

AGENDA FOR EMPLOYMENT PANEL



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To: All Members of Employment Panel

Councillors : T Rafiq (Chair), R Bernstein, J Grimshaw,
D Berry, C Cummins, E Moss, T Tariq, M Walsh and
L Dean

Dear Member/Colleague

Employment Panel

You are invited to attend a meeting of the Employment Panel which will be held as follows:-

Date:	Wednesday, 1 March 2023
Place:	Mirosoft Teams
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Employment Panel are asked whether they have an interest in any of the matters on the agenda and, if so, to formally declare that interest.

3 MINUTES OF THE PREVIOUS MEETING *(Pages 3 - 10)*

The minutes of the meeting held on 24 January 2023 are attached for approval and accuracy.

4 COUNCIL ORGANISATIONAL STRUCTURE REVIEW

Lynne Ridsdale, in her new role as Chief Executive will provide Members with a verbal update at the meeting.

5 POLICY PAY STATEMENT 2023-24 *(Pages 11 - 34)*

Prior to submission to Council attached for consideration of the Employment Panel a report from Councillor Rafiq, Cabinet Member for Corporate Affairs and HR.

6 WORKFORCE POLICY REVIEW - PHASE 2 *(Pages 35 - 66)*

Attached:
Reservices policy, secondment policy and voluntary exits policy.

7 URGENT BUSINESS

Minutes of: EMPLOYMENT PANEL

Date of Meeting: 24 January 2023

Present: Councillor T Rafiq (in the Chair)
Councillors R Bernstein, J Grimshaw, D Berry, E Moss,
M Walsh and L Dean

Also in attendance: Sam McVaigh, Director of People and Inclusion, Rachel Sweeting – Workforce Transformation Lead, Caroline Schofield – Strategic Lead HR, Kelly Barnett – Democratic Services

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence: Councillor C Cummins
Councillor M Walsh apologies for lateness due to Council Business

1 APOLOGIES FOR ABSENCE

Apologies for absence are noted above.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

3 MINUTES OF THE PREVIOUS MEETING

It was agreed that the notes of the meeting held on 20 September 2022 be approved as a correct record and signed by the Chair.

4 TERMS OF REFERENCE OF THE EMPLOYMENT PANEL

Sam McVaigh, Director of People and Inclusion presented the terms of reference of the Employment Panel to members and highlighted the changes.

Members raised concerns with the proposed 2-member quorum on an appeals panel. It was suggested that if an appeals panel went ahead with only 2 members, the Chair of the Panel may be left with the responsibility to make the final decision on a dismissal or grievance appeal. Members discussed the quorum and agreed that a full 3-member panel should be constituted for appeal panels.

A member raised concerns regarding committees being politically proportionate and questioned whether political proportionality for the Employment Panel is as described in the Constitution. Members discussed political proportionality and suggested that a consistent approach across all committees should be discussed further. Kelly Barnett advised that the concerns raised will be fed back to the Monitoring Officer and the Head of Democratic Services.

In response to a member's question around political proportionality, Kelly Barnett advised that a 6-member recruitment panel would be constituted with 3 Labour

members, 1 Conservative member, 1 Radcliffe First member, with the addition of the Cabinet Portfolio Holder for the area, if they were not already a member of the Employment Panel.

It was agreed:

1. The terms of reference of the Employment Panel were agreed subject to amending the quorum of an appeal and appointment panel to 3 members.
2. Kelly Barnett to feedback concerns raised regarding committees being politically proportionate to the Monitoring Officer and Head of Democratic Services.

5 NATIONAL JOINT COUNCIL FOR LOCAL GOVERNMENT SERVICES (GREEN BOOK) PAY AWARD - ADDITIONAL DAYS LEAVE AND REMOVAL OF SCP1

Sam McVaigh, Director of People and Inclusion presented the National Joint Council for Local Government Services (Green Book) Pay Award report. The report outlines how some of the national changes have been applied to the Bury Policy Framework.

Sam McVaigh reported that historically pay awards have usually been a percentage uplift. Nationally, it was agreed that the pay award for NJC (Green Book) staff, as a part of the 2022/23 uplift would be a flat rate of £1,925 on each scale point. As part of the national pay agreement for 2022/23 it was agreed that an additional day of annual leave would be awarded to staff from 1st April 2023, and that spinal point 1 would be deleted, again with effect from 1st April 2023. The NJC collective agreement only directly applies to Green Book staff, however the inclusion of a 'not less favourable' clause within some other terms and conditions of employment means that leave allocations for these staff groups have also been reviewed.

A Member raised concerns around having an additional day's annual leave on top of the saving proposals of buying additional leave as it could impact on the delivery of services.

The Employment Panel agreed:

1. The changes to leave entitlements set out within the report and noted the proposed approach to the deletion of SCP 1 with effect from 1 April 2023.

6 AMENDMENTS TO OFFICER EMPLOYMENT PROCEDURE RULES AND DISCIPLINARY PROCEDURE FOR HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER

Sam McVaigh, Director of People and Inclusion presented the proposed amendments to the Officer Employment Procedure Rules and Disciplinary Procedure.

Sam McVaigh reported that the national Chief Executive's handbook (which constitutes an element of the conditions of service for Local Authority Chief Executives) had been updated in relation to the independent investigation process and disciplinary procedures for Chief Executives. The proposed changes make the process more independent, and, in keeping with Bury's current approach, the proposal is that the changes are the same for the Head of Paid Service, the Monitoring Officer

and the Chief Finance Officer. Sam McVaigh advised that the proposed changes to the disciplinary procedure for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer will require an amendment to the Constitution and therefore ultimately be subject to Council approval.

In response to a member's question around when these disciplinary procedures were last used, Caroline Schofield reported that the procedure was used in relation to 2 Statutory Officers some years ago.

Sam McVaigh reported that the report also sets out a new proposed approval mechanism for special severance payments, in accordance with updated statutory guidance. Currently, any payments made around the termination of employment which is in excess of £100K, requires approval by full Council. The new national guidance sets out clearly that the Chief Executive, the Monitoring Officer, the Section 151 Officer and the Leader of the Council are responsible for agreeing payments between the value of £20K and £100K. The guidance is clear that any special severance payments should only be agreed with clear legal advice, where it is a payment that would be in the Local Authority's best interest. Sam McVaigh advised that the proposed changes will amend the Constitution.

Member's raised concerns regarding the scrutiny around special severance payments between the value of £20K- £100K. In response, Sam McVaigh reported that details are published on the government website on a yearly basis. The national guidance around special severance payments sets out who must agree the payments and members were advised that they can consider further people to agree these payments. Sam McVaigh highlighted that these agreements need to be kept as confidential and as non-political as possible and that they are not a common occurrence.

In relation to a member's question around the national guidance, Sam McVaigh advised that by including the special severance payments within the Council Constitution, means that it is a rule that must be followed and minimises risk of the guidance not being followed. Caroline Schofield advised that the guidance is statutory.

Members discussed having additional measures in place to strengthen the overall governance and transparency of special severance payments and agreed that payments from £20k to £100K will require agreement from the Monitoring Officer, the Section 151 Officer, the Chief Executive and the Leader in consultation with the Chair of the Overview and Scrutiny Committee. The Chair of the Overview and Scrutiny Committee will have no power to veto any decisions made.

The Employment Panel agreed:

1. To amend the Officer Employment Procedure Rules to state that any and all payments of £20K and over in value up to £100K requires approval from the Monitoring Officer, Section 151 Officer, Chief Executive and Leader, in Consultation with the Chair of the Overview and Scrutiny Committee.
2. Subject to the above amendment, commend the revised Officer Employment Procedure Rules to Council for approval.

Sam McVaigh, Director of People and Inclusion presented the Chief Officer Job Evaluation Scheme report.

Sam McVaigh reported that Chief Officer jobs are currently evaluated through the Hay Job Evaluation Scheme, all job evaluations must be completed by two trained evaluators and Bury Council only has two trained evaluators. Hay no longer trains external parties to conduct evaluations and the rate for externally evaluating job roles is £2500 per role. Sam McVaigh advised that Bury Council needs to widen its pool of trained evaluators and become more sustainable by making use of the LGA Job Evaluation Scheme. The LGA had completed some work for Bury where approximately 15 jobs were picked at random to check that our pay line and the grading of chief officer posts are translatable with the LGA Evaluation Scheme. The proposed change doesn't affect the pay of any of our Chief Officers. Bury Council are proposing the change in the job evaluation schemes on the basis of consultation with Chief Officers, where feedback may be received. Subject to the consultation, it is proposed that Bury Council will transfer to using the LGA Scheme. The LGA would train 9 members of staff including a trade union representative.

In a response to a member's question around the costs involved, Sam McVaigh advised that there is a one-off cost to the LGA of £10,500 which will include training, consultancy support, mapping work and transition management of the consultation. Sam McVaigh advised that it would not be cost effective to stay with the current scheme due to the volume of job evaluations that are completed each year.

The Employment Panel agreed:

1. That the transition of the Council's job evaluation scheme for Chief Officers should change from the Hay to the LGA Scheme, subject to consultation with affected staff.

8 WORKFORCE POLICY REVIEW: PHASE 1

Sam McVaigh, Director of People and Inclusion presented a report outlining 7 policy areas that have been reviewed and advised that this is the start of a process to review the whole policy framework in Bury. Reviewing the policies gives chance to improve, modernise and reflect best practice. The first phase of policy updates have been completed where the policies are outdated, urgent or posing operational challenges, and where there are current gaps in policy provision. Sam McVaigh explained that at future Employment Panel he will report on further policy updates.

Members highlighted the importance of having policies that are up to date, in response to a question around measuring effectiveness of the updated policies, Sam McVaigh explained that in relation to measuring the effectiveness of the updated policies he would look to see if there were any policies not being followed and investigate the patterns of HR casework. Sam McVaigh highlighted tools that can be used to measure the effectiveness of the policies which included regular manager focus groups, change agents and close dialogues with trade unions. Sam McVaigh explained that he wanted to do some further work around offering staff the opportunity to comment on the HR policy framework and advised that all staff also had the opportunity to comment through the Pulse surveys. Sam McVaigh advised of an intake on the 7-month

management development training programme, one module of the programme will focus on policies.

a RECRUITMENT AND SELECTION

Sam McVaigh reported that it has been a number of years since the Recruitment and Selection Policy was updated. The proposed changes strongly reflect inclusion and recognising best practice.

b DOMESTIC VIOLENCE AND ABUSE

Sam McVaigh reported that Bury Council takes domestic violence and abuse incredibly seriously and advised that it is important that Bury Council, highlighting that the proposed new policy aligns with the latest best practice and own domestic violence advice that is given to residents of Bury.

c STAFF TRAVEL

Sam McVaigh reported that the current policy is incentivising staff to drive. If a member of staff is classed as a priority user, they will drive over 2000 miles per year and receive a lump sum payment. The current policy is not right for a number of reasons including that priority user status is around the requirement to having access to a vehicle to effectively discharge your job and the necessity of having a vehicle in relation to the role that you undertake. The proposal is around moving away from miles travelled to the criticality of having a vehicle to undertake your role. There are no changes proposed around the wider process and levels of payment, modelling has been completed around the proposal to ensure that it does not have any negative consequences.

