

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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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: Democratic Services
committee.services@tmbc.co.uk

21 January 2022

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 Council Chamber, Gibson Drive, Kings Hill on Monday, 31st January, 2022 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members are encouraged to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

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PART 1 - PUBLIC

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3. Declarations of interest 9 - 10

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting

4. Minutes 11 - 16

To confirm as a correct record the Minutes of the ordinary meeting of General Purposes Committee held on 5 October and the Minutes of the extraordinary meeting of General Purposes Committee held on 7 December 2021

Matters for Recommendation to the Council

5. Localism Act - Pay Policy 17 - 24

The report summarises the requirements of the Localism Act and presents an updated Pay Policy Statement for 2022/23 at Annex 1.

Decisions to be taken under Delegated Powers

6. Appointment of Independent Persons 25 - 28

This report asks Members to approve the process for the recruitment of Independent Persons

7. Annual Review of the Whistleblowing Policy 29 - 58

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

8. Pay Award 2022/23 59 - 62

This report requests Members to consider a pay award of 2% for employees for 2022/23.

Matters submitted for Information

9. Gender Pay Gap 63 - 68

This report summarises the legislative context for gender pay gap reporting, and incorporates the outcomes of the Council's gender pay gap analysis for 2020-2021.

10. Urgent Items 69 - 70

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

Matters for consideration in Private

11. Exclusion of Press and Public 71 - 72

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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12. Establishment Report 73 - 106

This report sets out for Members' approval a number of establishment changes recommended by Management Team. Members should note that, in accordance with adopted conventions, all of the savings/costs referred to in this report reflect the salary at the top of the scale/grade plus associated on costs.

13. Urgent Items 107 - 108

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

MEMBERSHIP

Cllr M R Rhodes (Chairman)
Cllr B J Luker (Vice-Chairman)

Cllr Mrs P A Bates
Cllr Mrs S Bell
Cllr M D Boughton
Cllr M A Coffin
Cllr D J Cooper
Cllr D A S Davis

Cllr N J Heslop
Cllr M A J Hood
Cllr D Lettington
Cllr W E Palmer
Cllr R V Roud
Cllr Mrs M Tatton

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Tuesday, 5th October, 2021

Present: Cllr M R Rhodes (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs S Bell, Cllr M D Boughton, Cllr D J Cooper, Cllr D A S Davis, Cllr M A J Hood, Cllr R V Roud and Cllr Mrs M Tatton

Councillors R P Betts, D Keers, Mrs A S Oakley and K B Tanner participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M A Coffin, N J Heslop, D Lettington and W E Palmer.

(Note: As Councillor Mrs P A Bates was unable to attend in person and participated via MS Teams, she was unable to vote on any matters).

PART 1 - PUBLIC

GP 21/28 DECLARATIONS OF INTEREST

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

GP 21/29 MINUTES

RESOLVED: That the Minutes of the meetings of the General Purposes Committee held on 16 June 2021, 13 July 2021 and 27 July 2021 be approved as a correct record and signed by the Chairman.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 21/30 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.

PART 2 - PRIVATE

GP 21/31 ESTABLISHMENT REPORT

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

The report of the Director of Central Services and Deputy Chief Executive 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) the TUPE transfer of two employees in the internal audit and counter fraud team with effect from 1 October 2021, be noted;
- (2) the establishment of a full time 2-year fixed term contract for a scale 5/6 Homelessness Prevention Officer with effect from 1 October 2021, be noted;
- (3) the deletion of the full-time scale 5/6 post of Housing Solutions Officer DV0735, with immediate effect;
- (4) the deletion of the 29.6 hours per week scale 5/6 post of Housing Solutions officer DV0736, with immediate effect;
- (5) the establishment of 3, 22.2 hours per week scale 5/6 posts of Housing Solutions Officer with immediate effect;
- (6) the regrade of the full-time post of Head of Communications (DA1201) with immediate effect;
- (7) the deletion of the M6, 18.5 hours per week post of Solicitor (Property) DR0011 with immediate effect;
- (8) the deletion of the M6, 20 hours per week post of Solicitor (Contracts and Procurement) DR0013 with immediate effect;
- (9) the establishment of a full-time M6, post of Solicitor (Property, Contracts and Procurement) with immediate effect;
- (10) the redesignation of the full-time scale 6 post DE0401 from Senior Civil Enforcement Officer to Parking Officer with immediate effect;
- (11) the establishment of a new 2-year fixed term contract scale SO post of Climate Change Officer with immediate effect;
- (12) the 6 month extension to the scale 3/4 post of Graduate Economic Development Officer (DC0199) until 16 September 2022; and
- (13) the redesignation of post DC0199 from Graduate Economic Development Officer to Economic Development Officer.

The meeting ended at 8.17 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

MINUTES

Tuesday, 7th December, 2021

Present: Cllr M R Rhodes (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr M D Boughton, Cllr D J Cooper, Cllr D A S Davis, Cllr M A J Hood, Cllr D Lettington, Cllr R V Roud and Cllr Mrs M Tatton

(Note: As Councillor M A Coffin was unable to attend in person and participated via MS Teams, he was unable to vote on any matters).

Councillors R P Betts, T Bishop, V M C Branson, G C Bridge, R I B Cannon, A E Clark, R W Dalton, M O Davis, Mrs T Dean, F A Hoskins, S A Hudson, D Keers, Mrs F A Kemp, D W King, J R S Lark, Mrs R F Lettington, P J Montague, H S Rogers, J L Sergison, T B Shaw, N G Stapleton, K B Tanner and D Thornevell were also present in the Council Chamber pursuant to Council Procedure Rule No 15.21.

Councillors Mrs J A Anderson, P M Hickmott, M Taylor and Miss G E Thomas participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors N J Heslop and W E Palmer

PART 1 - PUBLIC

GP 21/32 DECLARATIONS OF INTEREST

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

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 21/33 BOUNDARY COMMISSION REVIEW - RESPONSE TO DRAFT WARDING PATTERNS

The report of the Chief Executive provided an overview of the proposed response to the draft warding pattern put forward by the Local Government Boundary Commission for England (LGBCE), which was currently out to consultation until 13 December 2021. The draft response to the proposals were set out in Appendix 2 to the report.

RECOMMENDED: That

- (1) the report be noted; and
- (2) the draft response as set out in Appendix 2, be recommended to Council.

***Referred to Council**

MATTERS FOR CONSIDERATION IN PRIVATE

GP 21/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.12 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

31 January 2022

Report of the Director of Central Services

Part 1- Public

Matters for Recommendation to Council

1 LOCALISM ACT – PAY POLICY

1.1 Contents of the Pay Policy

1.1.1 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 2022/23 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).

1.1.2 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 Establishment on 1 April 2021 and therefore includes the posts of the Chief Executive, the Council’s four Directors 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 7.5 to 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 The Council is legally obliged to comply with the Localism Act’s requirement to have reviewed the Pay Policy Statement by 31 March 2022.

