

STAFFING COMMITTEE

Date and Time: - Monday 12 February 2024 at Time Not Specified
Venue: - Committee Room 2 - Rotherham Town Hall
Membership: - Councillors Alam (Chair), Allen, T Collingham, Read and Tarmey

This meeting will be available to view [via the Council's website](#) after the meeting has concluded. The items which will be discussed are described on the agenda below and there are reports attached which give more details.

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AGENDA

1. Apologies for Absence

To receive the apologies of any Member who is unable to attend the meeting.

2. Minutes of the Previous Meeting (Pages 3 - 6)

To consider the minutes of the previous meeting of the Staffing Committee held on 10 July 2023 and approve them as a true and correct record of the proceedings.

3. Declarations of Interest

To receive declarations of interest from Members in respect of items listed on the agenda.

4. Exclusion of the Press and Public

To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

5. Pay Policy Statement 2024/25 (Pages 7 - 21)

To accept the Pay Policy Statement for 2024-25 that the Council is obliged publish under Chapter 8 of the Localism Act 2011.

6. Gender Pay Gap Statement 2023 (Pages 23 - 34)

To accept the Gender Pay Gap information as at the 31 March 2023 that the Council is obliged to publish under reporting legislation.

7. Armed Forces Reserves Policy (Pages 35 - 52)

To consider the report which seeks support to implement the Armed Forces Reserves Policy.

8. Urgent Business

To determine any item which the Chair is of the opinion should be considered as a matter of urgency.

STAFFING COMMITTEE
10th July, 2023

Present:- Councillor Read (in the Chair); Councillors Alam, Allen and T. Collingham.

An apology for absence was received from Councillor Ball.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that there were no items of business on the agenda that would require the exclusion of the press and public from the meeting.

3. WORKING LOCATION UPDATE

The Assistant Director introduced the report noting that when Council employees first moved to Riverside House in late 2011, desk ratios averaged six desks to every ten employees due to the size of the workforce at the time.

During the COVID lockdowns approximately half of the Council workforce were forced to work from home due to the restrictions and did so using technology to interact with customers, colleagues and access information remotely to deliver Council services.

Since the start of the pandemic, the Council had seen over 2000 new starters join the Council, equivalent to 41% of the workforce. Of those, around 500 were office-based staff.

Prior to the lifting of lockdown restrictions, a new Hybrid Working Policy was approved in September 2021 but not implemented fully until March 2022 when Covid-restrictions were lifted. This focused on delivering the best possible services for residents, whilst also recognising the benefits of staff working more flexibly.

When the Hybrid Working Policy was approved, the Staffing Committee had requested a review after six months of operational use. The review was delayed to enable a more detailed assessment of desk requirements to be undertaken with a particular focus on Riverside House.

As the Council returned to more normal ways of working, clarity began to be sought by both managers and individual employees, in terms of expectations around their working arrangements. This included queries about the number of days that they would need to be based from work locations across the borough, to enable them to provide the best possible services to residents, whilst still making use of the technologies and new

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ways of working that Covid restrictions brought about. Some managers made a choice to bring staff back into Riverside House.

The review undertaken, considered feedback from the Employee Opinion Survey of 2021, performance outcomes and further feedback emerging from both service events and team meetings, in addition to discussions that have taken place with elected members and the Trade Unions. It also considered the occupancy levels across the Council's workplaces, in particular Riverside House.

From the combined feedback, it is clear that there is the need to ensure an ongoing balance between ensuring that first and foremost, the Council is able to deliver high quality, effective services to residents, making better use of its operational assets, with having a degree of flexibility that many staff appreciate.

The title of the Policy had also been changed from 'Hybrid Working' to 'Working Location' in order to better reflect the range of options for staff when attending a work location within the Borough.

The Assistant Director Human Resources added that a number of Council services require face to face delivery, in order to deliver best outcomes for residents and customers. In order to do that some services returned to office-based working at the point that covid restrictions were lifted, on a rotational basis.

Information presented from a range of surveys concluded that from a health and wellbeing point of view, people who were working mostly from home could feel isolated. Feedback had been received from some employees regarding the lack of face-to-face contact during their inductions.

During the pandemic, the Council saw reduced levels of sickness absence in directorates where officers worked predominantly from home. The reduced absence levels continued throughout 2020 but began to increase again during the second year of the pandemic, with absence rates returning to pre-pandemic levels by the beginning of 2022.

It was noted that teams could collaborate, and problem solve virtually however having opportunities to meet face to face increased relationship building.

The contractual base of staff had not been altered. During the development process for the current Hybrid Working Policy and since launch, regular discussions had taken place with South Yorkshire Local Authorities to share their approach and insights on implementing a more flexible working location proposal. Working Location arrangements in other local authority settings had also been reviewed as part of the lessons learned activity. It was noted that other council in the neighbouring areas had instigated similar arrangements.

Three options had been presented for consideration the first was to discontinue the Hybrid Working Policy. This was not recommended. The second was to maintain the current approach however further clarity would be need around its expectations. The third was to review and revise the Policy and this was the recommended option. It stipulated a minimum three days' attendance at a work location across the borough (such as attending meetings with partners on behalf of the Council or working in communities) for full time staff.

The Chair expressed the need to work with the Trade Unions regarding implementation of the Policy. It was proposed that a review be carried out after six months of implementation to ensure it was working well for both the Council and its employees.

The Assistant Director Human Resources explained that arrangements for those needing reasonable adjustments, such as display screen equipment and assessments, would need to be updated and refreshed as part of implementing the Policy.

The Assistant Chief Executive welcomed the opportunity for a six-month review on the updated Policy to be carried out. This was enabling the organisation to set out how it expected its workforce to be managed and wider engagement via Directorate Leadership Team (DLT) meetings would be held which would be supplemented with a set of Frequently Asked Questions.

The Leader noted that there had always been a degree of flexible working since moving into Riverside House, which had always been a balance for managers to achieve. Covid created a change to the way everyone worked and there were lessons to be learned from that. Concern was expressed for new starters, who were not coming into a workplace but joining and doing the job in isolation from others. It was important that staff were in a place, that they were connected to it and available to residents and customers. Services had dealt well with recovering from the pandemic in terms of balancing their own needs and that of service delivery.

There was an expectation that office-based staff would be site for most of the time, so for some services that meant someone was available Monday to Friday between 9am to 5pm. He did not want to lose the advantages of flexible working however it was right that more guidance was provided to staff and residents to enable the Council's customers to know that staff were on site doing the work expected of them.

