

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbsc.co.uk

19 January 2018

To: MEMBERS OF THE GENERAL PURPOSES COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the General Purposes Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 29th January, 2018 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To confirm as a correct record the Minutes of the meeting of General Purposes Committee held on 20 November 2017

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

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MEMBERSHIP

Cllr O C Baldock (Chairman)
Cllr L J O'Toole (Vice-Chairman)

Cllr M A C Balfour
Cllr Mrs S Bell
Cllr P F Bolt
Cllr M A Coffin
Cllr Mrs M F Heslop
Cllr B J Luker

Cllr D Markham
Cllr S C Perry
Cllr R V Roud
Cllr C P Smith
Cllr Ms S V Spence
Cllr M Taylor

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 20th November, 2017

Present: Cllr O C Baldock (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr P F Bolt, Cllr M A Coffin, Cllr B J Luker, Cllr R V Roud, Cllr C P Smith and Cllr M Taylor

Councillors Mrs J A Anderson, D J Cure, N J Heslop and D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, Mrs M F Heslop and D Markham

PART 1 - PUBLIC

GP 17/18 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

GP 17/19 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 26 June 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 17/20 IMPLICATIONS FOR TONBRIDGE AND MALLING BOROUGH COUNCIL OF THE TRADE UNION ACT 2016

The report of the Director of Central Services set out the actions that the Borough Council was required to take in response to the Trade Union Act 2016. It was recommended that the statutory tables reporting on Trade Union 'Facility Time' be incorporated in future HR Strategy Update reports.

In relation to the public sector, the Act introduced a requirement for unions to make a reasonable payment to employers for deducting union subscriptions from salaries and making them over to unions. This was referred to as DOCAS – deduction of contribution at source – and the Borough Council was currently in negotiation with Unison concerning the level of payment.

The Act also required the Borough Council to publish certain information relating to time taken off by trade union officials employed by the

authority for trade union duties and activities, referred to as 'Facility Time'.

RECOMMENDED: That:

- (1) the implications of the Trade Union Act 2016 be noted; and
- (2) the Facility Time Monitoring Tables be included in the annual HR Strategy Update.

***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

GP 17/21 GENERAL DATA PROTECTION REGULATION - IMPLICATIONS FOR TONBRIDGE AND MALLING BOROUGH COUNCIL

The report of the Director of Central Services and Monitoring Officer provided an update on the General Data Protection Regulation (GDPR), highlighted the changes in data protection law as a result and set out the actions being taken to ensure future compliance.

It was reported that the core rules of data protection remained broadly the same. However, there were new obligations under the GDPR and the requirements of the new regime would be stricter. It was not only important to comply with the GDPR but it would be necessary to demonstrate how the Borough Council complied.

The key changes as a result of the new regulations were set out in paragraph 1.2 of the report. However, particular reference was made to the stricter and more detailed conditions for the use of consent. The Borough Council would need to review how this was sought, obtained, recorded and whether any changes in process were required.

Members were advised that face to face training on the new regime had been provided to senior officers. Online training for all staff would be rolled out in advance of the new legislation coming into force. It was also intended that training would be provided to Members and, given the importance of the regulations and the strict penalties for non-compliance, this would be mandatory.

RESOLVED: That the contents of the report be noted and the following appointments made:

- (1) the Director of Central Services and Monitoring Officer as the Council's Data Protection Officer; and

- (2) the Principal Solicitor and Principal Solicitor (Litigation) as Deputy Data Protection Officers.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 17/22 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

However, the Committee also agreed that the Unison representative (Mark Hammond) could make a short statement on the Review of the Planning Service.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

GP 17/23 ESTABLISHMENT CHANGES

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Borough Council's services.

RESOLVED: That the proposals and establishment adjustments set out in the report be endorsed as follows:

- (1) a new 15.5 hours per week post of Waste & Enforcement Support Officer (scale 4) be established with effect from 1 December 2017;
- (2) post DE0505 Administration Officer scale 2/3 be reduced from 30 to 25 hours per week with effect from 1 December 2017;
- (3) post DG0213 Waste & Enforcement Support Officer scale 4 be reduced from 18.5 to 15 hours per week with effect from 1 December 2017;
- (4) post DG0208 Waste & Enforcement Officer scale 5 be reduced from 37 to 30 hours per week with effect from 1 December 2017;

