

STAFFING COMMITTEE

**Date:- Monday, 2 March 2020 Venue:- Town Hall, Moorgate Street,
Rotherham.**

Time:- 2.00 p.m.

AGENDA

1. Apologies for absence
2. Declarations of Interest
3. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda
4. To determine any item which the Chair is of the opinion should be considered as a matter of urgency
5. Secondment to the role of Assistant Chief Executive (Pages 1 - 5)
6. Pay Policy Statement 2020/21 (Pages 6 - 19)
7. Gender Pay Gap Reporting 2019 (Pages 20 - 31)

Committee Name and Date of Committee Meeting

Staffing Committee – 02 March 2020

Report Title

Secondment to the role of Assistant Chief Executive

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Sharon Kemp, Chief Executive

Report Author(s)

Sharon Kemp, Chief Executive
01709 822771 or sharon.kemp@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

To propose a fixed term secondment of an officer from the Local Government Association to the role of Assistant Chief Executive until the end of the calendar year following the resignation of the current post holder. The report also details a proposed approach to the recruitment of a permanent Assistant Chief Executive later in the year.

Recommendations

1. That, in accordance with Officer Employment Procedure Rule 6.1, the Staffing Committee approve the secondment of Judith Hurcombe from the Local Government Association to the role of Assistant Chief Executive effective from 20th April 2020 until December 2020.
2. That authority be delegated to the Senior Officer Appointments Panel to undertake the recruitment and selection process for the permanent appointment of a new Assistant Chief Executive later in the year.
3. That the thanks of the Staffing Committee be conveyed to the outgoing Assistant Chief Executive, Shokat Lal, for his service to the Council and the borough of Rotherham since 2016.

List of Appendices Included

None

Background Papers

Appendix 7 of the Constitution – Officer Employment Procedure Rules

Consideration by any other Council Committee, Scrutiny or Advisory Panel
No

Council Approval Required
No

Exempt from the Press and Public
No

Secondment to the role of Assistant Chief Executive

1. Background

- 1.1 The Assistant Chief Executive, Shokat Lal, has given notice of his resignation from his post effective from May 2020 in order to take up the post of Executive Director of Core Services at Barnsley MBC. The current post holder was appointed in March 2016.
- 1.2 The post is responsible for the strategic management of the following key corporate services:-
 - Change and Innovation
 - Communications and Marketing
 - Democratic Services
 - Human Resources
 - Neighbourhood Services
 - Policy, Performance and Improvement

2. Key Issues

- 2.1 The post of Assistant Chief Executive is key role in the Council's strategic leadership team. As well as providing strategic management of key corporate and support services driving improvement across the authority, the Assistant Chief Executive provides support to the Leader of the Council, Cabinet and the Overview and Scrutiny function at Member level.
- 2.2 Corporate improvement remains a key driver for the authority and given the forthcoming whole Council election, it is important that the post of Assistant Chief Executive is filled to support the post-election work in respect of Member Induction, ongoing Member Development and leading the preparation of key policy documents outlining the authority's strategic direction and purpose for the medium term.
- 2.3 Recruitment to this position will take approximately six months and given the important work to be undertaken in that period, as set out in paragraph 2.2 above, it is proposed that a secondment from the Local Government Association be approved whilst the recruitment process for a permanent appointment takes place later in the year.

3. Options considered and recommended proposal

- 3.1 Having considered the immediate priorities facing the Council, it is recommended that the Staffing Committee approve the secondment to the role of Assistant Chief Executive effective from 20th April 2020 to ensure the continued leadership of key corporate services during a period of significant activity to support Members following the whole Council election to be held on 7 May 2020.

- 3.2 The Council received support from the Local Government Association during the period of the Commissioner-led government intervention. During that time, the Council was supported specifically by Judith Hurcombe, Programme Manager at the LGA. Given Judith's varied experience of corporate governance, policy, performance and improvement working with local authorities across the country and her strong knowledge of the progress of the Council in meeting the expectations of Members, the people of the borough and external observers, it is proposed that Judith Hurcombe be seconded to the role Assistant Chief Executive until the end of the calendar year.
- 3.3 It is also proposed that Staffing Committee delegate authority to the Senior Officer Appointments Panel to undertake a recruitment and selection process to appoint to the Assistant Chief Executive role on a permanent basis. It is envisaged that this process will commence later in the year and a permanent appointment will be made before the end of the calendar year.
- 3.4 Both proposals are consistent with the requirements of the Officer Employment Procedure Rules, detailed in Appendix 7 of the Constitution.

4. Consultation on proposal

- 4.1 In preparing this proposal for consideration by the Staffing Committee, consultation has taken place with political group leaders from the Labour Group and the Brexit Party Group. Both group leaders have indicated support for the proposed secondment, the preferred candidate for the role and the proposed approach to the recruitment and selection process for a new, permanent Assistant Chief Executive.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Subject to the approval of the Staffing Committee, it is proposed that the secondment to the role of Assistant Chief Executive take effect from 20th April 2020.
- 5.2 Recruitment to the permanent role of Assistant Chief Executive is expected to take place later in the year, with the role expected to be filled before the end of the calendar year.

6. Financial and Procurement Advice and Implications

- 6.1 The cost of the secondment will be within the approved budget for the post. There are no other financial or procurement implications arising from this report. The Council's Pay Policy Statement provides for the Assistant Chief Executive to be paid £102k.

7. Legal Advice and Implications

- 7.1 There are no legal implications directly arising from this report.

