



Rutland County Council

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Telephone 01572 722577 Facsimile 01572 758307

Ladies and Gentlemen,

A meeting of the **EMPLOYMENT AND APPEALS COMMITTEE** will be held in the on **Tuesday, 16th July, 2019** commencing at 8.15 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/my-council/have-your-say/

Please note hard copies of the agenda will not be available at the meeting. If you require a hard copy of the agenda please email your request to governance@rutland.gov.uk or telephone (01572) 758271.

A G E N D A

1) APOLOGIES FOR ABSENCE

2) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) MINUTES

To confirm the Minutes of the Employment and Appeals Committee held on 27 March 2019, previously circulated.

4) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions received from members of the public in accordance with the provisions of Procedure Rules.

The total time allowed for this shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received.

Questions may also be submitted at short notice by giving a written copy to the Governance Officer 15 minutes before the start of the meeting. The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes.

Any petitions, deputations and questions which have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions which are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

5) QUESTIONS FROM MEMBERS

To consider any questions received from Members of the Council in accordance with the provisions of Procedure Rule 95.

6) NOTICES OF MOTION

To consider any Notices of Motion from Members submitted under Procedure Rule 97.

7) ANNUAL REPORT OF THE EMPLOYMENT AND APPEALS COMMITTEE

To receive report No.90/2019 from the Chairman of the Employment and Appeals Committee.
(Pages 5 - 10)

8) GENDER PAY GAP

To receive Report No.91/2019 from the Strategic Director for Resources.
(Pages 11 - 16)

9) ANY URGENT BUSINESS

To receive items of urgent business which have previously been notified to the person presiding.

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TO: ELECTED MEMBERS OF THE EMPLOYMENT AND APPEALS COMMITTEE

Mr K Bool (Chairman)
Mr A Brown
Mrs S Harvey
Miss M Jones
Ms K Payne
Miss G Waller
Mr N Woodley

OTHER MEMBERS FOR INFORMATION

EMPLOYMENT AND APPEALS COMMITTEE

16 July 2019

ANNUAL REPORT OF THE EMPLOYMENT AND APPEALS COMMITTEE

Report of the Chair of the Employment and Appeals Committee

Strategic Aim:	Sound Financial and Workforce Planning	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Communications, Resources (other than Finance)	
Contact Officer(s):	Saverio Della Rocca, Strategic Director for Resources (s.151 Officer)	01572 758159 sdrocca@rutland.gov.uk
	Carol Snell, Head of Human Resources	01572 720969 csnell@rutland.gov.uk

DECISION RECOMMENDATIONS

That the Committee:
Approves the annual report of the Employment and Appeals Committee.

1 PURPOSE OF THE REPORT

- 1.1 To set out the work of the Committee in 2018-2019 in an annual report in line with best practice.

2 TERMS OF REFERENCE OF THE COMMITTEE

- 2.1 The Employment and Appeals Committee is a Committee of the Council, with powers delegated to it by the Council as set out in its Terms of Reference. The terms of reference for the municipal year 2018/19 were:

- To establish panels to appoint Chief Officers, Officers that are part of the Strategic Management Team, or Officers that report directly to the Director for People. Such Panels to consist of three members plus the relevant Cabinet Member. Political balance applies to the panel.

- To consider employee procedures, including dismissal procedures.
- To hear, consider and determine appeals against dismissal by employees.
- The constitution of any special human resources panels or working parties as may be required from time to time.
- The discharge of such human resources functions that cannot be delegated under statute to the Cabinet or have not been delegated to officers, as may be delegated by the Council from time to time.
- To consider and approve HR policies (this requires two thirds voting members present to approve a policy subject to its financial impact not exceeding the virement threshold of the Director for Resources). If this cannot be achieved the policy in question will be referred to Full Council for further consideration and determination.
- Appeals panels
 - a) To hear, consider and determine any other appeals made under a statutory appeals process and/or where no other appeals body has been established for the specific purpose. This will include:-
 - i) Access to Personal Files
 - ii) Approved Marriage Premises
 - iii) Curriculum Complaints
 - iv) Home to School Transport
 - v) Housing Improvement Renovation or Repair Grants
 - vi) Discretionary Rate Relief (NNDR)
 - vii) Children's Social Services Complaints

The Panel will consist of three members drawn from the Committee. For this purpose, officers may draw upon members with training relevant to the subject matter of the appeal in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the original decision which is the subject of the appeal. Panel members should not be a representative of the Ward of the appellant. Panels should consist of three members of the Committee, with the exception of (vii) which should comprise two members of the committee and an independent chair. Political balance applies to the panel.