It was queried if productivity was better when staff were working from home. The Assistant Chief Executive explained that productivity was hard to measure however in order to do that consideration should be given to the activities within the Council Plan. Most of those activities had been delivered which was a good indicator of productivity. Conversations had

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taken place within DLT's, who each had their own management information to measure performance. Each Strategic Director and DLT was accountable to ensure arrangements were put in place to ensure staff were focused on high quality service delivery.

Resolved:

1. That Staffing Committee noted the review of the Council's working Location arrangements.
2. That Staffing Committee approved the implementation of the revised Working Location Policy.
3. That a review of the Working Location Policy would be carried out and reported back to the Staffing Committee in six months' time.

4. URGENT BUSINESS

The Chair reported that there were no urgent items of business requiring the Committee's consideration.

Committee Name and Date of Committee Meeting

Staffing Committee – 12 February 2024

Report Title

Pay Policy Statement 2024/25

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

No

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

Tony Bryant, Interim Assistant Director of Human Resources

tony.bryant@rotherham.gov.uk**Ward(s) Affected**

None

Report Summary

This report provides detail of the Pay Policy Statement for 2024-25 that the Council is obliged to publish under Chapter 8 of the Localism Act 2011.

Recommendations

Staffing Committee is asked to:

1. Accept the Pay Policy Statement for 2024-25 (Appendix 1).
2. Recommend approval of the statement by Council.

List of Appendices Included

Appendix 1 Pay Policy Statement 2024-25

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 2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

PAY POLICY STATEMENT 2024/25

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 31 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.

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
- 1.3 Council must approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new appointment.
 - 1.4 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 and to prepare and recommend for approval by the Council the annual Pay Policy Statement.
 - 1.5 Staffing Committee is asked to review the Pay Policy Statement for 2024-25 (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 the 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 reflects good practice examples.

4. Consultation on proposal

- 4.1 Consultation has taken place with the relevant Cabinet Member.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Staffing Committee's recommendation will go to Council at the meeting scheduled for 28 February 2024.

6. Financial and Procurement Advice and Implications

- 6.1 The financial implications of the pay policy have been factored into the Council's budget position for 2024/25. 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 2024/25.
- 6.2 The salary scales are based on the current financial year and will need to be adjusted once the 2024/25 pay award is finalised. Should any other salary base adjustments be agreed, the pay policy would need to be further amended and the financial implications of those adjustments considered.
- 6.3 There are no direct procurement implications arising from the details contained in this 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 Pay 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 because 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 CO₂ Emissions and Climate Change

11.1 There is no impact on emissions.

12. Implications for Partners

12.1 There are no implications for partners.

13. Risks and Mitigation

13.1 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.

Accountable Officer(s)

Jo Brown, Assistant Chief Executive

Tony Bryant, Interim Assistant Director of Human Resources

	Name	Date
Assistant Director of Human Resources (if appropriate)	Tony Bryant	25/01/24
The Strategic Director with responsibility for this report	Jo Brown, Assistant Chief Executive	26/01/24
Consultation undertaken with the relevant Cabinet Member	Cabinet Member for Corporate Services, Community Safety and Finance - Councillor Alam	Click here to enter a date.

Report Author: Tony Bryant, Interim Assistant Director of Human Resources
 tony.bryant@rotherham.gov.uk

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

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Assistant Chief Executive's Human Resources

Pay Policy Statement 2024/2025

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 separate employers 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. 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 £22,366 and can be expressed as an hourly rate of pay of £11.59. 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 salary in this Authority is £183,474 which is paid to the Chief Executive.

The ratio between the two salaries, the 'pay multiple' is 8.2 to 1. Against the median salary of £26,421 this multiple reduces to 6.9 to 1 and against the average salary of £31,066 to 5.9 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 new 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 and the relevant Strategic Director who make the final decision as to whether a supplement is payable, the amount and the frequency of review.

For any post where this would result in a pay package on appointment 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 at least 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 Payments

For employees in the Local Government Pension Scheme, payments for redundancy and early retirement will be made in line with the Council's 'Restructuring, Redeployment and Redundancy policy'. This includes chief officers.

All employees, including chief officers, who receive a redundancy payment are subject to the Redundancy Payments (Continuity of Employment in Local Government etc) (Modifications) Order 1998.

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

Head of Paid Service and Statutory Officers

Post	Salary Ceiling	Additional Allowances	Bonus	Profit Related Pay	Earn Back	Pension Enhancement
Chief Executive	£183,474	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	£161,639	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	£142,507	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	£131,885	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	£96,755	£20,000 market pay supplement	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	£96,755	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	£131,885	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	£113,117	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	£105,617	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	£96,755	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	£96,755	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	£96,755	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	£96,755	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	£96,755	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 Ceiling	Additional Allowances	Bonus	Profit Related Pay	Earn Back	Pension Enhancement
Assistant Director Community Safety and Streetscene	£96,755	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	£96,755	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	£96,755	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	£96,755	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	£96,755	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	£96,755	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	£96,755	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

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	The Authority meets its requirements under the Localism Act, the Local Government Transparency 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>

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Committee Name and Date of Committee Meeting

Staffing Committee – 12 February 2024

Report Title

Gender Pay Gap Statement 2023

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

No

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

Tony Bryant, Interim Assistant Director of Human Resources

Ward(s) Affected

None

Report Summary

This report provides detail of the Gender Pay Gap information as at the 31 March 2023 that the Council is obliged to publish under reporting legislation.

Recommendations

Staffing Committee is asked to:

1. Accept the Gender Pay Gap Statement at Appendix 1
2. Approve publication of the Gender Pay Gap Statement at Appendix 1.

