

## **Report to: Appointments and Conditions of Service Committee**

**Subject: Localism Act: Pay Policy Statement**

**Date: 6 December 2023**

**Author: Head of HR, Performance and Service Planning**

### **1. Purpose of the report**

The purpose of the report is to ask the Appointments and Conditions of Service Committee to approve the proposed Pay Policy Statement and method of implementation, and also to recommend its referral to, and adoption by Council for subsequent publication on the Council's website.

#### **Recommendation**

The Appointments and Conditions of Service Committee is **recommended** to:

- a) Approve the proposed Pay Policy Statement and method of implementation and
- b) Refer the general content of the new Pay Policy Statement to Council for approval and subsequent publication on the Council's website.

### **2. Background**

The purpose of the Statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny.

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year for the following financial year. Other regulations also require the Council to openly publish certain information and of particular relevance to the Pay Policy Statement is the statutory Local Government Transparency Code 2015. This report presents a proposal for the Gedling Borough Council Pay Policy Statement 2024-25.

A Pay Policy Statement must set out the authority's policies relating to the:

- remuneration of its Chief Officers
- remuneration of its lowest-paid employees
- relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers.

The Statement must include the definition of lowest-paid employees adopted by the authority and the reasons for adopting that definition.

The Statement must include the authority's policies relating to the:

- level and elements of remuneration for each Chief Officer
- remuneration of Chief Officers on recruitment
- increases and additions to remuneration for each Chief Officer
- use of performance-related pay for Chief Officers
- use of bonuses for Chief Officers
- approach to the payment of Chief Officers on their ceasing to hold office under or to be employed by the authority
- publication of and access to information relating to remuneration of Chief Officers.

Locally the Statement is also used to publish Gender Pay Gap information required under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 and information relating to time spent on support of recognised trade unions as required by the Trade Union (Facility Time Publication Requirements) Regulations 2017.

The Pay Policy Statement includes policy statements relating to Special Severance Payments. The Government published Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities in England in May 2022. This guidance is issued under section 26 of the Local Government Act 1999, the purpose of which is to:

- set out the Government's view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances;
- set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment;
- give examples of the exceptional circumstances in which Special Severance Payments may be appropriate; and
- clarify the disclosure and reporting requirements for Special Severance Payments.

Under the guidance Special Severance Payments are defined, see Appendix ix of the Pay Policy Statement for the full guidance.

In ensuring adherence to the guidance, the Council is required to demonstrate the economic rationale behind Special Severance Payments, including consideration of:

- whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered;
- how the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately;
- what alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services;
- the setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others); and
- evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone.

The Government expects that Special Severance Payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full Council, as set out in the Localism Act 2011;
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment;
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments; and
- where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, it is expected that the payment should be approved by a Panel including at least two Independent Persons.

The Pay Policy Statement (Appendix 1) reflects these requirements and the statutory guidance is appended to the Pay Policy Statement as the local policy in respect of Special Severance Payments.

Locally, the Pay Policy Statement includes other information relating to the policies on employment terms and conditions for all Chief Officers including those relating to pay progression.

The Statement must be approved by a resolution of the authority before the 31 March immediately before the financial year to which it relates but may also be amended by resolution during the year; it must be published on the authority's website as soon as possible after approval. Publishing the Pay Policy Statement in the format recommended in Appendix 2 also meets the additional requirements under the statutory elements of the Local Government Transparency Code 2015 in particular relating to information about trade union facilities (time allowed for union duties), senior salaries and the pay multiple. The earlier 2014 Regulations also require that data under the Code is published on the first occasion before 3 February 2015 and annually thereafter. In order to comply with the publication requirement, it is intended that the Pay Policy Statement will be published on the Council's website straight after the Council resolution.

The term 'Chief Officer' referred to above includes:

- The Head of Paid Service designated under section 4(1) of the Local Government and Housing Act 1989 (the Chief Executive)
- The Monitoring Officer designated under section 5(1) of that Act
- A statutory Chief Officer mentioned in section 2(6) of that Act (the Director of Corporate Resources & Section 151 Officer)
- A non-statutory Chief Officer mentioned in section 2(7) of that Act (the Corporate Director of Environment, Communities and Leisure by virtue of reporting directly to the Head of Paid Service);
- A deputy Chief Officer mentioned in section 2(8) of that Act (all Heads of Service by virtue of reporting directly to statutory and non-statutory Chief Officers).

Of the above listed posts only the Chief Executive, Directors and Heads of Service on Pay Band 4 are paid a salary above £70,000 per annum which is the value of the Senior Civil Service minimum pay band recommended under the Code of Practice for Data Transparency at which information on roles and remuneration of senior officers is published.

The full statement shows that the Borough Council's local ratio of highest:lowest pay rates is 5.44:1 - this compares favourably with the ratio of 20:1 originally suggested as a reasonable maximum figure in the original Hutton review into fair pay, and the many examples found in the private sector where multiples way in excess of this are not uncommon.

Local authorities were already required to publish, under the Accounts and Audit (England) Regulations 2011 (Statutory Instrument 2011/817), both the number of employees whose remuneration in that year was at least £50,000 and details of remuneration and job title of certain senior employees whose salary is at least £50,000.

For each "Chief Officer" as defined above, the Pay Policy Statement must include the following information:

- the Chief Officer's salary,
- any bonuses payable,
- any charges, fees or allowances payable,
- any benefits in kind to which the Chief Officer is entitled,
- any increase or enhancement to the Chief Officer's pension entitlement, and
- any amounts payable to the Chief Officer on the Chief Officer ceasing to hold office under or be employed by the authority.

From 2017, any organisation that has 250 or more employees must publish and report specific figures about their gender pay gap.

The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings.

The data to be collected, relevant at 31 March 2017 and each year thereafter is the:

- Mean gender pay gap
- Median gender pay gap
- Mean gender pay gap in bonus pay
- Median gender pay gap in bonus pay
- Percentage of males and females in each of the four pay quartiles.

Employers must both publish their gender pay gap data and a written statement on their public-facing website and report their data to government online using the gender pay gap reporting service. The Council has done this for this year's Gender Pay Gap data. Further to this, this year's data and the narrative endorsed by Senior Leadership Team as shown in the Pay Policy Statement will be published as part of this Pay Policy Statement following adoption of the Statement by Council.

Appendix 1 shows the proposal for the full Pay Policy Statement for Gedling Borough Council for the year 2024-25.

During any year, changes to policy approved by Committee and minor amendments to levels of earnings resulting from annual nationally-determined pay awards may be made to the published policy during the year without further referral back to Council. Otherwise, each year a Pay Policy Statement will be brought back to Council for formal approval and adoption.

## Summary data

Below is a summary of the key data contained in this year's Pay Policy Statement.

The data for Gedling is current at 30 November each year. This year the national pay award was settled on 1 November and was backdated to 1 April. The award for NJC employees, in terms of pay, was an addition of £1,925 to each pay point in the scale (pro rata for part-time employees) up to SCP 43 and a 3.88% award for SCP 44 and above.

This means that for our lowest paid employees there has been a pay award of 8.9% applied.

A comparison against last year's pay data is shown. The effects of the national pay award being a fixed figure (£1,925) improves the ratios of low pay against high and average pay but making more of a material difference were local pay changes. Chief Officers settled their national pay award claim at 3.5%. The change to our lowest rate of pay (now being SCP 5 in Band 3 rather than SCP 3 in Band 2) means a pay increase for our lowest paid employees and also improves its ratio relationship with high pay (it reduces the gap). The increase in pay grade for a substantial number of skilled employees in our PASC and Waste Teams has meant that median pay has increased by about 20% and its ratio to high pay has also improved (the gap has reduced).

	<b>Data correct at 30 November. Includes 2023/24 national pay award</b>	<b>Last year's pay data</b>
Ratio of highest to lowest pay	5.44:1	5.93:1
Ratio of highest to average (mean) pay	4.24:1	4.40:1
Ratio of highest to median pay	4.67:1	5.42:1
Average (mean) pay (equivalent full time salary)	£30,154	£28,079
Median pay (equivalent full time salary)	£27,334	£22,777
Highest paid worker	127,771 (top scale point)	123,450 (top scale point)
Lowest paid worker (FTE salary- not training or transferred post). Lowest pay point now set at SCP 5 in Band 3.	£23,500	£20,812

#### **4. Proposal**

The Pay Policy Statement is a factual statement of information relating to the council. It is therefore proposed to ask the committee to firstly approve the proposed Pay Policy Statement for 2024/25 including its method of implementation and secondly to recommend the referral of the Pay Policy Statement to Council for adoption and for subsequent publication on the Council's website.

#### **5. Alternative Options**

The publication of a Pay Policy Statement is required in law and the method by which it is published is specified. The alternative would be to not publish a statement although this would contravene legislation.

#### **6. Legal Implications**

The proposed Pay Policy Statement has been drafted to meet the requirements of the Localism Act 2011, the Local Government Transparency Code 2014, the requirements of the Accounts and Audit (England) Regulations 2011, the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017, the Trade Union (Facility Time Publication Requirements) Regulations 2017 statutory and other best practice guidance offered by the Local Government Association and the Association of Local Authority Chief Executives.

The Localism Act in itself does not necessarily require the Authority to publish actual salary band amounts, however, other regulations and best practice do lead us to this position, particularly for Chief Officers. In the spirit of openness and transparency the proposed Pay Policy Statement encapsulates the principles derived from these myriad sources.

In order to meet the deadlines required by the Localism Act and the Transparency Code, the data used in this annual statement is current at 30 November in each year.

Subject to the views of this committee and the adoption at Council, the Pay Policy Statement will be published on the Council's website immediately after resolution, and annually thereafter and included in the Council's Publications Scheme. It will be published as a Microsoft Word document which is a "machine-readable" format as required by the Local Government Transparency Code 2014.

Although not yet a legal requirement to adopt the statutory guidance on severance payments, the Council will be assessed against that voluntary standard when making decisions about payments made to officers, workers or contractors when they cease to provide service for or to the Council. It is expected that local authorities would comply with the statutory guidance even if no local policy is adopted. For that reason the adoption of properly considered local policy helps to defend any future challenge to special severance payments made if there is concern about the appropriateness of those payments.

The guidance on Special Severance Payments forms part of the best value regime for local authorities in England. The best value duty, as set out in section 3 of the Local Government Act 1999 ("the 1999 Act"), provides that "A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."

## **7. Financial Implications**

The Pay Policy Statement only reports information about the council. It does not in itself commit the organisation to any spend and as such there is no financial impact.

The introduction of local Severance Payment Policy will ensure that financial decisions taken by the Council will be properly considered, accounted for and reported. This will be an additional control measure to secure financial probity.

## **8. Equalities Implications**

Although in itself the Pay Policy Statement does not have any equalities impact there are a number of items that are reported that do have a bearing on equality reporting within the council, for example the annual reporting of the council's Gender Pay Gap.

Following a consultation exercise the council updated its equality policies relating both to employment and to service provision and subsequently, this year a defined action plan has now been implemented to improve the equality, diversity and inclusion of the Council both as an employer and as a service provider. Actions will be embedded into service planning over the coming years.

The principles of equality and equal pay are embedded in the Pay Strategy that forms part of the Pay Policy Statement.

The Special Severance Payment Policy also ensures that financial decisions about payments to people leaving the organisation will be based on a transparent framework with clear definition about how payments are to be authorised and reported.

**9. Carbon Reduction/Environmental Sustainability Implications**

No environmental sustainability implications are identified.

**10. Appendices**

Appendix 1: Pay Policy Statement 2023/24

**11. Background Papers**

There are no additional background papers

**Statutory Officer approval**

**Approved by:**

Chief Financial Officer

**Date:**

15 November 2023

**Approved by:**

Monitoring Officer

**Date:**

15 November 2023



# Gedling Borough Council; Pay Policy Statement 2024-25

## 1. Introduction

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year. The purpose of the Statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny.

The Pay Policy Statement has been drafted not only to meet the requirements of the Localism Act, but also is designed to reflect the principles of the Code of Recommended Practice for Local Authorities on Data Transparency (updated in 2015), the Accounts and Audit (England) Regulations 2011 and aspects of good practice highlighted by the Local Government Association and the Association of Local Authority Chief Executives. Furthermore, the Statement also has regard to the guidance made available in February 2013 by the Department for Communities and Local Government in respect to “openness and accountability” as described in section 40 of the Localism Act.

The Statement is also used to publish Gender Pay Gap information required under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 and information relating to time spent on support of recognised trade unions as required by the Trade Union (Facility Time Publication Requirements) Regulations 2017.

## 2. Pay Policy Statement; Executive Summary

Details necessary for publication are explored fully in this Pay Policy Statement in sections three and four. The Executive Summary does not reflect all information required or recommended in the legislation and guidance described in the introduction above; however, it is designed to show key information in a simple, digestible format. Unless otherwise stated, data in these tables is current at 30 November 2023.