1.5 Equality Impact assessment

- 1.5.1 The recommendation to adopt the Pay Policy Statement in Annex 1 ensures parity in the evaluation of the grade attaching to posts, and therefore mitigates against discrimination against those in protected characteristic groups.

1.6 Recommendation

- 1.6.1 It is recommended that this committee commends the pay policy in Annex 1 to this report for adoption at the Council meeting on 22 February 2022.

Background papers:

contact: Mathew Brooks
Senior HR Adviser

Nil

Adrian Stanfield, Director of Central Services & Deputy Chief Executive

Annex 1

Pay Policy Statement 2022/23

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 Human Resources team.

Section 38 (1) of the Localism Act 2011 requires the council to prepare an annual pay policy statement for 2022/23. 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
- the 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 <https://www.tmbc.gov.uk/council/council-works-constitution/2>

The salary scales for the statutory and non-statutory Chief Officers and Deputy Chief Officers in post on 1 April 2021 is set out below.

No of chief officers	Grade	% of M2 benchmark	Pay Point Range
9 (2 of whom work part time)	M6	56.0%	141- 144
6	M5	61.0%	147 - 150
5	M4	70.0%	151- 154
3	M2a	97.5%	181- 184
1	M2	100%	186-189
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, 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. On 1 April 2022 employees in these posts will receive a full time annual salary equivalent of approximately £18,381 (subject to any pay award for 2022/23).

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 2022/23 the total number of permanent and fixed term contract staff on the Council's payroll will be approximately 253 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 2022/23 there will be a multiple of approximately 6.98 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 £128,208 (as at 1 April 2021).

The median full time equivalent salary for all other employees in Tonbridge & Malling Borough Council is in the region of £29,396, the mean full time equivalent salary is in the region of £34,205. The pay multiple is therefore approximately 4.36 against the median and 3.78 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 the benchmark grade M2. Therefore, the grading structure specifies the pay multiples attached to each grade as a percentage of the lowest incremental point of grade 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 qualification Level 6.

Those occupying senior managerial posts graded M6 to M4 are required to possess both professional and managerial skill sets equivalent to Level 7. All three 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.

A Level 8 degree of professional and managerial expertise is also required for the post of the Chief Executive and the Deputy 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 for the Chief Executive and M2 for their deputy.

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 qualification Level 5, posts graded scale 5-6 equate to Level 4, posts graded scale 3-4 to Level 3, posts graded scale 1-2 require a Level 1-2 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 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 Essential Car User 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. The lease car scheme is no longer open to new members of staff

joining the Council and there is only 1 remaining lease car holder. 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). The Council no longer pays an equivalent payment as an alternative to a lease car but certain specific posts have been identified to receive a Car Allowance.

Telephone allowances

Those employees who are deemed to be essential users of mobile telephones receive a mobile telephone allowance or a Council issued mobile phone.

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

31 JANUARY 2022

Report of the Director of Central Services

Part 1 - Public

For decision

1 APPOINTMENT OF INDEPENDENT PERSONS

Summary

This report asks Members to approve the process for the recruitment of Independent Persons

1.1 Introduction

- 1.1.1 The Localism Act 2011 requires that the Council adopt 'arrangements' for dealing with complaints of breach of the Code of Conduct both by Borough Council members and by Parish/ Town Council members.
- 1.1.2 The 'arrangements' adopted by the Council must include provision for the appointment by the Council of at least one Independent Person.
- 1.1.3 The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of members of the Borough Council.
- 1.1.4 The functions of the Independent Person(s) are –
- (i) They *must* be consulted by the authority (and their views taken into account) before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
 - (ii) They *may* be consulted by the authority in respect of a standards complaint at any other stage; and
 - (iii) They *may* be consulted by a member or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.

- 1.1.5 The Independent Person plays an important role in the ethical standards process. Within the Borough Council's adopted arrangements for dealing with Code of Conduct complaints, the Independent Person is consulted on all Code of Conduct complaints as part of the Initial Assessment Process, and again following receipt of the investigation report. The Independent Person will also be invited to attend meetings of the Standards Hearings Panel and give their views to the Panel.
- 1.1.6 The role of the Independent Person has since been widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015. These regulations changed the localised disciplinary process in relation to the Council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer statutory positions. In the case of any proposed disciplinary action against such a statutory officer, the Council is required to invite the Independent Person(s) who have been appointed for the purposes of section 28(7) of the Localism Act (i.e. for the functions set out in para 1.1.4 of this report) to be considered for appointment to the Panel set up to advise the Council on any disciplinary action to be taken against a statutory officer. In the event that the Independent Person(s) accept the invitation then the Council must appoint up to 2 Independent Persons to the Panel in a priority order set out in our Standing Orders.
- 1.1.7 On 11 July 2017 Council resolved to appoint two Independent Persons, namely Mr Clive Grenyer and Mr David Mercier for a 5-year period expiring on 30 June 2022. The appointment of 2 Independent Persons rather than 1 provides additional resilience/ flexibility in the discharge of our statutory obligations e.g. to cover for absence and conflicts of interest, and will help avoid a situation where both the Monitoring Officer and subject member are calling upon the same Independent Person. Such an approach is in line with best practice and recommendations from the Committee on Standards in Public Life. The approach taken in 2017 therefore mirrored the approach we had taken in the initial appointment of Independent Persons in 2012.
- 1.1.8 Mr Grenyer sadly passed away in December 2019. Since that time the Council has continued with Mr Mercier as the sole Independent Person. However, as we now approach the end of Mr Mercier's appointed term of office, we are required to conduct a new recruitment process for the appointment of Independent Persons. Mr Mercier is able to be appointed for a further term and he has indicated that he would be interested in applying to continue in the role.
- 1.1.9 As with the previous appointments, it is proposed that a Panel comprising the Chair and Vice-Chair of the Joint Standards Committee, together with the Group Leaders be set up to interview candidates and make a recommendation to Council for appointment.
- 1.1.10 There is presently no minimum or maximum term of office for the appointed Independent Persons. The practice of the Borough Council to date has been to appoint the Independent Persons for a 5-year term, and there have been no issues that have arisen with this approach. However, in its 2018 review of Local

Government Ethical Standards, the Committee on Standards in Public Life (CSPL) recommended to Government that the Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of 2 years, renewable once. The government is yet to respond to the recommendations of the CSPL so for now the position remains that the term of office of the Independent Person(s) is at the discretion of the Borough Council.

1.2 Financial and Value for Money Considerations

1.2.1 The Independent Person receives an annual allowance for performance of their role, currently £531 pa.

1.3 Risk Assessment

1.3.1 It is important that a robust system exists for promoting and maintaining high standards of conduct. The absence of such a framework will lower public confidence in the democratic process.

1.3.2 The role of 'Independent Person' is an important element of the ethical standards regime and will provide independent advice to the Council and members in connection with complaints.

