

Appendix 11: Pay Policy

Durham County Council Pay Policy Statement 2021/22

1. Introduction

- 1 This policy outlines the key principles of Durham County Council's (DCC) pay policy for 2021//22 aimed at supporting the recruitment and remuneration of the workforce in a fair and transparent way. The policy complies with government guidance issued under the Localism Act 2011 and includes commentary on:
 - (a) the approach towards the remuneration of Chief Officers;
 - (b) the remuneration of the lowest paid employee;
 - (c) the relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers.
- 2 The Local Government Transparency Code published in February 2015 by the government also sets out key principles for local authorities in creating greater transparency through the publication of public data. As part of the code, the government recommends that local authorities should publish details of senior employee salaries. This pay policy forms part of the council's response to transparency of senior pay through the publication of a list of job titles and remuneration.
- 3 Durham County Council is mindful of its obligations under the Equality Act 2010 and is an equal opportunity employer. The overall aim of our Single Equality Scheme is to ensure that people are treated fairly and with respect. The scheme also contains a specific objective to be a diverse organisation, which includes recruiting and retaining a diverse workforce and promoting equality and diversity through working practices. This pay policy forms part of our policies to promote equality in pay practices. By ensuring transparency of senior pay and the relationship with pay of other employees, it will help ensure a fair approach which meets our equality objectives.
- 4 In setting the pay policy arrangements for the workforce, the council seeks to pay competitive salaries within the constraints of a public sector organisation.
- 5 As a result of Local Government Reorganisation in the County, the significant opportunity existed to bring together the pay and conditions arrangements of the eight previous authorities into one cohesive pay policy for the new organisation. In response, Durham County Council's approach towards the

workforce pay and conditions of employment were fundamentally reviewed and a new pay structure and revised conditions of employment for the majority of the workforce were agreed during 2012, in order to ensure that the council is able to operate as a modern, fit for purpose and streamlined organisation.

- 6 A review of higher principal officer posts across the council was also undertaken during 2018 as these posts did not form part of the job evaluation/single status exercise in 2012. The review affected Strategic Manager (Tier 4 roles) and some roles below Tier 4 and involved formal job evaluation of each post. This resulted in a new pay structure for strategic managers effective from 1 December 2018.

2. Posts defined within the Act as Chief Officers

- 7 The policy in relation to Chief Officers relates to the posts of Chief Executive, five Corporate Directors, Director of Integrated Community Services, Director of Public Health and the Head of Legal and Democratic Services (who undertakes the Monitoring Officer Role for the Authority).

3. Governance Arrangements

- 8 The Chief Officer Appointments Committee is defined within the council's constitution as performing the functions under section 112 of the Local Government Act 1972 in relation to these officers. This includes the setting of the pay arrangements for these posts and in doing so the Committee takes into account:

- (a) the prevailing market in which the organisation operates;
- (b) the short and long-term objectives of the council;
- (c) the council's senior structure, financial situation, and foreseeable future changes to these;
- (d) the expectations of the community and stakeholders;
- (e) the total remuneration package;
- (f) the links with how the wider workforce is remunerated and national negotiating frameworks;
- (g) the cost of the policy over the short, medium, and long term.

- 9 The Committee also has access to appropriate external independent expert advice on the subject where required.

4. Key Principles

- 10 The Chief Officer Pay policy is designed to be easily understood and to be transparent to the post holders and key stakeholders. The structure and level of the pay arrangements will enable the council to attract, motivate and retain key senior talent for the authority.
- 11 The policy is based upon spot salaries with clear differentials between levels of work/job size, within a range that is affordable now, will remain so for the medium term, and will be subject to review to ensure it continues to remain fit for purpose. In the first instance it is intended that the Authority will market test the rates of pay when vacancies arise, as part of consideration on whether roles continue to be required within the context of the council's priorities and commitments at that time.
- 12 A values and behaviours framework is established within the organisation which links to individual job descriptions, person specifications and performance and development reviews. Leaders' behaviours are clearly defined, and this ensures that the individual standards of achievement and performance are met and clearly linked to the achievement of the council's objectives and priorities, and the authority's expectations are delivered by post holders within these roles.
- 13 These posts do not attract performance related pay, bonuses, or any other additions to basic salary. This approach enables the council to assess and budget accurately in advance for the total senior pay bill over a number of years.
- 14 The council is currently the sixth largest single tier authority in the country and in setting the pay policy for this group, a market position has been established that aims to attract and retain the best talent available at a senior level within a national recruitment context, to lead and motivate the council's workforce that is rewarded under a nationally agreed negotiating framework.
- 15 Roles at this level have all been subject to an externally ratified job evaluation scheme that is transparent and auditable to ensure equality proofing of pay levels.
- 16 Other terms and conditions of employment for this group are as defined within the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service handbook, with discretion to set actual pay levels at a local level, but within a national negotiating framework. These posts are part of the nationally defined Local Government final salary pension scheme.