### General Council pay data

Lowest rate of pay (Exc Training Grade)	£23,500 p.a. full time rate
Median rate of pay	£27,334 p.a. full time rate
Mean rate of pay	£30,154 p.a. full time rate
Highest rate of pay	£127,771 p.a. full time rate
Expression (as a multiple) of highest rate of pay against:	
Lowest pay:	5.44 times greater
Median pay:	4.67 times greater
Mean pay:	4.24 times greater

## Job-related information for Chief Officers

Job Title of Senior posts <sup>1</sup>	Substantive post-Salary Band p.a. (pay pts in scale) 2021/22 pay award still pending	Enhancement to basic pay or Addition to basic pay (not related to main job)	For Senior Posts : Number of staff reports & total budget <sup>2</sup>
<b>Chief Executive</b>	£123,279 - £125,525 - £127,771 Progression is performance-related	Yes- Election fees	86 staff (438 total)  Total budget (23/24) £2,931,600
<b>Directors</b> i) Director of Corporate Resources & Section 151 Officer  ii) Corporate Director (Environment, Communities & Leisure)	£83,787 - £86,119 - £89,631 Progression is performance-related for all posts	No	i) 89 staff  Total budget (23/24) £25,657,900  ii) 263 staff  Total budget (23/24) £14,668,800
<b>Head of Service - Band 4 +5%;</b> • Governance & Customer Svs (includes Monitoring Officer role)	£75,888 - £78,194 - £80,504	No	
<b>Heads of Service - Band 4;</b> • Finance and ICT • Regeneration and Welfare • Development and Place • Environment • Communities and Leisure	£72,275 - £74,470 - £76,672	No	
<b>Head of Service – Band 3;</b> • HR, Performance and Service Planning (pro rata for 22.5 hours)	£63,491 - £65,692 - £67,882	No	

<sup>1</sup> As defined in Recommended Code of Practice for Data Transparency

<sup>2</sup> Total current gross expenditure budget (2023/24); includes employee costs.

### **3. Setting the scene**

#### **3.1 Pay Strategy**

The Council's Pay Strategy is shown at Appendix iA. This document encapsulates both strategic principles and operational practices; it gives direction and intent and guidance for the practical application of these principles.

#### **3.2 Gender Pay Gap**

From 2017, any organisation that has 250 or more employees must publish and report specific figures about their gender pay gap.

The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings.

The data to be collected, relevant at 31 March 2017 and at that "snapshot date" each year thereafter is the:

- Mean gender pay gap
- Median gender pay gap
- Mean gender pay gap in bonus pay
- Median gender pay gap in bonus pay
- Percentage of males and females in each of the four pay quartiles.

As required in law, both our gender pay gap data and a written statement to add context to the data are available on our public-facing website

<http://www.gedling.gov.uk/council/aboutus/financeandaccounts/opendata/genderpaygapdata/> and on the government website <https://gender-pay-gap.service.gov.uk/>

This year's data and the narrative endorsed by Senior Leadership Team for Gedling Borough Council are shown at Appendix iB.

#### **3.2 Other relevant information**

The following additional paragraphs and statements outline the Council's general position in respect to employment, pay and conditions of service and are pertinent to the requirements of the Localism Act:

- 3.2.1. As at November 2023, Gedling Borough Council employed 438 people (336.56 full time equivalents).
- 3.2.2. Of our posts, ten are governed by the national conditions of service relating to the Joint Negotiating Committees (JNC) for Chief Executives and Chief Officers, these being the Chief Executive, two Directors and seven (6.6 FTE) Heads of Service. All other employees work within the national conditions of service covered by the National Joint Council (NJC) for Local Government Employees.
- 3.2.3. These national conditions of service are added to, and amended by, local terms and conditions detailed in the Employee Handbook and further modified at an individual level by Statements of Employment (contracts) applying to particular employees or posts.

- 3.2.4. For the purposes of the Localism Act, report must be made on the pay policies relating specifically to “Chief Officers”. In the Act, included in the definition of what is a “Chief Officer” are any posts, statutory or not statutory, that report direct to the Chief Executive, or to a post that reports immediately to the Chief Officer. The purpose is to ensure that “Deputy Chief Officer” posts are included in the pay policy. Locally, for Gedling Borough Council this means that the Chief Executive, Directors and Heads of Service are covered in the Pay Policy Statement.
- 3.2.5. Policies relating to the setting of pay are determined by committee. Currently such decisions fall under the remit of the Appointments and Conditions of Service Committee (ACSC). Historically, all major decisions relating to pay policies have been the subject of consultation with the recognised unions representing employees of the Council, either direct with the unions, or more usually through discussion at the Joint Consultative and Safety Committee (JCSC) which is the recognised forum for formal consultation between employee representatives and the employer.
- 3.2.6. The Council has embraced the principles of Single Status (a term designed by national employers’ groups and trade unions to describe the equal treatment, in respect to terms and conditions, of all employees) since 2001. Gedling was one of the first local authorities in the region to formally implement the national NJC Job Evaluation Scheme. A pay policy was written at this time to reflect how NJC pay was to be applied within this scheme and this is shown at Appendix i. The NJC Job Evaluation Scheme continues to be used and pay grades are established using this tool for all NJC posts. Job assessment is carried out jointly by both management and union representatives.
- 3.2.7. The grading of JNC Head of Service posts is undertaken by Senior Leadership Team and is based on a locally-determined scoring matrix. This matrix and the scoring system used to determine grades are shown at Appendix ii. Pay grades for Directors and the Chief Executive are determined by Committee (ACSC).
- 3.2.8. The filling of, or promotion to all posts, be they governed by NJC or JNC conditions of service are dealt with under the same defined protocols. The general protocol for the filling of vacancies is shown at Appendix iii with a description of how this protocol is applied in a practical context shown at Appendix iv.
- 3.2.9. Other than in cases where there is a need to prevent redundancy through possible redeployment of existing employees, or where efficiencies or improved working can potentially be realised, all permanent vacancies are advertised externally and all appointments are made on merit as required by the Local Government and Housing Act 1989. There is an additional recognised protocol (appendix v) that allows temporary vacancies for periods of less than one year to be filled internally.
- 3.2.10. Appointments to non-statutory Director and Chief Officer posts are made by the Appointments and Conditions of Service Committee, subject to no objections being raised by Cabinet. Appointment of the Chief Executive or Statutory Officers will be made by the Appointments and Conditions of Service Committee, subject to no objections being raised by Council. Appointment to all other NJC posts is made by officers delegated to act on behalf of the Chief Executive. The Council’s Constitution governs this process.

- 3.2.11. Dismissal of Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial (Section 151) Officer) is made through the Appointments and Conditions of Service Committee which will first consider the case and make an initial determination that will be subsequently referred to an Independent Panel charged with making a recommendation to Council at which a decision will be taken to approve or reject the dismissal. Dismissal of Directors that are not Statutory Officers and other chief officers including Heads of Service will not be referred to an Independent Panel or to Council; the decision will be within the remit of the Appointments and Conditions of Service Committee. Dismissal from all other posts is made by the Chief Executive or to officers delegated to act on behalf of the Chief Executive. The Council's Constitution sets out the process for dismissal of Statutory Officers and other Chief Officers. Where they exist, model procedures contained within national Chief Officers' or Chief Executives' terms and conditions will be used as guidance.
- 3.2.12. In respect to appointment to any post, where the grade of a post comprises a range of pay points, the general practice is that appointment is made to the bottom pay point other than in cases where the successful candidate can demonstrate that their experience or skill set is of relevant and exceptional nature. In such cases, for officers working under NJC conditions, a Head of Service may agree to commencement at a higher pay point. For a JNC post, the decision about pay on appointment will rest with the appointing officer or committee as appropriate.
- 3.2.13. For Directors governed by JNC conditions, pay at appointment and subsequent advancement through the pay grade is determined by the Chief Executive following consultation with the Appointments and Conditions of Service Committee as detailed in Appendix vi-a. The same general principles governing application of pay points apply both to external appointment and internal promotion.
- 3.2.14. A similar scheme linking pay to performance exists for the Chief Executive. This is shown at Appendix vi-b
- 3.2.15. The Council has an established training grade which mirrors the national pay rates for apprentices. The policy relating to the application of this arrangement was adopted in September 2016. Although potentially applicable to a training post of any type, the grade is designed to be applied specifically to entry-level apprentices employed directly by the Council.
- 3.2.16. As a general principle and where business need allows, the Council supports the sharing of posts (job share) between two or more people. Appointments will be made on merit. Appointment for any job share partner will be made within the confines of the pay grade, determined through job evaluation and within the principles as described above in relation to the determination of starting salary.
- 3.2.17. In 2013 supplementary guidance was offered by the Department for Communities and Local Government under section 40 of the Localism Act 2011 about decisions relating to appointments and dismissal from senior posts where the costs of such decisions are likely to be high. The Secretary of State considers that a salary of £100,000 is the right level for the threshold of such decisions.

In the year 2023/24 the only post at this pay level is that of Chief Executive. This post is defined as "senior" for the purpose of this guidance and consequently

decisions relating to appointment and dismissal will be determined by full Council following recommendation made by the Appointments and Conditions of Service Committee. This arrangement is incorporated within the Council's Constitution.

3.2.18. Already published elsewhere in this Pay Policy Statement are the Council's key documents relating to severance policies and discretionary compensation for employees, including senior officers in the event of redundancy. Specifically, the Council does also have a Special Severance Pay Policy that determines how such payments will be made, the authority needed to make the payments, and how these are reported. The policy is shown at Appendix ix.

3.2.19. Access to the full set of local pension discretions required under Regulation 60(5) of the LGPS 2013 are shown on the Council's website under the "How we work" section at [https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20\(July%202019\).pdf](https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20(July%202019).pdf)

These discretions were approved as formal policy of the Council by the Appointments and Conditions of Service Committee in March 2015 and updated by the committee in 2019. In accordance with legal requirement the policy statements have been drafted to balance financial, business and employee needs and public interest as well as taking into account the general principle that no policy statement can unduly fetter the employer's ability to make decisions.

3.2.20. From 1 April 2017 all overtime (voluntary), stand-by and call out payments are enhanced by 7.69% to reflect the need to recognise an average of these payments for a four week holiday period each year (the period for which "normal pay" needs to be maintained). Any contractual overtime will be recognised as normal pay for the purpose of all holidays taken.

3.2.21. As required by the Transparency Code, structure diagrams of the Council showing all posts, including vacant posts, and pay bands are maintained on the Council's website together with contact details for Chief Officers.

3.2.22. The 2015 Transparency Code required information about trade union facility time to be published and this requirement has subsequently been extended by the Trade Union (Facility Time Publication Requirements) Regulations 2017. This is the amount of time that is allowed by the organisation for the representatives of the recognised trade unions to participate in approved union activities. For this Council the information is as follows:

3.2.22.1. There are 10 staff that are recognised as representatives (the Executive).

This equates to 9.22 full time equivalents (FTEs).

3.2.22.2. There are no union representatives who devote at least 50% of their time to union duties. The estimated proportion of time spent on trade union facility time is:

Proportion of time	Number of union Reps
0% (less than 1%)	0
1- 50%	10
51-99%	0
100%	0

3.2.22.3. It is estimated that the total salary cost of union representatives undertaking union duties and activities over a year is £11,028. The percentage of all pay spent on facility time is 0.12% and 6.11% of all union time is taken up on trade union activities. This is the data reported on the government's website.

3.3. This Pay Policy Statement is published on the Council's website.

#### **4. Other specific reportable issues as defined in the Localism Act**

##### **4.1 Chief Officer pay**

###### **4.1.1 Basic pay**

Pay scales for all Chief Officers are shown in the Executive Summary table. These are current up to 30 November 2023.

###### **4.1.2 The setting of basic pay grades and pay rates**

There are a number of existing decisions and policies that determine Chief Officers' overall pay policy.

The Chief Executive's pay scale, and the pay scales for Directors are determined locally by the Appointments and Conditions of Service Committee following formal consultation with recognised unions through the Joint Consultative and Safety Committee. The pay scale for the Chief Executive was last reviewed in early 2018 as part of the recruitment process for a new Chief Executive. In 2016 the pay rate for Directors was also confirmed. When setting these pay scales the committee took into account the need to balance affordability with fair pay for the work whilst also recognising pay levels for similar posts within the local market and pay differentials within the organisation. More recently a new senior management structure has been applied from 2021 in which the grades of newly-created Heads of Service were reassessed.

The ACSC approved a performance-related pay scheme that applies all Directors and another for the Chief Executive. These are shown at Appendix vi-a and b respectively. These schemes also confirm that appointment is generally at the bottom point of the pay scale and that progression through the scale is through satisfactory performance only.

The pay principles applying to the Head of Services as JNC officers were determined by ACSC after consultation through the JCSC process. The basis of these grades, how they relate to the pay of Directors and the matrix used by SLT to place these jobs into the appropriate grade are shown at Appendix ii.

As part of the implementation of the NJC national Job Evaluation Scheme in 2001, a pay policy was adopted by committee in 2001 (Appendix i). Basic job grades are still determined using this scheme and the basic principles set out therein. With the implementation of the job evaluation scheme came the setting of a "pay line" that equates each job's evaluation points to a job grade. The pay policy for the Council's NJC staff defines how national spinal column points are associated to local job grades and is shown in Appendix i (and also as part of the Pay Strategy at Appendix iA).

