



Phil Norrey  
Chief Executive

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To: The Chair and Members of the  
Appointments, Remuneration  
and Chief Officer Conduct  
Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

(See below)

Your ref :  
Our ref :

Date : 27 January 2020  
Please ask for : Karen Strahan 01392 382264

Email: [karen.strahan@devon.gov.uk](mailto:karen.strahan@devon.gov.uk)

**APPOINTMENTS, REMUNERATION AND CHIEF OFFICER CONDUCT  
COMMITTEE**

Tuesday, 4th February, 2020

A meeting of the Appointments, Remuneration and Chief Officer Conduct Committee is to be held on the above date at 11.30 am in the Committee Suite - County Hall to consider the following matters.

P NORREY  
Chief Executive

**A G E N D A**

**PART I - OPEN COMMITTEE**

- 1 Apologies for Absence
- 2 Minutes

Minutes of the meeting held on 15 February 2019, previously circulated.

- 3 Items Requiring Urgent Attention

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

## **MATTERS FOR DECISION**

- 4 Pay Policy Statement 2020/2021 (Pages 1 - 8)

Joint Report of the County Solicitor, Chief Officer for Legal, Human Resources and Communications and the Head of Human Resources outlining the proposed and revised pay Policy Statement for 2020/2021, attached.


- 5 Proposal for Appointment of a New Director of Public Health and Temporary Changes to the County Council's Leadership Arrangements (Pages 9 - 12)

Report of the Chief Executive outlining the proposed process for the appointment of a new Director of Public Health and temporary changes to the County Council's Leadership Arrangements, attached.

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

NIL

*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.*

<b>Membership</b>
Councillors J Hart (Chair), A Connett, R Hannaford, J McInnes and R Croad
<b>Declaration of Interests</b>
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.
<b>Access to Information</b>
Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Karen Strahan on 01392 382264.
<b>Internet</b>
Agendas and minutes of this Committee together with any officers' reports considered at the meeting are published online on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.
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The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

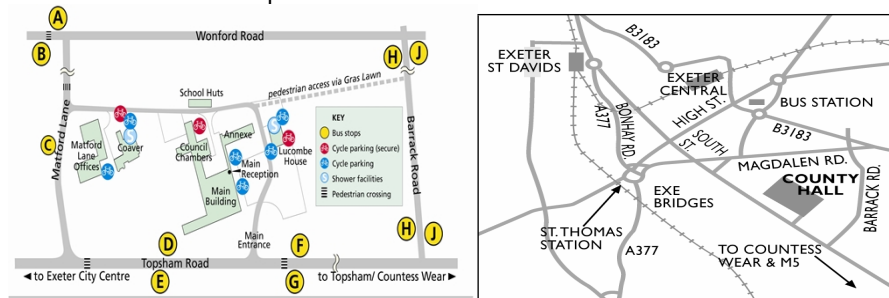
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## **PAY POLICY STATEMENT 2020/21**

Report of the County Solicitor, Chief Officer for Legal, Human Resources and Communications & Head of Human Resources

**Recommendation:** that the Committee:

- (a) Endorse the proposed amendments to the Pay Policy Statement and commend the revised Statement for 2020/21 to the Council
- (b) Note the leadership roles and salary rates, are unchanged, but may be impacted by any national pay award.

### **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, Remuneration and Chief Officer Conduct Committee.

### **2. Proposals**

- 2.1. The draft Pay Policy Statement (**Appendix 1**) continues to reflect the Government's proposal to implement various pieces of legislation to restrict exit payments for public sector workers. The implementation date is still to be confirmed. The proposals include:
  - 2.1□.1□.1. A £95,000 Exit Payments Cap, covering 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;
  - 2.1□.1□.2. 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□.1□.3. The 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. The draft Pay Policy Statement also continues to reflect 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, and other issues

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

- 2.3. As a result of the 2018 and 2019 NJC pay award, the new spinal column points have been assimilated into our existing pay and grading structure with effect from April 2019.
- 2.4. The Trade Unions have submitted a pay claim for 2020/21 to the national employers and further development is awaited.
- 2.5. **Appendix 2** sets out the current senior management roles and salary levels. No changes are proposed to the salary levels.

