

**Decision Maker:** **General Purposes & Licensing Committee**

**Date:** **29 May 2012**

**Decision Type:** Non-Urgent                      Non Executive                      Non Key

**Title:** **LOCALISED PAY AND CONDITIONS OF SERVICE**

**Contact Officer:** Charles Obazuaye, Assistant Chief Executive (HR)  
Tel: (020) 8313 4355    E-mail: [charles.obazuaye@bromley.gov.uk](mailto:charles.obazuaye@bromley.gov.uk)  
Sue Sydney, Head of HR Operational Services  
Tel: (020) 8313 4359    E-mail: [sue.sydney@bromley.gov.uk](mailto:sue.sydney@bromley.gov.uk)  
Barbara Plaw, HR Manager (Pay and Benefits)  
Tel: (020) 8313 4993    E-mail: [barbara.plaw@bromley.gov.uk](mailto:barbara.plaw@bromley.gov.uk)

**Chief Officer:** Charles Obazuaye, Assistant Chief Executive (HR)

**Ward:** Borough wide

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1. Reason for report

- 1.1 The annual pay award and various other staff terms and conditions are currently determined via joint employer/trade union negotiations conducted at national (NJC) and regional (GLPC) level. However now more than ever before the various challenges facing local authorities differ significantly according to their local circumstances. One effect of this is that the NJC and GLPC negotiating frameworks are hampered by the inevitable difficulties arising from the need for them to attempt to reconcile the different policy approaches and financial circumstances of the various constituent local authorities.
- 1.2 Current challenges facing local authorities include operating with limited and decreasing resources and competing demands. It is therefore essential to ensure that decisions with significant financial implications are controlled locally, and aligned with budget setting processes and performance outcomes. Within this context this report sets out proposals aimed at withdrawing Bromley from the national and regional collective bargaining arrangements and introducing localised pay and conditions for all staff except teachers.
- 1.3 Subject to Members' endorsement of the proposals and agreement the Assistant Chief Executive (HR) will embark on a process of formal consultation with the relevant recognised trade unions, staff and staff representatives.

2. **RECOMMENDATION(S)**

2.1 **The General Purposes and Licensing Committee is asked to:**

2.1.1 **Note and comment on the proposals set out in this report; and**

2.1.2 **Authorise the Assistant Chief Executive (HR) to progress formal consultation with trade union and departmental representatives and staff.**

## Corporate Policy

1. Policy Status: New Policy
  2. BBB Priority: Excellent Council
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### Financial

1. Cost of proposal: Estimated Cost
  2. Ongoing costs: Recurring Cost
  3. Budget head/performance centre: Council-wide staffing budgets
  4. Total current budget for this head:
  5. Source of funding: Existing Revenue Budget 2012/13
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### Staff

1. Number of staff (current and additional): The proposals affect all employees of the Council except teachers whose pay and conditions of service are currently governed by statute.
  2. If from existing staff resources, number of staff hours: The Officer Steering Group includes senior managers from service departments, and in addition to HR staff the project will also rely on the specialist input of a number of other staff across the Council including financial, legal and payroll services.
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### Legal

1. Legal Requirement:
  2. Call-in: As this is a non-executive decision call in is not applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All staff covered by the proposals set out in this report are involved directly or indirectly in providing a range of front-line services.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