List of Appendices Included

Appendix 1 Gender Pay Gap Statement 2023

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

No

Council Approval Required

No

Exempt from the Press and Public

No

Gender Pay Gap Statement 2023**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 Like many organisations Rotherham Metropolitan Council utilises Job evaluation and a common grading structure to ensure that like work is remunerated consistently regardless of the job holder's gender.
- 1.3 The gender pay gap shows the difference in the average pay between all men and women in a workforce regardless of job role. 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 individual calculations may help to identify what those issues are.
- 1.4 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.
- 1.5 The deadline to report on details taken at the snapshot date of 31 March 2023 for public sector employers is 31 March 2024.
- 1.6 The Council has chosen 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.
- 1.7 The Government Equalities Office, in their research report "Gender pay gap: employers' action and understanding", has identified that best practice action plans should focus on the full employee lifecycle. Key elements are set out below:
 - how the employer approaches recruitment (content and appeal of job adverts, approach to short-listing, potential for unconscious bias during the interviewing process)
 - how the employer approaches induction and introduction to the organisation (how women and men are treated at this point and how this might impact their future aspirations)
 - working conditions and hours (availability of flexible working, shift arrangements, parental leave policies)
 - training and development policies and opportunities (relevance to different genders, availability, impact and outcomes)
 - access to support and mentoring (whether sufficient support was available and how to improve provision)
 - the mechanisms for remuneration, personal development and promotion (how the systems work, and whether they potentially disadvantage women)

- employee satisfaction and engagement (how this is measured, and any feedback elicited which indicates issues that could be relevant to their GPG)

2. Key Issues

- 2.1 The mean value is based on total pay for the group, divided by the number in the group being measured. The mean gender pay gap for the Council at the end of March 2023 narrowed to **7.3%** compared to **8.5%** the previous year. The median measure (the middle numerical value in the male and female salary lists for every member of staff in the Council, ranked highest to lowest) shows a reduction in the overall pay gap from **10.2% to 8.7%**. This means, that when comparing the mid-point of all males' salaries with the mid-point of all females' salaries, the gap has now reduced by 1.3% to 8.7%.
- 2.2 The Council's pay gap results from the fact that the Council has a large number of female employees working in traditionally low-paid cleaning and catering roles, where there is an over-representation of female workers. In the upper quartile, where the jobs tend to be professionally qualified or dependent on several years of management or other types of experience, women are under-represented but make up 65% of the top 5% of earners and over half of the Strategic Leadership Team. However, the figures compare favourably with the average UK gap **14.9%** (Office for National Statistics) and EU average **12.7%** (European Commission).

RMBC Gender Pay Gap over time

Year	2023	2022	2021	2020	2019	2018	2017	2016	2013
Median Pay Gap	8.7%	10.2%	11.2%	11.2%	10.6%	9.9%	11.5%	12.3%	18.2%
Mean Pay Gap	7.3%	8.5%	9.2%	9.1%	13.4%	13.3%	12.5%	13.0%	21.8%

Over the last nine years the Council's mean gender pay gap has reduced considerably from 21.8% to 7.3% and the median from 18.2% to 8.7%.

- 2.3 There is no legislative requirement to publish information on other protected characteristics, however analysis for Black, Asian and Minority Ethnic (BAME) employees showed the Council had a negative **9.6%** median pay gap but a positive **0.7%** mean pay gap. There is however a small positive 0.7% mean pay gap, meaning that when assessing the mean hourly rate of pay for BAME employees against the mean hourly rate for non-BAME staff, BAME employees are in roles that overall mean they were 11p per hour less. For disabled employees a negative median of 13.7% (up from 10.4% last year) and a negative 4.3% mean (up from 3.3%) demonstrating that disabled employees are paid more than non-disabled employees by both measures.

- 2.4 Regionally benchmarking is currently only available for 2022 as no Council in the region has yet published information for 2023.
- 2.5 It is difficult to make a like for like comparison with our neighbouring authorities, as each has outsourced different services, some of which can have a significant impact where they include jobs traditionally undertaken by women at a lower level of pay and where the numbers of those roles make up a significant proportion of the overall workforce.

Council	2022 Median Pay Gap	2022 Mean Pay Gap
Barnsley	0.18%	4.9%
Doncaster	12.6%	12.5%
Rotherham (2023)	8.7%	7.3%
Sheffield	3.1%	-0.9%

3. Options considered and recommended proposal

- 3.1 To publish on the Council website as in previous years with a narrative to support and explain the information.
- 3.2 Progressing key activities in the Council’s Workforce Plan that will further address the pay gap.
- 3.3 It is recommended that options at 3.1 and 3.2 above are implemented.
- 3.4 Not publishing isn’t considered as an option as this would mean that Council would be in breach of the statutory duty.

4. Consultation on proposal

- 4.1 Consultation has taken place with the relevant Cabinet Member.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The deadline for publishing the 2023 gender pay gap is 31 March 2024.

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 2022/23 and the Council’s financial outturn position for 2022/23. 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 arising from the details contained in this 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 Committee 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 Committee 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.

10.3 Monitoring of the gender pay gap enables the Council to identify any issues in relation to fair pay in the organisation and to put in place actions to mitigate.

11. Implications for CO₂ Emissions and Climate Change

11.1 There is no impact on emissions.

12. Implications for Partners

12.1 There are no implications for partners.

13. Risks and Mitigation

13.1 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.

Accountable Officer(s)

Tony Bryant, Interim Assistant Director Human Resources

Report Author: Tony Bryant, Interim Assistant Director of Human Resources
This report is published on the Council's [website](#).

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Rotherham Metropolitan Borough Council

Gender Pay Gap Report March 2023

Introduction

This is the seventh edition of our published report, based on data from March 2023. Approximately half of the workforce live in the Borough and ensuring equality of opportunity for our workforce and tackling workplace exclusion remain critical for the continued success of the Council and to set an example for all other employers within the Borough.

The Council's Equality, Diversity and Inclusion Strategy was launched in June 2022. The Council is committed to creating an inclusive Borough, where no-one is left behind and everyone is welcome and treated fairly and to do this, we will listen to our residents and our workforce and seek to involve all voices. The Council has set out an intention to reach and then maintain 'excellent' under the Equality Framework for Local Government (EFLG). The EDI Strategy encompasses high-level actions to deliver this including a range of activity delivered internally with our workforce, ensuring equality of opportunity for all.

In 2022, the Council launched an updated Workforce Plan and this continues to be a focus of activity. Key strands include becoming an employer of choice, reviewing our ways of working, engaging with our workforce, developing our capability, and providing health and wellbeing support. There has also been extensive work done through the Workforce Strategy Board to identify and deliver career pathways for the Council's most critical roles, enabling staff to join the Council in entry level jobs but then to be supported in pursuing their long-term career ambitions within the organisation.

Equality, diversity, and inclusion considerations underpin all of those activities and good progress is being made in ensuring all staff, including under-represented groups, have a voice across the organisation. This includes the creation of a range of Staff Networks, including the establishment of a women's network.

Our commitment to developing our workforce continues, including opportunities for apprenticeships and a range of development programmes to grow skills and enhance career progression.

As at March 2023, the proportion of women in senior positions (top 5% of earners) dipped by one percent to 65%, however over half (four of the seven) of the Council's Strategic Leadership Team were women.

These developments help to demonstrate the Council's continued commitment to undertaking action which will support a positive reduction in the gender pay gap through staff development, career progression and the direct employment of front-line services.