Each year the 30 November is used as the reference period for pay information. Most NJC (most of our workforce) employees this year (2023/24) ) received an award of an additional £1,925 on their annual full-time salary (pro rata for part time). Chief Executives and Chief Officers received an award of 3.5%. This increase means that our lowest paid employees received an award of almost around 8.9% whereas higher paid NJC employees received around 3.88%. By making an award to NJC employees based on a flat payment rather than as a percentage of pay means that pay differentials between high and low pay are reduced and this is reflected in this Pay Policy Statement. The consequence is also that Local Government pay continues to start at a figure in excess of the National Living Wage.

From 1 April 2019 the national pay spinal column points were renumbered and the new points including the associated rates of pay were applied into our local pay scales. From 2023 spinal column point 1 has been removed from the national pay spine.

#### **4.1.3 Enhancements to Chief Officers' basic pay**

Following the review of local pay in 2016 pay grades have largely been simplified and are now designed to reflect a fair market rate for the job. Consequently previous policies that allowed additional enhanced payments to be applied either to Chief Officer or other NJC employees have now been removed other than for the Heads of Service undertaking statutory roles (Monitoring Officer and Section 151 Officer) where plussages of between 5% and 10% are applied.

#### **4.1.4 Additional payments made to Chief Officers**

The only additional payment made to Chief Officers relates to election expenses. The only post formally designated within legislation and to which expenses are paid is that of Chief Executive which is nominated as the Returning Officer. The role of Deputy Returning Officer may be applied to any other post and payment may not be made simply because of this designation.

Payments to the Returning Officer are governed as follows:

For national and European elections, fees are prescribed by the Electoral Commission.

For local elections, fees are determined within a local framework used by other district councils within the County. This framework is applied consistently and is known as "The County Scale". This is reviewed periodically by lead electoral officers within the boroughs.

## **4.2 Salary protection**

The Council's Pay Protection Policy was reviewed during 2019. A full description of the policy is shown at Appendix vii. This Pay Protection Policy applies to all employees of the Council, including Chief Officers as defined in the Localism Act. In essence, should a case of pay protection arise, for example due to redeployment or down-grading of a post, protection between an employee's salary at that time and the value of their new substantive post will apply in the following way:

- 100% for one year
- 50% for year two
- .

Salary protection would not occur in cases where a post holder was down-graded to work of lower pay following disciplinary action.



## **4.3 Lowest-pay and the relationship with highest pay**

### **4.3.1. Definition; “lowest pay”**

The definition of “lowest pay” for the purpose of this Pay Policy Statement is, “The lowest spinal column point in the national pay spine that is used within the local pay and grading structure of the Council for non-training posts. As at November 2023 this is Spinal Column Point 5 within Band 3”.

The Council’s current Pay Strategy is shown at Appendix iA and the general Pay Policy is shown at Appendix i. This policy reflects the decision to adopt the national pay spine to form the basis of our grading structure. National spinal column points were renumbered with effect from April 2019 and the revised points were incorporated into the Council’s local grading system.

### **4.3.2. Definition; “highest pay”**

The definition of “highest pay” for the purpose of this Pay Policy Statement is, “The highest local spinal column point that forms part of the Chief Executive’s pay band”.

### **4.3.3 Relationship between highest and lowest pay**

When expressed as a multiplier of pay, the Chief Executive’s salary is:

- 5.44 times greater than the lowest pay rate of the Council
- 4.24 times greater than the mean pay rate of the Council
- 4.67 times greater than the median pay rate of the Council

Although the Localism Act requires Authorities to publish the data, the original Hutton Review of fair pay in the public sector rejected calls for a fixed limit on pay multiples. However, to give guidance on what might be considered to be a reasonable pay multiple of highest pay against lowest pay, a ratio of 20:1 was suggested as part of the consultation during the review. Clearly the council operates on ratios at a much lower level.

The pay ratio of highest to lowest pay in the private sector is variable depending on the size and nature of the business although in 2021, using accreditation status from the Living Wage Foundation to estimate the pay of low earners, the High Pay Centre calculates the median CEO to lowest-paid worker ratio to be 117:1. In the voluntary and public sectors then high to low pay ratios are traditionally much lower.

The ratios within the Council’s pay structures are very much in line with other local councils of similar size and are certainly within the ranges outlined as being reasonable in the Hutton Review.

This relationship will be reported annually for comparison purposes.

The rates of for lowest, mean, median and highest pay are included in the Executive Summary table.

## **4.4 Payments made to Chief Officers on ceasing office**

### **4.4.1 Conduct and Capability Policies**

The Council's policies are stated in the employee handbook and where appropriate, also governed by the Council Constitution.

Changes and variation to these policies are made following consultation with recognised unions and formal adoption by the Appointments and Conditions of Service Committee. For each of these policies, the scope of application is defined as follows, "The procedure applies in general terms to all employees of the Authority covered by the terms of the National Joint Council for Local Government Services. This includes full and part-time employees and temporary employees. Employees covered by the Joint Negotiating Committees for Chief Officers and Chief Executives and posts nominated as the Council's Monitoring and Section 151 Officers will have particular provisions applied to them under the Council's Standing Orders relating to staff [as detailed in the Council Constitution and available through the Gedling Borough Council web site]. In these cases, this Disciplinary and Capability Procedures will be applied as closely as possible subject to such modification as may be required pursuant to those Standing Orders."

Subject to the above definition of application, for conduct and capability dismissals all employees will receive only statutory payments due which may, depending on circumstance include notice pay (other than in cases of gross misconduct) and outstanding untaken leave entitlement.

### **4.4.2 Ill health retirement**

All employees who are members of the local government pension scheme (LGPS) shall have applied to them a pension defined within the LGPS Regulations. Obligations under law requiring the payment of an appropriate notice period or outstanding unpaid holidays are honoured. No additional discretionary payments will be made. Authority to dismiss on grounds of ill health and authority for release of pension as determined within statute is delegated to the Chief Executive.

### **4.4.3 Termination of employment; Redundancy, efficiency and general pension discretions**

The Council's Appeals and Retirements Committee has authority to make payment within the approved Early Retirement and Redundancy Policy (Appendix viii). The scheme of compensatory payment is clearly identified in this policy and is based on the table of compensation defined within the Employment Rights Act 1996. Under this local policy, for redundancy, payment including both statutory and discretionary payments is limited to a maximum of 30 weeks' pay and nine weeks' pay for dismissal for reason of 'efficiency of service'.

The policies relating to redundancy and 'efficiency of service' are formally adopted by the Council and are drafted within the legislative framework of the Local Government (Early Termination of Employment)(Discretionary Payments) (England and Wales) Regulations 2006. Specifically, the policies reflect the need to define "a week's pay" and to detail the Council's severance payments. For removal of doubt, the Council currently defines "a week's pay" for the purpose of calculation of compensatory redundancy payments as "actual pay" rather than the statutory maximum figure.

Access to the full set of local pension discretions required under Regulation 60(5) of the LGPS 2013 are shown on the Council's website under the "How we work" section at [https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20\(July%202019\).pdf](https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20(July%202019).pdf)

These discretions were approved as formal policy of the Council by the Appointments and Conditions of Service Committee in March 2015 and subsequently updated in July 2019 and detail the full range of policy decisions made that relate to payment of, or limitation to payment of pension benefits applicable to any employee.

The Council's Flexible Retirement Policy is shown at Appendix viii a.

All employees, including Chief Officers are covered by these general policy arrangements. Sections 3.2.10-11 above, detail the special arrangements applying to "senior posts" both in respect to appointment and dismissal.

The policy relating to Special Severance Payments is detailed at Appendix ix of the Pay Policy Statement.

## **5. Review and publication**

This Pay Policy Statement will be reviewed annually and reported to Council for approval.

The Statement will be made available to the public on the Council's website and will be included in the Council's Publications' Scheme in a format that complies with regulations governing transparency.

# Appendices

# Pay Strategy

## Purpose

This strategy identifies the principles by which pay is governed in the organisation and specifies how these principles are embedded in practice.

## Pay

### Strategic Principles

- We will pay sufficiently well to attract and retain talent in line with our ambitions, priorities and workforce strategy.
- When setting pay we will be sensitive to, and respectful of the need to balance fair pay with public interest.
- We recognise our social responsibility to support in appropriate ways, a commitment to paying our lowest-paid employees fairly.
- We are committed to developing employment opportunities for local residents. Training posts with training pay grades will be supported by the Council.
- We will keep pay under regular review and take action to maintain the ambitions stated in our pay principles.

### Operational Practices

- Job grades for staff governed by conditions of the National Joint Council on Pay and Conditions of Service (NJC) are established locally but are based on national spinal column points.
- Job grades for the Chief Executive and Chief Officers are established locally using local pay points. General terms and conditions are governed by the appropriate national bodies, the Joint Negotiating Committees (JNC).
- Pay is linked to performance for NJC employees (Document 1), Senior Leadership Team (Document 2) and Heads of Service (Document 3).
- Pay awards made under national pay bargaining are applied to all employees covered by the NJC and JNC conditions of service.
- Market supplements will be applied to basic pay in order to attract first class candidates into our workforce. Such supplements will be applied in the exceptional circumstances described in Document 4.
- Honoraria payments will be used for short periods of time, normally up to one year, to appropriately recognise and reward employees who are required by the Council to perform duties and responsibilities beyond those normally expected in their substantive post for a period exceeding four weeks. The level of payment will be determined by the relevant Head of Service and the Head of Service responsible for the human resources function.

## **Equality**

### **Strategic Principles**

- Pay equality within the workforce will be maintained by ensuring that jobs are objectively graded through a job evaluation mechanism appropriate to NJC employees and to Heads of Service.
- Pay grades will be designed in line with best practice to ensure that pay is non-discriminatory particularly in respect to gender.
- The Equal Pay Policy Statement sets out the general principles of pay and equality

### **Operational Practices**

- A “Gender Pay Gap” review of pay will be undertaken annually within Government guidelines. Findings of this review, including any recommendations for action will be reported to Senior Leadership Team and to the Joint Consultative and Safety Committee.
- The NJC job evaluation scheme is used as a framework to determine job scores used as a basis for local pay.
- A locally-determined job evaluation scheme will be applied to Head of Service posts covered by JNC terms for Chief Offices.
- Job evaluation of new and changed NJC posts will be undertaken by management and union representatives.
- Job evaluation of new and changed JNC Head of Service posts will be undertaken by Senior Leadership Team.

## **Benefits and reward**

### **Strategic principles**

- We recognise that pay is only one element of reward. Recruitment, retention, engagement and happiness of employees are influenced by a wider package of measures. We will continually review terms, conditions, benefits and ways of working that will make Gedling Borough Council an employer of choice.
- We recognise that good physical and mental health of our employees is essential if employees are to attend work regularly and to give of their best.

### **Operational practices**

- We provide practical support to improve the wellbeing of employees. This is achieved through practical measures such as the “Employee Assistance Programme” available to all employees and designed to support employees through problems relating to mental health and financial and relationship difficulties.

- Adoption of flexible and agile working practices whenever practical to enable employees to deliver first rate service in ways that help them to balance personal and work commitments.
- Access to an employee benefits package, “Gedling Lifestyle” that helps to maximise employees’ earnings.
- Membership of “Our Gedling”, providing access for all employees to a range of events and activities designed to enhance personal wellbeing and health and to support a sense of community and engagement with work colleagues.
- Through active engagement with the workforce, employees’ perception of happiness in the workplace is measured and reported. Issues of common concern are identified and actions developed to improve both employee wellbeing and workplace efficiency.

## **Pay protection**

### **Strategic principles**

- When possible and appropriate, employees will be redeployed within the organisation if they cannot continue to work in their current job.

### **Operational practices**

- Employees redeployed to a lower paid job following service reorganisation will receive pay protection. The nature of this protection will be defined through local policy.

## **Redundancy**

### **Strategic principles**

- Where possible the Council aims to redeploy employees rather than to declare redundancy.
- When this is not possible the Council will apply redundancy payments that recognise the need to balance support for the employee against the need to exercise appropriate restraint in the use of public money.

### **Operational practices**

- The Early Retirement and Redundancy Policy, and the Protocol for Enabling Employee Security documents are used to assist the transition of employees between posts in appropriate circumstances.
- Employees returning to work with the Council following redundancy from either our own organisation or a similar public sector organisation will have applied to them any financial penalty required either by legislation or through national terms and conditions.

## **Pensions**

### **Strategic principles**

- Employees of the Council are eligible to participate in the local government pension scheme (LGPS).
- As required by LGPS Regulations, the Council will maintain a set of local policy decisions relating to discretions available to employers under the scheme.
- Discretions, formulated through appropriate committee of the Council, will recognise the need to balance support for the employee against the need to exercise appropriate restraint in the use of public money.

### **Operational practices**

- The Council will maintain and publish a set of local pension discretions required by LGPS Regulations.

## **Legislation**

### **Strategic principles**

- The Council will ensure that pay and remuneration is treated correctly within relevant legislation.

### **Operational practices**

- Tax and other statutory deductions including national insurance contributions will be made within legislation and under guidance of government agencies for employees, workers and contractors.