- 3.1 In December 2009 the Council and relevant recognised trade unions reached a collective agreement known as the Single Status Agreement. The main thrust of the Agreement was to harmonise pay arrangements across different sectors of the Council's workforce to address equal pay risks, whilst at the same time simplifying the pay structure to make it clearer, fairer and more efficient.
- 3.2 By means of Single Status the Council introduced a pay and grading structure specific to Bromley known as the "BR grades". Through local negotiations and agreement the Council was also able to introduce significant changes to certain other terms and conditions thereby ensuring that any enhancements to basic salary are offered only when there is evidence of a compelling business need to do so to deliver services.
- 3.3 However although Bromley has gone some way towards localised arrangements, the annual pay review and a number of other core terms and conditions are still determined at national or regional level. This impacts on the control that the Council has over its own employment framework and the link with other business priorities.
- 3.4 Following the implementation of Single Status there also remains a need to re-assess all management grade posts at grade MG6 to:
- ensure that there are no residual equal pay issues at the interface with the new BR grades; and
  - find a more appropriate remuneration mechanism for those staff in highly technical and/or professional posts which do not carry management responsibility but which evaluate higher than BR14 (the top BR grade on the Bromley scale)
- 3.5 Given the above context now is an opportune time for the Council to seek to extend its localised pay and grading arrangements in consultation with key stakeholders including trade unions and departmental representatives and staff. The key drivers behind the need for further change and localisation include:
- Gaining control over the annual pay review process and timetable at a time of significant financial challenge for the Council in order to achieve better alignment with budget setting processes and greater responsiveness to change;
  - Exercising local control in order to give greater emphasis to local circumstances, and improve the Council's ability to innovate and flex in ways not achievable within the nationally agreed terms;
  - Improving the Council's ability to align reward with staff and organisational performance;
  - Achieving efficiencies through harmonisation of the management grade and other Bromley staff pay review arrangements.

#### **Proposals**

- 3.6 A big challenge will be balancing the proposals for change with maintaining a motivated and skilled workforce. It is therefore proposed that the Council withdraws from the current national and regional arrangements broadly on an "as is" basis. This means that with the exception of the proposals regarding the annual pay review and the performance related payments for management grade staff, existing terms and conditions would be "frozen" at the point of withdrawal. Any future changes would be for the Council to determine locally in conjunction with the trade unions, staff and staff representatives.
- This approach would keep to a minimum the impact of the changes on existing staff whilst at the same time enabling the Council to exercise more control and improve the links between pay and performance.

3.7 If Members agree then the next steps are for the proposals summarised below and in the attached appendices to be the subject of detailed discussion with the relevant recognised trade unions, staff, departmental representatives and other key stakeholders. The outcome of these discussions and any subsequent changes will be reported to Members for consideration and approval.

3.8 In summary the proposals are to introduce:

**3.8.1 A Single Local Annual Pay Review Mechanism** (see Appendix 1)

A single local annual pay review mechanism to replace the separate arrangements that currently exist for Bromley employees under the NJC Green Book, Soulbury Committee, Local Joint Negotiating Committee for Bromley Adult Education lecturers, and Management Grade staff. This would involve withdrawing from the existing collective bargaining arrangements as well as ceasing to accept a recommendation from Inbucon on the market movement in salary for staff on the Bromley management grades.

**3.8.2 A Scheme of Discretionary Non-consolidated Rewards for Exceptional Performance** (Appendix 2)

A scheme which aims to improve the links between pay and performance by recognising and rewarding exceptional performers on an individual basis. In order to maximise the amount of money that can be targeted to reward performance, and to ensure that the value of the benefit is not affected by other considerations, it is proposed that the nature of the rewards payable under the scheme are non-pensionable. The options to deliver this objective are currently under consideration and include, for example, non-cashable vouchers.

**3.8.3 A Professional/technical grade equivalent to management grade 6**

For highly specialised/technical posts which do not carry any significant management responsibilities, but which evaluate above grade BR14.

## **4 POLICY IMPLICATIONS**

4.1 The introduction of localised pay and conditions is consistent with the Council's objectives around an Excellent Council and the HR Strategy. It also reflects the Council's Core Operating Principles in particular the drive to be efficient and non-bureaucratic seeking to reduce interference and bureaucratic control.

## **5 FINANCIAL IMPLICATIONS**

5.1 With the exception of the Scheme for Exceptional Performance and ceasing the annual pay increase for unsatisfactory performance, the proposals are based on an "as is" basis and can therefore be contained with existing budgets. Funding considerations related to any increase arising from the local annual pay review process and the one-off non consolidated rewards will be aligned with and considered as part of the Council's normal budget setting processes.

5.2 This reports seeks Members approval to proceed with formal consultation on the draft proposals. More details on the financial implications of the changes will be available once the final proposals, following the outcome of consultation, are known. Any final proposals will be reported to Members for their consideration.

