

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 6th March 2017
Report for: Approval
Report of: Acting Director of Human Resources

Report Title

Trafford Council's Pay Policy Statement for 2017/18

Summary

This paper provides Council with information relating to Trafford's pay policy for 2017/18 in line with the requirements for the Localism Act 2011.

Recommendation(s)

To note and approve the 2017/18 Pay Policy statement as set out in the attached report and recommend any amendments for approval at full Council on 29th March 2017.

Contact person for access to background papers and further information:

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Background Papers:

The Code of Recommended Practice for Local Authorities - Department for Communities and Local Government.

Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011 - Department for Communities and Local Government.

Local Authorities (data transparency) code 2013

Relationship to Policy Framework/Corporate Priorities	The information provided within the report aligns with the Council's corporate priority of 'Low Council Tax and Value for Money'
Financial	The report information ensures that we comply with financial regulations in respect of data transparency and accounts and audit regulations.
Legal Implications:	Compliance with all relevant employment legislation is a critical and a key component of this strategy to ensure that our legal governance structure is robust and can defend employment claims should the need arise.
Equality/Diversity Implications	The pay policy will ensure that we remunerate our

	employees fairly and with due respect to all equality policies and strategies.
Sustainability Implications	Not applicable
Staffing/E-Government/Asset Management Implications	Not applicable
Risk Management Implications	Not applicable
Health & Wellbeing Implications	Not applicable
Health and Safety Implications	Not applicable

1.0 Background

The Pay Policy Statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the Pay Policy Statement is to increase accountability in relation to payments made to senior employees in the public sector, in particular those in local authorities, by enabling public scrutiny.

The requirements of the Localism Act in respect of transparency about senior pay builds on the Accounts and Audit (England) Regulations 2011 with which the Council is also compliant; published details of the Council's remuneration of its Chief Executive and Corporate Directors can be found on the Council's public website.

The Pay Policy Statement articulates the Council's own policies towards a range of issues relating to the pay of its workforce, in particular its Chief Officers, as defined by the Local Government and Housing Act 1989 and to its lowest paid employees.

As specified in the Act, this requirement does not extend to schools and this Statement does not therefore include school based employees.

In summary, the Pay Policy Statement identifies:

- ❖ The method by which salaries and severance payment are determined;
- ❖ The detail and level of remuneration of the Council's most senior managers i.e. Chief Executive, Corporate Management Team, Service Directors;
- ❖ The committee responsible for ensuring that the Pay Policy Statement is applied consistently, the Employment Committee, which has delegated powers in relation to senior manager employment;
- ❖ The detail and level of remuneration for the lowest level of post/employee;
- ❖ The ratio of pay of the top earner and that of the median earner.

2.0 Recommendation

Employment Committee is recommended to note and approve the 2017/18 Pay Policy statement as set out in the attached report and recommend any amendments for approval at full Council on 29th March 2017.

TRAFFORD PAY POLICY STATEMENT 2017/18

1. Introduction

1.1 Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement (the ‘statement’) sets out the Council’s approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011. From 2012 onwards local authorities are required to publish an annual statement of their policy for the relevant financial year.

1.2 The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees (excluding teaching staff and employees working in local authority schools), by identifying;

- The methods by which salaries of all employees are determined;
- The detail and level of remuneration of its most senior staff i.e. Head of Paid Service, ‘Chief Officers’, the Monitoring Officer, and Deputy Chief Officers as defined by the relevant legislation;
- The remuneration of its lowest paid employees;
- The relationship between the remuneration levels of the most senior employees and that of other employees;
- The Committee responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council and making recommendations on any amendments to Full Council.

1.3 Once approved by Full Council, this policy statement will come into immediate effect and will be subject to review as a minimum on an annual basis.

2. Legislation Relevant to Pay and Remuneration

2.1. In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes legislation such as the National Minimum Wage (Amendment) Regulations 2016, Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.

2.2 The Council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of NJC and Hay job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

3. Accountability and Decision Making

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

3.2 Decisions relating to salary packages for new posts above £100k are subject to full Council approval. In addition, any severance arrangements agreed in line with the relevant policies that exceed £100k are subject to full Council approval.