- (5) post DR0402 be re-designated Head of Licensing, Community Safety and Customer Services grade M5 with effect from 1 December 2017;
- (6) post DR0403 be re-designated Senior Licensing Officer grade Senior Officer with effect from 1 December 2017;
- (7) the hours of post DR0405 (Licensing Administration Officer – grade 3 / 4) be increased from 15 to 25 per week with effect from 1 December 2017;
- (8) the current post of Gateway Manager M8 be deleted and replaced with the post of Gateway Manager M9 with immediate effect;
- (9) the hours of post DB0320 (Customer Services Advisor scale 2 / 3) be reduced from 15 to 11.25 per week with immediate effect;
- (10) the hours of post DB0302 (Customer Services Supervisor scale 4 / 5) be increased from 30 to 37 per week with immediate effect;
- (11) the post of Senior Customer Services Advisor, DB0305 grade 3 be deleted with immediate effect;
- (12) the hours of post DB0308 (Customer Services Advisor scale 2 / 3) be increased from 16.25 to 18 per week with immediate effect;
- (13) the hours of post DB0308 (Customer Services Advisor scale 2 / 3) be increased from 8 to 8.75 per week with immediate effect;
- (14) a new 8 hour per week post of Customer Services Assistant scale 1 / 2 be established with immediate effect;
- (15) the post of Administration Officer DA0217 scale 3 / 4 be deleted with immediate effect;
- (16) the hours of the post of Administration Officer DA0218 be increased from 19.5 to 26.5 per week with immediate effect;
- (17) the hours of post DC0403 (Electoral Services Officer scale 3 / 4) be reduced from 24 to 20 per week with immediate effect;
- (18) the sum of £5,389 arising from the amendments to the establishment in the Electoral Services and Central Services Administration Teams be ring-fenced for 12 months;
- (19) the hours of post DN0101 (Development Manager - grade M6) be confirmed as 15 per week with effect from 1 April 2018;

- (20) the hours of post DN0104 (Senior Analyst Programmer - grade M7) be confirmed as 22.5 per week with effect from 1 January 2018;
- (21) a new full time post of Developer (grade SO/M9) be established with effect from 1 January 2018; and
- (22) a budget of £15,000 for IT consultancy support be confirmed in the estimates for 2018/19 onwards.

GP 17/24 REVIEW OF THE PLANNING SERVICE

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The report of the Director of Planning, Housing and Environmental Health set out proposals, supported by Management Team, for the redesign of the Development Control and Planning Policy Teams within the Planning Service.

The Committee noted the comments made by the Unison representative and gave this careful consideration as part of their deliberations.

RESOLVED: That:

- (1) the proposals set out in the report be approved; and
- (2) any further amendments arising from staff consultation be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Director of Central Services

GP 17/25 ESTABLISHMENT CHANGES - HOUSING SERVICES

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The report of the Director of Planning, Housing and Environmental Health addressed some key managerial and operational changes focused primarily on the Housing Service. It covered organisational issues and some specific resource matters arising from new duties for the Borough Council in the Homelessness Reduction Act 2017.

RESOLVED: That

- (1) the following changes to the establishment be approved and to take effect from 1 December 2017:
 - Posts DV0003 and DV0004 (Chief Environmental Health Officer and Head of Housing) be deleted;

- A new post of Head of Housing and Health be created at grade M4;
 - Post DV0724 (Housing Services Improvement Manager) be regraded to M8;
 - Three new posts of Housing Options and Support Officer/Accommodation Office be created at Scale 5/6;
 - Post DV0714 (Housing Options and Support Officer) be reduced to 22.2 hours weekly; and
- (2) the following changes to the establishment be approved and to take effect from 1 January 2018:
- Post DV0901 (Private Sector Housing Manager) be re-designated as Private Sector Housing and Wellbeing Manager, regraded at M7 and become a full time post;
 - Post DV0902 be re-designated as Environmental Health Officer (Housing) at grade M9 as a full time post;
 - Post DV0903 (Private Sector Housing Manager – part time) be deleted.

The meeting ended at 8.49 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 January 2018

Report of the Director of Central Services

Part 1- Public

Matters for Recommendation to Council

1 LOCALISM ACT – PAY POLICY

Section 38(1) of the Localism Act 2011 requires English and Welsh local authorities to review their pay policy statement for each financial year. This report summarises the requirements of the Act and presents an updated Pay Policy Statement for 2018/19 in Annex 1. Members will note that as there have not been any changes in the Council's remuneration policy, the substantive content of the updated Pay Policy Statement in Annex 1 is identical to the Council's first Pay Policy Statement (adopted by the Council on 16 February 2012).

1.1 Contents of the Pay Policy

- 1.1.1 As members may recall, the Act requires the pay policy statement to include the level and elements of remuneration for each chief officer, a definition of the "lowest paid employees" and their remuneration, the policy on the relationship between the remuneration of its chief officers and other officers, the policy on pay on recruitment, and, the policy on re-employing someone who has been made redundant..
- 1.1.2 The title "chief officer" includes both statutory and non-statutory chief officers and their deputies. Therefore, within the Pay Policy Statement set out in Annex 1, the information about the remuneration of chief officers pertains to the current Establishment and therefore includes the posts of the Chief Executive, the Council's four Service Directors, the Head of Planning, the Chief Financial Services Officer and the Head of Housing and Health, as well as the senior officers that are directly accountable to these "chief officers".
- 1.1.3 The Act's definition of remuneration includes pay, charges, fees, allowances, benefits in kind, enhancement of pension entitlements and termination payments. All of these elements have been covered in the pay policy statement attached in Annex 1.

- 1.1.4 In order to provide a holistic and transparent context for the remuneration of chief officers and their deputies, the pay policy in Annex 1 provides an overview of the pay elements for all Council employees.

