

REPORT REFERENCE NO.	DSFRA/22/9
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	18 FEBRUARY 2022 (Budget Meeting)
SUBJECT OF REPORT	LOCALISM ACT 2011 – PAY POLICY STATEMENT 2022-23
LEAD OFFICER	Director of Governance & Digital Services
RECOMMENDATIONS	<p><i>(a). That the Pay Policy Statement 2022-23 as appended to this report be approved and published on the Authority's website; and</i></p> <p><i>(b). that the Clerk be authorised to make any consequential amendments to the Statement as may be necessitated by the final 2021-22 pay award for "Green Book" staff and publish a revised Statement, as necessary, on the Authority's website.</i></p>
EXECUTIVE SUMMARY	<p>The Authority is required under the Localism Act 2011 to approve and publish a Pay Policy Statement, by 31 March of each year, to operate for the forthcoming financial year. This Statement sets out the Authority's policy towards a range of issues relating to the pay of its workforce and in particular the senior staff and the lowest paid employees.</p> <p>This paper provides further background information in relation to the requirements of the Localism Act and includes a draft Pay Policy Statement for the forthcoming (2022-23) financial year.</p> <p>The draft Pay Policy Statement for 2022-23 has been updated to reflect current levels of pay for senior officers and other employees but, other than that, is unchanged from the previous year and is recommended to the Authority for approval.</p>
RESOURCE IMPLICATIONS	There are no resource implications associated with production of the Pay Policy Statement. Funding for staffing costs etc. are contained within the approved Authority revenue budget.
EQUALITY RISKS & BENEFITS ANALYSIS	The contents of this report are considered compatible with existing equalities and human rights legislation.
APPENDICES	A. Draft Pay Policy Statement 2022-23
BACKGROUND PAPERS	<ol style="list-style-type: none"> 1. Localism Act 2011 Sections 38 to 43. 2. "Pay Policy and Practice in Local Authorities: A Guide for Councillors" produced by the Local Government Association, published January 2013. 3. Local Government Transparency Code 2015.

	4. Fire and Rescue National Framework for England – May 2018
--	--

1. INTRODUCTION

- 1.1 The Localism Act 2011 (“the Act”) introduced a new requirement for all public authorities, including combined fire and rescue authorities, to approve and publish annually a Pay Policy Statement. The reasons for the introduction of this new duty, included:
- the estimation that, between 2001 and 2008 median top salaries in local government grew at faster rate than entry salaries and that, in that context, around 800 local government employees were in the top 1% of all earners;
 - the commitment of the Government at that time to strengthen councillors powers to vote on large salary packages for council officers;
 - the outcome of the Hutton review into fair pay in the public sector which made several recommendations for promoting pay fairness in the public sector by increasing transparency over pay and tackling disparities between the lowest and the highest paid in public sector organisations.
- 1.2 The provisions on pay in the Act are designed to bring together the strands of Government thinking to address pay issues in local government as outlined above.
- 1.3 Pay Policy Statements must articulate an authority’s policy towards a range of issues relating to the pay of its workforce, particularly its senior staff (or “chief officers”) and its lowest paid employees. Pay Policy Statements must be prepared and approved by the Authority by 31 March in each year and be published as soon as reasonably practicable thereafter. Publication can be in such a manner as the Authority considers appropriate, but must include publication on the Authority’s website. A Pay Policy Statement may be amended “in year” but, should it be amended, the revised Statement must again be published.
- 1.4 In essence, the purpose of the Pay Policy Statement is to ensure that there is the appropriate accountability and transparency of top salaries in local government. Under the Act, elected Members have the ability to take a greater role in determining the pay for top earners and therefore ensuring that these decisions are taken by those who are directly accountable to the local people. In addition, communities should have access to the information they need to determine whether remuneration, particularly senior remuneration, is appropriate and commensurate with responsibility.

