

# **Pay Policy Statement**

## **2014-15**

**Draft v2**

**1<sup>st</sup> February 2014.**

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## 1. PURPOSE AND SCOPE:

1.1 The purpose of a 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.

1.2 Section 38 (1) of the Localism Act 2011 requires all local authorities in England and Wales to produce and publish a Pay Policy Statement for each financial year from 2012-13 onward. Nottinghamshire County Council published its initial Pay Policy Statement on 30<sup>th</sup> March 2012.

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

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

1.5 A Pay Policy Statement must articulate 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.

1.6 Nottinghamshire County Council's Pay Policy Statement meets the mandatory requirements of the Act and provides information on Nottinghamshire County Council's Pay and Conditions of Service for its Chief Officers in comparison to the majority of the workforce employed on Local Government Scheme (LGS) terms and conditions.

Specifically it covers the Council's policy on the following points:

- the level and elements of remuneration for each Chief Officer
- the remuneration of the Council's "lowest paid employees"
- the relationship between the remuneration of Chief Officers and other officers
- other aspects of Chief Officers' remuneration including remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments.

1.7 This Pay Policy Statement includes all direct employees covered by the National Joint Council (NJC) for Local Government Services national agreement on pay and conditions of service and those covered by the Joint Negotiating Committee (JNC) conditions of service for Chief Executives and Chief Officers. It excludes the small numbers employed on Youth and Community Worker national terms and conditions, or Craft Workers or Soulbury conditions of service.

1.8 **Appendix 1.** contains a structure chart of all Senior Employees of the Council employed by the Council as at **1<sup>st</sup> February 2014**, as defined in the

Employment Procedure Rules of its Constitution (**appendix 15**), employed by the Council as at **1<sup>st</sup> February 2014**, that is:

- Chief Executive
- Corporate Directors
- Service Directors
- Group Managers reporting direct to a Corporate Director
- Public Health equivalents including the Director of Public Health and their direct reports.

1.9 All of these senior employees are directly employed by the Council.

1.10 Nottinghamshire County Council's Pay Policy Statement reflects the wide definition of "remuneration" within the Act. This includes not just pay but also charges, fees, allowances, benefits in kind, increases in or enhancements of pensions and termination payments.

1.11 This Pay Policy Statement will be published on the Council's website as soon as possible following the agreement of Full Council and by **1<sup>st</sup> April 2014**.

1.12 This Statement will be reviewed annually and amended as necessary to reflect the prevailing legislation at the time; with Full Council approval as required.

1.13 This Statement will be complied with on each occasion when the Council sets the terms and conditions for a Chief Officer.

1.14 Unless otherwise stated the information and data in this Statement is current as at **1<sup>st</sup> February 2014**.

## **2. ORGANISATIONAL CONTEXT:**

2.1 As the largest employer in Nottinghamshire, the County Council wishes to contribute to building a more prosperous local community by modelling good employment practice, including ensuring fairness in the way that it pays and rewards its existing and future employees.

2.2 The Council also wishes to be an attractive source of potential employment to job seekers across its community and is committed to using its resources to create meaningful and properly remunerated employment opportunities for local people.

2.3 The following information outlines the Council's operating basis and general position in respect of employment, pay and conditions of service and is pertinent to the requirements of the Localism Act.

2.4 Nottinghamshire remains the 11th largest local authority in England with an estimated population of 792, 200 (source: ONS latest available population estimate for Nottinghamshire, mid 2012).

2.5 The Council is the largest employer in the county with a headcount of 9,428 directly employed staff, as at 31<sup>st</sup> January 2013 (excluding those in schools), a significant proportion of whom provide a range of nearly 440 direct services to the public.

2.6 The Council's gross budget in 2014/15 is £1.2 billion of which £0.7 billion is for the direct running costs of service delivery and £0.5 billion relates to staffing costs. The Council's budget is financed by a combination of general income £0.2 billion, formula grant £0.2 billion, dedicated schools grant £0.3 billion, general grants £0.2 billion and Council tax £0.3 billion.

