



General Purposes Committee

Wednesday 12 February 2014 at 7.00 pm

Board Room 1&2 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Butt (Chair)
R Moher (Vice-Chair)
Brown
Hirani
Hopkins
Kansagra
Lorber
McLennan
J Moher
Pavey

first alternates

Councillors:

A Choudry
Jones
Beck
Van Kalwala
Sneddon
Colwill
Hunter
Al-Ebadi
Chohan
Arnold

second alternates

Councillors:

Krupa Sheth
Kabir
Matthews
Aden
Green
BM Patel
Leaman
Naheerathan
S Choudhary
Mrs Bacchus

For further information contact: Bryony Gibbs, Democratic Services Officer
020 8937 1355, bryony.gibbs@brent.gov.uk

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item **Page**

1 Declarations of personal and prejudicial interests

Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2 Minutes of the previous meeting 1 - 8

3 Matters arising

4 Deputations (if any)

5 Appointments to Sub-Committees / Outside Bodies

6 Localism Act 2011 - Pay Policy Statements 9 - 22

Section 38 (1) of the Localism Act 2011 requires England and Welsh local authorities to produce a pay policy statement for 2012/13 and subsequent financial years. The purpose of this report is to inform members of the General Purposes Committee of the arrangements that have been put in place in Brent Council to meet the requirements of the Act. The Act requires the pay policy statement to be approved by a meeting of Full Council and the statement will be reported to the meeting of Full Council in March.

Wards Affected:

All Wards

Contact Officer: Cara Davani,
Director, HR

Tel: 020 8937 1909

cara.davani@brent.gov.uk

7 Review of Disciplinary Appeals Process 23 - 26

The General Purposes Committee in January 2013 considered a report on the council's disciplinary appeals arrangements. The Committee agreed that a pilot scheme be established to run for 12 months, under which appeals against dismissal for gross misconduct will be heard by a senior officer. This report reviews the pilot of the new appeals arrangements and makes recommendations for the continuation of the arrangement in the future.

Wards Affected:

All Wards

Contact Officer: Cara Davani,
Director, HR

Tel: 020 8937 1909

cara.davani@brent.gov.uk

8 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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LONDON BOROUGH OF BRENT

MINUTES OF THE GENERAL PURPOSES COMMITTEE Tuesday 21 January 2014 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors Hirani, Kansagra, McLennan, J Moher and Pavey

Apologies for absence were received from: Councillors Brown, Hopkins and Lorber

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 7 November be approved as an accurate record of the meeting, subject to the following amendments:

- (i) that Councillor J Moher be included in the list of those present and removed from the list of Councillors marked as Also in attendance;
- (ii) that the first sentence of the second paragraph under the item 'Time off policy and procedures' be amended to refer to special leave to sit as a Justice of the Peace (JP), replacing the reference to Jury Service.

3. **Matters arising**

None.

4. **Deputations (if any)**

None.

5. **Appointments to Sub-Committees / Outside Bodies**

None.

6. **Review of Polling Districts and Polling Places**

Sean O'Sullivan (Electoral Services Manager) presented a report to the committee detailing a recent review of polling district boundaries and polling places in Brent and setting out recommendations for future electoral arrangements in the borough. The review had been held in accordance with the Electoral Administration Act 2006

and the subsequent Review of Polling Districts and Polling Places Regulations 2006 which required that each electoral registration authority in England, Scotland and Wales undertake such a review every four years. The Council was obliged to give notice of the review and to consult with interested parties. As part of the review, the Returning Officer for Brent had been obliged to prepare a report on arrangements for the authority. The report set out the Returning Officer's recommendations for alternative polling station locations where existing venues had become unavailable and some adjustments to polling district boundaries where districts had outgrown the capacity of the polling station location. Members' attention was drawn to the summary of the Returning Officer's proposals and consultation feedback provided by Ward. The meeting was advised that any changes agreed by the committee would be incorporated into the Revised Register for Brent being published on 17 February 2014.

Sean O'Sullivan referred members to the recommendations listed at paragraphs 2.1 to 2.13 of the report; in addition to these, the committee was also asked to consider the proposals for Brondesbury Park Ward as set out at paragraph 3.10 of the report.

During the subsequent discussion, the committee sought clarification regarding arrangements for the proposed polling place at the Civic Centre, including parking for electors and location of tellers. A query was raised regarding the processes in place to ensure an elector attending the wrong polling station was appropriately redirected. Noting its current unavailability, a member commented that the Father O'Callaghan Centre had been an important and well located polling place for electors. In contrast, it was considered that the Holy Innocents Church Hall, to which it was proposed the polling place be moved, was poorly located. It was agreed that further exploration of suitable venues for the polling place for polling district NFR1 would be undertaken. The committee further advised that the proposal to transfer the properties in Tanfield Avenue to polling district CDU2 should be extended to include properties in nearby Lovat Close.