In response to members' questions around staff travel, Sam McVaigh reported that all employees who use a vehicle for work should have completed driving for work training to comply with health and safety standards. Sam McVaigh explained that there are different tiers of payments for staff travel and explained the difference of an employee having a mileage payment for miles travelled and needing a car to carry out their work and therefore reimbursing staff with small lump sum payment. Sam McVaigh advised that in the future we may look at moving from 3 tiers to 2 tiers of payment. Sam McVaigh reported that there is full detailed guidance around staff travel and that there will be an element of protection for 6 months. Section 6 of local conditions of service is largely focused on car travel, although the Council can pay for travel by bike. Staff are expected to use the cheapest mode of transport depending on their destination.

d BANKING OF LEAVE AND CARRY OVER OF LEAVE POLICY

Sam McVaigh reported that currently banking of leave arrangements means that an employee can put a number of unused days of annual leave into a bank giving the opportunity for employees to take short career breaks. It is proposed that after this leave year the policy will be withdrawn meaning that no more leave can be banked and there will be a 5-year period to take any leave the employees have accrued due to the operational challenge of people trying to take banked leave.

In a response to member's questions around the banking and carry over of leave

policy, Caroline Schofield advised that an employee could bank up to 25 days of annual leave. Sam McVaigh advised that banking of annual leave was suspended during the Covid-19 period.

In a response to a member's question around the data of banking of leave, Sam McVaigh advised that he will provide this information to members and advised that Human Resources will monitor the data over the next 5 years to ensure that banked leave is being taken. Caroline Schofield advised that people who have worked for the Local Authority for some time will likely have some banked leave.

e CARRY OVER OF LEAVE ARRANGEMENTS

Sam McVaigh advised that the proposal is to increase the amount of carry forward leave from 3 to 5 days, which is common practice across other Local Authorities considering the banking of leave scheme being withdrawn.

f PAY PROTECTION

Sam McVaigh reported that in Bury, there has not been a written Pay Protection Policy and have followed a complicated custom and practice. It is proposed that Bury Council introduces a Pay Protection Policy and advised that the protection maximum value is around the number of spinal points.

g REDEPLOYMENT POLICY

Sam McVaigh reported that the revised Redeployment Policy reflects the latest ACAS guidance, including a lesser reliance on grade differential as the sole criterion for reasonability...

Sam McVaigh reported that if members are supportive of the proposals, he will be talking to staff at a briefing during the week to advise of the changes and the policies will be taken to the Joint Consultative Committee for Trade Unions to seek to agree the policies with Trade Union colleagues.

The Employment Panel agreed:

1. The revised Recruitment and Selection Policy.
2. The revised Domestic Violence and Abuse Policy.
3. The proposed changes to the approach to car user status designation and the required small amend to Section 6 of the Local Conditions of Service.
4. The withdrawal of the Banking of Leave and Carry Over of Leave Policy, including removal of the Banked Leave arrangements, giving employees 5 years to take any leave already banked – with effect from 1st April 2023.
5. The proposed revision to the Council's Local Conditions of Service in relation to annual leave, specifically to increase the maximum value of carry forward leave to 5 days, with effect to leave to be carried into the 2024/ 2025 leave year.
6. The proposed amendments to the Council's current Re-deployment Policy.
7. That the new and revised policies will go forward for endorsement via the Trade Union Consultation Meeting and the Council's Corporate Joint Consultative Committee before being published on the Council's internet pages and communicated to staff.

15 URGENT BUSINESS

There was no urgent business.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 7.00 pm and ended at 8.25 pm)

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Classification	Item No.
Open	

Meeting/Dates:	Employment Panel – 1 st March 2023
Title of report:	Pay Policy Statement 2023/24
Report by:	Cabinet Member for Corporate Affairs and HR
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary

Section 38 (1) of the Localism Act 2011 requires English and Welsh local authorities to produce a Pay Policy Statement for each financial year since 2012/13.

The purpose of the Pay Policy Statement is to provide transparency in respect of the Council's approach to setting the pay of its employees (excluding teaching staff working in local authority schools) by identifying; the methods by which salaries of all employees are determined; the detail and level of remuneration of its most senior staff; and the agreed decision making arrangements for ensuring the provisions set out in this statement are applied consistently throughout the Council.

The Localism Act requires that pay policy statements and any amendments to them are considered by a meeting of full Council.

Recommendation(s)

The Employment Panel is asked to:

1. Commend the proposed Pay Policy Statement for 2023/2024 for approval by full Council.
2. Agree the Council's proposed pay structure for 2023/24 as set out within the statement and inclusive of revised non-consolidated pay supplements to retain compliance with the Real Living Wage rate of pay.

Key considerations

1. Background

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh local authorities to produce a Pay Policy Statement for 2012/13 and for each subsequent financial year.
- 1.2 Guidance issued by the former Department for Communities and Local Government states that the purpose of the Pay Policy Statement is to address the Government's issues with "top end pay" and some of the recommendations set out in the "Hutton review of Fair Pay in the Public Sector Report".
- 1.3 The Act requires Councils to prepare Pay Policy Statements which detail their policy on a range of issues relating to the pay of its employees; in particular, its senior staff ("Chief Officers") and its lowest paid employees.
- 1.4 The provisions do not apply to local authority school employees and neither do they change any existing responsibilities or duties under relevant Employment Legislation. However, all employees are included within the pay ratio calculations.
- 1.5 The Pay Policy Statement must be approved by full Council and then be published on the Council's website. This is to ensure transparency, so that local taxpayers can take an informed view of whether local decisions and all aspects of remuneration are fair.
- 1.6 Matters that must be included in the Pay Policy Statement are:
 - The local authority's policy on the level and elements of remuneration for each chief officer;
 - The 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);
 - The local authority's policy on the relationship between the remuneration of its chief officers and other officers;
 - The local authority's policy on other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.
- 1.7 The Act defines remuneration widely, to include not just pay but also charges, fees, allowances, benefits in kind, increases in/enhancements of pension entitlements, and termination payments.
- 1.8 The purpose of the statement is to provide transparency with regard to the Council's approach to setting the remuneration of its employees (excluding teaching staff working in local authority schools) by identifying;

- The methods by which salaries of all employees are determined;
- The detail and level of remuneration of its most senior staff i.e. 'Chief Officers', as defined by the relevant legislation;
- The Committee(s) responsible for ensuring the provisions set out in the Pay Policy Statement are applied consistently throughout the Council and recommending any amendments to the full Council.

2. Pay Structure

- 2.1 As set out within the Pay Policy Statement the Council pays its staff in-line with nationally negotiated pay spines. The majority of staff (those paid up to circa. £58K) are paid in accordance with the National Joint Council (NJC) for Local Government Services pay scale. For these staff, the national pay award due to be applied from 1st April 2023 is not yet agreed. The proposed pay structure for 2023/24 appended (Appendix 1 of the document) will therefore be updated to reflect the pay awards for 2023/24 as and when it is agreed.
- 2.2 The Council has been formally accredited by the Real Living Wage Foundation as a Real Living Wage employer. The Real Living Wage rate as of 1 April 2022 was £9.90 and the Council's pay structure included a number of non-consolidated supplements paid at Spinal Column Points 1 to 5 to both apply the Real Living Wage rate of pay and maintain appropriate differentials to other pay points. Following agreement of the 2022/23 Pay Award, the lowest spinal column point rose to £10.50, above £9.90, and the non-consolidated supplements were removed. The Real Living Wage rose to £10.90 on 22nd September 2022 and the Council has until 14th May 2023 to implement this. To maintain its commitment to the Real Living Wage, non-consolidated supplements will be reintroduced with effect from 1st April 2023 and paid on spinal column points 2-4. Once the 2023/24 Pay Award is agreed and implemented the level of non-consolidated supplements will reduce so that, as a minimum, the overall level of hourly pay is retained.
- 2.3 For more senior staff, those paid in accordance with the Joint Negotiating Committee (JNC) for Chief Officers and Joint Negotiating Committee (JNC) for Chief Executives terms and conditions, the pay award for 2022/23 is reflected in the pay structure appended. The pay award for 2023/24 has not yet been agreed and will be applied as and when national agreement is reached.

3. Chief Officer Remuneration

- 3.1 The Pay Policy Statement sets out the Council's arrangements for the remuneration of Chief Officers, including arrangements for agreeing the establishment of new posts. Appendix 2 of the documents includes the Council's current pay scales for Chief Officers.

4. Pay Multiple

4.1 The current pay levels (as at January 2023) within the Council define the multiple between:

- The median (the halfway point between the lowest and highest earner) full time equivalent (FTE) earnings for the whole of the workforce and the Chief Executive (top of pay spine) as 1:7.14. The difference in pay is lower than last years reported figure of 1:7.73.
- The lowest paid earner full time equivalent (FTE) and the Chief Executive (top of pay spine) as 1:10.46. The difference in pay is lower than last years reported figure of 1:10:50.

4.2 The pay multiple has been calculated in accordance with the LGA Local Transparency Guidance. Data relates to the 1st January 2022 – 31st December 2022.

5. Gender Pay Gap

5.1 The Council is required to take a ‘snapshot of data’ as at the 31 March 2022 and analyse this to calculate our gender pay gap. We are required to publish the data on the Council website (to remain for at least 3 years) and also on a government site, by 31st March 2023 at the latest.

5.2 The Council's Gender Pay Gap for 2021-2022 compared with 2020-2021 is shown below:

Women’s Hourly Rate:

	Mean	Median
2020/21	3.71% Lower	2.02% Lower
2021/22	3.26% Lower	2.41% Lower

5.3 Figures from the Office of National Statistics taken from the annual survey of hours and earnings (ASHE) cites the gender pay gap to be 8.3% nationally and 9.2% in the Northwest. Although we have clearly made progress in having a pay gap 5% lower than the national average and 5.9% lower than the Northwest average, there is still more to be done to reduce the gap further.

Community impact/links with Community Strategy

The provision of a fair and transparent pay structure supports the Council to attract and retain a skilled and competent workforce to deliver on the Authority’s contribution to the LET’S Do It Strategy!

