

**TO: EMPLOYMENT COMMITTEE  
14 DECEMBER 2016**

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**ANNUAL UPDATE OF THE COUNCIL'S PAY POLICY STATEMENT AND ANNUAL REVIEW  
OF BRACKNELL FOREST SUPPLEMENT  
(Director of Corporate Services – Human Resources)**

**1 PURPOSE OF REPORT**

- 1.1 Since 2012, and in accordance with the 2011 Localism Act, the Council has been required to publish a Pay Policy Statement. The Statement is also aligned with the requirements of the Transparency Regulations.
- 1.2 In accordance with the decision taken by the Employment Committee in its report of 14 February 2014, this report also addresses the third annual reassessment of the Bracknell Forest Supplement which will take effect from 1 April 2017.

**2 RECOMMENDATIONS**

**That the Employment Committee:**

- 2.1 **Recommend that Council agree the Pay Policy Statement for 2017/18.**
- 2.2 **Agree that the level of the Bracknell Forest Supplement from 1 April 2017 be aligned with the non-statutory "Living Wage" which is now £8.45ph.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To comply with the Department of Communities and Local Government (DCLG) guidance and 2014 Transparency Code requirements.
- 3.2 To align the Bracknell Forest Supplement with the new level of Living Wage outside London.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 To decide to retain the Bracknell Forest Supplement at £8.25 and wait for the government's statutory "National Living Wage" to catch up. This would erode the value of the Supplement, which was only introduced in April 2014 with the intention of assisting those on lower pay levels to meet the costs of living in the South East and would eventually remove any recruitment advantage we might gain over other employers in the area. However it would mean no additional pressure was put on staffing budgets from a voluntary increase.

**5 SUPPORTING INFORMATION**

5.1 Pay Policy Statement

This is a requirement under the Localism Act. The pay policy statement is attached.

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### Bracknell Forest Supplement

- 5.2 When the Bracknell Forest Supplement (BFS) was introduced in April 2014 it was agreed that there would not be a contractual or policy commitment to use the “Living Wage” figure but that it would be taken into account alongside issues such as the level of the national pay settlement and local affordability, when setting the level of Supplement each year. The Pay Policy Statement was considered to be the ideal vehicle to discuss and agree any increase in that supplement, as both the Living Wage and the national pay award would normally have been settled by the end of November. The current supplement is £8.25 per hour. It does not apply to casual workers.
- 5.3 The “Living Wage” (voluntary) outside London is updated nationally in November based on recommendations from the Joseph Rowntree Trust and the recommendation now stands at £8.45. This would represent an increase of 20p per hour (2.4%). The pay award for NJC Local Government Services employees is due in April 2017 and its level is not yet known. The National Living Wage (statutory) is due to increase in April 2017 from £7.20 to £7.50 per hour. This would mean there would be no statutory requirement to increase pay for permanent and temporary staff, as this is below the current and proposed levels of BF Supplement. However, the statutory National Living Wage increase will result in an increase for some casual workers over the age of 25, who are not covered by the BF Supplement.
- 5.4 The Government last year announced its intention to gradually increase National Living Wage (mandatory) for those aged 25 or over to reach £9 per hour by 2020. The Low Pay Commission will advise the Government on future increases. The National Living Wage covers all employees of 25 or over including casual workers.

## **6 CONCLUSION**

- 6.1 The annual review of the Bracknell Forest Supplement at the “Living Wage” level (outside London) is consistent with the Council’s decision to introduce the Supplement to assist the lower paid employees of the Council.

## **7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 7.1 Section 40 of the Localism Act 2011 requires a Local Authority, in performing its functions regarding Pay Policy Statements to have regard to any guidance issued or approved by the Secretary of State. A local authority must comply with such statutory guidance unless it has good reasons for not so complying.
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Borough Treasurer

- 7.2 Maintaining and aligning the Bracknell Forest Supplement to the new Living Wage levels would incur an additional cost to the Council which has not yet been budgeted for. The financial impact, calculated by the service accountants to take account of current patterns of additional hours and overtime as well as contractual hours, is as follows:

<b>Department</b>	<b>£'000</b>
Adult Social Care, Health and Housing	3
Children, Young People and Learning (excluding schools)	2
Environment, Culture & Communities	11
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Total cost excluding schools	16
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<b>Schools</b>	150

If the Committee were to approve the increase, it will then be built into the budget proposals for 2017/18.

An increase in the National Living Wage from the 1 April 2017 of 30p to £7.50 an hour was announced in the Autumn Statement on 23 November. Although this is less than the current Bracknell Forest Supplement, unlike the supplement, it also applies to casuals who are 25 year old or over. The additional cost arising from this change for casuals is currently being calculated and will be tabled at the meeting.

Equalities Impact Assessment

- 7.3 The Bracknell Forest Supplement assists those in lower socio-economic groupings; women and younger employees in particular are strongly represented in the affected group.

Strategic Risk Management Issues

- 7.4 Failure to explicitly respond to guidance on the content of published information will run the risk of challenge from the DCLG.

**8 CONSULTATION**

Principal Groups Consulted

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8.1 This will be subject to discussion at the Local Joint Committee.

Method of Consultation

8.2 By report.

Representations Received

8.3 To be advised.

Background Papers

None

Contact for further information

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**Bracknell Forest Council**  
**PAY POLICY STATEMENT FOR THE FINANCIAL YEAR 2017/18**  
**(Reported data based on 2016/17)**

**INTRODUCTION**

**Source and scope of policy statement**

This Policy Statement has been produced in accordance with Sections 38 to 43 of the Localism Act 2011 (the Act), which, from 2012 onwards, require local authorities to publish an annual statement of their policy for the relevant financial year in relation to:

- The remuneration of their most senior employees (which the Act defines as the head of paid service (Chief Executive), the Monitoring Officer, the Chief Officers (or Directors), and the Deputy Chief Officers (i.e. managers who report directly to a Director));
- The remuneration of their lowest-paid employees; and
- The relationship between the remuneration of the most senior employees and that of other employees.

The policy is for the financial year 2017/18. Data on existing salaries, job roles and statistics contained within the statement are based on the year 2016/17.

The Secretary of State has produced guidance on the Act's provisions relating to openness and accountability in local pay, which local authorities must have regard to in preparing and approving their annual pay policy statements, and the Council's statement takes full account of this guidance to date as well as the provisions of the Act.

It also takes account of:

- Local Government Transparency Code 2014;
- Guidance issued by the Joint National Council (JNC) for Local Authority Chief Executives on pay policy statements, published in November 2011;
- Guidance under section 40 of Localism Act 2011, published by DCLG
- Employment and equalities legislation affecting local authority employers, where relevant.

To aid transparency, this policy also contains or refers to information which the Council is already required to publish under other legislation, i.e.

- Information on the actual level of remuneration paid to senior managers, as required by The Accounts and Audit (Amendment No. 2) (England) Regulations 2009;
- Policies on the exercise of its discretions over payments upon termination of employment under the Local Government Pension Scheme, as required by Local Government Pension Scheme Regulations;
- Policies on the exercise of its discretions over payments upon termination of employment under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as required by Regulation 7 of those regulations.

The Government's guidance on the Localism Act's pay provisions states that it is open to Councils to include in this Statement their policies on the remuneration of employees who are

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neither the most senior officers nor the lowest paid. Accordingly, this Policy Statement also gives details of:

- The policies applied to employees earning in excess of £50,000, as required by Local Government Transparency Code 2014;
- Elements of remuneration which apply to all employees, regardless of their pay level, status or grading within the Council.

As such, this Statement draws together all the relevant existing policies and can therefore be seen as a comprehensive document covering all relevant aspects of pay and remuneration within the Council.

### **Status of policy statement**

In line with the requirements of the Localism Act, the Pay Policy Statement will need to be reviewed on an annual basis, with a new version approved before the start of each subsequent financial year, which will need to be complied with during that year.

The Pay Policy Statement can also be amended during the course of any financial year, but only by a resolution of the full Council. If it is amended during the year to which it relates, the revised version of the statement will be published as soon as reasonably possible after the amendment is approved by the Council.

