

Notice of Meeting

Personnel Committee

**Tuesday, 19th February, 2013
at 11.30 am**

**in Council Chamber Council Offices
Market Street Newbury**

Date of despatch of Agenda: Friday, 08 February 2013

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser / Denise Anns on (01635) 519045 / 519486

e-mail: mfraser@westberks.gov.uk / danns@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



To: Councillors Peter Argyle, Tony Linden, Mollie Lock (Vice-Chairman),
Andrew Rowles and Quentin Webb (Chairman)

Substitutes: Councillors David Allen, Jeff Beck, Jeff Brooks and Adrian Edwards

Agenda

Part I

Page No.

1. **Apologies for Absence**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 1 - 2
To approve as a correct record the Minutes of the meeting of the Committee held on 20 December 2012.
3. **Declarations of Interest**
To receive any declarations of interest from Members.
4. **Statutory Pay Policy Statement** 3 - 22
Purpose: To present a pay policy statement to be published from 1st April 2012 for approval.
5. **Market Supplement Review** 23 - 70
Purpose: To seek Personnel Committee approval for a proposal to abolish the Market Supplement Policy from 1st April 2014.
6. **Exclusion of Press and Public**
RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item.

Part II

7. **Market Supplement Review** 71 - 104
Purpose: To consider the confidential appendices attached to this report.

Andy Day
Head of Strategic Support

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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PERSONNEL COMMITTEE

**MINUTES OF THE MEETING HELD ON
THURSDAY, 20 DECEMBER 2012**

Councillors Present: Jeff Beck (Substitute) (In place of Peter Argyle), Tony Linden, Mollie Lock (Vice-Chairman), Andrew Rowles and Quentin Webb (Chairman)

Also Present: Robert O' Reilly (Head of HR), Moira Fraser (Democratic and Electoral Services Manager)

Apology for inability to attend the meeting: Councillor Peter Argyle

PART I

8. Minutes

The Minutes of the meeting held on 12 November 2012 were approved as a true and correct record and signed by the Chairman.

Matters Arising

Robert O' Reilly reported that:

1. opportunities for apprentices to meet had been set up on a quarterly basis and the first event would take place on Friday 21 December 2012;
2. an online forum had been set up for apprentices to share views;
3. additional information on inducting apprentices had been included in the guidance produced for managers;
4. Awareness raising of the scheme would be undertaken by the West Berkshire Training Consortium to ensure that the message was spread more broadly;
5. West Berkshire Training consortium would be providing apprentices leaving the Council at the end of their fixed term contracts with additional training on job seeking skills;
6. the amended programme for refreshing HR Policies within the remit of the personnel Committee had been circulated on the 30 November 2012.

9. Declarations of Interest

There were no declarations of interest received.

10. Date of Next Meeting

The Committee agreed to hold the next meeting on 19 February 2013 at 11.30am.

11. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 9.10.4 of the Constitution also refers.](#)

12. Application for Premature Retirement (PC2576)

(Paragraph 1 – information relating to an individual)

(Paragraph 2 – information identifying an individual)

The Committee considered an exempt report (Agenda Item 6) concerning an application to approve a premature retirement and the ensuing release of retirement pension benefits should the Executive be minded to release the funding to do so. Robert O'Reilly reported that the Executive had agreed to the funding at the meeting that had taken place earlier that day.

Members noted the background as set out in the confidential report.

RESOLVED that the early release of the pension benefits for the individual concerned be approved.

(The meeting commenced at 11.30 am and closed at 11.42 am)

CHAIRMAN

Date of Signature

Agenda Item 4.

Title of Report:	Statutory Pay Policy Statement
Report to be considered by:	Council
Date of Meeting:	5th March 2013
Forward Plan Ref:	C2597

Purpose of Report: To present a pay policy statement to be published from 1st April 2012 for approval.

Recommended Action: To approve the Pay Policy Statement attached at Appendix B.

Reason for decision to be taken: To comply with the requirements of s38 of the Localism Act 2011
To comply with the Code of Practice for Local Authorities on Data Transparency in relation to senior salary publication

Other options considered: To produce and publish separate information for each of the statutory requirements above. However, as they are intricately linked it makes sense to publish both together so that the public can see all the information in one place.

Key background documentation: The Code of Recommended Practice for Local Authorities on Data Transparency Sept 11(CLG)
The Localism Act Nov 11, s38-43 (legislation.gov.uk)
Openness and accountability in local pay: Draft guidance under section 40 of the Localism Act Nov 11(CLG)
Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives Nov 11 (JNC for Chief Officers)

The proposals will also help achieve the following Council Strategy principle:

CSP9 - Doing what's important well

The proposals contained in this report will help to achieve the above Council Strategy principle by:

ensuring that the Council complies with statute and statutory guidance on transparency

Portfolio Member Details	
Name & Telephone No.:	Councillor Alan Law - Tel (01491) 873614
E-mail Address:	alaw@westberks.gov.uk
Date Portfolio Member agreed report:	Report e-mailed to Councillor Law on 22 January 2013
Contact Officer Details	
Name:	Jane Milone
Job Title:	HR Manager - Policy, Strategy and Information
Tel. No.:	01635 519238
E-mail Address:	jmilone@westberks.gov.uk

Implications

Policy: The Council is required to publish a statement of its pay policy. The proposed statement does not involve a change of policy on senior salaries.

Financial:

Personnel: none

Legal/Procurement: This statement will ensure that the Council complies with the Localism Act 2011

Property: none

Risk Management: none

Equalities Impact Assessment: no impact

Corporate Board's Recommendation: approved

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 This report proposes a draft pay policy statement for publication with effect from 1st April 2013. Council approved the annual publication of the statement, in principle, on 1st March 2012. This report seeks approval for the 2013 statement.
- 1.2 The Code of Recommended Practice for Local Authorities on Data Transparency ('the Code') published by the Department for Communities and Local Government published includes a requirement to publish a set of data relating to the remuneration and responsibilities of senior officers.
- 1.3 Section 38 of the Localism Act ('the Act') of the Act requires local authorities to publish an annual pay policy statement, starting with 2012/13.
- 1.4 Although the information required for the Code and the Act is not identical, it is complementary and one helps to understand the other. Publishing the information required under the Code as part of the pay policy statement enables the public to have all the relevant information in one place.

2. Localism Act Requirements

- 2.1 S38 of the Localism Act requires the local authority to prepare and publish a pay policy statement for the financial year 2012/13 and each subsequent year. The method of publication is at the discretion of the authority, but it is expected to comply with the principles set out in the Code for data transparency. The statement must be approved by the full Council.
- 2.2 The statement should set out the policies in relation to;
 - (1) Remuneration of its chief officers
 - (2) The remuneration of its lowest paid employees (and our definition and reasons for defining it)
 - (3) The relationship between the remuneration of its chief officers and those who are not chief officers
- 2.3 The definition of chief officers includes the Chief Executive, Corporate Directors, and Heads of Service.
- 2.4 Chief officer remuneration includes salary, bonuses, performance-related pay, fees or allowances (including as returning officer), benefits in kind, etc. The policy should also state how chief officer salary will be determined on appointment and any arrangements for payments upon leaving office.

3. Transparency Code Requirements

- 3.1 The Code of Recommended Practice for Local Authorities on Data Transparency was published by the Department for Communities and Local Government in September 2011. Alongside the requirement to publish data on aspects of the Council such as spending and financial indicators, procurement, Councillor

allowances and assets, the Council is required to publish details of senior salaries and responsibilities, pay multiples and organisational structure.

3.2 Specifically, we must publish;

- (1) Senior employee salaries, names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff.
- (2) An organisational chart of the staff structure of the local authority including salary bands and details of currently vacant posts.
- (3) The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the authority's workforce.

3.3 'Senior employee salaries' is defined as all salaries which are above £58,200 and above (irrespective of post), which is the Senior Civil Service minimum pay band. Budgets should include the overall salary cost of staff reporting to each senior employee. We have decided to publish information relating to Heads of Service and above.

4. Recommendations

4.1 It is proposed that, as in 2012, a single statement is produced for publication, within the timescales required under the Act, to meet the requirements of both the Code and the Act. .

4.2 It is proposed that the Personnel Committee recommends the Pay Policy Statement to full Council for approval. This fits within its terms of reference which are to consider matters of personnel policy. Approval for the statement cannot be delegated to a committee.

4.3 A draft Pay Policy Statement is appended for consideration, which will be published on the Council's website once approved.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B - Draft Pay Policy Statement March 2013

Consultees

Local Stakeholders: Corporate Board, Corporate Management Team

Officers Consulted: Steve Duffin, Joseph Holmes, Corporate Board

Trade Union: n/a

Equality Impact Assessment – Stage One

Name of item being assessed:	Statutory Pay Policy Statement
Version and release date of item (if applicable):	1.0
Owner of item being assessed:	Human Resources
Name of assessor:	Jane Milone
Date of assessment:	8th January 2013

1. What are the main aims of the item?

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item: N/a		

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name:

Date:

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Pay Policy Statement – April 2013

Change History

Version	Date	Description	Change ID
1	April 2012	First publication	
2	April 2013	Second publication	
3			

DRAFT



Contents

1. Purpose	3
2. Definitions used in this document	3
3. Pay Policy from April 2012.....	3
4. Pay ratios in the Council	5
5. Review	5
Other Relevant Information.....	6
Appendix A - Senior officer salaries; table showing names of post holders and actual pay during 2012/13.....	7
Appendix B – Senior Officer budget and staffing responsibilities in 2013/14	8
Appendix C - Chief Officer responsibilities; summary job descriptions with for Chief Executive and Corporate Directors	9
Appendix D - Pay scales; pay rates for all grades within WBC effective April 2013.....	12

DRAFT

1. Purpose

- 1.1 This document covers the requirements to publish information relating to the payment of employees, including those on senior salaries, within the Council under s38 of the Localism Act 2011 and the Code of Recommended Practice for Local Authorities in Data Transparency.
- 1.2 The statement includes information relating to the actual remuneration of senior officers during the last financial year (2012/13) and information on the policies on chief officer pay which will be effective from April 2013.

1.3 Full Council has approved the Pay Policy Statement.

2. Definitions used in this document

- 2.1 **Chief Officers**; the holders of the posts of Chief Executive and Corporate Directors; the posts of Monitoring Officer (Head of Legal Services) and Section 151 Officer (Head of Finance); the posts of Head of Service.
- 2.2 **Senior officers**; the Chief Executive, Corporate Directors, and Heads of Service
- 2.3 **Senior salary**; annual salary equal to or exceeding £58,200 (the minimum of the Senior Civil Service pay band)
- 2.4 **Lowest paid employee**; minimum of grade B on WBC pay scales (£12,787 per annum full time (37 hours per week) or 6.63 per hour). Notes on this definition are set out below;
- 2.4.1 Grade A is no longer used in WBC. Minimum Grade B is equivalent to scale point 7 of the NJC pay scale for Local Government Employees.
- 2.4.2 Apprentices aged 16-18, may be paid on the Government's National Minimum Wage. They have been excluded from this definition on the basis that they are in specific posts created for training purposes.
- 2.5 **Median salary**; £26,646 (full time equivalent). This is a measure of the 'average' salary for employees in the Council.
- 2.6 **Mean salary**; £26,903 (full time equivalent). This is an alternative measure of the 'average' salary for employees in the Council.

3. Pay Policy from April 2012

- 3.1 Job evaluation – employees below grade N
- 3.1.1 The Hay (Local Government) job evaluation scheme is used to establish the grade for each post relative to all other jobs within the Council. The Job Evaluation procedure is used to evaluate all new jobs and to re-evaluate existing jobs where there have been significant changes.
- 3.1.2 All jobs are assigned to a grade within the West Berkshire Council salary structure on the basis of the job evaluation score. The individual salary scale points are based on the National Joint Council for Local

Government Employees (Green Book) salary scale. See Appendix D for details.

