PAY POLICY STATEMENT 2015/16 & CHIEF OFFICER EMPLOYMENT PROCEDURE RULES

Report of the Head of Service for Communities

Recommendation: that the Committee:

- (a) endorse the proposed amendments to the Pay Policy Statement and Chief Officer Employment Procedure Rules and commend the revised Statement for 2015/16 to the Council, together with the consequential amendments to this Committee's terms of reference.
- (b) endorse the proposal for consultation with the recognised trade unions on corporate discretionary redundancy compensation payments.

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1. Introduction

The Pay Policy Statement, required under the Localism Act 2011, forms part of the Constitution of Devon County Council. It is a statutory requirement of the Pay Policy Statement that the Statement should be reviewed annually.

The Pay Policy Statement specifies that salaries for Chief Officers and Heads of Service on Leadership Grades are fixed for the duration of the Policy and are to be reviewed annually by the Appointments and Remuneration Committee.

The proposed Statement incorporates a number of technical changes relating to senior pay, the delegation of limited decisions to the Chief Executive, and changes both to reflect good practice and the application of National Joint Council (NJC) pay awards.

2. **Proposals**

2.1. Proposed changes to the senior management grading structure

It is proposed to modify the current senior management grading structure to simplify and modernise it, improve pay differentials and resolve current issues. This will help the Council meet the challenges of the new Operating Model by increasing flexibility in senior management structure and reward. The proposal would result in the current senior management grading structure being replaced by a simplified leadership (L) grade structure assimilating the existing 'D' grades (see Appendix A).

The change would also be an opportunity for the Council to review and where appropriate rationalise current strategic priorities and job roles and then, if necessary, re-evaluate jobs in the usual way, using the Hay job evaluation scheme. If the Committee and Council support the above proposals, the recognised trade unions will need to be informed before implementation.

If the senior grading and pay proposals are agreed, the pay ratios at paragraph 6 of the Pay Policy Statement (the 'highest paid post to the lowest paid post' and the 'median average pay level to the highest paid post') will change slightly but will still remain below the recommended 20:1 ratio (Appendix B).

2.2. Delegation of Decisions

In order to create some flexibility in the operation of the Pay Policy Statement and Chief Officer Employment Procedure Rules, and to make the process more responsive to changes in personnel, it is proposed to delegate certain limited decisions to the Chief Executive to enable him, as Head of the Paid Service, to make decisions guickly about:

- acting up arrangements for Chief Officer/Head of Service positions (other than that of the Chief Executive) to cover periods of temporary planned or unplanned absence,
- emergency cover arrangements for the statutory Chief Officer roles (other than the Chief Executive)
- the placement of interims at Chief Officer/Head of Service level, based on a clear business case and in accordance with the Council's Pay Policy Statement, Chief Officer Employment Procedure Rules, Contract Standing Orders and relevant employment, procurement, legal and financial regulations.

In line with normal procedures, any such decision by the Chief Executive would be reported to the next Appointments and Remuneration Committee.

2.3. Other minor amendments to the Pay Policy Statement and Chief Officer Employment Procedure Rules

The proposed Pay Policy Statement 2015/16 (Appendix B) also reflects the removal of spinal column point 5 (the lowest salary point) from the grading structure, in accordance with the NJC for Local Government Services 2014-16 Pay Award. The Chief Officer Employment Procedure Rules (Appendix C) also reflects the proposed changes to the disciplinary action paragraph recommended by the Monitoring Officer to ensure clarity in the process.

2.4. Redundancy Compensation Scheme

The redundancy compensation scheme currently applied by DCC calculates redundancy pay using actual weeks' pay rather than the statutory weeks' pay (£464 per week). The redundancy lump sum is then calculated based on a multiple of twice the number of weeks' pay to which the employee is entitled using the statutory redundancy formula with a cap of 60 weeks' pay as per the Redundancy and Efficiency Leavers Policy. The policy covers all corporate staff as well as school support staff. In light of benchmarking data comparing the County Council with other South West employers (including County, District and Unitary Councils), and the requirement to protect the Council's Reserves which currently funds all redundancy payments (excluding school support staff), it is proposed to continue with redundancy pay based on actual weeks but consult the recognised trade unions on reducing the multiplier from 2 to 1.5.

