



NOTICE OF MEETING

Meeting	Employment in Hampshire County Council Committee
Date and Time	Wednesday, 12th July, 2017 at 10.00 am
Place	Chute Room, Ell Court, The Castle, Winchester
Enquires to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Non-Pecuniary interest in a matter being considered at the meeting should consider whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING (Pages 3 - 6)

To confirm the minutes of the previous meeting held on 14 March 2017.

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6. PAY, POLICY AND LEGISLATION UPDATE (Pages 7 - 26)

To consider a report of the Director of Corporate Resources providing an update on a number of pay, policy and legislative matters including Mandatory Gender Pay Gap reporting obligations and pending employment legislation.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact members.services@hants.gov.uk for assistance.

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

Agenda Item 3

AT A MEETING of the Employment in Hampshire County Council Committee of
HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Tuesday,
14th March, 2017

Chairman:

a Councillor Stephen Reid

p Councillor Keith Evans
p Councillor Vaughan Clarke
a Councillor Adrian Collett
p Councillor Keith House
p Councillor Timothy Rolt

a Councillor Roy Perry
p Councillor John Wall
p Councillor Roger Huxstep

128. **BROADCASTING ANNOUNCEMENT**

The Vice Chairman announced that press and members of the public were permitted to film and broadcast this meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recording broadcasting purposes.

129. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Adrian Collett, Stephen Reid and Roy Perry. In the absence of the Chairman, the Vice Chairman, Councillor Evans was chairing the meeting.

130. **DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

131. **MINUTES OF PREVIOUS MEETING**

The non-exempt Minutes of the meeting held on 10 November (Item 3 in the Minute Book) were confirmed as a correct record and signed by the Chairman.

132. **CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements on this occasion.

133. **PAY AND POLICY UPDATE**

The Committee considered the report of the Director of Corporate Resources (Item 6 in the Minute Book) providing an update on proposed Government policy changes. In presenting the report, the Head of HR and Workforce Development that there had not been a great deal of movement since EHCC Committee had last met. In regard to the exit payment cap and public sector exit payment recovery for those earning £80,000 or more who return to employment in the public sector within 12 months, draft regulations had been produced however a definitive timescale for commencement was still awaited.

In regard to Government consultations, Members noted that a requirement for employers with more than 250 employees to report annually on the gender pay gap for public sector employments would come in to force on 31 March 2017; this requirement had been in place for the private sector for some time. The first report would be due by 31 March 2018 and would be brought to the EHCC Committee for consideration. Members suggested that breaking the data down into schools and non-schools, gender, and hourly rates might be an effective approach.

The Director of Corporate Resources confirmed that officers were working well ahead of the first publication to ensure there was time to analyse the data coming through for presentation in the most effective way. In response to Members' concerns at the length of time some of the consultations were taking without tangible evidence of progress, the Director highlighted that some of the consultation were extremely complex, such as in the pensions arena, which was likely to account for the time being taken by the Government.

RESOLVED:

That the EHCC Committee noted that:

- a) Legislative changes will be incorporated into HCC policies once agreed by Government.
- b) The National Living Wage will be automatically uplifted in the Council's pay framework.

134. **WORKFORCE REPORT**

The Committee considered the report of the Director of Corporate Resources (Item 7 in the Minute book) providing a high level overview of key workforce data and trends to inform EHCC Committee's work programme and any further areas of policy that need to be progressed. In particular, the report covered workforce pay costs since 2010; workforce numbers (FTE); starters and leavers; turnover; sickness absence; performance and recruitment. It was noted that the data did not include staff based in schools.

In presenting the report the Head of HR and Workforce Development confirmed that the report was in response to a request from the EHCC Committee that an annual report be prepared for their consideration to monitor key workforce data, which would help to identify gaps in the workforce that might affect the effective delivery of the County Council's services.

During the course of discussion, Members noted that there is a high turnover of catering assistants, and that Adults' Health & Care has a higher turnover rate than the benchmark of 3.3%, albeit this is industrially typical. Both areas were being looked into. HR Business Partners monitor turnover to see where trends present.

Section 8 of the report covered recruitment hot spots and challenges together with the many initiatives to help with the retention of staff. In terms of competition with the private sector, Members noted that this was not always about pay; the pay framework is monitored carefully to check it remains competitive in the market place. Attractiveness of the organisation as a place to work is also an important factor.

The performance model (Valuing Performance) was very much about managing the County Council's workforce effectively. Challenge had been applied to the valuing performance ratings and effort put into monitoring, reviewing and taking appropriate action through embedded HR processes, where required. Members also noted that managing sickness was a critical area of work for HR to help individuals and managers to raise the bar.