Equality Impact and considerations:

Equality Analysis
<p>Equality analysis has been undertaken and no differential impact on protected groups identified as a result of the proposed Statement.</p> <p>This year has seen a further reduction in the Council’s mean gender pay gap in support of the Council’s commitment to gender and socio-economic inclusion. One of the reasons for this could be the ongoing impact of the Council’s adoption of the Real Living Wage.</p>

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Without an approved Pay Policy Statement the Council can not legitimately progress future employment decisions	Development and approval of this statement

Consultation:

The statement has been shared with the recognised Trade Unions and their comments incorporated within the final proposed document.

Legal Implications:

Under section 38 of the Localism Act 2011, local authorities are required to publish a ‘Pay Policy Statement’ on an annual basis, focused on senior employees. Approval of the Statement must be made by Council, it cannot be delegated. The Act sets out that a Pay Policy Statement must include:

- A local authority’s policy on the level and elements of remuneration for each chief 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 specific aspects of chief officers’ remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.

This must then be published as soon as is reasonably practicable following approval.

The Council must comply with all relevant employment legislation. The Council is also bound by collective agreements and contractual arrangements which cannot be unilaterally altered. Relevant legislation includes the Employment Rights Act 1996, Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended), Agency Workers Regulations 2010, and the Children & Families Act 2014.

The Council has taken steps to ensure there is no discrimination within its pay structures and that all pay differentials can be objectively justified. Where relevant, legislative obligation will supersede the approach and principles outlined in this statement, for example where terms and conditions are preserved as a result of contracts of employment transferring under TUPE.

Financial Implications:

This report outlines the Council's Pay Policy as required by the Localism Act. The report is a statement of fact. All pay costs are provided for and provision included within the Council's approved budget for the forecast pay award.

Report Author and Contact Details:

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Background Papers

Pay Policy Statement 2023-4

Please include a glossary of terms, abbreviations and acronyms used.

Term	Meaning



Pay Policy Statement

Pay Policy Statement 2023 – 2024

The purpose of the statement is to provide transparency in respect of the Council's approach to setting the pay of its employees (excluding teaching staff working in local authority schools) by identifying; the methods by which salaries of all employees are determined; the detail and level of remuneration of its most senior staff and the agreed decision-making arrangements for ensuring the provisions set out in this statement are applied consistently throughout the Council.

1.0 INTRODUCTION AND PURPOSE

- 1.1 In accordance with section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement sets out the Council’s approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011.
- 1.2 The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees (excluding teaching staff working in local authority schools) by identifying:
 - The methods by which salaries of all employees are determined;
 - The detail and level of remuneration of its most senior staff i.e. ‘Chief Officers’, as defined by the relevant legislation;
 - The constitutional arrangements in place for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to the full Council.
- 1.3 This policy statement will be subject to review on an annual basis.
- 1.4 The previous Pay Policy Statement (2022-23) was agreed at full Council on the 16th March 2022.

2.0 CONTEXT: LEGISLATION RELEVANT TO PAY AND REMUNERATION

- 2.1 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes legislation such as the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, and, where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.
- 2.2 In May 2022 the government published new Statutory Guidance on the Making and Disclosure of Special Severance Payments by Local Authorities in England. This year’s Pay Policy Statement has been updated to reflect the requirements of this guidance.
- 2.3 The Council will ensure there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

3.0 PAY STRUCTURE

- 3.1 The Council uses the nationally negotiated pay spine(s) (i.e. a defined list of salary points) as the basis for its main local pay structure. These pay spines are used to determine the salaries of the large majority of the Council’s non-teaching workforce. Rates of pay are subject to an annual pay award applied from the 1st April. The pay award due to be applied from 1st April 2023 is not yet agreed. Subject to approval of this Statement, the pay structure for

2023/24 is attached at Appendix 1. This will be updated to reflect the relevant national pay award for 2023/24 as and when it is agreed.

- 3.2 The Council has been formally accredited by the Real Living Wage Foundation as a Real Living Wage employer. The Real Living Wage rate as of 1 April 2022 was £9.90 and the Council's pay structure included a number of non-consolidated supplements paid at Spinal Column Points 1 to 5 to both apply the Real Living Wage rate of pay and maintain appropriate differentials to other pay points. Following agreement of the 2022/23 Pay Award, the lowest spinal column point rose to £10.50 well above the £9.90 and the non-consolidated supplements were removed. The Real Living Wage rose to £10.90 on 22nd September 2022 and the Council has until 14th May 2023 to implement this. To maintain its commitment to the Real Living Wage, non-consolidated supplements will be reintroduced with effect from 1st April 2023 and paid on spinal column points 2-4. Once the 2023/24 Pay Award is agreed and implemented the level of non-consolidated supplements will reduce so that, as a minimum, the overall level of hourly pay is retained.
- 3.3 The pay and terms and conditions of employment of the Council's workforce are largely determined by the following negotiating bodies in accordance with the agreed collective bargaining machinery:
- National Joint Council (NJC) for Local Government Services;
 - The Soulbury Committee, (*educational advisers/inspectors, other school improvement professionals, educational psychologists*)
 - Joint Negotiating Committee (JNC) for Local Authority Craft and Associated Employees;
 - Joint Negotiating Committee for Youth and Community Workers;
 - Joint Negotiating Committee (JNC) for Chief Officers
 - Joint Negotiating Committee (JNC) for Chief Executives
- 3.4 The Council adopts the national pay bargaining arrangements in respect of the establishment and revision of the national pay spines.
- 3.5 The pay of those employees whose terms and conditions fall within the purview of the Joint Negotiating Committee for Chief Executive's and the Joint Negotiating Committee for Chief Officers are also determined by reference to Joint Secretarial advice issued by the JNC for Chief Officers of Local Authorities in 2002. The Joint Secretarial advice recommended the establishment of local salary structures as a result of a move from benchmark to median salaries, identified through the annual salary and numbers survey conducted by the Local Government Employers' Organisation.
- 3.6 All other pay related allowances are the subject of either nationally or locally negotiated rates.
- 3.7 The Council is committed to the principles of equal pay for all its employees, and to ensuring that there is consistency and fairness in the approach to starting salaries and has guidance for managers in this area. All new appointments (whether new recruits to the Council or an internal candidate) will ordinarily

commence at the minimum spinal column point (SCP) of the relevant grade. Appointments will not be made higher up the grade in order to preserve salary, although pay protection arrangements are available in relevant situations.

- 3.8 In exceptional circumstances and following the completion and documentation by the senior recruiting manager of an equal pay risk assessment comparing the skills, qualifications and experience of the appointee, other generic post holders and the rest of the team, an appointment may be made with a starting salary higher than the minimum point. In these exceptional circumstances where the appointment salary is above the minimum point of the pay scale and is not affected by other council policies, for example redeployment or flexible retirement, this is approved by the Executive Director and Director of People and Inclusion.
- 3.9 From time to time it may be necessary to take account of the external pay levels in the labour market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate. Any temporary supplement to the salary scale for the grade is approved in accordance with the Council's Market Supplement Policy.
- 3.10 The Council has a number of salary sacrifice schemes in place. These include the cycle to work scheme, the AVC scheme and the car lease scheme. These schemes and their operation are regulated by Her Majesty's Customs and Excise and there are strict rules around the management of the schemes. The schemes permit employees to "sacrifice" part of their salary in exchange for a benefit; this means that Tax and National Insurance are not paid on the amount sacrificed effectively reducing the cost of the benefit to the employee. These schemes are open to all employees at the Council with the proviso that their salary exceeds the National Minimum Wage after the deduction. In addition to these schemes the Council has a number of other employee benefits.

4.0 CHIEF OFFICER REMUNERATION

- 4.1 For the purposes of this statement, chief officers are as defined within the Localism Act; i.e.
- i. The head of the paid service designated under section 4(1) of the [Local Government and Housing Act 1989](#);
 - ii. The monitoring officer designated under section 5(1) of that Act;
 - iii. A statutory chief officer mentioned in section 2(6) of that Act;
 - iv. A non-statutory chief officer mentioned in section 2(7) of that Act;
 - v. A deputy chief officer mentioned in section 2(8) of that Act.
- 4.2 The Council's pay structure in relation to these posts is appended below and details of the Council's current Chief Officer Structure and pay rates are [published on the Council's website](#). Rates of pay are subject to an annual pay award applied from the 1st April (The pay scales appended take into account the

pay award for 2022-23 but not the award for 2023-24, which has not yet been agreed).

- 4.3 When establishing or reviewing the senior management salary structure the Council uses an analytical job evaluation scheme to determine grades. The broad advice issued by the Joint Negotiating Committees for Chief Executives and Chief Officers, on the establishment of a local salary structure based on median salary levels as identified through the annual salary survey is taken into account. This advice states that when deciding at what level these posts should be remunerated the following factors are to be considered:
- a. The Authority's policy in respect of the pay of its JNC officers and any relationship to the median salary levels for similar Authorities;
 - b. The chief executive's salary;
 - c. The relationship of current salary to the appropriate illustrative national median salary (salaries may be above, around, or below the median);
 - d. Any special market considerations;
 - e. Any substantial local factors not common to authorities of similar type and size, e.g. London weighting;
 - f. Comparative information to be supplied on request by the Joint Secretaries on salaries in other similar authorities;
 - g. Top management structures and the size of the management team compared to those of other authorities of similar type and size, and;
 - h. The relative job size of each post, as objectively assessed through job evaluation or otherwise.
- 4.4 Changes to the establishment are approved by the Cabinet Member for HR and Corporate Affairs. The establishment of Chief Officer and Deputy Chief Officer posts are subject to approval by the Employment Panel.
- 4.5 The establishment of posts with salary levels at £100K or greater are ultimately subject to approval by full Council in accordance with the Localism Act (2011). This requirement only applies to new positions established and not to the filling of existing roles on the Council's establishment.
- 4.6 Where the Council is unable to recruit chief officers, or there is a need for interim support to provide cover for a substantive chief officer post, the Council will, where necessary, consider engaging individuals under a 'contract for service'. These will be sourced through a relevant procurement process ensuring the council is able to demonstrate the maximum value for money. In assessing such, it should be noted that in respect of such engagements the Council is not required to make either pension or national insurance contributions for such individuals who fall outside of the IR35 Regulations and might be considered as self employed by the HMRC.

