos staff ysgol - Mae'r holl bolisiau ar gael o swyddfa'r ysgol.