3.2 Salary structure – employees on Grade N and above

3.2.1 Heads of Service are all paid on Grade N. They constitute the second tier of management and may be allocated new responsibilities as required to meet the needs of the Council at this level, within their grade. Heads of Service report to either a Corporate Director or the Chief Executive (Head of Paid Service).

3.2.2 Corporate Directors are paid on the Corporate Director grade and the Chief Executive is paid on a specific grade for this post. All three may be allocated new responsibilities as required to meet the needs of the Council within their grade.

3.3 Salary on appointment – all employees

3.3.1 Appointments will normally be made to the minimum point of the grade. Managers may take into account the previous experience and skills of the employee to offer appointment above the salary minimum for the post.

3.4 Incremental progression – all employees

3.4.1 Up to grade M, each employee progresses through the grade band for the posts by the award of one increment (or spinal column point (SCP)) on 1st April each year until the maximum of the grade band is reached, subject to 6 months service in the grade band (whether that band has been attained by appointment, promotion or regrading).

3.4.2 Any existing employee who is appointed to a new post within the Council whose salary, on 1st April, would otherwise be less than one column point in excess of the salary they would have received on that day in their old grade band, will be entitled to an increment on that day even if he/she has not been 6 months in the new post.

3.4.3 An increment may be withheld if an employee is subject to formal disciplinary or capability procedures during the year leading up to the 1st April and this decision has been communicated to the employee and recorded as part of those proceedings.

3.4.4 An additional increment may be awarded in any one year to an employee, at the discretion of the Head of Service, on the grounds of special merit or ability, provided the maximum of the grade is not exceeded.

3.5 Incremental progression – employees on grade N and above

3.5.1 Managers on Grade N (Heads of Service) and above can only progress through the increments within the grade if their performance, as assessed at the annual appraisal, is rated as satisfactory, good or excellent.

3.6 Additional payments – all employees

- 3.6.1 Payment for additional hours, undertaking higher responsibilities, non-standard working arrangements, market supplements and other exceptional circumstances will be made, where applicable, in accordance with the relevant [West Berkshire Terms and Conditions of Service](#)
- 3.6.2 Car allowance payments for new senior managers ceased to be paid from November 2007. Some senior employees who were already in receipt of such allowances continue to receive them on a protected basis whilst in post. Essential car users (defined as those who travel at least 2500 business miles per annum or for whom a car is essential for the performance of the job) receive an allowance in line with NJC rates.
- 3.6.3 The Council does not operate a separate bonus scheme for its Chief Officers, nor does it provide any other benefits or make any payments outside those which are detailed in Appendix B or in the Terms and Conditions of Service referred to above.

4. Pay ratios in the Council

- 4.1 It is the Policy of the Council to ensure that the ratio of the salary of the highest paid officer and the lowest paid officer is well below the 20:1 ratio recommended as a maximum in the terms of reference for the 2011 Hutton Review of Fair Pay in the Public Sector.
- 4.2 As at 1st April 2012, pay ratios within the Council stand as follows;
- Highest:lowest = 11:1
 - Highest:median = 5:1
- 4.3 This is based on the following salary packages;
- Highest paid (maximum CX plus car allowance) = £138,418
 - Lowest paid (minimum grade B) = £12,787
 - Median (average) = £26,646

5. Review

- 5.1 This policy will be reviewed at least annually and more frequently if necessary to respond to any changes.
- 5.2 The Personnel Committee is responsible for recommending the policy statement for approval by full Council.

Other Relevant Information

The following information is available on our website;

[Discretionary Compensation Payments - Statement of Policy](#)

Sets out how the Council intends to use its discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

[Local Government Pension Scheme Discretions - Statement of Policy](#)

Sets out how the Council intends to use its discretions under the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended).

[Re-employment Policy](#)

Sets out the Council's policy on the re-employment of individuals whose previous employment with the Council ended in redundancy, early retirement, or dismissal on the grounds of capability or conduct.

[Organisational Structure Chart](#)

Sets out the current senior management structure of the Council

[West Berkshire Council - Pay and grading](#)

Information on pay and grading for Council employees

Appendix A - Senior officer salaries; table showing names of post holders and actual pay during 2012/13 financial year

		For the financial year 2012/13						
		Remuneration				Cost		
Name	Job Title	salary	car allowance/lease car	honarium	Total Remuneration	Employers Pension	Employers NI	Total Cost
Mr Nicholas Carter	Chief Executive	133418	5000	0	138418	20546	16896	175860
Mr John Ashworth	Corporate Director (Environment)	101177	4000	0	105177	15581	12308	133066
Ms Margaret Goldie	Corporate Director (Communities)	80941	4000	0	84941	12465	9516	106922
Mr Ian Pearson	Head of Education & DD Communities	77319	3500	7500	88319	13062	9982	111363
Mr David Holling	Head of Legal	77319	3500	0	80819	11907	8947	101673
Mr Andrew Walker	Head of Finance	77319	2538	0	79857	11907	8464	100228
Mr Kevin Griffin	Head of ICT and Corporate Support	76876	9656	3341	89873	12353	11350	113576
Mr Mark Edwards	Head of Highways & Transport	77319	3500	0	80819	11907	8947	101673
Mr Gary Lugg	Head of Planning & Countryside	77319	3500	0	80819	11907	8947	101673
Mr Stephen Duffin	Head of ASC Efficiency Programme	77319	3500	0	80819	11907	8947	101673
Mr Sean Anderson	Head of Customer Services	77368	3500	0	80868	11907	8954	101729
Mr Robert O'Reilly	Head of Human Resources	77319	3500	0	80819	11907	8947	101673
Mrs June Graves	Head of Care Commissioning, Housing & Safeguarding	72980	3500	0	76480	11239	8228	95947
Mr Andrew Day	Head of Strategic Support	68651	3500	0	72151	10572	7751	90474
Mr Stephen Broughton	Head of Culture & Environmental Protection	72980	2144	0	75124	11239	7867	94230
Mrs Janice Evans	Head of Adult Social Care	77319	3500	0	80819	11907	8947	101673
Mr Mark Evans	Head of Children's Services	68651	1239	1100	70990	10741	7534	89265
Mr Andrew Tubbs (left July 2012)	Chief Adviser for School Improvement	13703	635	0	14338	1829	1523	17690

Appendix B – Senior Officer budget and staffing responsibilities in 2013/14 financial year

Name	Job Title	revenue budget / £m	capital budget / £m	No. staff (excl schools)
Mr Nicholas Carter	Chief Executive	310.23	26.5	1653
Mr John Ashworth	Director of Environmental Services	45.95	7.36	405
Ms Rachael Wardell	Director of Communities	194.3	18.31	901
Mr David Holling	Head of Legal Services	1.12		18
Mr Andrew Walker	Head of Finance	10.29	0.08	54
Mr Kevin Griffin	Head of ICT and Corporate Support	3.68	0.45	61
Mr Mark Edwards	Head of Highways & Transport	12.44	6.366	112
Mr Gary Lugg	Head of Planning & Countryside	6.3	0.12	104
Mr Ian Pearson	Head of Education & Deputy Director of Comm.	122.83	17.24	254
Mr Stephen Duffin	Head of ASC Efficiency Programme	0.17	0	2
Mr Sean Anderson	Head of Customer Services	48.44	0	129
Mr Robert O'Reilly	Head of Human Resources	1.49	0	34
Mrs June Graves	Head of Social Care Commissioning & Housing	7.13	0.97	59
Mr Andrew Day	Head of Strategic Support	4.36	0.11	48
Mr Stephen Broughton	Head of Culture and Environmental Protection	27.05	0.87	187
Mrs Janice Evans	Head of Adult Social Care	50.44	0.09	393
Mr Mark Evans	Head of Children's Services	13.04	0.02	189

Appendix C - Chief Officer responsibilities; summary job descriptions with for Chief Executive and Corporate Directors

A summary of responsibilities of the Chief Executive and Corporate Directors with effect from 1st April 2013 can be found below.

Details of service management responsibilities for other senior officers can be found on the [Organisational structure](#) pages on the Council's website

Nick Carter - Chief Executive

Job Purpose

- To provide overall direction and leadership to the Council, ensuring that policies are developed and services delivered in accordance with the Council's core values.
- To undertake the statutory responsibilities of Head of Paid Service, responsible for the overall financial strategy and performance of the Council, and for ensuring that it functions within the complex statutory, regulatory framework in accordance with the Local Government and Housing Act 1989.
- To act as principal adviser to the Council, ensuring that elected members receive support to direct the overall operation of the Council and to fulfil their responsibilities as democratically elected representatives of the community.
- To assist elected members in anticipating the needs and aspirations of the community and building a vision for the local area.
- To work with the two Corporate Directors to develop and maintain an effective, high-performing organisation, which minimises costs and reflects political priorities.
- In collaboration with Corporate Board, to ensure that a clear policy planning and performance management framework exists which provides strong co-ordination across all services and the involvement of all relevant stakeholders.
- To explore and develop partnerships with private, public and voluntary organisations to aid integrated, cost-effective service delivery.
- To manage the performance of the two Corporate Directors to ensure the delivery of the Council's objectives.
- To lead and direct the Chief Executive's directorate, managing the performance of the Heads of Finance, Legal Services, Strategic Support, Human Resources, ICT and Corporate Services, and Customer Services, to ensure the delivery of best value in accordance with the Council's vision.

Rachael Wardell - Corporate Director for Communities

Job Purpose

- To lead in the development, implementation, monitoring and review of the Council Plan and Medium Term Financial Strategy alongside elected members, the Chief Executive and other Corporate Directors.
- In collaboration with Corporate Board, to ensure that a clear policy planning and performance management framework exists which provides strong co-ordination across all services and the involvement of all relevant stakeholders.
- To work closely with elected members on major corporate and service issues to support them in delivering effective solutions, and to ensure that members are effectively engaged and supported in the work of the Directorate.
- To lead and direct the Communities directorate, managing the performance of the Heads of Children's Services, Education Services, Adult Social Care, ASC Efficiency Programme, and Care Commissioning, Housing and Safeguarding, to ensure the delivery of best value in accordance with the Council's vision.
- To lead, co-ordinate and support effective partnerships of all those interested in children and young people and associated services, whether as looked after children, pupils, students, parents, families, carers, headteachers, governors, leisure, sport or heritage customers, staff, volunteers or employers.
- To advise officers and elected members of the Council on the needs of children and young people and associated services, and a range of service and corporate issues, ensuring that Council plans and strategies are met and the Council is equipped to meet Government requirements and inspection requirements.
- To ensure ongoing development and improvement to the benefit of children, young people and the rest of the community of West Berkshire.
- To take the lead in promoting independence for older people and vulnerable adults and the delivery of efficient and effective adult social care and housing services to the local community.
- To consolidate, build and maintain effective relationships with key partners, service providers, stakeholders and the wider community to improve outcomes for the local community, including securing arrangements for the provision of joint/integrated services where appropriate.
- To promote the development of multi-agency services for the delivery of social care services to adults.
- To act as the Director of Adult Social Services as required by the Local Authority Social Services Act 1970 (as amended by the Children's Act 2004.)

John Ashworth - Corporate Director for Environment

Job Purpose

- To lead in the development, implementation, monitoring and review of the Council Plan and Medium Term Financial Strategy alongside elected members, the Chief Executive and other Corporate Directors.
- In collaboration with Corporate Board, to ensure that a clear policy planning and performance management framework exists which provides strong co-ordination across all services and the involvement of all relevant stakeholders.
- To work closely with elected members on major corporate and service issues to support them in delivering effective solutions, and to ensure that members are effectively engaged and supported in the work of the Directorate.
- To lead and direct the Environment Directorate, managing the performance of the Heads of Highways and Transport, Planning and Countryside, and Culture and Environmental Protection, to ensure the delivery of best value in accordance with the Council's vision.
- To take the lead in delivering a range of environmental services including Highways and Transport, Development Control, Building Control, Planning and Transport Policy, Waste Management and Recycling, Countryside Services, Environmental Health and Trading Standards.
- To oversee the development of a range of key environmental policies including the Local Development Framework, Local Transport Plan and Climate Change Strategy. To take the lead on green issues including the development of partnership working.
- To promote the development of the Council's cultural services and to facilitate the development of cultural services across West Berkshire in collaboration with key partners.
- To consolidate, build and maintain effective relationships with key partners, service providers, stakeholders and the wider community to facilitate high quality services which meet user needs, including secure arrangements for joint provision of services where this will be the most cost-effective means of enhancing service provision.