1.4 Equality Impact Assessment

1.4.1 The issues detailed in this report have a remote or low relevant to the substance of the Equality Act. There is no perceived impact on end users.

1.5 Recommendations

1.5.1 It is recommended that:

- (a) the Monitoring Officer advertises for the recruitment of 2 Independent Persons;
- (b) a panel comprising the Chair and Vice-Chair of the Joint Standards Committee, together with the Group Leaders be set up to short-list and interview candidates, and to make a recommendation to Council for appointment.

contact: Adrian Stanfield

Background Papers: none

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

31 January 2022

Joint report of the Director of Central Services and the Director of Finance and Transformation

Part 1- Public

Delegated

1 ANNUAL REVIEW OF THE 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 this Committee in January 2021, and most recently by the Audit Committee on the 24 January 2022. As the publication date for the agenda for this meeting of the General Purposes Committee is the 21 January which pre-dates the meeting of the Audit Committee on 24 January, this Committee will be advised of any amendments made by the Audit Committee when it meets on 31 January.

1.2.2 A copy of the updated internal Whistleblowing Policy is attached at **Annex 1**. As well as the policy, it is best practice to publish to staff the procedure on how concerns of wrongdoing will be handled and progressed, therefore a new Whistleblowing Procedure is being recommended to be adopted as part of this policy review. The Whistleblowing Procedure can be found at **Annex 2**.

1.2.3 In addition, and in line with best practice it is recommended that an external policy is made available to support those working externally to TMBC who may witness wrongdoing by officers and councillors. This policy will provide the details on who and how to raise concerns a copy of the policy is attached at **Annex 3**.

1.3 Action Following Approval of the Policy

- 1.3.1 The policy, once approved, will be circulated to all staff with computer access using Net Consent and made available on the Council website.

1.4 Legal Implications

- 1.4.1 This policy complies with best practice and refers to the relevant legislation where appropriate.

1.5 Financial and Value for Money Considerations

- 1.5.1 This updated policy reinforces the Council's stance towards unlawful behaviour, inappropriate conduct, bribery and corruption, by providing clear guidelines on how people can report concerns.

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 Policy Considerations

- 1.8.1 Crime & Disorder Reduction

1.9 Recommendations

- 1.9.1 Members are **recommended** to approve, subject to any amendments, the Whistleblowing Policy (Annex 1), and accompanying Whistleblowing Procedure (Annex 2) and External Policy (Annex 3).

Background papers:

contact: James Flannery

Nil

Sharon Shelton
Director of Finance and Transformation

Adrian Stanfield
Director of Central Services

WHISTLEBLOWING POLICY

Document Owner:	Adrian Stanfield Director of Central Services and Deputy Chief Executive
Version:	Version 7

Document Review History

Version	Reviewed	Reviewer	Approver	Date Approved
Original	N/A	Audit Assurance Manager	Audit Committee	27 January 2014
5	December 2019	Audit Assurance Manager	General Purposes Committee	27 January 2020
6	December 2020	Audit Assurance Manager	General Purposes Committee	25 January 2021
7	December 2021	Audit Assurance Manager	General Purposes Committee	31 January 2022



January 2022

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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*
 - 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
- 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 whistle-blowers 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
- 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 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 Audit Assurance Manager 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 Assurance Manager.

- 6.4 Individuals may also contact the Audit Assurance Manager 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 act. 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 raise the concern with. 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 raising a concern 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 concern to 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 the Audit Assurance Manager and Counter Fraud Manager 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 Audit Assurance Manager and Counter 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: 020 7728 2936; email: paul.dossett@uk.gt.com)
- Public Concern at Work (Tel: 020 7404 6609, www.pcaw.co.uk), a registered charity whose services are free and confidential
- The local Citizens Advice Bureau
- Relevant professional bodies, Trade Unions or regulatory organisations

- Unison Whistleblowing 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 Audit Assurance Manager 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 Central Services and Deputy Chief Executive and reviewed by the Audit Assurance Manager on his 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 2022 with the next review due January 2023.

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.....

Whistleblowing Procedure Speaking Up About Wrongdoing

Document Owner	Adrian Stanfield Director of Central Services & Deputy Chief Executive
Version	Version 2

Version	Reviewed	Reviewer	Approver	Date Approved
Original				
2	08 November 2021	Counter Fraud Manager	Audit Committee	24 January 2022



1. Introduction

- 1.1. It is important for individuals (employees, agency workers, volunteers and those contractors working on TMBC premises) to have an appropriate means to raise concerns if they believe that something is seriously wrong within Tonbridge & Malling Borough Council.
- 1.2. You may become aware of, or directly witness, situations or conduct that makes you feel uncomfortable, or you regard as inappropriate. The Whistleblowing Procedure provides a means for you to raise concerns about matters not related to your own employment or your work within TMBC but which you feel need to be examined. Examples of the type of matters that could lead to you wishing to raise a whistleblowing concern are:
- Conduct which is, has been or is likely to be an offence or breach of law
 - Conduct that has occurred, is occurring or is likely to occur the result of which the Council fails to comply with a legal obligation. For example, unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure
 - A concern that a TMBC employee (or someone working with us) or a service user may be at risk of being drawn into extremism and terrorism (See para 10.1)
 - Disclosures related to past, current or likely miscarriages of justice
 - Past, current or likely health and safety risks, including risks to the public as well as other employees (see below)
 - Past, current or likely damage to the environment
 - Concerns about any aspect of service provision
 - Other concerns regarding the conduct (including breaches of known standards or TMBC's Standing Orders) of officers or TMBC Members or others acting on behalf of TMBC
- 1.3. This document outlines the process that will be followed in the event of a whistleblowing concern being raised.

2. Other Procedures

- 2.1. This procedure is separate from the Council's Complaints Procedures and other statutory reporting procedures applying to some Directorates. Managers are responsible for making service users aware of these procedures.
- 2.2. Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affect an individual.
- 2.3. Tonbridge & Malling Borough Council's Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.
- 2.4. If, as an employee, you wish to raise a concern regarding issues relating to your own employment TMBC has a Grievance Procedure that you can use. Further information on this document can be found on StaffNet.

3. How to Raise a Concern

General

3.1. Concerns can be raised verbally or in writing. A concern should:

- Set out the background and history of the concern, giving names, dates, and places where possible
- Give the reason why you are particularly concerned about the situation

3.2. The earlier a concern is raised the easier it is to act. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern. A trade union or professional association may raise a matter on your behalf.

3.3. If you intend to raise a whistleblowing concern you are encouraged to include your name. If you specifically request for your name not to be released during the examination of your concern, all efforts will be made for this information to remain confidential. However, if you are required to participate in the process as a witness, it may not be possible for your name to be withheld.

3.4. In the event of anonymous allegations being received, this should be sent to one of the Senior Management contact points and/or Internal Audit who will determine whether it is possible and appropriate for the allegations to be examined.