2. CONTENT OF THE PAY POLICY STATEMENT

- 2.1 The Act requires that each authority’s Pay Policy Statement must include its policies on:
- the level and elements of remuneration for each chief officer;
 - the remuneration of its lowest paid employees (together with its definition of “lowest paid employees” and its reasons for adopting that definition);

- the relationship between the remuneration of its chief officers and other employees;
- other specific aspects of chief officers' remuneration namely:
 - remuneration on recruitment;
 - increases and additions to remuneration;
 - use of performance-related pay and bonuses; termination payments; and
 - transparency (i.e. the publication and access to information on the remuneration of chief officers).

2.2 The term remuneration is defined as the chief officer's salary, any bonuses payable, any charges, fees or allowances payable, any benefits in kind to which the chief officer is entitled as a result of their office or employment, any increase in or enhancement of the chief officer's pension entitlement where the increase or enhancement is as a result of the resolution of the Authority and any amounts payable by the Authority to the chief officer on the chief officer ceasing to hold office under or be employed by the Authority other than amounts that may be payable by virtue of any enactment.

2.3 The term "chief officers" in a fire and rescue service context will refer to the Chief Fire Officer but "chief officers" are defined in Section 43 of the Act to include a Head of Paid Service, a Monitoring Officer, any other statutory chief officer, or a deputy chief officer or other non-statutory chief officer as defined in the Local Government and Housing Act 1989 (these include officers reporting directly either to the Head of Paid Service or the Authority).

3. SENIOR EMPLOYEES AND PAY RATIOS

3.1. Whilst the Localism Act 2011 does not require details on salary levels to be published in the Pay Policy Statement, Schedule 1 to the Accounts and Audit Regulations 2015 (as amended) requires the published Statement of Accounts for an authority to include information on the number of senior employees who are paid over £50,000. These numbers are to be reported in bands of £5,000. Any senior employee earning in excess of £150,000 must be identified by name.

3.2. "Senior employees" are defined as per the Local Government and Housing Act 1989 (see para. 2.3 above) but also include "a person who has responsibility for the management of the relevant body to the extent that the person has power to direct or control the major activities of the body (in particular activities involving the expenditure of money), whether solely or collectively with other persons".

- 3.3. The Localism Act requires authorities to explain what they think the relationship should be between the remuneration of its chief officers and its employees who are not chief officers. The Hutton Review of Fair Pay recommended the publication of the ratio between the highest paid employee and the median pay-point of the organisation's whole workforce as a way of illustrating that relationship. Guidance produced by the [then] Department for Communities and Local Government (DCLG) on openness and accountability in local pay provides that:

"While authorities are not required to publish data such as a pay multiple within their pay policy statement, they may consider it helpful to do so, for example, to illustrate their broader policy on how pay and reward should be fairly dispersed across their workforce. In addition, while they are not required to develop local policies on reaching or maintaining a specific pay multiple by the Act they may wish to include any existing policy".

- 3.4. Section 5 of the proposed Pay Policy Statement shows two pay multiples. The first is a comparison with the median earnings of the whole workforce (as recommended by Hutton), using the basic pay for full-time equivalents.
- 3.5. The second multiple is the relationship between the highest (for this Authority, the Chief Fire Officer) and lowest pay point. This method has previously been used as a benchmark following suggestions by the Government that a ratio of 20:1 should be regarded as a maximum level which public sector organisations should not exceed. The Service revised its pay grading structure for professional, technical and support staff ("Green Book" staff) in 2019-20. This resulted in a reduction in the number of pay increments within a salary grade from five to four for grades 3 to 11. For grade 2, the number of pay increments was decreased to three and for grade 1 this was reduced to two (although the Service does not currently have any posts at Grade 1). The effect of this was that the pay multiple ratio between the Chief Fire Officer and the lowest paid employee decreased from 12.8 to 1 to 8.5 to 1 in that year. The lowest pay point is currently £18,933, giving a ratio of 8.6 to 1. It should be noted here, though, that the Green Book pay award for 2021-22 has, at the time of writing, still to be finalised. The current employers offer is for a 1.75% increase, which once finalised, would result in a change in the ratio to 8.4 to 1.