## 6.0 LEGAL AND PERSONNEL IMPLICATIONS

- 6.1 The Council is required by law to constructively engage and meaningfully consult staff and their representatives and, in particularly, the recognised Trade Unions on the proposals. Therefore, a series of consultative meetings and briefing sessions will be arranged across the entire organisation, including schools, to present the “raison d’etre” (business case for change) to staff, Trade Union and Departmental Representatives and other key change leaders and managers (e.g. Head Teachers, governors, line managers, etc.) in the organisation.
- 6.2 The consultation process will not be easy, given the impact of the on-going pay freeze, pension changes and other budget related/cost cutting measures, at local and national levels on staff morale and the real or perceived level of trust amongst staff. The initial reaction from the Unions is not encouraging and, whether they are open to persuasion with a view to achieving a collective agreement, will be assessed during the initial two month consultation period.
- 6.3 If an agreement is not secured the Council may consider other legal options, including individual agreements by staff to vary their terms and conditions of service. As a last resort, the Council may consider the “dismissal and re-engagement” option but this will require a further consultation of one month or three months, depending on the number of staff affected (in line with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992).
- 6.4 Also, the proposal reflects the provisions in the Localism Act, particularly as regards improving democratic accountability and transparency in senior staff pay.

<b>Non-Applicable Sections:</b>	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

## **LONDON BOROUGH OF BROMLEY**

### **OUTLINE PROPOSALS FOR A LOCALISED ANNUAL PAY REVIEW MECHANISM**

#### **1. Context**

- 1.1 Reward and recognition is a key theme of the Council's agreed HR Strategy. This includes establishing strong links between performance and reward, and celebrating individual and organisational achievements.
- 1.2 Local authorities currently face significant challenges including the need to reconcile competing priorities and demands on resources whilst remaining competitive in the marketplace for skilled labour. The Council therefore believes the time is right locally to extend its ability to determine its own employment framework, including remuneration, in conjunction with key stakeholders and with the involvement of the relevant recognised trade unions.
- 1.3 This paper should be read in conjunction with the paper setting out the Council's proposals for the introduction of a scheme of non-consolidated Rewards for Exceptional Performers as part of its local reward and recognition framework.

#### **2. Objectives of the Annual Pay Review**

- 2.1 The Council expects high standards of performance from staff at all levels as the norm. By means of the process of the localised annual pay review the Council aims to
  - ensure that staff are appropriately rewarded for the job that they do;
  - enhance the Council's ability to compete by maintaining a simple, fair, transparent and affordable pay and reward structure that attracts and keeps a skilled and flexible workforce;
  - improve the links between organisational efficiency, individual performance and reward; and
  - ensure that decisions on reward and recognition are better aligned with the considerations and timetable of the annual budget setting processes and timetable

#### **3. Scope**

- 3.1 The introduction of a single local annual pay review mechanism would replace the current arrangements for Bromley employees under the Green Book, Soulbury Committee, and Bromley local grades including Management Grade staff.
- 3.2 As part of consultation consideration will be given to whether teaching staff at Bromley Adult Education College should also be included within the scope of these arrangements. The pay and conditions of this staff group are already determined locally by the Council's Local Joint Negotiating Committee

#### **4. Proposed changes**

- 4.1 The introduction of a localised annual pay review will mean that subject to consultation the Council would:
  - 4.1.1 Withdraw from the NJC, GLPC and Soulbury Committees and introduce an annual local pay review mechanism to replace the existing national and regional collective bargaining arrangements;