Appendix D - Pay scales; pay rates for all grades within WBC effective April 2013

grade	Scale point	Annual full time equivalent salary
B	7	12787
	8	13189
C	9	13589
	10	13874
	11	14733
	12	15039
	13	15444
D	14	15725
	15	16054
	16	16440
	17	16830
	18	17161
E	19	17802
	20	18453
	21	19126
F	22	19621
	23	20198
	24	20858
	25	21519
	26	22221
G	27	22958
	28	23708
	29	24646
H	30	25472
	31	26276
	32	27052
	33	27849
	34	28636
I	35	29236
	36	30011
	37	30851
	38	31754
	39	32800
J	40	33661

K		41	34549	
		42	35430	
		43	36313	
		44	37206	
		45	38042	
	L		46	38961
			47	39855
		48	40741	
		49	42844	
M		50	44978	
		51	46605	
		52	48226	
		53	49862	
		54	50577	
		55	52510	
		56	54437	
		57	56364	
(Heads of Service) N		61	62860	
		62	64308	
		63	66475	
		64	68651	
		65	70807	
		66	72980	
		67	75146	
		68	77319	
Corporate Directors		72	89353	
		73	91714	
		74	94081	
		75	96442	
		76	98806	
Chief Executive		77	101177	
			124818	
			127686	
			130553	
			133418	

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Agenda Item 5.

Title of Report:	Market Supplement Review
Report to be considered by:	Personnel
Date of Meeting:	19th February 2013
Forward Plan Ref:	TBC

Purpose of Report:

- 1. To seek Personnel Committee approval for a proposal to abolish the Market Supplement Policy from 1st April 2014.**
- 2. If approved, no new market supplements will be made after 19th February 2013.**
- 3. If approved, all existing market supplement payments will cease on 31st March 2014.**

Recommended Action:

Personnel Committee to approve the proposal.

Reason for decision to be taken:

Changes in the external jobs market and the economy mean that the Council does not need a market supplements policy to recruit and retain staff.

Other options considered:

To continue to operate the existing market supplement policy and to commission a bespoke salary survey at a cost of several thousands to the Council.

Key background documentation:

Market Supplements Policy - on HR intranet.

The proposals will also help achieve the following Council Strategy principle:

CSP6 - Living within our means

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:
reducing the salary bill for 2014/15.

Portfolio Member Details	
Name & Telephone No.:	Councillor Alan Law - Tel (01491) 873614
E-mail Address:	alaw@westberks.gov.uk
Date Portfolio Member agreed report:	24 January 2013
Contact Officer Details	
Name:	Robert O'Reilly
Job Title:	Head of HR
Tel. No.:	01635 519356
E-mail Address:	roreilly@westberks.gov.uk

Implications

Policy:	The proposal would delete the Market Supplement Policy and Procedure.
Financial:	If approved there will be a saving of £57,352 in 2014/15 which will return to the relevant services' budgets.
Personnel:	Consultation with trade unions and affected staff has been undertaken and is included at Appendix E of this report.
Legal/Procurement:	The contracts of staff transferred under TUPE from Wokingham include some market supplement payments.
Property:	none
Risk Management:	none
Equalities Impact Assessment:	Attached at Appendix A.

Executive Summary

1. Introduction

- 1.1 The existing Market Supplements Policy and Procedure (see Appendix C) was designed to increase the salary of individuals in particular jobs above the grade arising from job evaluation, where circumstances meant that recruitment and/or retention levels could not be maintained to meet service need.
- 1.2 Market supplements payments always create a risk of challenge under equal pay legislation and therefore the policy states that they must be reviewed every two years. The purpose of the market supplement policy is to match the rates paid by rival recruiters. In recent years the Council was able to access salary surveys to see if the market supplements for particular jobs were still justified. However since the economic downturn these salary surveys have ceased due to lack of demand. To continue with the existing policy, HR would need to pay several thousand pounds to commission a bespoke salary survey.
- 1.3 The Heads of Service who have posts in their service receiving market supplements have been consulted on this proposal. With the exception of the Head of ICT, they accept that if the jobs were advertised tomorrow without a market supplement, there would undoubtedly be an adequate number of satisfactory candidates. The Council does not have recruitment and retention difficulties in any of the areas covered by market supplements (ICT, Highways and Transport, EH and Trading Standards).
- 1.4 In light of the economic downturn, the Council can no longer justify the use of market supplements and does not need to have a policy for the use of market supplements.

2. Proposals

- I. To abolish the Market Supplement Policy from 1st April 2014.
- II. All existing market supplement payments will cease on 31st March 2014.
- III. No new market supplement payments will be made from 19th February 2013.

3. Equalities Impact Assessment Outcomes

- 3.1 See Appendix A

4. Conclusion

- 4.1 The Personnel committee is invited to approve the proposals above.
- 4.2 If approved, HR will then write to the affected staff to formally give notice that their market supplement payments will cease on 31st March 2014.

Executive Report

1. Introduction

- 1.1 West Berkshire Council operates a job evaluation scheme based on the Local Government version of the Hay scheme. All new jobs, or changed jobs, are evaluated and the pay grade is determined through the agreed job evaluation procedure.
- 1.2 The job evaluation scheme is based on ranking jobs within the Council against each other and does not take into account fluctuations in the labour market and current market salary rates for different types of jobs.
- 1.3 The payment of market supplements over and above basic pay is legitimate in circumstances where an employer needs to offer a higher pay level in order to attract or retain staff.
- 1.4 WBC could face equal pay claims from other staff who do not receive this additional payment if WBC cannot justify them by reference to market rates. It is no longer possible to find such a justification.

2. Current position

- 2.1 Currently within the council there are 13 posts held by 29 individuals that attract a market supplement across 3 service units. The total annual cost of these supplements is £57,352.
- 2.2 In order to objectively evaluate the market supplements against current market conditions, a bespoke salary survey would need to be commissioned. In the current economic climate there is virtually no demand for salary surveys. To commission ones for the market supplements paid in WBC would cost several thousand pounds for each service.
- 2.3 The purpose of the market supplement policy was to match the rates paid by rival recruiters and avoid recruitment and retention difficulties.
- 2.4 The current experience of recruiting for posts across the Council is that we have no shortage of candidates. Retention rates in the Council are not causing a problem for service delivery.
- 2.5 There are market supplements paid in three service areas. Details are shown at Appendix B.
- 2.6 The highest individual market supplements are paid to seven staff in ICT (£28k in total). A small market supplement of £500 is paid to 17 Civil Enforcement Officers.
- 2.7 A number of staff who formerly worked for Wokingham Council, and are now part of the shared Trading Standards team following a TUPE transfer, receive a market

supplement. The contracts transferred from Wokingham Council state that:
The Council can at its discretion decide to pay a market supplement to a specific post or posts where it judges that this is necessary to aid recruitment and/or retention of suitable staff. Such supplements are not permanent and can be withdrawn, following consultation at the Councils' discretion if it judges that such a supplement is no longer applicable. The Council may also decide to vary or discontinue the general scheme for the payment of salary supplements following consultation.

3. Proposal

- 3.1 Based on the economic situation, and the current WBC recruitment and retention rates, an informed management judgement can be made that the Council no longer requires a Market Supplement Policy.
- 3.2 The employees transferred under TUPE from Wokingham Council have a term in their contracts which states that the Council (now WBC) may decide to discontinue the general (Market Supplement) scheme for the payment of market supplements following consultation. Therefore the transferred staff can be included in this proposal (they are not protected under TUPE). The total savings may be slightly reduced if the removal of the market supplements prompts staff on Wokingham terms under TUPE to come across to WBC terms.
- 3.3 The trade unions and employees currently receiving a market supplement have been consulted on the proposals in this report. The responses received during the consultation period are shown at Appendix D.
- 3.4 The Head of HR has provided a note for the Personnel Committee to clarify some of the general points made in the consultation responses. This note is shown at Appendix E.
- 3.5 No new market supplement payments will be made after 19th February 2013 if the proposal is approved by the Personnel Committee decision
- 3.6 This proposal, if agreed by the Personnel Committee, would give the staff currently in receipt of a market supplement over 12 month's notice that their temporary increase to salary will cease on 31st March 2014 as a consequence of the abolition of the Market Supplement Policy.

4. Conclusion

- 4.1 Personnel Committee is invited to approve the proposal to abolish the Market Supplement Policy with effect from 1st April 2014.
- 4.2 If approved, all market supplement payments will cease on 31st March 2014.
- 4.3 If approved, this proposal will achieve savings for the affected services of £57,352 p.a.
- 4.4 If approved, no new market supplement payments will be made from 19th February 2013.

4.5 If approved, with effect from 1st April 2014 all posts will be remunerated in accordance with the WBC job evaluation scheme.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B - Confidential list of all market supplement payments and salary details.

(please note that this appendix is confidential and must be treated accordingly)

Appendix C - Market Supplement Policy and Procedure

Appendix D - Responses received from consultation with affected employees and TUs. *(this appendix is split into two parts and the second part (D2) is confidential and must be treated accordingly)*

Appendix E - HR note on some general points made in the consultation responses.

Appendix F - Local authority comparison pay data *(please note that this appendix is confidential and must be treated accordingly)*

Consultees

Local Stakeholders: n/a

Officers Consulted: Sean Anderson, Mark Edwards, Steve Broughton, Kevin Griffin, Corporate Board

Trade Union: Unison and GMB

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Market Supplement Review
Version and release date of item (if applicable):	
Owner of item being assessed:	Robert O'Reilly
Name of assessor:	Robert O'Reilly
Date of assessment:	30th October 2012

1. What are the main aims of the item?
To remove the Market Supplement Policy

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item: N/a		

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Robert O'Reilly

Date: 06/12/12

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Market Supplement Procedure

Document Control

Document Ref:	HRMSP01	Date Created:	Sept 2008
Version:	1.0	Date Modified:	
Revision due			
Author:	Alison McBride	Sign & Date:	
Owning Service	Human Resources		
Equality Impact Assessment: (EIA)	Date undertaken:		
	Issues (if any):		

Chief Executive	Sign & Date:	
Corporate Director (Community Services)	Sign & Date:	
Corporate Director (Children & Young People)	Sign & Date:	
Corporate Director (Environment)	Sign & Date:	

Change History

Version	Date	Description	Change ID
1	Sept 2008	New procedure to implement additional payments	
2			
3			

Contents

1. Purpose	3
2. Applicability	3
3. Roles & Responsibilities.....	3
4. Introduction.....	4
5. Principles	4
6. Funding Market Supplements.....	5
7. Procedure for Implementing New Market Supplements.....	5
8. Review of Existing Market Supplements.....	7
Appendix 1 - Recommendation for New Market Supplement Form.....	9

1. Purpose

- 1.1. The Council recognises there may be exceptional circumstances from time to time when, for particular jobs, acceptable recruitment and/or retention levels cannot be maintained to meet service need. In such circumstances, a separate element of pay, known as a 'market supplement', may be paid in addition to the evaluated rate of pay for a job.
- 1.2. The purpose of this procedure is to detail the process for applying market supplements to jobs in West Berkshire Council.

2. Applicability

- 2.1. This procedure applies to all employees of West Berkshire Council, with the exception of school-based employees.