8. Human Resources Advice and Implications

- 8.1 The human resources implications are outlined within the key issues and options considered earlier in this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no direct implications for children and young people or vulnerable adults arising from this report.

10. Equalities and Human Rights Advice and Implications

- 10.1 Fair pay structures are a requirement of employment and equalities legislation. There are no human rights implications arising from this report.

11. Implications for Partners

- 11.1 The post of Assistant Chief Executive is a key role in managing relationships with partner organisations in the borough, as well as providing a link between various communities, organisations and partnerships. The proposed secondment will ensure that the good progress made in recent years is maintained and built upon until a permanent appointment is made to the position.

12. Risks and Mitigation

- 12.1 Any vacancy to this role increases the risk that the Council will be unable to deliver continued improvement and achieve corporate goals. The proposed approach in seconding an experienced officer to this role until such a time as a permanent appointment can be made will maintain the focus on improving corporate services and maintain a strong senior officer leadership team for the Council.

13. Accountable Officer(s)

Sharon Kemp, Chief Executive

Report Author: Sharon Kemp, Chief Executive
01709 822771 or sharon.kemp@rotherham.gov.uk

This report is published on the Council's [website](#).

Committee Name and Date of Committee Meeting

Staffing Committee – 02 March 2020

Report Title

Pay Policy Statement 2020-21

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

Ian Henderson, Senior Employee Relations Officer
01709 822467 or ian.henderson@rotherham.gov.uk

Ward(s) Affected

Borough-wide

Report Summary

This report provides detail of the Pay Policy Statement for 2020-21 that the Council is obliged publish under Chapter 8 of the Localism Act 2011.

Recommendations

Staffing Committee is asked to:-

1. Accept the Pay Policy Statement for 2020-21 (Appendix 1)
2. Recommend approval of the statement by Council.

List of Appendices Included

Appendix 1 Pay Policy Statement

Background Papers

Local Government Association

CIPFA Best Value Accounting Code of Practice

Freedom of Information

Localism Act 2011

Hutton Review of Fair Pay in the Public Sector: Final Report March 2011

Previous Staffing Committee Reports

Local Government Transparency Code 2015List here any papers which have informed the recommendation or are connected to the subject matter – e.g. previous reports to Cabinet, Council or committees, legislation or statutory guidance. Members of the public are entitled to inspect them and take copies.

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None

Council Approval Required
Yes

Exempt from the Press and Public
No

Pay Policy Statement 2020-21

1. Background

1.1 The Localism Act 2011, Chapter 8 Pay Accountability, made it a legal requirement for authorities to produce and publish a Pay Policy Statement by the 31st March each year. This must be agreed by Council and detail the remuneration of its Chief Officers.

1.2 The Council must then comply with the Pay Policy Statement for the financial year in making any determination.

1.3 The statement must state:

- Policies relating to remuneration of Chief Officers (definition includes Directors)
- Remuneration of its lowest paid employees
- Relationship between remuneration of Chief Officers and employees who are not Chief Officers
- The remuneration of its Chief Officers
- Remuneration of Chief Officers on appointment
- Increases and additions to remuneration for each Chief Officer
- Use of performance related pay for Chief Officers
- Use of bonuses for Chief Officers
- Benefits in kind to which the Chief Officer is entitled
- Any increase of enhancement to Chief Officer pension entitlement
- Approach to payment of Chief Officers and their ceasing to hold office
- Any amounts payable upon the Chief Officer ceasing to hold office other than that payable by virtue of any enactment
- Approach to publication and access to information relating to remuneration of Chief Officers

1.4 In addition Council should be offered the opportunity to approve salary packages offered for new appointments and exit packages for leavers where the value of either is £100,000 or more.

1.5 The Council's Scheme of Delegation has empowered the Staffing Committee to determine conditions of service, employment policies and procedures and remuneration relating to the Chief Executive and Chief Officers, in line with the Pay Policy Statement.

1.6 In line with usual practice, Staffing Committee is asked to review the Pay Policy Statement for 2020-21 (Appendix 1) and make recommendation to Council.

2. Key Issues

2.1 It is a legal requirement for the Council to publish a Pay Policy Statement each year which has been agreed by Council.

3. Options considered and recommended proposal

- 3.1 The format and content of the Pay Policy is in accordance with guidance previously issued by the regional Local Government Employers Association and has been updated to reflect good practice examples.

4. Consultation on proposal

- 4.1 Consultation has taken place with Councillor Alam.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Staffing Committee's recommendation will go to Council at the meeting scheduled for the 25 March 2020.

6. Financial and Procurement Advice and Implications

- 6.1 The financial implications of the pay policy have been factored into the Councils budget position for 2020/21. This ensures that the Council's budgets overall and at a service level are appropriate to support the cost implications of the pay policy statement 2020/21.

- 6.2 There are no direct procurement implications associated with the details contained in the report.

7. Legal Advice and Implications

- 7.1 The report complies with the legislative requirements. Failure to provide this information could result in the Council being subject to court orders and fines.

8. Human Resources Advice and Implications

- 8.1 The policy statement sets out the arrangements for the salary and related allowances paid to Chief Officers of the Council which have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of authority decisions, which are incorporated into contracts of employment.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people or vulnerable adults

10. Equalities and Human Rights Advice and Implications

- 10.1 In making any decision the Council is required to have due regard to its equalities duties and in particular with respect to the Equality Act 2010, section 149, part 11 of the public sector duty:

- a) eliminate discrimination, harassment, victimisation and eliminate any other conduct that is prohibited by or under the Act,
- b) advance equality of opportunity between persons who are a protected characteristics and persons who do not share it and to

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The recommendation before the Council will not have any adverse impact on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11. Implications for Partners

11.1 There are no implications for partners.

12. Risks and Mitigation

12.1 There is a risk that the authority would face legal action if it failed to comply with legislative requirements to publish the pay policy statement.