2.7 In order to meet the continuing budget challenges facing it the Council is reviewing and restructuring its services. To date this has resulted in an overall reduction of 25% in the number of management and supervision posts across the County Council. The Council is committed to further reducing its senior management costs in order to maximise spend on front-line services and in 13/14 deleted two additional posts at Service Director level in the Policy, Performance and Corporate Services Department.

2.8 Five posts currently work within the national conditions of service covered by the JNC for Chief Executives and Chief Officers, these being the Chief Executive, and four posts of Corporate Director. Together with the Director of Public Health, who is on NHS Consultants terms and conditions, these posts constitute the Council's Corporate Leadership Team.

2.9 Public Health services in Nottinghamshire and Nottingham City came under the responsibility of the respective County and City Councils from 1<sup>st</sup> April 2013. Public health staff transferred from the health service to the respective Councils on their NHS terms and conditions of employment protected for two years by statute.

2.10 A decision was made by both Councils to appoint a single shared Director of Public Health to enable the two Public Health departments to work closely together. As the Director of Public Health has joint responsibility for public health services in Nottinghamshire and Nottingham City, 40% of the salary of the Director of Public Health is recoverable by Nottinghamshire County Council from Nottingham City Council.

2.11 All other employees defined by the Localism Act as Chief Officers, including Service Directors, work within the national conditions of service covered by the NJC for Local Government Employees.

### **3. DETERMINATION OF PAY AND TERMS AND CONDITIONS:**

3.1 Nottinghamshire County Council continues to subscribe to national pay bargaining through the National Joint Council (NJC) on which the local government employers are represented by the Local Government Association (LGA).

3.2 The Council fully implemented "Single Status" in 2008 (this term was designed by the national employers and trade unions to describe the equal treatment of all employees in respect of their pay, terms and conditions).

3.3 Arising from this the Council has an established pay and grading structure which is based on a "points to pay" relationship determined through a Job Evaluation process.

#### 3.4 Job Evaluation:

3.4.1 The consistent evaluation of the relative value of job roles across the Council ensures a fair, open and transparent pay and reward structure that is affordable and compliant with Equal Pay legislation and Single Status requirements.

3.4.2 The County Council continues to use two job evaluation schemes to evaluate the work of its employees using trained in-house Job Analysts for all posts other than posts at Service Director level which are subject to an independent analysis by an external provider, the Hay Group.

- The "Hay" scheme:

3.4.3 This method of job evaluation was selected by the Council as it has been used extensively across the public sector and particularly in local government. It provides a coherent model to compare dissimilar jobs and the characteristics of different levels of work.

3.4.4 There is a specific criteria for determining if the post should be evaluated using this scheme as outlined in **Appendix 4**.

3.4.5 If a job scores less than 175 points (band A) under the Hay scheme, the job will then be evaluated under the National Job Evaluation scheme and that score will determine the grade.

- National Job Evaluation (NJE) scheme:

3.4.6 All other jobs are evaluated under the National Job Evaluation scheme. To ensure consistency across the Council, a joint Moderating Panel sits regularly to quality assure the work of the in-house Job Analysts.

3.4.7 The evaluated job score equates to a pay band on the Council's Salary Scale which is attached as **Appendix 3**.

3.4.8 The Hay Group and NJE Job Evaluation Schemes will continue to be used to establish pay grades for all jobs covered by the NJC, including Service Directors.

3.4.9 A copy of the Council's Grading Policy is attached as **Appendix 4**. The principles outlined in the policy and the schemes used have not changed.

### 3.5 Performance Related Pay:

3.5.1 Nottinghamshire County Council has not introduced Performance Related Pay. The Council has a Competency Framework which provides a standard set of behaviours applicable to all employees against key role descriptors at a range of levels, including Chief Officers. This assessment informs individuals' learning plans and supports effective service delivery but is not related to pay.

### 3.6 Pay awards and increases:

3.6.1 Nottinghamshire County Council adheres to national pay bargaining in respect of the national pay spine and any annual cost of living increase negotiated on the pay spine.

3.6.2 The first national pay award since 2009 saw employees up to and on point 57 on the national pay spine awarded a 1% pay increase from 1<sup>st</sup> April 2013. The County Council took a local decision to apply this to all employees below Service Director level in its structure (see appendices 1,2 and 3).

