

**REPORT TO:** Council

**DATE:** 17 May 2019

**REPORTING OFFICER:** Strategic Director Enterprise, Community & Resources

**PORTFOLIO:** Resources

**SUBJECT:** Pay Policy Statement 2019 – 2020

**WARD(S):** Borough-wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 The Localism Act 2011 requires every local authority to prepare a pay policy statement each year which details the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (Chief Officers) and its lowest paid employees.
- 1.2 This report details the Council's recommended Pay Policy Statement for 2019/20. The statement will be subject to annual review and approval by Full Council. In exceptional circumstances, the statement may be reviewed/amended in-year by the Full Council.
- 1.3 On approval the statement will be published on the Council's website following each annual review.

## **2.0 RECOMMENDATION: That Council adopts this Pay Policy Statement for the Financial Year 2019/20.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 The Council is committed to transparency and fairness in the pay and remuneration of all its employees. In determining the pay and remuneration of all of its employees, the Council will comply with all relevant legislation and has had regard to the Guidance issued by the Department for Communities and Local Government in February 2012.
- 3.2 The Localism Act requires the Council to produce a policy statement that covers a number of matters concerning the pay of the Councils staff; principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary for Communities and Local Government "Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act".
- 3.3 The statement complies with the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Worker Regulations 2010, and where relevant, the Transfer of Undertakings (Protection of Employment) Regulations 2014.

- 3.4 With regard to the equal pay requirements contained within the Equality Act, the Council ensures that there is no pay discrimination in its pay and grading structures and that all pay differentials are objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of grades according to the requirements, demands and responsibilities of the job role.
- 3.5 With effect from April 2018, employers with more than 250 employees have been required to report on Gender Pay Gap to the Government Equalities Office. The calculation is prescribed statutorily and is based on a snapshot date of 31<sup>st</sup> March of the previous year. For 2019 reporting the Council's Gender Pay Gap at 31<sup>st</sup> March 2018 has been reported as follows;

- Median pay gap: 9.01% lower for female employees.  
The median gender pay gap for the whole UK economy is 17.9% (October 2018 ONS figures).
- Mean pay gap: 14.4% lower for female employees.  
The mean gender pay gap for the whole UK economy is 17.1% (October 2018 ONS figures).

Further detailed information is published on the Council website at:  
<https://www4.halton.gov.uk/Pages/councildemocracy/Equality-and-Diversity.aspx>

- 3.6 This pay policy statement does not apply to schools maintained by the Council and there is not a requirement for it to do so.

#### **4.0 THE PAY POLICY STATEMENT**

- 4.1 Under Section 112 of the Local Government Act 1972, the Council has the power "to appoint officers on such reasonable terms and conditions as the authority sees fit." The purpose of the Statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying:

- The methods by which salaries of all employees are determined;
- The detail and level of remuneration of its most senior staff, i.e., chief officers, as defined by relevant legislation;
- The Committee responsible for ensuring the provisions set out in this Statement are applied consistently throughout the Council and recommending any amendments to the Full Council.

#### **5.0 BACKGROUND – PAY STRUCTURE**

- 5.1 The Council uses the National Joint Council (NJC) nationally negotiated pay spine (i.e. a defined list of salary points) as the basis for its local pay structure, based on the application of the job evaluation process to determine the salaries of the majority of its staff.

- 5.2 The Council adopts the national pay bargaining arrangements in respect of the national pay spine and any agreed annual pay increases negotiated with the joint trade unions.
- 5.3 From 1<sup>st</sup> April 2019, a revised NJC pay spine is introduced which consolidates the twelve lowest points from the previous version into six. It also introduces five new pay points further up the scales, however these are not being adopted by the Council as they would serve to lengthen some grades, but not others, and would undermine the equity built into the Council's grading system.
- 5.4 The Council has determined that it will pay the Living Wage, as calculated annually by the Living Wage Foundation. From 1 April 2019, the minimum hourly rate paid will be £9.00. For 2019/20, this matches exactly the hourly rate of the bottom NJC pay point (SCP 1).
- 5.5 From 1<sup>st</sup> April 2020, the minimum hourly rate paid will be the higher of the hourly rate of the bottom NJC pay point (SCP 1), or the hourly rate as calculated by the Living Wage Foundation and announced in the prior November.
- 5.6 For staff on Joint Negotiating Committee (JNC) terms and conditions (Chief Officers), the Council operates a locally determined pay structure, in accordance with JNC guidance, and any agreed annual pay increases negotiated with the joint trade unions.
- 5.7 In late 2018 employees of the Council were consulted and agreed to vary their contracts of employment by taking four days unpaid leave for a period of three years as a budget saving measure. This was endorsed by Council. This agreement follows three similar successive agreements, which ended in 2018/19. This has the effect of a 1% annual pay cut but contributes to enabling the Council to present a balanced budget. The variation of contract covers the three financial years to 2021/22, ending on 31<sup>st</sup> March 2022.
- 5.8 All other pay related allowances are the subject of either national or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined locally.
- 5.9 Starting salaries for new appointments will normally be made at the minimum spinal column point for the grade, although this can be varied where necessary to secure the best candidate for the job. From time to time it may be necessary to take account of the external pay market in order to attract and retain the best employees with particular experience, skills and abilities. Where necessary, the Council will ensure that the requirement for such payments is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the public sector and where such retention payments are necessary, they will be considered with the framework provided by the NJC, and be subject to local negotiations.
- 5.10 There is a formal job evaluation process for new positions created or for proposed changes to existing job descriptions. For positions which are subject to the National Joint Council (NJC) for Local Government Services ('Green Book'), the grading review is undertaken with representation from the Human Resources Service, the Trade Unions and the Manager, using the