3. Financial and Other Implications ¹

Senior Management Grading Structure

The cost of implementing the changes to the senior pay grading structure would be £230,647, including on-costs, based on current salary figures. Although there would be a cost in implementing these proposals this needs to be considered alongside the reductions in the senior management pay bill that have been made since the 2011 Heads of Service restructure, including the deletion of the posts of Head of Human Resources, and Head of Highways and Traffic Management and reduction in the scope of Head of Economy and Enterprise and Head of Social Care Provision.

¹ Addendum/Erratum:

Subsequent to the Report being published, the figure of £230,647 above was found to be incorrect and should have read £180,000. Notwithstanding this correction, the proposal to amend the Senior Management Grading Structure was changed to propose the implementation of spot salaries for new appointments only, and for officers on existing D grade roles to continue incremental progression until they reach the top of the D grade. In this way there would be no additional costs arising from the proposed changes to the senior management grading structure for employees on current D Grades.]

Redundancy

There will be a saving in redundancy costs for the Council should the proposed changes to compensation payments be agreed.

The other recommendations set out in this paper if agreed will result in no financial consequences for the Council.

This Report and the accompanying Statements have no specific equality, sustainability, legal, financial or public health implications that are not already covered by or subsumed within the detailed policies or requirements referred to therein.

4. Conclusion

It is recommended that the Appointments and Remuneration Committee consider the proposals, make recommendations and endorse any proposed variations for submission to the County Council for ratification on 19th February 2015 and amendment of the Constitution accordingly in line with statutory requirements.

John Smith Head of Services for Communities

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

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Background Paper Date File Reference

APPENDIX A Proposed senior pay grading structure

Current		Proposed		Current posts at this level
Senior officers				
D6*	£43,483-£45,470	L9	£45,470	Senior management roles
D5	£46,415-£51,083	L8	£51,083	
D4	£51,741-£56,897	L7	£56,897	
D3	£57,007-£62,692	L6	£62,692	
		L5	£75,000	
Chief office	rs			
		L5	£75,000	Heads of:
L4	£75,000	L4	£85,000	Business Strategy & Support Services Economy & Enterprise Planning, Transport & Environment
L3	£95,000	L3	unchanged	Heads of: Services for Communities Children's Social Work Services & Child Protection Social Care Commissioning Highways, Capital Development & Waste Management Adult Care Management Services Education & Learning
L2	£105,000	L2	unchanged	County Treasurer County Solicitor
L1	£129,995	L1	unchanged	Strategic Directors (x2)
LO	£149,995	L0	unchanged	CEO

In addition to the chief officers above, the Council employs the Director of Public Health on NHS pay rates, on a current salary of £106,000

The new L5 could help to better value senior management roles which have significant senior management responsibilities (e.g. cross-authority responsibilities).

Spot salaries are proposed across all the senior management grades. The use of spot salaries, using the maximum point for the current D grades, would also increase the differential between the top of the NJC T grade and the current D6 and remove the need to consider any pay protection. Some market data analysis has been undertaken¹ which suggests that the proposed salary levels remain broadly in line with other county councils

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Pay Policy Statement (April 2015 - March 2016)

1. Introduction

- 1.1. This document sets out Devon County Council's pay policy statement which will be reviewed annually.
- 1.2. The statement sets out the Council's policies relating to the remuneration of chief officers/heads of service, senior officers and officers and the relationship between the remuneration of the highest and lowest paid. Remuneration for the purpose of this statement includes basic salary, any other allowances and any payments made upon the cessation of employment.
- 1.3. The key principles underpinning this pay policy statement are:
 - 1.3.1. **Affordability** ensuring remuneration policies represent value-for-money for the taxpayer
 - 1.3.2. **Fairness** ensuring remuneration policies are fair to all employees, ranging from the most senior post to the most junior post
 - 1.3.3. **Meeting legislative requirements** ensuring remuneration policies comply with all legal obligations, such as the Equal Pay Act
 - 1.3.4. **Market Awareness** ensuring due regard is taken of the market, both nationally and locally in the South West, and that this policy is in line with councils of a similar size and/or in a similar labour market.