3.6.3 The NJC Trade Union Side have submitted their pay claim for 2014/15 in November 2013 and the National Employers have consulted on this with Councils regionally.

3.6.4 It remains the case that the last annual pay rise for Chief Executives of local authorities was awarded nationally in April 2008.

3.6.5 As part of its overall ambition to model good employment practice Nottinghamshire County Council has formally adopted the "Living Wage" for the U.K. The current nationally set Living Wage rate of £7.65 per hour (outside London), will apply to all of the Council's direct employees on spinal column point 10 or below of its current pay scale.

3.6.6 From 1<sup>st</sup> April 2014, the Living Wage rate will be paid, as an allowance on top of existing pay rates, as the minimum basic rate of pay paid on the Council's pay spine, applied to all hours worked, including enhancements and overtime payments.

3.6.7 In addition, from 1<sup>st</sup> April 2014, the Council will ensure that all young people placed within the authority as apprentices, and therefore outside of the scope of the Living Wage, are paid the national Minimum Wage regardless of age or experience. Currently this is set at £6.31 p per hour.

### 3.7 Incremental salary progression:

3.7.1 The Chief Executive and Corporate Directors are on fixed salaries. That is, no incremental progression applies.

3.7.2 The LGA do recommend that local authorities continue to pay contractual annual increments within their agreed pay bands. Nottinghamshire County Council have complied with this and all other employees receive contractual annual increments up to the maximum spinal column point of the evaluated salary band for their post.

### 3.8 Pensions:

3.8.1 The directly employed staff who are the subject of this policy, including Chief Officers, are covered by the Local Government Pension Scheme. Employees who opt into the Local Government Pension Scheme (LGPS) pay contributions from their salary dependent on earnings as set out in the LGPS Regulations in the table below:

#### **Pension Scheme Contributions - Standard pay band table 2013 / 2014:**

<b>Band</b>	<b>Range</b>	<b>Contribution Rate</b>
1	£0 - £13,700	5.5%
2	> £13,700 - £16,100	5.8%
3	> £16,100 - £20,800	5.9%
4	> £20,800 - £ 34,700	6.5%
5	> £34,700 - £46,500	6.8%
6	> £46,500 - £ 87,100	7.2%
7	> £87,100	7.5%

Currently National Health Service terms and conditions apply to the Public Health employees who transferred into the County Council on 1<sup>st</sup> April 2013, these include a contributory pension scheme under which employees contribute between 5 and 13.3 % of their salary dependent on seniority.

The pay band ranges will be increased each April in line with the cost of living.

3.8.2 These provisions apply equally to Chief Officers whose salaries place them in the top of the band range. Chief Officers, who are members of the scheme, therefore contribute 7.5% of their salary to their membership of the scheme.

3.8.3 The Employers contribution to the pension of all employees at all levels remains at 18.3%.

3.8.4 The Local Government Pension Scheme (LGPS) changes from 1 April 2014 will be reflected in the Council's next Pay Policy Statement.



### 3.9 Professional fees:

3.9.1 The professional fees of qualified Solicitors and Legal Executives and Architects employed by the Council are paid annually by the Council to enable them to continue to practice.

3.9.2 Payment of fees to cover the cost of registration with their professional body (HCPC) for Social Workers and Occupational Therapists are a matter of personal responsibility.

3.9.3 No professional fees are paid for any other employee groups, including Chief Officers.

### 3.10 Acting Up Allowances and Honoraria:

3.10.1 Nottinghamshire County Council's policy on the payment of Acting Up Allowances and Honoraria is set out in **Appendix 6**. Such payments are only made on an exception basis on the submission of a full business case, at the discretion of the appropriate Chief Officer.

### 3.11 Overtime and other additional payments:

3.11.1 In line with the NJC national agreement on pay and conditions of service, employees on spinal column point 28 (£23,708) and below are entitled to additional payments when required to work:

- on Saturday or Sunday
- on public holidays
- at night
- sleeping in duty
- split shifts
- beyond the full time equivalent hours for the week in question.

3.11.2 Members of the Corporate Leadership team are expected to be on call at all times as part of their duties and responsibilities and receive none of the additional payments available to other employees.

