

Pay Policy Statement 2021/2022



Making a positive difference everyday to people's lives

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1.0 Introduction and Purpose

This Pay Policy Statement sets out the Council's approach to pay policy in accordance with the requirements of Section 38 to 43 of the Localism Act 2011 and takes account of the final guidance for 'Openness and Accountability in Local Pay' as issued by the Ministry of Housing, Communities & Local Government. The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees (excluding those working in local authority schools) by identifying;

- The methods by which, salaries of all employees are determined.
- The detail and level of base remuneration of its most senior employee's i.e. 'chief officers', as defined by the relevant legislation.
- The detail and level of base remuneration of the lowest paid employees
- The relationship between the remuneration for highest and lowest paid employees
- The Committee(s)/Panel responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council and recommending any amendments to the full Council.

Once approved by the Full Council Meeting, this policy statement will come into immediate effect for the 2021/22 financial year and will be subject to review again for 2022/23 in accordance with the relevant legislation prevailing at that time. If the pay policy needs to be amended during the current financial year, any amendments will be subject to approval.

2.0 Legislative Framework

In determining the pay and base remuneration of all its employees, the Council will comply with all relevant employment legislation. This includes; the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.

The Council pays due regard to the Equal Pay requirements contained within the Equality Act, the Council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of an equality proofed job evaluation scheme that directly relates an employee's salary to the requirements, demands and responsibilities of the role.

3.0 Senior Management Remuneration Policy

For the purposes of this statement, senior officer means 'chief officers' as defined within S43 of the Localism Act 2011. The Chief Executive is employed under the terms and conditions of the Joint National Council for Chief Executives and all other senior officers are under the terms and conditions for Joint National Council for Chief Officers.

The Council currently determines pay levels through a job evaluation process and grading structure that has been specifically designed for senior positions that determines the pay range for senior officers as defined by the Localism Act 2011. Progression is based on successful assessment and approval by JNC Panel. A cost of living rise of 2.75% has been applied to the Senior Officer Pay Structure, as a result of pay bargaining undertaken by Joint Negotiating Committee for Chief Officers of Local Authorities, with effect from 1st April 2020. See Annex 1 for the senior officer pay structure effective as at 1st April 2020.

Those employees working in senior positions do not receive overtime payments and all other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by Council Policy.

In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

In particular, it is the Council's policy that no Chief Officer or Deputy Chief Officer (subject to JNC conditions of service for Chief Officers) is paid a supplement for Returning Officer duties, whether in respect of local elections or national elections (e.g. General Elections, elections for European Parliament, national referenda etc.). Fees paid in respect of these elections by Government are used to supplement the pay of non-senior officer employees who have worked on the relevant election.

3.1 Senior Management Positions

JNC Chief/ JNC Deputy Officers

The senior officer positions will continue to be reviewed on a regular basis as part of the overall savings that have to be made by the Council due to the savings targets faced by local authorities in general over the next few years. See Annex 1 for full details.

3.2 Recruitment to Senior Management Positions

When recruiting to all posts the Council will take full and proper account of its own equal opportunities, recruitment and redeployment policies. Appointments made to chief officer (CO) and JNC deputy chief officer (DCO) positions are all made by the Chief Officers and Deputy Chief Officers Appointments Dismissals and Service Conditions Sub-Committee. Other appointments are made by the Chief Executive or relevant delegated officer.

The determination of the remuneration to be offered to any newly appointed Chief Officer or Deputy Chief Officer will be in accordance with the local JNC (Senior) pay spine (further details can be found in Annex 1) and relevant policies in place at the time of recruitment. Where the Council is unable to recruit or retain at the designated grade, it will consider the use of temporary market forces and retention supplements in accordance with its relevant policies.

Where the Council remains unable to recruit under an employment contract, or there is a need for interim support to provide cover for a vacant substantive senior management position, the Council will, where necessary, consider and utilise engaging individuals under 'contracts for service'. These will be sourced through the relevant procurement process ensuring the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service.

3.3 Additions to Salary of Chief Officers/Deputy Chief Officers

The Council does not apply any bonus to the salary of Chief Officers/Deputy Chief Officers, however progression within the salary scales is performance related as mentioned under 3.0. There is no element of earn back for senior manager's salaries and any pay progression is currently consolidated into basic pay.

In addition to basic salary, set out below are details of other elements of 'additional pay' which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties;

The following are applicable to all senior manager positions

- A mileage allowance is paid to all employees using their own vehicle for work purposes and the payments are in linked to the approved HMRC rates (For current HMRC mileage rates please see <http://www.hmrc.gov.uk/paye/exb/a-z/m/mileage-expenses.htm>)
- There are currently no salary supplements or additional payments for undertaking additional responsibilities such as shared service provision with another local authority or in respect of joint bodies.
- Market forces supplements/recruitment allowances are paid where it is justified in order to recruit and fulfill a role or to retain an officer within a role.