Members welcomed the breadth and detail of the report, and requested that it be included on the agenda for a Members Briefing in the autumn after new Members had settled into the organisation and to provide returning Members with a refresh of the workforce profile.

RESOLVED:

That the EHCC Committee noted:

- a) There are no new or unexpected trends in the workforce data and as such the organisation currently has the necessary workforce policies and measures in place to meet the requirements of the Council.
- b) The activities which are currently being undertaken and confirm that the contents of the report is made available as part of the Member briefing programme in the autumn in order to assist new, and refresh returning Members on the workforce profile.

135. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That the press and public be excluded from the meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that

if members of the public were present there would be disclosure to them of exempt information within Paragraphs 1 and 3 of Part I of Schedule 12A to the Local Government Act 1972, being information relating to an individual and information relating to the financial affairs of any particular person (including the authority holding that information) which should not be disclosed for the reasons set out in the report.

136. **EXEMPT MINUTE**

The exempt Minute of the meeting held on 10 November 2017 (Item 7 in the Minute Book) was confirmed as a correct record and signed by the Chairman.

Chairman,

HAMPSHIRE COUNTY COUNCIL REPORT

Committee/Panel:	Employment in Hampshire County Council
Date:	12 July 2017
Title:	Pay, Policy and Legislation Update
Report From:	Director of Corporate Resources

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1. **Executive Summary**

The purpose of this paper is to:

- i) outline the likely impact on the EHCC pay framework arising from the projected increase to the National Living Wage (NLW) and the potential / proposal to mitigate this impact
- ii) Provide an update on work to review the pay policy for apprentices
- iii) Provide an update on the Mandatory Gender Pay Gap reporting obligations
- iv) Provide an update on pending employment legislation

2. **Summary of paper**

- 2.1 The content of this paper in respect of the NLW and EHCCs pay framework is complex in detail, therefore an overall summary is provided within this section (2) in order to draw out the key elements.
- 2.2 The paper address two main issues which impact upon the EHCC pay framework, these include the National Living Wage (NLW) and national pay bargaining.
- 2.3 It is important to note that our EHCC pay framework is different to the National Pay Framework (NJC), in terms of both grades and salaries.
- 2.4 The EHCC agreement however, does require the national pay award to be applied to EHCC grades of A to G inclusive. As a result of this, HCC is paying slightly more than the NLW.

- 2.5 Whilst the Council can make changes to the steps within each grade, if the Council wished to change the EHCC pay framework for either grades or salaries at any level (A to K), the Council would need to undertake trade union negotiation and / or reach agreement with staff. If this is not achieved, then the Council could only change these terms through a process of dismissal and re-engagement. The approach and timeline for this is described in Section 10 of the paper.
- 2.6 The current Medium Term Financial Strategy (MTFS) includes provision for a 1% per annum national pay award and an element for the predicted impact of the NLW. Recent intelligence regarding the national pay uplift suggests that costs may exceed those allowed for in the MTFS. If costs are not contained the latest indications are that this would result in a pressure of circa £2.5m. The Council is responding strongly with the aim of reducing this additional pressure.
- 2.7 The table in 5.2 shows the predicted impact of the NLW.
- 2.8 The proposal is to reduce the grade differential and remove steps within grades A to C (inclusive) in order to contain the impact of the NLW. This approach is recommended for 2018 whilst we influence national negotiations. Table 5.4 shows the potential model.
- 2.9 The recommendations are detailed in Section 15.
- 2.10 Further details relating to these issues are provided in Sections 3 to 11 inclusive.

3. **EHCC Pay Framework**

- 3.1 The NLW is currently projected to reach £9 per hour by 2020; although these projections are hard to work on with certainty given the current UK and global financial and political context.
- 3.2 The salary bands in the Councils pay framework differ to those in the national pay framework and as a consequence there is no direct read across between the two. EHCC agreement specifies that Hampshire County Council (the Council) will apply the national pay award to staff at grades A to G. For staff at grades H and above the agreement specifies that the Council will review pay awards in consultation with the Trade Unions, not that we will negotiate.
- 3.3 To ensure that the NJC pay framework complies with the requirement to pay the NLW and maintain pay differentials, early indications are that the NJC may implement changes that could increase the cost of the national pay framework by up to 6% over the next three years.

3.4 The Council has made provision within the MTFS for a 1% pay award annually over the next three years with an additional allowance incorporated for the impact of the NLW for our directly employed workforce within cash limited services of £5m by 2020. A 6% pay increase on the EHCC pay framework would result in a currently unbudgeted pressure of circa £2.5m by 2020 and would in addition impact schools and trading units.