Local Government Single Status Job Evaluation Scheme (the NJC scheme) which is used to evaluate posts up to grade HBC11.

- 5.11 Apprentices within the Council are paid a minimum of 75% of the Council's grade HBC3. From April 2019, this equates to £7.30 per hour. Apprentices aged 21 or over, who have completed the first year of an apprenticeship are paid the relevant National Minimum Wage, in line with prevailing legislation.
- 5.12 The following employee groups are not presently paid in accordance with an evaluated grade/role determined by the Council and instead nationally or locally determined rates apply:
- Employees whose pay and conditions are determined by the Soulbury Committee
  - Employees within the Council whose pay is determined by the annual review of the School Teachers Pay and Conditions document (STPCD)
  - Employees who have transferred from the NHS to the Council on NHS terms and conditions
  - Employees who have retained terms and conditions following a TUPE transfer to the Council
- 5.13 Any temporary supplement to the salary scale for any grade is approved in accordance with the 'Green Book' criteria on such matters and can only be approved by the Chief Executive in consultation with the Divisional Manager – Policy, People, Performance & Efficiency (PPPE).

## **6.0 SENIOR MANAGEMENT REMUNERATION**

- 6.1 For the purposes of this Statement, senior management means 'chief officers' as defined within the Localism Act. The posts falling within the statutory definition are set out below:
- Chief Executive
  - Strategic Directors
  - Operational Directors
  - Director of Public Health
- 6.2 The basis of salary levels for Chief Officers was established following a review exercise in April 2005 carried out by Tribal Resources, using the Hay system to evaluate grades and salary points.
- 6.3 The salary details of the Council's Chief Officers can be found on the Council website and are published as part of the Council's Annual Statement of Accounts.
- 6.4 The arrangements and factors considered in determining progression through the relevant grade is incremental progression awarded on an annual basis until the top of the grade is reached.
- 6.5 The terms and conditions applicable to officers on director grade and above are determined by the JNC for Chief Executives, the JNC for Chief Officers of

Local Authorities or NHS as amended, supplemented or superseded by the Council from time to time.

## **7.0 RECRUITMENT OF CHIEF OFFICERS**

- 7.1 The Council's policy and procedures with regard to the recruitment of Chief Officers is as contained in the Council's Constitution which is reviewed annually by Full Council.
- 7.2 When recruiting to all posts the Council will take full and proper account of all provisions of relevant employment law, its recruitment guidance and equal opportunities policies.
- 7.3 The remuneration of any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

## **8.0 ADDITIONS TO SALARY OF CHIEF OFFICERS**

- 8.1 Incremental progression through the grade is time related i.e. employees are entitled to receive an increment (the next salary point on the pay spine, unless at top of grade) on an annual basis. This cannot be withheld or varied from the agreed pay spine under the employment contract, unless formal proceedings on capability have been implemented.
- 8.2 To meet specific operational requirements it may be necessary for an individual to temporarily take on additional duties to their identified role. The Council's arrangements for authorising any additional remuneration (e.g. honoraria, acting up) are dependant upon the provision and approval of a business case to the Chief Executive and relevant Strategic Director in consultation with the Divisional Manager PPPE.
- 8.3 Officers required to use a vehicle for Council business are currently entitled to an essential car user allowance, currently £1,000pa (from April 2013). The Chief Executive, Strategic Directors and Operational Directors are also entitled to this payment.
- 8.4 The Chief Executive also receives reimbursement for the duties undertaken as a Returning Officer.
- 8.5 Additions to pay are negotiated for all employees, including those covered by the NJC ('Green Book') and JNC terms and conditions.

## **9.0 PENSION CONTRIBUTIONS**

- 9.1 Where employees have exercised their right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the Scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee. The rate of contribution is set by Actuaries advising the Pension Fund and reviewed on a triennial basis in order to ensure the Scheme is appropriately funded. The current employer's rate, set at April 2017, is 18.6%.