3. Roles & Responsibilities

- 3.1. The Chief Executive has overall responsibility for ensuring that market supplements are managed appropriately in accordance with this agreed procedure.
- 3.2. Heads of Service are responsible for:
 - 3.2.1. making the case for applying new market supplements
 - 3.2.2. participating in the review of existing market supplements
 - 3.2.3. identifying funding for new market supplements and, where necessary, seeking approval for additional funding through the Council's budget bid process
 - 3.2.4. ensuring that the portfolio holder (Executive Member) and the relevant trade union(s) are consulted over the application of any new market supplement
- 3.3. The Head of Human Resources is responsible for:
 - 3.3.1. approving the case for new market supplements, in consultation with the relevant Head of Service and Corporate Director.
 - 3.3.2. overseeing the biennial review of all market supplements
- 3.4. Human Resources are responsible for:
 - 3.4.1. ensuring details of market supplements are included in employment

contracts, where appropriate, with a specified end date.

3.4.2. assisting Heads of Service in determining the appropriate level for new market supplements, by providing market pay data relevant to the post.

3.4.3. undertaking regular reviews of existing market supplements.

3.5. Group Accountants are responsible for:

3.5.1. confirming that costs for new market supplements can be met from savings within the service budget or from an approved funding bid.

4. Introduction

4.1. West Berkshire Council operates a job evaluation scheme based on the Local Government version of the Hay scheme. All new jobs, or changed jobs, are evaluated and the pay grade is determined through the agreed job evaluation procedure.

4.2. The job evaluation scheme is based on ranking jobs within the Council against each other and does not take into account fluctuations in the labour market and current market salary rates for different types of jobs.

4.3. The payment of market supplements over and above basic pay is legitimate in circumstances where an employer needs to offer a higher pay level in order to attract or retain staff.

5. Principles

5.1. The Council will pay market supplements in exceptional circumstances, where it is considered essential to maintaining adequate service provision and there is no other reasonable way of achieving the organisational aim.

5.2. Market Supplements may be paid in order to attract staff (recruitment) or in order to retain staff (retention), but only in circumstances where it can be demonstrated the current salary is below the market rate.

5.3. Market supplements will only be paid where a case for payment is properly justified, with supporting evidence (*see section 6 – Procedure for Implementing New Market Supplements*).

5.4. The market supplement must be paid as a clearly identified supplement to the evaluated salary for a fixed period until the next review.

5.5. Where a market supplement becomes payable, the market supplement will also

be payable to any other postholder with an **exactly** comparable job (i.e. the postholder is working to the same WBC job description). Where similar posts exist (i.e. the job description is similar, but not identical), the market supplement procedure must be applied separately.

- 5.6. The market supplement will be paid on a pro rata basis for part time staff, according to the number of hours worked.
- 5.7. Market supplements will be reviewed every two years. Employees will be notified of any proposed changes to the level of market supplement at least 3 months before the change will take effect. *(See Section 7 for further details)*
- 5.8. Market supplements will be pensionable and will not be affected by incremental increases or annual pay awards. *(see Section 7 – Review of Existing Market Supplements).*
- 5.9. Any change to the market supplement will be implemented only as a result of a biennial review, supported by appropriate evidence. As a result of the review, the supplement will either be maintained at the existing level, or increased, reduced or withdrawn *(see section 7 – Review of Existing Market Supplements).*
- 5.10. Where a post has been approved to attract a market supplement, this must be recorded in the contract of employment. The contract of employment must include;
 - the normal salary ceiling;
 - the amount of market supplement;
 - the reason for the supplement; and
 - the fact that the supplement will be reviewed on a biennial basis, with the supplement increased, reduced or withdrawn where evidence supports this.

6. Funding Market Supplements

- 6.1 New Market Supplements can only be approved where funding is available from either:
 - A vacant post that is being deleted or amended to generate savings, e.g. reduced hours or grade; or
 - A bid for additional funding for the relevant salary budget. All such bids must be approved by the Chief Executive and Leader of the Council.

7. Procedure for Implementing New Market Supplements

- 7.1. The Head of Service must first determine that a market supplement may be required in principle, and then make the case for applying a new market supplement. The case must be agreed by the relevant Corporate Director and the Head of Human Resources.
- 7.2. Before submitting the case for approval, the recruiting manager should discuss the potential for applying a Market Supplement with Human Resources, who will advise on obtaining supporting information and calculating the amount of the payment.
- 7.3. The case for payment must be objectively justified and contain evidence of the following (where appropriate to the case):
 - 7.3.1. consideration has been given to redesigning the job/team to provide the work in another way;
 - 7.3.2. it is uneconomical and/or impractical to engage agency workers/contractors to undertake the work;
 - 7.3.3. the post is essential to maintaining adequate levels of service;
 - 7.3.4. turnover rates and evidence from exit interviews;
 - 7.3.5. number and quality of responses to job advertisements (*where a market supplement is proposed as an aid to recruitment, the line manager must have attempted to recruit to the post.*);
 - 7.3.6. comparison with other jobs in the locality with a similar range of responsibilities (see 7.4 below);
 - 7.3.7. Where applicable, evidence that an identical role within a partner organisation is paid at a higher rate (this might apply to WBC posts in multidisciplinary teams);
 - 7.3.8. recommendation of appropriate value for the market supplement (see 7.5 below). The market supplement should be expressed as a fixed lump sum, not an incremental spinal column point.
 - 7.3.9. the availability of funding for the market supplement(s). In the case of identical posts, or where there is more than one postholder in a post (e.g. job share partners), the market supplement must apply to all postholders (on a pro-rata basis where the postholders are part time). The Head of Service should consult the Group Accountant to establish how the funding may be obtained (*See Section 6 – Funding Market Supplements*)
- 7.4. Evidence for comparator jobs may be obtained from pay and benefits surveys (Human Resources may be able to provide relevant surveys) or through

research of like posts in the local market (e.g. through researching local job adverts or through contacting local employers). Comparisons must not be made on job title/salary/advert alone. A job description and person specification must be obtained to ensure the comparator job is similar in terms of scope, management span, location in the organisation, responsibilities, budgetary responsibilities etc.

- 7.5. The market supplement value will normally be based on the median maximum salary for a range of comparator jobs, though this may vary according the availability of data. The market supplement figure should represent the difference between the maximum salary on the evaluated grade for the post and the median comparator salary. The figure will normally be rounded to the nearest £250. HR advice must be sought on this.
- 7.6. Where comparisons are being made with non-local authority employers, the 'total reward package' should be taken into account. Salary and commission plus non-salary benefits, such as pension schemes and free health insurance etc, make up the total reward package. The median salary to be taken into account should be adjusted if necessary to reflect the comparison. HR advice should be sought in these circumstances.
- 7.7. The Head of Service should complete the proforma at appendix 1 ('Recommendation for New Market Supplement'). The form must include the names of all employees to whom the market supplement will apply, including those in *exactly* comparable jobs. This must be countersigned by the relevant Corporate Director and the Group Accountant, and forwarded to the Head of Human Resources for agreement.
- 7.8. The Head of Service or his/her designate should consult the relevant trade unions on the application of a new market supplement.
- 7.9. The Head of Human Resources will consider the recommendation and, after seeking further information as necessary, make a decision.
- 7.10. Where a Market Supplement is agreed Human Resources will advise payroll and amend employment contracts accordingly.
- 7.11. Where the Head of Human Resources does not agree with the request, he/she will refer back to the Corporate Director and Head of Service for further discussion.

8. Review of Existing Market Supplements

- 8.1. Every September, Human Resources will identify posts which, by 1st April the following year, will have been in receipt of a market supplement for a minimum of two years. Human Resources will advise the relevant postholders in writing

that a review will be undertaken and will undertake the review, in consultation with relevant Heads of Service.

- 8.2. The review will use up-to-date pay and benefits surveys (e.g. South East Employers Annual Regional Pay and Benefits survey, pay surveys from Hay Group, specialist pay surveys from industry/professional bodies). Where such surveys do not cover the full range of posts to be reviewed, it may be appropriate to commission bespoke pay surveys from South East Employers.
- 8.3. The Head of Human Resources has discretion to determine whether a bespoke pay survey should be commissioned and the cost of the survey will be met by Human Resources. Such a survey will only be purchased for the purpose of an annual Council-wide review and not to demonstrate the case for applying a new market supplement.
- 8.4. As an alternative to a bespoke pay survey, it may be appropriate to research locally advertised jobs or contact other local organisations. Human Resources will undertake this work. No comparisons will be made on job title/salary/advert alone – job descriptions and person specifications must be obtained to ensure the roles are comparable.
- 8.5. Market Supplements will normally be calculated by identifying the median of the sample used.
- 8.6. Human Resources will consult with the relevant Heads of Service and Corporate Directors on the findings of the review and will confirm the outcome in writing to each employee by the end of December.
- 8.7. Where the review results in either an increase or decrease in (or cessation of) market supplement, this will be effective from the following 1st April. The employee has no right of appeal.
- 8.8. Any increase in payment will be funded from the salary budget of the relevant Head of Service.

Recommendation for New Market Supplement	
<p><i>To be completed by the Head of Service, counter-signed by the relevant Corporate Director, and forwarded to the Head of Human Resources.</i></p> <p><i>Note that the relevant trade union(s) and the portfolio holder should be consulted before submitting the form.</i></p>	
Title, grade and service area of post for which payment is proposed	
Job Title	
Grade	
Service Area	
Justification for New Market Supplement Payment	
<p>Is this recommendation for a new market supplement : <i>(tick as appropriate)</i></p> <p>to aid recruitment to a vacant post? <input type="checkbox"/></p> <p style="padding-left: 40px;">or</p> <p>to retain existing staff? <input type="checkbox"/></p>	
<p>Please provide evidence that consideration has been given to redesigning the job or providing the work in another way.</p>	
<p>Please provide evidence that it is uneconomical and/or impractical to engage agency workers/contractors to undertake the work</p>	

Please provide evidence to support the case the post is essential to maintaining adequate levels of service.	
Please provide turnover rates and evidence from exit interviews, where available.	
Please provide details of number and quality of responses to job advertisements (<i>where recommendation for market supplement is as an aid to recruitment</i>);	
Please provide evidence of comparisons with other jobs in the locality with a similar range of responsibilities and, where applicable, comparisons with identical roles in a partnership organisation (<i>attach additional information where appropriate</i>);	
Recommended Value of New Market Supplement	
Recommendation for appropriate annual value of market supplement	£
Rationale for the recommended value (how did you calculate the value?);	

Actual cost of the Market Supplement up to the next review date (including on-costs – tax, NI, pension)		£	
Source of Funding for New Market Supplement (complete appropriate sections)			
Funded from deleted post		Post No	
Funded from amended post (please give details)		Post No	
Funding not available therefore budget bid required (All such bids to be approved by the Leader and Chief Executive before being built into the base budget)		Cost Centre	
Service Group Accountant sign off (attach email confirmation)			
Name			
Signed			
Trade Union consultation (attach email confirmation)			
Name			
Date			
List other employees who will receive market supplement, if approved (ie: all post holders in exactly identical posts)			
Name of employee		Payroll number	
Senior Management sign off			
Head of Service		Corporate Director	
Name		Name	

Signed		Signed	
Date		Date	

Please forward form to Head of Human Resources

Head of Human Resources :		
Recommendation approved ?	Yes	No
Signed	Date	
<i>(Head of HR to forward a original to HR R&I team, with a copy to Head of Service)</i>		
For HR Recruitment and Information Team :		
If approved, advise payroll to divide annual amount into 12 equal monthly instalments with 2 year end date. Record on Resourcelink		<input type="checkbox"/>
Amend contract of employment		<input type="checkbox"/>
Advise Payroll		<input type="checkbox"/>
If not approved, retain form for records		

Appendix D – Part 1

Copies of consultation responses

Name of item being assessed:	Market Supplement Review
Version and release date of item (if applicable):	
Owner of item being assessed:	Robert O'Reilly
Name of assessor:	Robert O'Reilly
Date of assessment:	19 th February 2013

Service Unit	Responder	Response
Culture and Environment	Elizabeth Brewster	<p>I write in response to your letter to me dated 8 January 2013 concerning the proposal to abolish the Market Supplement from 1st April 2014.</p> <p>I have read the management report and below is my response to this proposal:</p> <p>I am a Senior Enforcement Officer previously employed by Wokingham Borough Council who was tuped over to West Berkshire. As you are aware in December 2004 Trading Standards staff were given a market supplement to encourage staff retention, etc. At the time I was on the top of my scale so I have received the market supplement every year since then .</p> <p>I have been told by Steve Richardson at Wokingham Borough Council no review of the Trading Standards market supplement was ever carried out and as a consequence it has become embedded into my salary and is pensionable.</p> <p>I am now 52 years old and by 60 I will have done 40 years on my pension and hope to retire. My husband is already retired but we still have a mortgage to pay each month. I am now also aware that because of changes to the pension scheme I may have to top up my lump sum with AVC which will impact on my salary monthly. Over the 8 years I have become reliant on this salary. Should this proposal go ahead I stand to lose a considerable amount a year. This will cause me considerable financial detriment and stress. Because of this I have now applied for an enforcement officer post at Bracknell-Forest Council which is</p>

paying [considerably more](#).
With regard to the management report, below is my response to some of the points:

Executive Summary

1. Introduction

1.2 The report says market supplements should be reviewed every two years. Wokingham Borough Council never carried out any review in 8 years of receiving the market supplement, also;

1.2 The report says in recent years the council was able to access salary surveys to see if the market supplements for particular jobs were still justified. Having spoken to Mr Murphy he was only able to offer me a post on WBCs terms [on less than my salary](#). Bracknell-Forest Council are offering an Enforcement Officer post on 30k. So clearly salaries are not comparable.