4. **EHCC Terms and Conditions**

4.1 The EHCC agreement includes a range of Terms and Conditions (T&Cs); some of these are specific to the Council whereas a number (e.g. sickness) are as per nationally agreed Green Book T&Cs.

4.2 The agreement states that the Council will apply the national pay increase to our pay framework (A to G) and consult (not negotiate) with local Trade Unions about grades H and above.

4.3 Annually we determine how to apply the national increase to our local pay framework and update the salary policy accordingly.

4.4 The agreement specifies the number of grades within the pay framework (11; A to K) but is silent on the number of steps in each grade.

4.5 Any change to EHCC T&Cs, including the pay framework, would need to be negotiated with recognised Trade Unions. If agreement could not be reached, then the Council could seek individual agreement with staff, but if this cannot be reached, then effecting any proposed changes may necessitate dismissal and re-engagement.

4.6 The majority of directly employed members of staff are employed on EHCC T&Cs. For clarity, those staff not on EHCC T&Cs include Head Teachers and their Deputies, Teachers, Casuals, TUPE transferred staff who remain on pre TUPE T&Cs and other groups who are employed on different national terms such as Soulbury.

5. **Pay Framework**

5.1 The table below shows the potential NLW increases over next three years to 2020 and the resulting impact upon our pay framework.

5.2 The table identifies how far the NLW would encroach into the current pay framework based on current estimates of the level of the NLW and assuming all other grades increase by 1% per annum. Clearly the projected increase in the NLW may vary as it is the government's stated objective that it will reach 60% of median earnings by 2020 and therefore the actual NLW rate could be higher or lower depending on actual national wage growth. **Highlighted are the grades / steps which would be below the NLW based on the current projection.**

Grade	Step	April 2017	April 2018	April 2019	April 2020
A	1	15,015	15,165	15,317	15,470
A	2	15,159	15,311	15,464	15,619
A	3	15,267	15,420	15,574	15,730
B	1	15,669	15,826	15,984	16,144
B	2	15,768	15,926	16,085	16,246
B	3	16,074	16,235	16,397	16,561
C	1	16,209	16,371	16,535	16,700
C	2	16,641	16,807	16,975	17,145
C	3	17,073	17,244	17,416	17,590
C	4	17,508	17,683	17,860	18,039
C	5	17,955	18,135	18,316	18,499

Assumes a general 1% pay award each year and that the NLW increases from **£7.50** to **£8.00**, **£8.50** and then **£9.00** p.h (Minimum salary would then be **£15,433**, **£16,398** and **£17,363** in **2018**, **2019** and **2020** respectively)

- 5.3 The tables below model one option to manage the impact of the NLW whilst maintaining a pay step in each of the grades in the Councils pay framework (further detail on hourly rates shown in Appendix 1). In this option, the estimated cost can be met from within the amount budgeted for the NLW within the MTFS. However, this assumes minimal change and may be overtaken by options being considered by the Local Government Association (LGA) in respect of the NJC pay framework and any possible national pay award which would then have to be applied to grades A-G under the existing EHCC pay framework and could increase costs.
- 5.4 In the option modelled below it is the closing of the gaps between pay grades and the removal of steps within the grades which maintains the existing grade structure in our pay framework. The existing gap between grades A and B may enable the impact to be contained, but this will become harder to achieve in the subsequent two years when it impacts on grades B and C respectively.

Pay Scales

Step Differential 3.0% Grade Differential A - C 3.0%
 Grades D+ No Change and a 1% pay increase assumed 1.0%

Grade	Step	April 2017	April 2018	April 2019	April 2020
A	1	15,015			
A	2	15,159			
A	3	15,267	15,433	16,398	17,363
B	1	15,669	15,826		
B	2	15,768	15,926		
B	3	16,074	16,235	16,890	17,884
C	1	16,209	16,371	17,397	
C	2	16,641	16,807		
C	3	17,073	17,244	17,919	18,421
C	4	17,508	17,683		
C	5	17,955	18,135	18,457	18,974
D	1	19,848	20,046	20,246	20,448
D	2	20,445	20,649	20,855	21,064
D	3	21,057	21,268	21,481	21,696
D	4	21,687	21,904	22,123	22,344
D	5	22,338	22,561	22,787	23,015

Hourly Pay Scales

Grade	Step	April 2017	April 2018	April 2019	April 2020
A	1	7.78	0.00	0.00	0.00
A	2	7.86	0.00	0.00	0.00
A	3	7.91	8.00	8.50	9.00
B	1	8.12	8.20	0.00	0.00
B	2	8.17	8.26	0.00	0.00
B	3	8.33	8.42	8.76	9.27
C	1	8.40	8.49	9.02	0.00
C	2	8.63	8.71	0.00	0.00
C	3	8.85	8.94	9.29	9.55
C	4	9.08	9.17	0.00	0.00
C	5	9.31	9.40	9.57	9.84
D	1	10.29	10.39	10.49	10.60
D	2	10.60	10.70	10.81	10.92
D	3	10.92	11.02	11.13	11.25
D	4	11.24	11.35	11.47	11.58
D	5	11.58	11.69	11.81	11.93

- 5.5 The projected increase in the NLW for 2018 will necessitate a decision on grade A which will affect approximately 5,200 staff (1,400 non schools and 3,800 schools), as per the cohort analysed and as set out in Appendix 2.