### 3.12 Car Leasing Scheme:

3.12.1 The Council's scheme (**Appendix 14**) applies to all employees including Chief Officers. At present no Chief Officers are using vehicles leased under the provisions of the scheme as indicated in **Appendix 2**

### 3.13 Payment of expenses:

3.13.1 Where claimed, expenses incurred by staff, including Chief Officers, in the course of carrying out their duties are paid in line with the Council's Travel and Accommodation Policy. This is part of the nationally agreed terms and conditions of service supplemented by the Council's local conditions as laid down in its policies on Travelling Allowances (**Appendix 11**), and Subsistence

Allowance (**Appendix 12**). All expenses claimed by the Chief Executive and Corporate Directors are published on the County Council's website.

### 3.14 Pay Protection:

3.14.1 The Council's Pay Protection Policy was last reviewed as part of the package of changes to terms and conditions and associated policies implemented in April 2010 in response to budget pressures. A copy is attached as **Appendix 13**.

3.14.2 This policy is used in circumstances where the duties of a post change and following revaluation the grade for the post goes down or where individuals are redeployed to a lower graded post to protect them from redundancy.

3.14.3 All employees receive salary protection for a period of two years, but with salary being frozen at the point at which pay protection starts, i.e., employees will not receive any subsequent incremental increases or any annual cost of living pay awards. At the end of the protection period the employee reverts to the maximum spinal column point or spot point of the substantive grade of their post.

### 3.15 Redundancy compensation payments:

3.15.1 Contractual notice and redundancy pay in relation to a redundancy is as set out in the Council's policy on Redundancy and Early Retirement which applies to all employees of the Council, including Chief Officers (**Appendix 7**). If the employee is aged 55 or over, under LGPS Regulations they can, by agreement, access their pension benefits without any reduction.

3.15.2 Local Authorities are able to grant, at their discretion, benefits in excess of the statutory provisions for payments to employees who cease their employment prematurely on the grounds of redundancy. Under the Equality Act 2010, Local Authorities are required to develop and publish their own policy on the award of any discretionary redundancy payments for loss of employment.

3.15.3 Nottinghamshire County Council has exercised this discretion to apply a multiplier of 1.65 on the statutory redundancy formula based on age and local government service, capped at 30 years reckonable service. A copy of Nottinghamshire County Council's redundancy payment calculator is contained in **Appendix 8**.

3.15.4 Contractual redundancy payments are therefore calculated using the discretionary formula which already includes the statutory element. This allows up to 50 weeks actual salary (dependent on age and length of service) regardless of whether the individual is under or over 55 years of age or whether the individual concerned is in the LGPS pension scheme.

3.15.5 No other additional payments or enhancements are payable.

3.15.6 This policy applies to all direct employees, including Chief Officers.

### 3.16 Payment on retirement:

3.16.1 Employees may also leave the employment of the Council under the following types of termination:

Efficiency of the service - As set out in the Council's policy on Redundancy and Early Retirement this provision would only be used in very exceptional circumstances.

Flexible Retirement - As set out in the Council's policy on Flexible Retirement (**Appendix 9**) employees may apply to access their pension from age 55 but remain working at the Council either on reduced pay or reduced hours. Due to the associated Pension Strain costs this provision has not been applied to Chief Officers.

3.16.2 Under the terms of the LGPS Regulations employees may also retire on the basis of age:

Age Retirement - Under Pension Regulations employees, including Chief Officers, may automatically access their pension benefits, currently from age 60, when they leave employment. As permitted under the Employment Equality (Age) Regulations 2006, the Council does not operate a default retirement age whereby employees are dismissed at age 65.

Early Retirement - As set out in the Council's policy on Redundancy and Early Retirement, under LGPS regulations, employees can request access to their pension from age 55 with the Council's consent, and the Council may choose to waive the actuarial reduction.

### 3.16.3 Re-engagement of former employees:

Nottinghamshire County Council's policy on the Re-employment and Re-engagement of Former Employees is set out in full in **Appendix 10** and applies to all employees, including Chief Officers. Where the former employee has previously received a voluntary or compulsory redundancy payment, part or all of the compensatory element of the redundancy payment may be recovered and abatement of pension could apply.