3 ACTIVITY DURING 2018/19

- 3.1 The Committee used its delegated powers to approve the following HR Policies during the year (Employment and Appeals Committee Meeting **17 July 2018**). These were all part of our ongoing review programme and therefore replace policies that have been in place for some time/previously approved:

- **UMBRELLA FAMILY POLICIES** – the focus of this review was to bring together into one policy document, all the statutory and occupational entitlements and benefits that relate to Maternity, Paternity, Adoption and Shared Parental leave. There were no statutory nor occupational change to the content of the policies; we did though take the opportunity to clarify some wording on non-contractual payments such as Standby and First Aid payments which are not paid during periods of leave.
- **EARLY RETIREMENT POLICY** – The Employment and Appeals Committee previously reviewed some proposed amendments in July 2017 and requested further clarification regarding the provision for Flexible Retirement. The Committee were advised that Flexible Retirement is a provision within the Local Government Pension Scheme that allows members (employees who contribute to the scheme) to access their pension benefits and continue working and thereby have a gradual move into retirement. It is not an automatic right. Any LGPS member who is aged 55 or over can approach their employer to ask about flexible retirement – it does not have to be approved, it is at the discretion of the employer.

Officers' recommendation had been to include Flexible Retirement into the main body of the Early Retirement Policy and this was subsequently agreed by the Committee – there were no changes to pension benefit or provision which remain as provided by the Local Government Pension Scheme.

3.2 At the Employment and Appeals Committee meeting in **July 2018**, the Head of Human Resources also presented:

- **NJC Pay Structure 2019** - the Council had welcomed the developments of national pay bargaining which has provided a two year pay deal for April 2018 and April 2019. This has included a flat increase of 2% with some further bottom loading for the lower spinal column points in order to close the gap with the National Living Wage and achieve the Government's target of £9.00 per hour for April 2019.

The Council has worked closely with Unison to reach agreement on the assimilation process to the new pay spine for April 2019.

- **Gender Pay Gap** - this was our first report as part of a new Government requirement for organisations with 250+ employees, to report their gender pay gap as at 31 March each year.

3.3 At the Employment and Appeals Committee meeting on **27 March 2019**, the Committee received two reports from the Head of Human Resources (HR):

- **Gender Pay Gap** - this was our second year of reporting and identified a change in our gender pay gap since the first year of reporting. The Head of HR explained that further detailed analysis had been undertaken but no variances or gaps in specific services or roles were identified. The gaps could be explained by a number of features – profile of the organisation's workforce, natural turnover and resulting variances in salary levels. The Committee asked for the 31 March 2019 data to be brought to the committee at the July 2019 meeting.

- Pay Award 2019 – the Committee were provided with a more detailed analysis of the new national pay scale for 2019 and the implications for Rutland. The Head of HR explained that the Council had reached a collective agreement with Unison regarding the assimilation and implementation process. All costs associated with the new pay scale had been previously assessed through a detailed modelling exercise and were incorporated into the Medium Term Financial Plan with no further risks or issues. The Council's annual Pay Policy was approved by Full Council on 11 March 2019.

3.4 No policies were referred to Full Council for consideration.

3.5 It was not necessary for the Committee to hear any dismissal appeals during the year.

3.6 There were no other appeal panels during the municipal year.

4 CONSULTATION

4.1 No formal consultation is required.

5 ALTERNATIVE OPTIONS

5.1 The Committee can support the annual report or ask for amendments.

5.2 It is considered good practice to provide the Employment and Appeals Committee with an annual report.

6 FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications arising from this report.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

7.1 The Employment and Appeals Committee is not formally required in the Constitution to produce an annual report, however it is good practice to do so.

7.2 In accordance with Procedure Rule 31, the Committee can report any matter to Council or could take the annual report to Council or inform other members that it is available to review in the agenda to this meeting.

8 DATA PROTECTION IMPLICATIONS

8.1 A Data Protection Impact Assessments (DPIA) has not been completed as assessments have been carried out on the specific items in the paper at the time of reporting.