Although there is no requirement to do so, the Council also monitors the pay gap of BAME and disabled employees. The insights in this report help to inform our delivery of the EDI strategy and 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

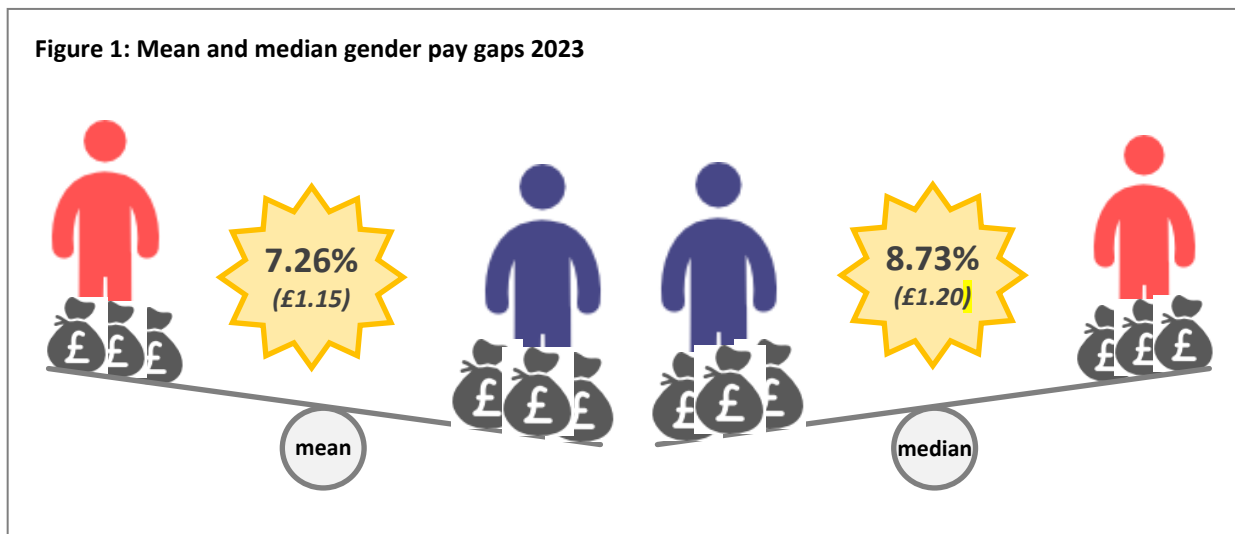
On the snapshot date of 31 March 2023, the Council had 4967 employees, females accounted for three quarters of the workforce predominantly in part-time permanent positions, whilst the male workforce was predominantly full-time workers in permanent positions. Since 2010, the number of males working part-time has gradually increased to over one in five, compared to almost two out of three females.

Over the same period, the proportion of women in the top 5% of earners in the Council has steadily increased over the years to 65% and over half of the Strategic Leadership Team are female.

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

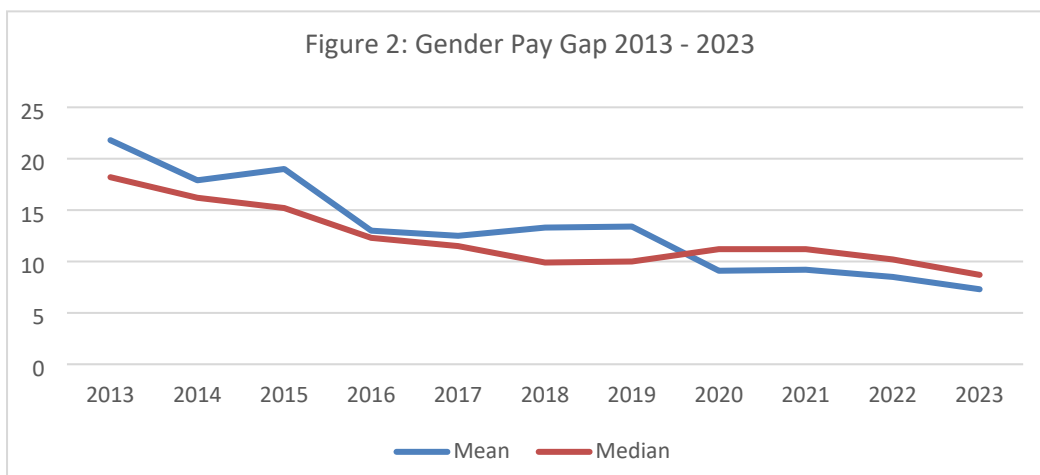


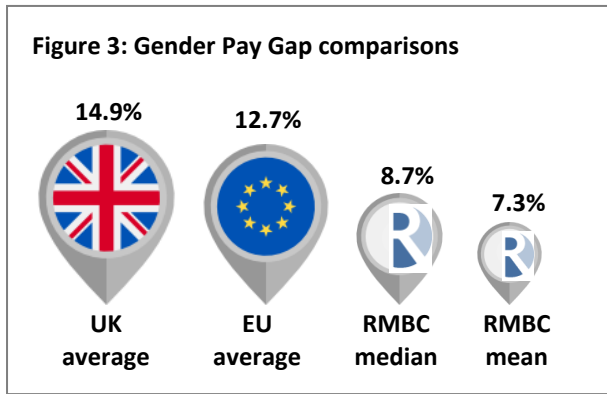
A positive pay gap indicates that men are paid more than women and a negative pay gap that women are paid more than men.

The mean gender pay gap for the Council at the end of March 2023 reduced from the previous year, from **8.5% to 7.3%**. The median measure (the middle numerical value in the male and female salary lists for every member of staff in the Council, ranked highest to lowest) shows a reduction in the overall pay gap from **10.2% to 8.7%**. This means that when comparing the mid-point of all males' salaries with the mid-point of all females' salaries, the gap has reduced by a further **1.3% to 8.7%**, over the last 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 nine years the Council's mean gender pay gap has reduced considerably from 18.2% to 7.3% and the median from 21.8% to 8.7%.





The Council’s pay gap shows that men were paid more than women, however, the figures compare favourably with the average UK gap of 14.9% (ONS 2022 figures), EU average 12.7% (European Commission 2021 figures) and the lowest EU countries, Belgium, Italy and Luxembourg who are below 6%.