## 3. Financial and Other Implications

- 3.1. The proposed implementation of the various exit payments legislation, any national pay awards, 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.
- 3.2. 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, Remuneration and Chief Officer Conduct Committee consider the proposals, make recommendations and endorse any proposed variations for submission to the County Council for ratification on 20th February 2020 and amendment of the Constitution accordingly in line with statutory requirements.

**Jan Shadbolt, County Solicitor, Chief Officer for Legal, Human Resources &  
Communications**  
**Jacky Wilson, Head of Human Resources**

[Electoral Divisions: All]

## Local Government Act 1972: List of Background Papers

Contact for enquiries: Jacky Wilson, Head of HR  
Telephone: 01392 383000 Room 155A

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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## Pay Policy Statement (April 2020 - March 2021)

### 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 and Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 regarding gender pay gap reporting.
  - 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 1 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 Chief Officer Employment Procedure Rules, 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 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).

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- 9.5. 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 **and Chief Officer for Legal, Human Resources and Communications**) 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 and Chief Officer Conduct** 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 and Chief Officer Conduct** 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 and Chief Officer Conduct** 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 and Chief Officer Conduct** 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, **Chief Officer for Legal, Human Resources and Communications** **is also** 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. The County Council may pay a market supplement in circumstances where it is not possible to recruit or retain particular staff or categories of staff, subject to the principles set out in the Council's Market Supplement Policy. The market supplement is a temporary addition to the basic pay of the role and is reviewed annually. Market supplements paid to the highest paid employees will be published **in the Annual Statement of Accounts in accordance with any relevant legislation and the Senior Officers salary publication requirements.**
- 5.4. 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](#).
- 5.5. 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](#).
- 5.6. 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](#).
- 5.7. 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.
- 5.8. 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.
- 5.9. The Council will apply the Government's various legislative proposals related to public sector exit payments, when these arrangements take effect.
- 5.10. During the year the Council will continue to explore and consult upon, with the aim of agreeing, changes to employee terms and conditions, 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 and Chief Officer Conduct** Committee.
- 6.3. The current ratio of the highest paid post to the lowest paid post at the County Council is **9.1<sup>1</sup>**, based on the lowest paid post being at spinal column point **61**.
- 6.4. The ratio of the median average pay level to the highest paid post at the County Council is **8:1<sup>2</sup>**

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<sup>1</sup> The 2019/20 reported Pay Policy Statement ratio was 9.1

<sup>2</sup> 2019/20 Pay Policy Statement ratio was 8.1.

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6.5. The ratio of the mean average pay for Chief Officers/Heads of Service to non Chief Officers/Heads of Service is 4.1<sup>3</sup>.

## 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.

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<sup>3</sup> 2019/20 Pay Policy Statement ratio was 4.1.

### Leadership Grades

L9	£49,222	Senior management roles
L8	£55,299	
L7	£61,593	
L6	£67,867	
L5	£81,191	
L3	£102,841	Chief Officer for Highways, Infrastructure, Development and Waste 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 Head of Planning, Transportation and Environment Head of Digital Transformation and Business Support
L2	£111,437	County Treasurer County Solicitor
L1	£137,965	Chief Officer for Adult Social Care and Health Chief Officer for Children's Services
L0	£167,132	Chief Executive
<p>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 £107,143 plus allowances.</p> <p>*plus, market supplement.</p> <p>The rates of pay reflect the 2% pay award for 2019 which was agreed nationally as part of the 2 year 2018/20 JNC Agreement and took effect from 1<sup>st</sup> April 2019. Any national pay award for 2020/21 would impact on the above, but is yet to be agreed.</p>		



## **PROPOSAL FOR THE APPOINTMENT OF A NEW DIRECTOR OF PUBLIC HEALTH AND TEMPORARY CHANGES TO THE COUNTY COUNCIL'S LEADERSHIP ARRANGEMENTS**

Report of the Chief Executive

**Recommendation:** that the Committee:

- (a) endorse the proposals and note the resultant changes for the role of the Director of Public Health;
- (b) endorse the revised appointment process for the Director of Public Health to ensure that the Council complies with the Faculty of Public Health requirements for the appointment of a new Director of Public Health; and
- (c) note the recommendations for the interim leadership arrangements for Communities, Public Health, Environment and Prosperity (COPHEP) pending County Council Elections in May 2021.