5.0 RECRUITMENT OF CHIEF OFFICERS

- 5.1 The Council's policy and procedures with regard to recruitment of Chief Officers are set out as Guidance for the Recruitment of Chief Officers, which is within the overall framework of the existing recruitment and selection policy.
- 5.2 Accordingly the recruitment of Chief Officers is delegated to the Employment Panel whose functions include:
- The shortlisting and appointment of Chief Officers and Deputy Chief Officers (as defined by the Local Government and Housing Act 1989). The confirmation of appointment of all Chief Officers (with the exception of the Chief Executive/Head of Paid Service) is carried out in accordance with the [Council Constitution](#) – Officer Employment Procedure Rules and [The Local Authorities \(Standing Order\) \(England\) Regulations 2001](#).
 - The shortlisting and appointment of the Chief Executive / Head of Paid Service is carried out in accordance with the [Council Constitution](#) for submission to the Council.
- 5.3 When recruiting to all posts the Council will take full and proper account of all provisions of relevant employment law and its own Equality, Recruitment and Selection and Redeployment Policies.
- 5.4 The determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

6.0 ADDITIONS TO SALARY OF CHIEF OFFICERS

- 6.1 The level of chief officer remuneration is not variable dependent upon the achievement of defined targets.
- 6.2 To meet specific operational requirements it may be necessary for an individual to temporarily take on additional duties to their identified role. The Council's arrangements for authorising any additional remuneration [e.g. honoraria, ex gratia, 'acting up' payments] relating to temporary additional duties are set out in the [Council's Constitution](#) and supplementary conditions of service.
- 6.3 The Chief Executive (Head of Paid Service), also carries out the duties of the Returning Officer in accordance with the Representation of The People Act 1983. The duties of the Returning Officer are separate from the duties undertaken as a local government officer; the office of Returning Officer is totally distinct from the office of Chief Executive and Head of Paid Service.
- 6.3.1 Payments due to the post holder in respect of the conduct of local municipal elections are consolidated within the salary.
- 6.3.2 Payments in respect of the conduct of National Government Elections, European Elections and any National Referenda are paid in addition to salary. These payments are pensionable and subject to deductions for tax and National Insurance.

6.4 Set out in the table below are details of other elements of ‘additional pay’ currently payable to Chief Officers (as defined by the Local Government and Housing Act 1989) which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfillment of their duties;

Payment details	Paid to
Fees paid for returning officer duties where identified and paid separately (see 6.3.2)	Chief Executive
Salary supplements payable for fulfilling statutory officer duties (e.g. S151 / Monitoring Officer) where identified and paid separately	None payable
Salary supplements payable for statutory duties carried out by The Director of Public Health where identified and paid separately	None payable
Market forces supplements in addition to basic salary where identified and paid separately	Non payable
Priority Car User Allowance Lump Sums	None payable
Salary supplements or additional payments for undertaking additional responsibilities e.g. shared service provision with another local authority or in respect of joint bodies, where identified and paid separately	None payable
Any arrangements for payment of untaken annual leave falling outside the requirements of relevant legislation	None payable

7.0 PENSION CONTRIBUTIONS

- 7.1 Where employees have exercised their statutory right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee.
- 7.2 The Employer’s rate of contribution is set by Actuaries advising the Greater Manchester Pension Fund and reviewed on a triennial basis in order to ensure the scheme is appropriately funded. The triennial valuation covers the period 1 April 2023 to 31 March 2026 following which the rate will be set for a further 3 years. The employer’s contribution rate from 1st April 2023 is 18.30%.
- 7.3 Pension contributions are based on actual [pensionable pay and](#) there are 9 different contribution banding rates between 2.75% and 6.25%. The bandings as at 1st April 2023 are:

Contribution Pay Bands 2023/2024

Pensionable Pay for an Employment	Main section Gross Contribution	50/50 section Gross Contribution
£0 - £16,500	5.5%	2.75%
£16,501 - £25,900	5.8%	2.90%
£25,901 - £42,100	6.5%	3.25%
£42,101 - £53,300	6.8%	3.40%
£53,301 - £74,700	8.5%	4.25%
£74,701 - £105,900	9.9%	4.95%
£105,901 - £124,800	10.5%	5.25%
£124,801 - £187,200	11.4%	5.70%
£187,201 or more	12.5%	6.25%

8.0 PAYMENTS ON TERMINATION

- 8.1 The Council's approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is in accordance with [The Local Government Pension Scheme Regulations 2013](#), Regulations 5 and 6 of the [Local Government \(Early Termination of Employment\) \(Discretionary Compensation\) Regulations 2006](#) and the [Statutory Guidance on the making and disclosure of Special Severance Payments \(SSP's\) by Local Authorities in England](#), published on 12th May 2022.
- 8.2 Any payments made will be in accordance with relevant employment legislation and the criteria set by the appropriate pension scheme (normally the Local Government Pension Scheme). Decisions will be made in line with the arrangements set out in the Council constitution.
- 8.3 Following the introduction of the Statutory Guidance on the making and disclosure of Special Severance Payments (SSP's) by Local Authorities in England, a new section around Special Severance Payments (SSP's) has been added to the Officer Employment Procedure Rules outlining the revised arrangements for the approval of SSP's:
- 8.3.1 Any payments made in relation to the termination of employment which are in excess of £100k continue to require approval by full Council.
- 8.3.2 All payments of £20k and over in value, upto £100k, require approval from the Monitoring Officer, Section 151 Officer, Chief Executive and Leader, in Consultation with the Chair of Overview and Scrutiny.
- 8.3.3 Any payments under £20k can be approved by the Monitoring Officer.

8.3.4 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, the Employment Panel will oversee this and will appoint an independent panel comprising of 3 independent people (or at least 2) to approve the payment to the Chief Executive. The Independent Panel will make recommendations to the Employment Panel and the decision will then go to Council for approval.

8.4 All payments will only be agreed in accordance with the [Statutory Guidance on the making and disclosure of Special Severance Payments \(SSP's\) by Local Authorities in England](#).

9.0 LOWEST PAID EMPLOYEES

9.1 The lowest paid persons employed under a contract of employment with the Council are employed on full time [37 hours per week] equivalent salaries in accordance with the minimum spinal column point currently in use within the Council's grading structure.

9.2 The National Living Wage for people 23 and over is currently £9.50 per hour and will rise to £10.42 per hour with effect from 1st April 2023. The Real Living Wage rose to £10.90 per hour in September 2022 and the Council's Real Living Wage supplements will be reintroduced to reflect this from 1st April 2023 making our lowest pay rate with effect from 1st April 2023, including this supplement for the Real Living Wage £10.90 (£21,029).

9.3 The relationship between the rate of pay for the lowest paid and chief officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

10.0 PAY MULTIPLE

10.1 The current pay levels (as at January 2023) within the Council define the multiple between:

- The median (the halfway point between the lowest and highest earner) full time equivalent (FTE) earnings for the whole of the workforce and the Chief Executive (top of pay spine) as 1:7.14. The difference in pay is lower than last years reported figure of 1:7.73.
- The lowest paid earner full time equivalent (FTE) and the Chief Executive (top of pay spine) as 1:10.46. The difference in pay is lower than last years reported figure of 1:10:50.

10.2 The pay multiple has been calculated in accordance with the LGA Local Transparency Guidance. Data relates to the 1st January 2022 – 31st December 2022.

10.3 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate. In addition, upon the annual review of this statement, the Council will also monitor any changes in the relevant 'pay multiple' and benchmark against other comparable local Authorities.

11.0 GENDER PAY GAP

11.1 The Council is required to take a 'snapshot of data' as at the 31 March 2022 and analyse this to calculate our gender pay gap. We are required to publish the data on the Council website (to remain for at least 3 years) and also on a government site, by 31st March 2023 at the latest. The Gender Pay Gap is published annually.

11.2 The gender pay gap reporting measures are:

- Mean gender pay gap - The difference between the mean (average) hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees
- Median gender pay gap - The difference between the median (mid-point) hourly rate of pay of male full-pay relevant employees and that of female full-pay relevant employees
- Mean bonus gap - The difference between the mean bonus pay paid to male relevant employees and that paid to female relevant employees
- Median bonus gap - The difference between the median bonus pay paid to male relevant employees and that paid to female relevant employees
- Bonus proportions - The proportions of male and female relevant employees who were paid bonus pay during the relevant period
- Quartile pay bands - The proportions of male and female full-pay relevant employees in the lower, lower middle, upper middle and upper quartile pay bands

11.3 The Council's Gender Pay Gap for 2021-2022 compared with 2020-2021 is shown below:

Women's Hourly Rate:

	Mean	Median
2020/21	3.71% Lower	2.02% Lower
2021/22	3.26% Lower	2.41% Lower

11.4 Bury Council does not pay any bonuses.

11.5 Quartile Pay Bands:

The following information shows the percentage of male employees and female in each quarter of the payroll for 2020-2021 and 2021-2022:

	2020-2021		2021-2022	
	% Of Men	% Of Women	% Of Men	% Of Women
Top	31.36%	68.64%	30.98%	69.02%
Upper Middle	31.30%	68.70%	34.36%	65.64%
Lower Middle	42.47%	57.53%	37.80%	62.20%
Lower	17.60%	82.40%	17.35%	82.65%

11.5 Comparison summary:

11.5.1 The Council has reduced its **mean gender pay gap** year-on-year over the last six years, by a total of by 5.5%.

11.5.2 The Council has seen a reduction in the **median pay gap** by 5.3% over the last 6 years. (There was a slight increase in the median pay gap in 2019/20 compared to the previous year and also this year compared to last).

11.5.3 National comparisons of the gender pay gap (Office of National Statistics) show Bury to be performing significantly better than regional and national comparators:

Region	% Gender Pay Gap
National	8.3
North West	9.2
Bury	3.3

11.6 Work to reduce our gender pay gap:

- 11.6.1 Over the past 12 months The Council has implemented several changes and initiatives that support all staff across characteristics and promote diversity and development within the workforce which, in turn, will support us in reducing our gender pay gap and any gaps associated with other protected characteristics. This work includes:
- Further development of the Live Better Feel Better campaign, as part of an agreed package of cost-of-living support and an anti-poverty strategy for Bury. The Council is providing help to support the financial wellbeing of employees including financial planning and advice, urgent financial help, emotional and physical wellbeing support.
 - Introduced an apprenticeship strategy that sees apprentices recruited on a permanent contract with a clear career pathway. The apprenticeship strategy also extended the real living wage to include apprentices, this included uplifting all the apprentices on the old apprenticeship pay scale.
 - The recruitment to a new post of Equality, Diversity and Inclusion Manager and an Inclusive Public Services Project Manager, and the development of a Cross Organisation Mutual Mentoring programme that has a focus on race and disability. The programme brings people with lived experiences together with senior leaders / managers, for there to be an exchange of knowledge which could lead to career progression of the public service workforce within these protected characteristics and address the underrepresentation at more senior levels.
 - Introduced a leadership development offer that reflects our commitment to supporting staff development and progression. The offer includes a core management development programme for all managers and added a bespoke aspiring manager programme to our leadership and management apprenticeships. As part of the aspiring manager apprenticeship, we are particularly keen to support applications from underrepresented groups especially from those from communities facing racial inequality.
 - Agreement to a new Recruitment and Selection policy which has an increased emphasis on inclusion within the recruitment process, including support for a wider approach to inclusive advertising and selection methods.
- 11.6.2 We are committed to continuing to introduce measures to reduce our pay gap further over the next 12 months and will be continuing to build on the work noted above as well as progressing a number of further activities:

- As part of the pay award, increasing the pay of our lowest paid staff so that our minimum pay point is Grade 3 from April 2023.
- Work to streamline our recruitment processes and improve the way we promote vacancies in Bury, and remove potential barriers to employment for example through CV applications and working interviews.
- Development and implementation of projects that recognises and supports rising stars from communities facing racial inequality and disabled employees, with the aim of increasing the representation of these groups at senior level.
- Robust workforce planning that identifies areas of growth and develop targeted and demand lead approach to upskilling staff and creating defined career pathways.
- Strengthen our approach to reasonable adjustments with the introduction of a new let's work well passport.