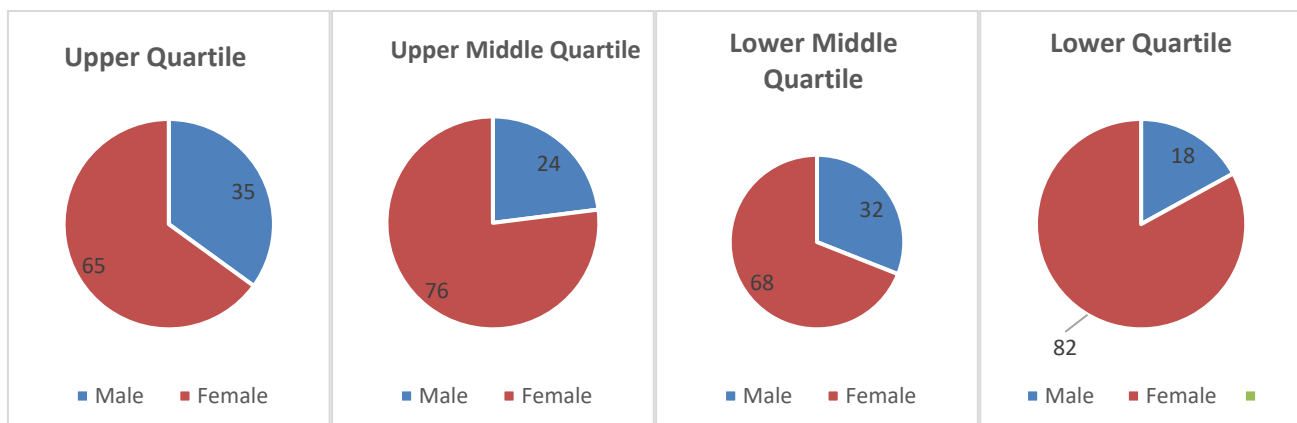
Currently there is no legislative requirement to publish information on other protected characteristics, however analysis of Black, Asian and minority ethnic (BAME) employees showed the Council had a negative 9.6% median pay gap, meaning that they are paid more than non-BAME colleagues. There is however a small positive 0.7% mean pay gap, meaning that when assessing the mean hourly rate of pay for BAME employees against the mean hourly rate for non-BAME staff, BAME employees were in roles overall that paid 11p per hour less.

For disabled employees a negative median of 13.7% (up from 10.4% last year) and a negative 4.3% mean (up from 3.3%) demonstrate that disabled employees are paid more than non-disabled employees by both measures.

Mean and Median Bonus Gender Pay Gap

The Council does not operate any bonus schemes.

Proportion of males and females by pay 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 large number of female employees working in traditionally low-paid cleaning and catering roles, there is an over-representation of female workers. In the upper quartile, where the jobs tend to be professionally qualified or dependent on several years of management or other types of experience, women are under-represented but make up 65% of the top 5% of earners and over half of the Strategic Leadership Team.

When looking at the spread of employees across the pay quartiles, the ideal would be to see 27% of all males and 73% females in each of the four quartiles, mirroring workforce representation. This has almost been achieved for female employees, however, for male employees there is a discrepancy of ten percentage points between the upper and 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 best practice guidance by providing transparency in promotion, pay and reward processes, a range of workforce development opportunities and flexible working opportunities designed to enable employees to achieve a work life balance whilst providing support for parents and carers. The Council's offer 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.

Detailed analysis of the workforce helps identify areas for improvement and informs further action planning for the Year Ahead Plan, the Workforce Plan and EDI Strategy.

Key activities include:

- Engaging with the workforce and with our communities to understand and address barriers to recruitment and progress
- Ensuring policies are up to date and follow best practice and do not adversely impact those with protected characteristics
- Ensuring recruitment campaigns and job adverts are gender neutral and look to recruit through a variety of channels and selection processes that are proportionate to the role being recruited to
- Having a workforce that reflects the diversity of Council communities
- Seeking feedback on our policies and practices from the Council's Staff Networks
- 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 our ways of working across the organisation to identify and promote increased flexibility in working practices, dependent on service need
- 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
- Delivering career pathways, linked to a professional development offer, that enables all to identify and pursue the career they want

Committee Name and Date of Committee Meeting

Staffing Committee – 12 February 2024

Report Title

Armed Forces Reserves Policy

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

No

Strategic Director Approving Submission of the Report

Jo Brown, Assistant Chief Executive

Report Author(s)

Theresa Caswell, Human Resources Business Partner
01709 823710 or theresa.caswell@rotherham.gov.uk

Ward(s) Affected

None

Report Summary

The Council has pledged its support for members of, or those wishing to join, the Reserve Forces. It acknowledges the training undertaken by Reservists enables them to develop their skills and abilities that are of benefit to both the individual and their employer.

The purpose of this report is to seek support to implement the Armed Forces Reserves Policy and ensure that both current and future workforce are aware of our positive statements of commitment.

Recommendations

1. Approve the introduction of the Armed Forces Reserves policy.

List of Appendices Included

Appendix 1 Armed Forces Reserves policy.

Background Papers

- Report to the Rotherham Together Partnership Chief Executive Officer Group – 26th October 2023
- The Reserve Forces Act 1996
- Armed Forces Covenant
- Rights and
- Responsibilities for Reservists and Employers GOV.UK

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Armed Forces Reserves Policy

1. Background

- 1.1 The Armed Forces Covenant Duty provides a legal obligation on certain public bodies that are responsible for delivering statutory functions in healthcare, education and housing services and requires those delivering local services to pay due regard to the Covenant principles when exercising functions in these areas. The Council signed the Armed Forces Covenant Duty in March 2018 and more recently, in January 2024.
- 1.2 Alongside the Covenant is an employer recognition award scheme. The scheme awards bronze, silver and gold awards for organisations that pledge, demonstrate or advocate support to defence and the armed forces community, and align their values with the Armed Forces Covenant. Rotherham Council was awarded silver in August 2018 and re-accredited in late 2023. The Council aspires to achieve Gold in 2024.
- 1.3 The Gold award is the highest badge of honour for employers who support those who serve in the armed forces, veterans, and their families. It highlights the importance the Council places on the debt owed to local veterans and armed forces communities and recognises the value they bring both to the workforce and borough.
- 1.4 The Council needs to demonstrate that certain criteria are met in order to apply for the Gold award, of which there are nine areas of compliance in total. One of these areas is to actively ensure that the workforce is aware of positive policies towards defence people issues.
- 1.5 Whilst the Council already has positive measures in place to support reservists in its existing policies, these are now combined into an overarching Armed Forces Reserves policy, which has been developed to ensure compliance with the criteria.
- 1.6 The proposed policy relates to the following Council and Government policies and legislation:
 - Reserve Forces Act 1996
 - Armed Forces Covenant Duty
 - RMBC Workforce Plan 2022-2025 - Employer of choice
 - RMBC Employee Supported Volunteering Policy
 - RMBC Special Leave Policy

2. Key issues

- 2.1 In 2018 and more recently in January 2024, RMBC pledged its support for members of, or those wishing to join, the Reserve Forces and acknowledges the training undertaken by Reservists which enable them to develop their skills and abilities that are of benefit to both the individual and the Council. This policy intends to set out our obligations towards all employees who are members of the Reserve Forces.