3.4 Payments on Termination

The Restriction of Public Sector Exit Payments Regulations ("the new 2020 Regs") stipulate a cap of £95,000 for exit payments made to employees within scope, as defined by the Regulations. All employees within Birmingham City Council are in scope. Exit payments are specified to include; statutory and discretionary redundancy payments, pension strain and any "other" payments related to the termination of employment. Three Judicial Reviews of these Regulations are scheduled to be heard in March 2021. Whilst awaiting the outcome of the Judicial Reviews, Birmingham City Council will observe the £95,000 exit payments cap and await further support from LGPS to advise employees appropriately.

3.5 Comparators Influencing Pay Levels

For the purpose of context in the local government sector, Birmingham City Council is not only the largest local authority in the UK, but also the largest unitary authority in Europe serving over one million residents and has a revenue budget of c £3.1bn. The Council needs to maintain competitive pay levels in order to attract suitable candidates for more senior positions that can demonstrate sufficient skills, experience and capacity required at this level as would be evidenced for example by fulfilling a comparable role in a large complex local authority. There is a very small pool from which to recruit with other authorities offering very competitive salaries considering their size.

It may be necessary then, from time to time, to review senior pay scales by benchmarking Chief Executive remuneration with the Core Cities group of councils that represents those of the largest eight economies outside London, to ensure alignment with external pay markets, both within and outside the sector, which may result in the review of JNC salaries and/or temporary additions of market supplements (as per 3.3), as appropriate.

4.0 Non Chief/Deputy Chief Officer Employees

Based on the application of an analytical job evaluation process, the Council uses the nationally negotiated pay spine as the basis for its local grading structure with additional spine points. This determines the salary of the large majority of the non school based workforce, together with the use of other nationally defined rates such as Soulbury and JNC/Y&C. The Council presently adheres to national pay bargaining in respect of the national pay spine with the most recent increase effective 1st April 2020.

Progression within the grading structure for 2021/22 is currently performance related and subject to having achieved objectives within the appraisal year, however, this is currently under review and any changes will be amended hereafter.

4.1 Recruitment

New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector.

4.2 Lowest Paid Employees

The lowest paid employees under a contract of employment with the Council are employed on full time equivalent (FTE) salary in accordance with the minimum spinal column point (SCP) currently in use within the Council's grading structure. The minimum SCP for 2020 (based on April 2020 pay rates) is £17,842 (SCP1). See Annex 2 for the BCC NJC Pay Structure, effective 1st April 2020.

The Council has chosen to pay the 'Real Living Wage' equivalent of £9.30 per hour. Following the recent review by the Living Wage Foundation, it is recommended that this increases to £9.50 per hour and the implementation of which will be subject to cabinet approval with effect from 01 April 2021. For the purpose of this pay policy statement the lowest paid employee's will be defined as those on a FTE salary of £18,080 based on the Real Living Wage hourly rate of £9.50 per hour. This supplement paid for the 'Real Living Wage' should not be confused with the 'National Living Wage'.

The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton 'Review of Fair Pay in the Public Sector' (2010). The Hutton report was asked by Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between highest paid salary and the median average salary of the whole of the authority's workforce. Whilst the ratio between the highest and lowest paid employees within the Council does not exceed 20 times, the Council does not set a ratio ceiling within its pay policy for senior officers.

The following tables illustrate various pay differentials between the salary of the Chief Executive and the lowest paid full time equivalent employee, median employee pay and average employee pay based on base pay, and does not include any pension benefits, or any other variable elements of pay (e.g. non contractual overtime, allowances etc).

Pay Differential between Chief Executive and lowest paid full-time equivalent employees

CEX salary	186003
Lowest FTE salary	18080
Pay Multiple	10.29:1

Pay Differential between Chief Executive and the median pay for full-time equivalent employees

CEX salary	186003
Median salary	24491
Pay Multiple	7.59:1

Pay Differential between Chief Executive and the average pay for full-time equivalent employees

CEX salary	186003
Average salary	27398
Pay Multiple	6.79:1

The following tables illustrate the various pay differentials between Chief/Deputy Chief Officers and the lowest paid full time equivalent employee, median employee pay and average employee pay based on base pay, and does not include any pension benefits, or any other variable elements of pay (e.g. non contractual overtime, allowances etc).