12.0 ACCOUNTABILITY AND DECISION MAKING

12.1 In accordance with the Constitution of the Council, the Employment Panel is responsible for being a consultee on all terms and conditions including policies, and for the recruitment selection and appointment of Chief Officers; (see Section 5.0 above).

12.0 RE-EMPLOYMENT / RE-ENGAGEMENT OF FORMER CHIEF OFFICERS

12.1 The Council's policy with regard to the re-employment/re-engagement of former employees (including Chief Officers) was approved by the Executive Committee on 20th October 1999.

12.2 As a general principle the Council is opposed to re-employing retired employees. However in exceptional circumstances, where it is considered necessary to re-employ or re-engage a former employee who is in receipt of a pension from the Local Government Pension Scheme:

- (a) There should be clear evidence that the work cannot be undertaken by someone else, either internal, external or through agency staff;
- (b) If the individual is engaged under the terms of a contract for services and claims to be self-employed or a consultant the Executive Director of Finance must be satisfied that they meet the criteria laid down by HMRC;
- (c) A former employee should not be re-engaged unless agreement has been given by the Cabinet Member for HR and Corporate Affairs.

12.3 The proposal to require high earners to repay exit payments if they return to the public sector has previously been consulted on but there has been no further indication of if and when this proposal will be implemented.

13.0 PUBLICATION

This statement will be published on the Council's Website under our Local Government Transparency Section.

Appendix 1 – NJC Pay Scale

The salary scales below reflect the pay rates with effect from 1 April 2022 and the additional non-consolidated supplements to be applied from 1 April 2023. The pay scale will be revised to reflect the 2023/24 NJC Pay Award once agreed

SCP	Grade	Annual Salary 010422	Hourly rate 010422	RLW Supplement wef 010423	*Revised Rate Inclusive of Real Living Wage Supplement wef 010423	
					Value	Hourly Rate
NOT IN USE	Grade 1/2					
2*	Grade 3	£20,441	£10.60	£0.30	£21,029	£10.90
3*	Grade 4	£20,812	£10.79	£0.21	£21,222	£11.00
4*	Grade 5	£21,189	£10.98	£0.12	£21,415	£11.10
5*		£21,575	£11.18			
6	Grade 6	£21,968	£11.39			
7	Grade 7	£22,369	£11.59			
8		£22,777	£11.81			
9		£23,194	£12.02			
NOT IN USE						
11		£24,054	£12.47			
12	Grade 8	£24,496	£12.70			
NOT IN USE						
14		£25,409	£13.17			
15		£25,878	£13.41			
NOT IN USE						
17		£26,845	£13.91			
18	Grade 9	£27,344	£14.17			
19		£27,852	£14.44			
20		£28,371	£14.71			
NOT IN USE						
22		£29,439	£15.26			
23		£30,151	£15.63			
24	Grade 10	£31,099	£16.12			
25		£32,020	£16.60			
26		£32,909	£17.06			
27		£33,820	£17.53			
28		Grade 11	£34,723	£18.00		
29	£35,411		£18.35			
30	£36,298		£18.81			
31	Grade 12	£37,261	£19.31			
32		£38,296	£19.85			
33		£39,493	£20.47			
34	Grade 13	£40,478	£20.98			
35		£41,496	£21.51			
36		£42,503	£22.03			
37	Grade 14	£43,516	£22.56			
38		£44,539	£23.09			

SCP	Grade	Annual Salary 010422	Hourly rate 010422	RLW Supplement wef 010423	*Revised Rate Inclusive of Real Living Wage Supplement wef 010423	
					Value	Hourly Rate
39	Grade 15	£45,495	£23.58			
40		£46,549	£24.13			
41	Grade 16	£47,573	£24.66			
42		£48,587	£25.18			
43	Grade 17	£49,590	£25.70			
44		£50,600	£26.23			
45	SM1	£51,621	£26.76			
46		£52,665	£27.30			
47		£53,587	£27.78			
48	SM2	£54,586	£28.29			
49		£55,588	£28.81			
50		£57,557	£29.83			

Appendix 2 – Chief Officer Pay Scales

The salary scales below reflect the pay rates with effect from 1 April 2022. The pay scale will be revised to reflect the 2023/24 NJC Pay Award once agreed

	SCP	Salary 010421	Salary 010422
Chief Executive	861	189,883	191,808
	860	186,326	188,251
	859	182,770	184,695
Deputy Chief Executive	854	151,087	153,012
	853	147,987	149,912
	852	144,901	146,826
	851	140,698	142,623
	850	138,388	140,313
Band H	846	132,439	134,364
	845	129,052	130,977
	844	126,406	128,331
	843	123,356	125,281
	842	121,145	123,070
Band G	840	117,495	119,420
	839	115,193	117,118
	838	112,881	114,806
	837	110,576	112,501
	836	108,270	110,195
Band F	835	106,902	108,827
	834	104,708	106,633
	833	102,550	104,475
	832	100,435	102,360
	831	98,333	100,258
Band E	830	96,235	98,160
	829	94,127	96,052
	828	92,093	94,018
	827	90,058	91,983
	826	88,029	89,954
Band D	825	85,990	87,915
	824	83,958	85,883
	823	82,100	84,025
	822	80,599	82,524
	821	79,104	81,029

Band C	820	77,623	79,548
	819	76,121	78,046
	818	74,632	76,557
	817	73,141	75,066
	816	71,659	73,584
Band B	815	70,171	72,096
	814	68,670	70,595
	813	67,278	69,203
	812	65,868	67,793
	811	64,465	66,390
Band A	810	63,063	64,988
	809	61,661	63,586
	808	60,273	62,198
	807	58,866	60,791
	806	57,460	59,385

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Classification	Item No.
Open	

Meeting:	Employment Panel
Meeting date:	1 st March 2023
Title of report:	Workforce Policy Review: Phase 2
Report by:	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

A central component of the Let's Do It 'Well' Transformation Programme is the review of core HR systems, processes and policies to ensure they are fit for purpose, reflective of modern HR practice and align with the organisational culture described by the LET'S values. As part of this work, the first phase of a Workforce Policy Review took place in January 2023 with a number of policies were reviewed and agreed by Employment Panel.

This report sets out the next phase of recommendations from this work, following a further review of a number of policies which require review to ensure they are up-to-date and reflective of best practice. Trade Union colleagues have been fully engaged in this work.

Changes are proposed in the following areas:

1. Reservists – A refresh of current policy to strengthen the Council's commitment to supporting reservists in the workforce in alignment with our aspiration for gold accreditation via the Ministry of Defence's (MoD) Defence Employer Recognition Scheme.
2. Secondment – An updated policy including a revision around an individual's right of return to their substantive post in relation to long-term secondments.
3. Voluntary Exits – A review of arrangements and process for Voluntary Early Retirement (with or without severance), Flexible Retirement and Voluntary Severance including a strengthening of the Council's position on the re-employment and re-engagement of former employees who have previously retired and/or are in receipt of a voluntary exit package. In addition, a 3 year full-retirement limit on flexible retirement has been added in for transfer of knowledge and skills prior to retirement.

RECOMMENDATION(S)

That the Employment Panel:

1. Agree the revised Reservists Policy
2. Agree the revised Secondment Policy
3. Agree the new Voluntary Exits Policy

Subject to Employment Panel's approval, the new and revised policies will go forward for endorsement via the Trade Union Consultation Meeting and the Council's Corporate Joint Consultative Committee before being published on the Council's intranet pages and communicated to staff.

KEY CONSIDERATIONS

1. Reservists Policy

1.1 Background

- 1.1.1 Bury is a town with a strong military history, being the regimental home of the Lancashire Fusiliers. The Council is committed to supporting our armed forces community and, as part of this work, is working towards gold level accreditation via the MoD's Defence Employer Recognition Scheme.
- 1.1.2 The Council's Reservists Policy sets out how we will support staff who are reservists. The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and Royal Auxiliary Air Force. The policy brings together in one document the work-life balance initiatives currently available for employees of Bury Council that are particularly relevant for reservists and details the legal requirements placed on employers of reservists.
- 1.1.3 The Council recognises that many of the skills that reservists gain during their training are transferable to the workplace. The Council will assist reservists as far as possible in meeting their obligations.

1.2 Policy Headlines

- 1.2.1 The policy has been reviewed to ensure we continue to meet the standards required of the MoD's Defence Employer Recognition Scheme. Key changes include encouraging employees to declare whether they are ex-forces or a reservist on iTrent Employee Self Service and clarifying the paid time off that reservists can take for training and other reservists' activities each year. In practice, this does not change the volume of paid-leave available. However, the current policy language is unclear and the revised policy confirms access to a total of up to 28 days additional paid leave per year: 10 days for attendance at annual training with Volunteer Reserve forces and up to 18 days in accordance with the Council's commitment to leave for Public Duties.

1.3 The revised policy is appended to this report as Appendix 1.

2 Secondment Policy

2.1 Background

2.1.1 The Council's policy on Secondments has been in place for a number of years. Its aim is to outline the benefits of secondments and identify instances where secondments may be permitted, the process individuals must follow when considering applying for a secondment and the considerations that a manager must take prior to authorising any secondment. The policy also sets out arrangements for employee terms and conditions / contractual arrangements during the secondment and the secondment agreement.

2.2 Policy Headlines

2.2.1 The policy has been refreshed and updated to reflect current legislation and best practice. The key substantive change is to specify that any secondments agreed for a period longer than 12 months will ordinarily require the secondee to release their rights to their substantive role. Individuals will, of course, retain their overarching employment rights and would be subject to the council's redeployment procedure on their return.

2.2.2 For any employee currently on secondment, the existing policy will continue to apply, however, any new secondments from the launch date of the new policy will follow these new arrangements.

2.3 The revised policy is appended to this report as Appendix 2.

3. Voluntary Exits Policy

3.1 Background

3.1.1 The existing arrangements for voluntary exits were last updated some time ago and are in need of review. They set out the process and criteria for employees wishing to retire early (with or without severance), take flexible retirement and access voluntary severance.