1.3 The reports state heads of service would undoubtedly receive an adequate number of satisfactory candidates - please provide proof of this. WBC Trading Standards is already having to pay contractors to do work because of a number of vacant posts.

Executive Report

2.2 The report states that to objectively evaluate the market supplements against current market conditions, a bespoke salary survey would need to be commissioned....costing several thousand pounds for each service.

When a review of the Environmental Health market supplements was carried out at Wokingham BC, the Manager did this so I feel this is not a justifiable statement and if WBC are not prepared to do an assessment I feel this could be open to challenge in the light of the length of time ex Wokingham TS employees have received the market supplement with no evaluation ever being done. Could this also be deemed a breach of contract and unfair?

2.3 The report states the purpose of the market supplement policy was to match the rates paid by rival recruiters and avoid recruitment and retention difficulties.
I wish to point out again that WBC are not paying an Enforcement Officer a comparable wage with a neighbouring authority. Plus I believe there are currently 4 possible 5 vacant posts within Trading Standards and they are having to now use contractors. I wish to remind you that I also have a job interview on Friday because of this proposal.

2.7 The report states that there is no protection for typed staff and quotes a statement from Wokingham contracts.

Again this refers to consultation, however there has never been any consultation in the 8 years at Wokingham Borough Council regarding Trading Standards market supplements.

		<p>In conclusion I wish to state that I feel this proposal to be unfair and open to challenge. As no review was ever done on Trading Standards market supplements customer practise would argue that it is now embedded in the salary, being pensionable and reliant on and that to take that supplement away in light of the fact that a similar EO post is offered up to 30K at Bracknell-Forest Council. There is also a case which highlights that the lack of review could be open to a challenge through a Tribunal should the council try to remove that market supplement - http://www.scillytoday.com/2012/04/24/senior-officers-to-receive-permanent-pay-rise/.</p>
<p>ICT</p>	<p>Simon Arter</p>	<p>As one of the West Berkshire Council employees potentially impacted by the above proposal I have been invited to submit my comments for consideration by the Personnel Committee, I understand that other interested parties will have also submitted responses and so I have tried to keep mine brief and to the point.</p> <p><u>Concerning the Executive Report.</u></p> <p><i>“1.4 WBC could face equal pay claims from other staff who do not receive this additional payment if WBC cannot justify them by reference to market rates. It is no longer possible to find such a justification.”</i></p> <p>The ICT service roles affected are unique, not duplicated and therefore claims for equal pay would not apply. I believe the final sentence is making reference to the supposition that it is not possible to find “market rate” information - I consider this statement to be untrue.</p> <p><i>“2.2 In order to objectively evaluate the market supplements against current market conditions, a bespoke salary survey would need to be commissioned. In the current economic climate there is virtually no demand for salary surveys. To commission ones for the market supplements paid in WBC would cost several thousand pounds for each service.”</i></p> <p>In respect of ICT salaries, this statement is untrue. Salary information for ICT roles is freely available; a quick Internet search using Google returns many reputable companies publishing up to date information, both national and regional. Similarly many Internet ‘Job Sites’ have search facilities which reveal vacancies within the local area.</p> <p><i>“2.4 The current experience of recruiting for posts across the Council is that we have no shortage of candidates. Retention rates in the Council are not causing a problem for service delivery.”</i></p> <p>Positive retention rates could be seen as a success of the market supplement payment policy. ICT skills in particular are highly transferable to other industries, the roles attracting market supplement payments are highly skilled in both technical and</p>

		<p>managerial fields, the fact that these post holders consider their overall salaries to offer reasonable remuneration in the market place helps to keep 'churn' low.</p> <p>The current experience of recruiting into ICT posts is NOT that stated in the proposal. Recent recruitment exercises for technical staff have failed; the number of applicants has been low and their technical skills being considered as unsuitable and inexperienced.</p> <p><i>"3.1 Based on the economic situation, and the current WBC recruitment and retention rates, an informed management judgement can be made that the Council no longer requires a Market Supplement Policy."</i></p> <p>Over recent Years of contraction, there has been little need for recruitment, however this has changed recently and in fact we have faced very real difficulties in finding a good number of applicants, with the appropriate skills and / or experience. These difficulties have applied to both permanent and contractor appointments (even when offering high hourly rates). Retention rates have potentially remained low in no small part due to the application of market supplement payments as staff consider their remuneration comparable to that in other organisations.</p> <p><u>My personal view.</u></p> <p>My role attracts a market supplement payment in addition to my annual salary. Comparison with published national and regional salary information puts my overall payment into the border of Low and Median bands.</p> <p>The jobs market for my role is quite buoyant and comparable jobs are currently available locally and across the region advertised with attractive salaries and benefits – certainly the number of advertised ICT jobs across all roles is significant and despite the ongoing fragile economic climate ICT related skills appear to remain in high demand and is trending upwards.</p> <p>The abolishment of the Market Supplement Policy and associated payments will, in my opinion be a major de-motivational step and likely to lead to indirect impact on all services as many examples of 'good will' based working practices (such as 'silent hours' or weekend work for upgrades/patches) will be curtailed.</p> <p>ICT skills are highly transferable, it is to be expected that staff turnover will increase as staff seek out employment with remuneration levels in line with their roles and responsibilities – the net result will be a loss the Council of highly skilled, key staff with many Years of experience and acquired knowledge of the Council's systems and operations.</p> <p>I consider that the removal of market supplement payments will turn out to be a 'short term gain' but result in longer term difficulties for the ICT service, a view shared by my colleagues.</p> <p>I request that, having read and listened to the evidence presented, that you reject the proposal.</p>
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<p>ICT</p>	<p>Chris Matthews</p>	<p>Page 1 – Reason for decision to be taken “Changes in the external jobs market and the economy mean that the Council does not need a market supplements policy to recruit and retain staff.”</p> <ul style="list-style-type: none">• No evidence to support this statement is presented.• In the general jobs market it is possibly true, however within ICT I would dispute this idea; IT Jobs have remained in demand during the downturn, additionally West Berkshire is located in an of high IT skill demand.• It is incorrect to remove a procedure on the basis of an unproven assumption. The Market Supplement Procedure gives a justifiable basis for supplement adjustments. <p>Page 1 – Other options considered “To continue to operate the existing market supplement policy and to commission a bespoke salary survey at a cost of several thousands to the Council.”</p> <ul style="list-style-type: none">• A Google search took me one minute to find a cost free Salary Survey for ICT jobs; http://uk.hudson.com/Portals/UK/documents/SalarySurveys/it-salary-survey-2012.pdf• The Market Supplement policy also allows for comparison with available jobs rather than the use of a survey, therefore the survey is not necessarily needed to continue with the market supplement policy. <p>Page 2 – Implications</p> <ul style="list-style-type: none">• The focus of the implications is purely financial; this ignores other factors such as staff retention and recruitment. <p>Page 3 – Executive Summary</p> <p>1.2. “In recent years the Council was able to access salary surveys to see if the market supplements for particular jobs were still justified. However since the economic downturn these salary surveys have ceased due to lack of demand. To continue with the existing policy, HR would need to pay several thousand pounds to commission a bespoke salary survey.”</p> <ul style="list-style-type: none">• See above, ICT job salary surveys are available (at no cost).• The Market Supplement Procedure states that ‘The Head of Human Resources has the discretion to determine whether a bespoke pay survey should be commissioned and the cost of the survey will be met by HR’ <p>1.3. “The Heads of Service who have posts in their service receiving market supplements have been consulted on this proposal. With the exception of the Head of ICT, they accept that if the jobs were advertised tomorrow without a market supplement, there would undoubtedly be an adequate number of satisfactory candidates. The Council does not have recruitment and retention</p>
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		<p>difficulties in any of the areas covered by market supplements (ICT, Highways and Transport, EH and Trading Standards and Customer Services).”</p> <ul style="list-style-type: none">• Please note that the head of ICT does not agree that ‘jobs advertised tomorrow without a market premium would attract an adequate number of satisfactory candidates’. This has been demonstrated recently, ICT advertised for a Citrix Infrastructure Analyst, only 4 candidates applied, none of which were deemed to have adequate skills. <p>1.4 “In light of the economic downturn, the Council can no longer justify the use of market supplements and does not need to have a policy for the use of market supplements”</p> <ul style="list-style-type: none">• Jobs in the ICT sector have remained in demand during the economic downturn and therefore I believe that to recruit and retain effective skilled staff market supplements are necessary. This is especially true given the recent pay freezes. <p>1. Justifications for continuation ICT market supplement</p> <p>1. ICT Salary surveys are freely available.</p> <p>http://uk.hudson.com/Portals/UK/documents/SalarySurveys/it-salary-survey-2012.pdf</p> <p>These surveys demonstrate that WBC is paying below the market rate of ICT roles and that therefore a market supplement is necessary to compete with the private sector to recruit and retain skilled staff.</p> <p>2. Comparison with available jobs advertised online.</p> <p>On the day that I received the draft market supplement review I searched for jobs similar to mine online. This returned four jobs all of which are offering a salary greater than I currently receive;</p> <p>http://www.cwjjobs.co.uk/JobSearch/JobDetails.aspx?JobId=55490546 £40k</p> <p>http://www.totaljobs.com/JobSearch/JobDetails.aspx?JobId=55488942 £38k - £40k</p> <p>http://www.cv-library.co.uk/cgi-bin/view-job.cgi?jobref=113640274&s=100244&utm_source=Indeed&utm_medium=cpc&utm_campaign=Indeed £30k - £38k</p>
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		<p>http://jobs.guardian.co.uk/job/4558238/b-and-q-customer-data-analyst-geo-dem/?utm_source=jobfeed&utm_medium=feed&utm_campaign=JobFeedXml%253aIndeed.co.uk&ProcessedTrackID=13452 £35k - £50k</p> <p>The market supplement procedure taken from the intranet states that evidence for comparative jobs may be obtained from pay and benefit surveys or <u>through research of like posts.</u></p> <p>3. Head of ICT</p> <p>The Head of ICT feels that recruitment and retention of staff without a market supplement would not attract an adequate number of satisfactory staff (see 1.3 of the draft proposal). Evidence supporting this view can be seen during the recent recruitment to the Citrix team.</p> <p>4. Retention of staff</p> <p>Retention of staff with a market supplement offers better value than losing staff experience and knowledge of the business. I have 12 years experience in post and have detailed knowledge of the business and the bespoke configuration of specialist systems. Due to the broad range of responsibilities I have, a candidate with matching skill to mine could not be found.</p> <p>I carry out additional work outside of normal responsibilities in order to help the ICT service to continue improve; this includes being a member of our Custom Satisfaction Improvement team (CSI Newbury) and work on improvements to our helpdesk system. I believe that this work is highly appreciated by senior management within ICT.</p> <p>5. Morale</p> <p>Morale in the organisation is already low due to three years of staff reductions and the prospect for further cuts. It has been necessary for the remaining staff to absorb additional work to keep all systems running.</p> <p>The remaining staff have been praised for keeping the business running effectively, however this proposal indicates that staff are considered as a cost only, rather than as a valued member of the organisation.</p> <p>ICT carry out many tasks outside of normal working hours to ensure minimum disruption to the business. No additional payments are received by staff for these efforts.</p>
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		<p>6. Financial Hardship</p> <p>In the last 3 years there have been pay freezes and there would seem to be a slim chance of an inflation matching pay rise in 2013 and in the next few years. As inflation has been high in the last 3 years the value of our pay has reduced and therefore staff have had to make financially tough choices.</p> <p>Losing my market supplement would mean a further 10% pay reduction on top of a previous reduction to my market supplement and the effect of inflation against my frozen pay.</p>
<p>ICT</p>	<p>Phil Parker</p>	<p>Please take the time to read these comments as this appears to be the one and only point in this review process where the views of affected are being taken into account.</p> <p>The Executive report.</p> <p><i>1.4 WBC could face equal pay claims from other staff who do not receive this additional payment if WBC cannot justify them by reference to market rates. It is no longer possible to find such a justification.</i></p> <p>The posts affected in ICT are all individuals performing different roles, the equal pay claims issue is therefore not applicable.</p> <p>The argument that you can't justify market supplements by reference to market rates, because you are not looking at market rates, doesn't mean that market supplements aren't justified.</p> <p><i>2.2 In order to objectively evaluate the market supplements against current market conditions, a bespoke salary survey would need to be commissioned. In the current economic climate there is virtually no demand for salary surveys. To commission ones for the market supplements paid in WBC would cost several thousand pounds for each service.</i></p> <p>A quick search on the internet, reveals a number of (free) sites that show market rates for salaries in the IT sector (eg itjobswatch.co.uk, uk.hudson.com or experis.co.uk)</p> <p>According to the market supplement procedure, The Head of HR, has the discretion to commission a survey, and, if he chooses not to, may research locally advertised jobs, or contact other local organisations, HR to meet the costs of any such survey or research. There is no suggestion that Market Supplements should be withdrawn because the Head of HR 'feels' they are no longer necessary</p> <p><i>3.1 Based on the economic situation, and the current WBC recruitment and retention rates, an informed management</i></p>