4. Pay Structure

4.1 The Council's pay strategy must be one of balance between securing and retaining high-quality employees whilst maintaining pay equality and avoiding excessive pay rates.

4.2 The Council uses the nationally negotiated pay spine(s) (i.e. a defined list of salary points) as the basis for its local pay structure, which determines the salaries of the large majority of its (non-teaching) workforce together with the use of locally determined rates where these do not apply.

4.3 All other pay-related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery.

4.4. In determining its grading structure and setting remuneration levels for any posts, which fall outside its scope, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

4.5 New appointments will normally be made at the minimum of the relevant pay scale for the grade, although from time to time it may be necessary to take account of the external pay levels in the labour market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.

4.6 To meet specific operational requirements, it may be necessary for an individual to temporarily take on additional duties to their identified role. The Council's arrangements for authorising any additional remuneration relating to temporary additional duties are set out in the Act-up and Honoraria Payments Policy.

4.7 Any temporary supplement to the salary scale for the grade is approved in accordance with the Council's Market Rates Supplement Policy.

4.8 An organisation chart covering staff in the top three levels of the organisation provides information on the senior salary pay structure for the Council.

5. Senior Management Pay Arrangements

5.1 For the purposes of this statement, senior management means 'Chief Officers' as defined within the Localism Act. The posts falling within the statutory definition are set out in the data published for the Code of Recommended Practice for Local Authorities on Data Transparency and Accounts and Audit (England) Regulations.

5.2 The Chief Executive and Chief Officers receive minimal additions to salary. These include Returning Officer fees for local and other elections as they arise from time to time.

5.3 The Chief Officer car allowance scheme was deleted as part of the 2014/15 budget proposals along with the general essential car user scheme and replaced by a critical car user scheme. The Chief Executive or any Chief Officer does not qualify to access the revised arrangements.

5.4 We will continue to consider how we can introduce more transparent performance arrangements at a senior management level. Salary progression within the range is linked to attainment of pre-determined objectives and targets as set out in the Performance Development Review process.

6. Recruitment of Chief Officers

6.1 The Council's policy and procedures with regard to recruitment of Chief Officers is set out within the Council constitution Part 4 Officer Employment procedure rules.

6.2 When recruiting to all posts, the Council will take full and proper account of all provisions of relevant employment law and its own Equality, Recruitment and Redeployment Policies as approved by Council.

6.3 The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with relevant job evaluation methodology, market factors and recruitment policies in place at the time. For new posts, with recommended salary packages in excess of £100k, approval of Full Council is required.

6.4 Where the Council is unable to recruit Chief Officer posts, or there is a need for interim support to provide cover for a substantive Chief Officer post, the Council will, where necessary, consider engaging individuals under a 'contract for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate the maximum value for money benefits, from competition, in securing the relevant service.

6.5 In assessing such, it should be noted that in respect of such engagements, the Council is not required to make either pension or national insurance contributions for such individuals.

6.6 The Council has had 3 interim appointments in place at Chief Officer level during 2016/17. Two of the interim appointments were due to restructuring activities across the Children Families and Well-Being Directorate following significant transformation of services and the need for specialist expertise to support our integration with Health. The third interim appointment has brought in specialist ICT leadership and technical skills to support the re-design of its infrastructure and options for a new delivery model.

6.7 Due to the specialist nature of the skills set needed in these roles and linked to the time-limited development of the council's new organisational model, we have engaged individuals on an interim basis through the procurement process described in paragraph 6.4 above.

7. Pension Contributions

7.1 Where employees have exercised their statutory right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee.

7.2 The rate of contribution is set by Actuaries advising the Greater Manchester Pension Fund and reviewed on a triennial basis in order to ensure the scheme is appropriately funded. The current rate is set at 20.9%.

8. Payments on Termination

8.1 The Council's approach to statutory and discretionary payments on termination of employment of Chief Officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 [and if appropriate] Regulation 12 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.

