



## HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

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|---------------|--|
| <b>DATE:</b>  | <b>Wednesday, 5 January 2022</b>   |
| <b>TIME:</b>  | <b>7.30 pm</b>   |
| <b>VENUE:</b> | <b>Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b> |

**MEMBERSHIP:**

|   |                                |
|---|--------------------------------|
| <b>Councillor Chapman (Chairman)</b>        | <b>Councillor Chittock</b>     |
| <b>Councillor Griffiths (Vice-Chairman)</b> | <b>Councillor S Honeywood</b>  |
| <b>Councillor Amos</b>                      | <b>Councillor Morrison</b>     |
| <b>Councillor Baker</b>                     | <b>Councillor M Stephenson</b> |
| <b>Councillor Calver</b>                    |                                |

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DATE OF PUBLICATION: Thursday, 16 December 2021

## AGENDA

### **1 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2 Minutes of the Last Meeting (Pages 1 - 6)**

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Wednesday 20 October 2021.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 Joint Report of the Deputy Chief Executive and the Assistant Director (Partnerships) - A.1 - Change to the Terms and Conditions of the Post of Chief Executive (Pages 7 - 10)**

To enable the Human Resources and Council Tax Committee to recommend a change in the Terms and Conditions of the current Chief Executive post holder by reducing the hours of employment from 37 to 27.75 hours per week (a reduction of 25%). Approval for this change has to be formally agreed by Full Council.

### **6 Report of Assistant Director (Partnerships) - A.2 - Pay Policy Statement 2022/23 (Pages 11 - 24)**

To present the Pay Policy Statement for 2022/23.

### **7 Exclusion of Press and Public**

The Committee is asked to consider passing the following resolution:-

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 8 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.”

### **8 Exempt Minute of the Meeting of the Human Resources & Council Tax Committee held on Wednesday 20 October 2021 (Pages 25 - 26)**

The Committee is asked to approve, as a correct record, the exempt minute of the meeting of the Human Resources & Council Tax Committee held on Wednesday 20 October 2021.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Human Resources and Council Tax Committee is to be held in the Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Thursday, 24 February 2022.*

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

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Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX  
COMMITTEE,  
HELD ON WEDNESDAY, 20TH OCTOBER, 2021 AT 7.30 PM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

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|-----------------------|--|
| <b>Present:</b>       | Councillors Chapman (Chairman), Griffiths (Vice-Chairman), Amos, Calver, Morrison and M Stephenson   |
| <b>In Attendance:</b> | Anastasia Simpson (Assistant Director (Partnerships)), Tim Clarke (Assistant Director (Housing and Environment)), Ian Taylor (Head of Public Realm), Carol Magnus (Organisational Development Manager), Katie Wilkins (Human Resources and Business Manager), Gemma Mills (HR Advisor), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant) |

**64. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillors Baker, Chittock and S Honeywood, with no substitutions.

**65. MINUTES OF THE LAST MEETING**

It was moved by Councillor M Stephenson, seconded by Councillor Griffiths and **RESOLVED** that the minutes of the last meeting of the Committee, held on Wednesday 7 July 2021 be approved as a correct record.

**66. DECLARATIONS OF INTEREST**

Councillor Griffiths declared for the public record that he was a member of the GMB union but had no involvement with Tendring District Council in that capacity.

**67. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No Questions on Notice had been submitted on this occasion.

**68. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - REMOTE WORKING POLICY REVIEW**

It was reported to the Committee that the purpose of the review of the Council's Remote Working Policy was principally to reflect changes to working practice within the Council following the adoption of a hybrid way of working as part of the organisation's Transformation Programme.

The ongoing Transformation Programme had a focus not only on making physical changes to the buildings and offices of the Council. It also had a focus on modernising and enhancing the ways in which staff worked. This updated Remote Working Policy reflected the changes that had been made (in part accelerated as a result of Covid-19) and formalised the practical change in practice that had taken place since the policy was first adopted.

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Members heard that the revised Remote Working Policy (and accompanying guidance, namely the Modern Working: Your Guide) followed current best practice, CIPD guidance and current legislation and provided both employees and managers with a robust position on working remotely under a hybrid working framework.

The Policy set out:-

- *“What is remote working;*
- *The benefits and costs of remote working;*
- *Considerations for remote working;*
- *Guidance on remote working;*
- *Implications on contracts of employment;*
- *Health and safety, ICT, other equipment and insurance considerations;*
- *Confidentiality and security data responsibilities”.*

It was felt that the implementation of the revised Remote Working Policy would allow the Council to more effectively and consistently support hybrid and remote working practices, with a view to minimising the effect on service delivery and the impact of associated costs to the staffing establishment.