### **Transparency and autonomy**

It is important to recognise that, whilst producing national legislation relating to their pay policies, the Government also explicitly recognises that each local authority remains an individual employer in its own right, and, as such, has the autonomy to make decisions on pay that are appropriate to local circumstances and deliver value for money for local taxpayers.

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## **SECTION 1: REMUNERATION OF STATUTORY AND NON-STATUTORY DIRECTORS, CHIEF OFFICERS, MONITORING OFFICER AND OTHER SENIOR POSTS**

### **1.1 REMUNERATION COVERED IN THIS SECTION OF THE POLICY**

This section covers the Council's policies in relation to the remuneration of its senior employees, including:

- Its Chief Executive;
- Its Directors who report to and are directly accountable to the Chief Executive – this includes both statutory and non-statutory Directors;
- Its Chief Officers, who report to and are directly accountable to Directors;
- Its Section 151 Officer (the Borough Treasurer), who is also a Chief Officer and remunerated as such;
- Its Monitoring Officer (the Borough Solicitor, who is the officer responsible for ensuring the Council's compliance with the law in all its activities) is also a Chief Officer and is remunerated as such.

### **1.2 CONTEXT**

These senior employees are responsible for working with elected politicians to determine the overall strategic direction of the Council, to develop the scale, nature, efficiency and effectiveness of all the services provided by the Council, and to provide day-to-day leadership and management of those services.

In relation to other organisations in all sectors across the UK, the Council is a large, complex organisation providing a very diverse range of services. Many of those services are vital to the wellbeing of individuals and groups of residents in the local community and are delivered in very challenging circumstances, taking account of levels of need and the availability of resources to meet them.

The Council's senior employees are responsible for:

- 3945 employees (equivalent to 2981 full-time equivalent (FTE) employees). These numbers are as at 1 April 2016 and include schools.
- Services to an estimated 118,900 residents within the local community.
- Total Gross Expenditure of £259.8million, which was the Council's Total Gross Outturn Expenditure in 2015/16.
- The following services to the local community:
  - Adult social services
  - Children and families social services
  - Countryside and open space management and maintenance
  - Education and schools
  - Elections and local democracy
  - Environmental and public health, including pest control
  - Environmental Services, including refuse collection, recycling, street cleaning and waste disposal
  - Housing
  - Housing and Council tax benefits
  - Leisure and Arts provision
  - Libraries
  - Planning

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- Roads, transport, street lighting and car parking
- Trading Standards and Licensing
- Youth and Community Services
- Public Health
- Regeneration and economic development
- Community Safety
- The following facilities:
  - 37 schools (including one Pupil Referral Unit)
  - one respite service (overnight and daytime) and one intermediate care centre
  - 4 Children's Centres
  - 9 libraries
  - 9 leisure centres (one currently closed for refurbishment)
  - Over 80 park sites totalling over 1,000 acres of land
  - 24 play areas, plus wheeled sports areas, tennis courts, soccer pitches, a baseball diamond and a sports pavilion
  - 14 community centres
- The Council:
  - Is responsible for the education of around 17,000 children
  - Deals with around 1,200 planning applications per year
  - Manages and maintains around 456 kilometres of roads, 700+ kilometres of paths and cycleways, 200+ bridges, underpasses and other structures
  - Manages and maintains cutting almost 2.5 million square metres of grass and manages and maintains approximately 625,000 square metres of woodland
  - Is responsible for around 100 looked-after children
  - Licences 244 premises and clubs and 284 taxis
  - Currently has over 2,400 open cases on adults and provided long term services to over 1,300 people in 2015-16.

The Council has to compete with other employers in the area (and, in many cases, in the country) to recruit and retain managers who are capable of meeting the challenges of delivering this diverse range of services to the required standards. This has an important bearing on the levels of remuneration it offers which has been kept under review on a regular basis by the Employment Committee. At the same time, the Council is under an obligation to secure the best value for money for its residents and tax-payers in taking decisions on pay levels. In recent years the Employment Committee has sought to strike a fair balance between these competing pressures.

In a report on senior pay in the public sector commissioned by the government in 2011, Will Hutton concluded that "Chief Executive Officers of [private sector] companies with a turnover of between £101million and £300 million earn more than twice their public sector counterparts." He also observed that "The sharp increase in executive pay over the last decade, and the wider trend of growing income inequality, has been largely a private sector phenomenon".



### 1.3 RESPONSIBILITIES OF SENIOR ROLES

To give further contextual information for remuneration levels, the main accountabilities of the Chief Executive and Directors are set out below.

- **Chief Executive**

The Chief Executive is the Council's most senior employee who leads and takes responsibility for the work of the Council. It is a full time appointment and post holders are selected on merit, against objective criteria, following public advertisement.

The role of Chief Executive is complex with ultimate responsibility for managing expenditure of £259.8m of public funds, serving around 118,900 people in the Council's area.

As head of the paid service of the Council's employed staff, the Chief Executive is a non-political post. Whilst the elected councillors provide the policies, Council paid employees put them into practice. The Chief Executive is responsible to and accountable to, the Leader of the Council, the Executive and the whole Council in delivering their political and policy objectives.

The Chief Executive works closely with elected councillors to deliver:

**Leadership:** to ensure strong and visible leadership and direction, encouraging and enabling managers to motivate and inspire their teams;

**Strategic direction:** ensuring all staff understand and adhere to the strategic aims of the organisation and follow the direction set by elected councillors;

**Policy advice:** acting as the principal policy adviser to the elected councillors to lead the development of workable strategies which will deliver the political objectives set;

**Partnerships:** leading and developing strong partnerships across the local community to achieve improved outcomes and better public services for local people;

**Operational Management:** overseeing financial and performance management, risk management, people management and change management within the Council.

The Chief Executive also has a unit (The Chief Executive's Office) under the direct control of the Assistant Chief Executive, which deals with Communications and Marketing, Performance and improvement, Overview and Scrutiny, Crime and Disorder reduction, Regeneration and Economy, and the local area agreement.

Staff under indirect management responsibility: 3944

- **Director – Adult Social Care, Health and Housing**

This post has a statutory role in relation to adult social care, and is responsible and accountable for assessing local needs and ensuring the availability and delivery of a full range of adult social services, often interfacing with Health bodies.

The directorate provides advice and information about the range of services that may be available to support individuals or families. Practitioners will work with individuals and their carers to identify needs for care and support and/or housing and how those needs can be met. If people are not eligible, the department can give them information about other ways of accessing support and organisations where they could go to get help. There is joint work with Children's Services to ensure support is in place when the young person reaches 18 years of age.

The focus of support is to enable people to maximise their ability and retain their independence, which will mean people can stay in their own homes for as long as possible. Support may be needed for a crisis or a longer period, and the directorate will generally commission this. Depending on assessed needs, a range of services could be provided in partnership with other organisations to meet the social care needs of adults and older people. Services include home support, day opportunities, the provision of equipment for daily living and residential and nursing care. The Directorate also has a responsibility to ensure that the needs of "informal" carers (usually family or friends) are identified, and appropriate support is offered to enable them to continue in their caring role, should this be what they wish.

The post is also responsible for ensuring the provision of Housing Advice and Homelessness Prevention as well as the provision of Housing and Council Tax Benefits.

Public Health functions, formerly part of the NHS, aim to improve the health and wellbeing of the population, tackle health inequalities and reduce premature mortality. One Public Health team covers the Bracknell area and another covers strategic Public Health work across Berkshire.