13. Accountable Officer(s)

Shokat Lal, Assistant Chief Executive

*Report Author: Ian Henderson, Senior Employee Relations Officer
01709 822467 or ian.henderson@rotherham.gov.uk*

This report is published on the Council's [website](#).

Assistant Chief Executive's Human Resources

Pay Policy Statement 2020-21

Introduction & Scope

This policy statement sets out the arrangements for the salary and related allowances paid to Chief Officers of the Council, meeting the requirements the Localism Act 2011, and also meeting the requirements of guidance issued by the Secretary of State for Communities and Local Government to which the authority is required to have regard under section 38 to 43 of the Act.

It does not cover teaching staff, whose salaries and terms of conditions of employment are set by the Secretary of State or Academy schools as they are an entirely separate employer covered by the Academies Act 2010 and are responsible for setting salaries for their employees.

The authority is required to publish Chief Officer salaries and disclose details of salaries over £50,000 on an annual basis as part of the Statement of Accounts which is available on the Council's website (<http://www.rotherham.gov.uk/>).

The Council is committed to and supports the principle of equal pay for all its employees.

Equal pay between men and women is a legal right under both United Kingdom and European Law. The Equality Act 2010 requires employers not to discriminate on grounds of sex, gender reassignment, race and disability and similar rules apply to sexual orientation, religion, pregnancy and maternity and age.

The authority applies terms and conditions of employment that have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of authority decisions, which are incorporated into contracts of employment.

Chief Executive and Chief Officers conditions of service are in line with the Joint Negotiating Committees for Chief Executives and Chief Officers. Local agreements and remuneration are determined by Council on recommendation made by the authority's Staffing Committee.

This also applies to shared management arrangements with partner organisations, where the job continues to be filled by an employee of the Council.

Definition of officers covered by the Pay Policy Statement

This policy statement covers the following posts:

1. Head of the Paid Service, which in this authority is the post of:
 - Chief Executive
2. Statutory Chief Officers, which in this authority are the posts of:
 - Strategic Director Children and Young People's Services (Director Children's Services)
 - Strategic Director Adults Care, Housing and Public Health (Director Adult Social Services)
 - Strategic Director Finance and Customer Services (Section 151 Chief Finance Officer)
 - Director of Public Health (Director Public Health)
 - Assistant Director Legal Services (Monitoring Officer)
3. Non-statutory Chief Officers, which in this authority are the posts of:
 - Strategic Director Regeneration and Environment
 - Assistant Chief Executive
 - Assistant Director Children's Social Care
 - Assistant Director Human Resources and Organisational Development
 - Assistant Director Financial Services
 - Assistant Director Customer Information and Digital Services
 - Assistant Director Culture, Sport and Tourism
 - Assistant Director Regeneration, Planning and Transport
 - Assistant Director Community Safety and Streetscene
 - Assistant Director Strategic Commissioning
 - Assistant Director Independent Living
 - Assistant Director Housing
 - Assistant Director Education
 - Assistant Director Early Help and Family Engagement
 - Assistant Director Joint Commissioning CCG, Performance and Inclusion

Policy on remunerating Chief Officers

The authority's policy on remunerating Chief Officers is set out on the schedule that is attached to this policy statement at Appendix A. It is the policy of this authority to establish a remuneration package for each Chief Officer post that is sufficient to attract and retain staff of the appropriate skills, knowledge, experience, abilities and qualities that is consistent with the authority's requirements of the post in question at the relevant time.

Policy on other aspects of remuneration of Chief Officers

Other aspects of the remuneration of Chief Officers are appropriate to be covered by this policy statement. These other aspects are defined as recruitment, pay increases, additions to pay, performance related pay, earn back, bonuses, termination payments, transparency, re-employment when in receipt of a Local Government pension or a redundancy/severance payment and pension legislation. These matters are addressed in the schedule attached to this policy statement at Annex B

Pay Relationship

The lowest pay rate in the authority (excluding apprentice rates) equates to a full time equivalent annual salary of £17,711 and can be expressed as an hourly rate of pay of £9.18. This pay rate and salary was determined by the authority as part of a pay scale for employees employed on the National Joint Council Local Government Services Terms and Conditions.

The highest paid salary in this authority is £168,129 which is paid to the Chief Executive.

The ratio between the two salaries, the 'pay multiple' is 9.5 to 1. Against the median salary of £20,541 this multiple reduces to 8 to 1 and against the average salary of £24,881 to 7 to 1.

The Hutton review considered the multiple should be no greater than 20 to 1 (lower is better) and based on the current situation the Council falls well below this threshold. The authority does not have a policy on maintaining or reaching a specific 'pay multiple', however the authority is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the authority.

These pay rates may increase in accordance with any pay settlements which are reached through the respective national negotiating bodies.

Salary Packages over £100,000

The authority will ensure that before an offer of appointment is made, any salary package for any post that is in excess of £100,000 is considered by Council following recommendation by Staffing Committee.

Flexibility to address recruitment issues for vacant posts

In exceptional circumstances where there are recruitment difficulties; there may be a requirement to consider the payment of temporary market supplements such as 'golden hellos', retention payments or regular monthly payments.