2. Officers (including Lowest Paid Employees)

- 2.1. Officers are defined as those on grades A-T.
- 2.2. Lowest Paid Employees at the County Council are defined as employees paid on Spinal Column Point 5 of the National Joint Council for Local Government Services (NJC) Pay Scale. This definition has been adopted as it is the lowest level of remuneration attached to a post in the Council. In accordance with the NJC Agreement, with effect from 1st October 2015 Spinal Column Point 5 will be deleted and those employees on that point shall progress to Spinal Column Point 6, which will then be the lowest salary point within the Council.
- 2.3. Officers are employed under NJC terms and conditions.
- 2.4. The adoption of the NJC Pay Scale was jointly agreed by the County Council and NJC recognised Trade Unions as part of Single Status implementation.
- 2.5. The County Council uses the Greater London Provincial Council (GLPC) job evaluation scheme to determine an employee's position on the NJC pay scale (and therefore their pay level).
- 2.6. Officers are eligible for annual incremental increases up the NJC pay scale until they reach the top of their grade.
- 2.7. Any annual pay awards are determined by national NJC agreement.
- 2.8. Officer appointment, remuneration and terms in the event of the cessation of employment are in line with paragraph 4 of the Chief Officer Employment Procedure Rules, Council employment policy and statutory regulations and quidance.
- 2.9. Certain staff groups, defined as 'officers' within this Pay Policy Statement, are employed on separate terms and conditions which reflect relevant national agreements. These include teachers, youth workers and some staff employed within social care or Public Health who are on NHS/health terms and conditions.

3. Senior Officers

- 3.1. Senior Officers are defined as those on grades D6 D3 and grades L2-L4 L9-L5 for non Head of Service posts.
- 3.2. Senior officers are employed under Joint Negotiating Committee for Chief Officer (JNC) terms and conditions.
- 3.3. Senior Officers are remunerated on a local pay scale which was agreed with Trade Unions at the implementation of Single Status.

- 3.4. The Hay job evaluation scheme is used to determine an employee's position on the local pay scale (and therefore their pay level).
- 3.5. Senior Officers are eligible for annual incremental increases up the local pay scale until they reach the top of their grade. The County Council operates a tiered pay scale for Senior Officers. Each tier has a spot salary and there is no incremental progression or salary increase, other than any annual pay awards which are determined by national JNC agreement.
- 3.6. Senior Officers appointment, remuneration and terms in the event of the cessation of employment are in line with paragraph 4 of the Chief Officer Employment Procedure Rules, Council employment policy and statutory regulations and guidance.