Responding to the issues raised, Sean O'Sullivan advised that discussions were being held with the building managers for the Civic Centre regarding parking; it was possible that the private road next to the building could be utilised. Electors would be directed to the main entrance of the Civic Centre and tellers would be informed of this. It was explained that the proposal to relocate a polling place to the Civic Centre had been driven by the growth of the polling district which had made the current polling place less suitable. The committee was assured that the council was obliged to write to any electors affected by any changes. Furthermore, polling station staff were trained to ensure that they were able to redirect any electors attending the wrong polling station. If staff encountered any difficulties, they would be able to contact the electoral services office for advice.

RESOLVED:

- (i) that, in view of the current unavailability of the Willesden Green Library in Brondesbury Park Ward, the polling place for polling district HBP1 be the community room of George Furness House on Grange Road;
- (ii) that properties in Sidmouth Road, which currently fall into polling district HBP1 be transferred into polling district HBP3;

- (iii) that the former Brent Town Hall polling place in Barnhill ward be replaced in 2014 by temporary huts in the vicinity of the town hall and that negotiations be held with the new owners for the use of part of the building as a polling place in future years;
- (iv) that properties in Tanfield Avenue and Lovat Close in polling district CDU 1 be transferred to CDU2 polling district;
- (v) that in view of the unavailability of the Father O'Callaghan Centre, a temporary hut be placed in the district, the exact location to be consulted on with the three group leaders;
- (vi) that properties in Salmon Street in polling district NFR6 be transferred into NFR4;
- (vii) that properties in Chadwick, Fawcett and Fry Roads in polling district CHA2 be transferred to polling district CHA4;
- (viii) that the polling place at St John's United Reform Church in Kenton ward be replaced by St Gregory's Science College;
- (ix) that the polling place at Moberly Sports and Education Centre in Queen's Park ward be replaced by ARK Franklin Academy (formerly Kensal Rise School);
- (x) that properties in Mortimer Road in polling district HQP2 in Queen's Park ward be transferred to HQP3;
- (xi) that properties in North Way and Tintern Avenue in polling district NQY3 in Queensbury ward be transferred to NQY5;
- (xii) that the polling place at St Joseph's Social Club in Tokyngton ward be replaced by the Civic Centre;
- (xiii) that properties in Lincoln, Napier and Scarle Roads and part of Chaplin Road in polling district NWC2 in Wembley Central ward be transferred to NWC3;
- (xiv) that the polling places approved at this meeting be adopted for the Municipal and European Parliamentary elections on 22 May 2014;
- (xv) that in the event of any polling station becoming unavailable before the May 2014 elections, authority be delegated to the Democratic Services Manager to make any further changes required to polling places for these elections in consultation with the leaders of the three political groups on the Council.

7. Calculation of Council Tax Base 2014/15

A report setting out the council tax base calculations to be used for 2014/15 was presented to the committee by Conrad Hall (Chief Finance Officer). The level of council tax base set would be used in the calculation of the council tax for 2014/15

and regulations required that the council tax base be set by 31 January, prior to the start of the financial year.

It was explained that the calculation was initially based on the council tax base return submitted to the Department for Communities and Local Government (DCLG) in October 2013, which was used in government grant calculations. For 2014/15 the tax base used in grant calculations was 81,900 Band D equivalent properties. This reflected the decision taken at the Council meeting on 18 November 2013 regarding discounts and premiums and the proposed council tax support scheme being considered by Council on 20 January 2014. The 81,900 figure assumed 100 percent collection of council tax; in practice, actual amounts collected would vary and it was considered prudent to assume an overall eventual collection level of 96.25 percent for 2014/15. This estimated level of council tax collection took into account improvements in recent years of in-year collection and the smaller than anticipated reduction of collection rate in 2013/14. It was therefore proposed that the council tax base for 2014/15 be set at 79,205, representing an increase of 2,014 over the figure for 2013/14. This would form part of the overall calculation of the Council's budget.

RESOLVED:

- (i) that the collection rate for the council tax for 2014/15 be set at 96.25%;
- (ii) that, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992, the amount calculated by the council as its council tax base for 2014/15 be set at 79,205.

8. **Calculation of Business Rates Income 2014/15**

Conrad Hall (Chief Finance Officer) presented a report to the committee setting out the calculation of the estimated income from National Non Domestic Rates (NNDR), also known as Business Rates, to be used for 2014/15. This figure would be used in the calculation of the council tax requirement for 2014/15 and was required to be agreed by 31 January 2013. It was explained that the estimate for the actual income figure (or net rate yield) for 2014/15 would be based on a return to the Department for Communities and Local Government (DCLG) called the NNDR1. However, due to changes introduced in the Autumn Statement there had been delay in the DCLG issuing the required NNDR1 form. Members were advised that the government had stated that local authorities would be fully reimbursed for the cost of these changes and had produced a draft NNDR1; this had been used as the basis for recommending that the estimated income from NNDR for 2014/15 be set at £113.82m, of which Brent would retain 30 percent (£34.146m). It was acknowledged that it might prove necessary to amend the calculation as more details were released by the DCLG and therefore it was recommended that the Chief Finance Officer be given delegated responsibility to amend the proposed figure if appropriate.

