



<b>Report of:</b>	<b>Meeting</b>	<b>Date</b>
Councillor David Henderson, Leader of the Council and Clare James, Corporate Director Resources	Council	5 March 2020

### **Pay Policy Statement 2020/21**

#### **1. Purpose of report**

- 1.1** To consider the Council's Pay Policy Statement for the 2020/21 financial year in advance of it being published on the council's website.

#### **2. Outcomes**

- 2.1** Increased accountability, transparency and fairness in the setting of local pay, ensuring that communities have access to the information they need to determine whether remuneration, particularly senior remuneration, is appropriate and commensurate with responsibility.

#### **3. Recommendation**

- 3.1** Members are asked to note and approve the Pay Policy Statement in respect of 2020/21 attached at Appendix A.

#### **4. Background**

- 4.1** The Localism Act 2011 requires the Council to prepare a Pay Policy Statement to articulate the authority's own policies towards a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees. Pay Policy Statements must be prepared for each financial year, must be approved by the full Council and published in such manner as the authority thinks fit, which must include publication on the authority's website. The first statement was prepared and approved by Council at their meeting on 1 March 2012.

## 5. Key issues and proposals

- 5.1 Accountability** – The Secretary of State considers that decisions on pay policies should be taken by elected members i.e. those who are directly accountable to local communities. That is why the Act requires that pay policy statements, and any amendments to them, are considered by a meeting of full Council and cannot be delegated to any sub-committee. Such meetings should be open to the public and should not exclude observers. In addition, full Council should be offered the opportunity to vote before large salary packages are offered in respect of new appointments and the threshold set by the Secretary of State is £100,000. This should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment.
- 5.2 Transparency** - Approved policy statements must be published on the authority's website as soon as is reasonably practicable after they are approved or amended. The definition of chief officers is not limited to Heads of Paid Service or statutory chief officers but also includes those who report directly to them (non-statutory chief officers) and to their direct reports (deputy chief officers).
- 5.3 Fairness** – The Act requires authorities to set their policies on remuneration for their highest paid staff alongside their policies towards their lowest paid employees. In addition, it requires authorities to illustrate the relationship between the remuneration of its chief officers and its employees who are not chief officers via the publication of an organisation's pay multiple – the ratio between the highest paid employee and the median earnings across the organisation. (The median is the middle number of a group of numbers; that is, half the numbers have values that are greater than the median, and half the numbers have values that are less than the median.)
- 5.4** The Pay Policy Statement for the 2020/21 – financial year is attached at Appendix A.

<b>Financial and legal implications</b>	
Finance	None arising directly from the report.
Legal	Compliance with sections 38 to 43 of the Localism Act 2011.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

Appendix A – Pay Policy Statement 2020/21



# Pay Policy Statement 2020/21

Wyre Council  
Civic Centre  
Breck Road  
Poulton-le-Fylde

March 2020

# The Pay Policy Statement for Wyre Council

## 1. Introduction

- 1.1 In order to demonstrate openness and accountability in local pay and in accordance with the Localism Act, the Council is required to publish a Pay Policy Statement for each financial year which must be approved by full Council. This is the ninth statement produced by the Council, relating to the 2020/21 financial year, and must be approved and prepared before the end of March 2020. The statement must articulate the authority's own policies towards a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.
- 1.2 For the purposes of the statement, the reference to 'Chief Officers' includes the Head of Paid Service (Chief Executive), the Corporate Directors, including the S151 Officer, the Monitoring Officer (Head of Business Support) and deputy chief officers or those reporting or directly accountable to one or more of the statutory chief officers (Heads of Service), with the exception of some Third Tier Managers.
- 1.3 In accordance with the Act, remuneration includes: The employee's salary;
  - Any bonuses payable by the authority to the employee;
  - Any charges, fees or allowances payable by the authority to the employee;
  - Any benefits in kind to which the employee is entitled;
  - Any increase in or enhancement of the employee's pension entitlement where the increase or enhancement is as a result of a resolution of the authority;
  - Any amounts payable by the authority to the employee on the employee ceasing to be employed by the authority, other than any amounts that may be payable by virtue of any enactment – e.g. statutory redundancy.
- 1.4 Under the new arrangements, full Council should be offered the opportunity to vote before large salary packages are offered in respect of any new appointments. The Secretary of State considers that £100,000 is the right level for that threshold to be set and salary packages should include salary, bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment.
- 1.5 The Act does not require authorities to use their pay policy statements to publish specific numerical data on pay and reward. Data is currently published on pay and reward in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency in relation to [senior employees](#) defined as above £50,000 and the [Accounts and Audit Regulations 2015, Schedule , Employee and Police Officer Remuneration](#) for posts where the full time equivalent salary is at least £50,000.
- 1.6 In determining the pay and remuneration of all its employees, the council complies with all relevant employment legislation including the National Minimum Wage (Amendment) Regulations 2016, Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000 and, where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. The council ensures that 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.