4. Chief Officers and Heads of Service

- 4.1. Chief Officers and Heads of Service are defined as follows:
 - 4.1.1. **Chief Officers** Chief Executive, Strategic Director, County Treasurer (Chief Finance Officer) and County Solicitor (Monitoring Officer) on Devon County Council Grades L0-L2 and the Director of Public Health (see paragraph 7).
 - 4.1.2. **Heads of Service** holders of posts defined locally who comprise the Council's Leadership Team appointed by the Appointments and Remuneration Committee and fall within the category of non-statutory officer in s2(7) of the Localism Act, on Devon County Council Grades L2-L4.
- 4.2. All Chief Officers and Heads of Service are employed under Joint Negotiating Committee for Chief Executive or Chief Officer (JNC) terms and conditions (except for the Director of Public Health see paragraph 7).
- 4.3. The County Council operates a tiered pay scale for Chief Officer and Heads of Service posts (except the Director of Public Health see paragraph 7). Each tier has a fixed, spot salary and there is no incremental progression. The Hay job evaluation scheme is used to determine an employee's position on the scale (and therefore their pay level).
- 4.4. The Appointments and Remuneration Committee will consider and recommend the appointment, remuneration and terms in the event of the cessation of employment of any substantive posts of Chief Officers and Heads of Service, in line with its Terms of Reference, the Pay Policy Statement, Chief Officer Employment Procedure Rules, the Council's employment policy and statutory regulations and guidance.
- 4.5. The Appointments and Remuneration Committee would not normally recommend the re-employment of individuals to Chief Officer positions who have recently left the Council (for any reason) in any capacity (either as an employee, consultant or contractor). If this does occur, it will be subject to the provisions of the Modifications Order.
- 4.6. Salaries are fixed for the duration of this policy and reviewed annually by the Appointments and Remuneration Committee. Any variation from the fixed salary during the period of this policy (either for an existing Chief Officer/Head of Service or for the appointment of a new Chief Officer/Head of Service) requires approval from the County Council, except in the case of any annual pay awards which are determined by national JNC agreement.
- 4.7. The County Solicitor is the County Returning Officer and Returning Officer fees paid are in line with the guidance stipulated from the Ministry of Justice for the relevant elections.
- 4.8. The County Council has adopted the Code of Recommended Practice for Local Authorities on Data Transparency, in respect of its approach to publication of and access to information relating to the remuneration of Chief Officers/Heads of Service. Pay levels for all Chief Officers/Heads of Service posts are published on the County Council's website and/or in the Annual Statement of Accounts.

5. Terms and Conditions for all employees

- 5.1. The County Council does not operate a performance-related pay scheme for any employee, but does have a performance related appraisal scheme.
- 5.2. The County Council does not pay bonuses to any employee.
- 5.3. Travel and subsistence expenses incurred on County Council business are reimbursed to employees. Reimbursement of expenses is governed by the principle that employees should not be financially advantaged or disadvantaged in carrying out their duties and all employees are subject to the same policy. Expenses and any benefits-in-kind for the highest paid employees will be published in the Annual Statement of Accounts.
- 5.4. The County Council does not pay fees on behalf of any employees, though this is subject to change in exceptional circumstances where there is an appropriate business case. Any fees paid to the highest paid employees will be published in the Annual Statement of Accounts.
- 5.5. Allowances are paid in line with NJC terms and conditions (for Officers) or JNC terms and conditions (for Senior Officers and Chief Officers/Heads of Service), or by local agreement where appropriate. Any allowances paid to the highest paid employees will be published in the Annual Statement of Accounts.
- 5.6. All employees are subject to the same terms and conditions in respect of termination of employment. The only exception to this is Chief Officers who are subject to a modified disciplinary procedure which is outlined in paragraph 9 of the Chief Officer Employment Procedure Rules.
- 5.7. All non-teaching employees are eligible to join the Local Government Pension Scheme (LGPS). The County Council does not augment pensionable service. The Council's employer severance and pension discretions, allowed under the LGPS regulations, apply to all employees.
- 5.8. During the year the Council will explore changes to employee terms and conditions, including current policy on discretionary redundancy compensation arrangements, to ensure that they are fit for purpose for a changing council, with a view to changing terms with effect from 1 April 2015.

6. Relationship between Chief Officers and employees who are not Chief Officers

- 6.1. Senior Officers and Chief Officers/Heads of Service receive no special enhancements to benefits or terms and conditions.
- 6.2. The Hutton Review recommends a maximum ratio of the highest remunerated post compared with the lowest remunerated post of 20:1. The County Council has adopted this recommendation. It is the Council's policy that this ratio will not exceed 20:1 and it will be reviewed annually by the Appointments and Remuneration Committee.
- 6.3. The current ratio of the highest paid post to the lowest paid post at the County Council is 11:1², based on the lowest paid post being at spinal column point 6.
- 6.4. The ratio of the median average pay level to the highest paid post at the County Council is 8:13.
- 6.5. The ratio of mean average pay for Chief Officers/Heads of Service to non Chief Officers/Heads of Service is 5:1.