Members were advised the net rate yield for 2014/15 was calculated by applying a multiplier set by the government to the aggregate rateable value for Brent as at 31 December 2013; this was a fixed figure based on the Valuation Office's (VO) valuations for all Brent properties at that date. The resulting figure was then

adjusted to account for various uncertainties. It was emphasised that due to these uncertainties, it could be very difficult to accurately estimate NNDR income. In particular, it was difficult to predict the impact of appeals against the Valuation Office. There were approximately 1,000 appeals outstanding, accounting for 24 percent of the total rateable value. In the case of successful appeals, the DCLG had indicated that it would allow the costs of backdated refunds to be spread over five years to avoid large fluctuations in income. The council was required to undertake a further calculation at the end of each year of a surplus or deficit on the NNDR part of the collection fund, with Brent either receiving or bearing responsibility for 30 percent of this.

During members' discussion, it was queried whether the council had any powers to ask the VO to reassess a property or to seek assurance that the VO was satisfied that the correct valuation had been made. Clarification was sought on whether the council was responsible for the entire repayment in cases of successful appeals against the VO, noting that prior to 2013/14 there was no local retention of business rates.

In response, Conrad Hall advised that the council was not able to challenge a valuation of a property, as it was understood that this right only extended to the bill payer. In view of the considerable backlog of appeals, it was unlikely that the council could encourage the VO to re-examine a property; however, questions would be put to the VO regarding the processes by which it determined that valuations were correct. It was emphasised that the maximisation of NNDR income was best achieved by encouraging and attracting business to Brent. With regard to responsibility for backdated repayments following successful appeals, Conrad Hall advised that local authorities were currently bearing this burden, despite there having been a different system in place prior to 2013/14. The legislation had not been explicit on this matter and Local Authorities were making representations.

RESOLVED:

- (i) that the estimated income from NNDR for 2014/15 be set at £113.82m;
- (ii) that it be noted that Brent would retain 30 percent of the estimated income from NNDR for 2014/15, equaling £34.146m;
- (iii) that authority be delegated to the Chief Finance Officer to amend these figures to reflect any changes necessary once the final guidance from the Government had been produced.

9. **Gifts and Hospitality Policy and Procedures**

A report introducing an updated Gifts and Hospitality Policy for the committee's consideration and approval, was presented by Cara Davani (HR Director). The draft policy, attached at appendix 1 to the report, had been updated to incorporate legislative changes; namely, those introduced by The Bribery Act 2010. It was required by the Bribery Acts, that there be the widest coverage of staff involved in delivering council services; accordingly, the policy would, in future, apply to agency and interim staff.

Cara Davani explained that the proposed policy provided greater clarity on the type of function/hospitality/gift which could or could not be accepted and drew members' attention to key changes. It was noted that the policy no longer distinguished between what had to be declared and what had to be both declared and authorised by a manager; rather, under the new policy anything declared also required managerial authorisation. Members were further advised that the introduction of the revised policy would be supported by an electronic recording system, which would facilitate regular monitoring. Audit and Investigations would be responsible for monitoring the application of the policy on an annual basis. The online register would be reviewed by the Audit team and any concerns would be raised with the operational directors to ensure proper and consistent use of the policy. It was proposed that, if approved, the policy would become live on 17 February 2014 to allow sufficient time for feedback following a managers' briefing.

In the subsequent discussion, a member queried whether the council would publish the online register of staff declarations. The committee also sought clarification regarding the process for tickets occasionally provided to the Council by Wembley Stadium and allocated by ballot to staff. It was commented that tickets from Wembley Stadium were only provided when an event had not sold out and were marked as £0 value. It was further queried whether staff, for whom it was necessary as part of their role to attend particular events such as cultural or sporting events, would be required to declare and receive authorisation in respect of these. A member noted that the policy allowed for gifts to be accepted in particular cases where refusal might otherwise cause offence, for example those provided by overseas delegates where the norm was to give a gift. The member sought further detail regarding the types of gifts that might be permitted in these circumstances.

Cara Davani advised that the council was not obliged to publish the register. It was agreed that staff should not be required to make individual declarations for Wembley Stadium tickets obtained via ballot. Instead, a single declaration on behalf of the council could be made; the question of who would make this single declaration would need to be addressed and the policy amended accordingly. The policy allowed for staff attending events as part of their role; these required management approval and must be recorded on the register. Conrad Hall (Chief Finance Officer) explained that if an individual officer was unclear whether a gift should be accepted, the issue should be escalated to the relevant manager. Decisions would be made on a case by case basis and it was expected that officers would err on the side of caution when doing so.

RESOLVED:

- (i) that the revised Gifts and Hospitality Policy and Procedures be approved subject to the following amendment:
 - a. That staff should not be required to make individual declarations for tickets provided to the council by Wembley Stadium and distributed to staff via ballot.
- (ii) that the HR Director, in consultation with the Leader and the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the Gifts and Hospitality policy and associated procedures to ensure they remain relevant and 'fit for purpose'.

