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# Statutory Pay Policy 2019 – Summary Report

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**Committee considering report:** Council on 5 March 2019

**Portfolio Member:** Councillor Dominic Boeck

**Date Portfolio Member agreed report:** 31 January 2019

**Report Author:** Rebecca Bird

**Forward Plan Ref:** C3617

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## 1. Purpose of the Report

1.1 To seek Council's approval of the Statutory Pay Policy Statement for publication from 1<sup>st</sup> April 2019.

## 2. Recommendation

2.1 Personnel Committee is asked to discuss and if appropriate recommend the policy statement (attached as appendix C) to Council for approval and then publication in accordance with s38 of the Localism Act 2011.

## 3. Implications

3.1 **Financial:** None

3.2 **Policy:** None

3.3 **Personnel:** None

3.4 **Legal:** None

3.5 **Risk Management:** None

3.6 **Property:** None

3.7 **Other:** None

## 4. Other options considered

4.1 Not applicable – this is a statutory requirement.

## Executive Summary and Report

- 4.2 Section 38 of the Localism Act 2011 requires local authorities to publish an annual pay policy statement. The method of publication is at the discretion of the authority, but it is expected to comply with the principles set out in the Local Government Transparency Code. The statement must be approved by full Council.
- 4.3 Council approved the annual publication of the statement, in principle, on 1st March 2012. This report seeks approval for publication of the 2019 Pay Policy Statement (attached at appendix C) with effect from 1st April 2019.
- 4.4 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
- 4.5 The definition of chief officers includes the Chief Executive, the Monitoring Officer, the Section 151 Officer, Executive and Corporate Directors, as well as those who report directly to any of these post holders. Thus, in West Berkshire Council, this definition would include all Heads of Service.
- 4.6 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.
- 4.7 The Pay Policy Statement for 2019 has been updated to reflect the new National Joint Council pay scales to be implemented on 1<sup>st</sup> April 2019.
- 4.8 *The figures in the policy statement in italics will be revised once the pay award has been implemented, as their calculation relies on the HR information system.*

## 5. Conclusion

- 5.1 The Pay Policy Statement attached as Appendix C should be published on the Council website with effect from 1<sup>st</sup> April 2019, to comply with our statutory duty under the Localism Act.

## 6. Appendices

- 6.1 Appendix A - Equalities Impact Assessment
- 6.2 Appendix B – Data Protection Impact Statement
- 6.3 Appendix C –Draft Statutory Pay Policy 2019

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

|                          |                      |
|--------------------------|----------------------|
| Directorate:             | Resources            |
| Service:                 | Human Resources      |
| Team:                    |                      |
| Lead Officer:            | Rebecca Bird         |
| Title of Project/System: | Statutory Pay Report |
| Date of Assessment:      | 14/01/19             |

## Do you need to do a Data Protection Impact Assessment (DPIA)?

|  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| <p><b>Will you be processing SENSITIVE or “special category” personal data?</b></p> <p><small>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</small></p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><b>Will you be processing data on a large scale?</b></p> <p><small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small></p>  | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><b>Will your project or system have a “social media” dimension?</b></p> <p><small>Note – will it have an interactive element which allows users to communicate directly with one another?</small></p>   | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><b>Will any decisions be automated?</b></p> <p><small>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</small></p>   | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>   | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>   | <input type="checkbox"/> | <input type="checkbox"/> |
| <p><b>Will you be using any novel, or technologically advanced systems or processes?</b></p> <p><small>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</small></p>   | <input type="checkbox"/> | <input type="checkbox"/> |

**If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.**

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

**Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.**

|  |                                  |  |            |
|--|----------------------------------|--|------------|
| <b>What is the proposed decision that you are asking the Executive to make:</b>  |                                  | Approval of the Statutory Pay Report   |            |
| <b>Summary of relevant legislation:</b>  |                                  | S38 of the Localism Act 2011 requires the Council to publish a pay policy statement. |            |
| <b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>  |                                  | No   |            |
| <b>Name of assessor:</b>   |                                  | Rebecca Bird   |            |
| <b>Date of assessment:</b>   |                                  | 14/1/19  |            |
| <b>Is this a:</b>  |                                  | <b>Is this:</b>  |            |
| <b>Policy</b>  | <b>No</b>                        | <b>New or proposed</b>   | <b>No</b>  |
| <b>Strategy</b>  | <b>No</b>                        | <b>Already exists and is being reviewed</b>  | <b>Yes</b> |
| <b>Function</b>  | <b>No</b>                        | <b>Is changing</b>   | <b>Yes</b> |
| <b>Service</b>   | <b>No</b>                        |  |            |
| <b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>   |                                  |  |            |
| <b>Aims:</b>   |                                  | To fulfil a statutory requirement to publish pay data.                               |            |
| <b>Objectives:</b>   |                                  | To publish the statutory pay policy by 1 <sup>st</sup> April 2019.                   |            |
| <b>Outcomes:</b>   |                                  | Provision of clear statutory information.  |            |
| <b>Benefits:</b>   |                                  | To fulfil our statutory duty.  |            |
| <b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b><br>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.) |                                  |  |            |
| <b>Group Affected</b>  | <b>What might be the effect?</b> | <b>Information to support this</b>   |            |
| Age  |                                  |  |            |
| Disability   |                                  |  |            |
| Gender Reassignment  |                                  |  |            |
| Marriage and Civil Partnership   |                                  |  |            |
| Pregnancy and  |                                  |  |            |

|  |  |           |
|--|--|-----------|
| Maternity  |  |           |
| Race   |  |           |
| Religion or Belief   |  |           |
| Sex  |  |           |
| Sexual Orientation   |  |           |
| <b>Further Comments relating to the item:</b>  |  |           |
| <b>3 Result</b>  |  |           |
| <b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b> |  | <b>No</b> |
| Please provide an explanation for your answer: The statement publishes our current position on pay.                                    |  |           |
| <b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>              |  | <b>No</b> |
| Please provide an explanation for your answer: See above.  |  |           |

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

|  |  |
|--|--|
| <b>4 Identify next steps as appropriate:</b> |  |
| <b>Stage Two required</b>                    |  |
| <b>Owner of Stage Two assessment:</b>        |  |
| <b>Timescale for Stage Two assessment:</b>   |  |

Name: Rebecca Bird

Date: 14<sup>th</sup> January 2019

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.