- 5.6 The NJC pay scales are being developed by the LGA. Whilst early indications suggest that the LGA is considering changes to the pay spine that may result in an overall increase of up to 6% in the national pay, to date, no information on any detailed proposals has been released. It is therefore not yet possible to determine the impact on the Councils pay framework of nationally targeted increases to the lower grades and to establish how far the 'ripple effect' may extend up the pay framework as a result of the desire to maintain pay grade differentials. Furthermore, we do not know when the LGA will finalise any proposals and reach agreement with national Trade Unions.
- 5.7 The Council is currently paying slightly above the NLW of £7.50 p.h. as the minimum salary is set at £15,015 or £7.78 p.h. There are circa 150 employees, including schools, on the lowest salary (Grade A, Step 1) and the total cost of this is in the region of £100,000, including on-costs. This resulted from having to apply the national pay award to our pay framework and the fact that there is not a direct read across.
- 5.8 The national apprenticeship rate of pay is currently £3.50. However, the Council currently pay the National Minimum Wage (NMW) rate for 21-24 year olds of £7.05, or £7.50 if they are 25 or over and have completed the first year of an apprenticeship, inline with the NLW. A review of apprenticeship pay rates is currently underway in the context of the Levy and the likely increase in the number of apprentices.
- 5.9 Projected increases to the NLW will have a greater impact on those trading units that directly employ a significant number of staff at grades A to C and on schools.

6. **Proposal**

- 6.1 We need to plan for the April 2018 pay award whilst also managing the longer term implications of the NLW and national pay bargaining. The proposal for 2018 therefore is to aim to maintain the existing grade structure within the Councils pay framework, pending further information and outcome of the NJC pay framework. This can be achieved by removing two of the steps within grade A, and moving to one step which will incorporate the nationally agreed 2018 pay increase.
- 6.2 This approach can be achieved through engagement and consultation and will allow time to consider the wider longer term implications on the pay framework.

7. **Legal considerations**

- 7.1 As stated earlier, in order to amend the pay framework and / or make any changes to T&Cs the Council would need to negotiate with recognised Trade Unions with a view to agreeing a revised version of the EHCC 2007 collective agreement. If no agreement is reached then the Council could seek to agree the changes with staff individually, and if staff do not agree, ultimately effect the changes through 'termination and re-engagement'.

- 7.2 The option of reducing the number of steps at grades A to C offers a possible method of managing the impact of the NLW on differentials and limiting the ripple effect up through the pay framework.
- 7.3 As per Section 4, the EHCC agreement specifies the number of pay grades (11) in the Councils pay framework and these can only be changed in line with 6.1 above. The agreement is silent on the number of steps within each grade and therefore we are able to amend or remove these through consultation (rather than negotiation). Given this, it should be possible to effect a change to the number of steps more swiftly especially if any proposal does not adversely impact upon individuals' actual or potential pay, therefore minimising the risk of challenge.

8. **Summary of Financial Implications**

- 8.1 The paper sets out the potential impact of the NLW.
- 8.2 The MTFS includes provision for a 1% per annum pay award (impact on cash limited budgets for each 1% increase is circa £2.5m) and an additional allowance rising to £5m by 2020 for the impact of the NLW on the directly employed workforce within cash limited services. It will be important to continue to place a focus on increased productivity, particularly as part of our T19 strategy, which will include a reduction in headcount and a re-focus of priorities to ensure that we continue to work within our MTFS.
- 8.3 Early indications have been that the NJC may implement changes that could increase the cost of the national pay framework by up to 6% over the next three year which would result in a currently unbudgeted pressure of circa £2.5m by 2020 and would in addition impact schools and trading units. However, the outcome of any national decision is at this stage unclear and uncertain.

9. **Next Steps**

- 9.1 In light of those issues described in Sections 3, 4 and 5, a view is required as to whether, longer term, we are content for NJC to continue to determine the national pay increase which the Council then has to apply to the EHCC pay framework for grades A to G. Depending upon our ability to influence the outcome of the NJC pay framework, we may need to consider a move away from national bargaining (Green Book) and move to local bargaining to determine annual pay increases.
- 9.2 Research is being undertaken to identify Councils that have moved to local pay bargaining, and in so doing, what the impact (financial and non-financial) has been.
- 9.3 Should a decision be taken to move to local pay bargaining and / or seek to change T&Cs of employment we would need to determine the timeline for implementation.