10. **Whistleblowing Policy and Procedures**

Cara Davani (HR Director) presented a report setting out a revised Whistleblowing Policy to the committee, advising that the policy had been updated in consultation with the council's designated Whistleblowing Officer and as part of a wider review of all the council's employment policies and procedures. The policy applied to all staff and associated individuals, including agency workers and interim managers. No significant changes had been made to the existing policy but the opportunity had been taken to clarify its purpose and to ensure that it accorded with current legislation and best practice.

Members' attention was drawn to the revised policy attached at Appendix 1 to the report. Cara Davani advised that greater emphasis had been placed on the parameters which defined a legitimate whistleblowing disclosure. In line with current legislation, all disclosures had to be made in good faith, and in the public interest. Furthermore, a member of staff would not be able to instigate the Whistleblowing Policy in conjunction with or alongside another policy. Members were advised that a further amendment to the draft policy before them was proposed; namely the removal of the second paragraph under Section 6. The removal of this paragraph would commit the council to investigating all disclosures made anonymously, as far as was practicable with the information provided. It was intended that subject to the committee's approval, the policy would be implemented on 17 February 2014.

During the subsequent discussion, clarity was sought regarding the treatment of disclosures made by members of staff who had already instigated the other policies, such as the Grievance Policy. Cara Davani explained that any such disclosures would be investigated on completion of the policy in progress. The committee also queried the appropriate response of members should they be approached by employees of the council with a disclosure. Cara Davani advised that staff were not permitted to approach councillors in this respect and this action could be classed as misconduct. Staff should be referred to the Whistleblowing policies and procedures if they wished to make a disclosure. The Members' Code of Conduct, set out in the council's Constitution, detailed required standards of behaviour from Members.

RESOLVED:

- (i) that the Whistleblowing Policy and Procedures be approved, subject to the removal of the second paragraph of Section 6;
- (ii) that the HR Director, in consultation with the Leader and then consultation with the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the Whistleblowing Policy and Procedures.

11. **Pay Policy and Procedures**

Cara Davani (HR Director) introduced a report to the committee, proposing the adoption of a new Pay Policy, as attached at Appendix 1 to the report. The new Policy brought together the various pay arrangement operating within the council into a single policy document, ensuring greater accessibility for employees. No

significant changes were proposed to the pay arrangements in the new policy, except to ensure that they remained fit for purpose and were in line with best HR practice. Included amongst these changes was the establishment of parameters for the duration of acting up and honoraria payments and the length of secondments. The new policy would limit acting up and honoraria payments to 6 months, with the possibility of extension to 12 months if required and agreed by the HR Director and the relevant Operational Director. The new policy also provided clarification on the spinal column and pay grades on which an employee could be placed in such circumstances. Secondments would be limited to 12 months, other than in exceptional circumstances, as it was considered that any longer period ceased to be of any discernible benefit to the council.

With reference to Section 5 of the policy, 'Allowances', a member noted that the £102 payment per annum for first aiders was under review and sought further details. Cara Davani advised that the review had since been completed and no change was recommended to the payment. Most London authorities provided the nominal payment to first aiders as a good will gesture and to encourage staff to undertake the role. It was queried whether similar arrangements were in place for Fire Wardens. Cara Davani explained that there were not but advised that she would feed the point back to Sue Harper (Strategic Director, Environment and Neighbourhoods) who was responsible for the review.

RESOLVED:

- (i) that the new Pay Policy and Procedures be approved;
- (ii) that the HR Director, in consultation with the Leader and then consultation with the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the Pay Policy and associated procedures to ensure they remain relevant and 'fit for purpose'.

12. Any other urgent business

None.

The meeting closed at 8.20 pm

M BUTT
Chair



General Purposes Committee 12 February 2014

Report from the HR Director

Wards affected:
ALL

Localism Act 2011 – Pay Policy Statements

1.0 Summary

- 1.1 Section 38 (1) of the Localism Act 2011 requires England and Welsh local authorities to produce a pay policy statement for 2012/13 and subsequent financial years. The Act does not apply to local authority schools.
- 1.2 The purpose of this report is to inform members of the General Purposes Committee of the arrangements that have been put in place in Brent Council to meet the requirements of the Act. The Act requires the pay policy statement to be approved by a meeting of Full Council and the statement will be reported to the meeting of Full Council in March.
- 1.3 The pay policy statement for the council is attached. The statement is consistent with the specific requirements of the Act detailed in the body of this report and sets out all the factual pay information in relation to those requirements. The Act requires the statement to be produced on an annual basis by the 31st March each year.
- 1.4 The review of pay and terms and conditions undertaken as part the One Council Programme were implemented in January 2013. Work continued during the year to fine tune the Council's terms and conditions and pay arrangements and this has been reflected in the pay policy statement.

2.0 Recommendations

- 2.1 It is recommended that General Purposes Committee approve the draft Pay Policy Statement attached to this report as an accurate and factual representation of the council's pay arrangements for 2014/15 prior to consideration and approval of Full Council in March. Any amendments required during the year will be brought back to a future meeting of the General Purposes Committee and Full Council for approval.