		<p><i>judgement can be made that the Council no longer requires a Market Supplement Policy.</i></p> <p>Over the last 4 years, ICT has been reduced from 52 to 37 people. Recruitment has not been an issue as we have not looked to recruit. When we have tried to recruit to technical positions, we have failed to attract candidates with the skills that we require</p> <p>Retention has not been an issue, but that is because the market supplement is in place.</p> <p>The views of our Head of Service, while noted in the report do not seem to have been taken into account.</p> <p>My understanding of the job market in the IT sector is that salaries are still rising, many companies aiming to make savings by the increased use of IT.</p> <p>There appears little or no justification for this '<i>informed management judgement</i>'</p> <p><i>3.3 Employees currently receiving a market supplement will be consulted on the proposal to remove the market supplement from April 2014 before a decision is made by the Personnel Committee.</i></p> <p>This appears to be the sum total of the "consultation". You, the 5 members of the personnel committee are the only people that will get to see the reactions and feelings of those of us that this proposal affects.</p> <p>Personal Comments</p> <p>My salary has already been reduced compared to the Market. - Following the 2011 market supplement review, my salary was reduced by £1000, a decision I accepted at the time as it felt like that saving might help retain the posts of colleagues. Sub-inflation pay rises and increased pension costs have all reduced the value of my salary in real terms.</p> <p>Another 12% off my earnings. - The proposed change will mean that I lose another 12% of my salary. In reality, this would mean that my salary in 2014 will be worth about 20% less in total than it was in 2011. Looking at the salary surveys mentioned above, I am confident that my current salary is no better than average for similar local posts.</p> <p>Out of hours support - In order to provide the level of service that the Council has come to expect, I have worked occasional weekends and evenings to ensure that systems that I support are available to their users during office hours. Some things just can't be done to systems when users are logged into them. I have neither received (nor expected) financial reward or time off in lieu for performing these necessary duties. I am not a clock watcher and regularly work more than my contracted hours to ensure</p>
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		<p>the job gets done.</p> <p>Valuing what you have – With the reduction of staffing levels in IT, I have, by necessity, taken on more responsibility for systems and functions that required skills in different areas. You have spent a lot of money training me, to enable me to do things above and beyond that which my current job specification requires. All of that training actually increases my value, if not to you, then to others.</p> <p>Morale/Motivation – This does not really need any comment, how would you feel yourself?</p> <p><i>I believe that the 2 statements from the report...</i></p> <p>2.3 The purpose of the market supplement policy was to match the rates paid by rival recruiters and avoid recruitment and retention difficulties.</p> <p>1.3 The payment of market supplements over and above basic pay is legitimate in circumstances where an employer needs to offer a higher pay level in order to attract or retain staff.</p> <p><i>remain true, and that there is no justification for removing the market supplement from the posts in IT.</i></p> <p>I would therefore ask you to reject the proposals in this report.</p>
ICT	Julia Wyard	<p>I am writing to express my serious objection to, and concern over, the proposal to cease payment of the Market Supplement to 30 members of staff from 1st April 2014.</p> <p>I have read the report emailed to me by Robert O'Reilly and wish to explain my objections based on items contained in that document. They are as follows:-</p> <p>Executive Summary</p> <p>1.1 <i>The existing Market Supplements Policy on the HR intranet was designed to increase the salary of individuals in particular jobs above the grade arising from job evaluation, where circumstances meant that recruitment and/or retention levels could not be maintained to meet service need.</i></p> <p>I am of the opinion this situation is still ongoing, certainly within the team in which I work (Education IT based in the ICT Service). The last couple of times we have needed to recruit to vacancies, we have, on several occasions, been informed by potential candidates that the salary on offer was not sufficient. These people were currently working within a school environment and using</p>

the software for which the Education IT Team offers support and training, and so would have been ideal candidates . However, as they were already on a higher salary than we could offer they felt unable to apply for the vacancies.

1.3 *The Heads of Service who have posts in their service receiving market supplements have been consulted on this proposal. With the exception of the Head of ICT, they accept that if the jobs were advertised tomorrow without a market supplement, there would undoubtedly be an adequate number of satisfactory candidates. The Council does not have recruitment and retention difficulties in any of the areas covered by market supplements (ICT, Highways and Transport, EH and Trading Standards and Customer Services).*

My Head of Service, Kevin Griffin, confirms the need for a market supplement within ICT to attract satisfactory candidates for staff vacancies. Within the Education IT Team, I am the Lead Trainer and Support Analyst for all schools (Infant, Primary and Secondary phase) in the submission of annual Key Stage results to meet schools' statutory requirements. In addition I am the Lead Support Analyst for secondary schools in the Exams process. This includes support for the electronic submission of exam entries and the download of exam results to provide headline figures for the authority. I would argue these are fairly specialised procedures that could lead to an inadequate number of satisfactory candidates to apply, should I decide to resign.

Executive Report

2.4 *The current experience of recruiting for posts across the Council is that we have no shortage of candidates. Retention rates in the Council are not causing a problem for service delivery.*

See above points. I think it is rather naive to believe there would be no impact on service delivery if the most longstanding and experienced members of staff were to leave.

3.1 *Based on the economic situation, and the current WBC recruitment and retention rates, an informed management judgement can be made that the Council no longer requires a Market Supplement Policy.*

Please explain how “an informed management judgement” can be made when no survey has been conducted into how salaries in West Berkshire compare to similar posts outside the Council? The Market Supplement Procedure clearly states the Head of Human Resources has the discretion to determine whether a bespoke pay survey should be commissioned and offers alternative solutions should the cost of this prove prohibitive eg researching locally advertised jobs or contacting other local organisations. I would hope both Members and Unison would press for this action before cutting what amounts to a large percentage of workers' salaries.

ICT Salary Surveys are also readily available on the Internet, eg <http://uk.hudson.com/Portals/UK/documents/SalarySurveys/it->

		<p>salary-survey-2012.pdf</p> <p>3.5 This proposal, if agreed by the Personnel Committee, would give staff currently in receipt of a market supplement over 12 months' notice <i>that their temporary increase to salary will cease on 31st March 2014 as a consequence of the abolition of the Market Supplement Policy.</i></p> <p>I find the wording of this paragraph somewhat insensitive. I fail to see how a proportion of my salary, of which I have been in receipt for over 14 years, can be deemed to be a 'temporary increase'. If I had been on a temporary <i>contract</i> for that period of time, employment law would dictate the contract should be made permanent.</p> <p>To sum up, I would argue that abolishing the Market Supplement Policy would actually reverse the following Council Strategy priority:</p> <p>CSP9 – Doing What's Important Well</p> <p>and would ask the Personnel Committee to show appreciation and respect for the longest serving and most experienced staff within West Berkshire Council, who have continued to provide an excellent level of service despite 3 years (and counting!) of zero pay increases.</p> <p>In addition, all staff are now in receipt of a letter from the Local Government Pension Scheme stating we should seriously consider making Additional Voluntary Contributions to ensure we receive adequate pension lump sums. To diminish our monthly salaries further by ceasing the payment of the Market Supplement will seriously impact on both our day to day standard of living, as well as our future financial security, as I for one would definitely not be able to make such additional payments.</p> <p>I would suggest members look at other ways of achieving such savings, whilst recognising staff have already suffered enough financial burdens.</p>
ICT	Andy Best	<ul style="list-style-type: none"> • The current 'Market Supplement System' is working – The argument that the Market Supplement is no longer required is flawed. It is because there are these (minimal) supplements in place, that ICT are able to retain staff and provide a critical service to the Council. That's a primary aim of the current market supplement policy! • ICT salaries are increasing, despite the general economic trend – The information that I receive is that the ICT Job Market is currently buoyant and salaries for our very transferrable skills are seriously in demand in these austere times – many organisations are relying on ICT systems to make further savings and are aggressively recruiting. This view is matched with my own recent recruitment attempts both for permanent and contract staff. In order to deal with this issue, ICT have recently

had to 'down skill' posts in order to recruit – this puts further pressure on more senior and experienced ICT staff who are affected in this proposal. Further evidence of this situation is being provided by my similarly affected colleagues within their own responses together with links to ICT salary information.

- **Salary Surveys are available, or use 'the alternative method'** – ICT salary information is available, and appears to be at no cost – just a little effort. It appears that a flawed assumption is being made based on no evidence at all. The current policy states that in the absence of a salary survey, it may be appropriate to research locally advertised jobs or contact other local organisations – why is this not being done?
- **Breach of current Market Supplement Policy?** - There is no suggestion within the current Market Supplement Policy that the Market Supplements could/should be withdrawn without any supporting evidence at all.
- **Head of ICT Ignored** – It is both surprising and disappointing that the opinion of the Head of ICT appears to be given such little value. Kevin Griffin is not in favour of the proposal, yet this appears to count for nothing.