After a short discussion it was moved by Councillor Amos, seconded by Councillor Griffiths and:-

**RESOLVED** that -

- a) the Committee notes the ongoing progress of the Transformation programme in enabling greater flexible working;
- b) the Committee further notes and endorses the contents of the revised Remote Working Policy;
- c) the Assistant Director (Partnerships) be authorised to update the Policy with any future legislative or best practice changes; and
- d) the Remote Working Policy comes back before the Committee in a year’s time for a further review.

**69. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.2 - ADOPTION OF A FLEET MANAGEMENT AND DRIVING FOR WORK POLICY**

The Committee had before it the draft policy that had been amended to incorporate the comments and suggestions made at the last Human Resources and Council Tax Committee meeting held on 7 July 2021 (minute 59 referred).

The Committee recalled that this Policy detailed how managers should manage occupational driving risks and set out employee’s and other’s responsibilities whilst driving for Tendring District Council.

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It also supported the recommendations of the Council's Internal Audit report into fleet management. The key recommendations of which were:

- *To ensure fleet operations and drivers are compliant with both legal and corporate requirements.*
- *To highlight areas of interest such as potential disciplinary action in certain circumstances.*
- *To coordinate vehicle roadworthiness by means of MOT checks, servicing and regular safety checks for vehicles and equipment.*
- *To provide information to all drivers on Council business of actions and responsibilities and risk management in relation to vehicles and equipment.*
- *To ensure the Council's Transport / Fleet Manager has responsibility for all the Council fleet.*
- *To introduce a central database for vehicle monitoring and documentation checks for drivers.*
- *To promote consistent use of tracking systems in all Council fleet vehicles.*
- *To review allocation of and use of fuel cards.*

After a brief discussion it was moved by Councillor M Stephenson, seconded by Councillor Griffiths and:-

**RESOLVED** that:

- a) the Committee notes the contents of this report and formally adopts the Fleet Management & Driving for Work Policy; and
- b) the Assistant Director (Partnerships) be authorised to update the Policy with any future legislative or best practice changes, in consultation with the Council's Fleet Manager (and others as outlined within the policy).

**70. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.3 - GRIEVANCE POLICY AND PROCEDURES REVIEW**

It was reported to the Committee that the purpose of the review of the Council's Conflict Resolution Policy and Procedures was principally to reflect changes of procedure in accordance with ACAS requirements and employment legislation (including recent case law).

Members were informed that the ACAS statutory Code of Practice on disciplinary and grievance procedures provided basic practical guidance to employers, employees and their representatives and set out principles for handling grievance situations in the workplace. The main principles were:-

- *"Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions;*
- *Employers and employees should act consistently;*
- *Employers should carry out any necessary investigations, to establish the facts of the case;*

- 
- *Employers should give employees the opportunity to put their case before any decisions are made;*
  - *Employers should allow employees to be accompanied at any formal grievance meeting;*
  - *Employers should allow an employee to appeal against any formal decision made”.*

Members were made aware how the revised Grievance Policy and Procedure (and accompanying guidance) followed the ACAS Code of Practice and provided both employees and managers with a robust framework for dealing with an employee’s problem or concern at work.

The Policy and Procedure set out:-

- The Purpose and Scope of the policy and procedure;
- Responsibilities of both managers and employees;
- How to raise a grievance - the informal stage;
- The formal stage of the Procedure;
- Appeal stage of the Procedure;
- Role of mediation.

It was reported to the Committee that the implementation of the revised Grievance Policy and Procedures (and supporting guidance) would allow the Council to more effectively and consistently resolve employee’s problems and concerns at work, with a view to minimising the effect on service delivery and the impact of associated costs to the staffing establishment.

The Committee was advised that Unison had been consulted on the revised Grievance Policy and Procedures (and supporting guidance) and had offered its agreement and support for the implementation of those proposals.

After a detailed discussion it was moved by Councillor Amos, seconded by Councillor M Stephenson and:-

**RESOLVED** that the contents of the revised Grievance Policy and Procedure (and supporting guidance) be approved and implemented.

**71. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.4 - WORKFORCE STATISTICS UPDATE**

Members had before them the analysis of workforce data that provided them with statistics relating to the staff employed within the Council and how that compared to the Tendring district and national averages. This was a standard report that was provided to the Human Resources and Council Tax Committee as part of each meeting.

The Committee was informed that at the time of writing the report, Tendring District Council had 495 full time equivalent (FTE) employees. The FTE figure equated to 762



employees in total (including casual workers and learners) and consisted of 376 full time, and 386 part time staff.