3.1.2 The current Voluntary Early Retirement Guide was last updated in 2015 and details the requirements that need to be met in order for employees to retire voluntarily before normal retirement age on the grounds of efficiency of the service or severance - subject to approval of application. It also details the procedure for applying for VER (efficiency or Efficiency with Severance).

3.1.3 The current Flexible Retirement Policy gives members with at least 3 months membership of the Local Government Pension Scheme (LGPS) the option to start receiving the pension benefits from their current membership from an earlier age (currently 55 years and over, as per the LGPS regulations). The option allows employees to continue working (with no end date), subject to a reduction in their working hours or grade. The option also gives employees an opportunity to

prepare for retirement by 'stepping down' into a less demanding and lower paid role. The policy also details the process and pension implications.

- 3.1.4 The Council's Voluntary Severance arrangements enable employees of any age to leave voluntarily with a severance payment on the grounds of redundancy or efficiency of the service, subject to approval of application.

3.2 Policy Headlines

- 3.2.1 All policies and processes and documents have been refreshed and merged into a new Voluntary Exits Policy. – The majority of detail in relation to the application of voluntary exits remains unchanged. However, there are a small number of amendments.
- 3.2.2 The key change in relation to Flexible Retirement is that applications will now require the actual retirement date to be specified at the point of application/before the flexible retirement is agreed. Applications will only be approved for flexible retirement with dates for full retirement set within 3 years. This proposal has been developed following a review of similar policies in other Local Authorities and taking account of the need to support flexibility for individuals and maximise the opportunity for effective hand-over and skills transfer alongside the need to enable longer term workforce planning.
- 3.2.3 The revised policy is also clear that Business Cases for both Flexible Retirement and Voluntary Early Retirement must result in the salary savings (inclusive of oncosts) paying back any costs over a 3 year period.
- 3.2.4 The policy also confirms that a former employee who either accessed early or flexible retirement from Bury Council or received a voluntary severance payment– will not be re-engaged in normal circumstances, at any point, without the approval of the Director of People and Inclusion and Cabinet Member for HR and Corporate Affairs. This provision includes engagement via Agency or a contract for services. However, it excludes engagement to support the Local Authority's role in relation to Elections because of the need to ensure sufficient and capable staffing in this area.
- 3.3 The updated policy is appended to this report as Appendix 3.

Community impact/links with Community Strategy

A modern and effective employee policy framework is essential to ensuring the effective operation of the organisation and, in turn the delivery of our commitment to the Community Strategy.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.

Equality Analysis	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
An Equality Impact Assessment has been carried out in relation to the proposed changes and no negative impacts have been identified.	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Trade Union objection to policy changes	Prior discussions have taken place with Unison

Consultation:

The proposed changes have been developed in partnership with the Trade Unions

Legal Implications:

These policies update and provide consolidated guidance to Employees. The recommended policies are updated and meet current legislative requirements. As with all policies they will be subject to a periodic review.

The Reservists Policy is sets out the Council's legislative responsibilities and aligns with the Ministry of Defence Employer Handbook.

The revised Secondment Policy sets out clearly the responsibilities of both the Employer and Employee in relation to secondments. Members will note that secondment does not terminate an employee's contract of employment and is now commonly used in modern workplaces.

The new Voluntary Exits Policy combines and clarifies the Council's policies in relation to Voluntary Early Retirement (Efficiency and Severance), flexible retirement and voluntary redundancy.

Financial Implications:

The review and clarification within the reservists policy does not result in any additional costs over and above those that were already in existence. It merely, makes clear the paid leave allowable.

There are no financial implications of the secondment policy.

There are no direct financial impacts of the updates to the voluntary exits policy but the policy does make clear the need for a business case to be produced by the service with a pay back period of less than three years where there is a cost incurred in agreeing a voluntary exit for a member of staff.

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Background papers: None

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
MoD	Ministry of Defence
VER	Voluntary Early Retirement
VS	Voluntary Severance

Appendix 1: Reservists Policy (see separate attachment)

Appendix 2: Secondment Policy (see separate attachment)

Appendix 3: Voluntary Exits (see separate attachment)

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Time off for Reservists Policy

Document Control

Title	Time off for Reservists Policy
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1. Aim

- 1.1 This policy sets out how Bury Council will support staff who are reservists. The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and Royal Auxiliary Air Force.
- 1.2 Bury Council recognises that many of the skills that reservists gain during their training and deployment are transferable to the workplace. The Council will assist reservists as far as possible in meeting their obligations.
- 1.3 This policy brings together in one document the work-life balance initiatives currently available for employees of Bury Council that are particularly relevant for reservists and details how the Council meets the legal requirements placed on employers of reservists.

2. Definitions

- 2.1 Volunteer reservists are called out to supplement the Regular Forces whenever operational demands require it. If they are mobilised they will carry out the same roles to the same high standards as their Regular counterparts. They also receive the same world-class training and develop the same skills.
- 2.2 Reservists make up around 14% of the nation's total defence capacity which in turn makes them an essential part of our defence strategy. They are called upon as individuals for their specific skills or as ready-formed units to serve alongside the Regular Forces whenever required.
- 2.3 Training commitments vary between the three Reserve Forces, but in most cases include:
 - Weekly training - most reservists train at their local centre for around two-and-a-half hours, one evening a week.
 - Weekend training - all reservists are expected to attend a number of training weekends which are spread throughout the year.
 - Annual training - this is a 15-day continuous training course, sometimes referred to as 'Annual Camp'. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some reservists train overseas.

3. Scope

- 3.1 This policy applies to all employees of Bury Council and is recommended for adoption by schools.

4. Principles

- 4.1 The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) provides reservists who have a liability to be mobilised with two types of protection:
- Protection of employment: the Act provides protection from unfair dismissal and makes it a criminal offence for an employer to terminate a reservist's job without their consent solely or mainly because he or she has a liability to be mobilised; and
 - Rights to reinstatement: the Act provides a legal right to reinstate the reservist to their former job, subject to certain conditions.
- 4.2 The Reserve Forces Act 1996 (RFA 96) details the four main powers under which mobilisation of reservists can take place:
- If it appears that national danger is imminent, a great emergency has arisen or if there's been an actual attack on the United Kingdom Sections 52 (mobilisation) and 68 (recall);
 - If it appears that warlike operations are in preparation or progress (s54);
 - If it appears necessary or desirable to use our Armed Forces on operations outside the UK for the protection of life or property; or on operations elsewhere in the world for the alleviation of distress or the preservation of life or property in time of disaster or apprehended disaster (s56);
 - if it appears necessary or desirable to use our Armed Forces for urgent work of national importance (s56).
- 4.3 Legally, all mobilisations are compulsory. The Armed Forces use a process known as 'Intelligent Selection' to identify the most appropriate people for call out. This allows reservists to be selected according to their individual skills and specialisations and allowing a unit to take into account a reservist's personal and employment circumstances.
- 4.4 Occasionally, however, when there are very short operational deadlines, for example, the Ministry of Defence cannot meet its requirements by identifying willing and available individuals. Under these circumstances a reservist may be mobilised without taking account of personal, welfare and employment issues.
- 4.5 The Armed Forces Act (2021) further enshrines the Armed Forces Covenant into law to help prevent service personnel and veterans being disadvantaged when accessing public services. Its provisions specifically apply to the role of Local Authorities in relation to housing, education and healthcare. It is, therefore, not directly relevant to our policy position on supporting reservists in the workforce. This policy is, however, aligned with the Act's broad intent to strengthen public services' due regard to the principles of the Armed Forces Covenant.

5. Approach

- 5.1 Bury Council asks that new recruits who are already reservists or existing staff who become reservists should inform their line manager as soon as possible that

they are, or intend to become, reservists so that the necessary support can be given, and any practical implications can be addressed.

Reservists (and ex-services personnel) are also asked to declare their status via the 'my profile/sensitive information' section on the Employee Self-Service iTrent portal.

5.2 Time Off for activities in the reserve forces:

5.2.1 The Council's local Conditions of Service (Section 4 – Hours and Leave) provide an entitlement of:

- Up to 10 days' leave with pay for attendance at annual training with Volunteer Reserve Forces
- Up to a further 18 days' leave with pay in any period of twelve months for other attendance with Volunteer Reserve forces with prior agreement of the employee's Director (or their representative)

5.2.2 Whilst the Council will endeavour to accommodate any request for leave for activities in the reserve forces, it cannot guarantee that a reservist's request for leave will be given priority. To avoid reservists being unable to take time off when needed, they should apply for leave as soon as possible after they are informed that they need to take time off.

5.2.3 All holiday/leave dates must be approved in advance by the reservist's line manager. It is important that reservists follow the usual procedure for requesting leave.

5.2.4 In approving paid leave managers may ask to review appropriate evidence, for example a letter from their Commanding Officer. Leave cannot be used for days when a reservist is not undertaking reservist activities (for example to recover from the physical demands of a weekend away with the reserve forces).

5.3 Flexibility with Annual Leave:

5.3.1 Reservists seeking to balance their permitted leave with their commitments to the reserve forces should be aware that they also have the option of: -

- Carrying forward a maximum of five days' holiday (a normal working week for part time staff) to be carried over from one holiday year to the next, with the prior approval of the employee's line manager. Requests to carry forward in excess of 5 days will not normally be agreed other than in exceptional circumstances and will be subject to the exigencies of the Service;
- Purchasing up to a maximum of ten days (two weeks) days in one leave year and reducing their salary accordingly. The amount of entitlement that can be bought will be pro-rata dependent upon hours worked. Purchasing additional annual leave may have an effect on an individuals pension contributions. Please see section 13 for further information.

5.3.2 Details of all the flexible working opportunities available for employees to request can be found on the Council's Work-Life Balance intranet page.

5.4 Unauthorised Absence:

5.4.1 Bury Council will treat any instances of unauthorised leave as a serious disciplinary matter that could result in disciplinary action, up to and including dismissal. Employees should be aware that, if they take a period of leave that has not been approved, they may be subject to disciplinary action on their return to work.

5.5 Continuity of employment:

5.5.1 The continuity of the reservist's period of employment is not broken by a period of mobilisation, if they are reinstated to their former employment within six months of demobilisation.

5.5.2 When calculating the employee's total period of continuous employment, the organisation will discount the number of days falling in the period between the date on which the reservist is called up for military operations and the day immediately preceding the day on which they return to work.

5.6 Pension contributions:

5.6.1 Under the LGPS 2014 Regulations an individual will not pay pension contributions for any period of unpaid absence; so this will reduce their pension benefits when they retire. Active members of the Scheme can recoup lost benefits by paying Additional Pension Contributions (APCs) by completing Greater Manchester Pension Fund Form P38(1). This form can be downloaded from www.gmpf.org.uk and should be returned to the Pensions Team at pensions@bury.gov.uk

5.6.2 If the form is returned within 30 days of an individual's last day of absence, the Council will contribute 2/3rds of the cost; otherwise, the full cost of buying the lost pension is payable by the individual.