8.2 Any current payments falling outside of these provisions or the relevant periods of notice within the contract of employment shall be subject to a formal decision made by the Employment Committee. Payments on termination in relation to the policy set out above that exceed £100k are subject to approval of Full Council.

9. Re-employment / Re-engagement of former Chief Officers

9.1 The Organisational Change Framework sets out the arrangements and restrictions by which Chief Officers are re-employed or re-engaged on a contract for services following termination of employment.

9.2 The Repayment of Public Sector Exit Payments Regulations 2015 and Public Sector Exit Payment Regulations 2016, as set out in 8.2, will determine our revised approach to the re-engagement of Chief Officers.

10. Lowest Paid Employees

10.1 The lowest paid employees employed under a contract of employment with the Council are employed on full time [36.25 hours] equivalent salaries in accordance with the minimum spinal column point (scp) currently in use within the Council's grading structure.

10.2 As at 1st April 2016, the lowest entry level spinal column point is equivalent to £14,514 per annum. We track the current national and local initiatives regarding low paid staff, benchmarking with our regional counterparts to ensure pay parity.

10.3 The Council employs Apprentices who are employed on the National Minimum Wage for Apprentices according to their age in line with current national entitlements from April 2017.

10.4 The relationship between the rate of pay for the lowest paid and Chief Officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

10.5 The current pay levels within the Council define the multiple between the median (average) full time equivalent earnings and the Chief Executive as 1:7:59 and; between the lowest paid employee and average Chief Officer as 1:6:52.

10.6 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmarking information as appropriate. In addition, upon the annual review of this statement, it will also monitor any changes in the relevant 'pay multiples' and benchmark against other comparable Local Authorities.

11. Future Legislation

11.1 Proposed and upcoming legislation that will impact on our pay policy in relation to payments on termination includes:

1. The Repayment of Public Sector Exit Payments Regulations 2015. This will enforce the repayment of public sector exit payments in certain circumstances where an individual returns to the public sector within a 12 month period and is likely to come into force around July 2017;

2. The Public Sector Exit Payment Regulations 2016, that aims to cap the value of public sector exit payments. This cap is currently proposed at £95,000 on the total value of exit payments made and applies to all types of arrangements and forms of exit payment, such as redundancy payments, compensatory payments and lump sums awarded under a settlement agreement or a COT3, for example. This is likely to come into force around July 2017 and once the final detail is known, our policy will be adjusted to take this into account.

A third piece of legislation relates to public sector reporting on the gender pay gap.

3. Gender Pay Gap reporting for the public sector. The Equality Act 2010 (GPG Information) Regulations will require the Council to publish its 2017 gender pay gap data by April 2018. The detailed technical requirements and reporting methods are to be advised. An early assessment shows an indicative gender pay gap for the Council (an average hourly earnings calculation only at this stage) as 12.56% difference in favour of men (excluding schools). The gap is likely to be attributable to the Council retaining an in-house Catering and Cleaning Service, which employs predominantly women in entry level occupations. As we undertake further analysis in line with the new legislation, this figure may be refined and we remain committed to ensure that we have a diverse and skilled representative workforce through robust recruitment approaches and equality monitoring.

4. Additionally, the 2016 Autumn Statement confirmed the IR35 tax changes will be introduced from 6th April 2017 and we are currently developing an approach for dealing with the pending legislative changes. IR35 impacts Public Sector organisations that use contractors providing their services via a Personal Service Company (PSC). Our approach aims to reduce the risk of either increased costs to retain key workers balanced with the prospect of losing resources on critical projects which will impact on delivery.

12. Trade Unions

12.1 The Council recognises two trade unions, UNISON and GMB, for collective bargaining purposes for NJC staff and there are currently two full time equivalent UNISON officials in employment; these officials represent both core Council and

school support staff. In addition, in relation to its teaching workforce, for the purposes of collective bargaining, the Council recognises the NUT, NASUWT and NAHT.

13. Publication

13.1 Upon approval by the Full Council, this statement will be published on the Council's Website.