Step One – Raising a Concern

3.5. Whenever possible you should raise your concern with your immediate manager or his/her manager, who can, if needed, seek guidance and advice from one of the Senior Management Contact Points. If this is not appropriate or you feel your concerns are not being addressed, you should approach the following officers and Senior Management contact points who support Corporate Directors according to the nature of the concern:

3.6.

Directorate	Contact Name	Email
Chief Executive	Julie Beilby	Julie.Beilby@tmbc.gov.uk
Director of Central Services & Deputy Chief Executive	Adrian Stanfield	Adrian.Stanfield@tmbc.gov.uk
Director of Finance & Transformation	Sharon Shelton	Sharon.Shelton@tmbc.gov.uk
Director Street Scene, Leisure & Tech Services	Robert Styles	Robert.Styles@tmbc.gov.uk

Director of Planning, Housing and Environmental Health	Eleanor Hoyle	Eleanor.Hoyle@tmbc.gov.uk
Chief Internal Executive	Richard Benjamin	richard.benjamin@kent.gov.uk
Counter Fraud Manager	James Flannery	james.flannery@tmbc.gov.uk

Recording Concerns

- 3.7. Each directorate will be responsible for maintaining their own whistleblowing log. Managers who receive a concern should send details to their relevant directorate contact as above. The log will include the area of business that have been affected, a summary of the concerns being raised, action taken and the resulting outcome.
- 3.8. Audit Assurance maintains a central record of whistleblowing concerns. Directorates will be required to provide a copy of their whistleblowing log on a quarterly basis to the Audit Assurance Manager for inclusion into the central log to ensure a complete record is maintained.
- 3.9. Managers that receive Whistleblowing concerns must report the matter to the above departmental contacts and Internal Audit for inclusion on the central record by sending the details to fraud@tmbc.gov.uk with the subject line 'Whistleblowing'.
- 3.10. Tonbridge & Malling Borough Council has an [Anti-Fraud and Corruption Policy](#) and all suspected financial irregularities must be reported to the Audit Assurance Manager.

Whistleblowing Hotline

- 3.11. Audit Assurance is independent and provides objective assurance and consulting activity designed to add value and improve an organisation's operations. If you wish to raise any type of Whistleblowing concern directly with the Audit Assurance Manager (anonymously if necessary) please call the Whistleblowing helpline on [03000 414500](tel:03000414500) or email fraud@tmbc.gov.uk.

Step Two - How Tonbridge & Malling Borough Council will respond

- 3.12. The action TMBC takes will depend on the nature of the concern. The matters raised may:
- Internal investigation by management, the Audit Assurance Manager or via disciplinary or other internal process/es
 - Referral to the Police
 - Referral to the External Auditor
 - The subject of an independent inquiry.

3.13. You will be contacted in writing within ten working days of your concern being raised

- Acknowledging that the concern has been received
- Indicating how the Council proposes to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Informing you if any initial enquiries have been made
- Whether further investigations will take place and, if not, why not.

3.14. To protect individuals and TMBC, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g., child protection or discrimination issues) will normally be referred for consideration under those procedures.

3.15. An appropriate manager will conduct preliminary enquiries into the matters you have raised. In order to determine whether your concern needs to be formally investigated the manager will seek advice from the HR Team and, where appropriate, safeguarding professionals, Audit Assurance or the Counter Fraud Manager.

3.16. When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

3.17. The formal investigation will identify what, if any, action is required to address the concerns you identified via the Whistleblowing Procedure. This may involve disciplinary action against another TMBC employee or the involvement of agencies such as the Police or the External Auditor.

3.18. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Protection from Reprisals and Victimisation

3.19. Tonbridge & Malling Borough Council does not tolerate reprisals, victimisation or harassment and will take all reasonable action to protect you if you raise a concern via the Whistleblowing Procedure. The Council will treat any reprisals, victimisation or harassment as a serious matter and if this involves a TMBC employee it will be investigated in accordance with the Disciplinary Procedure. In the event of a disciplinary case being found, this could potentially result in the person's dismissal.

Public Interest Disclosure

3.20. Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any TMBC employee directly due to the individual having made such a disclosure will automatically be unfair

Support

- 3.21. Tonbridge & Malling Borough Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, TMBC will advise or arrange for you to have advice about the procedure.
- 3.22. TMBC accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

Contact

- 3.23. The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought.

4. How the Matter can be taken further

- 4.1. This procedure is intended to reassure you and provide clear information to help you raise concerns in confidence and directly with the Council.
- 4.2. The Council hopes you will be satisfied with its response. If you are not, or if you feel for any reason, you can't raise the matter directly with TMBC then alternative points of contact points are listed below.
- 4.3. Please be assured that we would rather you raised a matter with an appropriate regulator or outside body than not at all.

Contact Details (External Organisations)	Details
Grant Thornton (The Council's external auditors)	Address: 30 Finsbury Square, London, EC2A 1AG Tel no. 020 7383 5100
The Local Government and Social Care Ombudsman	Address: PO Box 4771, Coventry, CV4 0EH Email: advice@lgo.org.uk Website: www.lgo.org.uk Tel no. 03000 061 0614
The Equalities and Human Rights Commission	Address: FREEPOST Equality Advisory Support Service FPN4431 Email: correspondence@equalityhumanrights.com Website: www.equalityhumanrights.com Tel no. 0808 800 0082
The Health and Safety Executive (Regional Office)	Address: Health and Safety Executive, International House Dover Place Ashford Kent TN23 1HU

	Website: www.hse.gov.uk Tel no. 0845 345 0055
The Environment Agency (Regional Office)	Address: National Customer Contact Centre PO Box 544 Rotherham S60 1BY Email: enquiries@environmentagency.gov.uk Website: www.environment-agency.gov.uk Tel No. 0370 850 6506
Citizens Advice	Please refer to website for local information Website: www.citizensadvice.org.uk
Police	Please refer to website for local information Website: www.kent.police.uk Tel No. Non emergencies 101
Your local councillors (if you live in Kent)	Website: www.kent.gov.uk
Protect – Free Confidential Whistleblowing advice	Tel No: 020 3117 2520 Website: www.protect-advice.org.uk
Whistleblowing: List of prescribed people and bodies	Website: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

