

|                       |                 |
|-----------------------|-----------------|
| <b>Classification</b> | <b>Item No.</b> |
| Open                  |                 |

|  |   |
|--|---|
| <b>Meeting/Dates:</b>                  | Council – 22 <sup>nd</sup> March 2023       |
| <b>Title of report:</b>                | Pay Policy Statement 2023/24                |
| <b>Report by:</b>                      | Cabinet Member for Corporate Affairs and HR |
| <b>Decision Type:</b>                  | Council                                     |
| <b>Ward(s) to which report relates</b> | 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)**

Following consideration and agreement by Employment Panel, Council is asked to agree the proposed Pay Policy Statement for 2023/2024

## 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 web-site. This is to ensure transparency, so that local tax payers 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. £57K) 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 well above the £9.90 and the non-consolidated supplements were removed. The Real Living Wage rose to £10.90 on 22<sup>nd</sup> 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 1<sup>st</sup> 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 details of those currently paid in accordance with JNC for Chief Officers Terms and Conditions and Appendix 3 sets out the Council's current structure of 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 1<sup>st</sup> January 2022 – 31<sup>st</sup> 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 31<sup>st</sup> 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.
- 5.4 This year, as part of our Equality and Inclusion agenda, we have included information on our disability and ethnicity pay gaps. Direct comparisons are not available as there is no requirement to publish this data:

#### Hourly rate of disabled employees

|         | Mean         | Median        |
|---------|--------------|---------------|
| 2020/21 | 4.53% Higher | 13.27% Higher |
| 2021/22 | 1.45% Higher | 3.07% Higher  |

### Hourly rate of non-white employees

|         | Mean        | Median       |
|---------|-------------|--------------|
| 2020/21 | 6.41% Lower | 0.00%        |
| 2021/22 | 4.57% Lower | 2.00% Higher |

---

### 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> <p>Information on the Council's disability and ethnicity pay gaps are included for the first time this year. Results show a decrease from a retrospective calculation of last years figures in the mean pay gap for non white and disabled employees, with a significant reduction in the median pay gap for non white employees.</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 fully funded within the Council's approved budget.

---

**Report Author and Contact Details:**

Caroline Schofield  
Strategic Lead – Human Resources  
[c.j.schofield@bury.gov.uk](mailto:c.j.schofield@bury.gov.uk)

---

**Background Papers**

Report to the Employment Panel, 1<sup>st</sup> March 2023. – Pay Policy Statement 2023/24

---

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

| Term | Meaning |
|------|---------|
|      |         |