As previously reported, amongst the fully contracted staff there were currently 20 employees who were undertaking external apprenticeships, seven of whom were studying for a degree (Level 6) in a number of subjects, including but not limited to: Chartered Surveyor, Chartered Management, Chartered Legal Executive and Digital & Technology Solutions, with one employee studying for a post graduate qualification (Level 7) in Accountancy. Other professional apprenticeships included Human Resources, Audit, Town Planning (*Technical Support*) and Operational Management.

Five of the Career Track Apprentices currently working within the organisation had also progressed from a level 2 qualification and were currently working towards a level 3 apprenticeship.

The Committee **NOTED** the contents of the report.

**72. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.5 - EMPLOYEE WELL-BEING POLICY REVIEW**

The Committee heard how the purpose of the review of the Council's Employee Well-being Policy was to bring together the two previous well-being policies: Mental Health Policy and Health & Well-being Policy to form a more collaborative and holistic Employee Well-being Policy, in line with identified best practice.

Members were aware that Health and Safety legislation required employers to manage risks to the health and safety of employees. In addition to reducing safety risks, that meant operating the business in a way that minimised harm to employees' physical and mental health, for example, by ensuring that the demands of jobs were not unacceptable and having policies and procedures in place to support individuals experiencing mental ill health at work.

It was reported to Members that the revised policy covered the Council's commitment to employee health, the responsibilities of managers and others for maintaining psychological health, health promotion initiatives, communicating and training on health issues, the range of support available for the maintenance of health, and organisational commitment to handling individual issues.

It was felt important that the Council recognised that well-being and performance were linked. Improving employees' ability to cope with the demands of work and to balance work and home life would ultimately lead to improved individual and organisational performance.

The Committee was informed that Unison had been consulted on the revised Employee Well-being Policy and had offered its agreement and support for the implementation of those proposals.

The Committee **NOTED** the contents of the report and endorsed the implementation of the new Employee Well-being Policy.

**73. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor M Stephenson, seconded by Councillor Griffiths and:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 11 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

**74. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - B.1 - MARKET FORCES REPORT FOR ENVIRONMENTAL SERVICES**

It was **RESOLVED**:-

That a Market Forces Supplement, equivalent to two spinal column points, be applied for all "Environmental Health Registration Board" registered, degree qualified Environmental Health Officers, working in Environmental Health Officer or Environmental Health Team Leader roles, for a period of two years from the point of agreement, at which point a review will be undertaken in line with the Council's Discretionary Market Forces Policy.

The meeting was declared closed at 8.38 pm

**Chairman**

## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

5 JANUARY 2022

### JOINT REPORT OF THE DEPUTY CHIEF EXECUTIVE AND THE ASSISTANT DIRECTOR (PARTNERSHIPS)

#### **A.1 CHANGE TO THE TERMS AND CONDITIONS OF THE POST OF CHIEF EXECUTIVE**

(Prepared by Carol Magnus, Anastasia Simpson and Lisa Hastings)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To enable the Human Resources and Council Tax Committee to recommend a change in the Terms and Conditions of the current Chief Executive post holder by reducing the hours of employment from 37 to 27.75 hours per week (a reduction of 25%). Approval for this change has to be formally agreed by Full Council.

##### **EXECUTIVE SUMMARY**

The terms and conditions of employment for Chief Executives in local authorities are agreed nationally as part of the Joint Negotiating Committee for Local Authority Chief Executives. The terms of the current post of the Chief Executive at Tendring District Council have been in place since the appointment of the current post holder in 1<sup>st</sup> Dec 2010. In the intervening years the practices of the Council, in line with legislative changes and best practice, have developed to enable more flexible ways of working; this includes enabling staff to request reductions in hours and varied work patterns. The terms and conditions of employment for the post of Chief Executive are agreed by Council following the advice and recommendations of the Human Resources and Council Tax Committee. This report details a request to change one element of those terms; namely a reduction in the hours of employment by 25%. It should be noted that this change is being proposed, at the request of the current post holder.

**RECOMMENDATION(S)**

It is recommended that the Human Resources and Council Tax Committee:-

- (a) notes the request of the current Chief Executive to reduce hours of employment from 37 to 27.75;
- (b) supports the request, acknowledging the reduction of the Chief Executive's availability and that additional cover will not be provided for the reduction in working hours; and
- (c) **RECOMMENDS TO FULL COUNCIL** that:
  - (i) the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31<sup>st</sup> March 2022;
  - (ii) this change be reviewed after an initial period of six months operation and then at twelve month intervals following that; and
  - (iii) the post will remain at 37 hours on the Council's establishment.