1.2 Legal Implications

- 1.2.1 The policy set out in Annex 1 contains all of the elements of a statutory pay policy as stipulated in section 38 (1) of the Localism Act 2011.
- 1.2.2 The attached pay policy is also compliant with Regulation 7 of the Local Government (Early Termination of Employment)(Discretionary Compensation) (England & Wales) Regulations 2006 and the Local Government Pension Scheme (Administration) Regulations 2008 & 2014.
- 1.2.3 The definition of the terms “chief officer” and “deputy chief officer” is in accordance with section 2 of the Local Government and Housing Act 1989.

1.3 Financial and Value for Money Considerations

- 1.3.1 As set out in Section A of the attached Pay Policy, the Council’s approach to setting a pay multiple is broadly calculated on a base salary multiple of 8 being the gap between the remuneration of the lowest and the most highly paid employees and is enshrined within the Council’s locally determined job benchmarking evaluation scheme. Such an approach places an emphasis on cash reward as the corner stone of the Council’s pay policy, and ensures that pay is based on job requirements.

1.4 Risk Assessment

- 1.4.1 Given current media scrutiny of public sector remuneration it would be imprudent for the Council not to comply with the Localism Act’s requirement to have reviewed the Pay Policy Statement by 31 March 2018.

1.5 Equality Impact Assessment

- 1.5.1 The recommendation to adopt the Pay Policy Statement in Annex 1 has a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Policy Considerations

- 1.6.1 HR Policy

1.7 Recommendations

- 1.7.1 It is recommended that this committee commends the pay policy in Annex 1 to this report for adoption at the Council meeting on 20 February 2018.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield
Director of Central Services

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Pay Policy Statement 2018/19

Introduction

When determining remuneration levels the Council is mindful of the requirement to balance the needs of managing scarce public resources with the need to secure and retain high-quality employees. The Council aligns its reward strategy with organisational needs by an emphasis on cash rewards, and ensuring that pay is determined by job requirements. The Council aims to operate a consistent and equitable organisation-wide reward system by placing the responsibility for remuneration decisions with a committee of elected councillors, the General Purposes Committee, and the responsibility for administering the pay policy within the Council's Personnel team.

Section 38 (1) of the Localism Act 2011 requires the council to prepare an annual pay policy statement for 2018/19. The Act specifies that the following must be included in the pay policy statement:

- the level and elements of remuneration for each chief officer
- the policy on the remuneration of chief officers on recruitment
- increases and additions to their remuneration including performance related pay, bonuses, charges, fees, allowances, benefits in kind and termination payments
- a definition of the "lowest paid employees" and the policy on the remuneration of this group
- the policy on the relationship between the remuneration of its chief officers and other officers
- policy on re-employing someone who has been made redundant.

This statement will be published on the Council's website.

Section 1 – Remuneration of statutory and non-statutory Chief Officers and Deputy Chief Officers

The term "chief officer" within The Localism Act includes both statutory and non-statutory chief officers, and their deputies. The actual remuneration for these roles is available on the Council's website

<http://www.tmbc.gov.uk/services/council-and-democracy/councillors,-democracy-and-elections/transparency-senior-salaries>

The salary scales for the statutory and non-statutory Chief Officers and Deputy Chief Officers in post in January 2018 is set out below.

No of chief officers	Grade	% of M2 benchmark	Pay Point Range
12 (6 of whom work part time hours)	M6	56.0%	141- 144

9 (2 of whom work part time hours)	M5	61.0%	147 - 150
3	M4	70.0%	151- 154
4	M2a	97.5%	181- 184
1	M1	125.0%	191- 194

Fee for acting as the Returning Officer

Tonbridge & Malling Borough Council is required to appoint a Returning Officer by virtue of section 35 of the Representation of the People Act 1983. In Tonbridge & Malling, the Chief Executive has been appointed as the Returning Officer. This is a personal appointment, separate from their other duties. In this capacity they are the Returning Officer for UK Parliamentary elections and elections to the Borough Council and to Parish Councils within this Borough. The Returning Officer fee is payable for the substantial additional duties undertaken, and leadership required of the Returning Officer in planning, delivering and undertaking the elections, and recognises the personal nature and personal responsibility of the role of the Returning Officer.

For Borough and Parish Council elections, the Returning Officer fee is calculated in accordance with an agreed Kent Scale of Fees. For National, European and Police & Crime Commissioner elections the fee rate is set by central government.

Section 2 – Remuneration of the lowest paid employees

In compliance with Section 38 of the Localism Act, for the purposes of this statement the “lowest paid employee” has been defined as those who are engaged as cleaners. In 2018/19 it is anticipated that such posts will receive a full time annual salary equivalent of approximately £15,600.

Section 3 – Decision on pay

The pay of all council employees (including chief officers) is determined by the evaluated grade of the post. The pay band for most jobs within the council (including chief officers) is very narrow, based on 3 or 4 incremental points. Progression through the pay band is based on length of service, subject to the achievement of expected performance standards, and thus recognises development in a role over time based on the accumulation of experience and knowledge. It is anticipated that during 2018/19 the total number of permanent and fixed term contract staff on the Council’s payroll will be approximately 270 in any one month.

The Council has not adopted the national local government job evaluation or grading schemes but has developed a locally negotiated framework that more closely reflects its own particular requirements. Within this framework there are two remuneration “families”. The first has been developed for the Council’s professional and senior managerial cohorts, and includes chief officers. The second is for supervisory, technical and clerical staff.