### **Policy statement to link pay to performance; NJC employees**

- Usually employees appointed to a new post will start at the bottom incremental point of the grade for the post. Where it can be demonstrated through the selection process that the appointee has relevant experience or qualifications, the Head of Service may elect to appoint at a higher incremental point.
- Employees will progress to the next incremental point on their grade on 1 April of each year except where the employee has been in post less than six months. When an employee has been in post for less than six months at 1 April, they will progress to the next incremental point six months after appointment and thereafter on 1 April each year. This reflects national NJC conditions of service.
- Employees will normally progress automatically through the incremental scale as described above. In the exceptional circumstances that an employee is not meeting standards of performance or behaviour required then the Head of Service, after consultation with a senior HR officer, may withhold an increment. Any such action will be supported by an adverse probation report, extension of probationary service or other formal performance review mechanism.
- The reasons for withholding an increment will be explained to the employee and guidance given about areas for improvement such that incremental progression can continue when standards are met.
- Where an employee is dissatisfied with the reasons for withholding an annual increment, they may appeal in writing to the Chief Executive or other nominated JNC senior officer who will review the decision of the Head of Service. This appeal is final.

## **Contractual terms to link pay to performance; Chief Executive and Directors**

### Chief Executive; Pay and Performance Policy

- The ACSC will determine to which point within the scale the appointment will be made taking into account appropriate experience and skill set.
- A formal performance and pay review will be conducted annually prior to the anniversary of appointment.
- The performance and pay review will be conducted by the ACSC.
- Should the ACSC determine that performance meets or exceeds the expected standards then annual progression of pay will be applied until the top pay point of the scale is reached. Once the top pay point is reached pay will remain at this level whilst performance continues to meet or exceed expected standards.
- Should the ACSC determine that performance is unsatisfactory then consideration will be given to applying the following process relating to pay:
  - if the post holder is at the bottom or middle point of the pay scale at the time of the review then there will be no progression to the next pay point until a future review by the ACSC confirms satisfactory performance. This review will normally take place a year later although the ACSC may choose to conduct an interim review at an earlier date if this is appropriate.
  - if the post holder is at the top point of the pay scale at the time of the review then from the anniversary of the appointment date pay will be reduced to the middle point of the pay scale and held at that point until satisfactory performance is confirmed through a future review which will be undertaken as described above.

### Director; Pay and Performance Policy

- Appointment to any post of Director will normally be made at the bottom scale point of a three-point pay scale.
- A formal performance review will be conducted by the Chief Executive to determine suitability to progress to the mid-point of the grade after one year's service in post and following consultation with the Appointments and Conditions of Service Committee.
- Should the Chief Executive determine that performance is unsatisfactory, pay will remain at the bottom point of the pay grade
- Payment of the top pay point of the grade to be determined annually by formal performance review conducted by the Chief Executive and following consultation with the Appointments and Conditions of Service Committee. Subject to satisfactory performance, payment of the top pay point will be made through annual progression of service in post and, again subject to satisfactory performance, will remain there thereafter. Should the Chief Executive determine that performance is unsatisfactory, pay will remain at, or be reduced to, the mid-point of the pay grade.
- The detail of the performance review scheme is determined by the Chief Executive.

## **Contractual terms to link pay to performance; Head of Service**

### Heads of Service Pay and Performance Policy

- Head of Service posts are based on a three-point pay scale related to the maximum pay of directors.
- Under normal circumstances, at the start of employment as a Head of Service, pay will be based on the bottom pay point of the grade.
- Progression to the next pay point will follow the general rules applying to NJC officers in respect to timing of awards.
- Directors that line-manage Heads of Service are responsible for setting clear standards of expectation relating to performance or behaviour. Any shortfall against these expectations will be identified to the Head of Service by a director, normally at the time that the director becomes aware of the issue. Often, improvement will be sought through the introduction of appropriate support or training without further measures being employed. If however the matter is sufficiently serious or an improvement identified as necessary is not initially forthcoming within a timescale required by the director then that director may choose to freeze the Head of Service on their current pay point (prevent progression to the next pay point when it would otherwise have been made) or to reduce their pay by one or more pay points.
- One month's notice will be given of the intention to reduce pay.
- Should pay be reduced, this change will be applied for a minimum of six months. The length of reduction will be determined by the director. At the end of the period defined by the director, during which time progress against an improvement plan will be monitored, should improvement be satisfactory then pay will be returned to the previous.
- If pay is frozen then progress against an improvement plan will be monitored. If performance or behaviour does improve sufficiently then from the point at which this determined by the director then progression will be made to the next pay point. If further progression within the grade is possible then the top pay point will be paid one year from the date that the pay had been "un-frozen".
- The above measures may be applied outside a formal capability procedure. If, however, the measures are applied to a Head of Service and the measures are applied for a year or more, it is likely that the matter will be dealt with under a formal capability procedure.

- The broad terms and process of the Capability Procedure defined in the Employee Handbook will be used to deal with any serious or persistent problems of capability and the use of this formal procedure may be applied either in conjunction with or separate to the measures relating to pay freezing or reduction.
- A final right of appeal exists to a director's decision to freeze or reduce pay, or to the length of time for which this pay detriment is applied. This appeal should be addressed to, and will be dealt with by the Chief Executive or an officer nominated by the Chief Executive.

## Market Supplements

- The pay and grading structure has been set to reflect the relative values of jobs within this organisation and at pay levels which reflect the general local employment pay levels. This has been achieved through the national job evaluation scheme for NJC officers and a local job evaluation scheme for Heads of Service. However, there may be occasions where it is necessary to enhance the pay levels of specific groups of employees where it is proven that it is difficult to attract and retain employees because of external pay levels. Where such situations are identified, additional market factor supplements may be agreed.
- Payment of market factor supplements will be made taking into account the following factors:
  - Evidence of high levels of turnover in the particular staff group
  - Evidence of difficulties in recruiting to posts ie by low response rates to advertisements or inability to attract suitable candidates
  - Comparison with like jobs in other local authorities and more widely in the sector
- All current employees within the group affected will receive the payment.
- Clear criteria for receiving the payment will be determined such as the possession of specific qualifications and length of experience as examples.
- The supplement will be a number of increments applied to the normal spinal column points associated with the substantive grade. The number of increments awarded will be informed by the evidence supporting the payment of the market factor supplement.
- Payment will be made for a specific time period (normally up to 3 years as a maximum initially). The application of a supplement is not open-ended and the timing of a formal review will be identified when the arrangement is proposed.
- At the point of review, the supplement may be extended or removed. Where it is determined that a supplement is to be withdrawn, employees in receipt of these will be given 12 months' notice of withdrawal. At the end of that time they will revert to the substantive salary for their post.
- Senior Leadership Team will determine whether a supplement should be applied to specific posts, the number of additional pay points to be awarded and over what length of time, and will determine the action to be taken as the result of any review.

# Gender Pay Gap Data

Gender Pay Gap as at 31 March 2023

	2023	2022	2021	2020	2019	2018	2017
Mean gender pay gap;	<b>2.9%</b>	3.79%	4.67%	2.53%	1.31%	5.13%	2.99%
Median gender pay gap;	<b>4.8%</b>	-1.51%*	0.00%	0.00%	0.00%	0.00%	1.92%
Proportion of men with bonus**	<b>0.8%</b>	1.17%	1.79%	1.37%	1.05%	0.00%	0.00%
Proportion of women with bonus**	<b>0.4%</b>	0.37%	0.68%	0.69%	0.66%	0.97%	0.96%
Mean bonus** gender pay gap	<b>32.1%</b>	18.8%	1.72%	1.67%	1.72%	n/a	n/a
Median bonus** gender pay gap	<b>-47.0%*</b>	1.84%	1.84%	1.65%	1.82%	n/a	n/a
Percentage of males and females in each of the four pay quartiles:							
Upper quartile:							
men	<b>50.0%</b>	49.62%	50.69%	49.66%	49.66%	49.34%	47.68%
women	<b>50.0%</b>	50.38%	49.31%	50.34%	50.34%	50.66%	52.32%
Upper mid-quartile:							
men	<b>53.0%</b>	44.62%	46.53%	44.83%	47.30%	48.68%	54.90%
women	<b>47.0%</b>	55.38%	53.47%	55.17%	52.70%	51.32%	45.10%
Lower mid-quartile:							
men	<b>41.4%</b>	50.00%	47.92%	56.85%	48.30%	45.75%	45.10%
women	<b>58.6%</b>	50.00%	52.08%	43.15%	51.70%	54.25%	54.90%
Lower quartile:							
men	<b>47.8%</b>	51.13%	49.31%	49.32%	49.32%	44.74%	48.37%
women	<b>52.2%</b>	48.76%	50.69%	50.68%	50.68%	55.26%	51.63%

\* A minus figure indicates that the median pay for women is higher than it is for men

\*\* For the purpose of reporting, market supplement payments are included as “bonus payments”

## Narrative

In summary, the gender pay gap remains low and is easily within the parameters that might be expected for similar public sector organisations.

The quartile distribution is well-balanced in the upper quartile although staffing changes over the year has led to a reversal in profile in the upper mid-quartile with the proportion of men now being slightly higher than women for the first time in five years.

Women are now also represented as a greater proportion in both of the lower quartiles.

The overall median pay gap is now at its greatest since the start of data production. More men earn at or above the median than women. This may be due in a large part due to the recent structural reviews in Environmental Services in which a large number of posts, mainly in posts predominantly held by men, have been reviewed in terms of content and consequently grade (pay).

The fact that the overall mean gender pay gap remains low suggests that when taken as a whole, the average (mean) pay for female employees is similar to that of pay for male employees. The proportion of women in better-paid jobs does then seem to be healthy.

Although the data contained within the analysis is not a matter of concern, the organisation will continue to be aware of the need to aspire to a gender-neutral state in terms of both mean and median pay differential.

Although the mean percentage gender pay gap for bonus payments (market supplement payments) does strongly favour men, the median bonus gender pay gap strongly favours women. The percentages though are fairly meaningless due to the very small sample size; (three employees; one woman, two men). This small sample has skewed the statistics. Should market premia be used more due to the financial pressures that may be present due to the very competitive labour market then the equality impact of such “bonus” payments will need to be considered.

The organisation considers itself to be caring and recognises the complex needs of its employees through the practical application of supportive working practices. Practical measures to support such statements include the adoption of flexible working arrangements implemented through its employment policies. Other policies have also been introduced to support women in the workplace such as the “Menopause in the Workplace Policy”. The Equality Policy (Employment) was also reviewed in early 2021 and the Fostering-friendly Policy was introduced towards the end of 2022. This year the Council’s Equality, Diversity and Inclusion corporate training programme has been launched with the full roll-out due in 2023-24.

Although the organisation does not yet have a neutral mean gender pay gap, the gap continues to remain low relative to many other businesses. This positive position reflects the organisation that we aspire to be; a fair place to work and one in which supportive employment policies go hand-in-hand with an established and transparent job evaluation scheme. A risk to the ability to further improve the mean gender pay gap is that the organisation is relatively small and the change in occupation of a few of the Council’s most senior posts could have a material effect on the outturn. A watching brief will be maintained each year and should the outturn worsen to a point of concern then an appropriate action plan will be identified.

## **Pay Policy – Single Status Employees**

### **1. Purpose of Policy**

To establish the principles and arrangements for pay for all employees in the Authority linked to the job evaluation of all posts.

### **2. Objectives**

- To ensure all pay arrangements reflect equal pay for work of equal value.
- To establish clear and consistent approaches to pay.
- To reflect how employees develop in skills and knowledge within a job.
- To provide a basis for establishing the grading system in relation to job evaluation.

### **3. Pay Points**

The pay points for all employees covered by the single status agreement will be nationally agreed pay points. In the final grading structure it is possible that not all of the points will be utilised. If necessary local points will be developed within the single status pay and grading structure in order to meet organisational need. The Council's lowest pay point for non-training posts is SCP5 in Band 3.

### **4 Pay Award**

The nationally agreed pay award determined at 1 April each year will be applied to the spinal column points used in the grading structure, including any locally set points.

### **5 Incremental Progression**

- a. All jobs will be allocated to a scale consisting of a number of incremental points not exceeding 5. The scales will not overlap and depending on the final grading structure may not be continuous with the national spinal column points.
- b. In most cases employees appointed to a new post will start at the bottom incremental point of the grade for the post. Where it can be demonstrated through the selection process that an individual candidate has relevant experience or qualifications, appointment at a higher incremental point may be justified. This should be agreed by the Corporate Director following consultation with personnel to ensure consistency both within Departments and across the Authority.
- c. Employees will progress to the next incremental point on their grade on 1 April of each year except where the employee has been in post less than 6 months. Where an employee has been in post less than 6 months at 1 April, they will progress to the next incremental point 6 months after appointment and thereafter on 1 April each year.
- d. Employees will progress automatically through the incremental scale in accordance with paragraph c. In the exceptional circumstances that an employee is not meeting output and quality standards expected for a post the Corporate Director, after consultation with the Head of Service for HR may withhold an increment. Any such action will be supported by an adverse probation report, extension of probationary service or other formal performance review mechanism.



- e. The reasons for withholding an increment will be explained to the employee and guidance given about areas for improvement such that incremental progression can continue when standards are met.
- f. Where an individual employee is dissatisfied with the reasons for withholding an annual increment, they may appeal in writing to the Head of Paid Service, who will review the decision of the Corporate Director.

