

# Nottingham City Council

## Pay Policy Statement 2016-2017



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A city we're all proud of



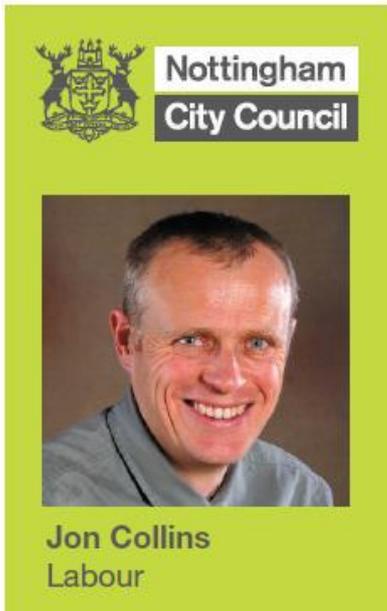
**Nottingham**  
City Council

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## Introduction from the Leader of Nottingham City Council, Jon Collins



Welcome to Nottingham Council's annual Pay Policy Statement. The statement sets out the Council's approach to setting pay and conditions for Chief Officers and those for the workforce.

This year's statement once again demonstrates how we are continuing to ensure that our employees can expect a reasonable wage. I am pleased to confirm that the Living Wage supplement continues to form part of all our lowest paid employees' salaries, and that the Council has increased the hourly rate to £7.85 from 1 October 2015. Furthermore, we continue to pay increments to our employees on the lowest four pay bands, as agreed last year for a period of two years (2014/15 and 2015/16). Future decisions regarding increments are currently under consideration but have yet to be confirmed.

We are committed to providing quality services which offer value for money in a way that balances concern for our lower paid employees with job security and affordability. We continue to strive to deliver high-quality essential services to Nottingham citizens in an increasingly challenging financial climate.

Work continues to be under way to identify further ways to reduce costs whilst keeping citizens at the heart of everything we do. Recent work on establishing complex partnerships with other sectors have provided exciting prospects for the Council to pursue increased income from commercial opportunities through working with these partners, in-sourcing services to provide more cost-effective and value for money approaches and to win new work where others are struggling to maintain services.

A handwritten signature in black ink, appearing to read 'J. N. Collins', is positioned above the printed name.

**Jon Collins**  
**Leader of the Council**

## Introduction from Chief Executive, Ian Curryer



Welcome to Nottingham City Council's annual Pay Policy Statement.

This statement outlines the Council's approach to setting pay and conditions for colleagues including senior staff (chief officers). It sets out how we are spending public funding appropriately and demonstrates our commitment to openness and transparency about pay and allowances.

As our funding from Central Government continues to reduce, we have had to take some difficult decisions across the whole organisation to ensure that we deliver our key priority of providing essential services for the people of Nottingham, including those who work, study, invest and visit here.

Last year we implemented a new Operating Model from 01 April 2014, which was designed to place the citizen at the heart of our organisation. In September this year, we made some additional changes to our management structure in order to further support the Council in discharging its duties in the current financial climate; in particular with relation to supporting vulnerable children and adults, facilitating more complex partnership working, and looking into the possible benefits of Devolution.

The Council's new and exciting agenda has the potential to provide opportunities to secure formal arrangements with other sectors that could reduce bureaucracy and duplication, thereby reducing costs and enabling the Council to provide better services to local people.

As a Council we remain committed to ensuring that the benefits of our pay policy are felt by colleagues whose wages have gradually fallen in value. This has included the introduction of the Living Wage supplement and the payment of an increment to our lowest paid colleagues, both of which continue to be in place in this financial year. The situation regarding increments for colleagues on higher levels of pay is under review, but at present these continue to be frozen. The position regarding Living Wage will also require further consideration following the recent Government decision to introduce a compulsory National Living Wage from April 2016, but at present the Council continues to pay Living Wage at the rate suggested by the Living Wage Foundation, which this year has increased to £7.85.

A handwritten signature in black ink that reads "Ian Curryer". The signature is written in a cursive, flowing style.