9 EQUILITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment (EqIA) has not been completed as assessments have been carried out on the specific items in the paper at the time of reporting.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 There are no community safety implications.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no health and wellbeing implications.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 To summarise the work of the Committee in an annual report in line with best practice.

13 BACKGROUND PAPERS

13.1 There are no additional background papers to the report.

14 APPENDICES

14.1 There are no appendices.

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EMPLOYMENT AND APPEALS COMMITTEE

16 July 2019

GENDER PAY GAP

Report of the Strategic Director for Resources

Strategic Aim:	Sound Financial and Workforce Planning	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Communications, Resources (other than Finance)	
Contact Officer(s):	Saverio Della Rocca, Strategic Director for Resources (s151 Officer)	01572 758159 sdrocca@rutland.gov.uk
	Carol Snell, Head of Human Resources	01572 720969 csnell@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That the Committee:

1. Notes the Council's Gender Pay Gap data for 31 March 2019 and the commentary/comparison to our previous year report.

1 PURPOSE OF THE REPORT

- 1.1 The Committee reviewed the Council's Gender Pay Gap data for 31 March 2018 at its meeting on 27 March 2019. They requested that the Head of HR produce the data as at 31 March 2019 (ahead of the March 2020 publishing date) to enable an earlier assessment of trend/movement to the previous two reporting periods.
- 1.2 This report informs Members of our 31 March 2019 data, highlighting the changes to 2017 and 2018 and also comparator data with other authorities for 31 March 2018.

2 GENDER PAY GAP REPORTING

- 2.1 The Committee is reminded that Gender Pay Gap is defined as the difference between the pay of men and women. For reporting purposes, there are two measures:
 - Median hourly pay
 - Mean (average) hourly pay.

Each is represented as the percentage of the difference with men's pay. Negative percentages reflect women's pay higher than men.

- 2.2 For reporting purposes, 'pay' includes – basic pay, paid leave (including annual leave, sick leave, maternity, paternity, adoption and parental leave), allowances, shift premium pay. Employees at Rutland do not receive bonus payments. 'Pay' does not include – overtime pay, expenses, redundancy payments and tax credits.

3 COMPARATOR DATA WITH OTHER AUTHORITIES FOR 31 MARCH 2018

- 3.1 At the time of the March meeting, comparator data for 31 March 2018 was not available. However we can now report as follows:

	Median	Mean (average)
As at 31.3.18 our data was	-1.54	5.7%
Whole Economy (ONS Annual survey)	9.7%	12%
Local Government	5%	6.8%
Unitary Councils	7.4%	-
Councils across the East Midlands	4.2%	-
Nottinghamshire County Council	20.2%	11.5%
Derbyshire County Council	19.7%	12.5%
Leicestershire County Council	9%	12%
Lincolnshire County Council	2.1%	7.6%
Peterborough City Council	3.6%	7.2%
Leicester City Council	0	1%
Nottingham City Council	0	3.1%
Derby City Council	0.4%	0.8%