2.2 The Council continues to commit to:

- Not disadvantaging those Reservists who notify HR/Line Management of their Reserve status or those Reservists who are made known directly by the Ministry of Defence (MoD).
- Agreeing to the release of Reservists for attendance at Reserve Forces Training events where these take place on their normal working days in line with Section 5 and the Special Leave Policy. Paid time off is permitted for training commitments including 2 weeks annual summer camp for Reservists.
- Agreeing to the release of all employees mobilised for Reservist duties. In all cases of mobilisation, the Council will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be presented to the Reservist.
- Continuing to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service with no loss of continuous service or service-related benefits.
- Providing special unpaid leave of absence to those employees mobilised, the Council will not be required to pay the Reservist's salary during the period of mobilisation as the MoD assumes this responsibility.
- Fully supporting a return to work to the same job occupied prior to mobilisation on the same terms and conditions. However, if this is not reasonably practicable, the Council may offer a suitable alternative, on terms and conditions that are no less favourable. An individual return to work plan will be developed to capture any training and support needs required upon reintegration to the workplace.

2.3 New commitments for the Council:

The Council promotes volunteering with the cadet forces from their workforce, by providing Paid time off for Cadet Force Adult Volunteers (CFAVs) for their summer camp, this provision is 5 working days and 3 days for those involved in planning of training activities, subject to operational circumstances and to ensure service impacts are minimised.

3. Options considered and recommended proposal

3.1 The introduction of an overarching policy will:

- Clearly set out the Council's pledge and commitment.
- Ensure that the workforce is aware and fully understands the Covenant and Duty.
- Make a positive difference to those who have and continue to serve in the armed forces.
- Support the armed forces community by assisting with reintegrating veterans back into civilian society.

- Recognise that skills, expertise and dedication gained from working within the defence sector are highly transferable to key roles across all sectors within the borough.
- Support the Council's aim of becoming an employer of choice.

3.2 Option 1 – As outlined in 3.1 above.

3.3 Option 2 - Not adopting the Armed Forces Reserves Policy will result in the Council not meeting its obligations under Armed Forces Covenant Duties.

3.4 It is therefore recommended that the Armed Forces Reserves Policy is approved and introduced.

4. Consultation on proposal

4.1 The Strategic Armed Forces Group were consulted on the introduction of the Policy on 22nd January 2024.

4.2 Trade Unions were consulted on this policy on 10th January 2024

5. Timetable and Accountability for Implementing this Decision

5.1 Implementation of this policy will support the application for Gold status and will take immediate effect.

6. Financial and Procurement Advice and Implications

6.1 Whilst there are indirect costs arising from staff abstractions to fulfil their commitments as a Reservist, there are no direct costs associated with the implementation of this policy.

7. Legal Advice and Implications

7.1 There are no legal implications for the implementation of this policy.

8. Human Resources Advice and Implications

8.1 Trade unions have been consulted on the Armed Forces Reserves Policy and are fully supportive of its adoption. However, they have raised the question of whether paid time off for other volunteer instructors is extended to other groups. The key difference is that armed forces reserves provisions for training and mobilisation is obligatory under the Reserve Forces Act 1996.

9. Implications for Children and Young People and Vulnerable Adults

9.1 By supporting Civilian Instructors, the policy will benefit young people who are members of the cadet forces

10. Equalities and Human Rights Advice and Implications

10.1 The recommendation 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 CO₂ Emissions and Climate Change

11.1 There are no direct implications.

12. Implications for Partners

12.1 The Council, working with key partners, other public service providers, charities, voluntary sector organisations and representatives of the armed forces will advocate the benefits of supporting those within the armed forces community by encouraging others to sign the Armed Forces Covenant (if not signed already) and engage in the Employer Recognition Scheme.

13. Risks and Mitigation

13.1 Failure to meet our obligations as set out in the Armed Forces Reserves Policy would result in non-compliance with the Reserve Forces Act 1996, specifically time off to attend training and mobilisation. Special leave requests of those registered as a reservist will be monitored to ensure compliance with our pledge.

13.2 In order to be an employer of choice and attract and retain talent, the Council needs to positively promote the Armed Forces Reserves Policy. The achievement of Gold status demonstrates our positive commitment to reservists.

14. Accountable Officer(s)

Tony Bryant, Interim Assistant Director of HR

14.1 Approvals obtained on behalf of:

Report Author: Theresa Caswell, HR Business Partner
theresa.caswell@rotherham.gov.uk

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

**Assistant Chief Executive's
Human Resources**

Armed Forces Reserves Policy

February 2024

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1 Introduction

Rotherham Metropolitan Borough Council employs staff who are members of the Reserve Forces. We recognise the valuable contribution that Reservists make to the UK Armed Forces, their communities and the civilian workplace.

2 Purpose and Scope

RMBC has pledged its support for members of, or those wishing to join, the Reserve Forces and acknowledges the training undertaken by Reservists which enable them to develop their skills and abilities that are of benefit to both the individual and their employer. This policy intends to define our obligations towards all employees who are members of the Reserve Forces.

RMBC commits to:

- Not disadvantaging those Reservists who notify HR/Line Management of their Reserve status or those Reservists who are made known directly by the Ministry of Defence (MoD).
- Agreeing to the release of Reservists for attendance at Reserve Forces Training events where these take place on their normal working days as outlined in Section 5 below and the Special Leave Policy.
- Agreeing to the release of all employees mobilised for Reservist duties as outlined in Section 6 below.
- Continuing to treat the contracts of employment of employees mobilised for Reserve Service as operable, throughout the period of such service with no loss of continuous service or service-related benefits.

3 Types of Reservist

There are two main types of Reservist:

Volunteer Reservists:	Civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.
Regular Reservists:	Ex-regular servicemen/women who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

The Reserve Forces Act 1996 also provides for other categories, such as:

- **Full Time Reserve Service** - Reservists who wish to serve full time with regulars for a predetermined period in a specific posting.
- **Additional Duties Commitment** - part-time service for a specified period in a particular post.
- **Sponsored Reserves** - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
- **High Readiness Reserves** – These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer).