**Ian Curryer**  
**Chief Executive**

## 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 each financial year (starting from 2012/13).
- 1.2 The pay statements must articulate the Council's own policies on a range of issues relating to the pay of its workforce, particularly its senior employees (or 'chief officers' as defined by the Local Government and Housing Act 1989) and its lowest paid employees.
- 1.3 The Act requires the policy to be considered by a meeting of Full Council and cannot be delegated to any sub-committee. All decisions on pay and reward made in 2016/17 must comply with the pay policy statement. The statement may be amended in year but must be agreed again by a meeting of Full Council.
- 1.4 This pay policy statement provides information on Nottingham City Council's pay and conditions for chief officers in comparison to the bulk of the workforce employed on 'Local Government Scheme' (LGS) terms and conditions. It also sets out the approach that will be taken during 2016/17. It should be noted that the Council is currently in the process of considering its future pay model; therefore this statement may be subject to change as a result of this once decisions have been taken.
- 1.5 Sections 2, 4 and 7 and appendix 7 use retrospective pay information. Due to reporting pressures at Full Council in March 2016, this report will be taken in January 2016 and has, therefore, been produced earlier. The effect of this is a shorter period of data has been used than in previous years' statements (April-September as opposed to April-December).
- 1.6 The Council's structure currently consists of four main departments; Children and Adults, Development, Commercial & Operations, and Resilience; delivering specific functions for its citizens.

## 2 DEFINITIONS AND SCOPE

### 2.1 Definition of Chief Officer at Nottingham City Council

Appendix 2 provides a structure chart of all the Chief Officers as defined by the Local Government and Housing Act 1989 employed at the Council as at 31 October 2015. In April 2014, the City Council adopted a new operating model, which made some considerable changes to the Council's management structure. Consequently there are now more Chief Officers and Deputy Chief Officers captured by the statement.

An extract from the Local Government and Housing Act, outlining the definition of Chief Officers and Deputy Chief Officers, is included at Appendix 3.

### 2.2 'Lowest Paid' Employee

The bulk of the workforce is employed on Local Government Scheme (LGS) terms and conditions. The 'lowest paid employee' is defined as LGS employees employed on Greater London Provincial Council (GLPC) Grade A, spinal point 5, equating to £13,500 basic pay.

This is the lowest pay point and salary offered for a substantive post at the Council excluding apprentices and casual workers.

- 2.3 Since 1 April 2013, the Council has paid a Living Wage supplement to all employees, schools' employees and casual workers on Grade A (£12,266 - £12,915 at that time). This

was initially an increase of their hourly rate to £6.83 (£13,177 per annum). As of 1 April 2014, the Council increased this supplement to £7.65 (£14,759), meaning many employees on Grade B have benefited too.

The Council has increased the Living Wage supplement again, to £7.85 (£15,145) with effect from 1 December 2015, backdated to 1 October 2015. Due to the dates of the reporting period, the figures contained within this report reflect the position prior to this latest increase in the Living Wage supplement.

#### 2.4 The pay policy statement has excluded:

- Apprentices;
- Colleagues on NHS terms and conditions;
- Colleagues on Enviro Energy terms and conditions;
- Colleagues on East Midlands Council's terms and conditions;
- Colleagues on protected terms and conditions under TUPE (JAC, Action for Children)
- Colleagues on Teachers' terms and conditions
- Non chief officer Heads of Services and managers on Senior Leadership Management Group (SLMG) terms and conditions; and
- Colleagues on Soulbury and Hay terms and conditions;
- Colleagues on the House Agreement for the Theatre Royal and Royal Concert Hall (TRCH).

The reason for excluding these groups is because apprentices are not on permanent contracts, the majority of Heads of Services are not chief officers as defined by the Local Government and Housing Act, and there are a very small number of colleagues employed on the other types of terms and conditions (18 on NHS, 30 on Enviro Energy, 36 on East Midlands Councils, 3 on protected terms under TUPE, 39 on Teachers' terms and conditions, 34 on Soulbury, 1 on Hay and 106 on TRCH). There are 112 Apprentices.

Furthermore, the lowest paid employee for each of the excluded groups (except Apprentices) is paid higher than LGS employees; for example NHS (£15,851), Enviro Energy (£16,352), East Midlands Council (£19,742), Teachers (£32,509), Soulbury (£36,805), Hay (£35,662) and SLMG (£48,960) is higher than LGS employees. The exception is the House Agreement for the TRCH, for which group the minimum salary is the same as that for LGS.

#### 2.5 Schools' Employees

As specified in the Localism Act, the pay policy statement does not include information on, or apply to, chief officers and employees based in schools.

#### 2.6 Public Health Employees (transferred to Nottingham City Council under Statutory Transfer during 2013)

A number of colleagues transferred into the Council from the PCT with effect from 1 April 2013.

Some of the aforementioned Public Health employees may come under the definition of 'chief officers', however as this was a Statutory Transfer under a 'Cabinet Officer Statement of Practice' their pay and conditions were determined and governed by the provisions of their previous contract and terms and conditions, i.e. Agenda for Change. It is important to note that for this reason, some or all of this pay policy statement does not apply to such officers.

### **3 HOW PAY AND CONDITIONS ARE AGREED FOR CHIEF OFFICERS**

3.1 Chief Officers' pay and conditions are ratified by the Council's remuneration committee; Appointment and Conditions of Service (ACOS). The responsibility for this function is set out in Appendix 4 which provides an extract from the Council's Constitution. In summary, the main responsibilities of ACOS relating to chief officers' pay and conditions are:

- To undertake the appointment process in respect of the Chief Executive, Deputy Chief Executive and Corporate Directors, making recommendations to Full Council;
- To determine the terms and conditions of City Council employees and procedures for disciplinary action and dismissal;
- To receive reports on action taken in respect of terms agreed for the Chief Executive, Deputy Chief Executive, Corporate Directors and the Senior Leadership Management Group (SLMG) leaving the employment of the Council where those terms included compensation;
- Determine redundancies, ill health retirements, flexible retirements and terminations of employment (including payments over £30,000 relating to efficiency) and any exercise of discretions to increase total LGPS pension and award additional LGPS pension for the Chief Executive, Deputy Chief Executive, Assistant Chief Executive, Corporate Directors, Strategic Directors and Directors;
- To approve any proposals for significant restructuring of the Council's management structure.
- To approve any proposals from the Chief Executive for changes to salary levels (including ranges of salaries) for Corporate Directors, the Deputy Chief Executive and Assistant Chief Executive.

3.2 The Committee is accountable to Council, has eleven members (politically balanced (one place is reserved for the relevant Portfolio Holder (or their substitute) in relation to matters in respect of the appointment process for the Chief Executive and Corporate Director and the dismissal process for the Chief Executive)). The Committee meets on a monthly basis.

3.3 Chief officers have no power to negotiate their own terms and conditions outside of the Council's policies and procedure either during recruitment, throughout employment, or upon termination of their contract. The degree of responsibility exercised by chief officers in return for their basic pay is restricted to established pay grades (Appendix 5) or with regards to other pay such as market supplement or acting up allowances in accordance with the provisions contained within the Council's pay policy (Appendix 6).

### **4 PAY, TERMS AND CONDITIONS AT NOTTINGHAM CITY COUNCIL**

4.1 The majority of chief officers working at Nottingham City Council belong to a group referred to internally as the 'Senior Leadership Management Group (SLMG)'. Colleagues employed as Heads of Services and other senior managers are also part of SLMG and its associated terms and conditions; however the majority are not chief officers as defined by the Local Government and Housing Act.

- 4.2 7 6 provides a comprehensive breakdown of all the terms and conditions offered to the Council's chief officers in comparison to LGS employees as at 30 September 2015, including pay range, allowances, fees and other benefits in kind. The table also provides information on which pay and condition is contractual.
- 4.3 The table highlights that many of the terms and conditions offered to LGS employees, such as overtime, incremental progression, travel expenses within County of Nottinghamshire, weekend/evening allowances etc are not available to the Council's chief officers. It should be noted that, whilst the Council continues to pay increments to employees on the lowest four pay bands for a period of two years (2014/15 and 2015/16), the situation regarding increments for colleagues on higher levels of pay continue at present to be frozen. Future decisions regarding increments are currently under consideration but have yet to be confirmed.
- 4.4 The Chief Executive is paid on a spot salary of £160,000 as agreed by the Council's appointing committee (Appointment and Conditions of Service).
- 4.5 The total additional payments made to the Council's Chief Officers between 1 April 2015 and 31 September 2015 are listed in the table below:

<b>Pay Element</b>	<b>Total for Chief Officers*</b>
Total year to date additional payments (1 April 2015 to 31 September 2015) Additional payments include: Car mileage, allowances for additional responsibilities, general expenses (e.g. subsistence, parking etc), and travel expenses.	£33,845

\* as defined by the Local Government and Housing Act 1989

This is has decreased from last year, when the total additional payments were £39,527.

## **5 ELECTION DUTY PAYMENTS**

- 5.1 The Returning Officer's fee is a payment made to a nominated chief officer (at Nottingham City Council, this is the Chief Executive) for being in charge of the running of Local, European, Parliamentary elections in addition to National Referenda.
- 5.2 The National Referendum, European and Parliament elections are funded and paid for by central government and are therefore not related to Nottingham City Council's terms and conditions. The Council does not govern the fee payable to the Chief Executive for these elections and therefore the Chief Executive can retain any fee paid to them from these funds.
- 5.3 There was a Parliamentary election during 2015-2016 so the Chief Executive has received an additional fee during this financial year, but as outlined in 5.2 this is an independent payment and is not paid or funded by the City Council and is not part of Nottingham City Council's terms and conditions.
- 5.4 The funding for any local election comes from local authority funds and follows the same principles as those for a central government funded election. The new Chief Executive is not contractually entitled to a payment for local elections and therefore received no payment for the local election that occurred during this financial year.

## 6 MONITORING OFFICER'S FEE

6.1 The Monitoring Officer has the specific duty to ensure Nottingham City Council, its officers, and its elected Councillors maintain the highest standards in all they do. The monitoring officer's legal basis is found in Section 5 of the Local Government and Housing Act 1989 , as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.

The Monitoring Officer's three main roles are:

1. To report on matters they believe are, or are likely to be, illegal or amount to maladministration.
2. Matters relating to the conduct of councillors and officers.
3. Responsibility for the operation of the Council's Constitution.

6.2 The monitoring officer has a duty to write a report if they consider any proposal, decision, or omission made by the Council, or on behalf the Council, is illegal or would be illegal. The duty is a personal duty, and the monitoring officer cannot delegate it to someone else unless they are ill or away, in which case a deputy monitoring officer can take over the role.

6.3 There is no longer an additional payment for the role of Monitoring Officer. When this statutory role was created it was agreed that remuneration would be based on an approximate 10% loading on salary of the employee holding the post, to be funded by the Council. This year, the Monitoring Officer role has been incorporated into the job description for the Corporate Director for Resilience, and therefore now forms part of the salary for that post.

## 7 PAY RELATIONSHIPS

### Without Allowances

7.1 The relationship between the Chief Executive's basic pay (£160,000) to that of the Council's non chief officer<sup>1</sup> average earner excluding allowances (£22,449) is a pay multiple of 1:7.

7.2 The pay multiple of the Chief Executive's basic pay (£160,000) to that of the Council's non chief officer median earner excluding allowances (£19,742) is 1:8.

### With Guaranteed Payments<sup>2</sup>

7.3 The relationship between the average chief officer's pay including guaranteed payments (£85,698) and to that of the Council's non chief officer average earner including guaranteed payments (£25,960) is 1:3.

7.4 The relationship between the median pay of chief officers including guaranteed payments (£78,428) and to that of the Council's non chief officer median earner including guaranteed payments (£23,899) is 1:3.

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<sup>1</sup> The definition of 'non chief officer' in section 7 includes colleagues on Greater London Provincial Council (GLPC), non-chief officers on Senior Leadership Management Group (SLMG) pay scales and Local Government Service (LGS) pay scales. It excludes the Chief Executive (CEX) and Corporate Directors' (CDIR). The ratio has been calculated using basic FTE pay, not actual pay.

<sup>2</sup> Includes basic FTE salary, pension – employer contribution on FTE basic pay, single status incentive payments, allowances and enhancements paid between 01/04/2015 to 30/09/2015

## 8 THE COUNCIL'S STATEMENT ON PAY AND CONDITIONS FOR CHIEF OFFICERS FOR 2016/17

The section sets out the Council's approach to determining pay and conditions for chief officers for 2016/17.

(NB. Please refer to paragraph 2.7 of this document for the application of the statements below to Public Health employees under Statutory Transfer)

### 8.1 Remuneration of chief officers on recruitment

The basic all-inclusive pay for new chief officers will fall within the bandings for their job as set out in Appendix 5. New chief officers will normally start on the minimum pay point for their grading and will not be offered more than the maximum for their grade.

In certain circumstances, it may be necessary to offer a higher starting salary within their pay grading in accordance with 5.2 of the Council's Pay Policy (Appendix 6).

Full council will be provided with an opportunity to vote before any salary package over £100,000 is offered for new appointments.

### 8.2 The level and elements of remuneration for each chief officer

Any changes or amendments to SLMG pay grading will be subject to consultation with chief officers, their trade union representatives and formal ratification by ACOS. Any decision to pay market supplements or acting up allowances to chief officers will be subject to a business case put forward to the Strategic Director of Organisational Transformation for approval in accordance with section 8 of the Council's Pay Policy.

### 8.3 Increases and additions to remuneration for each chief officer

There is currently no incremental progression through the pay band for chief officers. Annual pay awards are negotiated nationally with the trade unions. There was a pay award of 2% for chief officers from 1 January 2015, which is the first chief officer pay award in five years.

### 8.4 The use of performance related pay for chief officers

The Council does not offer performance related pay to chief officers due to budget constraints.

### 8.5 The use of bonuses for chief officers

The Council will not offer bonus payments to chief officers.

### 8.6 Earn Back Pay

The Council is not intending to introduce the policy of 'earn back pay' which requires chief officers to have an element of pay 'at risk' to be earned back each year through meeting pre-agreed objectives.

The Council is confident that it has robust performance management procedures in place through its Performance Appraisal Framework to deal with poor performance. The Council's Performance Appraisal system requires a number of mandatory competencies and objectives (team and individual) to be met which are reviewed throughout the year. In addition to this,

Chief Officers are not excluded from the application of the Council's formal policies on Performance Management and Disciplinary, and will be managed under the appropriate procedures should there be sufficient underperformance or misconduct concerns, up to and including dismissal, should this be necessary.

#### 8.7 The payment of chief officers on their ceasing to hold office under or to be employed by the Council

The Council's payment to chief officers leaving the Council under the following types of termination is set out below:

- Redundancy Dismissal – Contractual notice and redundancy pay as set out in the Council's Local Government (Early Termination of Employment) Regulations 2006 (DCR Policy). See Appendix 8 for policy details. Note that if the chief officer is aged 55 or over, under Pension regulations they automatically access their pension benefits without any reduction.
- Efficiency - Efficiency payment as set out in the Council's Local Government (Early Termination of Employment) Regulations 2006 (DCR Policy). See Appendix 8 for policy details.
- Retirement – Under Pension Regulations, chief officers may automatically access their pension benefits from age 65, when they leave employment. The Council does not operate a default retirement age whereby employees are dismissed at age 65.
- Early Retirement – Chief Officers can request access to their pension from age 55 with the Council's consent, and the Council may choose to waive the actuarial reduction. Chief Officers may retire from age 55 without consent but will leave with a reduced pension unless they are protected by the 85 year rule, which will be phased out by 2016.
- Flexible Retirement – Chief Officers may apply to access their pension from age 55 but remain working at the Council either under reduced pay or reduced hours. Any flexible requirement requests for chief officers would need to be approved by ACOS.
- The Council has the power to grant additional pension to chief officers at the discretion of ACOS supported by a business case. See Appendix 9 for policy details.

It should be noted that at the time of writing, the Government has announced its intention to introduce a cap on Public Sector exit payments in order to restrict these to a maximum of £95,000. This is anticipated to be in place from 1 April 2016.

#### 8.8 Re-employment of former chief officers

Former chief officers will be permitted to apply for vacancies at the Council by following the normal competitive recruitment process.

Where former chief officers are applying for work under a contract for services with the Council (e.g. as a Consultant or casual worker), the Leader of the Council along with the Strategic Director of Organisational Transformation will scrutinise and decide whether to approve such requests following a consideration of the skills required and an assessment of value for money.