Its duties include specific support for the following individuals and/or their families:

- Older people
- People with a learning disability
- People with mental health needs, including dementia
- People with an Autistic Spectrum Disorder (autism)
- People who misuse substances such as drugs and alcohol
- People with long term conditions
- Carers
- Users of the Forestcare Community Alarm and Out of hours service
- People affected by HIV/Aids

The Welfare and Housing Service aims to maximise customers' income and independence. The Welfare Service provides national and local welfare payments to households in the Borough and provides advice to households so that they can maximise their income including budgeting advice and employment opportunities. The Housing service provides advice to households so that they can resolve their housing need, provides advice and if necessary accommodation for homeless households and overall helps customers secure a home that meets their needs. The Forest care service provides an emergency and re-assurance service to its customers so that they can maintain their independence in their home and feel safe and secure in the knowledge that if an emergency occurs there is help to call upon. There are currently over 2020 households on the housing register, 140

homeless households, 10,300 Forestcare lifeline customers and 5,500 households in receipt of housing benefit.

The Directorate includes the Bracknell Forest Public Health Team. Public Health work aims to improve the health and wellbeing of the population, tackle health inequalities and reduce premature mortality. The team commissions a range of services including health visiting and school nurses, stop smoking support, weight management, health checks, sexual health, falls prevention, mental health and substance misuse treatment. The team also provides support and advice on health matters direct to the community via campaigns, events and social media, as well as providing support to other professional agencies on issues such as infectious disease control or patterns of health and healthcare outcomes within the local population. Collaboration is central to work of the Public Health team, particularly with colleagues in social care, the NHS and the voluntary sector. In addition to the Bracknell Forest Public Health team, the Directorate also hosts the Berkshire-wide 'Shared' Public Health team which provides strategic, contracting and data support to the six unitary authority Public Health teams across the county. This team is led by the Strategic Director for Public Health.

Budget responsibility: £33.1million per annum

Staff under direct or indirect line management responsibility: 387

- **Director – Children, Young People and Learning**

This post has a statutory role and is responsible and accountable for education services and the full range of children's services in the Council's area, and aims to ensure that children and young people achieve the best possible outcomes for their lives through education, advice and guidance, access to support and where necessary specialist placements.

**Children's Social Care**

- Child Protection
- Looked After Children
- Youth Offending Team
- Duty and Assessment Team
- Family and Adolescent Support Team
- Under and Over 11s Team
- After Care Team
- Family Placement Team
- Disabled Children's Team
- Family Centre
- Family Group Conference Coordinator
- Domestic Abuse Perpetrator Service
- Family Intervention project

**Learning & Achievement**

- School Improvement Service
- Community Learning
- Governor Services
- Targeted Services
- Pupil Referral Service
- Education Library Service
- Support for Learning Service
- ASSC Service
- Behaviour Support Team

- Education Psychology Service
- Education Welfare Service
- Education Centre
- Virtual School for Vulnerable Children
- Special Educational Needs
- Safeguarding and Inclusion
- Open Learning Centre
- South East Grid for Learning

**Strategy, Resources and Early Help**

- Early Years, Childcare and Play
- Integrated Youth Services
- Performance and Governance
- School Admissions
- Human Resources
- Finance
- Policy and Commissioning
- Parent Partnership
- Child Participation
- ICT Services
- Policy and Research
- Conference and Review Team
- Statutory Complaints
- LSCB
- Education Capital and Property

Budget responsibility: £16.6 million per annum (not including schools, £82.2m)

Staff under direct or indirect line management responsibility: 2845 (not including schools, 386)

- ***Director – Environment, Culture and Communities***

This post is responsible and accountable for the strategic planning and delivery of services to ensure Bracknell Forest is a clean, safe, healthy and attractive place to live. The directorate targets its services to meet the high standards residents, local businesses and visitors expect. Some of these services are delivered directly, others in partnership with the voluntary and charitable sectors and some through contracts with private companies. The directorate operates with 3 service divisions and one support division, and includes:

- Town and country planning
- Building Control
- Transport Development
- Parks and countryside management,
- Leisure facilities
- Libraries
- Environmental health and licensing,
- Emergency planning,
- Highways engineering and maintenance,
- Trading standards,
- Refuse collection and street cleansing
- Waste disposal and recycling,

- Public parking.

Budget responsibility: £23.5 million per annum (net of income)

Staff under direct or indirect line management responsibility: 487.

- **Director - Corporate Services**

This post is responsible and accountable for eight separate sections - Finance, Information and Communication Technology, Legal Services, Human Resources, Democratic and Registration Services, Corporate Property, Customer Services and Community Engagement and Equalities. A wide range of functions and activities are carried out within each of these sections, but falling into three main categories:

- Direct public services (e.g. customer services, revenue collection, electoral registration)
- Core management responsibilities (setting standards and ensuring that the organisation functions legally within a robust financial framework, acts as a good employer and promotes equality and community cohesion)
- Support to service departments (providing advice and support to front line departments on a wide range of issues and projects, such as HR, Legal, ICT and Property)

The directorate is responsible for the strategic planning and operational delivery of services including:

- Finance,
- Revenues and payments,
- Council Tax,
- Customer services
- Legal services
- Democratic management
- Corporate ICT
- Corporate HR
- Community engagement and equalities

The Director of Corporate Services also acts as Statutory Overview & Scrutiny Officer and Deputy Chief Executive, and leads on key projects such as Civic Accommodation and Flexible and Mobile working.

Budget responsibility: £14.1 million per annum

Staff under direct or indirect line management responsibility: 208.

#### **1.4 OVERALL POLICY ON REMUNERATION FOR SENIOR ROLES**

The Council's overall approach to remuneration for its senior employees is based on:

Compliance with equal pay, discrimination and other relevant employment legislation, plus recognition of the demanding nature of the challenges which the Council faces, and the requirement to offer competitive remuneration in relation to the rest of the local government and public sectors, in order to secure the most talented managers. This means that, on the advice of the Employment Committee, the Council has always taken account of

- pay levels in the local area, including neighbouring public sector employers;

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- the relative cost of living in the local area, particularly housing costs;
- the responsibilities and accountabilities of particular posts which may be exceptionally demanding.

The Council seeks to maintain this overall approach by carefully monitoring pay data provided by the Joint National Councils (JNCs) for Chief Officers and Chief Executives, the Local Government Association/Employers, and other relevant pay surveys

In terms of pay differentials, the Council recognises that the role of Chief Executive leads the organisation's workforce and has the greatest level of accountability, and so warrants the highest pay level in the organisation.

At Director level:

- The Council recognises that all its Directors have a collective and corporate responsibility for contributing to and delivering the overall strategy of the organisation, and therefore offers the same level of remuneration (the same incremental grade) to all Directors. The Director of Corporate Services receives an additional 2.5% as the Deputy Chief Executive, rising to 10% during any longer period of at least four weeks where, in his absence, she is acting as Chief Executive.

At Chief Officer level:

- The Council recognises that certain roles are more demanding than others, and has identified those with a greater level of accountability through job evaluation, (which provides a careful analysis of job demands) and offers them higher remuneration than other Chief Officer posts. Evaluation is based upon the Hay system and evaluations are carried out independently by the Hay Group. The one exception at Chief Officer level is the Director of Public Health, who is paid on the relevant NHS payscale.

Below Chief Officer level, the Council recognises that the demands on and accountabilities of different management roles vary considerably, and seeks to align pay levels with the relative importance and responsibilities of jobs, using a process of job evaluation, and including Market Premia where applicable to match certain posts with the market rate for similar jobs. There are, additionally, some posts which are on other national payscales such as the teaching payscales, NHS payscales or Soulbury conditions. Some of the posts below Chief Officer level are specifically listed later in this report as earning more than £50,000 pa because they either receive a Market Premia payment or are subject to other national payscales.

### **1.5 SPECIFIC REMUNERATION OFFERED TO SENIOR EMPLOYEES**

At Chief Executive, Director and Chief Officer level, the Council offers only an annual salary and access to the Local Government Pension Scheme. No other cash benefits or benefits in kind are offered - except any benefits purchased by the employee under the Council's Flexible Benefits scheme under which all employees may purchase benefits from a range offered to all staff. The only one of these benefits which gives an opportunity to increase income is the selling of annual leave, which is available to most employees but not to those at Chief Officer level and above (see section 4). The Council does not offer performance related payments or bonuses to its senior employees.

Geographical/location allowance (local weighting) is not payable to the Chief Executive, Directors or Chief Officers.