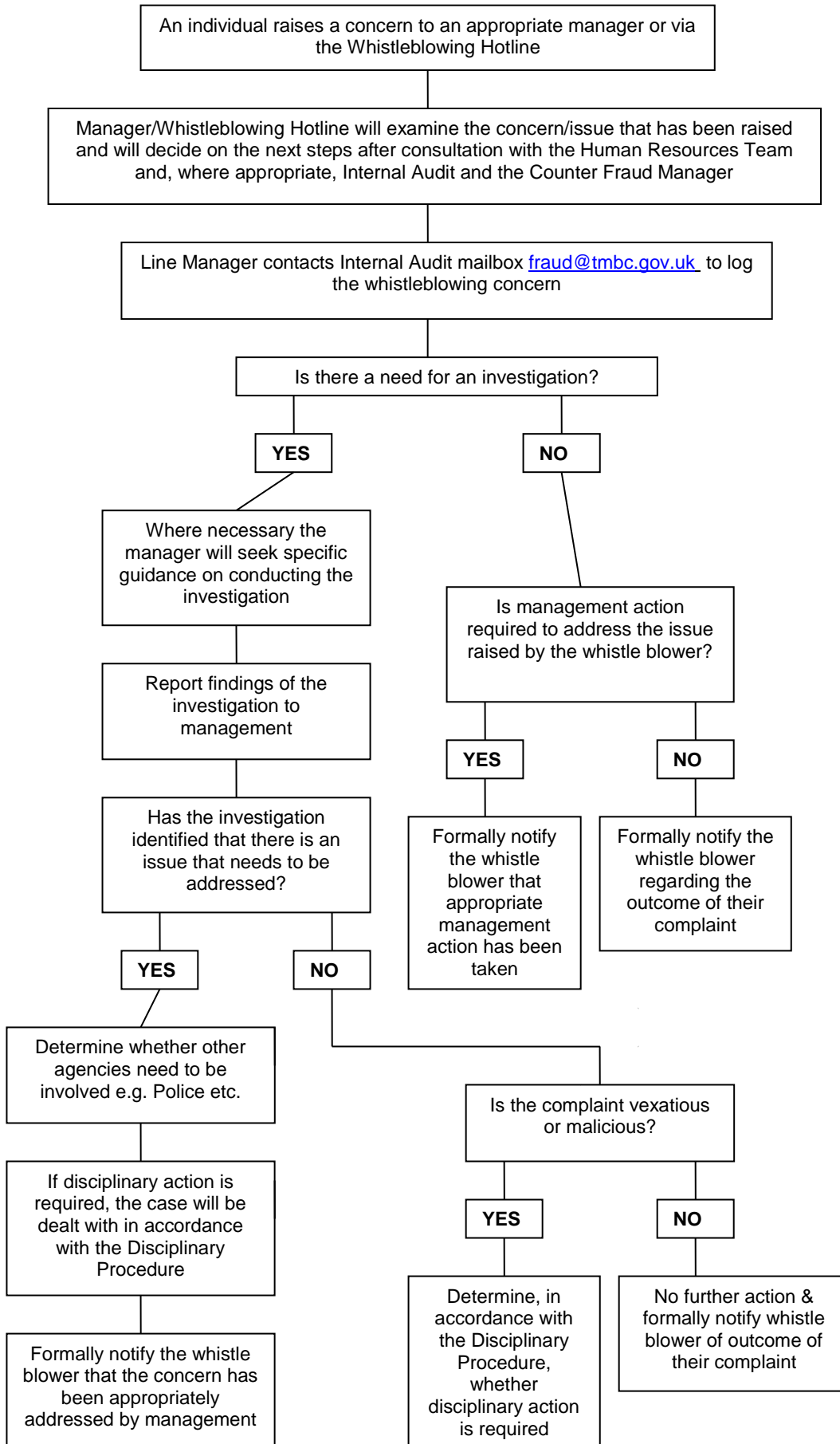
5. Reporting

- 5.1. Anonymised information on the number of referrals, concerns and outcomes will be reported by the whistleblowing policy owner on a yearly basis to the Audit Committee. This is to provide assurance on the communication strategy and current awareness of whistleblowing across the organisation.

6. False or Malicious Allegations.

- 6.1. Disciplinary action will only be taken against individuals who make malicious or vexatious allegations.

Whistleblowing Procedure



Speaking Up About Wrongdoing: Arrangements for the Public



How do I raise a concern?

Ring the Whistleblowing Hotline ☎ [03000 414500](tel:03000414500)

Or

Email / Write

- fraud@tmbc.gov.uk
- Audit Assurance Manager
Tonbridge & Malling Borough Council, Gibson Building, Gibson Dr,
Kings Hill, West Malling ME19 4LZ

Or

Contact a senior officer directly. A list of officers can be found in Annex 1 or on our website or by telephoning Customer Services on 01732 844522

What information should I provide?

- Background and history of the concern.
- Names, dates and places where possible,
- The reason why you are particularly concerned about the situation

You are not expected to prove the truth of your raised concern. You will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

The earlier you express the concern the easier it will be to take appropriate action.

1. Introduction

- 1.1. Tonbridge & Malling Borough Council is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment, the Council is keen that any activity which falls below these standards is reported to the Council, in order that it can be dealt with promptly. The Council, whilst making every effort to deal fairly and honestly in providing public services, acknowledges that there may be occasions when members of the public suspect that there is or may be something wrong regarding the activities of the Council which needs prompt action to correct it.
- 1.2. The Council recognises the need to encourage anyone with concerns about any aspect of the Council's work to come forward and voice those concerns. Usually, these are easily resolved. However, when these are about unlawful conduct, financial malpractice or dangers to the public, people or the environment, it can be difficult to know what to do. Specific examples could include:
- A criminal offence (e.g., fraud, theft, bribery, corruption etc.) may have or has been committed
 - A miscarriage of justice has been or is likely to occur
 - The health or safety of an individual has been or is likely to be endangered
 - Public funds are being used in an unauthorised manner
 - The environment has been or is likely to be damaged
 - The Council's own rules have been or are being breached
 - Abuse (e.g., physical or verbal) of someone receiving a council service, or council employee is taking place, and
 - Someone receiving a Council service is being discriminated against (e.g., on the grounds of disability, race, gender).
- 1.3. The Council has created this Policy, 'Speaking Up About Wrongdoing: Arrangements for the Public', specifically to enable you, as a member of the public, to raise your concerns about suspected malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for definite proof. This Policy is intended to encourage and enable you to be able to communicate serious concerns with the council rather than overlooking a problem.
- 1.4. If something is troubling you, which you think we should know about, or consider, please use this policy.

Don't ignore the concern. If in doubt – speak up!

2. Scope and objectives

Scope

2.1. This policy is provided for use by anyone who is not employed by the council (staff have their own policy). This includes any:

- Member of the public
- Elected councillors
- Other local authorities
- Council service:
 - Consultants
 - Contractors
 - Customers
 - Partners
 - Providers
 - Recipients
 - Suppliers

2.2. It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other council procedures, where these are available and more appropriate, for example complaints about service delivery (please see the Complaints Procedure on the Council's website).

Objectives

2.3. The objectives of this policy are to encourage you as a member of the public or someone who engages with TMBC to:

- Feel confident about raising serious concerns
- Feel reassured that, if you raise any concerns and reasonably believe them to be true (i.e., "Whistle blow"), your concerns will be taken seriously
- Have a range of ways in which to raise concerns and to receive appropriate feedback on any action taken
- Ensure that you receive an appropriate response from the council to the concerns you have raised and, if not satisfied, show how you may take the matter further if you are dissatisfied with the response.