- 4.1.2 Cease to accept a recommendation from Inbucon on the market movement in salary bands for staff on the Bromley Management Grades (MG). In future:
- 4.1.2.1 the MG annual salary review would be undertaken via the same single local annual pay review mechanism as all other staff (except teachers whose pay and conditions are governed by statute); and
- 4.1.2.2 The existing PRP scheme for MG staff will be discontinued.
- 4.1.3 Introduce a scheme of discretionary non-consolidated non-pensionable Rewards for Exceptional Performance applicable to all staff; and
- 4.1.4 Reinforce the link between individual performance and pay, by proposing to withhold pay increases for under performing staff.
- 4.2 The process of the local annual pay review would lead to a local decision taken by full Council as part of the budget setting process. The Executive and subsequently full Council would consider the recommendations of the General Purposes and Licensing Committee and determine the amount to be allocated to any increase in staff pay in the coming year on the basis of:
- (a) a general cost of living increase;
- (b) the amount available to support the Council's proposed scheme of non consolidated non-pensionable performance related rewards.
- 4.3 Consideration by all parties involved in the annual review process will have particular regard to:
- Affordability; inflation
  - Market settlements elsewhere including the NJC, GLPC and Soulbury Committee
  - Organisational performance
  - Stakeholder views
  - Trade union and staff perspectives
- 4.4 Details of how the annual pay review mechanism might work and the key milestones in the process are set out in Table 1 attached.

Table1

<b>LONDON BOROUGH OF BROMLEY – LOCALISED PAY PROPOSED ANNUAL PAY REVIEW MECHANISM</b>	
The staff falling within the scope of these arrangements are Bromley employees under the Green Book, Soulbury Committee, and Bromley local grades including Management Grade staff.	
<b>TIMESCALE</b>	<b>ACTION</b>
August/ September	Officers assemble the relevant information: <ul style="list-style-type: none"> <li>• Affordability; inflation</li> <li>• Market settlements elsewhere inc NJC</li> <li>• Organisational performance</li> <li>• Stakeholder views</li> <li>• Staff representatives</li> </ul>
October/ November	Officer led consultation meetings with Trade Unions to consider the information in the local context and to receive their annual pay submissions.
December	Officers present information to General Purposes and Licensing Committee which makes recommendations to Executive and full Council
December/ January	Recommendations considered by E&R PDS and Executive
Jan/Feb	GP&L and Executive recommendations presented to full Council which agrees amount and detail of any annual cost of living pay increase and the amount to be allocated to a non-consolidated performance payment “pot” to be included in the draft budget
Jan/Feb	Consultation on the draft budget including with staff and staff representatives
February	Executive and full Council receive outcomes of consultation and agree the budget
1 April	Effective date of any cost of living increase



## LONDON BOROUGH OF BROMLEY

### OUTLINE PROPOSALS FOR A SCHEME OF DISCRETIONARY NON-CONSOLIDATED NON-PENSIONABLE REWARDS FOR EXCEPTIONAL PERFORMANCE

#### 1. Context

- 1.1 Reward and recognition is a key theme of the Council's agreed HR Strategy. This includes establishing strong links between performance and reward, and celebrating individual and organisational achievements.
- 1.2 The HR Strategy is based on an assumption that all staff come to work to do a good job and make a difference. The Council expects high standards of performance from staff at all levels, and seeks in return to maintain a simple, fair, transparent and affordable pay and reward structure that attracts and keeps a skilled and flexible workforce. As part of the strategy the Council is committed to developing a scheme based on non-consolidated rewards for exceptional performance.

#### 2. Objectives of the Scheme

- 2.1 The Scheme aims to enhance the Council's ability to recognise and reward exceptional performers, thereby improving the link between employees' remuneration and performance on a local and more individualised basis.
- 2.2 The Scheme offers all staff (except Teachers) the opportunity to be considered for a non-consolidated non-pensionable performance related reward. It replaces the existing PRP scheme for Management Grade staff, and supplements a range of other recognition and reward measures as set out in Table 2.

#### 3. Eligibility

- 3.1 The Scheme is open to all employees except teachers who are excluded from the scheme on the basis that their pay is governed by statute.

#### 4. Criteria

- 4.1 In order to be considered for a non-consolidated non-pensionable performance related reward the employee will have:
  - **Delivered exceptional/outstanding performance which goes well beyond the normal expectations of the role; and**
  - **Sustained a satisfactory attendance and disciplinary record.**
- 4.2 In applying the criteria the focus should be on outcomes i.e. what has been achieved as distinct from input/effort (e.g. hours worked). The scheme also seeks to avoid "double counting" in that it is a condition of the scheme that the employee has not and would not more appropriately be eligible to receive one of the pay enhancements set out in Appendix 1 for the same performance.