- 9.2 The employee contribution rates, which are defined by statute, are currently based on their annual full time equivalent rate of pay at the following rates:

Rate of Contribution	Annual Rate of Pay (01 April 2019 to 31 March 2020)
5.5%	Up to £14,400
5.8%	£14,401 - £22,500
6.5%	£22,501 - £36,500
6.8%	£36,501 - £46,200
8.5%	£46,201 - £64,600
9.9%	£64,601 - £91,500
10.5%	£91,501 - £107,700
11.4%	£107,701 - £161,500
12.5%	More than £161,501

## **10.0 PAYMENTS ON TERMINATION**

- 10.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, prior to reaching normal retirement age is set out within its Pensions Discretions Policy and in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 (and if adopted) Regulation 12 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.
- 10.2 The Council's Policy on Voluntary Redundancy is contained in its Staffing Protocol which was approved by the Appointments Committee on 21<sup>st</sup> September 2009 with revised terms to reflect the changes to the Local Government Pension Scheme in April 2014 being agreed by the Committee on 4<sup>th</sup> February 2015. These arrangements apply to all employees at all levels.
- 10.3 The Council will have regard to the 'The Public Sector Exit Payment Regulations, 2016' and the 'Repayment of Public Sector Exit Payments Regulations 2016', upon Parliamentary approval and implementation which is currently awaited.

## **11.0 PUBLICATION**

- 11.1 Upon approval by full Council, this Statement will be published on the Council's website.
- 11.2 For posts where the full time remuneration is £50,000 or above, the Council's Annual Statement of Accounts will include a note setting out the total amount of:
- Salary, fees or allowances paid to or receivable by the person in the current and previous years;
  - Any bonuses so paid by way of expenses allowance that are chargeable to UK Income Tax;
  - Any compensation for loss of employment and any other payments connected with termination;
  - Any benefits received that do not fall within the above.

## **12.0 LOWEST PAID EMPLOYEES**

- 12.1 Employees not on Chief Officer, Soulbury, or STPCD terms and conditions are paid in accordance with the National Joint Council (NJC) for Local Government Services ('Green Book'). The basic pay for each 'Green Book' employee consists of a salary scale containing a number of spinal column points on the NJC pay spine.
- 12.2 An increment is awarded on an annual basis up to the maximum of the salary grade. The normal increment date is 01 April. Pay awards are generally awarded with effect from 01 April, although the date can be influenced by the negotiation process.
- 12.3 The re-setting of the NJC pay spines on 1<sup>st</sup> April 2019 means that the lowest rate of pay will be £17,364 p.a., equating to £9.00 per hour, for established employees.
- 12.4 The relationship between the rate of pay for the highest paid employee and the mean average earnings across the Council is recommended as the best way of illustrating the relationship between the two. This is called the pay multiple and for this Authority, the pay multiple is 1:7.09.
- 12.5 The Hutton Review (2011) stipulated that a pay multiple between the highest and the lowest paid median average salary should not exceed 1:20. On this basis, the Council has a pay multiple of 1:8.47, well within the recommended range.
- 12.6 From April 2019, the Council has committed to pay the Living Wage, as calculated by the Living Wage Foundation. In doing so, it will meet all statutory requirements in respect of paying the National Minimum Wage and the National Living Wage, by default.

## **13.0 ACCOUNTABILITY AND DECISION MAKING**

- 13.1 In accordance with the Constitution of the Council, the Appointments Committee is responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements relating to employees of the Council.

## **14.0 POLICY IMPLICATIONS**

- 14.1 The requirements under the Localism Act to produce and publish this Pay Policy Statement supplements existing duties and responsibilities that the Authority, as an employer has, particularly its responsibilities under the Equality Act 2010, to avoid discrimination and provide equal pay.

## **15.0 FINANCIAL IMPLICATIONS**

- 15.1 The Pay Policy Statement must be prepared for the financial year 2019/20 and each subsequent financial year. Once in place, it will provide the public with a clear rationale to explain the Authority's approach to pay.

15.2 The Council employs 2465 staff in 2544 posts and is responsible for spending annually over £300 million of public money.

## **16.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

16.1 Employees are a key element of the delivery of services that contribute to all of the Council's priorities. As such, appropriate and relevant payment to employees enables the delivery of those priorities.

## **17.0 RISK ANALYSIS**

17.1 The adoption of this Pay Policy Statement, and use of the frameworks and mechanisms described within, provides assurance that the Council is mitigating any legislative and ethical risk linked to the remuneration of its employees.

## **18.0 EQUALITY AND DIVERSITY ISSUES**

18.1 The Pay Policy Statement will assist the Council to monitor remuneration across the Council and provide a fair system which avoids discrimination.

## **19.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

19.1 There are no background papers under the meaning of the Act.