All staff (including chief officers) are appointed to the organisation at the bottom of the grade, unless there are exceptional circumstances based on business need.

Annual Pay Award

The salary of all council employees (including chief officers) may increase annually by an annual pay award which is locally determined taking into consideration:

- “caps” on public sector pay rates set by the Government
- the council’s ability to pay
- inflation levels
- the “going rate” of pay awards in neighbouring authorities and nationally
- recruitment and retention levels.

Section 4 – Pay structure and pay relationships.

The Code of Recommended Practice for Local Authorities on Data Transparency September 2011 requires that there is a process established to monitor the rate of growth of senior earnings compared to all other employees in the organisation. During 2018/19 there will be a multiple of approximately 8 between the base level salary of the Chief Executive and a cleaner, reflecting the differences in skill sets, complexity and span of control from the lowest to the highest paid employees of the Council.

The total salary for the post of Chief Executive is in the region of £120,000. The median full time equivalent salary for all other employees in Tonbridge & Malling Borough Council is in the region of £25,750, the mean full time equivalent salary is in the region of £30,000. The pay multiple is therefore approximately 4.70 against the median and 4 against the mean.

The Council’s bespoke grading structure for employees with professional and specialised high level skill sets is entitled the “M” grade framework. All those referred to as chief officers within this pay policy statement fall within the “M grade” framework.

A feature of the M grade framework is that the remuneration levels for all M grade posts (including those of chief officers), are fixed as a percentage of a notional benchmark grade M2. Therefore, the grading structure specifies the pay multiples attached to each grade as a percentage of the lowest incremental point of a notional benchmark M2. Posts are positioned within the

M grade framework on the basis of the required specialist knowledge, professional skills, depth of professional and managerial judgement, and managerial span of control. Broadly speaking the range of capabilities required for junior M grade posts (M9 – M7 inclusive) equate to professional and/or managerial capability equivalent to Level 6 of the National Qualifications Framework (NQF). Those occupying senior managerial posts graded M6 to M2 are required to possess **both** professional and managerial skill sets equivalent to Level 7 of the NQF. All four director level chief officer posts are graded as M2a. The professional and managerial capabilities **and** span of control required at director level broadly equate to level 8 of the NQF. A Level 8 degree of professional and managerial expertise is also required for the post of the Chief Executive. This, alongside the extensive span of control intrinsic to the role of paid head of service for the entire Council workforce, merits the grade of M1.

Supervisory, technical and clerical grades

The council has developed a bespoke grading structure for its supervisory, technical and clerical staff that ranges from the grade of senior officer to clerical scale 1. Broadly speaking the managerial, professional and skill set required for posts graded Senior Officer equate to Level 5 of the NQF, posts graded scale 5-6 equate to Level 4 of the NQF, posts graded scale 3-4 to Level 3 of the NQF, posts graded scale 1-2 require a Level 2 skill set.

The Council considers that the relationship between the base salaries of its highest and lowest paid employees, as well as the relationship between the highest paid and the mean and medial salaries of the entire workforce, represents an appropriate, fair and equitable internal pay relationship.

Section 5 – 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 officers and deputy chief officers), regardless of their pay level, status or grading. Full details on any of the policies listed below can be provided on request.

The Council aims to have a streamlined and transparent pay structure and therefore it does not pay performance related or total contribution bonuses, market premiums, location allowances, or subsidy towards child care costs. Pension contributions for all employees opting to join the Local Government Pension Scheme are nationally determined.

Payments on termination of employment

According to the Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations

2006 the Council has the power to make discretionary payments on early termination of employment. The Council has determined that it will calculate payments made to any eligible employee (including chief officers) who are made redundant or who depart on the grounds of the efficiency of the service by using the Government's statutory redundancy payment calculator formula and the employee's actual weekly pay. For those who depart on the grounds of redundancy or efficiency of the service, or who chose to retire "early", the Council does not increase the employee's total pension scheme membership or award additional pension. This response to the Local Government Pension Scheme (Administration) Regulations 2008 applies to all employees, including chief and deputy chief officers.

The Council's policy is that it does not re-employ anyone (including chief or deputy chief officers) who has left with a severance or redundancy payment, nor does it re-engage them on a self-employed basis with a contract for services.

Car allowances

For those posts where it is deemed that there is an essential requirement for the post holder to use a car to perform their job, and they are normally expected to travel in excess of 2,500 miles per annum in the course of their duties, the post holder either receives a lump sum allowance to contribute towards the associated running costs of the car in accordance with the rates previously set by the National Joint Council or they are allocated a lease car, or they receive a cash equivalent payment as an alternative to a lease car. Those who drive leased cars are required to make their leased car available for the use of all Council employees possessing a suitable driving licence, if so required, (the Council has the appropriate insurance cover).

Telephone allowances

Those employees who are deemed to be essential users of mobile telephones receive a mobile telephone allowance

Professional fees

Annual professional subscription fees to one relevant professional body are reimbursed to those employees where it is deemed an essential requirement for the post holder to belong to a professional institute.