## **2. Pay Multiple**

- 2.1 In June 2010, the Government asked Will Hutton to undertake a review of Fair Pay in the public sector and the final report was published in March 2011. The report highlighted that there is value in ensuring that decisions about senior pay are taken in the context of similar decisions on lower paid staff and that the relationship between those decisions should be considered. The Government welcomed this approach and the Act therefore requires authorities to set their policies on remuneration for their highest paid staff alongside their policies toward their lowest paid employees. The recommended way of illustrating this relationship is via the publication of an organisation's pay multiple – the ratio between the highest paid employee and the mean average or median earnings.
- 2.2 Using information held in the payroll system as at January 2020, a pay multiple of 4.05, no change from January 19 has been calculated as the mean average using a mean salary of £26,199.66 and 5.07 (previously 5.07) as the median using a median salary of £21,166.
- 2.3 The relationship between the remuneration of chief officers and other employees is determined by the pay and grading evaluation system and is not based on pay differentials associated with seniority. The pay and grading system determines salary levels based on skills, knowledge, relationships, the work environment and responsibilities, including managerial sphere of responsibility.
- 2.4 Following a series of staffing reviews which has seen significant reductions in cost, the Council's policy going forward will be to ensure that the pay multiple is not significantly changed. The council will monitor its alignment with external pay markets, both within and outside the sector, and use available benchmark information as appropriate.

## **3. Remuneration**

- 3.1 A change to the senior management restructure was considered and recommended by Council 3 on October 2019. This new structure was implemented with effect from 1 December 2019 creating three new Corporate Director posts with a revised remuneration package of £62,000 to £72,000 (by three incremental progression points). The appointment of the Head of Finance to one of the new Corporate Director positions allowed the responsibilities of the section 151 officer to be incorporated into one of the new Director roles. In addition a new Head of Housing and Community Services position was also created. In determining the grading structure for these posts, which fall outside the nationally agreed arrangements, the council takes account of the need to ensure value for money balanced against the need to recruit and retain employees who are able to meet the requirements of the role.
- 3.2 Heads of Service are remunerated in accordance with the pay and grading structure agreed by both the Employment and Appeals Committee and the Cabinet at their meeting 8 December 2008. This revised pay and grading structure was implemented as a result of the 1997 Single Status Agreement which required all councils to review their local grading structures and to implement a structure which was fair and non-discriminatory. The Council adopts the national pay bargaining arrangements in respect of the establishment and revision of the national pay spine and the pay and grading structure is published on the council's website.

For the 2020/21 financial year, Heads of Service will be remunerated as follows::

Head of Planning Services – Grade 14  
Head of Environmental Health and Community Safety – Grade 14  
Head of Built Environment – Grade 14  
Head of Contact Centre – Grade 14  
Head of Business Support – Grade 14  
Head of Governance – Grade 13  
Head of Engineering Services – Grade 14  
Head of Housing and Community Services – Grade 14

Section 8 of this report details information on contracted chief officers.

- 3.3 The Head of Business Support receives an annual allowance of £3,152.41 (in 2019/20) for undertaking the Monitoring Officer role. This allowance is increased in line with agreed pay awards and the 2020/21 increase will be applied when known. (Note: As part of a contract for services with Lancaster City Council, the Head of Governance currently receives an additional payment linked to progression through Grade 14.)
- 3.4 At the time of writing this policy, the pay award for 2020/21 has not yet been agreed.
- 3.5 New appointments will normally be made at the minimum of the relevant pay scale for the grade, although this can be varied where necessary to secure the best candidate. Progression through the incremental scale is subject to satisfactory performance which is assessed on an annual basis. The level of remuneration is not variable dependent upon the achievement of defined targets.
- 3.6 The council does not award any other elements of senior remuneration such as bonuses, performance related pay or severance payments. Fees for the Returning Officer and other electoral duties are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda. As these relate to performance and delivery of specific election duties as and when they arise, they are distinct from the process for the determination of pay for Chief Officers.
- 3.7 **Parliamentary and European Elections** – Owing to the delay in the implementation of Brexit an unexpected Parliamentary and European election was held on 23 May 2019. A Maximum Recoverable Amount (MRA) of funding for conducting these elections is set by the Cabinet Office in advance of holding the election. This MRA details the total amount of funding that is available for administering the elections as well as the fee to be paid to the Returning Officer.