Potential Impact of Proposals if Accepted

- **Reduction of goodwill** – It is well understood in management texts that although pay increases are not necessarily effective motivators, a reduction in pay will result in significant demotivation and bad feeling. What's less known is that the ICT Service currently relies on significant staff goodwill with many hours of 'invisible effort' given outside of normal hours in order to maintain and enhance services whilst creating minimal disruption to the Council's business. It may be very difficult to expect all the staff concerned to continue to 'go the extra mile' in the way that they/we do currently should this proposal be agreed.
- **Increase in overtime costs** – In line with the statement above, when there is a business imperative that additional / out of hours work is required, it is more likely that staff will insist on payment (as part compensation for their loss). This may significantly reduce any saving potential of this proposal.
- **Reduction in morale** – This proposal serves (albeit not as a deliberate aim I'm sure) to further devalue the ICT Service and key staff therein. From an ICT Management perspective, this proposal will make our job much harder when we set objectives that constantly push for 'continuous improvement', and 'more for less' from a workforce that does not feel valued or looked after.
- **Staff will leave** – It is likely that some staff will leave, not necessarily because they want to, but perhaps more likely because this proposal will make them review the job market and they may be attracted elsewhere, or because of real financial hardship. Recruitment for these more senior and experienced ICT posts **will** be problematic and ultimately we will likely recruit staff with less skills and experience and at considerable management effort, and perhaps with 'special arrangements' in place to provide appropriate remuneration.
- **Re-Grading / Re-evaluation Requests** – Staff that don't leave may well request that their job descriptions are reviewed and will (perhaps justifiably and successfully) push hard for re-grading to compensate for their reduction in earnings. At best this will result in further management effort, but may also reduce proposed savings, or even worse ultimately increase costs where

		<p>spinal point increments in a new grade outweigh the previous functional premium payments.</p> <ul style="list-style-type: none"> • Minimal savings, significant unrest – All of the above potentially results in significant unrest, and management effort, together with a reduction of ‘productive time’ and potentially will result in very minimal savings that aren’t worth the expended effort and bad feeling generated. In the worst case scenario, several key staff may leave and we will not be able to recruit without paying significantly more than we do currently. <p><u>Personal Comments / Observations</u></p> <ul style="list-style-type: none"> • I have already received real salary reduction over last few years – Due to the (somewhat flawed) previous ‘Market Supplement Reviews’ I have already received real salary decreases between years 2009 and 2011. I suggest that the process was flawed as the ‘job matching’ element is very difficult, and in our lean ICT staffing environment, we are often covering a number of differing roles with a wider variety of required experience and skills than is the convention. However, I didn’t protest much at that time as I felt I was ‘doing my bit’ in hard times – however, this new proposal is a step too far. The main other issue I have with the previous market supplement reviews is that salaries were moderated to the ‘median’ point on the survey – which I feel again devalues myself and my colleagues who I know to be considerably better than average when compared with external peers! • Represents a further 5.25% salary reduction – The proposed change would personally mean a 5.25% salary reduction, in a time when my salary has already reduced over the last few years, and inflation and the cost of living is increasing. • Typical Salaries for my Position – Having now looked again at various IT Job Web Sites, I am very comfortable that my current role and responsibilities more than justifies my current salary including market supplement, when compared to similar roles being advertised right now. Evidence can be provided. • Performance Related Pay Tension – As a third tier manager I have been part of the pilot group for the new staff appraisal system which has a ‘carrot and stick’ pay related aspect. I feel there may be a personal difficulty in working very hard to excel with my goals and objectives, only to have the ‘rug pulled out from under my feet’ in terms of any pay reward. The proposed removal of my Market Supplement would significantly outweigh any ‘performance related pay’ element I might strive for! <p>For all the reasons stated above, I would respectfully ask you to consider rejecting the proposals in this report. I would further recommend that the Market Supplement Policy should be retained as I believe the Council (and ICT) will have further need of it, and that all the posts currently in receipt of a market supplement should be ‘market tested’ in line with the existing policy to determine fair remuneration.</p>
ICT	Stuart Powling	<p style="text-align: center;">Proposal to abolish the Market Supplement Policy</p> <p>I am writing to express my strong objection to the proposal to remove my Market Supplement payment. Please find my comments</p>

		<p>on the Market Supplement Review below, along with financial justification to maintain my Market Supplement and the benefits gained by the Council.</p> <p>The Market Supplement Review states:</p> <p>2.4 The current experience of recruiting for posts across the Council is that we have no shortage of candidates. Retention rates in the Council are not causing a problem for service delivery.</p> <ul style="list-style-type: none">• The report states that there is no recruitment or retention issue in ICT. Retention is due to the fact that rates of pay are currently seen as fair, with the inclusion of market supplements where appropriate.• The ICT Service has had difficulty recruiting to the recently advertised Citrix Infrastructure Analyst post, as the basic salary rates we offer are seen as uncompetitive in an area of high employment for IT professionals. This post remains unfilled after a recruitment exercise. <p>3.1 Based on the economic situation, and the current WBC recruitment and retention rates, an informed management judgement can be made that the Council no longer requires a Market Supplement Policy.</p> <ul style="list-style-type: none">• No evidence to support this statement has been presented. The withdrawal of the supplement is based on an assumption, in the absence of reliable salary comparison data, that those receiving the supplements are being overpaid. This is not a sound or fair basis for reducing someone's pay.• As the survey has not been conducted, there is no proof that these salaries are excessive. To make an "informed management judgement" a survey needs to be conducted to prove that our salaries are excessive before the policy can be changed or removed. <p>2.2 In order to objectively evaluate the market supplements against current market conditions, a bespoke salary survey would need to be commissioned. In the current economic climate there is virtually no demand for salary surveys. To commission ones for the market supplements paid in WBC would cost several thousand pounds for each service.</p> <ul style="list-style-type: none">• This contradicts the Market Supplement Procedure which states: <p>8.3 The Head of Human Resources has the discretion to determine whether a bespoke pay survey should be commissioned and the cost of the survey will be met by Human Resources.</p>
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8.4 As an alternative to a bespoke pay survey, it may be appropriate to research locally advertised jobs or contact other local organisations. Human Resources will undertake this work.

- Recognised ICT Salary Surveys are freely available on the Internet.
<http://uk.hudson.com/Portals/UK/documents/SalarySurveys/it-salary-survey-2012.pdf>
- If the head of Human Resources declines to commission a pay survey, it may be appropriate to use alternative ways of defining Market Supplements as suggested in 8.4. It appears that Human Resources are unwilling to spend any money or effort to ensure that Market Supplements are fairly calculated.

Justifications for the ICT Market Supplement

Please find below my comments on why I believe the ICT Market Supplement should not be removed:

Hard Work & Loyalty

- The ICT service has suffered staffing reductions over the last three years involving myself and others taking on extra tasks and responsibilities to make these reductions possible. The reduction in my remuneration feels very unfair when I have assisted the Council to achieve its wider savings programme.
- ICT's customers and users expect the systems they use to be available 24x7 even though the Service is not resourced to provide this. However, ICT staff frequently work outside of core hours to upgrade corporate systems, maintain availability and resolve issues. I don't believe there will be as much goodwill to do this in future by those having their pay reduced. This may impact on system availability during core hours.
- I work many additional hours due to the demands of my job. Using logon/logoff statistics from our Citrix system, I have calculated my unpaid overtime. The figures below show how many extra hours I have worked over the last year and illustrate how the council benefits financially, even when taking the market supplement into account.

Unpaid Overtime (495 Hours)	£****
Minus Market Supplement of	£****
Benefit to the Council	+ £5507

(Details can be found in the Market Supplement Appendix spreadsheet)

Morale & Motivation

- The complete withdrawal of market supplements is extremely demotivating and suggests that the staff involved are not recognised or valued by the organisation as individuals. Absolutely no value is put on my skills, knowledge, commitment, hard work or loyalty. 30 Staff will be seriously demotivated in their jobs for an average saving of £1,900 per individual. ICT staff will be less motivated to work outside of their contracted hours.
- The market supplement I receive represents 10% of my total remuneration. This, coming on top of a 3-year pay freeze as well as a previous £**** pa reduction in market supplement, will cause me and my family financial hardship.

Retention & Recruitment of Staff

- The Head of ICT has indicated that there wouldn't be satisfactory candidates for the ICT roles. This has been proven for the recent recruitment to the Citrix Infrastructure Analyst role in ICT. Just 4 candidates applied, none of which were suitable. The post remains unfilled. The supplement is partly to ensure retention of staff with valuable skill sets. The removal of the Market Supplement will do little for staff retention.
- ICT colleagues affected by the Market Supplement Review are very experienced staff. Over the 15 years I have worked for West Berkshire Council, I have attained a very high level of knowledge and understanding of specialist systems and bespoke processes. Alternative candidates would have little understanding of these.


Market Comparison

- My salary without Market Premium is £***** A quick search of jobs online revealed comparable posts:

GIS Project Manager - £65k
GIS Analyst - £55k

Alternative Options

The Market Supplement Review provides few alternative options to the complete withdrawal of market supplement in 2014. I believe there are other options which I have listed below:

		<ul style="list-style-type: none">• Removal of market supplement from the role, not the individual.• To freeze any review of market supplements until reliable market comparison data is available again.• To incorporate Market Supplement payments into our Salary, as I believe has previously been arranged for staff in Finance and Legal.
ICT	Email trail from Head of HR, Head of ICT and ICT Applications Development Manager	<p>From: Matthew Scalpello Sent: 30 January 2013 16:29 To: Kevin Griffin; Robert O'Reilly Subject: RE: Market Supplement Review - Response to Personnel Committee</p> <p>Hi Rob,</p> <p>In addition to wholeheartedly supporting Kevin's comments I would like to add that as a manager who may possibly lose a third of his team (and in reality the <i>whole</i> of the GIS team) due to this change, I do think I am affected and our comments should be heard at the personnel committee.</p> <p>Regards, Mat</p> <p>Mat Scalpello ICT Applications Development Manager West Berkshire Council</p> <p>01635 519151 (wk) 07827 256977(mb)</p> <p> It takes 17,000 gallons of water, 380 gallons of oil and 4,000 kilowatts of energy to make one ton of paper.</p> <p>From: Kevin Griffin Sent: 30 January 2013 16:23</p>

To: Robert O'Reilly
Cc: Matthew Scalpello
Subject: RE: Market Supplement Review - Response to Personnel Committee

Rob,
This takes us straight to the crux of the issue. Stuart Powling's job grade is K and he is on top of grade at SCP 48 (£40,741 pa). The Hay scheme which is fairly narrowly focussed on academic qualifications and budget responsibility and to some degree staff responsibility is unlikely to see Stuart's role re-evaluated at Grade L unless we fabricate his JD. This is where the Market supplement comes in; it allows us to pay the difference between what the somewhat inflexible Hay scheme allows us to pay and the market rate for someone of Stuart's skills and experience.

You know my thoughts on this matter already but I echo Mat's sentiments. Stuart in particular is very distressed at the prospect of losing his Market Supplement and is very distracted by this issue at present. I believe there's a very real likelihood he might leave, not because he wants to, but because he can't afford not to.

I maintain that the remuneration Stuart currently receives is fair but that we will be undervaluing him if we remove the market supplement and will struggled to replace him with someone of the same calibre for the unsupplemented salary if he leaves.

Best Regards

Kevin Griffin
Head of ICT & Corporate Support
West Berkshire Council
Council Offices
Market street
Newbury
Berkshire RG14 5LD

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email: kgriffin@westberks.gov.uk

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From: Robert O'Reilly
Sent: 30 January 2013 14:13
To: Matthew Scalpello
Cc: Nick Carter; Kevin Griffin; Nicola Bailey
Subject: RE: Market Supplement Review - Response to Personnel Committee

Hello Matt

Thank you for your email.

As the role that Stuart undertakes is vital, I would advise you to have a look at the job description and person specification and make sure it accurately reflects his value to the organisation. Nicola can give you a preliminary view of what the grade would be if the revised JD/PS was submitted for job evaluation.

It is also possible to give honorarium payments for exceptional performance.

From an HR perspective we need to correctly label the reason for a payment to an employee (which is important for defending equal pay claims. In WBC the majority of employees are female, whilst the majority of employees receiving market supplement payments are male).

HR is asking the Personnel Committee to consider whether WBC needs a market supplement policy in the current economic climate. If we didn't have one, I don't think anyone would be advocating introducing one.

The final decision on this rests with the elected members on the Personnel Committee.

I don't propose to include your comments with the Personnel Committee report (as you are not an affected employee or trade union rep). If you disagree with this please let me know.