## **6. Market Factor Supplements**

- a. The pay and grading structure has been set to reflect the relative values of jobs within this organisation and at pay levels which reflect the general local employment pay levels. However, there may be occasions where it is necessary to enhance the pay levels of specific groups of employees where it is proven that it is difficult to attract and retain employees because of external pay levels. Where such situations are identified, additional market factor supplements may be agreed.
- b. Payment of market factor supplements will be made taking into account the following factors:
  - Evidence of high levels of turnover in the particular staff group
  - Evidence of difficulties in recruiting to posts ie by low response rates to advertisements or inability to attract suitable candidates
  - Comparison with like jobs in other local authorities and more widely in the sector
  - All current employees within the group affected will receive the payment
  - Clear criteria for receiving the payment must be determined ie possession of specific qualifications and length of experience etc.
  - Payment will be made for a specific time period (normally up to a maximum of three years initially). Where it is determined that the supplements can no longer be justified, employees in receipt of these will be given 12 months' notice of withdrawal. At the end of that time they will revert to the substantive salary for their post.
- c. The amount to be awarded will be determined by the evidence gathered to support the need for a market factor supplement that would indicate the appropriate salary levels. The supplement will be a number of increments above the top of the grade, paid on a monthly basis.
- d. Senior Leadership Team will determine to which posts a market factor payment will be made and to the value of this payment.

## **7. Temporary Additional Responsibilities**

In some situations employees may carry out a different role from their substantive job. Where such situations occur, the employee will receive the appropriate rate for carrying out these duties for the period they do so. For all other occasions they will be remunerated at the rate for the job undertaken.

**8. Revised grading structure** (updated for April 2016 following implementation of local pay changes and April 2019 to reflect changes to national spinal column point numbering). SCP 5 in Band 3 is the lowest pay point (excluding training posts)

Evaluated points for job		New grade	National Spinal Column Points in grade Revised April 2019	
From	To		From	To
200	270	Band 1	1	1
271	310	Band 2	2	3
311	350	Band 3	4	5
351	395	Band 4	6	8
396	440	Band 5	11	14
441	475	Band 6	16	20
476	515	Band 7	22	24
516	540	Band 8	26	28
541	580	Band 9	29	31
581	620	Band 10	33	35
621	650	Band 11	36	38
651	695	Band 12	39	41
696	735	Band 13	42	50
736	800	Band 14	54	56

Band 1 is available as a training grade. Band 3 (SCP5) is the minimum rate of pay for job evaluated posts.

## Head of Service- assessment model

The assessment grid places each Head of Service post into one of three levels against five factors.

	High (level 1)	Higher (level 2)	Highest (level 3)
General impact	Decision-making is not often likely to be potentially contentious. Decisions made are important to the operational aspects of service delivery but are mainly likely to have short-term or limited internal or external impact. Limited or infrequent requirement to create or review substantial policies or processes.	There is a frequent need to take decisions that will potentially have substantial and long-term impact on the service area that have financial, operational or consequence.	There is a frequent need to take decisions that will potentially have substantial and long-term impact on the organisation (not just the service) that have financial, operational or I consequence.
Customer & organisational impact	There is a requirement to contribute to corporate policies or procedures in respect of the service area only.	There is some requirement to contribute to corporate policies or procedures. The job has significant political/reputational impact	There is a strong focus on the contribution to corporate policies or procedures. The job has major political/reputational impact
Complexity	The delivery of the service is largely operational and routine. There is a need to work with other services or agencies but the work is largely routine or transactional in nature. Policy/strategy work is generally for the service area only.	The delivery of the service is generally operational and routine although some aspects of the service need to frequently deliver solutions to problems or case management issues that are not straightforward and can have multiple outcomes.	The delivery of most aspects of the service is not easily determined by established guidance, procedures and process. The service is likely to have an emphasis on case management, problem solving, partnering (internal or external) or project working. Strategy work is complex and impacts on a substantial range of council services.
Market	Determined by market analytics (comparator jobs, Hay data etc.) as being a post that may be comparatively easy to fill. The service area may be limited in breadth. The local market would readily provide a number of good quality applicants for any vacancy advertised.	Reasonable prospect of some (perhaps few only) acceptable quality of applicants for any vacancy advertised.	A post that due to market conditions may be relatively difficult to recruit into. This may be due to the mix of skills required or the high value that the local market places on particular professional qualifications or experience.
Resources	There is scope for influence on the organisation's employees, finance, assets in respect of the service area only.	There is some scope for influence on the organisation's employees, finance, assets.	There is considerable scope for influence on the organisation's employees, finance, assets across the Council.

## General Principles

Head of Service posts have been placed into one of four pay bands based on the above conventions and the scoring model shown below. The following general guidelines are also proposed:

- Each factor is scored in accordance with the table below and total scores determine the pay band to be applied to each Head of Service post.
- The determination of placing will be undertaken by SLT.
- Appeal against placing will be to the Chief Executive in consultation with an HR officer and a union representative. The Chief Executive may agree that the banding of a post is reconsidered by SLT.
- An Equality Impact Assessment will be maintained to ensure that grading is not gender-biased. This will be reviewed periodically.
- The assessment of job scores may be reviewed periodically at the request of an employee or SLT particularly if a job changes or there is evidence that the market may treat the job differently to its initial assessment.
- Pay Bands are based on the following scoring matrix:

Pay Band	% of Directors maximum pay	Evaluated points total
Band 1	55-60%	5-7
Band 2	60-65%	8-10
Band 3	70-75%	11-13
Band 4	80-85%	14-15

## Heads of Service; linkage of pay to performance

- Head of Service posts are based on a three-point pay scale related to the maximum pay of directors.
- Under normal circumstances, at the start of employment as a Head of Service, pay will be based on the bottom pay point of the grade.
- Progression to the next pay point will follow the general rules applying to NJC officers in respect to timing of awards.
- Directors that line-manage Heads of Service are responsible for setting clear standards of expectation relating to performance or behaviour. Any shortfall against these expectations will be identified to the Head of Service by a director, normally at the time that the director becomes aware of the issue. Often, improvement will be sought through the introduction of appropriate support or training without further measures being employed. If however the matter is sufficiently serious or an improvement identified as necessary is not initially forthcoming within a timescale required by the director then that director may choose to freeze the Head of Service on their current pay point (prevent progression to the next pay point when it would otherwise have been made) or to reduce their pay by one or more pay points.
- One month's notice will be given of the intention to reduce pay.

- Should pay be reduced, this change will be applied for a minimum of six months. The length of reduction will be determined by the director. At the end of the period defined by the director, during which time progress against an improvement plan will be monitored, should improvement be satisfactory then pay will be returned to the previous pay point.
- If pay is frozen then progress against an improvement plan will be monitored. If performance or behaviour does improve sufficiently then from the point at which this determined by the director then progression will be made to the next pay point. If further progression within the grade is possible then the top pay point will be paid one year from the date that the pay had been “un-frozen”.
- The above measures may be applied outside a formal capability procedure. If, however, the measures are applied to a Head of Service and the measures are applied for a year or more, it is likely that the matter will be dealt with under a formal capability procedure.
- The broad terms and process of the Capability Procedure defined in the Employee Handbook will be used to deal with any serious or persistent problems of capability and the use of this formal procedure may be applied either in conjunction with or separate to the measures relating to pay freezing or reduction.
- A final right of appeal exists to a director’s decision to freeze or reduce pay, or to the length of time for which this pay detriment is applied. This appeal should be addressed to, and will be dealt with by the Chief Executive or an officer nominated by the Chief Executive.

## **Enabling employment security - Protocol for managing changes in posts throughout the Council**

Updated December 2016

### **1. Background**

As with most public sector organisations, the Council will be required to make budgetary savings for the foreseeable future. It is expected that these savings will not be able to be met by efficiencies alone and that some services may have to be significantly reduced or to cease.

This has implications for our workforce and as a good employer with a track record of working to avoid compulsory redundancy this protocol is intended to provide a supportive mechanism for managing change.

### **2. Aim**

The aim of this protocol is to :

- give as much employment security as possible to existing employees
- utilise the existing skills and knowledge of employees for the overall benefit of the Council
- avoid redundancies as far as possible
- operate a fair process for retaining employees, where workload is changing
- offer personal development opportunities on a fair basis

### **3. Vacancy Management**

In cases when employees are at potential risk of redundancy, the following protocol is observed:

- Confirmation by Senior Leadership Team that a vacant post can be filled.
- Consider, in liaison with HR, whether there are redeployees/ secondees identified across the Council for whom this post is suitable, or with some adjustment to the requirements it would be suitable. If so then redeployees/ secondees will be placed in the post. (see section 4.1 below).
- If there are no suitable candidates from posts at risk, then the post will initially be advertised internally. Managers will take a flexible approach to the requirements in the person specification such that existing employees can more easily be considered for the post. This may mean that the grade is reduced and/or there is a training period required before the individual can be placed on the full grade.

- Internally advertised posts might be on a permanent or temporary basis (where for example it is dependent on funding). Existing employees who take a temporary post will not lose their employment rights and at the end of the temporary appointment the aim will be for them to revert to either their existing job or an equivalent.
- Posts that are not filled internally will be advertised externally; however they will be on a temporary (less than) 12 month basis unless the Chief Executive determines that there are exceptional circumstances that justify the offer of a permanent position.
- New employees will be employed for a temporary period of less than 12 months. At the end of the temporary contract the post should be filled with an existing permanent employee or frozen. Extensions of employment for a new employee in any job, beyond 12 months will not be permitted, without the approval of the Chief Executive.

#### **4. Identification of Posts ‘at risk’**

To facilitate the filling of vacancies by existing employees it is necessary to be clear where there are likely to be reduced services and/or efficiencies which ultimately will mean a reduced number of posts.

Where it has been identified that a reduction in posts is required, this should be detailed by Directors in terms of the numbers and types of posts. Essentially this is a potential redundancy situation. However, the aim of this protocol is to avoid redundancies. Such situations need to be managed with care and avoiding unnecessary concern.

Once identified, there will be consultation with the affected employees and Trade Unions on the proposed reductions, allowing the employees affected to propose alternatives, for example reduced hours working, career breaks etc. Since these proposals will be driven by financial constraints, it is unlikely that suggestions of additional work to be carried out, unless income generating will be suitable solutions.

At the conclusion of the consultation on the changes, the appropriate formal decisions will be made to put the changes into effect. The impact on the individual employee will be managed using the appropriate policies of the Council.

##### **4.1 Same or Lower Graded Redeployments**

The people occupying posts that have been identified as at risk will be placed into posts which might be suitable to their skills and knowledge. Where possible, alternative redeployments may be offered. These posts will not be advertised across the organisation. These posts may not be within the professional area of the affected post-holders, but it will be considered that their existing skills and knowledge can be applied to these posts. The posts offered may be on a lower grade than the post-holders currently occupy. The Council’s protection policy will apply.

Where there are a number of people identified in an at risk group, all will be expected to give serious consideration to undertaking the redeployment. If the available post cannot be filled through voluntary application, then an assessment process will be undertaken to identify the most suitable person. (This is likely to be similar to the approved protocol for selection into posts following structural review).

If for any reason it is not appropriate to assess employees 'at risk' for redeployment, then a selection for redundancy exercise will be undertaken using criteria determined in consultation with the Trade Unions, and the Council's redundancy and redeployment policy will be followed. This will lead to identification of redeployment opportunities and employees are required within the context of national employment law, to consider all reasonable offers of redeployment.

## **5. Secondments**

In some situations the full definition of a redundancy situation may not apply – as described above. An opportunity may present itself within a team for a short term reduction in staffing requirements and therefore a requirement to place employees into temporary arrangements. Equally there may be vacancies within the organisation that are critical to fill and it is desirable that this is done internally, but not necessarily on a permanent basis.

It is also possible that vacant posts could be filled internally on a temporary basis by employees moving from lower priority service areas giving rise to savings. Such situations will be dealt with by a secondment arrangement.

Secondments agreed in this way will only be temporary arrangements, the employee who undertakes the secondment post will be entitled to return to their substantive post either at the end of a fixed term arrangement or when the need for the post becomes sustainable again, or another post becomes vacant for which they wish to be considered for redeployment.

If during the period of secondment, the individual's substantive post is identified for deletion, the individual will be treated as a redeployee, and the protocol described in Section 4 above will apply.

Before a post is released for secondment/redeployment, there will be a review of the requirements of the post, to enable successful appointment from employees who might otherwise have not met the minimum criteria. This may lead to a review of the post grade to ensure that the substantive grade of the post fully reflects the duties being carried out. If this situation arises, the grading of the post will be reviewed through the job evaluation scheme in consultation with the Trade Unions.

The protocol in such situations is as follows:



## **5.1 Same or lower Grade Secondments Identified**

The protocol for placing people into same or lower graded secondments will be as above for posts at risk.

## **6. Higher Graded Secondment or Redeployment Identified**

Where a secondment or redeployment post is identified at a higher grade than people requiring redeployment then there will be an internal advertisement for the post. This will enable all employees to be considered for this post – and may result in the person(s) at risk not being successful. However it will release another post within the organisation that may then be available for the secondee/redeployee.

If the higher graded post is within the contained professional area where there is an identified reduction then the applicants can be restricted to the group of employees 'at risk'. Appointment to the post will be on merit.

Redeployment at a higher grade may be a temporary or permanent arrangement depending on the circumstances. If the arrangement is temporary, at the end the individual is placed back into being 'at risk' and this protocol will continue to apply.

If no suitable secondee/redeployee is identified, then the process for vacancy management Section 3 above will be followed.