10. Timeline and governance – for a 2018 implementation

10.1 The timeline and governance overleaf assumes the changes to the steps within grade A do not require negotiation, and can be amended following engagement and consultation.

Activity description	Decision required by	Date
Discuss and agree outline proposals	CMT	June 17
Discuss and agree outline proposals, with agreement to to start engagement and consultation with Trade Unions and staff	EHCC	12 July 17
Engagement and consultation with Trade Unions and staff to commence	As per EHCC in July	Sept to late October
Update to CMT on progress and permission to continue to implementation subject to EHCC agreement	CMT	October
Update to EHCC on progress and permission to continue to implementation	EHCC	22 November 2017
New terms to be effective	As per in November 17	1 April 2018

11. Timeline and governance – for making contractual changes to the EHCC pay framework

11.1 Should there be a requirement for further changes to the pay framework, and/or terms and conditions, and assuming we have clarity on the NJC pay framework by December 2017, the following timeline and governance would be required to in order achieve an implementation date of April 2019.

11.2 The following timeline is also based on an outcome of not being able to reach a new Collective Agreement, and as such assumes the need for dismissal and re-engagement.

11.3 It is important to note that the timeline below is challenging due to the fact that it envisages agreement of final proposals and consultation starting in early September, allows for the minimum statutory requirement for effecting changes to terms and conditions and will require significant programme resource.

11.4 It is also worth noting that if we can't reach agreement with the TUs, they might try to refer the matter to conciliation through the Green Book disputes process. The tight timescale doesn't provide much scope to go through a conciliation process and therefore could increase the risk of challenge.

Activity description	Decision required by	Date
Discuss and agree outline proposals	CMT	February 18
Discuss and agree outline proposals	EHCC	March 18
CMT to review any proposed changes and agree final proposals prior to submission to EHCC (if required)	CMT	May 18
To agree final proposals and permission to start engagement and formal negotiation with Trade Unions and staff including issuing of S188 consultation as appropriate	EHCC	July 18
Engagement and negotiation (if required) with Trade Unions and staff to commence	As per EHCC in July	August to late end October 18
Update to CMT on progress and permission to continue to implementation subject to EHCC agreement	CMT	October 18
If no agreement reached, commence S188 consultation and continue to engage and negotiate with staff and TUs	As per EHCC in July	1 November to conclude 31 December 18
Update to EHCC on progress and permission to continue to implementation	EHCC	November 2018
If collective or individual agreement is not reached, notice of dismissal given to staff. Notice must be given no later than 1 January 2018 to end on 31 March 2018 with re-engagement on new terms wef 1 April 2018	As per Special EHCC in Sept and Nov	1 January 2019
New terms, whether collectively or individually agreed or implemented through dismissal and re-engagement to be effective	As per Special EHCC in Sept and Nov	1 April 2019

Note: The timeline above will need to include engagement and consultation with schools.

12. Apprenticeship Pay

- 12.1 A project team has been established to determine and implement processes to ensure the County Council and schools can fully utilise the Apprenticeship Levy. One workstream of this project is to review the existing pay structure for apprentices. This is part of the Hampshire Youth Investment Programme Policy.
- 12.2 At the time of writing work was progressing with key stakeholders across schools and departments about the effectiveness of the current pay structure. A further update will be brought to EHCC in November 2017.

13. **Mandatory Gender Pay Gap Reporting**

13.1 As reported at EHCC Committee in March 2017, the County Council will be required to report the following data in 2018. A snapshot of the data will be taken as of 31 March 2017 and must be published by 31 March 2018.

- The difference in mean and median pay between males and females
- The difference in mean and median bonus pay between males and females
- The proportions of male and female employees who were paid bonus pay and
- The proportions of male and female employees in each quartile of their pay distribution

13.2 A SAP update will be in place towards the end of 2017 which will enable reporting against the legislation. Due to timescales of the SAP update and EHCC committee meetings, the data will be presented to CMT in December / January and an update given to EHCC in March 2018. Data will be published on the County Council's Open Data website and on the designated government website.

14. **Update on employment legislation**

14.1 As reported at EHCC in March, there are two pieces of legislation pending, which affects exit payments. A brief outline of both is detailed below:

14.2 **95k exit cap** – legislation is pending in respect of placing a £95k exit payment cap on the total value of an exit payment made to an individual with redundancy payments and any pension strain charges, these are contained within the Enterprise Act 2016 following Royal Assent on 4 May 2016.