4. RE-EMPLOYMENT OF OFFICERS

- 4.1 In 2013, the Local Government Association (LGA) published guidance titled "Pay Policy in Practice in Local Authorities – A Guide for Councillors". However, unlike other guidance published by [the then] DCLG, it does not constitute statutory guidance and is perhaps best viewed as "best practice". In November 2013, the LGA specifically issued the guidance to all fire and rescue authorities in England and Wales. Within the covering letter the LGA highlighted that the practice of re-employment of individuals who have been made redundant or have retired and are in receipt of a pension should be used only in exceptional and justifiable circumstances (such as business continuity).
- 4.2 The LGA guidance contains a model Pay Policy Statement which suggests the following paragraph:

“It is not the council’s policy to re-employ or to contract with senior managers who have been made redundant from the council unless there are exceptional circumstances where their specialist knowledge and expertise is required for a defined period of time or unless a defined period of (define number of years) has elapsed since the redundancy and circumstances have changed.”

4.3 The covering letter to the LGA guidance suggested that this paragraph should be widened to incorporate retirements in addition to redundancies. This modification was incorporated into the Authority Pay Policy Statement 2014-15 and has been retained in subsequent Pay Policy Statements.

4.4 Additionally, the Fire and Rescue National Framework for England, published by the Home Office in May 2018, included a section of “Re-engagement of Senior Officers”. Paragraph 6.8 of the Framework sets out that:

“Fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited”.

4.5 Principal Officers in this respect is defined as Area Managers and above, or those with comparable responsibilities to those roles.

4.6 The Authority’s Pay Policy Statement sets out, in Section 8, controls approved by the Authority for the re-employment of former employees (whether through redundancy or retirement) which reflect the relevant contents of the 2018 National Framework.

5. THE TRANSPARENCY CODE

5.1 The Local Government (Transparency Requirements) (England) Regulations 2015 imposed additional requirements in terms of publishing data relating to the Authority. The requirements are set out in the Local Government Transparency Code 2015. The Local Government Association produced a set of revised practical guidance documents to support local authorities in understanding and implementing the Transparency Code and to help them publish the data in a meaningful and consistent way. The Code covers information on spending and procurement, organisational information and asset and parking information.

5.2 The Transparency Code requirements overlap to a degree with certain staffing information required to be published both as part of the annual Statement of Accounts and the Pay Policy Statement. There are, however, some additions including requirements for further details of Senior Managers, including grading and responsibilities, where salary levels are in excess of £50,000 and also Trade Union Facility time.

6. PAY POLICY STATEMENT 2022-23

- 6.1 This is now the eleventh iteration of the Pay Policy Statement, the Authority having approved and published a Statement for each of the last ten consecutive years following introduction of the requirement by the Localism Act 2011.
- 6.2 The draft Pay Policy Statement to operate for the 2022-23 financial year is appended to this report. There are no substantial changes to the Pay Policy Statement as approved by the Authority for 2021-22 (as amended at the Authority annual meeting in June 2021 to reflect changes to Committee Terms of Reference and Scheme of Delegations).

7. CONCLUSION

- 7.1 The Localism Act requires the Authority to adopt, prior to the commencement of each financial year, a Pay Policy Statement to operate for the forthcoming financial year. This Statement sets out, amongst other things, the Authority's policy towards a range of issues relating to the pay of its workforce and in particular the senior staff and the lowest paid employees.
- 7.2 The Authority is now invited:
- (a). to approve the Pay Policy Statement 2022-23 as appended to this report for publication on the Authority's website; and
 - (b). to authorise the Clerk to make any consequential amendments to the Statement as may be necessitated by the final 2021-22 pay award for "Green Book" staff and publish a revised Statement, as necessary, on the Authority's website.

MIKE PEARSON
Director of Governance & Digital Services