In situations where a market supplement is being considered a report detailing the business case is considered by the Assistant Director of Human Resources & Organisational Development who makes the final decision as to whether a supplement is payable, the amount and the frequency of review. For Chief Officer graded posts where this would result in a pay package in excess of £100k the case will be considered by Council on recommendation made by the Staffing Committee.

Supplements can be reviewed at any time but a review must be undertaken on an annual basis.

Policy Amendment

The Council may seek to change elements within the pay policy as part of any necessary efficiency review or as other circumstances dictate.

This policy statement is reviewed annually and is presented to Council each year for consideration in order to ensure that a policy is in place for the authority prior to the start of each financial year.

Exit Payment Cap and Pension Reforms

It is expected that legislative changes will be implemented in the following areas, in which case the authority will apply changes as appropriate:

- The fixing of a cap on exit payments made to employees departing the public sector
- Recovery of exit payments made to high earners who leave the public sector on or after the implementation date if they return to the public sector within 12 months of leaving.
- Other associated reform of redundancy payment limits and related pension scheme provisions

Pay Policy References

- Agency workers directive 2011
- Hutton Fair Pay in the Public Sector Final Report (March 2011)
- Joint Negotiating Committee for Local Authority Chief Executives
- Joint Negotiating Committee for Chief Officers of Local Authorities
- Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations
- Localism Act 2011
- National Joint Council for Local Government Services
- Representation of the People Act 1983
- Rotherham Borough Council Scheme of Delegation
- The Accounts and Audit (England) Regulations (2011)
- The Equality Act 2010
- The Secretary of State for CLG Code of Recommended Practice for Local Authorities on Data Transparency
- Local Government Transparency Code 2015
- HM Treasury Recovery of Public Sector exit payments

Appendix A – Policy on Remunerating Chief Officers 2020/21

Head of Paid Service and Statutory Officers

Post	Salary Ceiling	Additional Allowances	Bonus	Profit Related Pay	Earn Back	Pension Enhancement
Chief Executive	£168,129	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Children and Young People's Services	£147,900	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Adults Care, Housing and Public Health	£130,176	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Strategic Director Finance and Customer Services	£120,336	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Director of Public Health	£100,825	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Legal Services	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)

Non-statutory Chief Officers

Post	Salary Ceiling	Additional Allowances	Bonus	Performance Related Pay	Earn Back	Pension Enhancement
Strategic Director Regeneration and Environment	£120,336	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Chief Executive	£102,948	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Children's Social Care	£96,000	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Human Resources and Organisational Development	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Financial Services	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Customer Information and Digital Services	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Culture, Sport and Tourism	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Regeneration, Planning and Transport	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Post	Salary	Additional	Bonus	Profit Related Pay	Earn Back	Pension

	Ceiling	Allowances				Enhancement
Assistant Director Community Safety and Streetscene	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Strategic Commissioning	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Independent Living	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Housing	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Education	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Early Help and Family Engagement	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)
Assistant Director Joint Commissioning CCG, Performance and Inclusion	£87,791	None	The authority does not operate bonus schemes	The authority does not operate performance related pay systems	The authority does not operate earn-back pay systems	It is not Council policy to award additional pension entitlement (regulation 31)

Appendix B - Policy on other aspects of remuneration of Chief Officers 2020/21

Aspect of Chief Officer Remuneration	Authority Policy
Recruitment	<p>Posts are advertised and appointed to at the appropriate approved salary for the post unless there is evidence that a successful appointment of a person with the required knowledge, experience, skills, abilities and qualities cannot be made without varying the remuneration package.</p> <p>In such circumstances a variation to the remuneration package is appropriate under the Authority's policy. Any changes will be approved through the Authority's appropriate decision making process.</p> <p>Salary packages over £100,000 require Council approval.</p>
Pay Increases	<p>The authority applies any pay increases that are agreed by relevant national negotiating bodies and/or any pay increases that are agreed through local negotiations.</p>
Additions to Pay	<p>The Authority does not make additional payments beyond those specified in the contract of employment.</p>
Performance Related Pay	<p>The Authority does not operate a performance related pay system for Chief Officers as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior managers.</p> <p>Any areas of under-performance would be addressed through capability procedures.</p>
Earn-Back (withholding an element of base pay related to performance)	<p>The authority does not operate an earn-back pay system whereby a proportion of the employee salary is held back and only paid if specific targets are achieved as it believes that it has sufficiently strong performance management arrangements in place to ensure high performance from its senior managers.</p> <p>Any areas of under-performance would be addressed through capability procedures.</p>
Bonuses	<p>The authority does not have or intends to introduce any bonus schemes.</p>
Termination Payments	<p>The authority's normal redundancy payment arrangements apply to all staff including Chief Officers and the Chief Executive. The authority also applies the appropriate Pensions regulations in circumstances where employees qualify for release of pensions.</p> <p>Council will also be given the opportunity to vote on any severance package with a cost in excess of £100k. The components of any such package will be clearly set out and will include pay in lieu of notice, redundancy payment, pension release costs, settlement payments, holiday pay and any fees or allowances paid.</p>
Transparency	<p>The Authority meets its requirements under the Localism Act, the Local Government Transparency</p>