The Chief Executive, Directors and Chief Officers are not eligible to participate in the Council's flexible leave scheme whereby employees are able to "buy and sell" annual leave within certain parameters (See section 4, below).

Mobile phones/devices are provided to the Chief Executive/Chief Officers/other senior managers on the basis that they are necessary to undertake their duties effectively, and it is a condition of their contracts that they are on an emergency rota requiring them to be issued with a mobile phone/device. The Council funds the provision of the phone and business calls. Employees are required to pay for personal calls (see page 20). All employees working flexibly are issued with a mobile phone.

#### **Annual salaries:**

Annual salary levels for senior employees are fixed in accordance with the overall principles set out in section 1.4. At Chief Executive, Director and Chief Officer level and for other senior managers, they consist of a grade range which is determined locally by the Council. This grade range consists of a number of incremental salary points, through which employees may progress until the top of the grade is reached.

#### **Remuneration of senior employees on recruitment**

The Council's policy is that any newly appointed senior employee will normally commence employment at the lowest pay point in the pay range for their job, other than when taking account of the successful applicant's current salary and the market requirements. Any decision to appoint a senior employee on a higher pay point within the relevant pay range would be made by the Appointments Committee. In the case of one Director, an additional recruitment and retention payment was agreed by the Chief Executive and the Chair of Employment Committee as a result of market conditions and the need to recruit to this key position.

#### **Pay progression**

Pay progression within a specific grade is normally by annual increment, payable from 1 April, until the employee reaches the top pay point of their grade.

- Pay progression is based on the period of time the employee has served in that grade, subject to satisfactory performance.
- Senior employees who are considered to have demonstrated exceptional performance may receive accelerated incremental progression within the grade at the discretion of the Chief Executive or relevant Director or, in the case of the Chief Executive, at the discretion of the Leader of the Council.

#### **Pay awards**

- The salaries of senior employees are reviewed annually in line with any pay award agreed in the Joint National Councils (JNCs) for Chief Executives/Chief Officers, the National Joint Council (NJC) for Local Government Services, NHS or Soulbury conditions, as appropriate for the contracts of the senior managers.

#### **Bonuses**

- The Council does not pay bonuses to any of its employees.

### **Local Government Pension Scheme (LGPS)**

The Council offers all its senior employees access to the Local Government Pension Scheme, in accordance with the statutory provisions of the scheme, on exactly the same basis as all of its employees. Any pension payments made to its senior employees on termination of employment either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of ill health are made within the statutory terms of the LGPS.

- The employer's contribution rate for senior employees who join the scheme is the same as for all other employees, as set out in Section 4 "**POLICIES COMMON TO ALL EMPLOYEES**"
- The discretions which the Council is able to apply under the scheme upon termination of employment are the same for senior employees as for all other employees who are LGPS members and are set out in Section 4 "**POLICIES COMMON TO ALL EMPLOYEES**".

### **Payments on Termination of Employment**

Other than payments made under the LGPS, the Council's payments to managers whose employment is terminated on grounds of redundancy or in the interests of the efficiency of the service will be in accordance with the policy the Council has adopted for all its employees in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as set out in Section 4 "**POLICIES COMMON TO ALL EMPLOYEES**".

Other than payments pursuant to the LGPS (including the exercise of the Council's discretions) or payments in accordance with the Council's policies under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council's policy is not to make any other termination payments to its senior employees. The only exception to this, which is very rarely used, is where it has received specific legal advice to the effect that a payment is appropriate to settle proceedings in an Employment Tribunal or court of law, or may be required to eliminate risk of claims against the Council. Any severance payment of £100,000 or more which falls outside the agreed policy parameters will be referred to full Council for approval.

### ***Election fees***

Election fees are paid separately. Returning Officer fees for national elections are set by central government. Local election fees are paid in accordance with a scale of fees which is based on national election rates and agreed locally.

## **1.6 RE-ENGAGEMENT OF CHIEF OFFICERS**

### **Re-engagement of Chief Executives, Directors and Chief Officers who have left Bracknell Forest Council with a severance or termination payment**

#### ***Re-engagement as employees***

(1) Subject to any relevant provisions in employment and equalities legislation, the Council's policy is not to re-employ *in any capacity* any former Chief Executive, Director or Chief Officer who was in receipt of a severance or termination payment for any reason other than compulsory redundancy, for a period of three years from the date of termination of employment.



(2) Where a Chief Executive, Director or Chief Officer's employment has been terminated compulsorily on grounds of redundancy, they will not be re-employed *in the same or a similar post* for a period of three years following the date of termination of employment. If they are re-employed in another post within four weeks after the effective date of redundancy, they will lose their right to a redundancy payment, including any enhancements under the provisions of the LGPS or the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. Any re-employment will be subject to the Council following the strict application of the normal process of competitive selection for employment. (In addition, new legislation is expected which will introduce an obligation for someone earning over £80,000pa to repay some or all of their severance payment if they return to work anywhere in the public sector within 12 months. Once the regulations are finalised a separate report will be made to Employment Committee giving full details. It is not yet clear when the new regulations will take effect but it is anticipated they will be in force during 2017-18.)

(3) Any former Chief Executive, Director or Chief Officer who is employed by the Council who has previously received a severance, termination or redundancy payment from this or any other Council or related body will not have previous service counted when determining any further entitlements to notice periods, sickness payments, annual leave or other benefits/entitlements based on continuous service.

#### ***Re-engagement under a contract for services***

The Council's policy is not to re-engage under a contract for services any former Chief Executive, Director or Chief Officer who left the Council for any reason and was in receipt of a redundancy, severance or termination payment, for a period of three years from the cessation of employment.

#### ***Policy variation***

This re-engagement policy may be varied only in exceptional circumstances and then subject to the agreement of the Employment Committee.

#### **Employment of those in receipt of an LGPS pension**

##### ***General:***

Policy is set out in Section 4 **POLICIES COMMON TO ALL EMPLOYEES**.

##### ***Flexible retirement:***

The LGPS regulations permit the Council to offer flexible retirement to employees (including Chief Executive, Directors and Chief Officers) aged 55 or over, so that they can reduce their hours of work, and receive a pension in respect of the proportion of full-time hours they are no longer required to work. This policy is set out in Section 4 **POLICIES COMMON TO ALL EMPLOYEES**.

### **1.7 PUBLICATION OF DETAILS OF EMPLOYEE REMUNERATION**

In accordance with 39 (5) of the Localism Act, this policy will be published on the Council's website.

Unrestricted

The Council is also required to publish information about the remuneration of senior officers under The Accounts and Audit (Amendment No. 2) (England) Regulations 2009, and the Local Government Transparency Code 2014.

For ease of reference, remuneration data for posts identified under these Regulations is set out below, individual annual salaries can be found on the Council's website.

Chief Executive	£146,212 - £158,204
Director - Corporate Services (Deputy CE)	£108,026 - £116,869
Director – Children, Young People and Learning	£105,391 - £114,019
Director – Adult Social Care, Health and Housing	£105,391- £114,019
Director – Environment, Culture and Communities	£105,391 - £114,019
Director of Public Health	£108,000 - £113,000
Borough Treasurer and Section 151 Officer	£91,841 - £97,421
Borough Solicitor and Monitoring Officer	£86,575 - £91,841
Chief Officer: Children's Social Care	£86,575 - £91,841
Chief Officer: Environment and Public Protection	£86,575 - £91,841
Assistant Chief Executive	£81,618 - £86,575
Chief Officer: Information Services	£81,618 - £86,575
Chief Officer: Human Resources	£81,618 - £86,575
Chief Officer: Property	£81,618 - £86,575
Chief Officer: Strategy, Resources and Early Intervention	£81,618 - £86,575
Chief Officer: Planning and Transport	£81,618 - £86,575
Chief Officer: Older People and Long Term Conditions	£81,618 - £86,575
Chief Officer: Commissioning and Resources	£81,618 - £86,575
Chief Officer: Housing	£75,435 - £81,618
Chief Officer: Customer Services	£68,232 - £73,981
Chief Adviser: Learning and Achievement	£86,575 - £91,841

Figures as at 1 April 2016 and are inclusive of local weighting/supplements and/or market premia where payable. Teaching staff not included.