5.6.3 The Pensions Team can tell individuals how much pension they have lost as a result of the break and an estimate of the cost can be calculated via the APC online calculator at www.gmpf.org.uk

5.6.4 For further information contact the Pensions Team at pensions@bury.gov.uk

5.7 Useful contacts:

- Your reservist's chain of command - Unit Admin, Welfare, Pastoral and Medical Staff
- Navy Personal and Family Service and Royal Marines Welfare (www.rncom.mod.uk)
- Army Welfare Services (www.army.mod.uk/welfare-support)
- Forces Help RAF (www.rafcom.co.uk)
- Veterans and Reserves Mental Health Programme (in partnership with the NHS referred via GP) 0800 032 6258
- Combat Stress (www.combatstress.org.uk/veterans/support-for-reservists/)

For internal queries or support, please contact your HR Business Partner.

6. Detailed Guidance

6.1 Reservists' call-ups

- 6.1.1 Each of the Reserve Forces follows a strict procedure when mobilising reservists. This includes notifying both the employer and their Reservist of the date when they are required to report for duty and a period of pre-mobilisation training.
- 6.1.2 Where ever possible the Ministry of Defence aims to give at least 28 days' notice of mobilisation, although for operational reasons it can sometimes be less. There is no statutory requirement for a minimum period of notice of mobilisation. Mobilisation is likely to last up to 12 months.
- 6.1.3 As soon as a reservist receives a call-out notice, they should inform their employer. Their employer should also receive an information pack, which sets out the date and possible duration of mobilisation as well as their statutory rights and obligations (see Paragraph 2.1) and how to apply for financial assistance.
- 6.1.4 When a reservist is called up, financial assistance is available to employers from the Ministry of Defence. The Council may apply to the Ministry of Defence for an award in respect of any costs incurred in replacing the employee that exceed the reservist's earnings, although there is a set cap on the daily amount awarded.
- 6.1.5 An employer cannot refuse to permit an employee who has been called up on military service to go. However, where it believes that the employee's absence on military service is likely to do serious harm to the business or undertaking it may apply for an exemption, deferral or revocation of mobilisation. "Serious harm" includes serious loss of sales, markets, reputation or goodwill or other financial harm; damage to the employer's ability to produce goods or provide services; or demonstrable harm to research projects or the development of new products, services or processes.
- 6.1.6 More details of how the Council can seek an exemption, deferral or revocation and the financial assistance that is available to it can be found on the Ministry of Defence SaBRE website by visiting: <http://www.sabre.mod.uk/>. – The Council will only submit exemption requests in very exceptional circumstances and the submission of any request will require approval by the relevant Executive Director and the Director of People & Inclusion.

6.2 Reservists' rights during mobilisation

- 6.1.2 There is no requirement for the Council to pay reservists during their absence on military operations. During this period the reservist receives service pay from the Ministry of Defence, along with a standard award to make up any difference (up to the statutory limit) between their service pay and normal average weekly earnings.
- 6.1.3 The Ministry of Defence also pays the employer contributions to the reservist's occupational pension scheme (as long as the reservist gives an undertaking to continue paying their own contributions to the scheme).

6.3 Reservists' demobilisation

- 6.3.1 Reservists do not return to their employer directly following a tour of duty as the Armed Forces have in place a series of procedures in place to help them readjust to civilian life. Once reservists arrive back in the UK, they are taken to their demobilisation centre. As well as all the necessary post-operative administration procedures, they undergo a series of medical assessments, and receive further briefings on stress, their return to work, welfare guidance and advice. One-to-one and specialist sessions are available throughout the reservist's remaining time in service and will continue for as long as needed.
- 6.3.2 The reservist is then formally demobilised and free to start their post-operational leave. All reservists are entitled to a period of leave and reservists continue to be paid by the MOD during this period. (This usually works out at an average of around 30 days.) Post-operational leave allows them time to fully readjust and prepare for civilian life. It also provides an opportunity for the employer to re-commence contact with the employee and support them in preparing to return to work... A reservist's final day of post operational leave is known as their last day of whole-time service, and the last day they receive full military pay.
- 6.3.3 Regardless of the length of the military action, the mobilised reservist has the right to be reinstated in their former job within six months of demobilisation, on terms and conditions that are no less favourable to them than those that would have been in place but for the enforced absence from the organisation.
- 6.3.4 If it is not reasonably practicable to reinstate the reservist to their former job, the Council must re-engage them in the most favourable occupation and on the most favourable terms and conditions that are reasonable and practicable in the circumstances.
- 6.3.5 A reservist's last day of whole-time service signals their final day of full military pay. They must write to their employer formally, to state their readiness to return to work no later than the 3rd Monday following their last day of whole-time service. The start date for your reservist's return to work should be within around 6 weeks of their last day of whole-time service but must be within the following 13 weeks. The initial 13-week period may be renewed for a further 13 weeks if circumstances such as illness or injury prevent the reservist's return during the initial period. However, the Reservist forfeits their right to return to work with the organisation if he/she fails to do so within 26 weeks of demobilisation.
- 6.3.6 Once the Reservist has been reinstated, the organisation will continue to employ them in that same occupation (and on the same terms and conditions) for:
- The following 26 weeks
 - 52 weeks if the reservist had been employed for a consecutive period of at least 52 weeks at the time he/she was called up for military operations; or
 - A minimum of 13 weeks if the employee was employed for fewer than 13 weeks immediately prior to mobilisation.

6.4 Welcoming reservists back to work

- 6.4.1 Regular contact with reservists during their post-operational leave will help ease their transition back to work and line managers will ensure such contact is maintained. Managers will also work collaboratively with the employee to schedule a re-induction process and agree a structured return to work process which gives

them the opportunity to talk about their experiences and for the manager to update them on what's been going on in their absence.

- 6.4.2 Sometimes reservists may need refresher training on their return to work or time to re-familiarise themselves with processes and procedures. Financial assistance is available for retraining if it is required as a direct result of their mobilisation, although employers cannot claim for any training courses the reservist would have undertaken if they were in the workplace. There is no cap on the amount an employer can claim for, but the Council would have to provide evidence of the costs, and show that the reservist could not reach the required standard by any other means, such as workplace experience.
- 6.4.3 The Council may grow in terms of leadership, planning and training others and that these are skills that can be put to good use within the organisation. Reservists will also have acquired stress management, resilience and technical skills which could prove advantageous. On their return, if you feel it is appropriate, discuss with them how any new skills acquired could be utilised in their role.
- 6.4.4 Reservists return to civilian life with a huge variety of new skills and accomplishments which can be of great benefit to employers. They can also face challenges too. If managers have any concerns about a reservist employee's ability to reintegrate into the workplace, or changes to their usual behaviour, they should be signposted to the support available through the Council's existing wellbeing offer (including EAP) as well as specific assistance available for reservists and veterans (see useful contacts below).

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Secondment Policy

Document Control

Title	Secondment Policy
Document Type	Workforce Policy
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Subject	Secondment Policy
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Contents

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3.	Scope	P.3
4.	Principles	P.3
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1. Aim

- 1.1 The aim of this policy is to outline the benefits of secondments and identify instances where secondments may be permitted, the process individuals must follow when considering applying for a secondment and the considerations that a manager must take prior to authorising any secondment.
- 1.2 The policy also sets out arrangements for employee terms and conditions/contractual arrangements during the secondment and the secondment agreement as well as arrangements when the secondment concludes.

2. Definition

- 2.1 A secondment relates to the temporary transfer of an employee from their substantive post to another post within the Council or to an organisation external to the Council; or the recruitment of an employee from an external organisation through a secondment arrangement.
- 2.2 Secondments can be to a post with higher pay, the same pay or lower pay than the employee's substantive post. A secondment may be on a full-time or part-time basis.

3. Scope

- 3.1 This policy covers secondments within the Council and secondments to or from the Council to/from external organisations. It applies to all Council employees. It is recommended that schools adopt this policy.
- 3.2 The policy does not apply to employees who are seconded to undertake trade union duties, the details of which are covered elsewhere.

4. Principles

- 4.1 The Council is committed to developing its employees and recognises that secondments offer valuable career development opportunities allowing employees to develop new skills, knowledge and experience gaining experience within a different work environment.
- 4.2 All internal secondment opportunities will be advertised internally as appropriate and any knowledge, skills or experience required will be clearly stated.
- 4.3 The employee's substantive manager will be responsible for retaining regular communication with the seconded employee.

5. Approach

- 5.1 Bury Council is committed to the training and development of its employees. One way in which employees can gain experience and new

skills is through being seconded to other posts, both within and external to the Council.

- 5.2 This must, however, be balanced in terms of service provision and continuity, and clearly there may be occasions where it is not feasible for a manager to agree to a secondment, in particular, where the service may suffer as a consequence.

6. Detailed Guidance

6.1 Contractual Issues

- 6.1.1 The period of a secondment will be agreed and clearly stated in the Secondment Agreement together with arrangements for terms and conditions during the secondment.
- 6.1.2 Where an employee is seconded within the Council, under normal circumstances, their contract of employment would temporarily transfer to the new department and their continuous service would be maintained.
- 6.1.3 Where an employee is seconded to an organisation which is external to the Council the Secondee will remain an employee of Bury Council and their substantive contract of employment will remain in force.
- 6.1.4 During the period of any secondment, an individual's post should not be recruited to on a permanent basis, therefore, allowing the employee to return to their substantive post at the end of the secondment providing this is within a 12-month period.
- 6.1.5 Secondments (internal or external) will not ordinarily be agreed for a period of greater than one year. Any secondments agreed for a period longer than 12 months will ordinarily require the secondee to release their rights to their substantive role and be subject to the council's redeployment procedure on their return. There may be some limited occasions when this period can be extended in relation to internal secondments. This provision also does not apply to secondment agreements in relation to jointly funded roles within the Greater Manchester ICS which are utilized to support roles with joint funding and accountability.
- 6.1.6 Where an employee is seconded either within or external to the Council, the individual's manager should include them in any consultation exercise involving their substantive post and maintain regular contact with the individual to ensure they are kept informed of key Council and Service developments.

6.2 Authorisation for Approving Secondments

- 6.2.1 Prior to offering a post on a secondment basis, satisfactory references must be sought. If the secondment is within the Council, no reference is required unless the employee is being seconded to a safeguarding post and there is no relevant reference on file. If the secondment is from an organisation which is external to the Council, then two references are required.