A Parliamentary Election took place on 12 December 2019. A Maximum Recoverable Amount (MRA) of funding for conducting these elections is set by the Cabinet Office in advance of holding the election. This MRA details the total amount of funding that is available for administering the elections as well as the fee to be paid to the Returning Officer.

**County Council Elections** – The council receives notification from Lancashire County Council of a set of fees and charges which details the fee to be paid to the Deputy Returning Officer and also Presiding Officers, Poll Clerks and Polling Station Inspectors. The next County Council elections will be held on 6 May 2021.

**Borough and Parish Elections** – A borough election was held on 2 May 2019. The fees and disbursements are determined by the Returning Officer under delegated powers. The schedule is reviewed annually and published on the website with the majority of fees being determined by the number of wards or parishes contested and the number of registered postal voters. The next Borough and Parish Council elections will be held on 4 May 2023.

**Police and Crime Commissioner Elections** – The next election will be held on 7 May 2020. A Maximum Recoverable Amount (MRA) of funding for conducting these elections is set by the Cabinet Office in advance of holding the election. This MRA details the total amount of funding that is available for administering the election as well as the fee to be paid to the Local Returning Officer.

- 3.8 There may be occasions when employees are subject to formal standby arrangements such as Albion and Neptune concerning river and tidal flooding. This is paid at £93.21 (in 2019/20) per week with recall to work being paid for chief officers at plain time or time off in lieu.

#### **4. Pension Contributions**

- 4.1 Since 1 October 2017, the Council has been required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment for all those who do not opt out of the Local Government Pension Scheme (LGPS). The rate of future service contributions is set by the Actuary advising the Pension Fund and is reviewed on a triennial basis in order to ensure that the scheme is appropriately funded. The future service rate, set at 1 April 2020 for a three year period, is 18.8%.
- 4.2 The staging date for Auto-Enrolment of employees who receive payment in respect of the Elections was 1 August 2017 and the council had to automatically enrol all qualifying workers into an approved pension scheme from that date. For this purpose qualifying employees are those aged between 22 years and state pension age who earn at least £10,000 per year from their election duties. Wyre Elections had no automatic enrolment duty from the staging date but the situation is monitored as part of the ongoing assessment process.

#### **5. Redundancy**

- 5.1 The LGPS Regulations require the council to formulate and keep under review a policy for [Employer Discretions](#) concerning the exercise of functions in awarding additional pension or service to members and in operating early retirement and flexible retirement provisions.
- 5.2 The policy makes it clear how the council intends exercising its discretionary functions in order to ensure that Members remain in control and that the council tax payers' interests are safeguarded.
- 5.3 Section 2 shows the options available to the council and scheme members to terminate employment including early retirement, redundancy/early retirement in the interests of efficiency of the service, voluntary early retirement and ill health retirement.
- 5.4 Section 3 lists all the discretions that have been considered and how the council wishes to exercise their discretion in each case. There remains only one discretion

which allows the granting of additional pension (up to a maximum of £6,755 a year) but the council has determined not to award this.

- 5.5 Whilst the council has a discretionary power to award a one-off lump sum payment of up to two years' pay (104 weeks) inclusive of any redundancy payment it has decided not to award enhanced payments and will use the statutory formula to calculate redundancy payments giving a maximum of 30 week's pay but has adopted the power to use the actual week's pay (excluding employer's pension contribution) for the calculation of redundancy rather than the statutory limit.
- 5.6 In approving early or flexible retirement with employer consent, the council will assess each case on its merits, taking into account the costs, the efficiency savings that will accrue, impact on service, potential for service improvements, etc.