**PART 2 – IMPLICATIONS OF THE DECISION****DELIVERING PRIORITIES**

In line with legislative changes and best practice the Council has developed to enable more flexible ways of working; this includes enabling staff to request reductions in hours and varied work patterns. This request has been submitted in accordance with Council HR policies.

**FINANCE, OTHER RESOURCES AND RISK**

The proposed reduction in hours will result in a salary saving of £43,899.70 pa for the Council.

**LEGAL & CONSTITUTIONAL POWERS**

No significant legal implications have been identified. Any changes to working hours will be implemented in accordance with best practice and current employment law and the request has been made in accordance with the Council's HR Policies.

The terms and conditions of employment for the Chief Executive are approved by full Council upon the recommendations of the Human Resources and Council Tax Committee (Part 3.10).

The Report is to be considered in Part A and therefore, contains no personal information.

**OTHER IMPLICATIONS**

This change does reduce the availability and workload of the Chief Executive by 9.25 hours per week. Although the Chief Executive plans to work the reduced hours ensuring availability every day of the week (Monday – Friday).

## PART 3 – SUPPORTING INFORMATION

### Reduction in hours

As previously stated, the terms and conditions of employment for the post of Chief Executive has been in place since 2010. The proposed reduction in hours falls within the organisation's practice and procedures for its employees. The special nature of the post of Chief Executive means that the terms and conditions are set by the Joint National Committee for Local Authority Chief Executives and locally agreed by Council, following the advice and recommendations of the Human Resources and Council Tax Committee.

The proposed reduction in hours is being made at the request of the Chief Executive under the flexible working policy; it also meets the requirements of the flexible retirement policy, if the Chief Executive chooses to exercise rights in accordance with this policy. This is however a personal choice, which falls outside of the remit of this report.

It is not intended that this request will require cover by the Council's senior management team or other resources, and by accepting the proposed change in hours, the Council will be agreeing to a Chief Executive on reduced hours. However, the post holder remains fully committed to Tendring District Council.

The reduction of hours will be spread across the full working week ensuring that the Chief Executive continues to be available to the organisation from Monday to Friday. Details of specific practical and operational arrangements will be agreed with the Leader prior to implementation.

Committee is asked to note that the Leader of the Council, Councillor Neil Stock OBE, has been consulted regarding this proposed change and advises that he fully supports the proposal. The Leader has asked for the following to be included within this report:-

*“When Ian Davidson was appointed as Tendring’s Chief Executive over a decade ago the Council was in a very sorry state; the Audit Commission had published a damning report that highlighted “issues of probity and perceptions of corruption” within the planning function; decision making was overly bureaucratic and intensely risk-averse, relations between members were overly antagonistic while dealings between members and officers were based on suspicion and mistrust. Fundamentally, the reputation of the Authority across the wider local government world was exceedingly poor.*

*Ian changed all that. Through his positivity, can-do spirit and tireless determination and enthusiasm Tendring District Council is now widely regarded as one of the best-run and the most ambitious local authorities in the country. We have all played our part in that incredible progress; all the members and officers who have been involved with the Council over the past ten years have done their bit to make it the outstanding local authority that we know today, but it is Ian who has led from the front, who has always demanded the best and who has been the inspiration for all our successes.*

*So, whilst an employer of the size and scale as Tendring District Council has a duty to consider any reasonable request that a member of staff may make to vary the terms and conditions of their employment, I am especially happy to support this request from our Chief Executive, as quite frankly I think it is the least we owe him. I would also like to*

*acknowledge that as part of this request he has stated his continued commitment to the Council, and I would like simply to say thank you.”*

**CONCLUSION**

The Human Resources and Council Tax Committee is asked to support the recommendations as previously stated. A report will then be submitted to Full Council to formally agree to the change in Terms and Conditions, at its meeting in January, should the Committee agree with the proposals contained herein.

**APPENDICES**

None.

## HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

5 JANUARY 2022

### REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

#### **A.2 PAY POLICY STATEMENT 2022/23**

*(Report prepared by Katie Wilkins)*

#### **PART 1 – KEY INFORMATION**

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| <b>PURPOSE OF THE REPORT</b>  |
| To present the Pay Policy Statement for 2022/23.  |
| <b>EXECUTIVE SUMMARY</b>  |
| <p>The Localism Act 2011 Section 38 (1) requires the District Council to prepare a pay policy statement each year. The pay policy statement must articulate the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.</p> <p>The matters that must be included in the statutory Pay Policy Statement are as follows:</p> <ul style="list-style-type: none"><li>• A local authority's policy on the level and elements of remuneration for each Chief Officer.</li><li>• A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).</li><li>• A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.</li><li>• A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.</li></ul> <p>This statement will be published on the Council's website following each review and approval by Full Council.</p> <p>The Pay Policy Statement 2022/23 has been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework is based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework aims to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.</p> |
| <b>RECOMMENDATION(S)</b>  |
| That the Committee <b>RECOMMENDS TO FULL COUNCIL</b> that the Pay Policy Statement 2022/23, as set out in the Appendix to this report, be adopted.  |

#### **PART 2 – IMPLICATIONS OF THE DECISION**

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| <b>DELIVERING PRIORITIES</b>   |
| The Council's annual consideration and formal approval of a Pay Policy Statement is part of the Council's governance arrangements and provides transparency for the residents of Tendring. |

### **FINANCE, OTHER RESOURCES AND RISK**

The Council has a statutory and contractual obligation to adopt the NJC pay spine.

The last agreed inflationary pay award of 2.75% (*paid across the pay spine*) was awarded for 2020/21.

Agreement is yet to be reached between National Employers and National Unions, regarding the Pay Award for 2021/22. On 19 October 2021, the National Employers agreed by a majority to reaffirm their offer made to National Unions on 27 July 2021 as full and final.

### **LEGAL**

The Council has an obligation to implement the NJC pay spine alongside the approval and publication of an annual Pay Policy Statement in accordance with the provisions of the Localism Act 2011 (Section 38).

### **OTHER IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

**Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation / Public Engagement.**

National Single Status and the NJC Job Evaluation Scheme have been adopted by the Council with locally agreed conventions. At the time of adoption these conventions were negotiated and agreed with local union officials, with agreement of pay subject to Equal Pay legislation.

## **PART 3 – SUPPORTING INFORMATION**

### **PAY POLICY STATEMENT 2022/23 - BACKGROUND**

The Conditions of Employment with Tendring District Council in the main conform to those established for local government generally by the NJC, commonly known as the 'Green Book'. Agreements reached by the NJC are 'collective agreements' and if they are incorporated into employees' contracts of employment, then the changes take effect automatically.

The Pay Policy for 2022/23 provides updated information on the Council's pay spine and remuneration arrangements. There is limited change reported in the 2022/23 Statement as at the time of writing, the position regarding the pay award 2021/22 remains outstanding between National Employers and National Unions.

The Pay Policy 2022/23 also includes Gender Pay Gap Reporting figures, in line with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

A summary of the Council's Gender Pay Gap figures is as follows:

#### **Mean difference across Gender**

The difference between the male and female mean hourly rate is £1.02. The male mean hourly rate is 7.7% higher than the female mean hourly rate.

#### **Median difference across Gender**

The difference between the male and female median hourly rate is £0.40. The female median hourly rate is 3.5% higher than the male median hourly rate.



Additional narrative regarding the authority's reported Gender Pay Gap can be found in the Pay Policy Statement.

UNISON have been consulted on these proposals and have confirmed agreement as follows:-

*"In my capacity as Unison Chairman, I have reviewed the Pay Policy 2022/23 and am happy for it to be adopted".*

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| <b>BACKGROUND PAPERS FOR THE DECISION</b> |
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| None |
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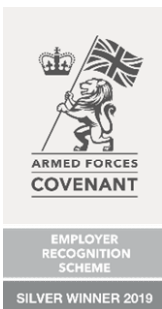
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| <b>APPENDICES</b> |
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| APPENDIX - PAY POLICY STATEMENT 2022/23 |
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# Tendring District Council Pay and Reward Policy

2022/23



## Introduction

Section 38(1) of the Localism Act 2011 requires local authorities to produce an annual pay policy statement. The provisions within the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however it emphasises the need to deliver value for money for local taxpayers.

This statement is approved by Full Council and published on the Council's website at the earliest opportunity.

Tendring District Council recognises in the context of managing public resources, remuneration at all levels needs to be of an adequate level in order to secure and retain high quality employees dedicated to the service of the public, whilst ensuring value for money to the public purse. The Council's vision includes the provision to adopt a reward strategy that is modern, sustainable, fair and transparent and rewards its workforce appropriately for their contribution to the Council.

The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015, published by the Department for Communities and Local Government in February 2015, and the Local Transparency Guidance issued on 30 November 2015 by the Local Government Association.

Part of the Code includes publishing information relating to senior officers remuneration within a local authority. A full list of senior remuneration and monthly salaries information across all pay bands is available and published on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk).