- 6.2.2 The authority to approve a secondment lies with the Director of the employee requesting the secondment following consultation with their HR Business Partner. The link to the relevant form that individuals must complete when seeking to obtain authorisation to be seconded is [Secondment - Bury Council Intranet](#) .
- 6.2.3 A decision regarding authorisation for the secondment should be given within 10 working days of any application, where possible. If the Director is unable to respond within 10 days (due to leave, sickness etc) then the decision regarding authorisation should be passed to their deputy. However, there may be circumstances where a decision cannot be made in their absence and in these circumstances the timescale for a decision regarding authorisation may be extended to 14 working days.
- 6.2.3 Wherever possible, employees should have obtained the written authorisation from the Director prior to making any application for a secondment opportunity. In exceptional circumstances it may not be possible to obtain the authorisation prior to making an application due to the timescales involved. In such circumstances, employees cannot accept an appointment to a secondment until the relevant authorisation has been granted.
- 6.2.4 In instances where an employee is to be seconded to an external organisation, other conditions will apply (see section 6.4).
- 6.2.5 Any appeal arising from the decision of the Director will be addressed through the Council's grievance procedure.
- 6.2.6 In determining the support for a secondment the following issues should be considered:
- (i) The developmental opportunities for the individual applying for the secondment.
 - (ii) The potential benefits to the service following the individual's return, in terms of knowledge/experience gained.
 - (iii) The current needs of the service and the effect that any secondment may have on this. There may be instances where a secondment has been granted to one employee, but any further secondments may cause unacceptable operation difficulties, and may therefore have to be refused.
 - (iv) The ease by which the individual's post could be recruited to given the temporary nature of any back filling.
 - (v) The length of the potential secondment and the timescales for temporarily filling the consequential vacancy. (Additional consideration would also have to be given where the temporary replacement would have to receive DBS clearance.)

6.3 Length of Secondments

- 6.3.1 Secondments should normally be for at least three months but not more than 12 months in duration. In cases where there is a clear end date this should be indicated when the post is advertised.

6.3.2 There may be exceptional circumstances where it may be beneficial for a secondment to continue for in excess of 12 months. Careful consideration would have to be made of any extension beyond 12 months as the individuals will release their rights to their substantive role and be subject to the council's redeployment procedure on their return. Consideration would also have to be made around the status of any employee who may cover that post on a temporary basis.

6.3.3 All secondment contracts should incorporate the notice period required by the employer and employee if they wish to terminate the secondment early. Where no notice period is stated, then the local and national conditions would apply, subject to consultation between the relevant parties.

6.4 External Secondments – Additional Conditions

6.4.1 Before the period of secondment begins a secondment agreement must be drawn up by the host employer and agreed and signed by Bury Council's Legal Services, the external organisation (if relevant), and the employee.

6.4.2 An external secondment agreement must cover the following:

- How long will the secondment last?
- What happens if any of the parties wish to end the secondment before its due date?
- What specific contractual obligations will the employee have to fulfil, and for whom?
- Who will be the 'employer' during the period of secondment?
- What happens to pay and other benefits including pension during the secondment?
- Who will be responsible for disciplinary/performance issues? If a situation arose where the 'host' organisation would want to dismiss the employee, then they must terminate the secondment agreement. However, this reactivates the employee's contract with the releasing employer.
- What are the supervisory arrangements to be followed during the secondment?
- Who does the employee report to on matters regarding sickness and holidays and who records it?
- What travelling and subsistence expenses will the employee be eligible for? What rates will apply and who will be responsible for reimbursement?
- What mechanisms will the releasing employer put in place so the seconded employee can keep in touch?

6.4.3 Once the agreement has been finalised, it should then be sent to the HR Transactional Team for processing.

6.5 Employees Returning to Substantive Posts within 12 months

6.5.1 Prior to an employee returning to their substantive post, consideration should be given regarding what support the employee may require. A re-induction into the workplace and role may be appropriate or there may be some training issues to address, for example, training on revised systems or processes.

6.5.2 At the end of the secondment the employee will return to their substantive post (providing this is within 12 months) with no loss of the incremental progression that would have been applicable had they been in post for the duration of their secondment.

7 Evaluation and Measures of Success

7.1 It is recommended that, as part of the re-induction process following a secondment, there is a review of its success and a discussion around the benefits gained (for example new skills, knowledge and experiences) and these put to good use where appropriate.

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Voluntary Exits Policy

Document Control

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Date Created	150223
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Contents

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1. Aim

This policy brings together all policy information related to employees exiting the organisation in the following circumstances:

- Voluntary Early Retirement (VER) on the grounds of efficiency of the service
- Voluntary Early Retirement on the grounds of efficiency of the service with severance
- Flexible Retirement
- Voluntary Redundancy

VER estimates are calculated by the pensions team in accordance with pension scheme rules.

Severance Payments are calculated in accordance with the Council's [Redundancy Policy](#)

2. Definitions

- 2.1 Voluntary Early Retirement - Enables employees to retire voluntarily before normal retirement age on the grounds of efficiency of the service or redundancy - subject to certain conditions and approval of application.
- 2.2 Flexible Retirement – Enables employees to start receiving their pension benefits from their current membership from an earlier age whilst allowing them to continue working whilst preparing for retirement - subject to certain conditions and approval or application.
- 2.3 Voluntary Severance – Enables employees of any age to leave voluntarily with a severance payment on the grounds of redundancy - subject to approval of application.

3. Scope

This policy applies equally to all employees who are members of the Local Government Pension Scheme (LGPS) and have at least 2 year's total membership. Voluntary Severance applies to all employees of the Council.

4. Principles

- 4.1 The Council is opposed to re-employing an individual who has received a voluntary exit package from Bury Council.
- 4.2 Applications for voluntary exits must be agreed by the employer and will only be considered if they are in the interests of efficiency of the service and to the Council's financial benefit.

- 4.4 The Council does not normally offer added years/enhancement of benefits.
- 4.3 Business cases must demonstrate that it is in the Council's financial interest and/or in the interests of efficiency of the Council's business to agree to the request.

5. Approach

5.1 Voluntary Early Retirement

- 5.1.1 At age 55, employees can retire and receive pension benefits from the LGPS without the Authority's consent. However, actuarial reductions will apply and the employee must have 2 years membership, unless they have brought in a transfer from another pension scheme.
- 5.1.2 Members of the Local Government Pension Scheme (LGPS) aged 55 or over who have 2 or more year's membership can apply to draw voluntary early retirement benefits in cases of the efficiency of the service or redundancy with no added years but no actuarial reduction.
- 5.1.3 Applications must result in a financial saving to the Council which must be demonstrated in the Business Case. All associated costs including severance payment and capital costs must be paid back in 3 years.
- 5.1.4 Retirement can be on the grounds of redundancy (if the employee's post is being made redundant) or efficiency of the service - for example:
 - i) The health of the employee may be affecting performance but may not qualify for ill health retirement
 - ii) Compassionate grounds
 - iii) Skills not compatible with the changing requirement of the job

5.2 Flexible Retirement

- 5.2.1 Flexible Retirement gives members of the LGPS with at least 2 years membership the option to start receiving the pension benefits from their current membership from an earlier age (currently 55 years and over at the date of the Flexible Retirement as per the LGPS regulations) whilst allowing them to continue working until a specified retirement date, subject to a reduction in their working hours or grade.
- 5.2.2 Employees are able to prepare for retirement by 'stepping down' into a less demanding and lower paid role.
- 5.2.3 Employee's will be required to reduce their working hours and/or grade to ensure that the flexible retirement does not result in an increase in their monthly earnings (i.e. the combined total of their reduced monthly salary plus pension must not be greater than their salary at the effective date of the flexible retirement).
- 5.2.4 Actual retirement date must be specified at the point the flexible retirement is agreed. The employee must retire within 3 years. During this period the employee is expected to hand over essential knowledge, skills and experience and then retire. In exceptional circumstances an extension may be granted by

the Director of People & Inclusion and Cabinet member for Corporate Affairs and Human Resources.

- 5.2.5 The business case for flexible retirement must result in the salary savings (inclusive of oncosts) paying back any capital cost over a 3-year period.
- 5.2.4 At the point they 'retire' the employee may qualify for a long service award or redundancy payment (based on reduced salary) depending on the circumstances.
- 5.2.5 Each flexible retirement request will be considered on its merits and will only be agreed if it is in the employer's economic and/or operational interests to do so.
- 5.2.6 Following a change in role, hours or salary, pension benefits may be affected and advice should always be obtained from the Pensions Team on how the employee's future pension benefits might be affected. Working part-time or in a lower grade prior to the normal retirement age may also affect an employee's ill-health benefits or redundancy payments in the future.

5.3 Voluntary Severance

Employees are able to apply for voluntary redundancy at any age. Applications that are agreed must result in the removal of the post (or an alternative post in the case of a 'bumped' redundancy) from the establishment and budget. Managers have the responsibility to ensure this happens.

5.4 Re-employment of employees who have taken a voluntary exit

- 5.4.1 A former employee who left the Council through any form of enhanced severance package, including but not exclusive to voluntary early retirement or flexible retirement will not be re-engaged in normal circumstances at any point and without the approval of the Director of People and Inclusion and Cabinet Member for HR and Corporate Affairs. This includes engagement via Agency or a contract for services. However, this provision excludes engagement to support the Local Authority's role in relation to Elections.
- 5.4.2 Employees made redundant are able to apply for roles in the future, however continuous service will not apply.

6. **Process**

6.1 Process

- 6.1.1 Any employee who is considering a voluntary exit should first discuss the proposal with their line manager.
- 6.1.2 Managers should request an estimate of benefits from the pensions team – this can be done through HR.
- 6.1.3 A discussion with the manager must then take place to determine whether or not a business case exists.

- 6.1.4 Employee to complete an application form, the manager to complete the business case. The manager should discuss with HR options available in order to develop a supporting business case.
- 6.1.5 If the proposal is supported in principle, the application will be considered by the Executive Director and must have their support before it can proceed.
- 6.1.6 When considering whether to support applications Executive Directors will take a rounded view considering, for example, the following:
- Whether there is any detrimental effect on service delivery
 - If there is available alternative work at the lower grade (if stepping down is requested)
 - That the arrangement is fair and equitable to other team members
 - If it may help to avoid redundancies and the associated strain on pension fund costs and redundancy payment costs
 - If it enables the transfer of skills/knowledge
 - If it would be advantageous to the employee's wellbeing and the service
- 6.1.7 In cases where a request is not supported by the Executive Director the decision and supporting rationale will be confirmed to the employee in writing.
- 6.1.8 Supported applications should be forwarded to the Director of People and Inclusion for further consideration before being submitted to the Executive Director of Finance and, ultimately, the Cabinet Member for Corporate Affairs and HR for approval. Costs exceeding £100,000 are subject to approval by full Council.