4 Reserve Status Notification

Reservists are required to grant permission to the Ministry of Defence (MoD) to write directly to their employer. This is referred to as 'Employer Notification' and ensures RMBC is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

The employee is responsible for entering the Reserve Forces status onto the YourHR portal as part of their sensitive information so that this can be recorded.

The Ministry of Defence will issue written confirmation to RMBC that the employee is a Member of the Reserve Forces. The letter will provide details of mobilisation obligations and their rights as an employee, rights as an employer and details of the financial assistance available if the employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still valid.

It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g., if they change employer or leave their respective Reserve Force.

In any circumstance, the Reservist will not be disadvantaged as a result of notifying the Council of their Reserve status.

5 Time off for Training Commitments

5.1 Reservists

RMBC recognises the importance of training undertaken by Reservists that enables them to develop their skills and abilities.

The national agreement provides for two weeks' paid leave for the summer camp. In line with the Special Leave policy, it is also recommended that time for additional training, up to 16 days per annum which coincides with normal working days, should be treated as paid time off. Normally, additional training time falls on a Saturday or Sunday and there is an onus on the employee to arrange training at times which coincide with off duty time and to provide alternative dates. Where it is not possible to achieve mutually acceptable dates between the employee and line manager, for the employee's absence for additional, paid training time, a final decision regarding release on paid leave must be considered by the relevant Assistant Director in consultation with HR.

5.2 Cadet Force Adult Volunteer (CFAV)

Cadet Force Adult Volunteers (CFAV's) help instruct and advise Sea, Army or Air Cadets in their free time, usually at weekly training sessions. They work with other Adult Volunteers to deliver a programme of activities for young people ages 10 to 20 (depending on the Cadet Force). CFAV's are not subject to military call up.

RMBC will grant CFAV's up to 5 working days' paid special leave to attend the annual camp in the summer. Employees who volunteer as a CFAV, who wish to attend the camp and utilise this provision, must provide their manager with as much notice as possible so that cover can be arranged as required.

Where an individual Volunteer is responsible for camp planning which may involve site visits, further paid leave to a maximum of three days may be granted. However this will be subject to operational circumstances. Employees in a Cadet Force with a higher annual commitment may potentially be granted additional leave on a paid or unpaid basis, subject to the needs of the service. For example, preparatory administration ahead of an annual camp.

For further details, please refer to the Special Leave policy.

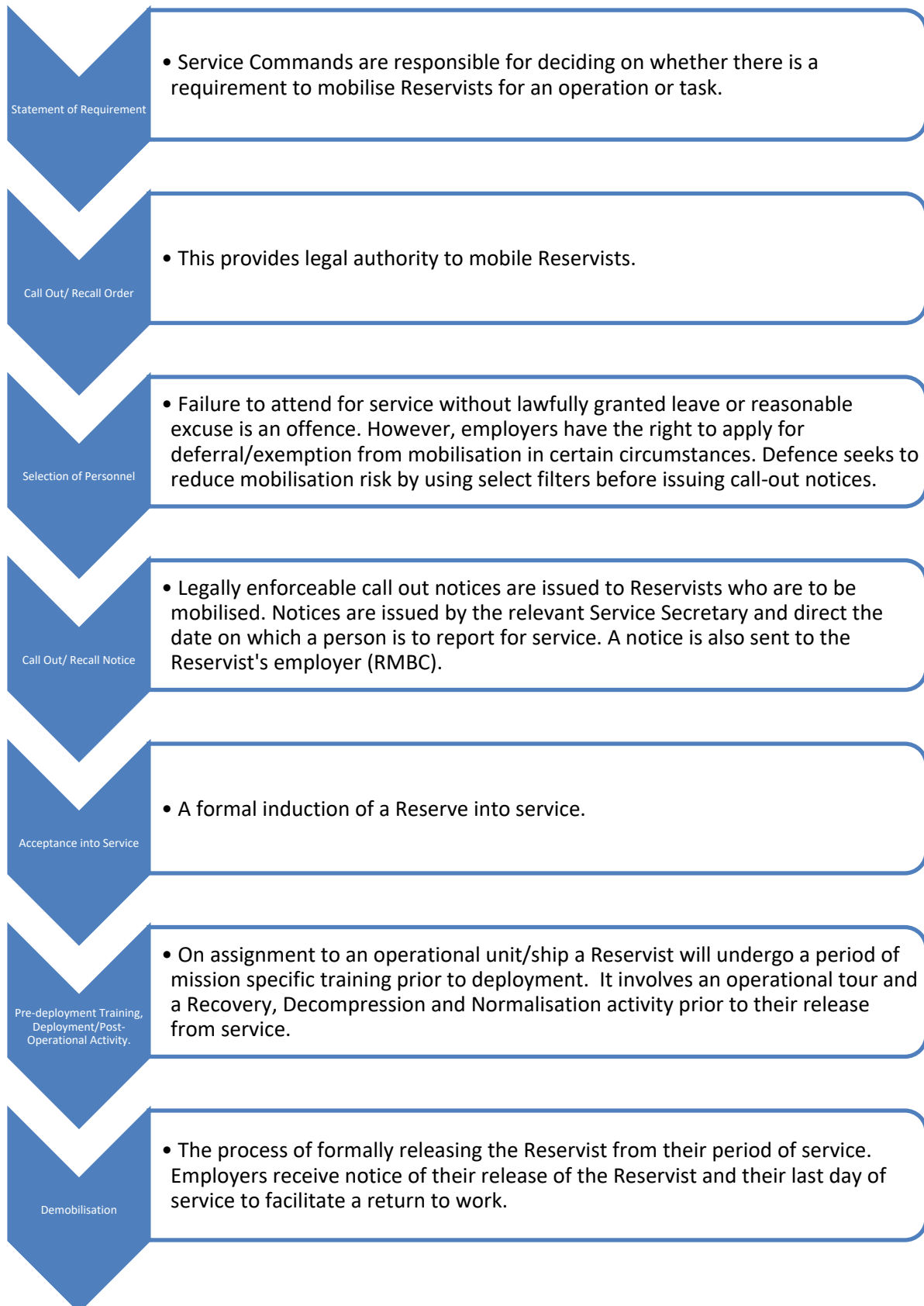
6 Mobilisation

Mobilisation is the process of calling Reservists into full time service with the Regular Forces in order to make them available for military operations.

