

Report of the Director of Human Resources to the meeting of Council to be held on 17th March 2020

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Subject:

Pay Policy Statement 2020/21

Summary statement:

In accordance with the Localism Act 2011 Local Authorities are required to produce and publish a Pay Policy Statement for each financial year. The Pay Policy Statement must be approved by full Council before publication.

Anne Lloyd
Director of Human Resources

Report Contact: Tim Barker
Employee Relations Manager
Phone: (01274) 432031
E-mail: tim.barker@bradford.gov.uk

1. SUMMARY

- 1.1 Sections 38 – 43 of the Localism Act 2011 require the Authority to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees.
- 1.2 The Pay Policy Statement for the year 1 April 2020 to 31 March 2021 has been produced taking into account the relevant requirements of the Localism Act 2011 and having regard to the statutory guidance issued by the then Department for Communities and Local Government (DCLG) in February 2012 and the supplementary guidance issued in February 2013 both entitled 'Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011' ("the Guidance") together with the Local Government Transparency Code 2015 where applicable.
- 1.3 This report provides details of the proposed Pay Policy Statement for the financial year 2020/21.

2. BACKGROUND

- 2.1 Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement for each financial year.

2.2 The Pay Policy Statement must:

- Be produced annually in time for the start of each financial year and be approved by a resolution of full Council (the power cannot be delegated). The 2020/21 Pay Policy Statement must be prepared and approved before 31 March 2020. Any amendments required to the Pay Policy Statement in year must also be considered by full Council.
- Be published which must include publication on the Council's website, as a minimum, soon after approval or amendment.
- Set out the Authority's policies on a range of issues particularly relating to its chief officers and lowest paid employees.
- Be complied with.

The Guidance also states that:

- Full Council be offered the opportunity to vote on salary packages of £100k pa or more in respect of new appointments and severance packages of £100k or more.

2.3 The Pay Policy Statement must set out the Authority's policy relating to:-

- The level and elements of remuneration for each Chief Officer, which includes salary, any charges, fees or allowances, benefits in kind, bonuses, the use of performance related pay, increases and additions to remuneration, remuneration on recruitment and the approach to the payment of Chief Officers ceasing to be employed by the Authority.
- The remuneration of the lowest paid employees in the workforce.

- The relationship between the remuneration of Chief Officers and other employees.
 - The publication of and access to information relating to remuneration of Chief Officers.
- 2.4 The provisions of the Localism Act 2011 do not apply to employees of schools maintained by the Authority and therefore they are not within the scope of the Pay Policy Statement.
- 2.5 Chief Officers are defined in the Pay Policy Statement as the posts of Chief Executive, Strategic Directors, Directors, Deputy Directors, City Solicitor and Assistant Directors.
- 2.6 The Pay Policy Statement must be approved by a resolution of the full Council before it comes into force.
- 2.7 The proposed Pay Policy Statement for 2020/21 can be found at **Appendix 1**. The proposed Statement is based on the approved 2019/20 statement (as amended by resolution of Council at the meeting on 14th January 2020) which has been updated with some minor wording clarification (not affecting the policy itself) and the removal of the reference to European Elections in Appendix A. The following should be noted:
- 2.7.1 The pay multiple has been recalculated and remains unchanged. From 1 April 2019 the value of the 'pay multiple' between the highest paid salary and the median earnings figure of the whole of the Council's workforce remains at **8.9:1**
- NB. The pay multiple is **not** based on the lowest paid employee nor the simple average salary but it is based on the median earnings figure ie the 'mid-point'.*
- 2.7.2 The national pay awards that will be effective from 1st April 2020 have not been agreed and therefore all salaries quoted in the pay policy statement are based on salary levels at 1st April 2019.
- 2.7.3 Revised salary bandings for the application of LGPS employee pension contribution rates from 1 April 2020 in Appendix A have not yet been officially approved.
- 2.8 The Council is currently consulting on proposals for additional posts at Chief Officer level in the West Yorkshire Pension Fund. A further report to Council may be required should additional posts be considered necessary following consultation.

3. FULL COUNCIL CONSIDERATION

- 3.1 Full Council will consider this report and the draft Pay Policy Statement at **Appendix 1** on Tuesday 17th March 2020.

4. OTHER CONSIDERATIONS

- 4.1 The Council may, by resolution of the full Council, amend this Pay Policy Statement during the course of the year to which it relates.

Regulations have yet to be introduced pursuant to the Enterprise Act 2016 restricting public sector exit payments to £95,000. Whilst the detail of when and how these regulations are to be implemented is not currently available, these regulations will necessitate changes to the Council's Discretionary Compensation Policy and the LGPS Pension Discretion Policy Statements that are referenced in the Pay Policy Statement.

Regulations are also to be introduced requiring those earning £80,000 pa or more who leave public sector employment and then return to work in the public sector within 12 months, to repay some or most of their redundancy payment, depending on how soon they gain new employment. When introduced this will necessitate changes to the Appendix to the Pay Policy Statement (the section entitled "Re-employment of Chief Officers in receipt of a LGPS Pension or a redundancy/severance payment".)

Exact details and when the provisions will be brought into force have yet to be announced.

5. OPTIONS

- 5.1 The production and publication of a Pay Policy Statement is a statutory requirement under the Localism Act 2011 for the financial year 2020/21 and each subsequent financial year.

6. FINANCIAL & RESOURCE APPRAISAL

- 6.1 There are no direct financial implications arising from this report.

7. RISK MANAGEMENT & GOVERNANCE ISSUES

- 7.1 No significant implications have been identified.

8. LEGAL APPRAISAL

- 8.1 The Authority is under a statutory duty to prepare and publish a Pay Policy Statement for the financial year 2020/21 and each subsequent financial year pursuant to the requirements set out in sections 38-43 of the Localism Act 2011. The Pay Policy Statement must be approved by a resolution of the Authority before it comes into force. The Pay Policy Statement for the financial year 2020/21 must be prepared and approved before 31 March 2020. The Authority must have regard to the Guidance referred to in this report in preparing and approving the Pay Policy Statement together with the provisions of the Local Government Transparency Code 2015 where applicable.

9. OTHER IMPLICATIONS

9.1 EQUALITY & DIVERSITY

This Pay Policy Statement is a confirmation of existing policies, documents and relevant terms and conditions of employment therefore there are no diversity and equality implications arising.

An Equality Impact Assessment is not required as the Pay Policy Statement does not include proposals for new or changing policies, services or functions.

9.2 SUSTAINABILITY IMPLICATIONS

Not applicable.

9.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable.

9.4 COMMUNITY SAFETY, CORPORATE PARENTING & PRIVACY IMPACT ASSESSMENT IMPLICATIONS

Not applicable.

9.5 HUMAN RIGHTS ACT

No implications arising from this report.

9.6 TRADE UNION

There is no formal requirement to consult about this Pay Policy Statement however it will be shared with the recognised Trade Unions for information.

The Pay Policy Statement brings together the Authority's existing policies which have been subject to consultation where required.

9.7 WARD IMPLICATIONS

Not applicable.

10. NOT FOR PUBLICATION DOCUMENTS

None

11. RECOMMENDATIONS

That the Pay Policy Statement for the financial year 2020/21, as set out at **Appendix 1** to this report, be approved.

12. APPENDICES

Appendix 1: Proposed Pay Policy Statement 2020/21

13. BACKGROUND DOCUMENTS

- Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011, February 2012. [Openness & Accountability in Local Pay - Feb 2012](#)
- Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011 (Supplementary Guidance) February 2013. [Openness and Accountability in Local Pay - Feb 2013](#)

- Local government transparency code 2015
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf