

Report Title:	Approval of Pay Policy Statement 2019/20
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Cllr Targowska – Lead Member for HR, Legal and IT.
Meeting and Date:	Council 26 February 2019
Responsible Officer(s):	Duncan Sharkey, Managing Director and Nikki Craig, Head of HR and Corporate Projects
Wards affected:	None

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REPORT SUMMARY

1. This report deals with the approval of an updated Pay Policy Statement for 2019/20 as required by the Localism Act 2011. It recommends that Council approves the updated Statement agreed by the Employment and Member Services Panel on 22 January 2019. These recommendations are being made because the council is required to review, approve and publish a Pay Policy Statement by 31 March annually.
2. The Pay Policy Statement enables residents to understand the council's pay policy for senior staff and how it relates to the salaries of the lowest paid. It provides transparency and enables residents to assess whether salaries paid represent value for money.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Approves the updated Pay Policy Statement for 2019/20 as recommended by the Employment and Member Services Panel.
- ii) Notes that further revisions will be required to the statement when the Government's reforms to public sector exit pay arrangements are implemented.

2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The Localism Act 2011 requires the council to review its Pay Policy Statement annually and publish an updated statement for 2019/20 by 31 March 2019.
- 2.2 The Pay Policy Statement, attached as appendix A, has been updated to reflect:
 - Latest structure for 'Chief Officers'.
 - Updating of the pay ratio between the Managing Director and the lowest paid employees, the median and average pay.
 - Updating of employee numbers in section 11.
- 2.3 The pay ratio between the Managing Director's salary and the lowest paid employee and the average salary has increased slightly. The ratio between the Managing Director's salary and the median salary has increased from 4.28 last year to 5.3. This is

the result of the appointment of a new Managing Director on a slightly higher salary and an increase of employees in posts with salaries under £35,000. The additional staff are employed mostly in Libraries and Resident Services and Planning, where successful recruitment campaigns have filled vacant posts previously covered by agency workers.

- 2.4 The Government is introducing regulations regarding the recovery of exit payments and limiting the total value of exit payments that will apply to organisations in the public sector. These were expected in the spring of 2018, but they have been delayed. At the time of writing, these regulations were still not finalised and therefore the Pay Policy Statement will need to be revised once the regulations are in place. At the time of writing there was no information available on the timescale for this.
- 2.5 The Employment and Member Standards Panel approved the updated statement at their meeting on 22 January 2019.

OPTIONS

Table 1: Options arising from this report

Option	Comments
Approve the updated 2019/20 Pay Policy Statement.	In accordance with the Localism Act an updated version of the statement must be approved by full Council each year.
Recommended option.	
Reject the updated 2019/20 Pay Policy Statement.	Council has to approve an updated statement and publish it by 31 March 2019.

3 KEY IMPLICATIONS

- 3.1 Key implications are detailed in Table 2.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Approve and publish statement by 31 March 2019	> 31 March 2019.	By 31 March 2019.	By 17 March 2019.	By 1 March 2019.	31 March 2019.

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 None.

5 LEGAL IMPLICATIONS

- 5.1 The amended Pay Policy Statement 2019/20 meets the requirements of the Localism Act 2011.

5.2 The Council was required by Sections 38-39 of the Localism Act 2011 to approve and publish its first pay policy statement by 31 March 2012 for the financial year 2012-13 and annually thereafter. Any changes during the year have to be approved by full Council. Failure to do so would be contrary to the council's statutory duty under the Localism Act and could result in a number of adverse steps against it including judicial review for failing to comply with statutory duties.

6 RISK MANAGEMENT

6.1 Table 3 highlights risk.

Table 3: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Failure to approve and publish the revised Pay Policy Statement on the council website by 31 March 2019, results in contravention of the council's obligations under the Localism Act.	High.	Statement approved at Council 26 February 2019 and published by 31 March 2019.	Low.

7 POTENTIAL IMPACTS

7.1 The original EQIA was not reviewed as there are no significant changes to the updated statement.

7.2 There are no other impacts.

8 CONSULTATION

8.1 The updated statement contains minimal changes of factual information and therefore no consultation has been undertaken.

9 TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
22 January 2019	Employment and Member Standards Panel approves statement.
26 February 2019	Full Council approves statement.
31 March 2019	Deadline for the updated statement to be published on the council's website.

10 APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Updated Pay Policy Statement 2019/20.

11 BACKGROUND DOCUMENTS

11.1 This report has no supporting background documents.

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Lisa Targowska	Lead Member for HR, Legal and IT	n/a	EP version of report approved.
Duncan Sharkey	Managing Director	11/02/19	15/02/19
Andy Jeffs	Executive Director	n/a EP version of report approved.	
Russell O'Keefe	Executive Director		
Rob Stubbs	Section 151 Officer		
Elaine Browne	Interim Head of Law and Governance		
Nikki Craig	Head of HR and Corporate Projects		
Hilary Hall	Deputy Director of Commissioning and Strategy		
Kevin McDaniel	Director of Children's Services		
Angela Morris	Director of Adult Services		
Louisa Dean	Communications		

REPORT HISTORY

Decision type: Key decision Non-key decision	Urgency item? No
Report Author: Karin Zussman-Ward, Lead Hr Consultant, 01628 796211	

Appendix A

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD Pay Policy Statement for the year 2019/20

1. INTRODUCTION

- 1.1 Under sections 38 to 43 of the Localism Act 2011, Local Authorities are required to prepare, approve by full Council (as a Part 1 item) and publish on their website, a pay policy statement by 31 March 2019, for the financial year 2019/20.
- 1.2 This statement must be reviewed, updated, approved by full Council and published by 31 March annually for the immediately following financial year.
- 1.3 The council may amend this statement during the financial year in which it is effective; however any change must be approved by full Council. Any amended statement will be published on the website within 10 working days of the Council meeting.
- 1.4 In drawing up this statement, the council has taken into account the guidance issued by the Department of Communities and Local Government and the advice supplied jointly by the Local Government Association and the Association of Local Authority Chief Executives (ALACE).
- 1.5 Links to external websites:
 - [CLG Guidance](#)
 - [CLG Supplementary Guidance](#)
- 1.6 This statement does not include employees based in the council's schools as this is outside the scope of the legislation.
- 1.7 This statement was approved by full Council on 26 February 2019.
- 1.8 The council fully endorses and supports the requirement to be open and honest about the reward packages of senior employees.

2. REMUNERATION OF CHIEF OFFICERS

- 2.1 Under the current structure of the council, the following posts are included in the definition of 'Chief Officer':
 - Managing Director
 - Executive Director (2)

- Director of Adult Services
- Director of Children's Services*
- Director of Children's Social Care*
* Seconded to Achieving for Children
- Deputy Director and Head of Finance (Section 151)
- Deputy Director of Strategy and Commissioning
- Strategic Director – Public Health **
** Hosted on behalf of all Berkshire authorities
- Head of Communities, Enforcement and Partnerships
- Head of HR and Corporate Projects
- Head of Information Technology Services
- Head of Planning
- Head of Revenue and Benefits

Salaries

- 2.2 The Managing Director is paid within a salary band of £122,400 to £149,083. Executive Directors and Directors are paid within a salary band of £97,869 to £134,997.
- 2.3 Deputy Directors are paid within a salary band of £86,700 to £102,816. Heads of Service are paid within a salary band of £66,912 to £93,460.
- 2.4 Appointments are made on a market benchmarked 'spot salary'. Individual posts are market tested as and when required.

Other payments

- 2.5 The Head of Communities, Enforcement and Partnerships performs the role of the council's Returning Officer, appointed for this role under the Representation of the People Act 1983. The Returning Officer is eligible for fees linked to duties undertaken for running national, European or local elections/referenda. These fees are determined by the number of electors registered in the borough/parliamentary constituency and are determined by a formula operated by the Government for determining fees to all Returning Officers across the country.
- 2.6 There are no other regular payments made to the post holders in the roles listed in section 2.1.

Instant Reward Scheme

- 2.7 An Instant Reward Scheme applies to all employees including Chief Officers.

Salary reviews

- 2.8 The annual pay review is undertaken by the council and any pay award is determined by the Employment and Member Standard Panel. The annual pay review date is 1 April.
- 2.9 With effect from 1 April 2018 all salaries were increased by 2 percent.

Expenses and benefits

- 2.10 The council has a comprehensive Expenses policy, which applies to all employees.
- 2.11 The council will pay for one annual membership of a professional body, where the membership/qualification is required for the post held.
- 2.12 All other benefits are available to all employees and identified in point 3.7.

Remuneration on appointment

- 2.13 In the event of a vacancy the market levels for the post, see 2.4, may be reassessed and any appointment would be made in accordance with the market comparability evidence.

Termination payments

- 2.14 RBWM does not treat the Managing Director, Executive Directors, Deputy Directors and Heads of Service differently to other council employees in relation to termination payments. See section 6.

Other terms and conditions

- 2.15 Since 1 March 2013 the terms and conditions for this group of employees have been wholly locally determined and set out in the council's Employee Handbook.
- 2.16 All employees receive 28 days annual leave plus 8 bank holidays each year.

Use of interim managers in senior roles

- 2.17 The council would not normally appoint a consultant to a permanent post, unless specific expertise was required.
- 2.18 There may be occasions when the council has a short term need for an interim senior manager, for example pending a permanent appointment or for maternity cover etc. In these cases the council may use a consultant appointed via their temporary worker agency or a direct consultancy agreement, both routes being in accordance with Contract Rules.
- 2.19 The council would consider appointing a senior manager via their agency or on a consultancy contract for a fixed period where they have been unable to recruit to the post. Such appointments would be in accordance with Contract Rules and regularly reviewed.

3. DEFINITION AND REMUNERATION OF THE LOWEST PAID EMPLOYEES

Definition of the council's lowest paid employees

- 3.1 The simplest definition to use is that of the lowest pay point that the council uses.

- 3.2 The reasons for adopting this definition is because it is recommended by the JNC for Chief Executives in their guidance to local authorities.

Salaries

- 3.3 The hourly rate of the lowest paid employee is £8.78, which equates to an annual salary of £16,954.
- 3.4 The council's lowest paid employees are above the national living wage rate of £8.21 per hour from April 2019.

Other payments

- 3.5 It is unlikely that this particular pay level would receive any additional payments. The council's pay and benefits policy sets out the policy on additional payments such as shift pay, stand by etc.

Salary review and increments

- 3.6 Since 2010, the annual pay review for this group of employees has been undertaken by the council and any pay award is determined by the Employment and Member Standards Panel. The pay review date is 1 April.

Benefits

- 3.7 The council offers a range of benefits to its employees:
- Advantage card – for those employees who are non-residents (residents automatically qualify)
 - Bike Lease Scheme via salary sacrifice
 - Buy and sell annual leave
 - Car Lease Scheme via salary sacrifice
 - Contributory pension scheme (employee contribution rates from 5.5% to 11.4% and the council's employer contribution rate of 14.3%)
 - AVC scheme via salary sacrifice
 - Employee Assistance Programme (EAP)
 - Employee Benefits Portal
 - Eye care vouchers for designated DSE users
 - Car parking at work
 - Physiotherapy – subject to criteria
 - Season ticket loan
 - Discounted rail travel to Maidenhead on Great Western routes.

4. RELATIONSHIP BETWEEN THE REMUNERATION OF CHIEF OFFICERS AND THE LOWEST PAID EMPLOYEES

- 4.1 The salary for the newly appointed Managing Director is £149,000, plus employer's pension contributions. [Director's salary information](#)
- 4.2 The remuneration of the lowest paid employee is £16,954, which represents solely basic salary as no other allowances are payable.

- 4.3 Using a remuneration figure for the Managing Director of £149,000 and a remuneration figure of £16,954 for the lowest paid employee, the pay multiple has increased slightly from last year.
- 4.4 The ratio between the highest paid employee, the Managing Director and the average pay including permanent allowances of all council employees is 1:4.5 and the median pay of all employees is 1:5.3.
- 4.5 The Hutton Review of Fair Pay in the public sector, published in March 2011, did not recommend a defined pay multiple, but instead recommended that the public sector should publish, track and explain their pay multiples over time. Table 1 shows the pay multiples since 2012.

Table 1: Pay multiples

Year	Pay multiples highest to lowest pay
2012/13	12
2013/14	11.3
2014/15	9.6
2015/16	9.6
2016/17	9.2
2017/18	9.46
2018/19	8.31
2019/20	8.79

- 4.6 The trend since 2012 has generally been a reduction of the pay multiple. This reflects a number of changes and reductions in the management structure. The increase this year is the result of the appointment of a new Managing Director.
- 4.7 The policy regarding the pay of senior employees aims to ensure that the council can recruit and retain the calibre of employee that is needed to deliver continuous improvement in service delivery. The council will use market comparability to determine pay levels to ensure that they are not over or underpaying for these key roles.

5. RE-EMPLOYMENT OF THOSE IN RECEIPT OF SEVERANCE PAY OR RETIREMENT PENSION

- 5.1 If an individual is in receipt of a severance payment or retirement pension from another local authority or the Royal Borough, that would not be taken into account in the decision as to whether or not to employ them.
- 5.2 Under Regulation 70 of the Local Government Pension Scheme (LGPS) (Administration) Regulations 2008, the Berkshire Pension Fund is required to determine its approach to the abatement of pensions in the event that the recipient re-enters Local Government employment. The Pension Fund Panel determined on 20 October 2003 (under the previous LGPS Regulation 109) that no abatement would be exercised for those returning to local government employment within the Berkshire fund area.

- 5.3 The Government is consulting on regulations regarding the recovery of public sector exit payments. Once the regulations are approved, then this section of the pay statement will be reviewed.

6. POLICIES ON REDUNDANCY AND PENSION ENTITLEMENT

Redundancy

- 6.1 The policy and procedure for redundancy, early retirements on the grounds of efficiency of the service and ill health defines how the council will approach redundancy including redundancy pay.
- 6.2 The council uses its discretionary powers to calculate redundancy pay using the individual's actual weekly salary.
- 6.3 The council does not enhance the number of statutory week's redundancy pay an individual is entitled to under the Employment Rights Act 1996.

Pension enhancement

- 6.4 The LGPS contains provision for employers to enhance pension payments. Employers are required to determine how they will use these discretionary provisions. The council has determined generally not to use its discretion to enhance pension payments by either additional years or additional pension, the council will however consider any application on its merits.
- 6.5 The Government is consulting on regulations regarding the reforms to public sector exit payments. Once the regulations are approved, then this section of the pay statement will be reviewed.

Early retirement or flexible retirement

- 6.6 In certain circumstances, eligible employees may request early retirement or flexible retirement. (Flexible retirement gives access to accrued pension, whilst allowing the scheme member to continue working). In both these cases, there must be sufficient financial or other benefit to the council for such retirements to be approved.

7. APPROVAL OF SALARY PACKAGES OVER £100,000

- 7.1 Under the terms of the Constitution the appointment of the Managing Director is approved by full Council following a recommendation by the Employment and Member Standards Panel.
- 7.2 For Directors and Heads of Service and for posts attracting a remuneration package exceeding £100,000, the terms of recruitment for and appointments of these posts will be made by the Employment and Member Standards Panel.
- 7.3 Arrangements for appointments are set out in Part 8 B of the [Constitution](#)

8. HOW DECISIONS ON PAY AND REWARD POLICIES ARE MADE

- 8.1 All of the pay and reward policies are approved by the council's Employment and Member Standards Panel.
- 8.2 All of the policies are reviewed regularly and updated to reflect legislation, best practice and organisational changes.

9. PUBLICATION AND ACCESS TO INFORMATION AND REMUNERATION OF CHIEF OFFICERS

- 9.1 In accordance with the Accounts and Audit (England) Regulations 2011 and the Code of Recommended Practice for Local Authorities on Data Transparency, the council publishes annually the remuneration of the Managing Director and Directors on its website. [Director's salary information](#)

10. OTHER RELEVANT COUNCIL DOCUMENTS

- Expenses policy
- Flexible retirement
- Instant Reward Scheme
- Pay & benefits policy
- Pension abatement policy
- Pension's discretion policy
- Redundancy and early retirements' policy.

11. NUMBER OF EMPLOYEES AND SALARY BANDS

- 11.1 This table shows the number of employees within specified pay bands:

Pay band* £	Number of staff*
> 16,000 <20,000	96
>20,000 <25,000	117
>25,000 <35,000	195
>35,000 <45,000	139
>45,000 <55,000	39
>55,000 <65,000	20
>65,000 <80,000	6
>80,000 <100,000	10
>100,000	6
Total	628

- * Excludes casual workers. Multiple job holders counted individually. All data based on Full Time Equivalent salary and permanent allowances only.