## 4. **RELATIONSHIP BETWEEN HIGHEST AND LOWEST PAID EMPLOYEES:**

### 4.1. **Highest and lowest paid employees:**

4.1.1 The Council's highest paid employee is its Chief Executive who is paid a fixed salary of £184,410.

4.1.2 For the purpose of this Pay Policy Statement, the definition of “Lowest Paid Employee” at Nottinghamshire County Council is LGS employees on Grade 1 spinal column point 5, equating to £12,435, annual basic pay (£6.37 per hour). This is the lowest pay point and salary currently offered for a substantive post at the Council and exceeds the statutory National Minimum Wage, currently set at a maximum of £6.31 per hour for employees over 21 years of age.

4.1.13 The implementation by the Council of the Living Wage from 1 April 2014 will benefit just over 2,200 of its lowest paid direct employees on NJC terms and conditions who are currently paid below the Living Wage rate, that is point 10 and below on the Council's current pay spine. If the Living Wage Allowance is included this increases the minimum rate of pay to £7.65 per hour.

#### **4.2 Relationship between the Pay of the Highest and Lowest Earner:**

4.2.1 When expressed as a multiplier of pay, the Chief Executive's salary is 15:1 greater than that of the Council's lowest earner before application of the Living Wage Allowance.

#### **4.3 Median Pay of Workforce:**

4.3.1 For the purpose of this Pay Policy Statement, Nottinghamshire County Council has based the calculation of its “average basic pay” on Government guidance (DCLG) which requires use of the Median figure.

4.3.2 As at 1<sup>st</sup> February 2014, the Council's Full Time Equivalent **Median pay** was: £17, 333 per annum (approx spinal column point 18 on the Council's pay scale).

#### **4.4 Pay Multiple:**

4.4.1 The relationship between the Chief Executive's pay and that of the Council's median earner (£17,333) is a ratio of 11:1.

4.4.2 Nottinghamshire County Council does not currently have a policy of maintaining or reaching a specific pay multiple target.

### **5. LEVEL AND ELEMENTS OF REMUNERATION OF CHIEF OFFICERS:**

5.1 The pay of Chief Officers at Nottinghamshire County Council is determined by its democratically elected representatives through its Personnel Committee which, under current constitutional arrangements, has delegated authority from the County Council to make decisions on behalf of the Council relating to pay, terms and conditions (**see Appendix 15**)

5.2 Under current Constitutional arrangements, Chief Officer appointments are made by elected members on the Senior Staffing Sub Committee which is a sub committee of the Policy Committee. These Committees refer to Full Council and as such all such appointments are subject to ratification by Full Council.

5.3 The comparative level of remuneration of each Corporate Director is decided on the basis of their particular accountabilities and responsibilities (including any statutory responsibilities) and the size of the job, taking into account the range of services provided the number of employees and the size of the population within their remit. This is supported by information from the Hay Group on median pay rates for comparative roles of a similar size in a range of public sector organisations across the country.

5.4 The table at **Appendix 2 (a)** sets out a comprehensive breakdown of all pay related terms and conditions offered to the County Council's senior employees, including Chief Officers, which are in line with those which apply to other members of staff. The detail of the remuneration packages of all members of the Chief Officers Leadership Team is also set out on the Council's Public website under "About Senior Officers".

5.5 The table at **Appendix 2 (b)** sets out all of the pay related terms and conditions of their Public Health equivalents.

5.6 Supplementary statutory guidance to the Localism Act (section 40), issued in February 2013, includes a new requirement that the severance packages for senior officers of, or above, £100,000 are approved by Full Council. No such payments have been made by the Council during 2013/14.

#### 5.7 Remuneration of Chief Officers on recruitment:

5.7.1 The starting salary of the Service Directors falls within the pay band for their job, as set out in **Appendix 2 (a) and 3**, and is subject to annual incremental progression to the top point of the pay band.

5.7.2 New Service Directors will normally start on the minimum pay point for their pay banding and will not be offered more than the maximum. In seeking to appoint from outside the Council there may be a need to offer more than the minimum of the grade to secure the appointment of the preferred candidate. In any case the starting salary offered will not be more than the maximum of the pay band for the evaluated grade of the job unless another policy such as Market Factor Supplements is applicable.

