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# Statutory Pay Policy 2023

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	16 March 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Date Portfolio Member agreed report:</b>	13 November 2022
<b>Report Author:</b>	Katie Penlington
<b>Forward Plan Ref:</b>	C4304

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## 1 Purpose of the Report

The Council is required, in accordance with section 38 of the Localism Act 2011, to publish an annual pay policy statement. This report seeks to secure compliance with that duty, by seeking approval of the Statutory Pay Policy Statement for publication from 1<sup>st</sup> April 2023.

## 2 Recommendations

- 2.1 It is recommended that Council adopt and approve the Statutory Pay Policy Statement at appendix C of this report, for publication from 1<sup>st</sup> April 2023.
- 2.2 It is further recommended that Council delegate authority to the Service Director, Strategy and Governance, in consultation with the Portfolio Holder for Internal Governance and Strategic Partnerships to update the pay policy statement following any pay awards to be effective from 1<sup>st</sup> April 2023.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	None.
<b>Human Resource:</b>	The report details the HR implications within it
<b>Legal:</b>	This report satisfies the Localism Act 2011 in respect of a pay policy statement
<b>Risk Management:</b>	None

<b>Property:</b>	None			
<b>Policy:</b>	This report satisfies the Localism Act 2011 in respect of a pay policy statement			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>		X		

<b>Data Impact:</b>		X		The Council is obligated to publish this anonymised salary data by the Localism Act 2011
<b>Consultation and Engagement:</b>	Corporate Board, Operations Board, Personnel Committee			

## 4 Executive Summary

- 4.1 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 the full Council.
- 4.2 Council approved the annual publication of the statement, in principle, on 1st March 2012. This report seeks Council’s for approval, for publication of the 2023 Pay Policy Statement (attached at appendix C) with effect from 1st April 2023.
- 4.3 The statement should set out the policies in relation to;
- (a) Remuneration of its chief officers
  - (b) The remuneration of its lowest paid employees (and our definition and reasons for defining it)
  - (c) The relationship between the remuneration of its chief officers and those who are not chief officers
- 4.4 The definition of chief officers includes the Chief Executive, the Monitoring Officer, the Section 151 Officer, Executive Directors, as well as those who report directly to any of these post holders. Thus, in West Berkshire Council, this definition would include all Service Directors and Heads of Service.
- 4.5 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.
- 4.6 This matter was considered at personnel committee on 21<sup>st</sup> February 2023, which resolved to recommend this policy to Council for adoption. Since that meeting, the Pay Policy has been amended to reflect the resolution of the Executive report in March 2019, which confirmed that where a statutory role is undertaken by a Service Director, an additional payment would be made. This is detailed in paragraph 3.1.6 of the Pay Policy Statement.

## 5 Other options considered

The Council could determine not to publish a pay policy statement but this is not recommended as there is a legal duty to publish this information.

## 6 Conclusion

The Pay Policy Statement attached as Appendix C should be approved and published on the Council website with effect from 1<sup>st</sup> April 2023, to comply with our statutory duty under the Localism Act.

## 7 Appendices

- 7.1 Appendix A – Equalities Impact Assessment
- 7.2 Appendix B – Data Protection Impact Assessment
- 7.3 Appendix C – Draft Pay Policy Statement 2023

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### Background Papers:

None

### Subject to Call-In:

Yes:  No:

- |                                                                                                                            |                                     |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 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 Committee 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"/>            |

**Wards affected:** All

### Officer details:

Name: Paula Goodwin  
Job Title: Service Lead (HR)  
Tel No: 07385413479  
E-mail: paula.goodwin1@westberks.gov.uk

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## Appendix A

### Equality Impact Assessment (EqIA) - Stage One

<b>What is the proposed decision that you are asking the Executive to make:</b>	To seek Council’s approval of the Statutory Pay Policy Statement for publication from 1 <sup>st</sup> April 2023.
<b>Summary of relevant legislation:</b>	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 the full Council.
<b>Does the proposed decision conflict with any of the Council’s priorities for improvement?</b> <ul style="list-style-type: none"> <li>• Ensure our vulnerable children and adults achieve better outcomes</li> <li>• Support everyone to reach their full potential</li> <li>• Support businesses to start develop and thrive in West Berkshire</li> <li>• Develop local infrastructure including housing to support and grow the local economy Maintain a green district</li> <li>• Ensure sustainable services through innovation and partnerships</li> </ul>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Name of Budget Holder:</b>	N/A
<b>Name of Service/Directorate:</b>	<b>Strategy and Governance</b>
<b>Name of assessor:</b>	Katie Penlington
<b>Date of assessment:</b>	27/10/2022
<b>Version and release date (if applicable):</b>	

Is this a .... ?		Is this policy, strategy, function or service ... ?	
<b>Policy</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>New or proposed</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Strategy</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Already exists and is being reviewed</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>Function</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Is changing</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Service</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

<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 meet statutory obligations in relation to pay transparency.
<b>Objectives:</b>	To publish a statutory pay policy following Council approval.
<b>Outcomes:</b>	Published policy meeting statutory obligations
<b>Benefits:</b>	Published policy ensures compliance with statutory obligations.

<b>(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?</b>		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	None	
Disability	None	
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
<b>Further Comments:</b>		
The Council's workforce is predominantly female but there are no equality impacts arising from this proposal as the policy reports on the pay to be applied to specified posts		

**(3) Result**

<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Please provide an explanation for your answer:</b> Pay transparency is just reporting on actual pay for certain posts.	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Please provide an explanation for your answer:</b> Pay transparency is just reporting on actual pay for certain posts.	

**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 EqIA 2.**

**If an EqIA 2 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 EqIA guidance and template – <http://intranet/index.aspx?articleid=32255>.**

<b>(4) Identify next steps as appropriate:</b>	
<b>EqIA Stage 2 required</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Owner of EqIA Stage Two:</b>	
<b>Timescale for EqIA Stage Two:</b>	

## Appendix B

### 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:	Strategy and Governance
Team:	Human Resources
Lead Officer:	Katie Penlington
Title of Project/System:	Statutory Pay Policy 2023
Date of Assessment:	27/10/2022

#### 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><i>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”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will you be processing data on a large scale?</b></p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will your project or system have a “social media” dimension?</b></p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Will any decisions be automated?</b></p> <p><i>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?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Yes	No
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>		

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.

## **Statutory Pay Policy 2023**

See attached.