7. Director of Public Health

- 7.1. Devon County Council assumed public health responsibilities (in line with the Health and Social Care Act 2012) from April 2013 and employs a Director of Public Health, who is defined as a Chief Officer, as described at paragraph 4.1.
- 7.2. The Director of Public Health and a number of other Devon Public Health employees transferred from the NHS to Devon County Council in accordance with the principles of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) with effect from 1st April 2013. In practice this means that the existing terms and conditions of employment of transferring employees are protected at the point of transfer and they currently continue to be paid on NHS pay rates and not NJC or JNC terms.

³ 2014 Pay Policy Statement ratio is 9:1

² 2014 Pay Policy Statement ratio is 12:1

APPENDIX C

Chief Officer Employment Procedure Rules

Constitution Part C, Part 1, Section 6

- 1. These Rules shall be regarded as Standing Orders of the Council for the purposes of The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations').
- 2. An Appointments and Remuneration Committee will make recommendations, as appropriate, to the Council with regard to the appointment, remuneration, conditions of service and cessation of employment (including any terms upon cessation) of any substantive posts of Chief Officers and Heads of Service, as defined in the Council's Pay Policy Statement and the Committee's Terms of Reference and any person to be engaged as a consultant or interim. The Committee will comprise of the Leaders of the Party Political Groups and two Cabinet Members nominated by the Leader of the Council (one of whose remits shall, normally, be responsible for the relevant service area within which the Officer would be employed).
- 3. In addition to the requirements of paragraph 2 above, the Council will have due regard to guidance issued by the Faculty of Public Health and Public Health England on the appointment and remuneration of the Director of Public Health.
- 4. The appointment, remuneration, conditions of service and cessation of employment (including any terms upon cessation) of all other officers, including senior officers, as defined in the Council's Pay Policy Statement, shall be the responsibility of the Head of Paid Service or his/her nominee in line with the Pay Policy Statement and shall not be made by members, except in circumstances where terms upon the cessation of employment require Council approval, in line with statute or guidance issued by the Secretary of State, where paragraphs 8.2 and 8.3 will apply.
- 5. The appointment, remuneration, conditions of service and cessation of employment (including any terms upon cessation) of an assistant to a political group shall be made in accordance with the wishes of that political group.
- 6. In all cases, due regard will be given to the Council's employment policies and statutory regulations and guidance.
- 7. The Chief Executive is authorised to make decisions regarding:
 - acting up arrangements for Chief Officer positions (other than that of the Chief Executive) to cover periods of temporary planned or unplanned absence,
 - emergency cover arrangements for the statutory Chief Officer roles (other than the Chief Executive)
 - the placement of interims at Chief Officer/Head of Service level, based on a clear business case and in accordance with the Council's Pay Policy Statement, Chief Officer Employment Procedure Rules, Contract Standing Orders and relevant employment, procurement, legal and financial regulations.

8. Recruitment and appointment

8.1.Declarations

8.1.1. The application of any candidate for appointment shall state whether he or she is the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of a member or another officer of the Council or is the partner of such a person. Partners include husbands, wives and civil partnerships.

8.2. Seeking support for appointment

- 8.2.1. The Council will disqualify any applicant who directly or indirectly seeks the support of any member for an appointment with the Council. The content of this paragraph shall be included in any recruitment information.
- 8.2.2. No member shall lobby on behalf of a candidate for an appointment with the Council.

8.3. Appointment of Chief Officers and Heads of Service

- 8.3.1. The Appointments and Remuneration Committee will:
 - 8.3.1.1. draw up a job description and specification setting out the duties of the post and the experience, knowledge, skills and qualifications to be sought in the person to be appointed
 - 8.3.1.2. determine the remuneration and other terms and conditions for the post, taking into account the Pay Policy Statement, employment policy and statutory regulations and guidance
 - 8.3.1.3. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it and for a copy of the job description and approved terms and conditions of the post to be sent to every applicant
 - 8.3.1.4. undertake a selection process for all qualified applicants
 - 8.3.1.5. make a recommendation to the Council upon an appropriate appointment.
- 8.3.2. The Appointments and Remuneration Committee will normally be advised by the Head of Human Resources provided that in relation to remuneration issues where appropriate it will be advised by the Director of South West Provincial Employers, or other suitably qualified person or organisation.
- 8.3.3. In the event that the Committee is unable to make an appointment, it will be responsible for agreeing what alternative arrangements will be made.