The Council's Statement of Accounts includes details of all Chief Officers pay.

The HR Committee has responsibility for the terms and conditions of service for all staff and ensures that remuneration is set within the wider pay context giving due consideration to the relationship between the highest and lowest paid in the organisation.

The matters that must be included in the statutory Pay Policy Statement are as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer (for Tendring District Council this comprises the Chief Executive, and Management Team for the authority, which includes the Monitoring Officer and the Section 151 Officer).
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

## **Purpose of the Statement**

The Pay Policy Statement 2022/23 has been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. The framework aims to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

Tendring District Council requires high calibre leaders within the organisation to deliver high quality public services, especially in difficult fiscal conditions. Taxpayers should be assured of value for money, with public resources not used inefficiently on excessive senior salaries. The primary aim of the Pay Policy is to set a framework to attract, retain and motivate staff to ensure the organisation can perform at its best. Research shows that individuals are attracted, retained and engaged by a range of both financial and non-financial rewards, so a coherent link between reward and the overall approach to people management leads to the best possible outcome.

## **Managing Remuneration**

Tendring District Council has a fair, equitable and transparent approach to remuneration following equal pay legislation. This includes incremental progression based on length of service and more proactively on:

- Achieving annual performance levels;
- Development progression against defined frameworks (Career Progression for many posts).

## **Determination of Grade and Salary for Chief Officers and lowest paid Employees**

The Council's pay policy is influenced by a number of factors which include market information, market forces and budgetary position. Pay ranges are revisited from time to time to ensure they remain appropriate when benchmarked against external independent appropriate compensation surveys, applicable to each role.

The Council has adopted the National Pay Grades, as set out by the National Joint Council (NJC), and is subject to the national negotiations regarding pay and conditions of service (*commonly known as the 'Green Book'*). Within the current pay structure there are 21 Pay Bands and 81 Incremental Pay Points.

Apprentices are not included as they have a contract for learning and training with the Council, rather than an employment contract and are paid according to the Government approved apprenticeship pay rates.

The values of the SCPs are updated by the national pay awards and the Council is notified of any changes by the National Joint Council for Local Government.

Employees who are new to the Council and Local Government are usually appointed at the first point of the salary banding, save for exceptional circumstances.

National Single Status and the NJC Job Evaluation Scheme have been adopted by the Council with locally agreed conventions, which at the time of adoption were

negotiated and agreed with local union officials. Training has been provided by the Regional Employers (EELGA) to ensure that there are a sufficient number of managers and union officials within the organisation who have the skills to implement and apply job evaluation within the Council. This Job Evaluation Scheme is recognised by employers and trade unions nationally and the scheme allows for robust measurement against set criteria resulting in fair and objective evaluations.

Chief Officers are not subject to the NJC Job Evaluation Scheme. Chief Officers pay is subject to benchmarking, with pay rates set to attract and retain key employees. The agreement of pay is subject to Equal Pay legislation.

As part of the Senior Management Review undertaken in 2020, it was agreed that Chief Officers would move away from incremental progression to career graded posts, whereby performance is assessed and reviewed annually according to the competency criteria within the job description and career grade. This process includes a panel evaluation process and moderation.

The highest paid employee is the Chief Executive who is on a salary scale of £112,000 to £135,076 per annum.

With effect from 1 April 2020, an allowance for the role of Deputy Chief Executive was introduced. This allowance is payable if/when the Chief Executive requires a Deputy Chief Executive to cover particular roles and functions in their absence. The current rate of this allowance is £3,000 per annum.

The allowances for the Statutory Officer roles (Monitoring Officer and Section 151 Officer) are index linked to the NJC inflationary awards.

Car mileage, motorcycle and bicycle payments for all employees are paid at the Inland Revenue Rate. This is currently £0.45/mile (for the first 10,000 miles, after which a rate of £0.25/mile is applicable) for car mileage, £0.24/mile for motorcycles, and £0.20/mile for bicycles.

Use of the Inland Revenue Rate enables the Council to have a fair and consistent rate of reimbursement for business mileage across the Council.

On official business, and to encourage Officers to car share on business journeys, the Council has also adopted the additional 5p per passenger per mile in accordance with Inland Revenue guidance.

Other allowances payable within the Council include the following:

- Committee Attendance
- Overtime Payments
- Standby Payments
- Disturbance Payments
- First Aider Payments

The Council introduced an updated Allowances Policy in April 2018 to recognise that the Council provides services to residents, sometimes requiring a response outside of standard working hours.