## **7. Equality and Diversity Implications**

Using this protocol for dealing with the medium term difficulties can bring potential for conflict with the Council's commitment to equality and diversity. In terms of recruitment and employment, the Council has previously advertised all jobs either externally or internally for all employees. This protocol is a departure from this. In terms of the workforce profile, it will not help in ensuring that the employees of the Council are representative of the population. Currently our minority ethnic make-up is below that of the area, and by retaining recruitment internally, there are limited opportunities to address this.

However, for maintaining the morale and commitment of existing employees to achieve high performance in difficult times, it is necessary to balance these conflicting demands. Appointment to any vacancies, particularly where there is an increase in grade will be on merit, and if no internal candidates can meet the criteria, appointments will not be made. All employees within a group 'at risk' or faced with other change will be treated fairly and given equal chance for any secondments or redeployments.

## **8. Training and Development**

Using this protocol should offer protection to existing employees, and will retain within the organisation valuable skills and expertise. However, it has to be recognised that whether there is a secondment or a redeployment arrangement it is possible that posts might be filled by employees without relevant training or knowledge.

In such situations there is a commitment to provide this training to enable the employee to deliver the requirements of the post within a relatively short time (12 - 18 months). The grade of the post might be adjusted during this training time to reflect this and to ensure equity with comparable post holders.

If an employee at risk expresses a desire to fully retrain to a different professional area, and this requires considerable investment in qualifications etc; this will be considered. However this can only be agreed to if there is an ongoing demand for that skill, and if there is significant cost to the training (eg a degree) this can be met from existing budgets. The usual requirements of the PETs scheme will apply.

(P&R Committee September 2010; minor wording update December 2016)

## **Further guidance for managing changes in posts throughout the council**

Further to the general protocol adopted by the Council to support organisational change, for most structural change further guidance is offered that places the terms of the protocol into a practical context. The text below describes the normal process that will be adopted to bring about structural change.

When proposals might lead to potential redundancies, in order to mitigate against compulsory redundancy situations the Council will use its general protocol (Appendix iii) to help ensure that, where possible, current employees are not displaced. In particular, new posts created in the proposals will be ring-fenced for competition from potentially displaced employees in the first instance. Should there be any displaced employees remaining following such a redeployment exercise, any remaining vacancies will then be advertised on an open, internal-only basis in order to try to create other suitable vacancies that might be suitable for redeployment. Throughout these processes, however, there is no guarantee of appointment as applicants will need to demonstrate the necessary skills and competency through the application and selection process.

At the “internal-only” stage, should there be no other internal applicants other than the “at risk” candidates, then these employees would not be re-interviewed at this stage without competition and such vacancies would be put out for external advertisement. Internal candidates, including those potentially at risk would then again be eligible to apply for these vacancies.

If there are employees that remain unplaced at the conclusion of this exercise, or if there are no posts suitable for redeployment through the above process at the time when an occupied post is deleted from the establishment, then the issue of redundancy notices may be necessary at that point, or earlier in if the council deems it appropriate and necessary in order to achieve business objectives.

## **Procedure for filling temporary vacancies**

In order to recognise the current business climate as one of change and to help respond to the issues identified in the workforce development plan such as the need for succession planning, the Council will adopt the recruitment practice as follows:

### **Temporary Recruitment**

- For all temporary posts of up to one year, where there is a likely prospect (determined jointly by the operational Head of Service and Head of Service for HR) that the temporary vacancy could be filled with a suitably qualified and experienced, high-calibre internal candidate, then the post will be advertised openly but internally in the first instance.

Normally, a full recruitment process will apply. However, there may be occasions where “expressions of interest” are invited through advertisement; the purpose of this is to speed up the process where the vacancy is particularly specialist and only a small number of people may be suitably qualified. In effect, it is a quick method of testing the internal market. Where this method is used and there is only one interested person, it will be sufficient to assess their suitability through a “targeted- question” interview; an application form may be unnecessary. If more than one person expresses an interest, all people will be required to complete an application form and a full selection process will be followed.

- Traineeships of up to a year are excluded from this arrangement to only advertise internally; all such vacancies will be advertised externally.
- Where a post becomes permanent after being occupied for a temporary period of any length, the vacancy will be advertised externally (unless employment rights have been accrued in which case it may be necessary to place the post holder into the permanent post without further process).
- Normally, where a short-term vacancy is identified, it will be filled by the above methods. In certain circumstances, particularly those where a reduced (partial) set of tasks or responsibilities need to be picked up within a team, the vacancy is specific and technical in nature, or the need to fill is exceptionally urgent, then an honorarium arrangement may be appropriate.

### **Honoraria**

- A Head of Service may seek, in conjunction with the Head of Service for HR, to apply an honorarium in the following circumstances:
- A vacancy exists in the existing team and it is decided jointly by the Head of Service and Head of Service for HR that the vacancy should be filled on a short-term basis, but that there is not a need to fill the post at its full grade; the range of duties and level of responsibilities are reduced. OR
- In the short-term, additional duties and responsibilities are required of one or more post holders to recognise particular business needs even though there is no specific vacancy at a more senior level.
- When a “Principal Officer” (those posts graded at pay band 10 and above)

formally covers some or all of the duties of a more senior post for a period of more than four weeks it may be appropriate to apply an honorarium arrangement as for other posts.

- Honoraria payments will not normally go on beyond one year.
- The level of payment will normally be set at a fixed spinal column point or salary figure to represent the additional duties and responsibilities to be carried out by the employee.
- The level of payment will be agreed between the Head of Service and Head of Service for HR. This may be done by establishing a “felt-fair” spinal column point between the employee’s current pay point and the level of duties and responsibilities expected. Where it is difficult or contentious to identify a point in this way, job evaluation may be used to identify an appropriate pay band and then a point to be applied within this band will be agreed by the Head of Service and Head of Service for HR.
- Selection for honoraria may take place in a number of ways:  
Where particular, specific skills are required and it is reasonable to expect that only one post holder will meet the criteria at a particular work base (for example, Civic Centre, specified Leisure Centre), the Head of Service may, following consultation with, and agreement by, Head of Service for HR, identify a particular individual to whom they wish to offer an honorarium.
- Where a number of people within a team might be expected to be able to work up to a higher level, but people outside the team would not be expected to have the current skill-set required, the Head of Service would be expected, with appropriate assistance from Personnel Services to identify if there would be interest from a number of people to act up into a more senior role. If this were the case, the Head of Service would need either to offer the opportunity to all interested parties on some fair rota basis or decide on a single candidate following some formal assessment process similar to a recruitment exercise, such as a targeted interview (although this would not necessarily require application form). This exercise might be site-specific if there was a business or operational need to not alter or change staffing arrangements between work sites (for example; opportunity to act up to a duty manager role at a leisure centre may only be offered to employees currently working at that site).
- In cases where there is potential for a particular vacant role to be filled by employees from other teams, locations or services within the Council, unless there was a specific urgent need to find someone to carry out a particular role for a short length of time in which case either of the two above scenarios might apply, then the process to identify suitable candidates would mirror the steps for temporary employment above, including appropriate advertisement (in effect, it would be a recruitment exercise rather than an honorarium arrangement).
- Where a decision is taken to fill a post on a permanent basis that has been occupied at part or full duties by someone on an honorarium basis, the vacancy will be advertised externally.

## **Pay policy governing Directors' pay;**

Appointment to any post of Director will normally be made at the bottom scale point of a three-point pay scale.

A formal performance review will be conducted by the Chief Executive to determine suitability to progress to the mid-point of the grade after one year's service in post and following consultation with the Appointments and Conditions of Service Committee.

Should the Chief Executive determine that performance is unsatisfactory, pay will remain at the bottom point of the pay grade

Payment of the top pay point of the grade to be determined annually by formal performance review conducted by the Chief Executive and following consultation with the Appointments and Conditions of Service Committee. Subject to satisfactory performance, payment of the top pay point will be made through annual progression of service in post and, again subject to satisfactory performance, will remain there thereafter. Should the Chief Executive determine that performance is unsatisfactory, pay will remain at, or be reduced to, the mid-point of the pay grade.

The detail of the performance review scheme is determined by the Chief Executive.

## **Pay and performance policy governing the Chief Executive's pay**

### **1. General principles**

Appointment to the post of Chief Executive will be within the local pay scale determined by the Appointments and Conditions of Service Committee (ACSC). The pay scale of the Chief Executive stands alone and is not linked to pay rates of other posts within the Council.

The ACSC will determine to which point within the scale the appointment will be made taking into account appropriate experience and skill set.

### **2. Progression and payment within scale**

A formal performance and pay review will be conducted annually prior to the anniversary of appointment.

The performance and pay review will be conducted by the ACSC.

Should the ACSC determine that performance meets or exceeds the expected standards then annual progression of pay will be applied until the top pay point of the scale is reached. Once the top pay point is reached pay will remain at this level whilst performance continues to meet or exceed expected standards.

Should the ACSC determine that performance is unsatisfactory then consideration will be given to applying the following process relating to pay:

- if the post holder is at the bottom or middle point of the pay scale at the time of the review then there will be no progression to the next pay point until a future review by the ACSC confirms satisfactory performance. This review will normally take place a year later although the ACSC may choose to conduct an interim review at an earlier date if this is appropriate.
- if the post holder is at the top point of the pay scale at the time of the review then from the anniversary of the appointment date pay will be reduced to the middle point of the pay scale and held at that point until satisfactory performance is confirmed through a future review which will be undertaken as described above.

### **3. Assessment of performance and feedback**

#### **3.1 Assessment by ACSC**

The annual performance assessment will be undertaken each year by the ACSC. There will be no officer input in the assessment discussion.

The assessment will be made by the committee against a number of criteria and the Chief Executive's performance against each criterion will be assessed as being below expectation/ meeting expectation/ exceeding expectation.

As a majority committee view, if performance against each criterion is assessed as meeting or exceeding expectation then pay progression (or maintenance of the top pay point in the scale) will be applied from the anniversary date of appointment for another year. If performance against any of the criteria is assessed by the ACSC as being below expectation then consideration will be given to the freezing of pay at the current pay point or reduced from the top pay point and frozen at the middle pay point as described above.

If the ACSC determines that performance is below that which is expected then other improvement measures may be applied including formal capability procedures that would mirror in appropriate ways, the general process applied to NJC staff and as described in the Employee Handbook. Before applying such process the ACSC will take appropriate advice from the Monitoring Officer (or Deputy) and the Head of Service responsible for HR.

The ACSC will consider the Chief Executive's performance against this list of criteria:

- The leadership and management of the Council to achieve high standards of service and performance.
- To provide the necessary support to enable Elected Members to effectively carry out their role.
- To ensure effective and timely communication and advice is offered to Group Leaders on key matters.
- To effectively manage the interface between Elected Members and Senior Officers.
- The development and maintenance of effective partnerships for the benefit of borough residents.
- To guide and bring forward policy development to ensure the delivery of the Council's vision and priorities.
- To support Elected Members to engender an appropriate workplace culture that is reflected across the organisation.
- The provision of sound electoral process and practice.
- How effectively the Council's services have been delivered within budget and as described within the Gedling Plan.

These criteria will be assessed by the ACSC as a whole and a majority view reached. In addition to the assessment of these criteria, the committee will also identify expectations for the delivery of key objectives or tasks during the following year to which it wishes to draw particular attention, together with any development needs that are perceived for the Chief Executive. A simple form (appendix A) will be used to summarise the committee's majority view. This will be used as the basis on which feedback will be given and the form will be stored on the Chief Executive's personal file. The assessment criteria are drawn from the post's job description; these criteria may be altered by the ACSC to reflect changes to the job requirements of the post should they change over time.



### **3.2 Feedback to the Chief Executive**

The views of the ACSC will be fed back in person to the Chief Executive by the Leader, Deputy Leader and the Opposition Leader.

This feedback will confirm:

- The criteria against which performance is meeting or exceeding expectation with examples given of observed behaviours, actions or outcomes where possible and appropriate.
- The criteria against which performance is below that which is expected. The “performance gap” will be specified and detail of future expectations will be made clear. If more of a formal capability procedure is to be applied, this will be made clear following appropriate officer advice.
- The pay point to be applied from the anniversary of appointment for the following year (or until an interim review if this is to be sooner).
- Expectations for delivery by the Chief Executive of key objectives or tasks over the coming year to which the ACSC wishes to draw particular attention; these may be existing or newly identified.
- Through discussion with the Chief Executive what, if any, development needs exist and how might these be effectively addressed. Further personal or professional development may be identified by Elected Members or by the Chief Executive even if performance is already high. As appropriate, a development plan will be agreed in principle.

### **4. General principles**

The meeting at which feedback is given will be discursive in nature with opportunity for the Chief Executive to identify their own examples of good performance and achievement and to fully explore areas for improvement suggested by the ACSC to ensure that there is full understanding of expectations.

The meeting of the ACSC to discuss performance, and the feedback meeting with the Chief Executive will both be treated as confidential.

There is no further right of internal appeal by the Chief Executive against any decision taken by the ACSC in respect to the Chief Executive’s performance or pay.