Pay Differential between the average of Chief Officers pay and the lowest paid full-time equivalent employee

Average Chief Officer salary	98137
Lowest FTE salary	18080
Pay Multiple	5.43:1

Pay Differential between the average of Chief Officers pay and the average pay for a full time equivalent employee

Average Chief Officer salary	98137
Average salary	27398
Pay Multiple	3.58:1

Pay Differential between the median of Chief Officers pay and the median pay for a full time equivalent employee

Median Chief Officer salary	91550
Median salary	24491
Pay Multiple	3.74:1

4.3 Accountability and Decision Making

In accordance with the Constitution of the Council, the Chief Officers and Deputy Chief Officers Appointments Dismissals and Service Conditions Sub-Committee are responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council on JNC terms and conditions.

5 Publication

The Pay Policy 2021/22 will be submitted as a document within the Financial Planning Papers, and upon approval by the full Council, this statement will be published as part of those papers, and separately in its own right, on the Council's Website www.birmingham.gov.uk/cosd. Other formats will also be made available on request.

In addition, for employees where the full-time equivalent salary is £50,000 or more, excluding employer superannuation contributions, the Councils Annual Statement of Accounts will include the number of employees in bands of £5,000.

Annex 1 Birmingham City Council - Senior Pay Spine (Chief/Deputy Chief Officers)

Pay structure effective as at 1st April 2020

Job Level	Grade	Minimum £	Maximum £
Chief Executive	B04	£ 186,003	£ 227,852
Corporate Director	B03	£ 139,068	£ 170,358
Service Director	B02	£ 103,975	£ 127,371
Assistant Director	B01	£ 77,046	£ 95,230

The posts falling within the statutory definition for Chief Officers of the Local Government and Housing Act 1989, which covers the statutory officers and those others that report to the Chief Executive, are set out below:

- a) Chief Executive - The head of paid service defined under section 4(1) of that Act.
The salary for the above post falls within a range from £186,003 rising to a maximum of £227,852. There is no additional supplement paid for returning officer duties incorporated into this role.
- b) Chief Finance Officer (Section 151 Officer) - A statutory chief officer defined under section 2(6) of that Act.
The salary for the above post falls within a range between £139,068, rising to a maximum of £170,358.
- c) City Solicitor & Monitoring Officer Legal and Governance – A statutory chief officer defined under section 5(1) of that Act.
The salary for the above post falls within a range between £ 103,975 rising to a maximum of £ 127,371.
- d) Programme Director Commonwealth Games – A non-statutory chief officer defined under section 2 (7) of that Act.
The salary for the above post falls within a range between £103,975 rising to a maximum of £127,371.
- e) Director Human Resources – A non-statutory chief officer defined under section 2 (7) of that Act.
The salary for the above post falls within a range between £103,975 rising to a maximum of £127,371
- f) Director Adult Social Care – A statutory officer defined under section 2(6) of that Act.
The salary for the above post falls within a range between £139,068, rising to a maximum of £170,358.
- g) Director Education & Skills - A statutory officer defined under section 2(6) of that Act.
The salary for the above post falls within a range between £139,068, rising to a maximum of £170,358.

- h) Director Neighbourhoods - A non-statutory chief officer defined under section 2(7) of that Act. The salary for the above post falls within a range between £139,068, rising to a maximum of £170,358.
- i) Director Digital & Customer Services – A non-statutory chief officer defined under section 2(7) of that Act. The salary for the above post falls within a range between £ 103,975, rising to a maximum of £127,371.
- j) Director Inclusive Growth - A non-statutory chief officer defined under section 2(7) of that Act. The salary for the above post falls within a range between £139,068, rising to a maximum of £170,358.
- k) Assistant Chief Executive Partnerships, Insight & Prevention – A non-statutory chief officer defined under section 2(7) of that Act. The salary for the above post falls within a range between £ 103,975 rising to a maximum of £127,371.
- l) Director of Public Health – A statutory post under section 73A (7) of the NHS Act 2006. The salary for the above post falls within a range between £ 103,975 rising to a maximum of £127,371. There are also two statutory payments made in relation to this role.

Annex 2 Birmingham City Council – NJC Pay Spine

Pay structure effective as at 1st April 2020.