The principles of this policy are as follows:

- To ensure staff are paid in a consistent way throughout the organisation;
- To compensate staff providing a contractual out of hour's standby service to meet the Council's statutory duties;
- To ensure that payment structures are fair and sustainable for the future;
- The Council wants to be a responsible employer to meet the health and safety and well-being needs of staff by encouraging the use of TOIL for recovery from supporting service delivery outside of standard working hours.

Within Tendring District Council there are three distinct categories of service provision:

- 1) Services that have 24 hour, 7 day a week scheduled provision;
- 2) Services that are delivered predominantly during standard office hours, but also provide a standby service outside of these hours. Standby is used to address calls that require attention which cannot wait until standard opening hours;
- 3) Services delivered during standard office hours, occasionally needing to provide an extra response on an ad hoc basis.

In addition, the Council has a statutory requirement to maintain an Emergency Response service for the district. Officers who support this service are called First Call Officers.

Following consultation with UNISON, managers and employees, the following overtime arrangements were introduced from 1 April 2018:

- Staff up to SCP 43 (the top of Grade 11) can claim overtime. Overtime will only be paid if the time off is not an option for operational service delivery. Overtime must be authorised in advance by the relevant Corporate Director;
- Overtime will be paid at plain rate only for Category 2 and 3 services;
- Category 1 services may be paid enhanced rates of overtime for evenings, weekends and bank holidays for those staff having already worked 37 hours any one week.

The Council does not currently operate any bonus schemes.

With effect from 1 April 2020, the Council adjusted subsistence rates to mirror HMRC rates of reimbursement and to ensure alignment with mileage payments. Any payment is made on production of actual receipts and subsistence payments are only allowable when an Officer is working outside of the District.

The current rates of reimbursement are as follows:

Working outside of the District for more than 5 Hours - £5  
Working outside of the District for more than 10 Hours - £10

Working outside of the District for more than 15 Hours, or if the travel is ongoing after 8pm - £25

In a personal capacity as (Deputy/Local/Acting) Returning Officer, the holder of the post of Chief Executive is separately remunerated in respect of his statutory duties at Parliamentary, European Parliamentary, Referendums, County, Police and Crime Commissioner and District and Parish Council Elections. Fees for conducting Parliamentary, European Parliamentary Elections, Police and Crime Commissioner Elections and National Referendum are determined by way of a Statutory Instrument. In respect of acting as Deputy Returning Officer at elections of County Councillors, reference is made to the Scale of Fees and Expenses payable at Elections of County Councillors determined by Essex County Council. The fee for undertaking the role of Returning Officer in respect of District and Parish Council Elections is by reference to the Scale of Fees and Expenses payable to the Returning Officer at elections of District and Parish Councillors.

The fees received by the holder of the post of Chief Executive in the last 12 months to end September 2021 (Q2) in respect of these duties was £11,354.85. These fees were payable in relation to the Police & Crime Commissioner and the Election of County Councillors Elections in 2021.

The Council is an admitted body of the Local Government Pension Scheme and the Pension Scheme for the Council is administered by Essex County Council.

### **Transparency within Tendring District Council**

Existing legislation already requires the Council to publish statements regarding remuneration each year. The Council's Statement of Accounts includes a detailed analysis of the pay, benefits and pension entitlements for all Chief Officers within the Council. The Council will continue to publish this information on an annual basis and it is readily available to view on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk). This information also includes a structure of the Council's Senior Officers.

In 2021/22 the remuneration for the lowest paid member of staff within the Council was £17,842 (*based on £9.25 per hour*) per annum and the most senior officer within the Council was paid £135,945 per annum (*Statement of Accounts 2020/21 subject to Audit*). This is a multiple of 7.62, which is lower than half of the pay multiple detailed as the cap for Local Government pay as detailed in the Hutton Review of Fair Pay in the Public Sector.

The Council aims to keep this multiple under review to ensure that it is kept at an appropriate level. The current median pay for Chief Officers is £64,861 (this is based on full time equivalent annual salary, excluding election fees). The median pay for other staff other than Chief Officers is £24,012 per annum.

The Council publishes a monthly report of salaries paid, by pay band and the number of staff within each pay band on the Tendring District Council website - [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk).



## **Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017**

Since 2018, the Council has been required to publish mandatory gender pay gap reporting in order to meet the requirements of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. The Council has a requirement to publish data including the following:

- The mean gender pay gap;
- The median gender pay gap;
- The mean bonus gender pay gap;
- The median bonus gender pay gap;
- The proportion of males and females receiving a bonus payment;
- The proportion of males and females in each quartile band.

Three of the above requirements will not be applicable, as the Council does not operate bonus schemes for Officers.