	Code 2015 and the Accounts and Audit Regulations in order to ensure it is open and transparent regarding senior officer remuneration.
Re-employment of staff in receipt of a Local Government Pension or a redundancy/severance payment	<p>The authority is under a statutory duty to appoint on merit and has to ensure that it complies with all appropriate employment and equalities legislation. The authority will always seek to appoint the best available candidate to a post who has the skills, knowledge, experience, abilities and qualities needed for the post.</p> <p>If a candidate is a former employee in receipt of a Local Government pension, or received a redundancy payment, this will not rule them out from being re-employed by the authority. Clearly where a former employee left the authority on redundancy terms then the old post has been deleted and the individual cannot return to that post as it will not exist.</p> <p>The authority will apply the provisions of the Statutory Redundancy Payments Modification Order regarding the recovery of redundancy payments if this is relevant and appropriate. Pensions Regulations also have provisions to reduce pension payments in certain circumstances to those who return to work within the local government service.</p> <p>The authority will apply the reforms to exit payments in the public sector, which includes the recovery of exit payments, a cap on exit payment value and associated reforms of redundancy payment limits and related pension scheme provisions, as they become law.</p>
Election Fees	<p>The duties of Electoral Registration Officer are undertaken by the authority's Chief Executive, the remuneration for which is included in their annual salary.</p> <p>The authority's Chief Executive is also the Returning Officer for elections, referendums and other polls. The Returning Officer may appoint deputies and by convention, has chosen to appoint the Director of Legal Services as a Deputy Returning Officer.</p> <p>For national elections, referendums or other polls which may be required by statute, fees are paid in accordance with the amounts specified for each poll by the statutory order issued by the Secretary of State.</p> <p>For local Borough and Parish elections a local scale of fees, which has not increased since 2008, is approved by Council</p>

Committee Name and Date of Committee Meeting

Staffing Committee – 02 March 2020

Report Title

Gender Pay Gap Reporting 2019

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

Ian Henderson, Senior Employee Relations Officer
01709 822467 or ian.henderson@rotherham.gov.uk

Ward(s) Affected

Borough-wide

Report Summary

This report provides detail of the Gender Pay Gap information that the Council is obliged to publish under reporting legislation.

Recommendations

Staffing Committee is asked to:-

1. Accept the Gender Pay Gap report at appendix 1
2. Recommend approval for publication

List of Appendices Included

Appendix 1 Gender Pay Gap 2019

Background Papers

The Gender Pay Gap in Local Government (Local Government Association)
Equality Act 2010

Gender Pay Gap: Reporting in the Public Sector (Government Equalities Office)

Gender Pay Gap: Closing it Together (Government Equalities Office)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Gender Pay Gap Reporting 2019

1. Background

- 1.1 In 2017 the government introduced the Gender Pay Gap Information Regulations which require employers with 250 or more employees to publish statutory calculations every year showing how large the pay gap in their organisation is between their male and female employees. A positive pay gap indicates that men are paid more than women and a negative pay gap that women are paid more than men.
- 1.2 The gender pay gap shows the difference in the average pay between all men and women in a workforce. The smaller the value of the gap, the more equal the pay gap is between genders. If a workforce has a particularly high gender pay gap, this can indicate there may be a number of issues to deal with, and the individual calculations may help to identify what those issues are.
- 1.3 The Council has up to 12 months following the annual snapshot date of 31 March to publish this information on the Council and Government website. The deadline to report for the snapshot date of 31 March 2019 for public sector employers is 30 March 2020.
- 1.4 The Council chose to include a narrative with its calculations to explain the reasons for the results and details of actions being taken to reduce or eliminate the gender pay gap. Appendix 1 shows the Council's narrative.
- 1.5 The Government Equalities Office has identified several "effective" and "promising" actions employers can take to improve recruitment and progression of women and reduce the gender pay gap:
 - Include multiple women in shortlists for recruitment and promotions
 - Use skill-based assessment tasks in recruitment
 - Use structured interviews for recruitment and promotions
 - Encourage salary negotiation by showing salary ranges
 - Introduce transparency to promotion, pay and reward processes
 - Appoint diversity managers and/or diversity task forces
 - Improve workplace flexibility for men and women
 - Encourage the uptake of Shared Parental Leave
 - Recruit returners
 - Offer mentoring and sponsorship
 - Offer networking programmes

2. Key Issues

- 2.1 The median gender pay gap for the Council at the end of March 2019 was almost the same as the previous year, increasing from **13.3%** to **13.4%**. The mean pay gap also increased from **9.9%** to **10.6%** after falling from **11.5%** the previous year. Analysis of the underlying data did not identify any specific cause that could explain the changes.

The Council's pay gap shows that overall men are still paid more than women, however, the figures compare favourably with the average UK gap **17.3%** (Office for National Statistics) and EU average **16.2%** (Eurostat figures published on the European Commission of Justice's website).

RMBC Gender Pay Gap over time

Year	2019	2018	2017	2016	2015	2014	2013
Median Pay Gap	10.6%	9.9%	11.5%	12.3%	15.2%	16.2%	18.2%
Mean Pay Gap	13.4%	13.3%	12.5%	13.0%	19.0%	17.9%	21.8%

- 2.2 There is no legislative requirement to publish information on other protected characteristics at the moment, however analysis for BME employees showed the Council had a negative **8.2%** median pay gap and negative **4.3%** mean pay gap. For disabled employees there was a negative **6.6%** median and a negative **2.6%** mean. The negative pay gap indicates that both BME and disabled employees are paid more than non-BME/disabled employees.
- 2.3 Regionally benchmarking is currently only available for 2018 as no Council in the region has yet published information for 2019.

