

Phil Norrey Chief Executive

To: The Chairman and Members of

the Appointments and Remuneration Committee

County Hall Topsham Road Exeter Devon EX2 4QD

(See below)

Your ref : Date: 6 January 2017 Email: rob.hooper@devon.gov.uk

Our ref: Please ask for: Rob Hooper 01392 382300

### <u>APPOINTMENTS AND REMUNERATION COMMITTEE</u>

Monday, 16th January, 2017

A meeting of the Appointments and Remuneration Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY Chief Executive

#### AGENDA

#### **PART I - OPEN COMMITTEE**

- 1 Apologies for Absence
- 2 Minutes

Minutes of the meeting held 18 October 2016, previously circulated.

3 <u>Items Requiring Urgent Attention</u>

Items which in the opinion of the Chairman should be considered at the meeting as a matter of urgency.

#### **MATTERS FOR DECISION**

4 Pay Policy Statement 2017/18 (Pages 1 - 10)

Joint Report of the County Solicitor and Head of Organisational Development (CS/17/7) on the proposed Pay Policy Statement for 2017/18 and consequential amendments to the Chief Officer Employment Procedure Rules and Disciplinary Policy, for ratification by the County Council, attached.

5 Senior Management Structure: Update (Minute 9/18 October 2016) (Pages 11 - 14)

Report of the Chief Executive (CX/17/10) providing an update on leadership changes and approved arrangements, attached.

## <u>PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED</u>

None

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

#### Membership

Councillors J Hart (Chairman), J Clatworthy, A Connett, B Parsons and R Westlake

#### **Declaration of Interests**

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

#### **Access to Information**

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Induction loop system available

CS/17/7

Appointments and Remuneration Committee 16<sup>th</sup> January 2017

#### **PAY POLICY STATEMENT 2017/18**

Report of the County Solicitor & Head of Organisational Development

#### **Recommendation:** that the Committee:

- (a) endorse the proposed amendments to the Pay Policy Statement and commend the revised Statement for 2017/18 to the Council
- (b) review the leadership grades following the recent changes in the Corporate Leadership Team arrangements
- (c) endorse the proposed minor amendment to the Appointments and Remuneration Committee Terms of Reference in response to the recent publication of the revised Model Disciplinary Procedure and Guidance in the JNC Chief Executives Handbook, and commend this revision to the Council.

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### 1. Introduction

- 1.1. 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.
- 1.2. 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.
- 1.3. A minor change is also recommended to the Appointments and Remuneration Committee Terms of Reference to reflect the recently published Model Disciplinary Procedure and Guidance in the updated edition of the Joint Negotiating Committee (JNC) Chief Executives Handbook.

#### 2. Proposals

2.1. Pay Policy Statement

| 2.1□.1. | he draft P | ay Policy | y Stateme | nt (App | endix  | (1) contir  | nues t | o refle | ect:   |
|---------|------------|-----------|-----------|---------|--------|-------------|--------|---------|--------|
| 2.1□.1  | □.1. The   | Govern    | ment's pr | oposal  | to im  | plement     | a £95  | ,000    | Public |
|         | Sector     | Exit Pay  | ments Ca  | p. The  | regula | ations will | cover  | all ty  | pes of |
|         | exit na    | vment     | includina | those   | for v  | oluntary    | and    | comn    | ulsorv |

- Sector Exit Payments Cap. The regulations will cover all types of exit payment including those for voluntary and compulsory redundancy and other severance payments as well as employer funded contributions to access a pension early. The implementation date is still to be confirmed but is likely to be early in 2017.
- 2.1□.1□.2. The Authority's revised Redundancy Compensation scheme, which will take effect by 1<sup>st</sup> April 2017 at the latest (with any earlier implementation date to coincide with the introduction of the Exit Payments Cap).
- 2.1□.1□.3. A potential future review of terms and conditions and the Authority's wider reward strategy, particularly bearing in mind the pay and grading implications of the National Living Wage, the current National Joint Council (NJC) Review of the Pay Spine

and other issues such as recruitment and retention and the changing nature of work and roles within the Authority.

- 2.1 □ .2. The Pay Policy Statement also reflects other exit payment-related legislation which the Government is expected to implement during 2017/18, namely:
  - 2.1□.2□.1. the Public Sector Exit Payment Recovery Regulations, which propose the recovery of public sector exit payments where high earners (over £80,000 per annum) return to any part of the public sector within 12 months of receiving such a payment and
  - 2.1 .2 .2. Further Reforms to Public Sector Exit Payments, which propose changes to limit the amount of redundancy compensation payments and limiting the amount of employer funded top-ups for early retirement across the various public sector compensation schemes.

### 2.2. Leadership Grades

2.2□.1. **Appendix 2** sets out the current salary levels and reflects the recent changes in job titles following the review of the Corporate Leadership Team¹. No changes are proposed to the salary levels.