3.0 Detail

Requirements of the Localism Act 2012

- 3.1 The Localism Act 2011 sections 38-43 requires local authorities in England and Wales to publish a pay policy statement for each financial year beginning with 2012-13. This provision of the Act does not apply to staff in local authority schools.
- 3.2 The Act sets out the matters which must be included in an authority's pay policy statement as follows:
- the remuneration of its "chief officers";
 - the remuneration of its "lowest-paid employees" (together with the definition of "lowest paid employees" adopted by that authority for the purposes of the statement, and the reasons for adopting that definition); and
 - the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
- 3.3 For the purposes of the statement the Act defines who is included under the term "chief officer". It includes the Head of Paid Services (Chief Executive), the Monitoring Officer, the statutory chief officers (directors) as well as non-statutory chief officers and deputy chief officers (managers who report directly to a chief officer).
- 3.4 Remuneration is also defined widely and includes not just basic pay/salary but also any bonuses, charges, fees e.g. election fees or allowances, benefits in kind, increases in/enhancements of pension entitlements and termination/severance payments. Remuneration in relation to employees who are not chief officers is also similarly widely defined.
- 3.5 The statement must set out the authority's policy on a number of specific aspects of chief officer remuneration:
- the level and elements of remuneration for each chief officer;
 - the remuneration of chief officers on recruitment;
 - increases and additions to remuneration for each chief officer;
 - the use of performance related pay for chief officers;
 - the use of bonuses for chief officers;
 - the approach to final payments to chief officers when they leave the authority; and
 - the publication of and access to information relating to remuneration of chief officers.

These are the policies a local authority complies with when appointing a chief officer or when a chief officer's employment is terminated.

3.6 The policy statement must be published on the authority's website and in any other manner the authority considers appropriate. There is no requirement to include specific numerical data on pay and reward within the statement. However, it is necessary to consider how the information in the statement fits in relation to the information authorities are already required to publish. For example, the Code of Recommended Practice for Local Authorities on data Transparency and the Accounts and Regulations 2011.

Brent's Pay Policy Statement

3.7 The policy statement for Brent has been prepared incorporating all of the above requirements. The statement is attached to this report. There are no new proposals or policy changes attached to the statement as the information reflects current practice and is strictly factual in nature.

3.8 The introduction to the statement refers to the People Strategy 2010 -14 which sets out the council's strategic priority to "build an agile and efficient workforce that adapts to change easily". This includes a review of financial and non-financial rewards and benefits currently offered by the council. The People Strategy has been reviewed and a new HR strategy for the council aligned to the council's Borough Plan 2014/17 has been approved by the General Purposes Committee effective from 1st April 2014. The review of the council's employee benefits was undertaken and the revised benefit package introduced in January last year. The revised package has now bedded in and the benefits are being realised.

3.9 Brent's senior managers covered are those in the top three tiers in the management structure - the Chief Executive (Tier 1), Strategic Directors (Tier 2), Operational Directors (Tier 3). This includes all statutory and non-statutory chief officer posts.

3.10 All references to terms and conditions in the statement are factual. Where appropriate a link to the relevant pay policy e.g. the council's pension arrangements has been included.

3.11 In keeping with the requirements of the Act the statement will be published on the Internet with links to pay policy and information where appropriate.

3.12 As set out in the summary to this report the pay policy statement must be approved by a meeting of the Full Council and published by the 31 March each year. The information the authority is required to publish is factual, based on the current pay arrangements. There are no proposals to make any changes to these arrangements. The Full Council at its meeting in March will be requested to approve the Pay Policy Statement for the Financial year 2014/15 as required by the Localism Act.

4.0 Financial Implications

4.1 There are no financial implications arising from this report.

5.0 Legal Implications

- 5.1 The contents of the statement comply with regulation 38 of the Localism Act 2011. The approval of the pay policy will satisfy the technical requirements of Regulation 39 of the Localism Act 2011.

6.0 Diversity Implications

- 6.1 There should be no diversity implications arising from this report.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There are no staffing implications.

Background Papers

Localism Act 2011 (as amended)

Brent pay policy and pay information and arrangements

Pay Policy Statement 2013/14

Contact Officer
Cara Davani
HR Director



BRENT COUNCIL PAY POLICY STATEMENT

Financial Year 2014/15

March 2014

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BRENT COUNCIL PAY POLICY STATEMENT

Financial Year 2014/15

Purpose

The council's pay policy outlines Brent's policy on pay and benefits for all employees (excluding Schools) and has been developed to meet the relevant statutory provisions of the Localism Act 2011.

The pay policy will be reviewed on an annual basis and any changes will be approved in advance of each new financial year.

The pay policy statement can be amended during the course of any financial year, but only by a resolution of the Full Council. If it is amended during the year to which it relates, the revised version of the statement will be published as soon as reasonably practicable.

Strategic Context

The current and future pay and benefit arrangements are embodied in the council's People Strategy 2010/14. The council's Borough Plan and One Council programmes provide the strategic framework for the council's workforce and people priorities. A new HR Strategy for 2014/17 has been developed which mirrors the council's Borough Plan priorities. The development of the strategy included a review of the impact of the existing strategy. Any changes that impact on the council's pay arrangements will be included in the pay policy statement 2015/16.