Against the 2018 figures the Council median compared favourably with our neighbouring authorities with only Sheffield, who have outsourced a number of services with jobs traditionally undertaken by lower paid women, coming in significantly below.

Council	Median	Mean
Barnsley	9.6%	6.1%
Doncaster	16.5%	14.8%
Rotherham	9.9%	13.3%
Sheffield	8.4%	2.6%
Metropolitan Council's	9.4%	Not available

3. Options considered and recommended proposal

- 3.1 To continue to include a narrative to support and explain the information that the Council is legally obliged to publish.
- 3.2 Review recruitment and development opportunities and encourage improved workforce flexible working and mentoring opportunities in line with the Government Equalities Office research.
- 3.3 It is recommended that both the options above are implemented.

4. Consultation on proposal

- 4.1 Consultation has taken place with the Cabinet Member for Corporate Services and Finance

5. Timetable and Accountability for Implementing this Decision

- 5.1 The deadline for publishing the 2019 gender pay gap is 30 March 2020.

6. Financial and Procurement Advice and Implications

- 6.1 This report provides a retrospective update on the gender pay gap, as such the costs of staff pay have already been factored into the Council's budget position for 2018/19 and the Council's financial outturn position for 2018/19. There are no identifiable financial implications to note at this point. As the Council continues to close the gap identified, the financial implications of any proposal to do so will be reviewed.
- 6.2 There are no direct procurement implications associated with the details contained in the report.

7. Legal Advice and Implications

- 7.1 The report complies with the legislative requirements. Failure to provide this information could result in the Council being subject to court orders and fines.

8. Human Resources Advice and Implications

- 8.1 An appropriately rewarded workforce motivates employees and meets standards of fairness and equality required by employment legislation

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people or vulnerable adults

10. Equalities and Human Rights Advice and Implications

- 10.1 In making any decision the Council is required to have due regard to its equalities duties and in particular with respect to the Equality Act 2010, section 149, part 11 of the public sector duty:
- a) eliminate discrimination, harassment, victimisation and eliminate any other conduct that is prohibited by or under the Act,
 - b) advance equality of opportunity between persons who are a protected characteristics and persons who do not share it and to
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 The recommendation before the Council will not have any adverse impact on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11. Implications for Partners

11.1 There are no implications for partners.

12. Risks and Mitigation

12.1 There is a risk that the authority would face legal action if it failed to comply with legislative requirements to publish information on the gender pay gap.

13. Accountable Officer(s)

Shokat Lal, Assistant Chief Executive

*Report Author: Ian Henderson, Senior Employee Relations Officer
01709 822467 or ian.henderson@rotherham.gov.uk*

This report is published on the Council's [website](#).

Rotherham Metropolitan Borough Council

Gender Pay Gap Report 2019

Introduction

This is the third year that we have published this report and Rotherham Council remains committed to promoting equality of opportunity, eliminating discrimination and building cohesive and inclusive communities to make life better for its residents, service users, customers and employees.

Our ambition, with the wider Rotherham Together Partnership, is to raise skills levels, increase employment opportunities and remove barriers to good quality sustainable employment for local people. Three quarters of our employees live in the borough and ensuring equality of opportunity for our workforce and tackling workplace exclusion is an important part in achieving the vision and values of the Council.

Fair pay is important for everyone, individually and for society but it is worth pointing out that a 'Gender Pay Gap' is not the same issue as 'Equal Pay'. The Council has a longstanding commitment to a transparent approach to pay and grading and is confident employees receive remuneration within the same grade when carrying out the same or equivalent value work.

The gender pay gap does not stem from paying men and women differently; it is the result of the roles in which men and women work within the organisation and the salaries that these roles attract. The Council is committed to undertaking action which will support a positive reduction in the gender pay gap through development, career progression and not removing lower paid roles from the organisational structure.

During 2018/19, the Council almost doubled the number of new apprenticeships from 36 in 2017/18 to 66 in the year to 31st March 2019. These provide opportunities for new and existing staff to develop their skills and gain qualifications that can support their career progression. Of the 66 apprentices that started during the year, almost 70% (46) were female.

In addition, the Council launched the Rotherham Leader development programme during the year. This leadership development apprenticeship will provide an opportunity for our aspiring managers, regardless of gender, to develop the skills required to progress in the organisation. This will help to strengthen talent pipelines to our most senior roles and ensure women continue to be represented at senior levels in the organisation. Currently, over two thirds of our top 5% of earners and half of the Council's Senior Leadership Team are female.

In the last seven years the Council has seen significant reductions in its gender pay gap with the mean gap reducing from 18.2% to 10.6%. Although these are positive steps, whilst ever a gap remains work will continue to address the imbalance.

We continue to be committed to transparency and fairness. This detailed analysis helps us identify areas for further improvement and will actively inform actions for the Council's Workforce Plan.

Sharon Kemp
Chief Executive
Rotherham Metropolitan Borough Council

Background

The Council is required by law to carry out Gender Pay Reporting on an annual basis in line with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

From 2017, any organisation that has more than 250 employees must publish and report specific figures about their gender pay gap. The gender pay gap is defined in the regulations as the difference between the average earnings of men and that of women, calculated relative to men's earnings. These calculations must be made using payroll information correct as on a specific date.

For public sector organisations the specific date, or snapshot date is the 31 March and information on pay gaps based must be published by 30 March each year.

Maintained schools are responsible for publishing their data separately from the Council, which means that schools data is not included in this report.