Reimbursement of removal/relocation costs on appointment and mortgage subsidy scheme

The Council's relocation and mortgage subsidy schemes provide financial assistance (within pre-defined limits) to employees who re-locate from outside a reasonable travel area to the Borough to take up an appointment with the Council.

Subsistence Allowance

The Council reimburses expenditure on meals, accommodation, and any other expenses necessarily (within pre-defined limits) incurred by employees who have to be away from home on Council business.

Standby and call out allowances

Any employee who is required to undertake standby and call-out duties will be recompensed at the appropriate rate in accordance with the negotiated policy and payment rate for their role.

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 January 2018

Report of the Chief Executive

Part 1- Public

Delegated

1 PAY AWARD 2018

Summary

This report requests Members to give consideration to the matter of a pay award for employees for 2018/19 and recommends an award of 2%.

1.1 Introduction

1.1.1 Council employees have a term in their contracts which reads “your salary will be revised on 1 April each year by an amount determined by the Authority having regard to movements in the Retail Price Index, comparative pay settlements and prevailing economic conditions.”

1.1.2 The last increase in employees’ salaries was an award of 2% in April 2016.

1.1.3 This report considers a range of factors that are relevant to the issue of a pay award for 2018/19.

1.2 Prevailing Economic Conditions

1.2.1 Whilst the UK economy continues to show signs of recovery, most economic commentators continue to predict that the rate of growth for the foreseeable future will be slow, not least because of the impact of the Government’s on-going reductions in public expenditure.

1.2.2 Members will also be aware of the on-going need to make savings, or generate new income, in the context of the Medium Term Financial Strategy and the Savings and Transformation Strategy. At the Finance, Innovation and Property Advisory Board on 3 January, it was noted that the funding gap was now in the region of £1 million.

1.2.3 The National Living Wage came into force from 1st April 2016, although this will have a minimal effect for this Council until 2020.

1.2.4 The Council has also had to pay an additional 3.4% in National Insurance contributions from 1st April 2016 for those employees (the majority) who

contribute to the Local Government Pension Scheme, which has required additional funding, owing to the withdrawal of the 'contracting out' of the State Earnings Related Pension Scheme (SERPS).

1.3 Comparative Pay Settlements

- 1.3.1 All Kent Authorities are currently considering the issue of a pay award. Those Councils that are not tied to the nationally agreed pay scales are currently considering increases between 1 and 2% for 2018/19. Sevenoaks, Gravesham and Medway remain tied to the national collective bargaining process.

1.4 Retail Price Index

- 1.4.1 The RPI rate of increase in November was 3.9% and the Government's preferred measure of inflation, the Consumer Price Index (CPI), was 3.1%. Economic analysts' forecasts for CPI over the next 12 months show a small decrease to 2.4% in 2018, falling further to 2% by 2020 (Office for Budget Responsibility: Economic and fiscal outlook November 2017).

1.5 General Discussion

- 1.5.1 The factors that are relevant to a consideration of a pay award have been identified in the previous sections of this report.
- 1.5.2 The current rate of inflation suggests that a pay award is appropriate and it is important to recall that, in the past few years, pay awards have been limited and have not kept pace with inflation or pay awards elsewhere, particularly in the private sector. An overriding imperative for the Council is to contain its expenditure on salaries in order to retain a stable employment position that, in turn, will be to the overall benefit of staff, continue the delivery of good quality services and help to achieve a balanced budget. Maintaining our ability to recruit and motivate staff with the appropriate skill sets to meet the employment challenges ahead is also of vital importance.
- 1.5.3 The Council's employees have been fully informed of the financial challenges facing the Council, via both the JECC and through Unison.
- 1.5.4 Nationally, the Employee side has made a claim for 5% which was rejected by the Employer side. The Employer side has broadly offered 2% in 2018/19 and 2019/20 (plus some other adjustments at the lower end of the scale), but agreement has yet to be reached.

- 1.5.5 Provision for pay inflation has been made in the Medium Term Financial Strategy roughly in line in line with the national Employers' offer (i.e. 2%)
- 1.5.6 I feel that it is appropriate to consider a measured award in recognition of the continuing efforts of staff to 'do more with less'. In addition, an award, albeit modest, would reinforce a message of support and encouragement to our staff who continue to face significant challenges in dealing effectively with the implications of overall cost reduction through re-structuring, shared services, deletion of posts and the prospect of future change
- 1.5.7 It is important from a recruitment and retention point of view – particularly for those with professional skills - that we do not fall behind other authorities. Therefore, I recommend, that an award of 2% is offered to staff for 2018/19 in line with the national offer for 2018/19. As mentioned at paragraph 1.5.4, however, Members will note that agreement has not yet been reached as to the national offer. If this were to significantly change, I would recommend that I bring this matter back to General Purposes Committee for a further review.
- 1.5.8 UNISON locally have been informed of the Council's likely pay offer and have yet to comment.

1.6 Legal Implications

- 1.6.1 The Council has a contractual requirement to review our salary levels annually but no obligation to increase them by any set amount or in response to movement in either the RPI or the CPI.