The overarching objective for the People Strategy is to have the right people, with the right skills, attitudes and experience, in the right place at the right time to enable the organisation to deliver on its corporate objectives and priorities.

Key objectives of the 2010/14 People Strategy are to:

- prepare the council's workforce to move and operate successfully when the Civic Centre opens in 2013;
- reduce staffing costs and raise overall productivity of the workforce through new ways of working;
- build a new, sustainable organisational model which is agile and fit for purpose.

The council is committed to being a good employer, has an excellent track record in employing a workforce which reflects the community and in order to recruit and retain a high quality workforce will pay its staff at salary levels which will attract top performers. The move to the Civic Centre was achieved in 2013 and significant inroads have been made into introducing new ways of working to support the relocation to new offices.

Review of Employee Benefits

The council's pay arrangements and terms and conditions play a key role enabling the council to fully realise its objectives and in ensuring the workforce is 'fit for purpose'. The impact of the review of the council's terms and conditions in 2013 are now being realised. The council is committed to fair and equitable pay and benefits arrangements to maintain a flexible, talented and performance focused workforce. The council has successfully recruited to a number of key roles this year following significant restructuring exercises to improve service delivery to the local community set against a backdrop of ever decreasing financial resources.

Last year as part of the review of HR policies and procedures the opportunity was taken to consolidate all the council's pay arrangements into a single policy document.

Council Pay Rates and Scales

Pay scales are reviewed annually in line with the National Joint Council agreements and are effective from 1st April.

The following pay scales have been adopted by the council:

- [GLPC Pay Scales](#) (job evaluated) (main pay scales)
- [Senior Manager Pay Scales](#) (senior managers)
- [Soulbury Pay Scales](#) (Education Psychologists, Advisors and Inspectors)
- [Youth and Community](#) Pay Scales
- [Teaching Pay Scales](#) (for centrally employed local authority teachers)

Remuneration of Senior Management (Chief Officers)

The council defines its senior management as the top 3 tiers in the management structure. This includes all statutory and non-statutory Chief Officer and Deputy Chief Officer roles. It comprises the Chief Executive, strategic directors and operational directors.

Currently the [pay, expenses and declaration of interest](#) are published for the Corporate Management Team which comprises the Chief Executive and the strategic directors.

The council may, in exceptional circumstances, employ senior managers under contracts for services. The council generally will aim to pay such individuals at a rate consistent with the pay of directly employed staff performing a comparable role although there may be circumstances where a higher rate is warranted over the short term.

Remuneration of Lowest Paid Employees

The council defines its lowest paid employees as those staff paid on the lowest established grade and scale point which in Brent is Scale 2 spinal point 11 of the GLPC Pay Scales currently £16,647 per annum.

London Living Wage

The council has implemented the London living wage. This rate has been applied to all staff who receive less than £8.80 per hour. This will not apply to apprenticeships.

Pay Multiple

The 'pay multiple' is the ratio between the highest paid salary and the lowest/median average salary of the council's workforce. The council's highest paid employee is the Chief Executive and the current pay multiples are:

Median salary is approximately 1:6
Lowest salary is approximately 1:11

The council has not set a target for a maximum multiple. The pay multiples have remained relatively unchanged from 2013/2014. The council continues to pay the London living wage which has increased marginally. This also reflects capping of the Chief Executive's salary at £185,000 per annum, which is £10,000 per annum less than the previous maximum.

Pay Grading

Single Status was introduced in 2009 for staff on the main pay scales. Single Status introduced common job evaluation schemes and pay scales for the council's former manual workers, administrative, professional, technical and clerical employees with

the exception of education psychologists, nursery nurses, youth and community workers, chief officers and the chief executive.

Senior managers including chief officers have locally determined rates of pay which are linked to national negotiations for the determination of pay awards. A revised pay and grading structure for senior managers was introduced on 1st April 2013. The aim of the review was to reduce costs whilst ensuring the the council's pay arrangements remained competitive.

In 2013 the council rationalised the terms and conditions for senior managers. Those senior management posts which fall within the JNC for Chief Officer definition are employed on JNC terms and conditions and all other senior managers are employed on NJC for Local Government Services terms and conditions with some local variations. The senior management posts which fall within the JNC definition are the predominately the strategic directors, other directors with statutory responsibilities, the Assistant Chief Executive and HR Director. This means that the majority of senior managers have terms and conditons which are largely consistent with those for other staff. A number of changes were also made to the JNC for Chief Officer terms and conditions to bring them more into line with the terms and conditions for all other staff.

Local Conventions for the GLPC Job Evaluation Scheme

Virtually all local authorities and organisations that use the GLPC Scheme have Local Conventions in place. Without Local Conventions, evaluators may interpret these terms differently – and hence gradings can be affected and consistency lost.

The council in March 2013 introduced local conventions to ensure that the scheme is applied consistently and fairly to all employees.