Data must be published and reported on the following differences between male and female employees:

- Mean gender pay gap in hourly pay
- Median gender pay gap in hourly pay
- Mean bonus gender pay gap
- Median bonus gender pay gap
- Proportion of males and females receiving a bonus payment
- Proportion of males and females in each pay quartile

On the snapshot date of 31 March 2019 the Council had 5025 employees, females accounted for three quarters of the workforce predominantly in part-time permanent positions, whilst the male workforce was predominantly full-time workers in permanent positions. Since 2010 the number of males working part-time has gradually increased to over one in five, compared to almost two out of three females.

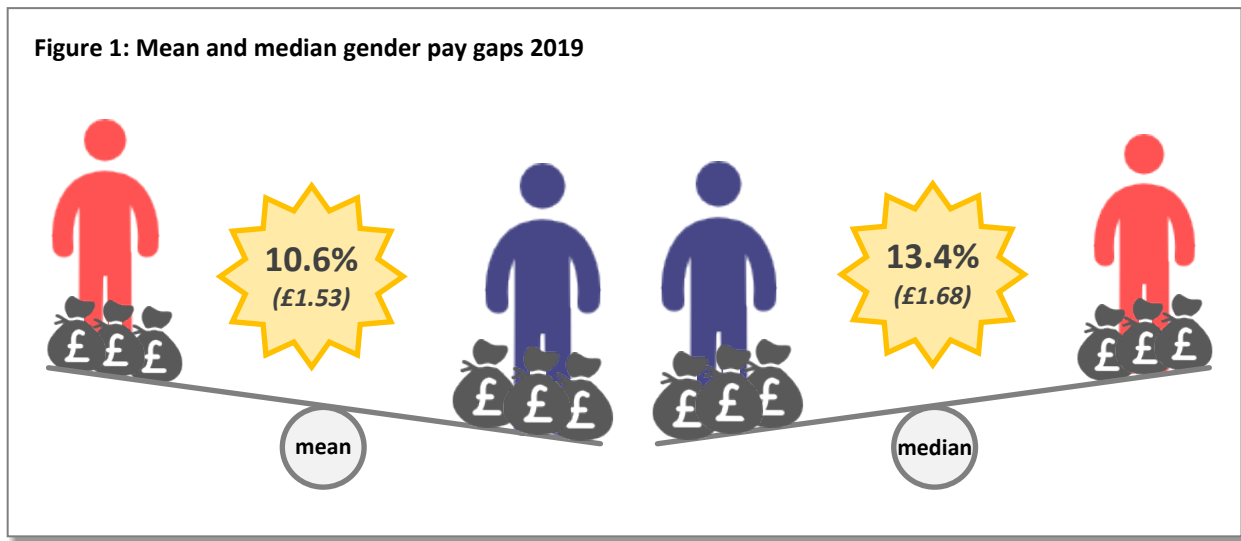
Over the same period the number of women in the top 5% of earners has also gradually increased and at the snapshot date sixty five per cent of the Council's top 5% of earners were female and made up half of the Senior Leadership Team.

During the year the Council continued to pay a living wage supplement to its lowest paid jobs to take the minimum hourly rate paid payable up to the UK Living Wage rate of £8.75 per hour. The majority of these jobs were undertaken by female employees working in traditionally low-paid cleaning and catering roles.

The Council has a clear understanding of the overall gender composition of its workforce and regularly monitors its workforce in relation to the other protected characteristics e.g. ethnicity, age, as these can also impact on the extent of any pay gaps.