Grade	Spinal Column Point	Salary FTE
1	1	£17,842*
1	2	£18,198
1	3	£18,562
2	3	£18,562
2	4	£18,933
2	5	£19,312
2	6	£19,698
2	7	£20,092
2	8	£20,493
3	9	£20,903
3	10	£21,322
3	11	£21,748
3	12	£22,183
3	13	£22,627
3	14	£23,080
3	15	£23,541
3	16	£24,012
3	17	£24,491
3	18	£24,982
3	19	£25,481
3	20	£25,991
3	21	£26,511
3	22	£27,041
4	23	£27,741
4	24	£28,672
4	25	£29,577
4	26	£30,451
4	27	£31,346
4	28	£32,234
4	29	£32,910
4	30	£33,782
4	31	£34,728
5	32	£35,745
5	33	£36,922
5	34	£37,890
5	35	£38,890
5	36	£39,880

Grade	Spinal Column Point	Salary FTE
5	37	£40,876
5	38	£41,881
5	39	£42,821
5	40	£43,857
6	41	£44,863
6	42	£45,859
6	43	£46,845
6	44	£48,356
6	45	£49,878
6	46	£51,397
6	47	£52,930
6	48	£54,444
6	49	£56,075
7	50	£57,698
7	51	£59,344
7	52	£61,265
7	53	£63,262
7	54	£65,328
7	55	£67,465
7	56	£69,684
7	57	£71,975
7	58	£74,887

* Real Living Wage supplement paid to colleagues on SCP1

Annex 3 JNC Deputy Chief Officers

The positions in the table below are core establishment, JNC deputy chief officers as mentioned in section 2(8) of the Localism Act, i.e. JNC officers that report directly to any of the JNC chief officers listed in Annex 1:

Designation	Directorate	Grade	Range
Assistant Director Service Finance (& Deputy S151 Officer)	Finance and Governance	B02	£103,974 - £127,371
Assistant Director Development & Commercial (& Deputy S151 Officer)	Finance and Governance	B02	£103,974 - £127,371
Assistant Director Governance & Deputy MO	Finance and Governance	B01	£77,045 - £95,229
Assistant Director Legal Services	Finance and Governance	B01	£77,045 - £95,229
Assistant Director Human Resources	Human Resources	B01	£77,045 - £95,229
Assistant Director Organisational Development	Human Resources	B01	£77,045 - £95,229
Assistant Director Customer Services & Business Support	Digital & Customer Services	B01	£77,045 - £95,229
Assistant Director Revenues & Benefits	Digital & Customer Services	B01	£77,045 - £95,229

Designation	Directorate	Grade	Range
Assistant Director ICT & Digital	Digital & Customer Services	B01	£77,045 - £95,229
Assistant Director Community Safety & Resilience	Partnerships, Insight & Prevention	B01	£77,045 - £95,229
Assistant Director Communications & Marketing	Partnerships, Insight & Prevention	B01	£77,045 - £95,229
Assistant Director Public Health	Partnerships, Insight & Prevention	B01	£77,045 - £95,229
Assistant Director Public Health	Partnerships, Insight & Prevention	B01	£77,045 - £95,229
Assistant Director Housing	Neighbourhoods	B02	£103,974 - £127,371
Assistant Director Street Scene	Neighbourhoods	B02	£103,974 - £127,371
Assistant Director Neighbourhoods	Neighbourhoods	B01	£77,045 - £95,229
Assistant Director Regulation & Enforcement	Neighbourhoods	B02	£103,974 - £127,371
Assistant Director Development	Inclusive Growth	B01	£77,045 - £95,229
Assistant Director Transport Connectivity	Inclusive Growth	B01	£77,045 - £95,229
Assistant Director Highways & Infrastructure	Inclusive Growth	B01	£77,045 - £95,229
Assistant Director Property Services	Inclusive Growth	B01	£77,045 - £95,229
Assistant Director Planning	Inclusive Growth	B01	£77,045 - £95,229
Assistant Director Housing Development	Inclusive Growth	B01	£77,045 - £95,229
Assistant Director Education & Early Years	Education & Skills	B01	£77,045 - £95,229
Assistant Director Inclusion & SENDS	Education & Skills	B01	£77,045 - £95,229
Assistant Director Skills	Education & Skills	B01	£77,045 - £95,229
Assistant Director Community & Operational x 2	Adult Social Care	B02	£103,974 - £127,371
Assistant Director Commissioning	Adult Social Care	B02	£103,974 - £127,371
Assistant Director Quality & Improvement	Adult Social Care	B01	£77,045 - £95,229

The positions in the table below are non-core establishment, JNC deputy chief officers as mentioned in section 2(8) of the Localism Act, i.e. JNC officers that report directly to any of the JNC chief officers listed in Annex 1:

Designation	Directorate	Grade	Range
Assistant Director Audit	Finance and Governance	B01	£77,045 - £95,229
Assistant Director Public Health Consultant Park & Neighbourhoods	Partnerships, Insight & Prevention	B01	£77,045 - £95,229
Assistant Director Public Health Consultant Healthcare/Medicine	Partnerships, Insight & Prevention	B01	£77,045 - £95,229