It should be noted that at the time of writing, the Government has announced its intention to introduce a legislative change under the Small Business, Enterprise & Employment Bill to recover exit payments made to Chief Officers if they leave the public sector & return to the same part of the public sector within 12 months of leaving. This is anticipated to be in place from 1 April 2016.

#### 8.9 The Council's Internal Jobs Market

With effect from August 2013, the Council implemented an internal jobs market called 'People Plus' which gives existing employees and trainees priority access to vacancies. It focuses on the Council utilising its internal talent pool, deploying strengths, skills, knowledge and experience from one post to another across the organisation.

#### 8.10 The appointment of former chief officers in receipt of a pension (pension abatement)

The Council is not in a position to abate pension payments (the act of reducing or suspending pension payments) if a chief officer is re-engaged or re-employed. The Council's pension fund is administered by Nottinghamshire County Council who set the rules for employers to follow on abatement.

Therefore until the policy is amended by Nottinghamshire County Council, the City Council cannot enforce pension abatement for current or former employees.

#### 8.11 Tax Avoidance

The Council takes its obligations for ensuring compliance with relevant taxation legislation very seriously and does not actively engage in or endorse any form of tax avoidance. Therefore, the Council has policies and procedures in place to ensure that the correct amount of taxes are accounted for and paid at the correct time.

All individuals employed or engaged by the Council are treated equally and the level of seniority does not allow for differential treatment in the engagement process, or in the method of remuneration.

The Council recognises that by paying employees through private companies it allows the individual to manage their own tax arrangements, and potentially reduce the amount of tax and national insurance they are obliged to pay, thus implicating the Council in tax avoidance schemes. Therefore, the Council does not and will not remunerate any employee at any level through a private company; all payments will be made through the Council payroll system and PAYE applied accordingly.

In addition the Council has processes and policies in place in order to check the employment status of individuals who are engaged by the Council, ensuring that it is the terms and conditions of the engagement which determine the employment status of the individual. This reduces the risk of employees being engaged in a self employed capacity and making their own tax arrangements, thereby reducing the risk of potential tax avoidance. Only contracts that fully satisfy the self employed criteria will be paid as self employed; all deemed contracts of employments will be remunerated through the payroll system and PAYE applied accordingly

#### 8.12 Shared Senior Management

Currently, the Council has no shared management arrangements with other organisations.

### 8.13 Pay and Conditions of Lowest Paid Employees

The pay and conditions of lowest paid employees are set out in the Council's Pay Policy (Appendix 6). In addition the Council pays, as a separate element, to all colleagues on Grade A and majority of Grade B (£13,500 - £14,338) a Living Wage supplement which increases their hourly rate to £7.85. This applies to all employees, schools employees and casual workers. In November 2015, the Living Wage Foundation announced a new Living Wage rate of £8.25. In addition to this, in the Summer Budget for 2015, the Government announced its intention to introduce a compulsory National Living Wage with effect from April 2016, at an initial hourly rate of £7.20, to increase to £9.00 per hour by 2020. The Council will need to give further consideration to how it will proceed in light of these developments, but a decision on this is yet to be made.

### 8.14 Local Government National Pay Award

A National Pay award has been agreed which increases the value of the spinal column points from 1 January 2015 to 31 March 2016. The majority of LGS employees received an increase of 2.2% and a non-consolidated payment for those occupying spinal column points 5 to 49 applies for those in post on 1 December 2014. The revised payscale is attached at Appendix 5.

## **9 PUBLISHED DOCUMENTS AND PAPERS REFERRED TO IN THE PAY POLICY STATEMENT**

- 9.1 Hutton, W., 2011. *Hutton Review of Fair Pay*. London
- 9.2 Communities and Local Government, 2012. *Openness and accountability in local pay: Guidance under section 40 of the Localism Act*. London
- 9.3 Department for Communities and Local Government, 2013. *Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011. Supplementary Guidance*. London
- 9.4 Local Government Association and Association of Local Authority Chief Executives (ALACE), *Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives*
- 9.5 One Society, 2012. *Leading the Way on Fair Pay: An Assessment of Principal Local Authorities in England & Wales*. London