5.7.3 On appointment, a Chief Executive or Corporate Director will be appointed to the agreed spot salary for their post.

#### 5.8 Returning / Counting Officer's Fee:

5.8.1 In Nottinghamshire, the County Council's Chief Executive is the Chief Officer nominated as Returning Officer in charge of the running of Local, European, Parliamentary Elections and National Referenda. The Council does not govern the fee payable for these elections as it is funded by central government and is therefore not related to Nottinghamshire County Council's terms and conditions. The fee paid to the County Council for the Chief Executive undertaking this function is retained by the Council. The Chief Executive receives no additional remuneration.

## 5.9 Deputy Chief Executive

5.9.1 The Council makes an additional payment of £416.67 per month gross to the Corporate Director appointed to undertake the additional duties involved in formally deputising for the Chief Executive. Currently this is the Corporate Director Children, Families and Cultural Services as cover this role in the absence of the Corporate Director of Adult Social Care and Health and Public Protection who is undertaking the role of Vice President and President elect for the Association of Directors of Adult Social Services, provisionally until 1<sup>st</sup> April 2015.

## 5.10 Deputy Director Adult Social Care and Health and Public Protection ( ASCHPP)

5.10.1 In 2013 the Council's Corporate Director ASCHPP was elected as the Vice President, and then President, of the Association of Directors of Adult Social Services (ADASS). A Deputy Director was appointed from 11<sup>th</sup> November 2013 to deputise for the Corporate Director by managing the Department on a day to day basis and providing business continuity. The Council makes an additional payment of £572.22 per month gross to the Service Director, Personal Care and Support (younger adults), to undertake these duties.

## 5.11 Monitoring Officer's Fee:

5.11.1 The Council's Corporate Director, Policy Planning and Corporate Services currently fulfils the statutory obligations of the Monitoring Officer to ensure Nottinghamshire County Council, its officers, and its elected Councillors maintain the highest standards in all they do. The Monitoring Officer's legal basis is found in [Section 5 of the Local Government and Housing Act 1989](#); as amended by the Local Government Act 2000. This duty was taken into consideration in the evaluation of the salary of the Corporate Director Policy, Planning and Corporate Services post under the Hay Group Job Evaluation scheme. The post holder also undertakes the Monitoring Officer role to the Police and Crime Panel but receives no additional remuneration for this work. The Deputy Monitoring Officer is the Group Manager - Legal and Democratic Services.

## 5.12 Section 151 Officer

5.12.1 In Nottinghamshire County Council this responsibility under the local Government Act 1972 is undertaken by the Service Director Finance and Procurement. This duty was taken into consideration in the evaluation of the salary of the Service Director Finance and Procurement under the Hay Group Job Evaluation scheme. No separate payment is made for undertaking this function.

### 5.13 Public Health transfer

5.13.1 The Director of Public Health and his direct reports are currently on NHS pay and terms and conditions (as listed in **Appendix 2 (b)**) on a transitional basis under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), arrangements for a period of two years from the date of transfer, which was 1<sup>st</sup> April 2013.

### 5.14 Payments to Chief Officers on ceasing to hold office or be employed by Nottinghamshire County Council:

5.14.1 To ensure accountability is maintained Under Part 6 c of the Council's current Constitution (**Appendix 15**), under delegated powers from Full Council, the Senior Staffing Committee is responsible for the appointment and dismissal of and the taking of disciplinary action against senior employees, that is the Chief Executive, Corporate Directors and Service Directors, this includes the Monitoring Officer and Section 151 Officer.

5.14.2 The Council's payment to Chief Officers leaving the Council is made under the same types of termination and same rules as for other employees as set out in section 3 above and the relevant policies apply. Any such terminations are reported to Personnel Committee and published in the annual Statement of Accounts.

5.14.3 In compliance with the supplementary statutory guidance to the Localism Act (section 40), any future severance packages for senior officers of or above £100,000 will be subject to approval by Full Council.

### **Appendices:**

See separate appendix.