**Performance and Pay Assessment of Chief Executive**  
**Appointments and Conditions of Service Committee Summary Assessment**  
**Date:**

Criteria	Assessed as (tick one):			Additional and supporting comments
	Below expectation	Meeting expectation	Exceeding expectation	
The leadership and management of the Council to achieve high standards of service and performance.				
To provide the necessary support to enable Elected Members to effectively carry out their role.				
To ensure effective and timely communication and advice is offered to Group Leaders on key matters.				
To effectively manage the interface between Elected Members and Senior Officers.				
The development and maintenance of effective partnerships for the benefit of borough residents.				
To guide and bring forward policy development to ensure the delivery of the Council's vision and priorities.				
To support Elected Members to engender an appropriate workplace culture that is reflected across the organisation.				
The provision of sound electoral process and practice.				
How effectively the Council's services have been delivered within budget and as described within the Gedling Plan.				

Expectations for delivery of key objectives or tasks to be delivered during the coming year to which the ACSC wishes to draw particular attention.	
Potential personal development needs identified by the ACSC for discussion with the Chief Executive	

### Chief Executive's Pay:

In accordance with the approved local pay and performance policy for the Chief Executive, the Appointment and Conditions of Service Committee authorises the Chief Executive's pay to be either:

Moved to the next point within the pay scale or maintained at the top pay point

Or

Frozen at the current pay point (or reduced from the top pay point to the middle point)


This decision will be reviewed either in:

One year

Or

At an earlier date which is:

\_\_\_\_\_

Signed by the Chair of the Appointments and Condition of Service Committee:

This record will be retained on the Chief Executive's personal file.

\_\_\_\_\_

### **Pay Protection Policy**

The general policy of the Council is that pay protection is applied over a two year period at a protected rate of 100% in the first 12 months and 50% in the second 12 months from the date of commencing a post at a lower grade.

## **EARLY RETIREMENT AND REDUNDANCY POLICY**

Applying from 1 September 2019

### **1. Objectives**

To identify the process by which the organisation manages early retirement, flexible retirement and redundancy.

To identify how the organisation aims to mitigate redundancy.

To identify local discretions that are applied to cases of early retirement including dismissals due to reason of redundancy or efficiency of the service.

To protect the ongoing viability of the pension fund through control of pension enhancements and early release of pension benefits.

### **2. Discretions**

In accordance with the legal requirement under Regulation 60(5) of the Local Government Pension Scheme 2013 a range of local discretion policy statements have been adopted by the Council. These discretions are published on the Council's website.

Relevant to this policy is the discretion applied through the Local Government (Early Termination of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 (Regulation 5) under which statutory redundancy payments are calculated using an actual week's pay.

A fixed discretionary payment will be made for all dismissals due to the reason of redundancy or efficiency of the service. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

For these reasons of dismissal (redundancy or efficiency), should the employee be age 55 or above and a member of the Local Government Pension Scheme then pension will be released at the point of dismissal.

### **3. Redeployment (mitigating redundancy)**

3.1 Prior to dismissal due to reasons of redundancy, efficiency of the service, capability or ill-health, appropriate opportunities for suitable redeployment will be explored. Where these exist employees at risk will be considered for placement into other posts through the processes identified in existing Council protocols.

3.2 Although the process for redeployment is governed by the processes identified in the Council protocols, in general terms support to employees potentially under threat will be offered. Such support might include:

- To make reasonable adjustments to duties and workplace to accommodate the employee's needs
- To offer reasonable training and development where appropriate to enable the employee to undertake the duties of the redeployment within a reasonable length of time
- To offer general support for skills development including trial interviews, C.V. writing and training in application form completion
- To offer trial periods of 4 weeks in a potentially suitable alternative post as required in the Employment Protection (Consolidation) Act and to extend this if it will assist in securing a redeployment
- To notify and consult with the Trade Unions as required by legislation.

3.3 Where suitable alternative employment exists in the view of the Council, employees are expected to engage with the redeployment process. Failure to do so may affect the reason for dismissal (the Council may take the view that there is no redundancy to declare if suitable redeployment opportunities are rejected) and this may mean that redundancy payment is not made and that pension is not released.

Employees at risk are expected:

- To give meaningful consideration of redeployment opportunities made available to them
- To undertake required training and development in order to undertake the duties of a suitable post
- To make every effort to mitigate the requirement for redeployment by actively seeking alternative employment
- To undertake trial periods with a positive approach to ensuring the redeployment will be successful

#### **3.4 Protection**

In any redeployment situation where an employee is redeployed to a lower-graded

post or where a post grade is reduced then the provisions of the Council's Pay Protection Policy will apply. Consideration will be given to assistance with excess travelling expenses should there be a change of base. Reimbursement will be made in accordance with local policy. An allowance may also be considered for excess travelling time incurred by a move of base. Both excess travelling expenses and additional travelling time will be applied in accordance with local policy that exists at the date of the start of the new post.

The Council's Pay Protection Policy is shown at Appendix 18 and the Disturbance Allowance Scheme at Appendix 19.

### 3.5 Procedure

The report proposing structural changes will be brought to Senior Leadership Team to seek support.

If supported, this report will be used as the basis of consultation with employees directly affected by the proposals and trade unions. Unless agreed otherwise or a longer period of time is required by law, a period of at least 30 days will be given for consultation.

Should proposals be contentious in nature or if the proposals have a substantial effect in the ways that services might be delivered then the period of consultation will normally close at a meeting of the Joint Consultative and Safety Committee (JCSC). For proposals that are not contentious in nature then consultation may take place without formal consideration by the JCSC with the proposal only being reported later as an information item.

Normally the implementation of structural change will be made by the Head of Paid Service. On occasions where the proposals are, in the opinion of the Head of Paid Service, significant in nature (whole service change, politically sensitive or whole council / senior management restructure) or require additional budget then the decision for implementation will be taken by the Appointments and Conditions of Service Committee or Full Council as the Head of Paid Service considers appropriate.

Employee consultation will allow for individual or group meetings with the manager proposing the structural change. An HR Officer will be present at such meetings at the request of either party.

More general emotional support for affected employees will be offered through the Council's Employee Assistance Programme or another similar service.

## **4. Policies and Procedures**

### 4.1. Capability due to ill-health (and ill-health retirement)

This arises when an employee is no longer able to carry out the duties of their post, or comparable due to ill health and in the Council's opinion as the employer, there is no opportunity to redeploy to another suitable post within the organisation. This dismissal is for the reason of capability due to ill-health. Advice will normally be obtained from

an Occupational Health Consultant to support the decision to dismiss for this reason.

For employees who are members of the Local Government Pension Scheme (LGPS) who are proposed for dismissal due to reason of capability due to ill-health then advice will be taken to determine if release of an ill-health retirement pension is possible and at what “tier” within the scheme. Release of a pension under these circumstances will only be authorised by the Council where this decision is supported by advice from an independent Occupational Health Consultant as identified in the LGPS.

The payments made under the tiers of the LGPS are defined in Regulation. There is no scope for additional discretionary payment for any capability dismissals (including ill-health retirements) to be made other than through the Council’s Industrial Injury Policy. Decisions to dismiss due to reason of capability rest with the Chief Executive or managers delegated to act on their behalf including Directors and Heads of Service.

## 4.2 Flexible Retirement

The Local Government Pension Scheme Regulations (LGPS) allows members aged 55 or over, with their employer’s consent, to take their pension following a reduction in grade or hours and opt to receive the immediate payment of their pension benefits whilst still working. The Council has published its discretion decisions relating to flexible retirement. In essence, a request for flexible retirement made by an employee will be supported if it suits the business need and a financial business case can be supported. For employees aged between 55 and 59 there will always be a cost to the council for flexible retirement (and for some employees aged 60 or over on a case-by-case basis) and this cost will need to be accounted for in any decision made.

The local Flexible Retirement Policy is shown at Appendix A.

Where an employee makes a request to retire flexibly, they must first gain support for the reduction in working hours or pay grade from their Head of Service. If there is no pension strain cost then the decision will rest with the Head of Service. An employee taking early retirement will normally receive a reduced pension and in this case there should be no pension strain cost to be met by the employer. In any case where the early release of pension would result in a pension strain cost to the authority, approval for the release of pension will be subject to permission from the Council through the Appeals and Early Retirement Committee.

## 4.3 Redundancy

### 4.3.1 Definition

This is defined within the Employment Rights Act as a dismissal which is attributable wholly or mainly to the fact that:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed; or



- the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

For the purposes of the interpretation of local policy, there is no differentiation between voluntary or compulsory redundancy except where relevant to the facts of the situation.

#### 4.3.2 General Procedure

Where a potential redundancy situation arises there will be consultation with the Trade Unions and affected employees as required by the Trade Union and Labour Relations (Consolidation) Act. The periods of time set aside for consultation will meet with legislative requirement as a minimum. Through local convention, for proposals that affect fewer than 20 employees, where possible a consultation period of at least 30 days will also be applied.

The reasons for proposing a redundancy and the business case to support the proposal will be clearly stated and made available during consultation.

Efforts will be taken to avoid redundancies, whether voluntary or compulsory through the following steps:

Release any temporary employees with less than two years' service to provide vacancies for employees at risk

Identify other existing vacancies of a similar work type either for deletion to make the necessary saving or for redeployment for employees at risk

When appropriate in the view of the organisation, search for volunteers for redundancy where their release would provide redeployment for an employee at risk

Freeze of relevant vacancies to ensure redeployment opportunities are maximised

Personal counselling and retraining offered to employees at risk to maximise opportunities for redeployment

If it is likely that a process of selection for redundancy is necessary then a fair and equitable set of criteria will be established. These will be different depending on the circumstances of the redundancy situation and will be subject to consultation with employees and trade Unions.

#### 4.3.3 Discretionary payments relevant to redundancy

Decisions made under local discretions relevant to pension payment are detailed in the Council's full set of local discretions that are published on our website. The relevant discretions to redundancy payment are made under the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2006. Appendix B sets out how redundancy payments will be made and reflects these discretions.

In summary;

- The Council has determined that redundancy payments will be calculated on

actual week's pay.

- A fixed additional local payment will be made for all dismissals due to the reason of redundancy. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment.

#### 4.4 Efficiency of the Service

The LGPS recognises as a reason for release of pension, dismissals due to "efficiency of the service"; it is a form of early retirement. In essence a dismissal of this type will arise due to concerns expressed by the employer about the general business efficiency on the part of the employee and may relate to a single or combination of factors.

Subject to an employee being at least age 55 with appropriate service length then early retirement and release of pension may be granted in cases where there is demonstrable business benefit to the Council (this may be financial or related to improvement in performance or quality of service delivery) arising from the decision.

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 do allow for compensatory payments to be made and the Council has exercised its discretion as follows:

- A fixed local payment will be made for all dismissals due to the reason of efficiency of the service. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

This is detailed in Appendix B.

## 5. Financial Implications

Employing departments are required to identify how the costs of redundancy or early retirement (other than ill-health) will be met as part of any proposals for organisational change.

5.1 For ill health retirements, this will not be necessary. Such dismissals will be based on personal circumstances of the employee and not on the organisational need. Costs of ill-health retirement will be met through shared corporate costs that are applied by the Pension Administering Authority (Nottinghamshire County Council) following a triennial actuarial revaluation of pension scheme costs.

5.2 For early retirement cases proposed on grounds of efficiency of the service the Head of Service will need to identify how any pension strain costs arising from a decision can be met together with the costs arising from local discretionary payments. Subject to budgetary provision existing, authority to dismiss for this reason where there are no pension strain costs lies with the relevant Head of Service. Where pension strain costs will be payable by the Council then authority to implement the decision will

rest with Senior Leadership Team. It may not be necessary for savings to be fully identified in order for authority to be given; an overall business case will be considered and benefits to the Council assessed by Senior Leadership Team.

5.3 For proposed redundancy (including early retirement cases) the Head of Service will need to identify how any redundancy (statutory and local costs) and pension strain costs arising from a decision can be met. Statutory and local redundancy payments will be made. As redundancy will arise from structural change then a fully costed proposal will be considered by Senior Leadership Team.

5.4 In cases where early release of pension is requested through flexible retirement, a decision will be made taking into account both the financial business case and issues of service improvement. The process for decision-making is detailed in section 4.2.

## **FLEXIBLE RETIREMENT POLICY**

### **1. The Scheme**

Employees aged 55 or over are able to draw their pension benefits whilst continuing in employment on reduced hours or on a reduced grade with the consent of the Council. This is known as 'flexible retirement'.

Employees whose request for flexible retirement is supported may continue to pay into the Local Government Pension Scheme to build up further benefits in the Scheme up to the age of 75.

Employees age 55 or over with long service will not normally incur a cost for the Council if they retire on a flexible basis as there will be no strain cost (usually the pension to be drawn is reduced at the employee's cost, not the council's). In these cases the granting of a request for flexible retirement will be taken by the relevant Head of Service and will be based on the operational effectiveness of the proposed arrangement. In effect, in these cases the arrangement is merely an agreed contractual change (reduction in hours or grade) and the claiming of the pension is a matter for the employee not the Council as employer. The Council through its published suite of discretions available under the Local Government Pension Scheme Regulations has determined that decisions where a pension strain cost would be payable by the Council would need to be referred to the Appeals and Retirements Committee and would be dependent on a costed business case.

When a request for flexible retirement is received, managers must consult with Personnel Services before any decision is communicated to the employee. Personnel Services will advise on process and obtain confirmation from the Pension Administering Authority (Nottinghamshire County Council) of any potential strain costs.