5. Pay Levels

- 17 Individual elements of the remuneration package are established as follows at the point of recruitment into the posts:

Role	Salary @ 1.4.2021
Chief Executive	£201,742
Corporate Directors	£152,669
Director of Integrated Community Services	£140,362
Head of Legal and Democratic Services	£119,954
Director of Public Health	£113,246

- 18 In addition to Chief Officers, there are a range of senior roles identified as Heads of Service that are evaluated using the same principles and scheme as the Chief Officers and these roles are remunerated at three levels based on job size.

Head of Service Level	Salary @ 1.4.2021
HOS	£83,424
HOS	£105,670
HOS	£119,954
HOS	£117, 946

- 19 Increases are made in accordance with the appropriate Joint Negotiating Committee (JNC) Pay Agreements. The JNCs for the Chief Executives and Chief Officers both agreed a pay award of 2.75% with effect from 1 April 2020. The Pay Awards for 2021/22 have not been agreed.
- 20 *JNC Pay Award for Chief Officers does not apply to one Head of Service post (which is joint funded by DCC/NHS).
- 21 This council has agreed a salary structure for its senior posts and agrees that appointment to any vacancies on this structure at the salaries referred to in this statement are permitted. The creation of any new posts paying over £100,000 should however be presented to Council for approval.
- 22 For the majority of the rest of the council's workforce, the NJC pay agreement for 2018/19 included the introduction of a new pay spine on 1 April 2019. The 2019 pay spine is mandatory. Agreements reached by the NJC are collective agreements and if they are incorporated into employee contracts of employment then the changes will take effect. The new pay spine replaced entirely the previous spine and accordingly employees assimilated across from the previous SCP to the new corresponding SCP in April 2019. The NJC produced a circular on 14 June 2018, which provided

technical advice on issues relating to assimilating employees onto the new pay spine. The council has complied with the NJC guidance (i.e., one approach to be applied consistently and a maximum of five spinal column points for each grade).

- 23 The designated Returning Officer for the council also carries out the role of 'Returning Officer' or 'Counting Officer' in Parliamentary and European elections and other national referenda or electoral processes. These additional roles carry an entitlement to payment from central government at levels set by order in relation to each national poll and according to scale of fees agreed by the council in relation to Local Elections.
- 24 Set out in Annex 1 is a scale of fees for the conduct of any County Council and Parish by-elections that arise. The fees are based on the principle that the Returning Officer and nominated deputies will be remunerated in view of personal responsibilities, but at a rate below that of national elections. National rates are given for other posts such as Presiding Officers, Poll Clerks, Count Staff, and postal vote sessions to ensure sufficient interest is maintained in undertaking these roles.

The Authority's Policy on the Remuneration of its Lowest Paid Workers

6. Definition of Lowest Paid Workers

- 25 In order to promote equity, former manual worker grades in the authority have been incorporated into the national framework, as outlined in the National Joint Council for Local Government Services "Agreements on Pay and Conditions of Service".
- 26 This ensures that the lowest paid workers and the wider workforce share equitable terms and conditions and access to pay and condition arrangements that are set within a national negotiating framework.
- 27 This approach ensures fairness, provides market rates in the region for jobs, graded by job size, but with a reference also to the national local government family.
- 28 Following the implementation on 1 January 2015 of the 'Durham Living Wage' the lowest paid workers now receive the minimum of Spinal Column Point 10 for all Durham County Council employees. The hourly rate from 1 April 2020 is £9.62, (and new SCP 3 replaced the old SCP 10 on the new National Pay Spine) which equates to workers (outside of apprenticeship schemes) remunerated in Durham on a minimum full time equivalent annual rate of pay of £18,562 (excluding any allowances). This is the council's definition of 'lowest paid workers'.