### 2.3. Chief Officer Disciplinary and Dismissal Policy

- 2.3 . . . . The JNC for Local Authority Chief Executives have recently published an updated edition of the Chief Executives Handbook, which includes a revised Model Disciplinary Procedure and Guidance. The Authority has been informed by the Local Government Association (LGA) that the JNC Chief Officers Handbook will also be revised 'in due course' and the LGA have advised that the new Chief Executive procedures 'could also be used as a framework for statutory chief officers'.
- 2.3 ... A review of the Authority's existing <u>Disciplinary and Dismissal Policy</u> for <u>Chief Officers and Heads of Service</u> suggests that the following from the Chief Executives Model Procedure will need to be reflected or referenced in the Authority's policy:

  - 2.3 .2 .2 ... The prohibition of suspensions lasting longer than two months (as specified in the Regulations) have been relaxed in the Chief Executives Handbook so that suspensions may be extended by the Appointments and Remuneration Committee after consulting with the Investigating Officer.
- 2.3□.3. The Authority's Policy will therefore be reviewed and updated and will also incorporate any changes that are required when the JNC Chief Officers Handbook is published.

2

Agreed by the Appointments & Remuneration Committee on 29 90 2016 (CX/16/21)

2.3 □.4. The publication of the Model Procedure also requires a minor change to the Appointments and Remuneration Committee Terms of Reference, to confirm that the Committee has the authority to make decisions regarding disciplinary action short of dismissal (the Committee will continue to make recommendations to Council in circumstances where dismissal is proposed) (*Appendix 3*).

### 3. Financial and Other Implications

- 3.1. The Redundancy Compensation change will take effect no later than 1<sup>st</sup> April 2017 and will mean that the future costs of redundancy compensation payments will be reduced by 25% (not including pension strain costs).
- 3.2. The proposed implementation of the various exit payments legislation and the change to the Authority's wider reward strategy will have a financial impact, but the exact details are not known at this stage.
- 3.3. 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

4.1. 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 18th February 2017 and amendment of the Constitution accordingly in line with statutory requirements.

Jan Shadbolt, County Solicitor & John Smith, Head Organisational Development

[Electoral Divisions: All]

**Local Government Act 1972: List of Background Papers** 

Contact for enquiries: Jacky Wilson, Head of HR

Telephone: 01392 383000 Room 155A

Background Paper Date File Reference

None

Appendix 1

## Pay Policy Statement (April 2017 - March 2018)

#### 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 6 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.
- 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 <a href="Chief Officer Employment Procedure Rules">Chief Officer Employment Procedure Rules</a>, Council employment policy and statutory regulations and guidance.
- 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 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.
- 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. 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.

#### 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, the Chief Officers for Children's Services, for Adult Care & Health, for Communities, Public Health, Environment & Prosperity (Director of Public Health, see paragraph 7) and for Highways, Infrastructure, Development & Waste; County Treasurer (Chief Finance Officer) and County Solicitor (Monitoring Officer) on Devon County Council Grades L0-L3 and the Director of Public Health (see paragraph 7).
  - 4.1.2. **Heads of Service** either holders of posts defined locally who comprise the Council's Leadership Team appointed by the Appointments and Remuneration Committee and the Local Government and Housing Act 1989 or who fall within the category of non-statutory officer (as set out in the Local Government and Housing Act 1989), 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 Chief Officer for Communities, Public Health, Environment and Prosperity (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 Chief Officer for Communities, Public Health, Environment and Prosperity 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 <u>Terms of Reference</u>, the Pay Policy Statement, <u>Chief Officer</u> <u>Employment Procedure Rules</u>, 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 Modification 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.
- 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. The Council will apply the Government's various legislative proposals related to public sector exit payments Public Sector Exit Payment Cap Regulations and Exit Payment Recovery Regulations where applicable, when these arrangements take effect.
- 5.9. During the year the Council will continue to explore and consult upon, with the aim of agreeing, 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.

### 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 10:12, based on the lowest paid post being at spinal column point 6. Implementation of the 2016 National Living Wage rate will reduce the ratio to 11:1. If the national pay award is agreed the ratio will reduce to 10:1.
- 6.4. The ratio of the median average pay level to the highest paid post at the County Council is 9:13 and will not change as a result of the National Living Wage or future pay award.

3 2016/17 Pay Policy Statement ratio was 9:1

<sup>&</sup>lt;sup>2</sup> The 2016/17 reported Pay Policy Statement ratio was 12:1, but reduced to 10:1 following implementation of the National Living Wage and nationally agreed Pay Award in April 2016. Page 6

6.5. The ratio of the mean average pay for Chief Officers/Heads of Service to non Chief Officers/Heads of Service is 5:1<sup>4</sup> and will not change as a result of the National Living Wage or future pay award.