## **SECTION 2: REMUNERATION OF LOWEST PAID EMPLOYEES**

This section sets out the Council's policies in relation to the remuneration of its lowest-paid employees, as defined in this Pay Policy Statement.

### **2.1 ORGANISATIONAL CONTEXT**

The Council considers it is important that its policy with regard to the remuneration of its lowest paid employees is seen within the broader organisational context, in particular the range and diversity of services for which it is responsible, either directly or indirectly, the number of residents within the local community, the level of its financial responsibilities and the numbers of staff directly employed.

### **2.2 OVERALL REMUNERATION POLICY: LOWEST PAID EMPLOYEES**

#### **Aims, Objectives and Key Principles**

The Council aims to develop, implement and maintain fair and equitable remuneration arrangements which enable it to recruit, retain, motivate and develop staff with the skills and capabilities necessary to ensure the continued provision of high quality services and which are cost effective and provide value for money.

The Council's remuneration policy complies with all equal pay, discrimination and other relevant employment legislation.

When setting pay levels for specific posts the Council takes account of both internal differentials, as measured by job evaluation, and external relativities, as measured against the relevant employment market. The Council aims to ensure its pay rates for specific posts are set at a level which enable it to recruit and retain staff with the appropriate knowledge, skills and capabilities necessary for the particular role.

### **2.3 DEFINITION OF LOWEST PAID EMPLOYEES**

The definition of the "lowest-paid employees" adopted by the Council for the purposes of this statement is as follows:

The lowest paid employees within the Council paid on the Council's lowest hourly pay rate.

The current annual full-time equivalent value of this pay level, based on a 37 hour standard working week and including local weighting, is £15,093. However, in April 2014 the Council introduced a new low pay supplement, the Bracknell Forest Supplement, which would guarantee employees a minimum pay level; the minimum level from 1 April 2016 is £8.25 per hour (including local weighting). This gives an annual minimum for a 37 hour week of £15,915. For the purposes of this report therefore £15,915 is regarded as the lowest point of pay within the financial year.

This is the most appropriate definition as this is the lowest pay point on the Council's substantive pay structure plus the Bracknell Forest Supplement, and having regard to guidance issued by the Local Government Association and JNC for Local Authority Chief Executives.

## **2.4 REMUNERATION OF LOWEST PAID EMPLOYEES**

### **Pay structure**

The Council's lowest paid employees are on a grade range derived from the national pay spine, as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service. This grade range consists of a number of incremental salary points through which employees may progress until the top of the grade is reached.

### **Pay Progression**

Pay progression is normally by annual increment, payable from 1 April.

Pay progression is based on the period of time the employee has served in that grade, subject to satisfactory performance. Directors may accelerate incremental progression within the grade for employees who are considered to have demonstrated exceptional performance.

### **Annual Pay Review**

The basic pay of the Council's lowest paid employees is reviewed annually at a national level, with any cost-of-living, or other, increase normally applied on 1 April in each year.

Any increase will normally be applied in accordance with that agreed by the National Joint Council for Local Government Services.

### **Bracknell Forest Supplement**

In April 2014 the Council introduced a pay supplement which would guarantee a level of pay to employees on permanent and temporary contracts. The level of the minimum hourly rate guaranteed for 2016-17 was £8.25. The amount is reviewed annually by Employment Committee; an increase to the Rowntree Foundation Living Wage has now been proposed for 2017-18 and the accompanying report proposes the Bracknell Forest Supplement from April 2017 be increased to £8.45 in line with the new Living Wage level.

In April 2016 a new "National Living Wage" rate for those 25 years of age and over was introduced at £7.20 per hour. The Bracknell Forest Supplement therefore results in pay levels above the statutory minima, but the gap between the basic salary and the locally guaranteed level will be reduced for workers over 25. A new National Living Wage rate for 1 April 2017 has now been set at £7.50.

### **Pension provision**

The Council's lowest paid employees may participate in the Local Government Pension Scheme in accordance with the statutory terms of that scheme.

Contributions are made to this scheme in respect of each participating employee as set out in Section 4, **Policies Common to all Employees**.

Any increases in or enhancements to the pension entitlement of the Council's lowest paid employees would be made in accordance with the discretions available to it under the statutory provisions of the Local Government Pension Scheme, as

exercised by the Council and set out in the relevant policy statement (see Section 4 of this Pay Policy Statement, **Policies Common to all Employees**).

### **Termination or Severance Payments**

Any termination or severance payments made by the Council to its lowest paid employees, either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of permanent ill-health, will be made in accordance with the statutory terms of the Local Government Pension Scheme, as applicable, and/or in accordance with the discretions available to it under that Scheme or under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as set out in the relevant policy statement (see Section 4 of this Pay Policy Statement, **Policies Common to all Employees**).

Other than payments pursuant to the LGPS (including the exercise of the Council's discretions) or payments in accordance with the Council's policies under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council's policy is not to make any other termination or severance payments to its lowest paid employees, other than where it has received specific legal advice to the effect that a payment may be necessary to eliminate risk of claims against the Council.

### **Other elements of remuneration**

The other elements of remuneration which it is the Council's policy to offer to its lowest paid employees (where applicable) are listed below and are as set out in section 4, "Policies common to all employees":

#### ***Recruitment/retention payments***

#### ***Reimbursement of removal/relocation costs/mortgage subsidy on appointment***

#### ***Geographical/location allowance (local weighting)***

#### ***Car allowances/mileage rates***

#### ***Payment of professional subscriptions or membership fees***

#### ***Subsistence or other expenses allowance***

#### ***Provision of mobile telephones/personal devices***

#### ***Honorarium/acting up/additional responsibility payments***

#### ***Payment for reduced leave entitlement***

#### ***Discounted loans***

In addition, the Council's lowest paid employees may have access to the following payments where their patterns of work make them appropriate:

#### ***Working arrangements***

Employees on national conditions who are required to work beyond the Council's normal full-time equivalent working week of 37 hours and/or work

other non-standard working patterns, as listed below, will receive payment in accordance with the provisions of the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service for:

- Additional hours;
- Saturday and Sunday working;
- Night work;
- Public and Extra Statutory holidays;
- Sleeping-in duty.

Employees on local conditions who are required to work beyond their normal full-time equivalent working week of 37 hours and/or work other non-standard working patterns, as listed below, will receive payment as below.

- Additional hours (Leisure plain time)
- Saturday and Sunday working (Leisure plain time)
- Public and Extra Statutory holidays

### ***Standby and/or call-out payments***

Employees who are required to be on standby at times which are outside their normal working week and/or who may be called-out to attend to an issue at the Council's premises or other location may receive an additional payment in accordance with the provisions of the relevant Council policy.

## **2.5 OTHER TERMS AND CONDITIONS**

The other terms and conditions which apply to the Council's lowest paid employees are as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service, as amended and/or supplemented by any local agreements which may apply.

## **2.6 REMUNERATION OF EMPLOYEES WHO ARE PAID MORE THAN THE LOWEST PAID EMPLOYEES BUT WHO ARE NOT CHIEF OFFICERS**

The Council's policy and practice with regard to the remuneration of employees who are paid more than its lowest paid employees but who are not Chief Officers is the same as that which applies to its lowest paid employees, other than where any differences are indicated in this policy statement. Some specific groups of employees are paid on nationally determined Soulbury Conditions or Youth and Community Conditions.

## **2.7 EMPLOYEES WHO ARE PAID LESS THAN THE COUNCIL'S LOWEST PAID EMPLOYEES, AS DEFINED IN THIS PAY POLICY STATEMENT**

The following categories of employees *may* be paid less than the Council's lowest paid employees, as defined in this Pay Policy Statement:

Apprentices;

Casual workers.

The Council may apply a lower pay rate and/or different remuneration arrangements to these categories of employees, which reflects the particular nature and/or duration/frequency of their employment.