## **6. Flexible Retirement**

- 6.1 Sometimes it can appear that the public sector is paying an individual twice – through a salary and a pension – for doing the same job. The council can determine whether all or some benefits can be paid if an employee applies for flexible retirement at or after age 55. Employees opting for flexible retirement by reducing hours or moving to a lower grade can draw their pension benefits whilst continuing in employment and building up further benefits in the scheme. The council does not automatically operate this discretion but each case is considered on its merits.

## **7. Re-employment of Chief Officers**

- 7.1 The council does not specifically preclude the employment or contracting of chief officers who were previously employed by the authority and who, on ceasing to be employed, were in receipt of a severance or redundancy payment.
- 7.2 Lancashire County Council, the administering authority for the LGPS, are responsible for determining any policies concerning the abatement of pensions i.e. where pension has been enhanced previously either through the award of added years or ill health retirement.

## **8. Contracts**

- 8.1 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 may consider engaging individuals under a 'contract for service'. These will be sourced through the relevant procurement process ensuring that the council can demonstrate value for money. The responsibility for assessing the employment status of the contractor sits with the council along with responsibility for deducting tax and national insurance and paying the correct tax as applicable. However such persons are not Wyre Council employees and the council is not required to make either pension or national insurance contributions. The council undertook a joint recruitment exercise with Lancaster City Council to appoint a shared Head of ICT. The position is 37 hours per week, Lancaster City Council are the employing authority and as such remuneration falls within Lancaster's pay and grading structure. The post holder works 22.2 hours at Lancaster, Wyre contracts the remaining 14.8 hours per week the cost of this contract, including oncosts is £26,019.

## 9. Lowest Paid

- 9.1 In accordance with the Localism Act, the council is required to develop its own definition of “lowest paid” and explain why that definition has been chosen.
- 9.2 The lowest paid persons employed by the council are reimbursed in accordance with the established pay and grading structure with the minimum spinal column point (scp) in use. As of 1 April 2019 this will be the new scp 1 namely £17,364 per annum for a full time equivalent (37 hours). This level of payment ensures that all staff are paid above the statutory national living wage regardless of their age. However with the introduction of the new Apprenticeship Scheme in April 2017, the national minimum wage for apprentices and those aged 16 to 25 was reintroduced in the pay policy so that we can ensure that we meet the requirements of that scheme. The table below illustrates the rates of pay from 1 April 2020.

<b>National Living Wage</b>	<b>National Minimum Wage</b>				
	<b>25 and over</b>	<b>21 to 24</b>	<b>18 to 20</b>	<b>Under 18</b>	<b>Apprentice</b>
£8.72	£8.20	£6.45	£4.55	£4.15	

Apprentices are entitled to the apprentice rate if they’re either aged under 19 or aged 19 or over and in the first year of their apprenticeship. The council currently has no apprentices or employees under 25 being paid the national minimum wage.

## 10. Terms and Conditions

- 10.1 For the purposes of the Pay Policy Statement, the reference to ‘Chief Officers’ includes the Chief Executive, the Corporate Directors and the Heads of Service who have different sets of terms and conditions as indicated below.

- Chief Executive – the Joint Negotiating Committee for Chief Executives;
- Corporate Directors – the Joint Negotiating Committee for Chief Officers; and
- Heads of Service – the National Joint Council for Local Government Services.

- 10.2 All posts carry a casual car user status which entitles the employee to reimbursement at the rate of 52.2p per mile.

- 10.3 Entitlement to sickness absence for all posts is detailed below.

10.4	During 1 <sup>st</sup> year of service	One month’s full pay and (after four months’ service), two months’ half pay
	During 2 <sup>nd</sup> year of service	Two months’ full pay and two months’ half pay
	During 3 <sup>rd</sup> year of service	Four months’ full pay and four months’ half pay
	During 4 <sup>th</sup> and 5 <sup>th</sup> years of service	Five months’ full pay and five months’ half pay
	After completing 5 <sup>th</sup> year of service	Six months’ full pay and six months’ half pay

- 10.5 Annual leave entitlement for both the Chief Executive and the Corporate Directors is 30 working days and after the completion of five years’ service with the organisation 35 working days; recognising that these four post holders are not entitled to accrue flexi-time. Heads of Service being eligible for the following:

Up to the completion of 4 years	23 days
From the 4 <sup>th</sup> complete year to the 5 <sup>th</sup> complete year	25 days
After completion of 5 years	28 days

- 10.6 No chief officers or any other employees, excluding legal officers who require a practising certificate to represent the Council in court, receive any reimbursement for professional fees.