## **5. Amount of Payment**

- 5.1 The value of the rewards needs to be considered, options could be to base them on a percentage of basic pay (excluding any enhancements for weekends, nights, public holidays, travel etc) with a specified minimum amount, or a fixed sum. The amount payable may vary from year to year depending on the number of recipients and organisational performance, and may be weighted in favour of frontline staff.
- 5.2 In order to maximise the amount of money that can be targeted to reward performance under this scheme, and to ensure that the value of the benefit is not affected by other considerations, it is proposed that the nature of the rewards payable under the scheme are non-pensionable. The options to deliver this objective are currently under consideration and include, for example, non-cashable vouchers.
- 5.3 Rewards payable under this scheme will be liable for tax and national insurance contributions in the normal way.

## **6. Frequency**

- 6.1 Nominations for a reward under this scheme will be considered annually by a corporate panel of officers (see section 7 below).

*Views are sought as to how this arrangement should be varied for school staff*

## **7. Nomination Process**

- 7.1 Nominations should be made to the appropriate Assistant Director by line managers or individuals; self nominations are allowed. Nominations will be informed by the outcomes of performance appraisal, but the scheme does not operate as an integral part of the performance appraisal process applicable to all staff.
- 7.2 The nomination should include a supporting statement as to why the individual(s) are considered to meet the criteria set out in section 4 above.
- 7.3 All nominations will be subject to moderation by the Assistant Director with nominees having a right of appeal to the Departmental Chief Officer. The Assistant Director will submit the final list of nominations to the Assistant Chief Executive (HR) by February each year.

## **8. Decisions**

### **8.1 Staff below Deputy Chief Officer**

- 8.1.1 All nominations will be considered at a Directors' meeting supported by HR. The Directors will be advised by an Officers' Panel consisting of one service representative from each of the Departments, a Chief Officer, and an elected staff representative.
- 8.1.2 The Assistant Director will attend to present his/her nominations to the Panel.
- 8.1.3 The decisions of the Panel will be final.

### **8.2 Chief Officers and Deputy Chief Officers**

- 8.2.1 Chief Officers will present their nominations to the Chief Executive who will consult with the Leader and Portfolio Holders before reaching a decision which shall be final.

<b>PERFORMANCE RELATED RECOGNITION AND REWARD MEASURES</b>	
<b>MEASURE</b>	<b>CRITERIA</b>
<b>Acting Up</b>	Temporarily undertaking the full duties and responsibilities of a higher graded post for a continuous period of 28 days or more (except where covering for annual leave)
<b>Honorarium</b>	Temporarily undertaking duties and responsibilities outside the scope of the employee's substantive post where: <ul style="list-style-type: none"> <li>• the additional duties and responsibilities are exceptionally onerous; and/or</li> <li>• the duties outside the scope of the post are undertaken over an extended period; and/or</li> <li>• the duties of a higher graded post are shared between two or more officers</li> </ul>
<b>Accelerated increment(s)</b>	Where in the opinion of the Chief Officer an employee who is not on the maximum of the grade has demonstrated particular merit or ability
<b>Progression through a Linked Grade</b>	Where the employee has demonstrated to the satisfaction of the Chief Officer that s/he has satisfied the criteria to move to the next higher grade in the career path, and will be undertaking the duties and responsibilities at the level of the higher grade
<b>Salary uplift for MG staff</b>	Where in the opinion of the Chief Officer or Chief Executive in consultation with the Assistant Chief Executive (HR) an employee has taken on additional responsibilities and/or demonstrated particular merit or ability
<b>Time off in lieu, Overtime or additional hours</b>	Recompense for hours worked in excess of the employee's contractual hours under the arrangements agreed as part of the Bromley Single Status Agreement
<b>Soulbury SPA points</b>	Additional discretionary spine points for Soulbury staff based on LA service and a structured professional assessment to recognise their contribution to the Authority's role in raising standards in schools, improving involvement of young people in community activities, and the promotion of child development and learning