Data and analysis

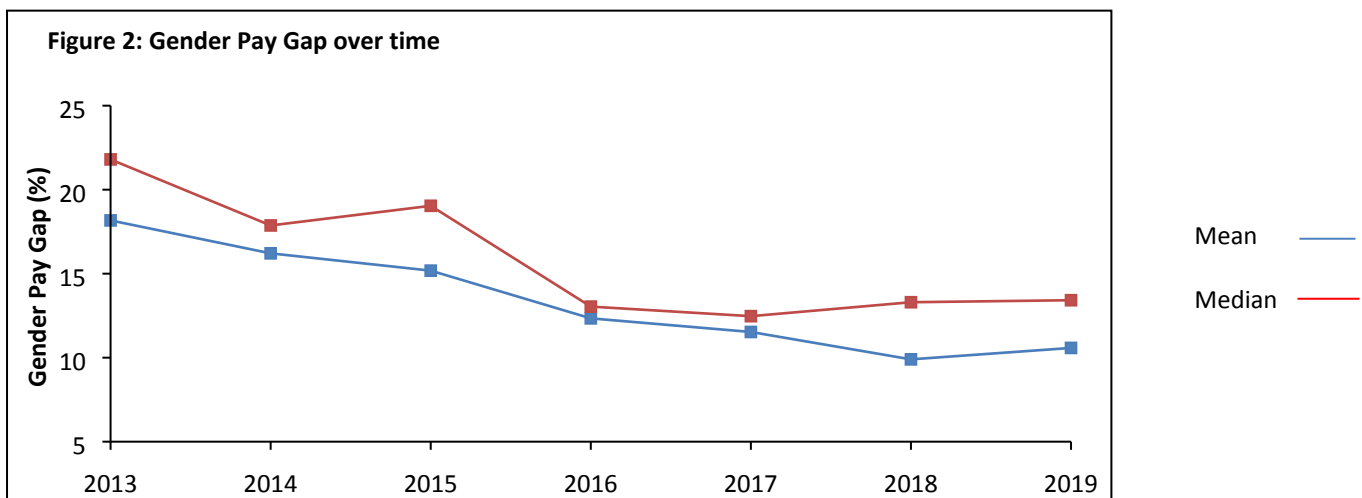
Mean and Median Gender Pay Gap

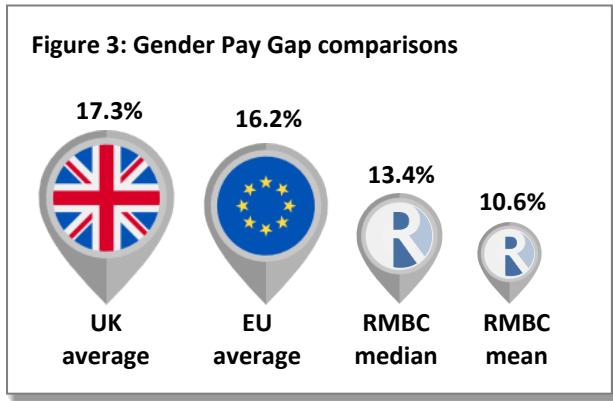


A positive pay gap indicates that men are paid more than women and a negative pay gap that women are paid more than men

The median gender pay gap for the Council at the end of March 2019 was almost the same as the previous year, increasing slightly from 13.3% to 13.4%. The mean pay gap also increased from 9.9% to 10.6% after falling from 11.5% the previous year. Analysis of the underlying data did not identify any significant change in the gender composition of the workforce compared to the previous year and the change will therefore be down to fluctuations in the number of and demographics of the workforce.

Over the last seven years the Council's mean gender pay gap has reduced considerably from 18.2% to 10.6% and the median from 21.8% to 13.4%.





The Council's pay gap shows that men were paid more than women, however, the figures compare favourably with the average UK gap of 17.3%, EU average 16.2% (Eurostat figures published on the European Commission of Justice's website) and the lowest EU countries, Belgium, Italy and Luxemburg who are just below 8%.

Currently there is no legislative requirement to publish information on other protected characteristics, however analysis for BME employees showed the Council had a negative 8.2% median pay gap and negative 4.3% mean pay gap and for disabled employees a negative 6.6% median and a negative 2.6% mean.

The negative pay gaps indicate that both BME and disabled employees are paid more than non-BME/disabled employees.

Mean and Median Bonus Gender Pay Gap

The Council does not operate any bonus schemes.

Proportion of males and females by pay quartile

Figure 4: % Males by quartile

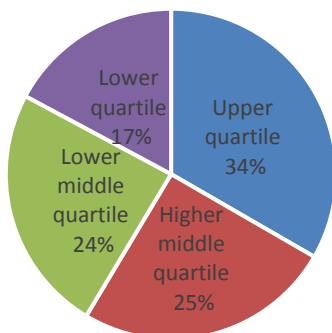
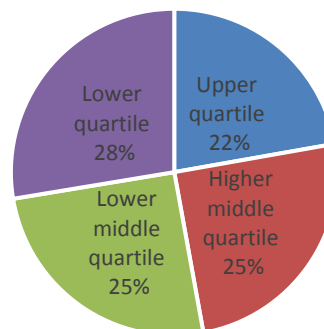


Figure 5: % Females by quartile



The gender distribution in the two middle quartiles is broadly in line with the overall workforce representation. In the lower quartile, where the Council has a larger number of female employees working in traditionally low-paid cleaning and catering roles, there is an over-representation of female workers. The reverse is true in the upper quartile, where the jobs tend to be professionally qualified or dependent on several years of management or other types of experience. Here, women are under-represented.

When looking at the spread of female employees across the quartiles, the ideal would be to see a quarter (25%) of all females in each of the four quartiles; the same goes for male employees. This has almost been achieved for female employees, however, for male employees there is a discrepancy of nine percentage points at the upper and 8% at the lower quartiles.

How we are working to close the Gender Pay Gap

The Council continues to take positive steps to improve workplace equality, implementing best practice in line with the Government Equalities Officer report Gender Pay Gap: Closing it Together providing transparency in promotion, pay and reward processes, a range workforce development opportunities and flexible working opportunities designed to enable employees to achieve a work life balance and support for parents and carers, that often goes beyond the minimum statutory requirements, through maternity/adoption leave, paternity leave, maternity support leave and parental leave to help women returning to work to continue their career.

During the year a local living wage supplement was applied to the Councils lowest paid employees, predominantly female, whose hourly rate of pay fell below £8.75 to bring them up to this rate. From April 2019, a supplement is no longer required as the Council's minimum pay rate increased to £9.18, above the UK Living Wage rate of £9.00 per hour.

Detailed analysis of the workforce helps identify areas for improvement and informs further action planning for the Council's Workforce Plan.

Key activities include:

- Ensuring policies are up to date and follow best practice
- Ensuring recruitment campaigns and job adverts are gender neutral and look to recruit through a variety of channels, including non-traditional sources
- Having a workforce that reflects the diversity of Council communities
- Ensuring there is a flexible, fair and transparent reward framework
- Examining and removing barriers to flexible working wherever possible
- Supporting staff with caring responsibilities
- Supporting staff to more effectively balance home and work commitments
- Reviewing of ways of working across the organisation to identify and promote increased flexibility in working practices
- Driving increased flexibility as the norm in roles at all levels of the organisation
- Developing digital skills to support new ways of working
- Enhancing the Council's Learning and Development offer and approach to supporting development and career progression