### **SECTION 3: PAY RELATIONSHIPS**

This section sets out the Council's overall approach to ensuring pay levels are fairly and appropriately dispersed across the organisation, including the current pay multiples which apply, and its policy toward maintaining acceptable pay multiples in the future.

The Council believes that the principle of fair pay is important to the provision of high quality and well-managed services and is committed to ensuring fairness and equity in its remuneration practices. The Council's pay policies, processes and procedures are designed to ensure that pay levels are appropriately aligned with and properly reflect the relative demands and responsibilities of each post and the knowledge, skills and capabilities necessary to ensure they are undertaken to the required standard, as well as taking account of relevant market considerations. This includes ensuring that there is an appropriate relationship between the pay levels of its senior officers, as defined in this Pay Policy Statement, and of all other employees.

The Council has adopted a number of policies and practices to ensure fairness in the overall pay relativities within the Authority. These include:

- Using an analytical job evaluation scheme to determine the grading of all posts below Chief Officer level.
- Jobs at Chief Officer level and above are also subject to measurement using a separate job evaluation scheme.
- Applying a clear and objective methodology for evaluating all new and changed jobs to ensure they are properly graded and that pay levels properly reflect their level of responsibility;
- Establishing a defined procedure for employees who wish to request a review of their job grade or who wish to appeal against their grading outcome;
- Providing for additional payments and allowances, with clearly defined eligibility criteria, to recognise and reward any working arrangements or requirements not reflected in basic pay levels;
- Undertaking corporate monitoring of the application of pay progression arrangements to ensure these are applied and operated on a fair and consistent basis across the organisation;
- Reviewing the roles and responsibilities of individual posts on a regular basis, for example, as part of the annual appraisal process, when a vacancy arises, as part of any organisational restructuring;
- Undertaking an equal pay audit at intervals, investigating and addressing the outcomes, as appropriate

Under the provisions of the Code of Recommended Practice for Local Authorities on Data Transparency, issued by the Department for Communities and Local Government under Section 2 of the Local Government Planning and Land Act 1980, the Council is required to publish its "pay multiple", i.e. the ratio between the highest paid salary and median full time equivalent salary of the whole of the local authority's workforce. The current pay multiple, based on full time equivalent earnings in the financial year ending 31 March 2016 including base salary, overtime pay and any lump sum car allowances is 6.8. (Last year's multiple was 6.6).

The figures are not a direct comparison because of the number of hours actually worked; for example senior officers do not have a specific number of required work

hours/week in their contract of employment and will often work more than the standard 37 hours used in non-senior contracts.

The median salary is the salary value at which 50% of the full time equivalent salaries which apply to the whole of the Council's workforce are below that salary value and 50% are above it. The lowest pay point in the overall salary range which has been used by the Council in calculating the median salary is that which applies to its lowest paid employees, as defined in section 2 of this Pay Policy Statement.

If the mean salary is used in the above calculations instead of the median, the pay multiple is 5.9. (Last year's multiple based on mean was 5.8).

The Council considers that the current pay multiple, as identified above, represents an appropriate, fair and equitable internal pay relationship between the highest salary and that which applies to the rest of the workforce and has adopted the following actions to ensure an acceptable level is maintained:

Periodic benchmarking against the market rate for the Chief Executive will continue to take place and changes such as job evaluation outcomes or outsourcing of functions may impact on the median payment levels; both of these may affect the pay multiple. However the multiple will be reviewed annually by means of this document to ensure it remains acceptable.

#### **SECTION 4: POLICIES COMMON TO ALL EMPLOYEES**

The following elements of remuneration are determined by corporate policies or arrangements which apply to all permanent employees of the Council (including its Chief Executive, Chief Officers and Deputy Chief Officers), regardless of their pay level, status or grading within the Council:

##### ***Contracts of Employment***

It is the Council's policy to engage all of its permanent employees on standard contracts of employment and to apply Pay As You Earn taxation arrangements to all remuneration under those contracts in accordance with HMRC rules.

##### ***Access to Local Government Pension Scheme***

The Council offers all its employees access to the Local Government Pension Scheme in accordance with the statutory provisions of the scheme (except where the Teachers Pension Scheme applies). The employers' contribution rate for employees who join the scheme is currently 12.8% of salary for all employees. The employee contribution rate ranges from 5.5% to 12.5% dependent on salary. All employees, including casuals and those on very short term contracts, have a right to be in the scheme.



### ***Local Government Pension Scheme (LGPS) - discretions on termination of employment***

Any termination or severance payments made by the Council to all its employees, either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of permanent ill-health, will be made in accordance with the statutory terms of the Local Government Pension Scheme, as applicable, and/or in accordance with the discretions available to it under that Scheme.

The Council's policies on the exercise of these discretions under the LGPS are set out in the policies it has published under the requirements of the Local Government Pension Scheme Regulations. These are shown in Appendix A.

### ***Payments on Termination of Employment***

Other than payments made under the LGPS, the Council's payments to any employee whose employment is terminated on grounds of redundancy or in the interests of the efficiency of the service will be in accordance with the policy the Council has adopted for all its employees in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. This policy has been published in accordance with the requirements of Regulation 7 of these regulations and, in summary, is:

- Actual weekly pay is used in all redundancy calculations
- Those with immediate access to pension are paid in accordance with the statutory number of weeks' pay
- Those with no immediate access to pension are paid 1.75 times the statutory number of weeks' pay.

New regulations are awaited on a proposed cap on severance payments which would limit any severance payment (including the capitalised cost of early pension release) to £95,000. The details, when known, will be the subject of a separate report to Employment Committee but are anticipated to come into force for 2017/18.

### ***Employment of those in receipt of an LGPS pension***

Subject to the administering authority's policy, pension benefits built up under regulations in force prior to 1 April 2014 (i.e. final salary benefits) may be subject to abatement where an individual in receipt of such a pension is re-employed. However, the policy of the administering authority to the Berkshire Pension Fund is not to abate pensions in these circumstances.

The only occasion where a re-employed pensioner may suffer some abatement to their pension is where they have previously been awarded compensatory added years in accordance with regulations 16 or 19 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2000.

### ***Flexible retirement***

The LGPS regulations permit the Council to offer flexible retirement to employees aged 55 or over, so that they can reduce their hours of work, and draw a pension in respect of the proportion of full-time hours they are no longer required to work. The Council uses this discretion in the same way for all employees. The Council will consider requests for flexible retirement on a case by case basis. Approval will be sought through the Employment Committee for any flexible retirement where there is a cost to the Council, and all costs and business benefits will be made explicit before any decision is taken on whether to grant flexible retirement.

Where the flexible retirement is at no cost to the Council, it may be granted by a Director, taking into account the business benefits.

***Market Premia***

The job evaluation scheme does not recognise market pay rates when determining the grade for a job. If Directors identify market scarcity through difficulty with recruitment and/or a lack of success with advertising, they may discuss the need for a market premium with the CO: HR, who will, using pay surveys and research of the prevailing job market, suggest a level of supplement. The Employment Committee decide whether to authorise a market premia payment which is then periodically reviewed.

***Recruitment/retention payments***

Recruitment payments are a recruitment incentive which can be used for positions where there is a nation/regional/local shortage of qualified persons. They are used to induce an individual to take up employment within the Council and are in the form of a one-off lump sum. These are infrequently used and are repayable on a sliding scale if the individual leaves within 3 years of appointment.

Key staff retention payments may be given where it is important to retain the services of an employee to the end of a specific project. The period of tie in will not normally exceed three years and any lump sum payment will not be made if the employee leaves before the relevant date. Employees in some children's social work teams are currently in receipt of retention payments as part of a strategy to retain these key staff in a recruitment shortage area, whilst a wider review of children's social care is carried out.

***Geographical/location allowance (local weighting)***

The Council applies London and Fringe Area Allowances in accordance with the provisions of and rates agreed by the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service, or Soulbury or Youth and Community Conditions as appropriate. There are certain employees whose pay is determined locally who do not receive this type of allowance, and it is not payable to the Chief Executive, Directors or Chief Officers.