The Policy Relationship between Chief Officers Pay, the Lowest Paid Workers, and the Wider Workforce

7. Current Position

- 29 At the inception of the new unitary council in 2009 the authority had defined:
- (a) the strategy for senior pay within the authority and had recruited into these posts;
 - (b) the plan for the approach towards harmonising the pay and conditions of the workforce longer term;
 - (c) taking this approach, also now enables the authority to publish and support recommendations within Will Hutton's review 2011 'Review of Fair Pay in the Public Sector' around publishing the ratio of pay of the organisation's top earner to that of a median earner and tracking this over time, taking corrective action where necessary.
- 30 In setting the relevant pay levels, a range of background factors outlined at paragraph 2.2 were taken into consideration for senior pay alongside the significant scope and scale of the authority in the national context.
- 31 For example, the scope and scale of the Chief Executive's post encompasses responsibilities commensurate with the largest authorities in the country including responsibility for:
- (a) the provision of wide-ranging services to over 500,000 residents of County Durham;
 - (b) a gross budget of £1.1 billion for service delivery;
 - (c) undertaking the role of the Head of Paid Service to over 15,000;
 - (d) Lead Policy Advisor to the council's 126 Elected Members.
- 32 For 2021//22, the ratio between the pay of the Chief Executive in Durham County Council and the lowest paid workers is 8.94, against figures published by government of an expectation to always be below 20:1 in local government.
- 33 In addition, during 2021/22 the employer will contribute 18.5% of pensionable pay to the pension fund for all employees in the Local Government Pension Scheme.

8. Long Term Planning

- 34 In line with the original long-term plan, Durham County Council has successfully completed the implementation of a new pay and conditions framework for the wider workforce. This pay scheme is based upon a nationally agreed job evaluation system and the national spinal column points of pay and will see the authority remain within the existing national pay negotiating machinery.

9. Pay Policy Objectives

- 35 This planned approach towards pay for the wider workforce, and the use of established and equality impact assessed job evaluation schemes in the exercise will ensure:
- (a) a planned approach towards pay policy for the organisation that enables the council to establish a relationship between pay for senior officers, the low paid and the wider workforce to align to the national guidance;
 - (b) the provision of accountability, transparency and fairness in setting pay for Durham County Council.
- 36 A report detailing the council's Gender Pay Gap figures for the position as at 31 March 2020 was published on the council's website (<http://www.durham.gov.uk/genderpaygap>), this includes the council's long term plans for improving the pay gap.

10. Pay Policy Decisions for the Wider Workforce

- 37 The decision-making power for the implementation of the new pay arrangements is one for the full council for the Authority, ensuring that decisions in relation to workforce pay are taken by those who are directly accountable to local people.

11. The Approach towards Payment for those Officers Ceasing to Hold Office Under or be Employed by the Authority

- 38 The council has an agreed policy in relation to officers whose employment is terminated via either voluntary or compulsory redundancy. This policy provides a clear, fair, and consistent approach towards handling early retirements and redundancy for the wider workforce, including Chief Officers.
- 39 In setting policy, the Authority does currently retain its discretion to utilise the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales Regulations) 2006.

12. Policy towards the Reward of Chief Officers Previously Employed by the Authority.

- 40 The council's arrangements for payments on severance are outlined in the Early Retirement/Voluntary Redundancy policy approved by Council on 29 October 2014.
- 41 Chief Officers leaving the authority under regulations allowing for early access to pension are leaving in circumstances where there is no longer a suitable role for them, and in such circumstances, they leave the employment of the council. Immediate re-engagement in another role would negate redundancy by operation of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999.
- 42 The council would not expect such officers to be offered further remunerated employment with the council or any controlled company without such post being subject to external competition.
- 43 The administering authority for the Local Government Pension Scheme does not currently have a policy of abating pensions for former employees who are in receipt of a pension, although this is an area that is kept under review.
- 44 The council is mindful of its obligations under equality legislation and as such is limited in its ability to adopt a policy that it will not employ people of an age that has entitled them to pension access on leaving former employment in the public sector or to propose that such applicants be employed on less favourable terms than other applicants. It expects all applicants for any posts to compete and be appointed on merit.