14.3 **Public Sector exit payments recovery for those earning £80,000 or more, who return to the public sector within 12 months.** Primary legislation is in force in the 2015 Small Business, Enterprise and Employment Act for Regulations to be made requiring in certain circumstances the repayment of Public Sector Exit Payments.

14.4 Neither are yet in force and as parliament is now dissolved, there is no definitive timescale of when legislation will be implemented, however we are working to a 1 October 2017 implementation. There are also three consultations on which an outcome is pending, with no anticipated timescales (simplification of tax on termination payments, a fair deal for public sector pensions and teachers pensions).

15. **Recommendations**

EHCC Pay Framework:

- a) To agree a presumption of 1% for A-G as an outcome to pay review, except where this is superseded by the requirements to achieve the NLW,

and progress to prepare to implement, including the potential to review the number of steps within grades.

- b) Agree the presumption of 1% H and above as a continuation and progress to implement.
- c) Note that the above are all contained within the financial envelope available within the budget.
- d) Note the work underway at a national level and the potential impact that this may have on the EHCC Pay Framework the outcome of which is currently uncertain.
- e) To agree the Council has the authority to make representation in order to influence national negotiations in line with the assumptions made in the MTFs (as set out in (a) and (b) above) and to note the timeline and implications associated should the national outcome mean that the Council would be required to consider moving to local pay bargaining (detailed in section 11 and not the preferred option).
- f) Agree to regular updates.

Apprentices:

- g) To note the work that is happening to review the current pay strategy for apprentices

Mandatory Gender Pay Gap Reporting:

- h) To note the timelines for publication of data.

Legislation:

- i) To note the delayed implementation of legislation

**CORPORATE OR LEGAL INFORMATION:
Links to the Corporate Strategy**

These government proposals do not link to the Corporate Strategy but potentially impact the County Council's workforce strategy.

Other Significant Links

Links to previous Member decisions:

<u>Title</u>	<u>Date</u>
Update on proposed Government policy changes	11 November 2015
Update on Government proposed policy changes	9 March 2016
2016 National Pay Award and National Living Wage	9 March 2016
Pay and Policy Update	10 November 2016
Pay and Policy Update	14 March 2017

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None.

IMPACT ASSESSMENTS

1. Equality

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2 Equalities Impact Assessment:

It is not envisaged there will be any equalities impact, however as the LGA has not yet completed the review of their pay framework we are not yet able to fully determine the impact to the Council's pay framework.

2. Impact on Crime and Disorder:

2.1 Not applicable.

3. Climate Change:

(a) How does what is being proposed impact on our carbon footprint / energy consumption?

Not applicable.

(b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not applicable.

OPTION FOR IMPLEMENTING THE NLW

Pay Scales

Assume NLW increases from £7.50 to £8.00, £8.50 and then £9.00 p.h and then models follow on impact

Step Differential Grade Differential A - C

Grades D+ No Change and a 1% pay increase assumed

Grade	Step	April 2017	April 2018	April 2019	April 2020
A	1	15,015			
A	2	15,159			
A	3	15,267	15,433	16,398	17,363
B	1	15,669	15,826		
B	2	15,768	15,926		
B	3	16,074	16,235	16,890	17,884
C	1	16,209	16,371	17,397	
C	2	16,641	16,807		
C	3	17,073	17,244	17,919	18,421
C	4	17,508	17,683		
C	5	17,955	18,135	18,457	18,974
D	1	19,848	20,046	20,246	20,448
D	2	20,445	20,649	20,855	21,064
D	3	21,057	21,268	21,481	21,696
D	4	21,687	21,904	22,123	22,344
D	5	22,338	22,561	22,787	23,015

Hourly Pay Scales

Assume NLW increases from £7.50 to £8.00, £8.50 and then £9.00 p.h (and potentially £9.35)

Minimum salary would then be £15,433, £16,398 and £17,363

Grade	Step	April 2017	April 2018	April 2019	April 2020
A	1	7.78	0.00	0.00	0.00
A	2	7.86	0.00	0.00	0.00
A	3	7.91	8.00	8.50	9.00
B	1	8.12	8.20	0.00	0.00
B	2	8.17	8.26	0.00	0.00
B	3	8.33	8.42	8.76	9.27
C	1	8.40	8.49	9.02	0.00
C	2	8.63	8.71	0.00	0.00
C	3	8.85	8.94	9.29	9.55
C	4	9.08	9.17	0.00	0.00
C	5	9.31	9.40	9.57	9.84
D	1	10.29	10.39	10.49	10.60
D	2	10.60	10.70	10.81	10.92
D	3	10.92	11.02	11.13	11.25
D	4	11.24	11.35	11.47	11.58
D	5	11.58	11.69	11.81	11.93