Public Health Transfer

Following major changes to the public health system, responsibility for public health transferred to local authorities on 1 April 2013. Fifteen staff transferred into the council under NHS terms and conditions including pay. A Director of Public Health has been recruited on Brent terms and conditions. Since the transfer five other staff have also been appointed on Brent terms and conditions.

Pay on Appointment

All employees are normally appointed on the lowest pay spinal column point for their job evaluated grade. Employees may be appointed at a higher point, where they are

currently earning more than the lowest pay spine for the role and where it is considered that they already possess the skills and experience needed to justify such a higher salary.

The council delegates authority to the Senior Staff Appointments Sub-Committee to make recommendations to the council on the appointment of all officers at operational director level and above.

Annual Pay Progression

Brent's pay policy is primarily based on evaluated pay grades, which each have a salary range comprising a number of incremental points. Other pay grades are nationally prescribed but also have incremental progression arrangements. Most employees incrementally progress through the pay grade for their job. Progression will normally be one increment (pay spine column point) on the 1st of April each year until the top of the grade is reached for those on the main pay scales (separate arrangements apply during the first year of service where the start date is between 1st October and 31st March) and on the anniversary of joining for those on senior manager pay scales.

Pay progression is subject to satisfactory performance and can be withheld as a disciplinary sanction.

Performance Related Pay and Bonuses

Council employees including the Chief Executive and directors do not receive performance related payments or bonuses.

National / Regional Pay Agreements

The council operates the national (JNC/NJC) and regional (GLPC) collective bargaining arrangements for pay and conditions of service for all employees, including senior managers. Pay is increased in line with national and regional pay agreements.

The government set a maximum public sector pay increase limit of 1% for 2013/14 and 2014/15. In keeping with this the pay award for 2013/14 was 1% which was paid to all staff in Brent.

Market Supplements

The council is currently phasing out market supplement payments and has put in place employee benefits as part of the new benefits package to ensure the council remains competitive in the recruitment market. Currently there are only a small number of supplements in existence and these have planned end dates.

Fees for Election Duties

Election fees paid to employees (including chief officers) who assist in elections are in line with the rates agreed by the Government whenever general, regional or European elections occur. Where local elections occur fees will be determined using the cross-London agreed rates.

Pension

All non teaching employees are able to join the Local Government Pension Scheme. Teachers are able to join the Teachers Pension Scheme. Benefits for both schemes are paid in accordance with government regulations. NHS employees who transferred to the council under TUPE have access to the NHS Pension Scheme.

Payments on Termination of Employment

In the event that the council terminates the employment of an employee on the grounds of redundancy the terms of the council's redundancy and early retirement arrangements will apply.

Re-employment of Employees

Section 7 of the Local Government and Housing Act 1989 requires that every appointment to paid office or employment in a local authority shall be made on merit.

The re-engagement of employees including chief officers who are made redundant is subject to the council's re-engagement arrangements (contained within the council's Managing Change Policy). The policy sets out the minimum period a former employee must wait before being eligible to work for the council again, as well as outlining other restrictions.

Tax avoidance


All permanent Brent staff including senior managers are paid through payroll which means that all taxes are deducted at source. A review of temporary staff has recently

been concluded and it is Brent's policy to cover vacancies through the use of approved agency workers or by appointing staff on fixed term contracts. Temporary workers providing services through their own companies will be carrying out projects and generally not covering permanent roles other than in exceptional circumstances. Where these situations do occur they will be limited in duration, usually to less than 6 months.

Publication and access to information

Brent's annual Pay Policy Statement will be published on the website where it can be easily accessed. Information about chief officers remuneration is published on the council's website www.brent.gov.uk in the section **Senior Staff Salaries**

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 <p>Brent</p>	<p>General Purposes Committee</p> <p>12th February 2014</p> <p>Report from HR Director</p>
<p>Wards affected: ALL</p>	
<p>Review of Disciplinary Appeals Process</p>	

1.0 Summary

The General Purposes Committee at its meeting on 13 September 2012 took a decision to update the council's disciplinary policy and procedure. Included in the policy was provision for appeals by staff dismissed for gross misconduct to be heard by a senior officer and not a member committee. The trade unions did not agree with this decision and requested that it be referred to council's Employee Joint Consultative Committee (EJCC) for discussion. Following consideration by the EJCC it was referred back to the next meeting of the General Purposes to consider the representations made by the trade unions.

A report was presented to the General Purposes Committee in January 2013 setting out the discussions at the EJCC meeting and making revised proposals for the council's disciplinary appeals arrangements. The Committee agreed that a pilot scheme be established to run for 12 months, under which appeals against dismissal for gross misconduct will be heard by a senior officer.

This report reviews the pilot of the new appeals arrangements and makes recommendations for the continuation of the arrangement in the future.

2.0 Recommendation

1.1 The General Purposes Committee is asked to:

- i. note the findings of the pilot; and
- ii. confirm that all appeals against dismissal for gross misconduct should be heard by senior officers, except where an application for the appeal to be heard by a member panel has been made and agreed by the HR Director.