The challenge within Tendring District Council and across Great Britain is to eliminate any gender pay gap. If any gaps are determined, as the Council interprets data, an action plan will be prepared.

In preparation for the publication of the data in March 2022, the Council has been undertaking an analysis of gender pay data, which includes an analysis by gender across four pay quartiles. Results show the following:

### **Mean difference across Gender**

The difference between the male and female mean hourly rate is £1.02. The male mean hourly rate is 7.7% higher than the female mean hourly rate.

### **Median difference across Gender**

The difference between the male and female median hourly rate is £0.40. The female median hourly rate is 3.5% higher than the male median hourly rate.

At an organisational level, male employees make up 44% of our workforce, with female employees at 56%.

Reporting quartiles 3 & 4 (which comprises both our non-senior and senior management), are in keeping with the overall male/female ratio for the organisation and whilst reporting quartiles 1 & 2 show some variance, collectively they are in keeping with the overall gender balance within the organisation.

Our data shows there is no material disparity at each pay level within the organisation.

This information is published on the Council's website as well as a designated Government website.

### **Off-Payroll working in the Public Sector (IR35)**

Due to the requirement for particular specialist skills or due to peaks in workloads, the Council occasionally engages the services of agency workers or consultants for short

term assignments. With effect from 1<sup>st</sup> April 2017, HMRC updated the requirements and regulations for off payroll workers within the public sector. From April 2017, individuals working through their own company in the public sector are no longer responsible for determining the application of intermediaries' legislation and paying the relevant tax and NICs. This responsibility was moved to the public sector employer.

The Council has undertaken and reviewed the current status of all workers with individual agencies and HMRC.

### **Severance Payments**

The Council has adopted policies regarding severance payments. Full details can be found in the following;

- Organisational Change and Redundancy Policy;
- Flexible Retirement Policy.

In the case of the Organisational Change and Redundancy Policy the authority looks to ensure that the policy is workable, affordable and reasonable having regard to foreseeable costs.

For severance, all policies and payments are the same for the “lowest paid employee” and the Chief Officers of the Council.

Tendring District Council needs to ensure sufficient flexibility in order to respond to unforeseen circumstances and there maybe occasions when the Council has to take a pragmatic approach to severance. Any enhanced severance agreements will not be entered into without the advice of the External Auditor and will adhere to current legislation.

### **Other Rewards**

The Council has both financial and non-financial rewards for staff; in order to reflect the different expectations and priorities of staff.

These other rewards include the following:

- Access to the Local Government Pension Scheme for all staff;
- Training support;
- Being tax efficient and at nil cost to the Council - Salary Sacrifice Schemes including a Car Purchase Scheme (*ultra low emission cars*) and a Cycle to Work Scheme;
- Health Schemes – the Council has been able to offer a number of Weight Management courses, quit smoking clubs and Health Checks for employees in partnership with ACE and PROVIDE and at nil cost to the Council;
- Occupational Health and a fully funded Employee Assistance Programme;
- Additional career development opportunities – secondments, special projects, flexible working and recognition through awards such as the Celebration of Success and STARS events.

- Free car parking;
- Flexi time scheme;
- Providing discounts at some local shops and cafes for employees;
- Additional days annual leave granted after 5 years of continuous service with Tendring District Council.

There are no rewards that only benefit Chief Officers within the Council.

### **Review of the Pay Policy Statement**

The Localism Act stipulates that the Council's Pay Policy Statement should be kept under regular review on an annual basis. This includes a publication of the salaries of the most senior employees within the organisation compared to the lowest paid employees.

The Policy is approved by the Human Resources Committee and presented to Full Council.

The Human Resources Committee will take responsibility for the role of the Council's Remuneration Panel. In fulfilling this role the Committee will ensure that decisions will be based on the following:

- Supporting the achievement of the Council's aims;
- Taking account of wider public sector pay policy and good practice;
- Are proportionate, fair and equitable and support equal pay principles;
- Taking account of appropriate pay differentials;
- Attracting, retaining and motivating Officers of the right quality and talent;
- Taking account of the resources required in transitioning to any revised arrangements.

### **Other Policies**

The Council has a number of policies that could have a financial benefit and should be read in conjunction with this Pay Policy Statement including the following:

- Allowances Policy;
- Organisational Change and Redundancy Policy;
- Market Forces Policy;
- Flexible Retirement Policy;
- Acting Up Policy;
- Relocation Policy;
- Long Service and Retirement Gifts Policy.

All of the above policies apply equally to all employees of Tendring District Council.

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By virtue of paragraph(s) 2, 3, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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