ANNUAL INCREASE £

Grade	Step	April 2018	April 2019	April 2020
A	1	418		
A	2	274		
A	3	166	965	965
B	1	157		
B	2	158		
B	3	161	655	994
C	1	162	1,026	1,024
C	2	166	1,112	
C	3	171	675	502
C	4	175	774	
C	5	180	322	517
D	1	198	200	202
D	2	204	206	209
D	3	211	213	215
D	4	217	219	221
D	5	223	226	228

ANNUAL INCREASE %

Grade	Step	April 2018	April 2019	April 2020
A	1	2.8%		
A	2	1.8%		
A	3	1.1%	6.3%	5.9%
B	1	1.0%	6.7%	
B	2	1.0%	6.1%	
B	3	1.0%	4.0%	5.9%
C	1	1.0%	6.3%	5.9%
C	2	1.0%	6.6%	
C	3	1.0%	3.9%	2.8%
C	4	1.0%	4.4%	
C	5	1.0%	1.8%	2.8%
D	1	1.0%	1.0%	1.0%
D	2	1.0%	1.0%	1.0%
D	3	1.0%	1.0%	1.0%
D	4	1.0%	1.0%	1.0%
D	5	1.0%	1.0%	1.0%

Differentials

Grade	Step	April 2017	April 2018	April 2019	April 2020
A	1				
A	2	1.0%			
A	3	0.7%			
B	1	2.6%	2.5%		
B	2	0.6%	0.6%		
B	3	1.9%	1.9%	3.0%	3.0%
C	1	0.8%	0.8%	3.0%	
C	2	2.7%	2.7%		
C	3	2.6%	2.6%	3.0%	3.0%
C	4	2.5%	2.5%		
C	5	2.6%	2.6%	3.0%	3.0%
D	1	10.5%	10.5%	9.7%	7.8%
D	2	3.0%	3.0%	3.0%	3.0%
D	3	3.0%	3.0%	3.0%	3.0%
D	4	3.0%	3.0%	3.0%	3.0%
D	5	3.0%	3.0%	3.0%	3.0%

WORKFORCE PROFILE

All analysis is based on staff on the payroll as at 31 August 2016 and excludes teaching staff in schools. Numbers below are headcount unless specifically stated.

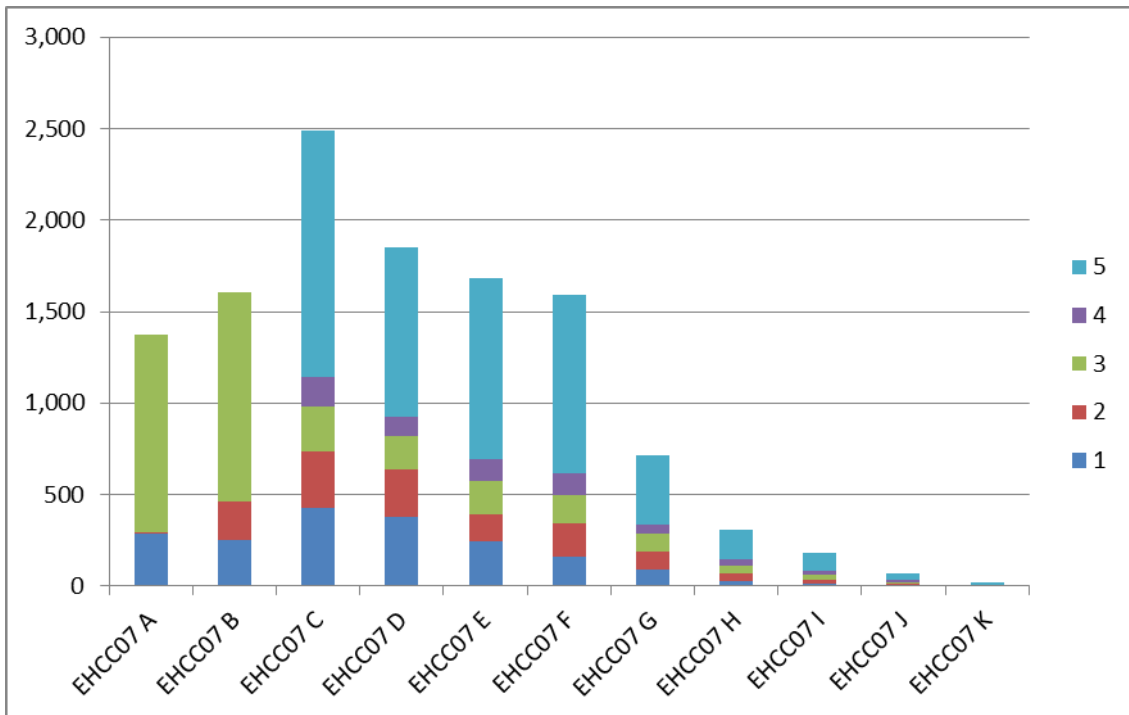
Data available includes Employee Subgroup and Grade as held in SAP. Total population of employees for schools and non-schools (excluding schools teaching staff) is 28,602 and the breakdown is as follows:

Pay Group	Departments	Schools	Grand Total
Chief Officers	22		22
Coroners	2		2
EHCC 2007	11,947	16,101	28,048
Fixed Rate Pay		2	2
HMS Teachers	201		201
Public Health NHS	14		14
Soulbury	143		143
Teachers	128		128
Teachers in SSD	1		1
TUPE	31		31
X Pre 2007 EHCC	1	9	10
Grand Total	12,490	16,112	28,602

1. EHCC Cohort by Grade and Step Within Grade

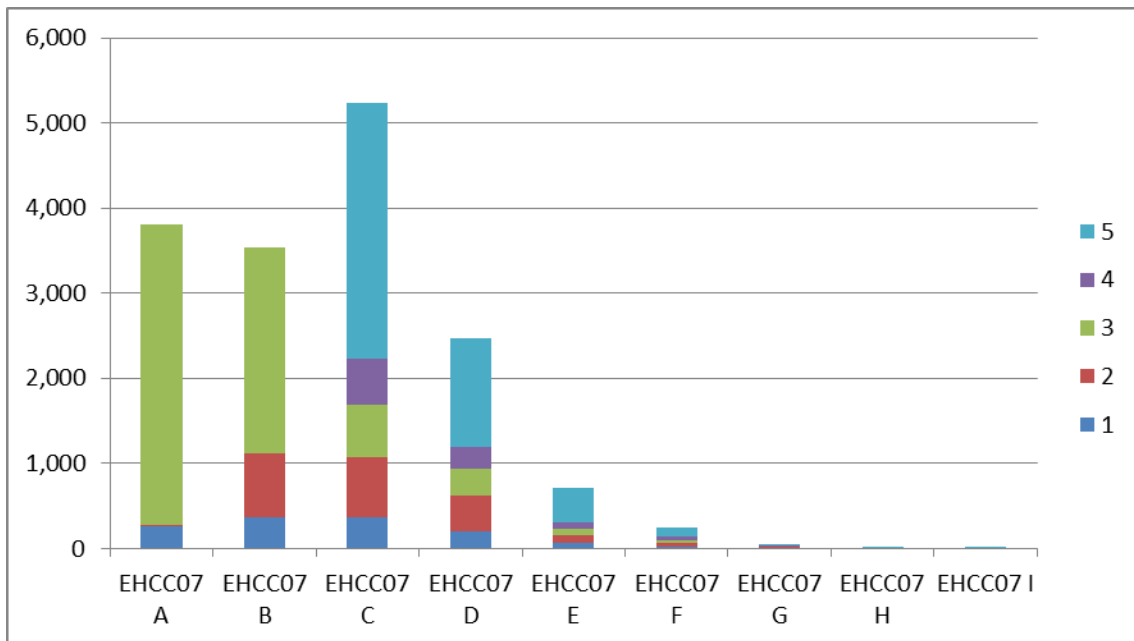
Analysis of EHCC 2007 staff and the breakdown across the grades is shown below for departments and schools. No record is held of which step employees are on and so to complete an analysis of how staff salaries compare to known salary steps an assumption has been made that staff are on the step closest to their FTE salary.

Departments



Grades A – C inclusive, excluding apprentices is 5,463 (46%) of total

Schools



Grades A – C inclusive, excluding apprentices is 12,586 (78%) of total.

2. Total Basic Pay Bill + On Costs (NI and Superannuation):

Pay Group	Departments £'000	Schools £'000	Grand Total £'000
Chief Officers	3,177.3	0.0	3,177.3
Coroners	174.0	0.0	174.0
EHCC 2007	282,833.8	165,937.3	448,771.1
Fixed Rate Pay	0.0	13.0	13.0
HMS Teachers	4,594.9	0.0	4,594.9
Public Health NHS	940.2	0.0	940.2
Soulbury	7,907.8	0.0	7,907.8
Teachers	5,234.9	0.0	5,234.9
Teachers in SSD	34.6	0.0	34.6
TUPE	707.4	0.0	707.4
X Pre 2007 EHCC	15.3	75.3	90.6
Grand Total	305,620.2	166,025.6	471,645.8

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