3. Safeguards

Harassment or victimisation

3.1. The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of possible reprisals. The Council will not tolerate victimisation and will act to prevent this when you raise a concern.

Confidentiality

3.2. The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed (information relating to the investigation will be strictly controlled on a need-to-know basis). However, it is not easy for the Council to act on concerns that are made anonymously. If you ask us for your identity to be kept confidential, we will not disclose it without your consent or unless we are required to do so by a Tribunal, Court of Law or an Act of Parliament. If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence), we will discuss with you whether and how we can move forward.

Concerns raised anonymously

3.3. This policy strongly encourages you to put your name to your concern. Concerns expressed anonymously will be much more difficult for us to consider or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Council.

3.4. In exercising discretion, the factors considered will include the:

- Seriousness of the issues raised
 - Credibility and plausibility of the concern
 - Likelihood of confirming the allegation from the available sources.
 - How to raise a concern directly with the council
 - As a first step, you should normally call the Whistleblowing Hotline, 03000 414500.
 - You can also raise your concern directly with the Council's Audit Assurance Manager, the Head of Paid Service, Section 151 Officer, or relevant Senior Manager of the service area involved. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management of the service area is involved then, alternatively, the following individuals can be contacted.
-
- **Director of Central Services & Deputy Chief Executive** – if the wrongdoing is about standards of behaviour
 - **Audit Assurance Manager** - if the wrongdoing is thought to be illegal
 - **Director of Finance & Transformation** – if the wrongdoing is about improper payments
 - **Counter Fraud Manager** – if the wrongdoing is a fraud
 - **Chief Executive** - if the wrongdoing is a children's safeguarding issue
 - **Chief Executive** - if the wrongdoing is an adult safeguarding issue

3.5. Please say if you want to raise the matter in confidence, so the person you contact can make appropriate arrangements.

3.6. Specific contact details for Council officers can be found on our web site www.tmbc.gov.uk or by ringing Customer Services on. Key officer contacts appear in annex one below, along with several external contacts in **[Annex 2]**

3.7. Concerns are better raised in writing. If you choose to do this, you should write:

- An email to fraud@tmbc.gov.uk or,
- A letter to the Audit Assurance Manager, Tonbridge & Malling Borough Council, Gibson Building, Gibson Dr, Kings Hill, West Malling ME19 4LZ

3.8. You are invited to set out:

- The background and history of the concern
- Names, dates and places where possible, and
- The reason or reasons why you are particularly concerned about the situation

If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

3.9. Further advice and guidance on what to do if the matter relates to the safeguarding/financial abuse of children or adults can be found in:

- [Protecting children - Kent County Council](#)
- <https://www.kent.gov.uk/leisure-and-community/consumer-protection/Spot-the-signs-of-financial-abuse>
- [TMBC Safeguarding Policy & Reporting Procedure](#)

The earlier you express the concern the easier it will be for the Council to act.

3.10. You are not expected to prove the truth of your concern, but you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4. How the Council will respond

4.1. The action taken by the Council will depend on the nature of the concern. The matters raised may be:

- Investigated internally
- Referred to the police
- Referred to the council's external auditor; or
- Form the subject of an independent enquiry

4.2. To protect individuals and the Council, initial enquiries will be made to decide what form an investigation should take. Concerns or allegations which fall

within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

4.3. Within ten working days of a concern being received, the Council will contact you to:

- Acknowledge that the concern has been received
- Indicate, in overall terms, how it proposes to deal with the matter

4.4. The amount of contact between you and the Council officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, they may contact you for further information.

4.5. The Council will take steps to minimise any difficulties which you may experience because of raising a concern.

4.6. The Council accepts that you need to be assured that the matter has been properly addressed and will inform you of the action it is taking or has taken.

5. How the matter can be taken further

5.1. This policy is intended to reassure you and provide clear information to help you raise concerns in confidence and directly with the Council.

5.2. We hope you will be satisfied with its response. If you are not, or if you feel for any reason, you can't raise the matter directly with the Council then possible alternative points of contact points are listed at **[Annex 2]**. Please be assured that we would rather you raised a matter with an appropriate regulator or outside body than not at all.

6. The responsible officer

6.1. The Director of Central Services has overall responsibility for the maintenance and operation of this Policy for the public. The Monitoring Officer will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which will protect your confidentiality) and will report as necessary to the Chief Executive and the council, where appropriate.

6.2. The policy will be reviewed on a regular basis to ensure that it remains up to date and effective. The review will be carried out by:

- Director of Central Services & Deputy Chief Executive
- Audit Assurance Manager
- Counter Fraud Manager

Responsible Officer: Director of Central Services & Deputy Chief Executive

Date: 08 November 2021
Review Date: November 2023

Annex 1 – List of key contacts

Directorate	Contact Name
Chief Executive	Julie Beilby
Director Street Scene, Leisure & Tech Services	Robert Styles
Director of Central Services & Deputy Chief Executive	Adrian Stanfield
Director of Finance & Transformation	Sharon Shelton
Director of Planning, Housing and Environmental Health	Eleanor Hoyle
Chief Internal Executive	Richard Benjamin
Counter Fraud Manager	James Flannery

Annex 2 – External Contacts

Contact Details (External Organisations)	Details
Grant Thornton The Council's external auditors	Address: 30 Finsbury Square, London, EC2A 1AG Tel no. 020 7383 5100 https://www.grantthornton.co.uk/contact-us/
The Local Government and Social Care Ombudsman	Address: PO Box 4771, Coventry, CV4 0EH E-mail: advice@lgo.org.uk Web: www.lgo.org.uk Tel no. 03000 061 0614
The Equalities and Human Rights Commission	Address: FREEPOST Equality Advisory Support Service FPN4431 Email: correspondence@equalityhumanrights.com Web: www.equalityhumanrights.com Tel no. 0808 800 0082
The Health and Safety Executive (Regional Office)	Address: Health and Safety Executive, International House Dover Place Ashford Kent TN23 1HU : Web: www.hse.gov.uk Tel no. 0845 345 0055
The Environment Agency (Regional Office)	Address: National Customer Contact Centre PO Box 544 Rotherham S60 1BY E-mail: enquiries@environmentagency.gov.uk Web: www.environment-agency.gov.uk Tel No. 0370 850 6506
Citizens Advice Bureau	Please refer to web for local information Web: www.citizensadvice.org.uk/
Police	Please refer to web for local information Web: www.kent.police.uk Tel No. non emergencies 101
Your local councillors (if you live in Kent)	Web site: www.kent.gov.uk
Protect – Free Confidential Whistleblowing advice	Tel No: 020 3117 2520 Website: www.protect-advice.org.uk
List of Prescribed People and Bodies	Website: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

31 January 2022

Report of the Chief Executive

Part 1- Public

Delegated

1 PAY AWARD 2022

Summary

This report requests Members to consider a pay award of 2% for employees for 2022/23.

