



Meeting: **COUNCIL**

Portfolio Area: Resources

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## **PAY POLICY STATEMENT**

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### **1. PURPOSE**

1.1 To approve the pay policy statement for the financial year 2021/22.

### **2. RECOMMENDATIONS**

2.1 That the Pay Policy Statement set out in accordance with the Localism Act 2011 and the Local Government Transparency Code 2015, as set out in Appendix 1 to this report, be approved.

2.2 That the pay policy is placed on the Council's web site and that a notice of the policy is published in the next edition of Chronicle.

### **3. BACKGROUND AND REASONS FOR RECOMMENDED COURSE OF ACTION**

3.1 The Localism Act requires local authorities to adopt annually a statutory pay policy statement which must then be published (including on the Council's website) 'to help local people understand how public money is being spent in their area and to hold the Town Hall to account'. The first of these Pay Policy Statements was approved on 29 February 2012 and has been published annually since then.

3.2 No remuneration may be made to officers which falls outside the Pay Policy Statement although it will be possible for a meeting of the Council to amend the Statement at any time.

- 3.3 The Pay Policy Statement must include its policies on the following matters:-
- the remuneration of its chief officers
  - the level and elements of remuneration for each chief officer,
  - the remuneration of chief officers on recruitment
  - increases and additions to remuneration for each chief officer
  - the use of performance related pay
  - the use of bonuses for chief officers
  - the approach to the payment of chief officers on their ceasing to hold office
- 3.4 'Remuneration' of chief officers includes pay and terms and conditions which may apply in the future and to chief officer appointments which may be made in the future.
- 3.5 The Statement may also set out policies relating to other terms and conditions relating to Chief Officers.
- 3.6 The Statement must also set out:
- The relationship between the remuneration of its chief officers and that of its employees who are not chief officers.
  - The Authority's definition of its 'lowest paid employees' for these purposes and the reasons for this definition and
  - The remuneration of its 'lowest paid employees'
- 3.7 For clarity, 'Chief Officer' includes the Head of Paid Service (the Chief Executive), the Chief Finance Officer, the Monitoring Officer (Borough Solicitor), non-statutory chief officers (the Strategic Directors), and deputy chief officers (Assistant Directors).
- 3.8 In approving its pay policy statement the Council must have regard to any guidance issued or approved by the Secretary of State. In 2012 'Openness and accountability in local pay' ("the Guidance") was issued. The Council is not bound to follow the guidance but must take it into account in approving the Statement.
- 3.9 The Act itself does not require local authorities to publish specific salary details in the Pay Policy Statement. However, the Accounts and Audit (England) Regulations 2011 and the Local Government Transparency Code 2015 require the publication in the accounts of salary bands and the salaries of Chief Officers. Salary bands for these posts have therefore been included in the Pay Policy Statement as suggested in the Guidance.
- 3.10 The Guidance refers extensively to the Hutton Review of Fair Pay in the Public Sector. This Review comments on fairness in pay and that the salary gap between the highest and lowest paid officers has grown in recent years. Hutton suggests that the relationship between chief officers and other employees is explained and taken into account in remuneration decisions for all staff. This relationship he recommends can be illustrated by the publication of pay multiples – the ratio between the highest paid employee and mean average earnings.
- 3.11 The Statement therefore includes pay multiples comparing the Chief Executive's remuneration against the lowest paid employees and mean average earnings across the Council.

- 3.12 The Guidance also expresses concerns that senior staff moving posts within the public sector could be seen as driving up average pay levels particularly where the sector as a whole is paying twice through a salary and a pension. As a closely related issue 'Authorities should use their Pay Policy Statement to explain their policies towards re-engaging chief officers who have received severance or redundancy payments from that authority'. Although it is not envisaged that any such appointments will be made the Council has adopted a policy which relates to all Council officers, including chief officers and states that "Any employee who takes voluntary redundancy will not be permitted to return to the employment of Stevenage Borough Council, either as a permanent or fixed term employee, for a minimum period of 12 months following the date of their redundancy. There is no restriction on returning to employment following compulsory redundancy".

There is no restriction on returning to the wider public sector, however, in line with the Redundancy Payment (Local Government) (Modification) Order 1999 (as amended) officers who are made redundant, receive an offer of employment from another public body before their employment terminates and then start work in the new job within 4 weeks of that termination will lose their entitlement to a redundancy payment.

- 3.13 The proposed pay policy takes account of the supplementary statutory guidance issued under the Localism Act 2011, in February 2013 by the Secretary of State, on pay policy statements and remuneration above £100,000 and the Restriction of Public Sector Exit Payments Regulations 2020.
- 3.14 In late 2020 the Restriction of Public Sector Exit Payments Regulations came into force capping exit payments for public sector employees at a maximum of £95,000. At the time of writing the details of the impact of these regulations on those due to receive a payment above £95,000 linked to contractual pension strains costs has not yet been published and is currently subject to judicial review. In December 2020, the Local Government Association confirmed that the Reform of the Discretionary Compensation Payments Regulations and Local Government Pension Scheme Regulations, will not be updated until such times as this judicial review has been heard. The Council's redundancy policy will be update in line with these regulations as an when they are available.
- 3.15 As yet no national pay award for 2021/22 has been agreed for chief officers, in line with relevant terms and conditions, any national pay award that is agreed will be implemented. The Chancellor announced a pause in public sector pay in the Autumn of 2020, however, as local government pay is negotiated via the relevant joint negotiating committees and not controlled by central government a pay claim by the trade unions is still anticipated.