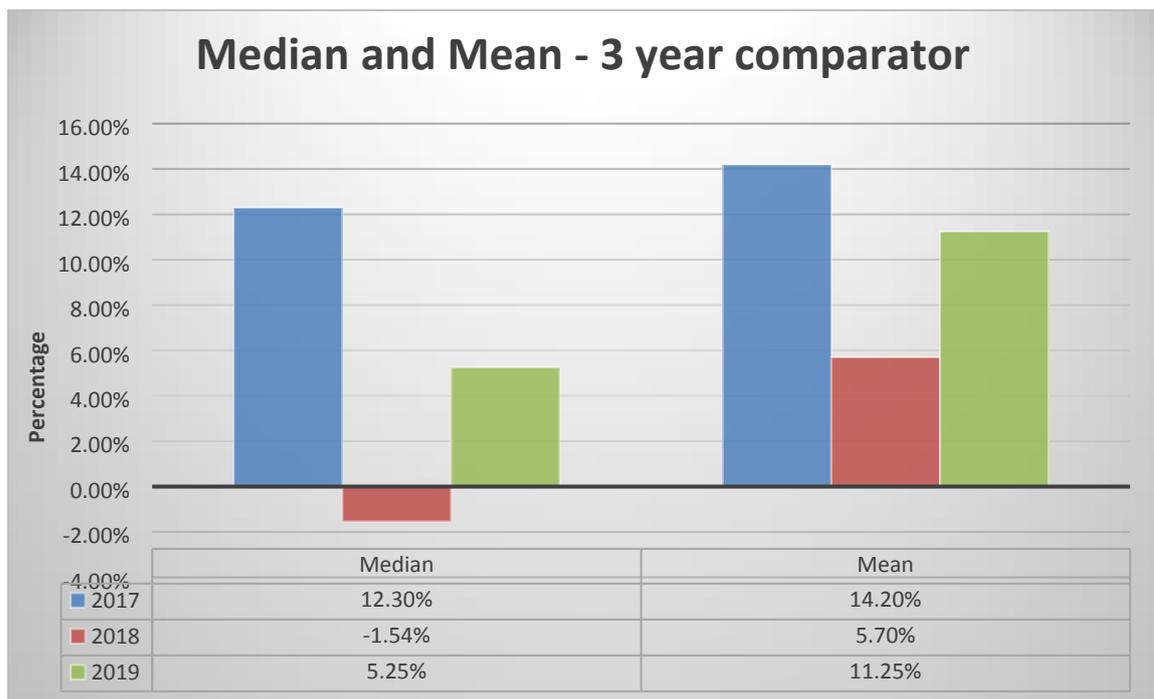
- 3.2 There was a reducing gap between 2017 and 2018 across all sectors and amongst other authorities in the East Midlands region.
- 3.3 Within the Local Government sector, values for mean gender pay gap varied between -14.1% and 31.7%. Women were paid less than men in 264 authorities. Men were paid less than women in 55 authorities.
- 3.4 And for median gender pay gap, the variance was between -50.3% and 34%. Women were, on average, paid less than men in 211 authorities, in 25 the pay gap was zero, and in 83 authorities women were paid more than men.

4 OUR DATA FOR 31 MARCH 2019

- 4.1 Our data for 31 March 2019 and the actual hourly rates is as follows:

	Median hourly rate	Mean hourly rate
Female Staff	£12.40	£13.73
Male Staff	£13.08	£15.47
	5.25%	11.25%

4.2 Reflecting on the change in the median and mean gap over the 3 reporting periods we can see the following variations:



4.3 As we have produced our data ahead of the reporting period, we are not able to draw any comparisons nor make any further observations of variations year on year across the whole economy or local government. We can though see that for Rutland, we have a greater gap as at 31 March 2019, compared to 31 March 2018.

5 WHAT DOES THE DATA INDICATE?

5.1 As previously reported, the causes of Gender Pay Gap are complex and overlapping but we know that contributory factors are the nature of roles and services e.g. services that have not been outsourced but tend to be supported by a predominantly female or male workforce; workforce profiles and natural changes throughout the year. For the 31 March 2018 data we carried out some further detailed analysis to identify if there were any pockets of un-balance across certain services or roles – this did not identify any issues.