1.1 Introduction

1.1.1 Council employees have a term in their contracts which reads “Salaries 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.” In other words, this Council determines its own pay awards, and is not tied into the national process of collective bargaining.

1.1.2 The last increase in employees’ salaries was an award of 1% in April 2021. This award was less than the previous years award of 2.5% in 2020.

1.1.3 There is no indication as yet of what the national pay award offer for 2022 might be. The national pay award negotiations are still ongoing for 2021, the unions have rejected the offer of 2.75% for scale 1 and 1.75% for all other grades and are balloting their members for industrial action on this issue.

1.1.4 This report considers a range of factors that are relevant to the issue of a pay award for 2022/23.

1.2 Prevailing Economic Conditions

1.2.1 Members will be aware of the on-going need to make savings and transformation contributions in the context of the Medium-Term Financial Strategy and the Savings and Transformation Strategy.

1.2.2 The latest projected ‘outstanding’ funding gap representing new savings that need to be identified and most importantly delivered, is now projected at £2.15m. Of this sum £1.5m must be ‘bridged’ within the next 3 years to protect financial integrity.

- 1.2.3 The Government has announced that the National Living Wage (NLW) for those over the age of 25 will rise by 6.6% on 1 April 2022 from £8.91 per hour to £9.50.
- 1.2.4 Assuming a 2.0% pay award from 1 April 2022, this will not impact on this Council's salary scales, as the hourly rate for the lowest spinal column point – 310, will be marginally above the NLW hourly rate at £9.52 per hour.
- 1.2.5 The Council has a legal obligation to not pay below the NLW. If a 2.0% pay award is not awarded, then it must be noted that an award of 1.8% will have to be applied to the Council's spinal column points 310 and 311 to ensure staff on these grades do not fall below the NLW from 1 April 2022.

1.3 Comparative Pay Settlements

- 1.3.1 At the time of writing, no Kent Authorities have settled their pay awards for 2022/23, and that most are engaged in ongoing negotiations.
- 1.3.2 It may be helpful to Members of this Committee to provide a historical context for the current recommended pay award. In 2010, 2011, and 2012 there were no pay awards and salaries remained "frozen" at the 2009 level. In June 2013, April 2014 and April 2015 there were pay awards of 1%; an award of 2% over 2 years was made for the period April 2016 to March 2018, the award for 2018/19 was 2%, for 2019/20 it was 2.5% and for 2021/22 it was 1%.

1.4 Retail Price Index

- 1.4.1 The most recently published RPI rate of increase (in December 2021) was 7.5% and the Government's preferred measure of inflation, the Consumer Price Index (CPI) most recent published figure (in December 2021), was 5.4%.

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 necessary. 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 challenges ahead as the country enters the recovery stage of the pandemic 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 Provision for pay award inflation for 2022/23 has been made in the Medium Term Financial Strategy at 2.0%.
- 1.5.5 I feel that it is appropriate to consider an award that recognises the continuing efforts of staff to 'do more with less'. An award will reinforce a message of support and encouragement to our staff who continue to face significant challenges in dealing effectively with the pandemic, in addition to the implications of overall cost reduction through re-structuring and the deletion of posts.
- 1.5.6 It is important from a recruitment and retention point of view (particularly for those with professional skills) that we do not fall significantly behind other employers. Therefore, I recommend that an award of 2.0% is offered to staff for 2022/23 in order to maintain a competitive position with other employers in the recruitment market.
- 1.5.7 The UNISON Regional Officer has been informed of the Council's likely pay award and has undertaken to discuss this with the local branch.

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 RPIJ or the CPI.

1.7 Financial and Value for Money Considerations

- 1.7.1 I believe that the recommended award for 2022/23 is an appropriate response in the light of the Council's budget position.
- 1.7.2 Financial provision in the 2022/23 Estimates and Medium-Term Financial Strategy assumes 2.0% pay inflation and would therefore be 'within budget'.

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 Pay Policy Statement.

1.10.2 It is appropriate to note that, the Borough Council received a report from an Independent Remuneration Panel containing recommendations for amendments to the Scheme of Members' Allowances which were considered in detail by the Full Council at its meeting on 11 April 2017. The Council resolved to accept the Panel's recommendation that with effect from the Borough Council elections in 2019 allowances have been increased in line with the staff pay award. Member Allowances for 2022/23 will be addressed in a report to full Council on 22 February 2022.

1.11 Recommendations

1.11.1 I RECOMMEND a 2.0% pay award, from 1 April 2022.

contact: Julie Beilby

Background papers:

Nil

Julie Beilby
Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

31 January 2021

Report of the Director of Central Services

Part 1- Public

Matters for Information

1 GENDER PAY GAP REPORT 2020-2021

This report summarises the legislative context for gender pay gap reporting, and incorporates the outcomes of the Council's gender pay gap analysis for 2020-2021.

1.1 Gender Pay Gap Reporting 2020-2021

1.1.2 The gender pay gap obligations were introduced in 2017 alongside the existing requirements for specified public bodies, including publishing annual information to demonstrate compliance under the Public Sector Equality Duty (PSED) and publishing equality objectives every four years.

1.1.3 The Mandatory Gender Pay Gap Reporting requires that organisations should capture data as a snapshot on 31 March and then publish their findings no later than 30 March of the following year. It is similarly required that the data on their websites is maintained for three years in order to show progress made.

1.1.4 There is also a requirement for organisations to report on differences in bonus payments but this does not apply since TMBC do not pay bonus payments to any staff.

1.1.5 The Equality and Human Rights Commission defines the difference between equal pay and the gender pay gap as follows:

1. Equal pay means that men and women in the same employment performing equal work must receive equal pay, as set out in the Equality Act 2010.

2. The gender pay gap is a measure of the difference between men's and women's average earnings across an organisation or the labour market. It is expressed as a percentage of men's earnings.

1.1.6 Salaries at TMBC are determined through a grading system which evaluates the job and not the post holder. It makes no reference to gender or any other personal characteristics of existing or potential job holders. Therefore, we are confident that TMBC is paying the same salary to roles of equal value.

1.1.7 The data below represents the gender pay gap snapshot data for TMBC as at 31 March 2021 and is presented as required by the regulations. For comparison purposes, the previous four years data is included (note we do not hold any comparative data before 2017 as this was the first year required to report). This information will be updated annually.