1.7 Financial and Value for Money Considerations

- 1.7.1 I believe that the recommended award for 2018/19 is an appropriate response in the light of the Council's budget position.
- 1.7.2 Financial provision in the Medium Term Financial Strategy assumes 2% pay inflation and a 2% award would, therefore, be 'within budget'.
- 1.7.3 It is appropriate to note that, according to the Members' Allowances Scheme, Member's allowances are ordinarily increased in line with the staff pay award. However, at the General Purposes Committee in March 2017 (GP 17/4 refers), Members agreed that indexation should not apply during the 'interim period' (i.e. until the Borough Council elections in 2019).

1.8 Risk Assessment

- 1.8.1 I see no significant risk in the recommendation. However, the Council will need to closely monitor movements in pay awards in future years not only amongst neighbouring authorities but also in the private sector as there is a slight risk that

some staff, whom it may be in the Council's interest to retain for the future, may be attracted to the potentially higher rewards elsewhere.

1.9 Equality Impact Assessment

1.9.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.10 Policy Considerations

1.10.1 Human Resources

1.11 Recommendations

1.11.1 I **RECOMMEND** a 2% pay award, from 1 April 2018.

Background papers:

contact: Julie Beilby

Nil

Julie Beilby
Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 January 2018

Report of the Director of Finance and Transformation

Part 1- Public

Delegated

1 ANNUAL REVIEW OF WHISTLEBLOWING POLICY

This report informs Members of the outcome of the annual review of the Council's Whistleblowing Policy.

1.1 Introduction

1.1.1 The Whistleblowing Policy provides employees and Members with information about how they may report concerns regarding breaches of laws, regulations, policies or procedures committed by other employees or Members of the Council. It also outlines how the Council will deal with those concerns once they have been reported.

1.2 Whistleblowing Policy

1.2.1 The Whistleblowing Policy was last reviewed by the Committee in March 2017. This latest review found that only minor changes were required to the Policy.

1.2.2 A copy of the Whistleblowing Policy is attached at **[Annex 1]**.

1.3 Action Following Approval of the Policy

1.3.1 The Whistleblowing Policy was considered by the Audit Committee at its meeting on 22 January. The Policy, once approved, will be circulated to all staff with computer access using Netconsent and made available on the Council website.

1.4 Legal Implications

1.4.1 The Policy is not mandatory, but does comply with best practice and refer to the relevant legislation where appropriate.

1.5 Financial and Value for Money Considerations

1.5.1 Providing clear guidelines to staff on how they may report concerns of inappropriate conduct or fraud strengthen the Council's zero tolerance approach to fraud and corruption.

1.6 Risk Assessment

- 1.6.1 While there is no statutory requirement to have an appropriate mechanism for dealing with whistleblowing, it is relevant to helping the Council comply with associated law. Failure to have an adequate whistleblowing mechanism carries significant reputational risk.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 Members are asked to **approve**, subject to any required amendments, the Whistleblowing Policy attached at **[Annex 1]**.

Background papers:

contact: Samantha Buckland

Nil

Sharon Shelton
Director of Finance and Transformation

WHISTLEBLOWING POLICY



January 2018

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TONBRIDGE & MALLING BOROUGH COUNCIL WHISTLEBLOWING POLICY

A confidential reporting policy for all Members, employees and contractors

1. Introduction

- 1.1 Tonbridge & Malling Borough Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. The Council recognises that employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Public Interest Disclosure Act 1998 (the 1998 Act) contains measures which help to promote greater openness between employers and employees in the workplace and supports a structure for whistleblowing. The 1998 Act:
- a) *is designed to give statutory protection to employees who “blow the whistle” on their employer’s malpractice; and*
 - b) *although not requiring the Council to set up an appropriate mechanism for dealing with whistleblowing, makes clear the important role that such a mechanism can play in helping the Council comply with the law.*
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and support employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This policy is intended to encourage and enable individuals to raise concerns within the Council, without fear of reprisals, rather than overlooking a problem or “blowing the whistle” outside. The policy does, however, recognise that individuals must be able to take matters further if they are dissatisfied with the Council’s response.

2. Definition of Whistleblowing

- 2.1 *‘Whistleblowing’ means the disclosure of malpractice or wrongdoing within an organisation.*

3. Aims and Scope of this Policy

- 3.1 The Whistleblowing Policy aims to:

- encourage you to feel confident about raising concerns and to question and act on those concerns;

- provide a way for you to raise concerns and receive appropriate feedback on any action taken;
- confirm that all concerns raised will be examined and the Council will assess what action should be taken;
- reassure you that you will be protected from possible reprisals or victimisation if you have made a disclosure in good faith; and
- provide ways for you to take the matter further if you are dissatisfied with the Council's response.