***Reimbursement of removal/relocation costs on appointment***

The Relocation Scheme provides assistance to people moving house in order to take up an appointment with the Council. The scheme will not necessarily cover the full expenses of moving and is not intended to do so. The maximum amount payable under the relocation scheme is £8,000, plus mortgage subsidy where appropriate. The scheme does not apply to all advertised roles, only to those where there is less likelihood of recruiting suitable staff locally.

***Honorarium or ex gratia payments/acting up/additional responsibility allowances***

The Council pays honoraria or *ex gratia* payments to employees only in accordance with its corporate scheme for such payments, and all such payments are made only with the express approval of the relevant Director. Where employees are required to "act-up" into a higher-graded post or take on additional responsibilities beyond those of their substantive post for a temporary/time-limited period, they may receive an additional payment. Merit payments are similar to honoraria payments but are generally paid as a "one off"

sum. They can be for a variety of reasons including examination success or for a particularly demanding or meritorious piece of work.

***Car provision – employees using their own cars on Council business***

The Council compensates:

- Employees who are required to use their own car on Council business paying an Essential Car User payment of £963pa plus mileage at below the HMRC rate; and
- Employees who are otherwise authorised to use their own car on Council business by paying a casual user mileage rate based on the HMRC rate.

***Payment of professional subscriptions or membership fees***

The Council will pay one professional subscription or membership fee on behalf of any employee where the subscription or membership is appropriate to the duties of the post.

***Subsistence or other expenses allowance***

The Council reimburses expenditure on meals and overnight accommodation and any other expenses necessarily incurred by employees on Council business, in line with the Council's Expenses policy.

***Car loans***

All employees have access to loans at a favourable rate of interest for the purchase of cars/bicycles or the purchase of season tickets for travel. The current car loan rate is 3%. There is no subsidy for these loans.

***Flexible benefits***

The Council offers a range of flexible benefits which enable employees to elect to buy certain benefits from their salary. The only part of the range which enables employees to increase their pay is a flexible leave scheme whereby employees are able to "buy and sell" annual leave within certain parameters. Under this scheme, employees may be able to receive a day's additional pay for each day of leave they "sell" to the Council and agree to work. Chief Officers and above may not participate in this scheme, although they may elect to buy other flexible benefits in the range. The maximum number of days that can be sold is 5 (pro rata for those working less than 5 days per week.)

***Provision of mobile telephones and personal devices***

Mobile phones and personal devices are provided on the basis that they are necessary to undertake their duties effectively. The Council funds the provision of the phone and the cost of business calls. The use of these telephones for personal calls is discouraged but where they are made, employees are expected to reimburse the Council the full cost of those calls.

## **SECTION 5: CONTRACTORS AND OTHER ORGANISATIONS WORKING FOR THE COUNCIL**

There may be occasions where the Council procures, commissions or contracts-out one or more of the services for which it is responsible. This section sets out the Council's approach to and policies on the pay policies of contractors, partners and other organisations who may undertake work for, or on behalf of, the Council.

The terms and conditions of employment by contractors of their workers are non-commercial matters, so we are required to procure without reference to them (S17 (1) and (5) LGA 1988).

Where any of the Council's services are contracted-out or re-tendered or where a previously outsourced service returns to the Council, any matters relating to the remuneration of the transferred employees will be managed, as appropriate, in accordance with the relevant provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.

Any payments to agency workers who may undertake work for the Council will be made in accordance with the terms and conditions of the contract between the Council and the relevant agency provider, having due regard to the relevant provisions of the Agency Workers Regulations 2010 and any other relevant employment legislation.

## **SECTION 6: DECISION MAKING ON PAY**

The Council recognises the importance of ensuring openness, transparency and high standards of corporate governance, with clear lines of accountability, in its pay decision-making processes and procedures. Any pay-related decisions must be capable of public scrutiny, be able to demonstrate proper and appropriate use of public funds and ensure value for money. The arrangements adopted by the Council are designed to reflect these requirements, as well as ensuring compliance with all relevant legislation and other statutory regulation.

The Council has agreed that the following roles and responsibilities with regard to decision-making in remuneration matters will apply within the Authority as follows:

**Full Council:** consideration and approval of the annual Pay Policy Statement, as required under the Localism Act 2011. Approval of both the senior salary pay structure, within which senior appointments are made, and the severance policy, within which severance payments are made. Approval of any salary or severance payment over £100,000 which is not consistent with these policies.

**Employment Committee:** responsible for decisions relating to changes to terms and conditions of employment other than those dictated by employment law/statute, including scrutiny of this statement.

The provisions of this Pay Policy Statement will apply to any determination made by the Council in the relevant financial year in relation to the remuneration or other terms and conditions of senior officers of the Authority and of its lowest paid employees, as defined in this statement, and other employees who are paid more than the lowest paid employees but who are not senior officers.

The Council will ensure that the provisions of this Pay Policy Statement are properly applied and fully complied with in making any such determination.

This Pay Policy Statement has been approved by full Council.

The full Council will approve the appointment or dismissal of the Chief Executive (Head of Paid Service) following the recommendation of such an appointment by a Committee or Sub-Committee of the Council, which will include at least one Member of the Executive. Council will resolve that the post is remunerated in accordance with the Senior Salary Pay Structure.

For Director posts, unless otherwise directed by the Council, a Committee or Sub-Committee of the Council, the Council will appoint. The Committee or Sub-Committee will include at least one Member of the Executive. Council will resolve that the post is remunerated in accordance with the Senior Salary Pay Structure.

For Chief Officer posts, the Chief Executive or his nominated representative, with the relevant Executive Member or members and the Leader of the Council, may determine whether any appointment to a Chief Officer post is to be made exclusively from the Council's existing officers. Where the Chief Executive or his or her nominated representative, determines that it is to be made from existing Officers, the appointment may be made by the Chief Executive or his/her representative. Where a recruitment process is undertaken involving external candidates, a Committee or Sub-Committee will be appointed to interview the shortlisted candidates and make the final appointment. That Committee or Sub Committee will include at least one member of the Executive.

The above arrangements ensure that the Council meets the requirement of the Localism Act that any proposal to offer a new appointment on terms and conditions which include a total remuneration package of £100,000 or more, including salary, bonuses, fees or allowances which would routinely be payable to the appointee and any benefits in kind to which the officer would be entitled as a result of their employment (but excluding employer's pension contributions), will be referred to the full Council for approval before any confirmed offer is made to a particular candidate, if they fall outside the scope of the agreed senior salary pay scales.

## **SECTION 7: AMENDMENTS TO THIS PAY POLICY STATEMENT**

This Pay Policy Statement relates to policy for the financial year 2017/18.

The Council may agree any amendments to this Pay Policy Statement during the financial year to which it relates in accordance with the decision-making arrangements set out in the introduction to this document.

## **SECTION 8: PUBLICATION OF AND ACCESS TO INFORMATION**

The Council will publish this Pay Policy Statement on its website as soon as is reasonably practicable after it has been approved by the Council. Any subsequent amendments to this Pay Policy Statement made during the financial year to which it relates will also be similarly published.

The information advised to be published by the Council in accordance with the requirements of the Local Government Transparency Code 2014 and in accordance with the requirements of the Accounts and Audit (Amendment No. 2) (England) Regulations 2009, as referred to in this Pay Policy Statement, is also available on its website.

The Council's policies in relation to the exercise of discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and under the Local Government Pension Scheme Regulations 2013, are set out in this policy statement.

For further information about this Pay Policy Statement, please contact the Council as follows:

Chief Officer: HR, [nikki.gibbons@bracknell-forest.gov.uk](mailto:nikki.gibbons@bracknell-forest.gov.uk) telephone 01344 352049.

**EMPLOYER DISCRETIONS****PART A – Formulation of COMPULSORY policy in accordance with Regulation 60 of the Local Government Pension Scheme Regulations 2013**

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**Regulation 16 – Additional Pension Contributions**

The Scheme employer may resolve to fund in whole or in part any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with **Regulation 16(2)(e)**, or by way of a lump sum in accordance with **Regulation 16(4)(d)**.