#### **4. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 4.1 The Council has a legal obligation to comply with the Equality Act 2010, and to ensure equal pay for work of equal value, for men and women. The Council implemented single status with effect from 1 July 2014 to ensure compliance.
- 4.2 The Council published its Gender Pay Gap report in March 2019 in line with The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. A copy of this report is published on the Council's website:  
<http://www.stevenage.gov.uk/content/15953/33537/20596/Gender-Pay-Gap-Report->

[2019.pdf](#). A further report on the Council's Gender Pay Gap will be published in March 2021.

## **APPENDICES**

Appendix 1 - Stevenage Borough Council Pay Policy Statement 2021/22.

## APPENDIX 1 – PAY POLICY STATEMENT FOR STEVENAGE BOROUGH

### COUNCIL

This Pay Policy Statement is made in accordance with Chapter 8 of the Localism Act, 2011.

This policy shall apply from 1 April 2021 to 31 March 2022 subject to amendment by Council.

To date no Chief Officers' Pay Award has been agreed for 2021/22 at a national level. Should an award be agreed this will be implemented in line with national guidance.

#### Remuneration bands of senior officers are set out here:

Head of Paid Service/ Chief Executive	£107,654-£125,116
Deputy Chief Executive (Strategic Directors pay band plus 10%)	£90,034-£104,637
Strategic Directors	£81,849-£95,125
Monitoring Officer/ Borough Solicitor	Employed by Hertfordshire County Council as part of a shared legal service.
Section 151 Officer	The section 151 officer receives a supplement of up to £7192 per annum in addition to their Strategic Director pay
Deputy Section 151 Officer	The deputy section 151 officer receives a supplement of up to £1000 per annum in addition to their Assistant Director Pay
Assistant Directors	£67,996-£78,991
Assistant Directors (with Recruitment and Retention premium attached)	£72,496-£83,491

*Lowest Paid Employees with effect from 1 April 2021	£18,562
Mean Average Basic Earnings	£31,942

\*Excludes apprentices. 'Lowest Paid Employee' means the employees on the lowest grade assuming that the posts are full time

1. Any employee, up to and including those on grade 6, is eligible for an overtime payment at an enhanced rate of +0.33 of their basic salary for any overtime hours worked Monday to Saturday and +1.00 for any overtime hours worked on a Sunday. for any additional hours worked over 37 per week.

Employees at or below Grade 6 that are required to undertake non-standard working are entitled to non-standard working enhancements. In addition to their normal salary those employees at or below grade 6, who are required as part of their contracted hours to work on a Saturday, or for longer than 4 consecutive hours between 10pm and before 7am receive a shift enhancement of +0.33 of their basic salary for those hours, and employees at or below grade 6 who are required to work on a Sunday as part of their contracted hours receive a shift enhancement of +1.00 of their basic salary, this rate of enhancement also applies to any hours worked on a public holiday.

2. With effect from 1 January 2014 the Council commenced paying the Living Wage to all employees, excluding apprentices. SBC updates the Living Wage on 1 April each year. With effect from 1 April 2021 this will be £18,562 (£9.62 per hour).

3. The pay of the Chief Executive (excluding payments for elections) is currently 6.74 times the pay of the lowest paid worker and this ratio is not expected to change significantly. The pay of the Chief Executive is currently 3.91 times the pay of mean average earnings.
4. Strategic Directors and the Chief Executive are paid an allowance of £24.95 per month for expenses but otherwise no bonuses performance related pay or other forms of additional remuneration are paid to Chief Officers or Deputy Chief Officers.
5. Many of the Chief Officers, Deputy Chief Officers and other employees receive a payment for attending and performing certain duties at elections. These payments are set in line with guidance produced per election type.
6. Salary packages amounting to £100,000 or more for new appointments will be approved by Full Council.
7. Salary increments are paid annually by default for all employees of the Council up to the top of the pay grade.
8. The pay of Chief Officers and Deputy Chief Officers is based on job evaluations undertaken through the Inbucon scheme.
9. The terms and conditions of Chief Officers and Deputy Chief Officers are set in accordance with the JNC.
10. Chief Officers and Deputy Chief Officers including any new appointments at this level will be made in accordance with the pay scales set out above.
11. All employees including Chief Officers and Deputy Chief Officers are entitled to redundancy payments based on the same multiple of 2.5 times statutory provision and based on actual weekly pay.
12. Any redundancy or severance packages of £95,000 or more must be approved by Full Council and follow the relevant guidance within the Restriction of Public Sector Exit Payments Regulations.
13. Any employee who takes voluntary redundancy will not be permitted to return to the employment of Stevenage Borough Council, either as a permanent or fixed term employee, for a minimum period of 12 months following the date of their redundancy. There is no restriction on returning to employment following compulsory redundancy but an employee who is re – employed following redundancy must have a break of at least four weeks between the termination of the first employment and the start of the second in order to retain a redundancy payment.
14. All employees including Chief Officers and Deputy Chief Officers are entitled to retirement pensions calculated in the same way under the Local Government Pension Scheme (Administration) Regulations 2008, Regulations 2014 and the Council Pension Discretion Policy. These Regulations require the Council to publish its policy on increasing an employee's total pension and on awarding additional pension.

15. The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 require the Council to formulate, review and publish its policy on making discretionary payments on early termination of employment.
16. The terms and payment of terminating the employment of any officer of the Council in any contentious circumstances which do not result from an award made by an Employment Tribunal or Court are settled by the Council on the basis of the legal merits of the case, the time and disruption which protracted litigation would involve, any limit of statutory entitlement on monetary claim available to an employee and what is considered prudent in all the circumstances.