3.2 The *Whistleblowing Policy* is intended to cover concerns that fall outside the scope of the Council's Grievance Procedure which enables employees to lodge a grievance relating to their employment. This Policy is also intended to cover concerns that fall outside the scope of the Council's corporate complaints procedures and other statutory reporting procedures. These may include:

- any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel)
- health and safety risks, including risks to the public as well as to other employees (e.g. faulty electrical equipment)
- damage to the environment (e.g. pollution)
- the unauthorised use of public funds (e.g. expenditure for improper use)
- possible fraud and corruption
- inappropriate or improper conduct (e.g. abuse of power, bullying / harassment)
- serious failure to comply with appropriate professional standards (e.g. National Code of Local Government Conduct)
- breach of Council or statutory codes of practice or the Council's standing orders (e.g. Officers' Code of Conduct)
- discrimination on the grounds of race, colour, creed, ethnic or national origin, disability, age, sex, sexual orientation, marital status or class
- abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect)
- other unethical conduct.

4. Who does this Policy Cover?

4.1 This policy applies to disclosures made in relation to or by:

- any employee of the Council, either under contract of employment or apprenticeship
- any Member of the Council
- any contractors, their agent, subcontractors and suppliers working with or on behalf of the Council
- consultants and agency staff working with or for the Council
- any organisation working in partnership with the Council.

5. Supporting the Individual Raising a Concern

5.1 **Harassment or Victimisation:** The Council is committed to good practice and high standards. The Council also recognises that the decision to report a concern can be a difficult one to make. It will not tolerate harassment or victimisation of whistleblowers and will take action to protect individuals who raise concerns in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect the individual. However, this does not mean that if the individual is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.

5.2 **Confidentiality:** Individuals are encouraged to put their name to any allegation; however you are not required to do so and can make a report anonymously. Anonymity can hamper any investigation should further information be required however anonymous reports will be considered, taking into account:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

All concerns will be treated in confidence and the Council will do its best to protect the individual's identity when they do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence. If the situation arises where the Council is not able to resolve the concern without revealing the individual's identity, this will be discussed with the individual in an attempt to identify how the matter can be progressed.

5.3 **Untrue Allegations:** Any individual who makes an allegation in good faith, but which is not subsequently confirmed by the investigation, will have no action taken against them. If, however, an individual makes malicious or vexatious allegations or an allegation for personal gain, disciplinary action may be taken against them.

6. How to Raise a Concern

6.1 When an individual wishes to raise a concern, they will need to identify the issues carefully. An individual must be clear about the standards against which they are judging practice. They should consider the following:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it against the Council's guidelines?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the employee has been taught?
- Has the employee witnessed the incident?
- Did anyone else witness the incident at the same time?
- Where an individual is unsure whether to raise a concern they should contact the Internal Audit and Fraud Team for advice.

6.2 Members should raise a concern in the first instance with the Chief Executive, Monitoring Officer or S151 Officer. Employees should raise concerns in the first instance with their immediate Line Manager or Service Manager, if possible. Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.

6.3 In some cases, the nature, seriousness or sensitivity of the concern or the individuals involved in the activities causing concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate management/contact, they are able to go directly to the Audit and Assurance Manager.

6.4 Individuals may also contact the Internal Audit and Fraud Team for advice/guidance on how to pursue matters of concern or if, having raised the concern with the immediate manager/contact, they feel there has not been an appropriate response.

- 6.5 In the event of a concern being of an extreme and potentially serious nature, individuals may raise the matter directly with the Chief Executive.
- 6.6 Once an employee is certain that the concern should be raised, the following action should be considered:
- Concerns may be raised verbally or in writing. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action. A form is available at Appendix 1 of this policy for those wishing to raise a concern in writing.
 - If the employee wishes, they may ask for a private meeting with the person to whom they wish to make the complaint. An employee may take a Trade Union representative or work colleague with them as a witness or for support. The employee should take to the meeting, if possible, dated and signed written supporting statements from anyone who can also confirm the allegations.
 - When making the complaint verbally the employee is encouraged to write down any relevant information and date it. Copies of all correspondence and relevant information should be retained.
 - The employee should ask the person to whom they are making the complaint what the next steps will be and if anything more is expected of them.
- 6.7 Although the individual raising the concern is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

7. How the Council will Respond

- 7.1 Once a concern is raised the appropriate Council manager is responsible for making initial enquiries, taking advice from Personnel and/or Internal Audit and Fraud Team to help decide if an investigation is appropriate and if so, what form it should take. In determining the action to be taken, the Council will take into consideration public interest and whether the concerns or allegations fall within the scope of and may be dealt with under other specific procedures such as the Council's Grievance Procedure.
- 7.2 Concerns raised may:
- be resolved by agreed action without the need for investigation;
 - be investigated by management;
 - be investigated by the Internal Audit and Fraud Team and or Personnel;

- be referred to the Police;
- be referred to the External Auditor.

7.3 As soon as possible, and in any case within 10 working days of a concern being raised, the person handling the matter will either write to or email the individual raising the concern acknowledging that it has been raised and indicating how, as far as possible, it will be dealt with. The individual will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

7.4 The amount of contact between the persons considering the issues and the individual(s) raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary to pursue investigation activity, the Council will seek further information from the individual. Where any meeting is arranged, the individual may be accompanied by a union or professional association representative or a friend or colleague.

7.5 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice and support in doing this.