#### 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.

## Appendix 2

## **Leadership Grades**

| L9 | £46,843  | Senior management roles                                                                                                                                                                                                                                                                   |
|----|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| L8 | £52,626  | -                                                                                                                                                                                                                                                                                         |
| L7 | £58,615  |                                                                                                                                                                                                                                                                                           |
| L6 | £64,585  |                                                                                                                                                                                                                                                                                           |
| L5 | £77,265  |                                                                                                                                                                                                                                                                                           |
| L4 | £87,567  | Head of Digital Transformation and Business<br>Support<br>Head of Planning, Transportation and Environment                                                                                                                                                                                |
| L3 | £97,869  | Chief Officer for Highways, Infrastructure, Development and Waste Head of Organisational Development Head of Children's Social Care Head of Education and Learning Head of Adult Commissioning and Health Head of Adult Care Operations and Health Head of Economy, Enterprise and Skills |
| L2 | £106,050 | County Treasurer County Solicitor                                                                                                                                                                                                                                                         |
| L1 | £131,295 | Chief Officer for Adult Social Care and Health Chief Officer for Children's Services                                                                                                                                                                                                      |
| L0 | £149,995 | Chief Executive                                                                                                                                                                                                                                                                           |

In addition to the heads of service and chief officers above, the Council employs the Chief Officer for Communities, Public Health, Environment and Prosperity on NHS pay rates, on a current salary of  $\pounds$  102,465 plus allowances

Appendix 3

### 9.8 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 Head of Paid Service, the Chief Officers for Children's Services, for Adult Care & Health, for Communities, Public Health, Environment & Prosperity and for Highways, Infrastructure Development & Waste, County Treasurer (Chief Finance Officer), County Solicitor (Monitoring Officer) and Heads of Service in line with the Council's Pay Policy Statement;
- 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 in line with the Council's Chief Officer Employment Procedure Rules;
- d) the terms in the event of the cessation of employment of Officers at (a) above;

To discharge the duties of the Council and determine, as appropriate, any disciplinary matters short of dismissal in relation to those Senior Officers at (a) above governed by and in accordance with the Council's Chief Officer Employment Procedure Rules.

To review annually (or as otherwise determined) and recommend to the County Council the adoption of the Pay Policy Statement and Chief Officer Employment Procedure Rules set out at Part 6 of this Constitution.

CX/17/10

Appointments & Remuneration Committee 16 January 2017

# AN UPDATE ON CHANGES TO THE COUNCILS SENIOR MANAGEMENT ARRANGEMENTS

Report of the Chief Executive

Recommendation: that the Committee note the update on the Leadership structure changes.

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#### 1. Introduction

Further to the paper to the Appointments and Remuneration Committee on the 29<sup>th</sup> July the purpose of this report is to update the Appointments & Remuneration Committee.

#### 2. The Principles for Change

The principles for the changes to the structure as set out in the July report are based on the following principles:

- The purpose and accountability of the senior roles should be clear and understandable
- Senior leadership capacity should match the scope of the role
- The structure should support the 'purposeful systems' approach to organisational change and support further development of the one Council approach and the reduction of duplication
- The structure should be flatter, but with no more than eight direct reports to the Chief Executive (currently there are six)
- Structural arrangements should reflect the need to work more flexibly in partnership across organisations
- Change to the new arrangements should involve the least possible disruption to the organisation
- The structure should support the development of, and provide opportunities for, the future leaders of the organisation
- The structure should complement, as far as possible, existing political portfolios
- Changes to the structure should be cost neutral at worst

#### 3. The new leadership structure

The consultation process concluded on the 1<sup>st</sup> September. The revised leadership structure is as follows:

- Chief Officer Adults' Health and Care Jennie Stephens
- Chief Officer Children's Services Jo Olsson (Interim)
- Chief Officer Highways and Capital Development David Whitton

- Chief Officer Community Health, Prosperity and Environment Virginia Pearson
- County Treasurer Mary Davis
- County Solicitor Jan Shadbolt
- Head of Organisation Development John Smith
- Head of Digital Transformation and Business Support Rob Parkhouse

These 8 posts are line managed by the Chief Executive

- Head of Adult Social Care Keri Storey
- Head of Social Care Commissioning Tim Golby
- Head of Planning, Transportation and Environment Dave Black
- Head of Economy, Enterprise and Skills Keri Denton
- Head of Education and Learning Dawn Stabb
- Head of Children's Social Care Vivien Lines (Interim)

These 6 posts are line managed by Chief Officers.

A copy of the structure chart for the Leadership Group is attached.

#### 4. Implementation

The new leadership structure took effect from the 1st November 2016.

On the 18<sup>th</sup> October 2106 a 'designate' appointment was made to the role of Head of Education and Learning by the Appointments Committee. This appointment was ratified by full Council on 8<sup>th</sup> December.

An appointment to the vacant Head of Children's Social Care will be made by the Appointments Committee in March 2017.

#### 5. Cost

The changes to the management portfolio and reporting arrangements did require amendments to job descriptions for the majority of the leadership posts. However, the changes only resulted in an increase in grade for the Head of Economy, Enterprise and Skills. All other posts were unchanged. The impact of this has resulted in the leadership structure changes being broadly costs neutral.

Phil Norrey Chief Executive

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers None

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5