The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£6,500 from 1<sup>st</sup> April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.

Consideration needs to be given to the circumstances under which the Scheme employer may wish to use their discretion to fund in whole or in part an employee's Additional Pension Contributions.

**Scheme Employer's policy concerning the whole or part funding of an active member's additional pension contributions**

**The Employing Authority has resolved not to adopt this discretion**

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**Regulation 30(6) – Flexible Retirement**

An active member who has attained the age of 55 or over and who with the agreement of their employer reduces their working hours or grade of employment may, with the further consent of their employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer an employee in local government service on the date of the reduction in hours or grade (*adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State – separate policy required under Regulation 30(8)*).

As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part or none of the pension benefits they built up after 1 April 2014.

Due consideration must be given to the financial implications of allowing an employee to draw all or part of their pension benefits earlier than their normal retirement age.

**Scheme Employer's policy concerning flexible retirement**

**The Employing Authority will consider requests for flexible retirement on a case by case basis. Approval will be sought through the Employment Committee where all costs and benefits will be explicit; requests which carry no costs to the Employing Authority will be dealt with by officers and reported back to the Committee.**

### **Regulation 30(8) – Waiving of Actuarial Reduction**

Where a Scheme employer's policy under regulation 30(6) (flexible retirement) is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).

A Scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.

Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.

#### **Scheme Employer's policy concerning the waiving of actuarial reduction**

**The Employing Authority has resolved to examine such issues on a case by case basis.**

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### **Regulation 31 – Award of Additional Pension**

A Scheme employer may resolve to award

- (a) an active member, or
- (b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (including any additional pension purchased by the Scheme employer under Regulation 16), not more than the additional pension limit (£6,500 from 1<sup>st</sup> April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.

In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.

#### **Scheme Employer's policy concerning the award of additional pension**

**The Employing Authority resolves to use the scheme for awarding additional pension in cases of redundancy, efficiency of the service and severance, only in exceptional circumstances.**

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**Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014**

**Schedule 2 – paragraphs 2 and 3**

Where a scheme member retires or leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous Regulations.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can ‘switch on’ the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

**Scheme Employer’s policy concerning the ‘switching on of the 85 year rule**

**The Employing Authority resolves not to adopt this discretion.**

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**PART B – Formulation of RECOMMENDED policy in accordance with the  
Local Government Pension Scheme Regulations 2013**

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**Regulation 9(1) & (3) – Contributions**

Where an active member changes employment or there is a material change which affects the member’s pensionable pay during the course of a financial year, the Scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9(2)) should be applied.

Where the Scheme employer makes such a determination it shall inform the member of the revised contribution rate and the date from which it is to be applied.

**Scheme Employer’s policy concerning the re-determination of active members’ contribution bandings at any date other than 1<sup>st</sup> April**

**The Employing Authority has resolved to make changes to employee contribution rates throughout the year from the effective date of any change in employment or material change to the rate of pensionable pay received.**

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### **Regulation 17(1) – Additional Voluntary Contributions**

An active member may enter into arrangements to pay additional voluntary contributions (AVCs) or to contribute to a shared cost additional voluntary contribution arrangement (SCAVCs) in respect of an employment. The arrangement must be a scheme established between the appropriate administering authority and a body approved for the purposes of the Finance Act 2004, registered in accordance with that Act and administered in accordance with the Pensions Act 2004.

The Scheme employer needs to determine whether or not it will make contributions to such an arrangement on behalf of its active members.

#### **Scheme Employer’s policy concerning payment of Shared Cost Additional Voluntary Contributions**

**The Employing Authority has resolved not to adopt this discretion**

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### **Regulation 22 – Merging of Deferred Member Pension Accounts with Active Member Pension Accounts**

A deferred member’s pension account is automatically aggregated with their active member’s pension account unless the member elects within the first 12 months of the new active member’s pension account being opened to retain their deferred member’s pension account.

A Scheme employer can, at their discretion, extend the 12 month election period.

#### **Scheme Employer’s policy concerning merging of Deferred Member Pension Accounts with Active Member Pension Accounts**

**The Employing Authority has resolved not to extend the 12 month election period**

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### **Regulation 100(6) – Inward Transfers of Pension Rights**

A request from an active member to transfer former pension rights from a previous arrangement into the Local Government Pension Scheme as a result of their employment with a Scheme employer must be made in writing to the administering authority and the Scheme employer before the expiry of the period of 12 months beginning with the date on which the employee first became an active member in an employment (or such longer period as the Scheme employer and administering authority may allow).

#### **Scheme Employer’s policy concerning the extension of the 12 month transfer application period**

**The Employing Authority has resolved to examine such issues on a case by case basis**

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**Regulation 21(5) – Assumed Pensionable Pay**

A Scheme employer needs to determine whether or not to include in the calculation of assumed pensionable pay, any 'regular lump sum payment' received by a Scheme member in the 12 months preceding the date that gave rise to the need for an assumed pensionable pay figure to be calculated.

**Scheme Employer's policy concerning inclusion of 'regular lump sum payments' in assumed pensionable pay calculations**

**The Employing Authority has resolved that "Regular lump sum payments" will always be included in the calculation of assumed pensionable pay**

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**Regulation 74 – Applications for Adjudication of Disagreements** *(see guidance note 9 in employer's guide)*

Each Scheme employer must appoint a person ("the adjudicator") to consider applications from any person whose rights or liabilities under the Scheme are affected by:

- (a) a decision under regulation 72 (first instance decisions); or
- (b) any other act or omission by a Scheme employer or administering authority,

and to make a decision on such applications.

Responsibility for determinations under this first stage of the Internal Disputes Resolution Procedure (IDRP) rests with "the adjudicator" as named below by the Scheme employer:

Name: Nikki Gibbons  
Job Title: Chief Officer: HR  
Full Address: Easthampstead House, Town Square, Bracknell  
Post Code: RG12 1AQ  
Tel No: 01344 352062

Adjudicator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Or alternatively:

Name: Stuart McKellar  
Job Title: Borough Treasurer  
Full Address: Easthampstead House, Town Square, Bracknell  
Post Code: RG12 1AQ  
Tel No: 01344 355605

Adjudicator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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## **APPENDIX B – EMPLOYER DISCRETIONS: INJURY ALLOWANCE**

### **Formulation of COMPULSORY policy in accordance with Regulation 14 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011**

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#### **Regulation 3 - Reduction in remuneration**

Whilst an employee is receiving reduced pay as a direct result of an injury or disease contracted in the course of carrying out their employment, a relevant employer may consider paying the employee an allowance while the reduction in pay continues.

The relevant employer shall from time to time determine whether the employee should be entitled to continue to receive the allowance.

Any allowance payable must be paid directly by the relevant employer and, when added to the value of the reduced pay being received by the employee, must not be of a value that means the employee receives total pay in excess of the pay that they would normally expect to have received but for their injury or disease.

#### **Employer's policy concerning the award of an allowance due to reduction in remuneration**

**The Employing Authority has resolved to examine such issues on a case by case basis in line with its existing Standing Orders.**

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#### **Regulation 4 – Loss of employment through permanent incapacity**

Where an employee ceases employment due to permanent incapacity as a direct result of injury or disease contracted in the course of carrying out their employment, a relevant employer may consider paying the employee an allowance not exceeding 85 per cent of the employee's annual rate of remuneration at the point the employment ceased.

The relevant employer shall from time to time determine whether the employee should be entitled to continue to receive the allowance.

Any allowance payable must be paid directly by the relevant employer and, where the employee was receiving no pay or reduced pay at the time the employment ended because of absence, the employer must assess the remuneration on the basis of the pay the employee would have received but for being absent.

The relevant employer may suspend or discontinue the allowance if the (former) employee secures gainful employment (paid employment for not less than 30 hours in each week for a period of not less than 12 months).

#### **Employer's policy concerning the award of an allowance due to loss of employment**

**The Employing Authority resolves not to adopt this discretion.**

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