3.0 Background

3.1 The General Purposes Committee at its meeting on 13 September 2012 considered a report which detailed the proposed changes to the council's disciplinary policy and procedure updated in line with recent changes in practice, procedures, case law and

the general changes in the HR policy framework. The report amongst other changes made proposals that the Staff Appeals Sub-Committee be retained but that its jurisdiction be brought into line with the Staff Appeal's Appointments Committee and therefore to hear only appeals against dismissal from assistant (operational) directors and above. Operational directors and above appointments are made by a Member Appointments Sub-Committee. Establishing parity with the Staff Appeal Sub-Committee it was considered reflected the member involvement in the employment decision of senior staff. Appeals for all staff below assistant director it was proposed would be heard by senior officers in the same way dismissals for all other reasons such as absence, capability and redundancy are managed.

- 3.2 Members considered the extent to which it was important to have a consistent approach for all staff and also whether the existing provision for a member level independent appeal process should continue to be retained or at least, subject to wider discussion. The HR Director advised the Committee that the trade unions were not supportive of the proposal. It was also acknowledged that a meeting of the EJCC was due to be convened and that the proposals to revise the policy were likely to be the subject of discussion at that meeting. It was therefore agreed that consideration of the changes to the appeals process be deferred pending the EJCC meeting.
- 3.3 The EJCC met on 26 November 2012. At that meeting the employees' representatives raised the proposed changes to the disciplinary policy appeals arrangements. Both GMB and Unison members made clear their opposition to the changes to the arrangements and their reasons for this. In response to the trade union concerns the HR Director explained the rationale for the proposed changes to the appeals process and set out the key principles that would underpin the new policy to ensure fairness in the application of the policy and greater efficiency. It was also considered the approach would ensure greater consistency allowing any challenge of a dismissal decision to be more successfully defended and reflected the practices in many other London boroughs.
- 3.4 The Committee acknowledged the reservations expressed by both parties and agreed that the report be referred back to the General Purposes Committee for re-consideration taking account of the discussion at the EJCC meeting.
- 3.5 The General Purposes Committee at its meeting on 22 January 2013 considered the representations made by the trade unions at the EJCC meeting in November regarding the proposed changes to the disciplinary appeals process and the arguments for and against maintaining the status quo regarding the appeal arrangements.
- 3.6 The Committee agreed an alternative proposal to retain member appeals for cases where an employee can demonstrate that it would be more appropriate for a panel of members to hear an appeal rather than a senior officer. The HR Director would be responsible for making a decision as to whether or not an appeal should be heard by members or an officer after representations had been made. To recognise the concerns that had been raised it was agreed that the revised appeals arrangement be piloted for 12 months and a report on its effectiveness be brought back to this Committee at the end of the pilot for members to take a decision to confirm the policy or make such further changes as may be necessary. After deliberations it was also considered that the proposed changes should be applied to all staff equally where possible and therefore, those at assistant director (now operational directors) level should not be excluded from the senior officer determined appeals process as the original proposal had suggested (appeals from statutory chief officers would continue to be heard by the Appeals Sub- Committee).

4.0 Detail

The new disciplinary policy including the appeals procedure was introduced on the 1st February 2013. As agreed by the Committee the appeals arrangements have been piloted for a year. This report considers the results of the pilot and makes recommendations going forward.

Since the 1st February last year there have been 22 formal hearings of which 13 resulted in dismissal and 9 in another disciplinary sanction.

The table below sets out an analysis of the level of appeals and outcomes for the 13 cases where the employee was dismissed.

Appeal not upheld	Appeal withdrawn	No appeal Lodged
10	1	2

The ten appeals that were heard were in accordance with the new appeals arrangements. They were heard by a senior manager and none of the appeals were upheld. An analysis has been undertaken of representation at the appeal hearings. Out of the 10 cases 4 were represented by UNISON.

Not represented	Represented by UNISON	Represented by GMB	Other *
3	4	0	3

*other: heard in absence of individual, represented by a union not recognised by the council.

Representation was not made in any of the cases for the appeal to be heard by a member appeals panel. In those cases where an appeal was lodged there were no issues raised after the hearing regarding the appeals panel arrangement.

The trade unions have been consulted as part of this review and have confirmed that they are content with the arrangements for appeals that were piloted to continue.

In conclusion it is considered that the process has not disadvantaged staff who have been dismissed and have lodged an appeal. The appeals process has provided staff with the opportunity to present their appeal in accordance with the procedure and the hearing officers who are senior managers have the skills and knowledge required to make a judgement based on the information presented. Staff also have the right to be represented if they wish.

It is therefore recommended that the arrangements as they stand remain in place which includes the option for the individual to make representation to the HR Director if they consider that there is good reason for the appeal to be heard by a Member Appeals Panel.

4.1 Financial Implications

None for the purpose of this report.

5.1 Legal Implications

The proposed changes to the disciplinary policy are in accordance with the ACAS Code of Practice on discipline in the work place.

2.0 Diversity Implications

4.1 No diversity implications have been identified.

3.0 Staffing/Accommodation Implications

5.1 The body of the report concerns itself with matters relating to staffing.

Background Papers

Disciplinary Policy and Procedure
Analysis of appeals casework

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