Reservists will be sent a 'call-out notice' if they are needed for full-time service. In many cases, the Reservist will receive 28 days' notice but they could be provided with fewer if they are needed urgently. There is no statutory requirement for a warning period prior to mobilisation.

As a Reservist, employees should notify their line manager as soon as possible when they know they are being mobilised.

6.1 Process of Mobilisation



6.2 Applying for an Exemption or Deferral

In all cases of mobilisation, RMBC will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be presented to the Reservist.

If the Reservist's absence is considered to cause serious harm to service delivery, the line manager has the right to seek exemption, deferral or revocation.

The definition of 'harm' will vary and cases will be assessed on an individual basis. Definitions may include:

- Loss of reputation, goodwill or other financial harm
- Impairing the ability to provide a critical service
- Causing harm to the research and development of a new product, service or process which cannot be prevented by the granting of financial assistance under The Reserve Forces Act 1996.

Details of how to apply for exemption are included in the call-out pack provided on notification of mobilisation. It is recommended to seek advice from HR where an exemption is likely to be applied for. The application for exemption must reach the Adjudication Officer of the specified forces within 7 days of RMBC receiving a call-out notice. If the timescale is not adhered to, permission to make a late application will need to be obtained from the Adjudication Officer.

The Reservist also has a right to apply for exemption or deferral if the call-out papers arrive at a difficult time e.g. they are caring for someone.

If an unsatisfactory decision is received following an application for deferral, RMBC can choose to appeal for a hearing by the Ministry of Defence Reserve Forces Appeals Tribunal. Appeals must be received by the Tribunals Secretary within 5 days of receipt of written notice of the decision. In the event the tribunal rejects the application for exemption or deferral, RMBC will be required to release the Reservist for mobilisation and there will be no further right of appeal.

6.3 Terms and Conditions during Mobilisation

RMBC will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service and there will be no loss of continuous service or service-related benefits.

6.3.1 Pay

The MoD will assume responsibility for the Reservist's salary during the period of their mobilisation in accordance with Reservist's military rank salaries. If the salary according to their military rank is less than the Reservist receives from RMBC, it is the Reservist's responsibilities to apply to the MoD for the difference to ensure that they do not suffer a loss of earnings.

Where mobilisation occurs, the employee will be given special unpaid leave of absence and the Council will not be required to pay the Reservist's salary during the period of mobilisation.

6.3.2 Pension

While the Reservist is mobilised they can either:

- Ask for their pension to count towards the Armed Forces Pension Scheme during the period of mobilisation.
- Continuing to contribute to the SYPA scheme where they are enrolled.

If the Reservist is a member of the SYPA pension scheme and wishes to continue contributing under the scheme during the period of mobilisation, the MoD will make the employer contributions for the period of mobilisation as long as the Reservist continues to make their personal contributions.

6.3.3 Annual Leave

Reservists are encouraged to take any accrued annual leave before beginning their period of mobilisation. They will not accrue annual leave with RMBC during the period of mobilisation. Reservists will accrue annual leave with the MoD whilst they are in full time service. When they are due to demobilise, Reservists are entitled to a period of post-operational leave and during this period they will continue to be paid by the MoD.

6.3.4 Sick Pay

During the period of mobilisation, the Reservist will continue to accrue any rights to service-related sick pay under RMBC's Attendance Management policy. Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received until demobilised.

If the Reservist becomes unwell post-mobilisation and a return-to-work date has been agreed, they will be covered by RMBC's sick pay arrangements in line with the Attendance Management policy.

7 Returning to Work

As part of the return-to-work process, the Reservist must write to their employer by the third Monday after their last day of military service making their request to return to work and suggesting a date which should fall within 6 weeks of their last day of full-time service. Receipt of this letter formally starts the return-to-work process.

On returning to work after mobilisation they are entitled to return to the same job as they occupied before commencing the period of mobilisation on the same terms and conditions. However, if this is not reasonably practicable, the Council may offer a suitable alternative, on terms and conditions that are no less favourable than would have applied if they had not been absent.

The Reservist should be reinstated within 6 weeks of the last day of their full-time service. Reservists must be reinstated for a minimum period of time depending on their length of service prior to mobilisation:

Length of service (weeks) prior to mobilisation:	Number of weeks reservists must be re-employed for on return to work:
Up to 13 weeks	At least 13 weeks
Between 13 and 51 weeks	At least 26 weeks
52 weeks or more	At least 52 weeks

7.1 Supporting a return to work

Due to the length of time a Reservist may have been absent from work it may be beneficial to discuss work objectives and training requirements to support a smooth transition back into work. The following should be considered as part of their re-integration into the workplace:

- Updates on changes and developments within the Council and the team

- Offering refresher training where it is sought or considered necessary.
- Training to support with new aspects of the role where job duties have changed during the period of mobilisation.
- Supporting an informal/social team meeting with colleagues for the Reservist.
- Signposting to RMBC wellbeing support channels where required.

8 Financial Support

8.1 Reservists Support:

If an employee is called for service, they can claim financial support to cover:

- A difference between their RMBC pay and their service pay through the MoD.
- Costs of any benefits in kind usually claimed at RMBC.

As a Reservist an employee will receive instructions about how to claim in their mobilisation pack.

They can claim any time after their service begins and up to 4 weeks after it ends.

For further details on what can be claimed please visit: [Rights and responsibilities for reservists and employers : Financial support for reservists - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/financial-support-for-reservists)

8.2 Employer Support:

To support with the mobilisation of a Reserve, the Council can access financial support where needed to cover:

- The cost of a temporary replacement if it is more than the Reservist's salary.
- Advertising costs/agency fees for the finding of a replacement
- A period of handover and takeover (5 days before and after mobilisation)
- Training costs for the replacement (Up to £2,000)
- 75% of the cost of specialist clothing for the replacement (up to £300)
- Overtime if other employees cover the work.
- Training the reservist needs to carry on their job when they return.

Claims can be submitted before the Reservist leaves, but receipt of payment will not occur until the Reservist has started service. Claims cannot be submitted later than 4 weeks after the last day of the Reservist's service.

For further details on what can be claimed and how to claim, please visit: [Rights and responsibilities for reservists and employers : Financial support for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/financial-support-for-employers)

9 Other Relevant Policies

For more information on Reserves please see:

- Special Leave with and without pay Provides further information of paid time off in relation to Reserves Training

- Recruitment and Selection Policy Provides further information on recruiting ex-members of the armed forces.

Date Revised	Date Approved	Summary of Changes	Author
February 2024		Policy Implemented	ES