1.2 Gender Pay Gap Analysis

1.2.1 Mean and Median gender pay gap 31 March 2021

Mean gender pay gap in hourly rate as a percentage of men's pay:

<u>2021</u>	2020	2019	2018	2017
19.80%	19.54%	19.66%	22.63%	23.9%

Median gender pay gap in hourly rate as a percentage of men's pay:

<u>2021</u>	2020	2019	2018	2017
30.60%	29.52%	29.52%	32.71%	33.6%

1.2.2 Analysis of staff by gender in each pay quartile

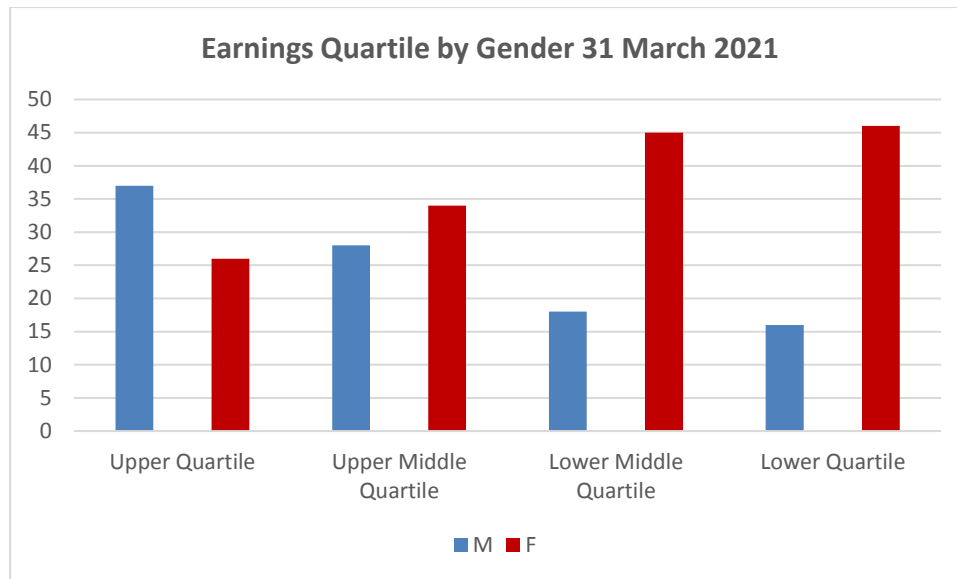
	<u>2021</u>	2020	2019	2018	2017
Upper quartile					
Percentage of males in the quartile	58.73%	57.81%	57.80%	59.68%	56.30%
Percentage of females in the quartile	41.27%	42.19%	42.20%	40.32%	43.80%
Upper middle quartile					
Percentage of males in the quartile	45.16%	42.19%	41.50%	39.68%	42.90%
Percentage of females in the quartile	54.84%	57.81%	58.50%	60.32%	57.10%
Lower middle quartile					
Percentage of males in the quartile	28.57%	34.38%	28.10%	26.20%	26.60%
Percentage of females in the quartile	71.43%	65.63%	71.90%	73.80%	73.40%
Lower quartile					
Percentage of males in the quartile	25.81%	20.31%	24.60%	23.81%	19.00%
Percentage of females in the quartile	74.19%	79.69%	75.40%	77.78%	81.00%

1.2.3 There has been a very marginal negative shift in the mean pay gap of 0.26% and a further negative shift in the median pay gap of 1.08% compared to the previous year. As TMBC has historically had a relatively low turnover of staff it was not expected to see a large change in the gender pay gap during a comparatively short time period of twelve months.

1.3 Actions to try to address the Gender Pay Gap

1.3.1 As can be seen from the graphs below, the Lower Middle and Lower Earnings Quartiles show the largest disparity between the number of women (higher) and men (lower).

1.3.2 There are more female members of staff in the upper middle quartile than there are male.



1.3.3 The Government Equalities Office have published guidance for employers on “Reducing the gender pay gap and improving gender equality in organisations”. In brief the guidance offered suggests the following actions.

1. Include multiple women in shortlists for recruitment and promotion.
2. Use skills-based assessment tasks in recruitment.
3. Use structured interviews for recruitment and promotion.
4. Encourage salary negotiation by showing salary ranges.
5. Introduce transparency to promotion, pay and reward processes.
6. Appoint diversity managers and/or diversity task force.
7. Improve workplace flexibility for men and women.
8. Encourage the uptake of Shared Parental Leave.
9. Recruit returners.
10. Offer mentoring and sponsorship.
11. Offer networking programmes.
12. Set internal targets.

1.3.4 Whilst the majority of these actions are being observed to a greater or lesser extent at TMBC, the Council’s gender gap profile suggests that it is the lack of men in lower graded jobs that is the cause of the extent of the gap. TMBC have contracted out

several services (e.g. refuse, street cleansing, leisure centres) where there are often lower paid jobs filled by men in the majority, which goes some way to explain why TMBC's pay gap is higher than some comparative councils across Kent.

- 1.3.5 All recruitment literature for jobs is written in such a way to attract male, as well as female, applicants. This will be continually monitored and considered each time a new role becomes vacant.
- 1.3.6. Since the start of the covid-19 pandemic, like many organisations across the UK, the Council has had to drastically change the way it deploys its workforce by offering a far greater degree of flexible working. This has included staff working remotely from home and working their hours more flexibly. The Council adopted 'Transitional Working Arrangements' in September 2021.
- 1.3.7 During the transitional working arrangements, all posts within the staffing structure have been placed within one of five categories for the period of the transitional arrangements: Static workers, Mobile workers, Roving workers, Hybrid workers and Remote workers. Whilst these arrangements are still being monitored it is expected that the Council's future working arrangements will continue to offer the majority its workforce a far greater degree of flexibility in which to carry out their role.
- 1.3.8 As well as the new transitional working arrangements, the Council has a longstanding 'Flexible Working and Time Off Policy' which details a number of different flexible working approaches and initiatives to enable staff to undertake their role. The Government Equalities Office states that flexible working can help address an organisation's gender pay gap. The Government Equalities Office states that "Well-designed flexible working is key to enable women to reconcile work and caring responsibilities. It can enable women to remain in work and stay in roles that reflect their skills, thereby potentially reducing the gender pay gap".
- 1.3.9 The Council is confident that it does not discriminate at any stage of the recruitment process. Ring fencing lower graded jobs where we have a higher proportion of female staff specifically just for men is not considered an appropriate course of action to take.
- 1.3.10 The Council would like to see the gap reduce by as much as reasonably possible each year.

1.4 Summary

- 1.4.1 Overall, during the most recent twelve month period there has been a marginal negative shift in the mean and median pay gap. It should be noted that both the mean and median pay gaps have narrowed by approximately 4% and 3% respectively since figures were first published in 2017.

1.4.2 It should be noted that the Council's Chief Executive is female and that the majority (60%) of the Council's Senior Management Team are female.

1.5 Legal Implications

1.5.1 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.

1.6 Financial and Value for Money Considerations

1.6.1 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.

1.7 Risk Assessment

1.7.1 The Council's grading structure is such that in most pay grades there are a maximum of 4 increments; which assists with internal equity.

1.7.2 The Council supports flexible working, for both men and women, such as job sharing, part time working, and flexible retirement.

1.8 Recommendations

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

Background papers:

Nil

contact: Mathew Brooks,
Senior HR Adviser

Adrian Stanfield
Director of Central Services & Deputy Chief Executive

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Agenda Item 10

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 11

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 13

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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