8.4. Determination of the pay, remuneration and terms in the event of the cessation of employment for Chief Officers and Heads of Service

8.4.1. Pay and remuneration

- 8.4.2. The Appointments and Remuneration Committee will:
 - 8.4.2.1. make recommendations to the full Council on pay and remuneration, in line with the Council's Pay Policy Statement;
 - 8.4.2.2. for the Director of Public Health, make recommendations in line with national Director of Public Health pay levels;
 - 8.4.2.3. determine any requirement for a formal review of the relevant pay market:
 - 8.4.2.4. where necessary, commission relevant research and analysis and make recommendations thereon.

8.5. Terms upon the cessation of employment

- 8.5.1. On ceasing employment, the Appointments and Remuneration Committee will determine and make recommendations to the Council whether any payments should be made. Such payments will only be made:
 - 8.5.1.1. In circumstances where compensation is justified (for example on the grounds of redundancy) and
 - 8.5.1.2. In accordance with statutory regulations and guidance and
 - 8.5.1.3. In accordance with the Council's employment policies including the policy statement on employer severance and pension discretions allowed under the Local Government Pension Scheme and/or
 - 8.5.1.4. Where they comply with the specific term(s) of a Settlement Agreement.
- 8.5.2. In making recommendations the Committee shall take account of any data, advice, evidence or views collected from appropriate sources, including the Council's HR function, National and/or Regional Employers' Organisations, independent external pay data and submissions made by the Association of Local Authority Chief Executives on behalf of their members.

9. Employment Procedures for Chief Officers and Heads of Service

9.1. Matters relating to redundancy, permanent ill-health, expiration of fixed term contracts and/or grievances will be dealt with under established local policies and processes.

9.2.Disciplinary Action

- 9.2.1. Any decision to take disciplinary action against or to dismiss any employee of the County Council shall be in line with the Council's Disciplinary Policy. In the case of the Director of Public Health this will be in line with Public Health England national policy.
- 9.2.2. No disciplinary action (including dismissal) shall be taken by the Appointments and Remuneration Committee except for suspension against the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer other than in accordance with a recommendation in a report made by Designated Independent Person acting in accordance with Regulation 7 of the 2001 Regulations. Any such suspension shall be on full pay and terminate no later than the expiry of two months from the day on which the suspension takes effect unless the Designated Independent Person has directed that it may continue beyond that period.
- 9.2.3. Where a Chief Officer is being dismissed, such dismissal must be approved by the Council.

Terms of Reference: Part 3 of Constitution

9.2 Appointments and Remuneration Committee

To make recommendations, as appropriate, to the Council on the discharge of its duties in relation to:

- (a) The appointment, remuneration and conditions of service of the substantive Chief Officer posts of the Head of Paid Service, Strategic Directors, County Treasurer (Chief Finance Officer), County Solicitor (Monitoring Officer), Director of Public Health and Heads of Service in line with the Council's Pay Policy Statement;
- (b) Any reports from the Chief Executive in relation to a change in the manner in which the discharge of the Council's functions is co-ordinated and the number and grades of officers;
- (c) Disciplinary action against or the dismissal of Officers at (a) above in line with the Council's Chief Officer Employment Procedure Rules;
- (d) The remuneration and terms in the event of the cessation of employment of Officers at (a) above;

To review annually (or as otherwise determined), and recommend to the County Council the adoption of the Pay Policy Statement and the remuneration of Chief Officers and Heads of Service, in line with that Statement and Chief Officer Employment Procedure Rules set out at part 6 of this Constitution.