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### **1. Introduction**

- 1.1 The current Director of Public Health will retire in September 2020. Currently The Director of Public Health is encompassed within the role of Chief Officer for Communities, Public Health, Environment and Prosperity.
- 1.2 There are statutory requirements to be met when making an appointment for a Director of Public Health. The Health and Social Care Act 2013, Directors of Public Health: role in Local Government – Oct 2013. The appointment is a joint appointment between the Secretary of State and the Local Authority and therefore will require a different appointment process than that of other Chief Officer/Heads of Service appointments within Devon County Council.

### **2. The Proposal**

- 2.1. The proposal is that a permanent appointment is made for the Director of Public Health. This role will have responsible for the portfolio of services managed by the current Director of Public Health, Virginia Pearson.
- 2.2. The Director of Public Health is accountable to the Chief Executive and will continue to be a member of Leadership Group (LG8).
- 2.3 County Council elections will take place in May 2021 and therefore the Chief Executive is proposing that in view of this timetable and the timing of Virginia Pearson's retirement, interim leadership arrangements are put in place for the wider portfolio of services that currently fall under her Chief Officer role.
- 2.4 The Chief Executive will make temporary leadership arrangements for Communities Public Health, Environment and Prosperity following the appointment of a new Director of Public Health to take effect from September 2020.
- 2.4 In respect of the appointment of a Director of Public Health, the Faculty Guidance suggests that the appointment panel is chaired by a lay member such as an elected member. In addition the panel is required to consist of:
  - the Chief executive or their representative
  - Public Health England regional director, or another senior professionally qualified member of PHE acting on their behalf

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- Faculty of Public Health Assessor
- Senior NHS representation

- 2.5 In order to comply with Faculty of Public Health requirements we need to consider which elected member representation we would wish to join the recruitment panel.
- 2.3. The recruitment process will be used to provide assurance of the technical expertise, knowledge and skills required by the Faculty of Public Health and to ensure that the new Director of Public Health demonstrates the leadership behaviours identified as part of the 'Doing What Matters' activity within Devon County Council.
- 2.4. The recruitment process would commence following the necessary approval process including endorsement of that process by Council on 20<sup>th</sup> February.

## **3. Financial and Other Implications**

- 3.1. Strong candidates for Director of Public Health roles are in short supply across the country. Many employers are having to advertise multiple times and the use of market supplements being used by Local Authorities to match NHS salaries is common. Cornwall Council are just advertising for the 3<sup>rd</sup> time with a salary of £115,000 including a market supplement. There are 3 potential employers for Senior Public Health staff, Local Authorities, Public Health England and the CCG's (NHS). Therefore, it is critical that Devon County Council can attract strong candidates and make an appointment.
- 3.2. In order to do this a competitive reward package needs to be on offer, which will match one that the strongest candidates in this field will be currently getting with other employers. For this reason, it is important that the Council offers a salary in line with an NHS salary for the role plus similar terms and conditions, including Pension provision.
- 3.3. The salary range for the Director of Public Health will be £89,537 to £103,860 by incremental progression plus a recommended supplement of £10,000 to recognise the size of Devon's population. This gives a salary of £99,537 - £113,860. If the successful candidate is currently on NHS terms and conditions these will be matched where appropriate and as the Council has an NHS Pensions Direction Order, they will be able to maintain their NHS pension membership.
- 3.4. These proposals will not result in additional costs for the Director of Public Health. Changes have been made in the last few years to the reward package for Directors of Public Health which has resulted in a reduction in allowances payable to new appointments.

## **4. Conclusion**

- 4.1 It is recommended that the Appointments, Remuneration and Chief Officer Committee note the rationale for the changes to the recruitment process for a Director of Public Health and agree the proposal in respect of the terms of the appointment.

**Phil Norrey, Chief Executive**

[Electoral Divisions: All]

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

Contact for enquiries: Jacky Wilson, Head of HR

Telephone: 01392 383000 Room 155A

| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
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