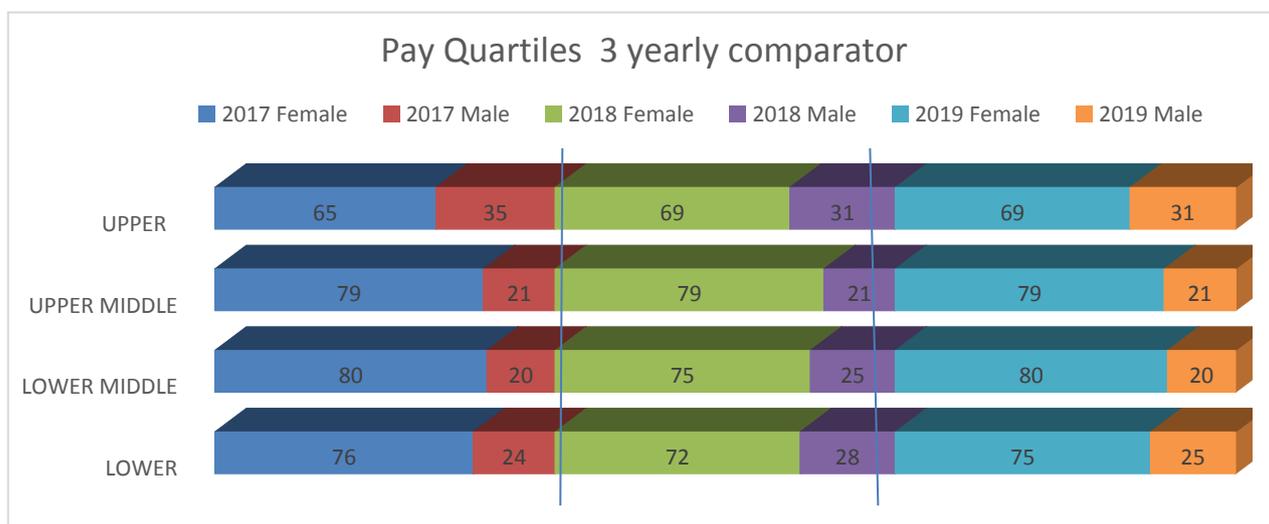
5.2 Workforce Profile

5.2.1 The proportion of women to men across the organisation is as follows and shows very little variation to the previous year:

31 March 2018		31 March 2019	
Male	Female	Male	Female
25%	75%	24.5%	75.5%

5.2.2 In each of the pay quartiles, there remains a higher percentage of females - see below. However, the factors that have an impact on the median and mean hourly rates are due to:

- The highest percentage of males (compared to females) is in the higher pay quartile – 31% Male, compared to the lower pay quartile where 25% of employees in that group at Male.
- In the lower pay quartiles, the percentage of females has increased from 72% on 31 March 2018 to 75% on 31 March 2019
- Between the Upper and Lower pay quartiles, the proportion changes by 6%



Definition of Pay Quartiles = the proportion of male and female relevant employees in four quartile bands. To do this we rank all relevant employees from highest to lower and then divide into four equal parts ('quartiles').

5.3 Workforce changes within the year

5.3.1 Natural changes through the year such as turnover and recruitment can affect the profile of staff against grades and pay points. There is therefore an impact on the calculation of mean and median salaries ie. a new employee may join at the bottom of the pay scale and replace an employee who was perhaps higher up the grade; a Female leaver may be replaced with a Male and vice versa. In particular:

- There was a proportionately higher intake of new starters who are Male in 2018-19 at the higher pay levels – 27% of all new starters, compared to 20% of all new starters in 2017-18.

5.4 We know from undertaking an equal pay audit as part of the new April 2019 pay scales that we pay men and women in a consistent way for work of equal value. This is underpinned by a grading structure and job evaluation system which takes into account roles rather than gender differences.

5.5 Whilst the mean and median figures for Rutland as at 31 March 2019, indicates a widening gap (compared to 31 March 2018), these can be explained by natural work force changes through the year. Our recruitment, selection and promotion processes are free from bias and we remain committed to promoting equality and fairness in the workplace.

6 CONSULTATION

6.1 There are no further consultation requirements arising from this report.

7 ALTERNATIVE OPTIONS

7.1 The Council is required to publish its Gender Pay Gap data by 30 March for data as at 31 March the preceding year – there are no alternative options.

8 FINANCIAL IMPLICATIONS

8.1 There are no financial implications arising from this report. The Council ensures it complies with Equal Pay legislation – any challenge could be costly in an Employment Tribunal and reputational damage.

9 LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 As an employer of 250+ employees, we are required to publish our annual Gender Pay Gap Data as specified in The Equality Act 2010 (*Gender Pay Gap Information Regulations 2017*).

10 DATA PROTECTION IMPLICATIONS

10.1 A Data Protection Impact Assessments (DPIA) has not been completed as there are no risks/issues identified to the rights of individuals or personal data.

11 EQUALITY IMPACT ASSESSMENT

11.1 An Equality Impact Assessment (EqIA) was completed as part of the new April 2019 pay scale. No adverse or significant issues were found. A copy of the EqIA can be obtained from the Head of Human Resources.

12 COMMUNITY SAFETY IMPLICATIONS

12.1 There are no Community Safety implications arising from this report.

13 HEALTH AND WELLBEING IMPLICATIONS

13.1 There are no Health and Wellbeing implications.

14 ORGANISATIONAL IMPLICATIONS

14.1 Human Resource implications – Gender Pay Gaps do not reflect gaps in Equal Pay. The Council, as part of its equality and workforce strategies will continue to monitor pay across its staff groups.

15 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 This report is provided to Employment and Appeals Committee for their information.

16 BACKGROUND PAPERS

16.1 There are no additional background papers to the report.

17 APPENDICES

17.1 There are no appendices.

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