If you wish to discuss please contact me.

Robert O'Reilly
Head of HR
West Berkshire Council
Tel: 01635 519358 or 07500 103028

From: Matthew Scalpello
Sent: 30 January 2013 13:43
To: Robert O'Reilly
Cc: Nick Carter; Kevin Griffin
Subject: FW: Market Supplement Review - Response to Personnel Committee
Importance: High

Hello Rob,

I have read the Management Board report and Stuart Powling's report relating to the removal of Market Supplements and would like to add my support for Stuart's case in particular.

Whilst I am not an advocate of supplements per se, I see that they are necessary in order to attract or retain the right calibre of staff given the restrictive Local Government pay structure.

With reference to point 1.3 of your report it has not been my experience that *'if the jobs were advertised tomorrow without a market supplement, there would undoubtedly be an adequate number of satisfactory candidates'*.

We attempted to recruit externally to the team a number of times over the last few years and my experience is that we get few applications and those we get are of poor quality or lacking in necessary experience.

The last time we successfully recruited was internally, to bring Brian Harper into the team, and this was in large to the wealth of relevant experience he had from working at West Berks for a considerable amount of time.

The effect of this review is that I have three members of my team actively considering whether they could do better elsewhere. The loss of Stuart Powling in particular would far outweigh any savings made.

Consider the growth in popularity of our website, this is in no small part due to the strength of our mapping and 'find my nearest' facilities all developed personally by Stuart. In addition the planning department rely heavily on his experience and knowledge.

The question that needs to be asked is how much saving the Council £4,940 will cost us if we lose an individual such as Stuart.

Regards,
Mat

Mat Scalpello
ICT Applications Development Manager
[West Berkshire Council](#)

01635 519151 (wk)
07827 256977(mb)



It takes 17,000 gallons of water, 380 gallons of oil and 4,000 kilowatts of energy to make one ton of paper.

From: Stuart Powling
Sent: 30 January 2013 10:48
To: Matthew Scalpello
Subject: FW: Market Supplement Review - Response to Personnel Committee
Importance: High

FYI

From: Stuart Powling

		<p>Sent: 30 January 2013 10:24 To: Robert O'Reilly Cc: Kevin Griffin; Nick Carter Subject: Market Supplement Review - Response to Personnel Committee Importance: High</p> <p>Human Resources have put forward a proposal to abolish the policy concerning Market Supplements to 30 staff at West Berkshire Council. This will be decided by the Personnel Committee on 19th February 2013. Please find my response to this proposal attached, along with supporting information for consideration by the Personnel Committee.</p> <p>I am an extremely hard working Council employee who currently receives a Market Supplement. I am asking you to read and consider my response to Human Resources and the Personnel Committee. It outlines the financial benefit to the Council for keeping my Market Supplement.</p> <p>I am very disappointed with the consultation process on this issue. There has been no opportunity for our views to be heard until the final committee decision. I wish to represent myself at the Personnel Committee if this is possible, to ensure my views are expressed. I look forward to hearing from you on this point.</p> <p>Stuart Powling GIS Development Manager ICT and Corporate Support West Berkshire Council Market Street Newbury RG14 5LD (01635) 519466 Ext 2466 spowling@westberks.gov.uk www.westberks.gov.uk</p>
Highways	Mark Edwards	<p>Rob</p> <p>I don't think I formally recorded my thoughts on the proposal to withdraw the market supplements. I'm sure my CEO's will be writing to you separately but in the meantime here are some observations which I would like the Personnel Committee to be aware of.</p> <p>If the very small payment that is made to the CEO's is withdrawn then I suspect a number will simply stop 'going the extra mile' in the way they go about their job. Unlike the IT posts (which receive a MS some 800% higher) these people are quite lowly paid and are expected to do their job in all weathers. I think they are on something like Grade E and receive a MS of £500.</p>

		<p>In addition to their normal duties they fix the pay machines, direct lost visitors, grit the car parks plus many other tasks in line with being 'ambassadors' for the Council as requested by Keith Chopping. This has come as a kick in the teeth and as I say I wouldn't be surprised if my costs go up over the next year or two as we need to call out specialist engineers instead of our CEO's attending to maintenance issues themselves.</p> <p>Between them the 16 CEO's would contribute £8,000 out of your total saving of £58,000. Is it really worth it ? As an alternative proposal couldn't we simply phase out the supplements as we have done with free staff parking and lease cars ? This way the existing CEO's keep their MS but new staff members wont receive it. About one third of the CEO's are almost at retirement age anyway so will probably be leaving over the next couple of years.</p> <p>Thanks Mark</p>
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Appendix E

HR notes on the consultation responses

Name of item being assessed:	Market Supplement Review
Version and release date of item (if applicable):	
Owner of item being assessed:	Robert O'Reilly
Name of assessor:	Robert O'Reilly
Date of assessment:	19 th February 2013

General points mentioned in responses	
1	ICT salary surveys are freely available.
2	A post in ICT has not recruited to (Citrix Infrastructure Analyst) which shows the market supplements are still needed
3	The payment must be contractually protected because Wokingham didn't review it in eight years
4	Bracknell Forest Council pays more for Trading Standards Officers
5	The £500 payment to Civil Enforcement Officers is a reward for going the extra mile
6	If the payment is withdrawn some affected employees will suffer financial hardship
7	The Head of ICT doesn't support the proposal
8	The market supplement is an indirect way of paying one ICT employee for working unpaid overtime (and is actually less expensive)
9	There is difficulty recruiting to the post of Civil Enforcement Officer.
10	Explanation of Equal Pay
11	Salary benchmarking should be carried out against other local authorities in the area
12	There have been problems recruiting in the Trading Standards team.

HR Response to general points	
1	The ICT salary surveys are freely available are too general to allow comparisons. Typically they will use job titles which do not provide the detail which would allow HR to be sure that a proper comparison was being made. We would need to find job descriptions and grades/benefits from the same job in the public and private sector to ascertain whether the market supplements were needed to prevent the affected employees from leaving to join other organisations. This work would need to be undertaken by a consultancy because HR no longer has the resources to undertake this work. The cost would be several thousand pounds.
2	The post of Citrix Infrastructure Analyst was advertised in October. The ICT service did not ask for the post to be advertised with a market supplement. When no suitable applicants were found the post was re-

	configured and advertised as an apprenticeship post. Applications for the re-configured post have been high and an appointment is imminent. HR will advise the re-configuration route to all services which find recruitment difficult for certain posts in future (for example offering training in a particular skill rather than insist that the applicants are trained already).
3	Some employees were transferred under TUPE from Wokingham in receipt of a market supplement (also known as a 'functional premium'). The HR service in Wokingham neglected to review the payment on a regular basis as stated in their policy. Does this create an implied term that means the payment is de facto permanent? HR would advise that the answer is no because express terms always outweigh implied terms in a contract of employment. There is an express term in the contracts which came to WBC under TUPE from Wokingham which states: "Such supplements are not permanent" and "the Council may also decide to discontinue the general scheme for the payment of salary supplements following consultation". This express contractual term transferred to WBC under TUPE and therefore the payment cannot be contractually payable on a permanent basis.
4	It is true that another Council in West Berkshire pays a higher rate for Trading Standards Officers. However the payment of market supplements is about the whole labour market not just one rival employer. The question to consider is whether WBC can recruit another Trading Standards Officer from the market. The managerial judgment is that recruitment is possible and therefore market supplements are no longer justified.
5	There is an equal pay risk in paying all the Civil Enforcement Officers additional pay as a reward for 'going the extra mile'. The CEOs are a predominately male workforce and this type of universal reward is not made to other employees. 75% of the WBC non schools workforce is female but only 24% of those in receipt of a market supplement payment are female. From an equal pay perspective, it would be safer to reward those CEOs who go the extra mile through an honorarium payment for exceptional performance (as measured through the performance management system).
6	It is true that the size of some of the market supplements is high and to lose such a payment will cause the employees concerned financial hardship. However if the payments are to be regarded as permanent on this basis, then the Council will face potential equal pay challenges. Under the market supplements policy employees can be given three months notice that the payment will cease with no right of appeal. The proposal in this report would give a notice period of over 12 months that the payments will cease.
7	The Head of ICT does not support the proposal. However the Chief Executive has stated at Management Board that he does not believe that

	<p>his Directorate will suffer if this proposal is implemented. It is clearly less disruptive for the Head of ICT to keep the payments and maintain the status quo. However the Personnel Committee need to consider whether to do so is justifiable in the current economic conditions and in light of the risk of an equal pay challenge. Sections of the WBC workforce which are mostly female (such as social workers) do not receive market supplement payments. The post of Citrix Infrastructure Analyst mentioned in some responses was presented to HR by ICT for advertisement without requesting that a market supplement was used. When a poor response was achieved the post was re-configured. This is a n example of how HR will advise managers to act in future if the Market Supplement Policy is abolished.</p>
8	<p>The Head of ICT appreciates the goodwill shown by an employee who works a great deal of unpaid overtime. However the HR perspective is that payments to staff should be correctly labelled (not least to protect the Council from Equal Pay challenge). There are ways to pay an employee for additional hours worked. It is not correct to use a market supplement payment as a 'proxy' for paying for additional hours worked. This employee could be paid for the additional hours worked through a timesheet.</p>
9	<p>The post of Civil Enforcement Officer has been out for recruitment three times in the past year. The response rate has not been problematic. The response rate was as follows:</p> <p style="padding-left: 40px;">March 2012 – 9 applications received, one offer made but she withdrew at the last minute due to being offered another job (no mention of salary being an issue)</p> <p style="padding-left: 40px;">June 2012 – 14 applications received, three people appointed</p> <p style="padding-left: 40px;">November 2012 – 10 applications received, one offer made and awaiting pre employment checks</p>
10	<p>Explanation of Equal Pay.</p> <p>Some employees in ICT have stated that equal pay legislation does not apply because they undertake a unique role without a direct comparator. However this is a misunderstanding of the legislation with compares pay for posts of 'equal value'. Explanations of equal pay legislation are quoted below:</p> <p>Excerpt from Xpert HR Employment Law Manual</p> <p>To claim equal pay under the equality of terms provisions of the Equality Act 2010, a claimant must generally prove that there is a person of the opposite sex (the comparator) who is employed by her employer or an associated employer, at the same establishment or at another establishment where common terms apply, and who is doing equal work,</p>

	<p>but with better contractual pay and/or other contractual benefits.</p> <p>Except taken from IRS Employment Review 2011</p> <p>When premia are paid, they are usually reviewed after a set and relatively short period (e.g. every two or three years) to ensure they are both a necessary and proportional way of dealing with the problem, and so can be objectively justified. If they cannot, they should be removed to preserve the integrity of a job-evaluated pay and grading system to ensure it does not become tainted by discrimination.</p> <p>Excerpt taken from Unison Fact Sheet on market supplements</p> <p>Under Equal Pay legislation, employers must justify using market supplements by showing that there is a real skill shortage and that no other less discriminatory option could have been used to attract and retain staff. Employers must also prove that the difference in the pay rate is 'proportional' to the additional amount needed to secure the skills required. In other words, a £5000 a year 'market supplement' would not be justified, if a £500 a year premium would have been sufficient to attract qualified applicants for the job.</p>
11	<p>Some employees state that salary benchmarking should be carried out against other local authorities in the area.</p> <p>HR contacted four local authority HR departments in the area (Reading, Bracknell, Wokingham and Slough) in October 2012 and received a response from three. In the responses that we received none of the roles could be compared across all three authorities as in each case at least one of the authorities did not have a comparable role. See Appendix F.</p>
12	<p>Some employees state that there have been problems recruiting in the Trading Standards team.</p> <p>Currently with the trading standards team there are 4 posts that are vacant. Two of the posts have been vacant since the autumn of 2012 and HR Recruitment has not been advised to start recruitment. The remaining two posts have been advertised and are currently at the shortlisting stage and we have had 8 applicants in total. The posts have been advertised without a market supplement.</p>

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