Where an employee voluntarily reduces their hours with pension, a trial period is not possible and therefore the change will form a permanent variation to their contract of employment.

An alternative option to reduction in hours with pension is reduction in grade with pension. If an employee wishes to draw their pension linked to a reduction in their grade this will be subject to an appropriate review to consider the business case for agreeing to the arrangement in the same way as if the request had been made for a reduction in hours. There is no automatic right to be transferred into a lower-graded post, or for the duties within an existing post to be reduced or diminished, and an employee wishing to take this option will normally be expected to apply for the post in the normal manner and demonstrate competency through an 'on merit' process.

## **2. Appeal**

### **Cases that need to be referred to the Appeals and Retirements Committee**

2.1 A right of appeal exists against any recommendation made to the Appeals and Retirements Committee.

2.2 Prior to a report being made to the Appeals and Retirements Committee, the person who is the subject of the report will be notified of the recommendation to be made. If they do not agree with this recommendation, they will be allowed to submit a written appeal against this. The written appeal will be considered by the Appeals and Retirements Committee as part of its decision in regard to the report submitted. Where the committee may wish to ask the appellant for additional information, they may request that the appellant attends the meeting. Also, if the appellant wishes to make a personal statement of case, they may attend the committee meeting to do this. In either circumstance, the appellant will not be allowed to be present whilst the decision is discussed. If the appellant does attend the meeting, a union representative or work colleague may accompany them. The decision of the Appeals and Retirements Committee is final.

### **Cases that are determined by a Head of Service (cases where there is no pension strain or cost to the council)**

2.3 If an employee's request for flexible retirement is refused by a Head of Service the employee may choose to appeal this decision through the Grievance Procedure of the Council.

## **REDUNDANCY AND EARLY RETIREMENT POLICY**

### **1. Dismissal or Early Retirement on Grounds of Redundancy**

1.1 Employees with two or more years' continuous local government service, including service covered by the Redundancy Payments Modification Order (RPMO) who are dismissed by reason of redundancy will receive the statutory redundancy compensation payment as defined within the Employment Rights Act 1996).

Discretions applied under the Local Government (Early Termination Of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 by the Council in its published suite of discretions confirms that the redundancy pay calculation will be based on an actual week's pay. In addition under these local discretions the council has determined that a fixed payment will be made for all dismissals due to the reason of redundancy. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment.

1.2 The service that will be taken into account when calculating entitlement to a redundancy payment under this policy will be continuous service with an organisation covered by the RPMO.

### **2. Early Retirement on Grounds of Efficiency of the Service**

2.1 An employee aged 55 or over with sufficient qualifying service who is granted early retirement through a dismissal due to efficiency of the service will have their occupational (Local Government Pension Scheme) payment released as allowed with the LGPS Regulations.

2.2 Discretions applied under the Local Government (Early Termination Of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 by the Council in its published suite of discretions confirms that a fixed discretionary payment will be made for all dismissals due to the reason of efficiency of the service. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

### **3. Appeal**

There is a right of appeal against any dismissal from the Council including dismissals relating to "early retirement". Any such appeal would be heard by the Appeals and Retirements Committee.

### **4. Relationship with other compromise payments**

This policy determines the compensatory payments to be made for redundancy and efficiency of the service.

Compensatory payments made under this policy stand separately to any compensatory payments made through Settlement Agreements. Payments made under a Settlement Agreement will be authorised by the relevant officer dependent upon the nature of and reason for the settlement payment.

## Special Severance Payments Policy

### 1. Introduction

1.1 Most public sector workers enjoy statutory and contractual redundancy or severance terms that are significantly better than the minimum statutory redundancy entitlement and are often higher than the value of redundancy or severance payments made in the private sector. The government is of the view that paying additional, discretionary sums on top of these entitlements (“special severance payments”) do not usually provide good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional cases.

1.2 This guidance forms part of the best value regime for local authorities in England. The best value duty, as set out in [section 3 of the Local Government Act 1999](#) (“the 1999 Act”), provides that “A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

1.3 Authorities subject to the best value duty (termed “best value authorities”) are defined in section 1 of the 1999 Act. [A list of these bodies can be found at the end of this guidance.](#)

1.4 This guidance also sets out the government’s position on the use of Special Severance Payments made by local authorities and is adopted as Gedling Borough Council’s local guidance for Special Severance Payments.

1.5 This guidance is issued under section 26 of the 1999 Act, the purpose of which is to:

- set out the government’s view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances
- set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment
- give examples of the exceptional circumstances in which Special Severance Payments may be appropriate
- clarify the disclosure and reporting requirements for Special Severance Payments

1.6 Severance payments can be an important mechanism to allow employers to reform and react to new circumstances in the workplace, but employers have a responsibility to ensure that Special Severance Payments are only made when there is a clear, evidenced justification for doing so. They should also ensure that all

relevant internal policies and procedures have been followed and all alternative actions have been fully explored and documented.

1.7 In the exceptional circumstances where it is decided that a Special Severance Payment should be paid, it is the responsibility of individual employers to ensure their Special Severance Payments arrangements are fair, proportionate, lawful and provide value for money for the taxpayer.

## **2. What is a special severance payment?**

2.1 In the context of this guidance, Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are Special Severance Payments will vary according to an employee's particular circumstances, and therefore the examples below are illustrative only.

2.2 It is established case-law<sup>[footnote 1](#)</sup> that such payments, where in accordance with legislation, may only be made where there is a convincing case that they are in the interests of taxpayers. Local authorities may not be generous at the expense of taxpayers and must genuinely consider payments to be in the public interest. In taking decisions elected members must make all proper enquiries and consider all available material that can help in coming to a decision.

2.3 The following types of payments are likely to constitute Special Severance Payments:

- a) any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault
- b) the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date
- c) write-offs of any outstanding loans
- d) any honorarium payments
- e) any hardship payments
- f) any payments to employees for retraining related to their termination of employment

2.4 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- a) pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract
- b) pension strain payments arising from employer discretions to enhance standard pension benefits (for example under Regulation 30(5) where the employer has



waived the reduction under Regulation 30(8) or because of the award of additional pension under Regulation 31)

2.5 The following do not constitute Special Severance Payments:

- a) statutory redundancy payments
- b) contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise
- c) severance payments made in accordance with that local authority's policy adopted pursuant to Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- d) a strain cost paid to the relevant LGPS administering authority under LGPS Regulation 68(2) which results from a LGPS member's retirement benefits becoming immediately payable without reduction under Regulation 30(7), or under Regulation 30(6) where the employer has waived the reduction under Regulation 30(8)
- e) payment for untaken annual leave
- f) payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation
- g) payments made as part of the ACAS Early Conciliation process
- h) payments made to compensate for injury or death of the worker
- i) payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

### **3. Considerations for local authorities on potential Special Severance Payments**

3.1 This chapter provides guidance on relevant considerations for English local authorities in relation to making Special Severance Payments.

3.2 Local authorities must comply with the duty of Best Value explained in the introduction. In considering whether it is appropriate to make a Special Severance Payment, the government expects local authorities to consider whether such a payment would be a proper use of public money. Local authorities should also monitor and review their policies on the award of special severance payments to ensure that they are also consistent with their Public Sector Equality Duty under the Equality Act 2010.

#### **Economy**

3.3 Local authorities should be able to demonstrate their economic rationale behind proposed Special Severance Payments including consideration of:

- Whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered

- How the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately
- What alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services
- The setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others)
- Evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone

## **Efficiency and effectiveness**

3.4 In considering the impact of Special Severance Payments on efficiency and effectiveness, local authorities should:

- Seek legal advice on the prospects of successfully defending an Employment Tribunal claim (or claim to any other court or tribunal with jurisdiction), if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payment
- Ensure that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity or avoidance of embarrassment
- Consider aligning with private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money
- Manage conflicts of interest to ensure that individuals who are the subject of complaints play absolutely no role in deciding whether those complaints should be settled by making an award to the complainant from public funds

## **4. Exceptional circumstances in which it may be appropriate to consider making Special Severance Payments**

4.1 There may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office. This can apply to office holders as well as staff. These circumstances, which we expect to be exceptional and provide value for money, may be taken into account by local authorities in deciding whether or not to make a Special Severance Payment.

4.2 Authorities may consider a Special Severance Payment in order to set aside what would otherwise be a reduction in entitlement caused by a break in continuity of service (e.g. where a member of staff has taken a break in service to accompany their spouse on military service overseas). Authorities may also consider that a Special Severance Payment is appropriate in circumstances where, to help recruitment and retention, it has resolved to recognise for severance payment

calculation purposes past service with another non-Modification Order employer (such as service with the NHS prior to the transfer of public health functions to local government)<sup>[footnote 21](#)</sup>.

4.3 Authorities may also consider a Special Severance Payment in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

4.4 Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because successfully defending such cases will discourage future frivolous or vexatious claims and demonstrate that the local authority does not reward such claims.

## **5. Accountability and disclosure**

### **Accountability**

5.1 The government expects that any Special Severance payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments

5.2 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons. A system of legal duties also requires elected members to spend public money with regularity and propriety. Under section 151 of the Local Government Act 1972, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers (the section 151 officer or Chief Finance Officer) has responsibility for the administration of those affairs". The section 151 officer has an important role in holding local authorities to account and has duties to alert elected members and the auditor in the case of unlawful expenditure.

5.3 This role is complemented and reinforced by authorities' duty under section 5 of the Local Government and Housing Act 1989 to appoint a Monitoring Officer, who must report to the local authority when any proposal, decision or omission is likely to lead to contravention of any enactment, rule of law or statutory code.

5.4 As part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

## Disclosure

5.5 Clear and transparent reporting on exit payments is essential to make available better data on the number and level of exit payments made in local government. The availability of data on exit payments in the public domain by local authorities enables local accountability as well as effective management of public money and public confidence. In 2015, the Local Government Transparency Code was issued to increase democratic accountability through open access to information<sup>[footnote 3]</sup>. This sets a requirement for local authorities to publish, under the Account and Audit Regulations 2015:

- the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000
- details of remuneration and job title of certain senior employees whose salary is at least £50,000, and
- employees whose salaries are £150,000 or more must also be identified by name

In addition to this requirement, local authorities must publish, for all employees whose salary exceeds £50,000, a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) and details of bonuses and benefits-in-kind.

5.6 DLUHC has initiated a new annual collection of data on exit payments (initially collecting data from 2014 – 2021) and the results will be published into official statistics and made available on the gov.uk website, subject to any necessary anonymisation or redaction to comply with data protection law. This data will help others to assess the number and level of exit payments made in local government.

5.7 Section 38 of the Localism Act 2011 requires the local authority to produce and publish a pay policy statement, which must include the authority's policies on termination payments. Further guidance on the requirements of the Localism Act 2011 has been issued<sup>[footnote 4]</sup>.

5.8 In addition, Regulation 60 of the Local Government Pension Scheme Regulations 2013 requires local authorities to prepare a statement of its policy in relation to the exercise of the discretion to enhance pension benefits under Regulations 16(2)(e) and 16(4)(d) (funding of additional pension), Regulation 30(6)

(flexible retirement), Regulation 30(8) (waiving of actuarial reduction); and Regulation 31 (award of additional pension).

5.9 Regulation 10 of the Accounts and Audit Regulations 2015 require authorities to publish an annual statement of accounts, governance statement and narrative statement. As well as following existing guidance<sup>[footnote 5]</sup> on reporting exit payments, local authorities should also disclose in their annual accounts all severance payments, pension fund strain costs and other special severance payments made in consequence of termination of employment or loss of office (but excluding payments on death or ill-health retirement). Apart from where otherwise required by law, reporting may be anonymised to comply with data protection requirements.

### **List of bodies this guidance applies to**

- An English local authority, including:
  - a county council in England, a district council or a London borough council
  - the Council of the Isles of Scilly
  - the Common Council of the City of London in its capacity as a local authority
  - the Greater London Authority so far as it exercises its functions through the Mayor
- A National Park authority for a National Park in England
- The Broads Authority
- The Common Council of the City of London in its capacity as a police authority
- A fire and rescue authority constituted by a scheme under [section 2 of the Fire and Rescue Services Act 2004](#) or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority in England
- The London Fire Commissioner
- An authority established under [section 10 of the Local Government Act 1985 \(waste disposal authorities\)](#)
- An Integrated Transport Authority for an integrated transport area in England
- An economic prosperity board established under [section 88 of the Local Democracy, Economic Development and Construction Act 2009](#)
- A combined authority established under [section 103 of that Act](#)
- A sub-national transport body established under [section 102E of the Local Transport Act 2008](#)
- Transport for London

### Footnotes

1. In Re Hurle-Hobbs's Decision (1944) 1 All E.R. 249. [↩](#)
2. Under the Employment Rights Act 1996 employees need two years' service with their current or an "associated employer" to qualify for a redundancy payment. The purpose of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, as amended, is to provide a statutory list of 'associated employers' for the purposes of redundancy payments.

The list set out in the Order includes all local authorities as well as various other, but not all, other local public service providers. [↵](#)

3. [Local government transparency code 2015](#). [↵](#)
4. [Openness and accountability in local pay: guidance under section 40 of the Localism Act 2011](#). [↵](#)
5. CIPFA, Code of Practice on Local Authority Accounting in the United Kingdom 2020/21. [↵](#)