8. How the Matter can be Taken Further

8.1 This policy is intended to provide individuals with an avenue to raise concerns within the Council. The Council hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied, or feel it is right to take the matter outside the Council, the following are possible contact points:

- The Council's External Auditor, currently Grant Thornton UK LLP (Tel: 01293 554072, sarah.l.ironmonger@uk.gt.com)
- Public Concern at Work (Tel: 020 7404 6609, www.pcaw.co.uk) who are a registered charity whose services are free and confidential
- The local Citizens Advice Bureau
- Relevant professional bodies, Trade Unions or regulatory organisations
- Unison's whistleblower's hotline 0800 597 9750
- The Police
- A solicitor

- The Local Government Ombudsman.

8.2 If individuals do feel it is right to take the matter outside the Council, they will need to ensure that confidential information is not disclosed. Advice and guidance on this issue may be sought from the Internal Audit and Fraud Team or the Council's Monitoring Officer.

9. Review and Approval of this Policy

9.1 This Policy is owned by the Director of Finance and Transformation and reviewed by the Chief Audit Executive on her behalf.

9.2 The Whistleblowing Policy will be reviewed at least annually by the Audit Committee for recommendation to the General Purposes Committee for approval. The most recent review was undertaken in January 2018 with the next review due January 2019.

WHISTLEBLOWING POLICY - REPORT OF A CONCERN

Give a description of the concern including any serious risk to persons or property.

Give details of the information that you have relating to the concern, e.g. what evidence do you have that gives rise to your concern.

Have you previously raised this concern? If so, with whom and what action was taken?

Give details about yourself – Please note you are not required to do so and can make a report anonymously, which will still be considered, however this can hamper any investigation should further information be required. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

Name.....

Contact details.....

I understand that this concern is being raised under the Council's Whistleblowing Policy and have read and understood the Policy.

Signed..... Date.....

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 January 2018

Report of the Director of Central Services

Part 1- Public

Matters for Information

1 GENDER PAY GAP REPORT 2016 – 2017

This report summarises the legislative context for gender pay gap reporting, and incorporates the outcomes of the gender pay gap analysis for 2016/17.

1.1 Introduction

1.1.1 In 2017 legislation was introduced making it a statutory responsibility for organisations with 250 or more employees to report annually on their gender pay gap. Councils are covered by the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 which came into force on 31 March 2017. These regulations require the Council to publish its gender pay gap data by 31 March 2018, and then annually, including mean and median gender pay gaps and the proportions of male and female employees in each pay quartile.

1.1.2 The gender pay gap shows the difference in average pay between men and women in the workforce. It is different from equal pay which deals with the pay differences between men and women who carry out the same jobs, or similar jobs or work of equal value. As Members are aware, this Council has a long standing commitment to equal pay which is enshrined in its job evaluation system. This is evidenced in the Tables in Annex 1 by the fact that in the two top pay quartiles there is an almost equal number of men and women (63 and 64 respectively).

1.2 Gender Pay Gap Analysis

1.2.1 As Members will discern from the tables in Annex 1 the overall mean gender pay gap is 23.9%, and the median gender pay gap is 33.6%. As Members will discern from the data in these tables shows there is a statistically significant higher proportion of women than men in junior pay grades (98 and 29 respectively). This of course affects the mean and median pay for each gender and accounts for the gender pay gaps.

1.3 Legal Implications

1.3.1 The data included in this report has been calculated and presented according to the requirements of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

1.4 Financial and Value for Money Considerations

- 1.4.1 The regulations also require those authorities that award bonuses to publish the mean and median gender bonus gaps and the proportion of men and women who receive bonuses. There is no record of such gaps in the above tables as this Council does not operate a performance related or total contribution pay scheme, and therefore does not award bonuses to staff.

1.5 Risk Assessment

- 1.5.1 The Council's grading structure is such that in most pay grades there are a maximum of 4 increments; which assists with internal equity.
- 1.5.2 The Council supports flexible working, for both men and women, such as job-sharing, part time working, and flexible retirement.

1.6 Recommendations

- 1.6.1 The Committee is commended to note the outcomes of the gender pay gap analysis as reported in Section 1:2 of this report.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield

Director of Central Services and Monitoring Officer

Annex 1

Gender Pay Gap Analysis 2018

Mean hourly rates	2016/17
Male mean hourly rate	19.2234728
Female mean hourly rate	14.6215601
Difference in hourly rate	4.6019126
Mean gender pay gap in hourly rate as a percentage of men's pay	23.9%

Median hourly rates	2016/17
Male median hourly rate	17.9558869
Female median hourly rate	11.9229630
Difference in hourly rate	6.0329239
Median gender pay gap in hourly rate as a percentage of men's pay	33.6%

Proportions in upper quartile	2016/17
No of males	36
Percentage of males in the quartile	56.3%
No of females	28
Percentage of females in the quartile	43.8%

Proportions in upper middle quartile	2016/17
No of males	27
Percentage of males in the quartile	42.9%
No of females	36
Percentage of females in the quartile	57.1%

Proportions in lower middle quartile	2016/17
No of males	17
Percentage of males in the quartile	26.6%
No of females	47
Percentage of females in the quartile	73.4%

Proportions in lower quartile	2016/17
No of males	12
Percentage of males in the quartile	19.9%
No of females	51
Percentage of females in the quartile	81.0%

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Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 11

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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