

BEST VALUE COMMISSIONERS

Equal Pay Board
14th August 2024 14:00-15:30
Room 125, Council House

Board Members

Pam Parkes, Commissioner & Chair
Chris Tambini, Commissioner
Jackie Belton, Commissioner
John Biggs, Political Adviser
Katy Fox, Director of Peoples Services
Graeme Betts, Acting Chief Executive
Rishi Shori, Acting Deputy Chief Executive
Fiona Greenway, Director of Finance & S151 Officer
Craig Cooper, Strategic Director of City Operations
Tim Bell, Finance Consultant
Peter Sebastian, Head of Financial Strategy
Alan Downton, Equal Pay Programme Lead
Tom Smith, Chief of Staff, Ministry of Housing, Communities & Local Government
Will Moody, PA, Commissioners Support Team

Apologies

Marie Rosenthal, Interim City Solicitor & Monitoring Officer
Julia Lynch, Assistant Director of Legal Services - Litigation Law
Andy Vaughan, Director, Street Scene

1 Welcome & Introductions

1.1 Welcome and introductions completed.

2 Previous Minutes and Actions

- 2.1 The minutes of the previous meeting were reviewed. The meeting agreed that the minutes were an accurate record and true reflection of the meeting.
- 2.2 Outstanding actions were reviewed, both actions from the last meeting are ongoing and led by Katy Fox, Director of Peoples Services.

3 Opening items/terms of reference

- 3.1 The Equal Pay Board has not convened since June 2024.
- 3.2 The rationale for the brief suspension of the board was to set aside time for the council to do detailed work on the litigation strategy and job evaluation programme.
- 3.3 Now this has been completed, the actions of those meetings will be brought into this board and governance structure to allow for them to be appropriately monitored and governed.
- 3.4 Pam Parkes felt it was an appropriate time to review the terms of reference for the board due to the above reasons.
- 3.5 It was agreed that the 1-7 issues the board oversees, outlined in the terms of reference will be updated. Alongside this, the attendee lists will be updated, including how finance items are managed within the equal pay board meetings.

The Commissioners:

Max Caller CBE, John Coughlan CBE, Chris Tambini, Pam Parkes FCIPD, Jackie Belton, Myron Hrycyk, Lord John Hutton, John Biggs.

- 3.6 It was felt that within the purpose of the terms of reference, there should be a reference to the protections being put in place to ensure that Birmingham City Council does not fall into equal pay problems again, following this programme being completed.
- 3.7 It was also felt that the Leader and Lead Cabinet Member should be invited as standing members of the board due to the decision-making made in these meetings around the EP programme. Invitations are to be extended for forthcoming meetings.

4 Overview of work since the last EP board meeting

- 4.1 Katy Fox was invited to give an overview of the work that had been conducted since the last equal pay board. The EP programme is split into different workstreams, and BCC was losing ground on the job evaluation scheme. Due to BCC's ability and pace of evaluation of benchmark roles, BCC was not going to meet the hard deadline of April 2025 to ensure the EP programme was complete. BCC were therefore required to use the provisions of the addendum to find another way to meet the deadline of April 2025. A series of deep dive sessions were conducted to understand the available options. These were conducted in discussion with the Leader and Commissioners. Five options were explored, and option B was deemed the most appropriate. This option seeks to use the benchmark role set, with additional enhancements and additional roles added to the group of benchmarked roles. The process of agreeing this with TU colleagues is underway, before moving into the equal pay governance board process for approval.
- 4.2 Modelling work on settlement has been taking place with BCC reestablishing their approach. The deviation from the EP board process was due to industrial action which took place in the Spring. BCC's terms were to hold a series of meetings with GMB to discuss the settlement process. Since then, Unison has joined these meetings to discuss a potential settlement. A handful of meetings have taken place, and limited progress has been made. BCC will be holding a detailed settlement modelling session on the 19th of August 2024.
- 4.3 There was also a requirement to deal with the comparator roles which sit within the workforce. These roles are the root cause of the inequalities leading to the equal pay claim against BCC. There are currently 9 comparator roles sighted in the litigation by trade unions. The WRCO role is deemed to be the role which causes the most concern and BCC may have to concede this. BCC believes there is a defensible position against the other roles put forward. The impact of the WRCO's role on equal pay has now transferred into the Waste Transformation Strategy service re-design which has its own governance structure.

5 EP Portfolio

- 5.1 Richard Fitzjohn, Equal Pay Programme Lead has now left BCC. Alan Downton has replaced Richard in this role. BCC are now at a natural point to bring equal pay programmes one and two together.
- 5.2 The equal pay team are working on pulling all the data required together to be able to talk through findings and next steps. Pam Parkes questioned BCC on whether they think, in their professional opinion, they have a defensible position.
- 5.3 Pam Parkes also asked for the percentage of completion for the benchmark roles. 88 of 231 roles have a complete set of job information. 191 are in prework.
- 5.4 Alan Downton assured the board that the work and pace will increase and that the team are confident they will complete this work by September, meeting the expectations of the revised plan.
- 5.5 Pam Parkes asked for the projected completion of the 1400 other roles. The team advised this is not yet known. It is understood that this will be done at a slower pace, by consolidation of roles, once the benchmarking has been completed.
- 5.6 Pay and grading workstream continues – Mercer is not currently instructed due to the issue of data sharing. This has been escalated to legal. BCC states they are a processor. BCC are meeting with

Mercer on Friday to iron out the issues. BCC are confident that the contract will be signed on Friday 16th August 2024.

- 5.7 Pam Parkes asked at what point would the delay in this cause an impact to the overall programme. BCC felt that if the contract was not signed by the middle of the following week of the bank holiday, this is then when an impact would be seen across the programme. Pam Parkes stressed the importance of this work and advised that negotiations cannot take place without the Mercer contract in place. Commissioners advised that this matter needs to be resolved quickly.
- 5.8 There is a team working in the background on new contracts post-April 2025.

6 Waste Operational Efficiency

- 6.1 Craig Cooper advised key dates were subject to approval last week. Since then, Craig and Katy's teams have been working closely. Formal engagement with TU's started today (14th August). All formal documentation will be released a week from today. The timeline has not changed as previously outlined.
- 6.2 If an indication of industrial action is given, at that point a strategic board will be set up with key actions given. There is a lack of confidence in the capability of the procurement team concerning pace. External procurement support would therefore be required should significant contractor work be needed. KPMG will work on this. Formal consultation begins on 21st August 2024.
- 6.3 Pam Parkes commented on how the waste transformation and equal pay programmes are now working very well in tandem, openly and transparently. Pam Parkes commended both Craig Coopers and Katy Fox's team for this work. There has been an open dialogue with Pam and the Director of Street Scene/Assistant Director of Waste which has proved effective.
- 6.4 It was felt there needs to be regular updates on this workstream. It was suggested that updates be provided each week at the Commissioner meetings. Key officers will attend weekly meetings with CLT. Briefings will also be provided to Graeme/Joanne upon her arrival.
- 6.5 Commissioners sought assurance that consideration had been given to what could happen between now and possible industrial action in October.
- 6.6 150,000 properties are either high rise or flats above shops, one of the challenges may be the additional resources required to deal with this work. This is a flash point that has been noted where immediate action may be required.

7 AOB

- 7.1 No update on litigation had been provided to this meeting. Pam Parkes requested that a conversation be had with the Monitoring Officer around this, as there is no reason why a litigation update should not be available.
- 7.2 A communications strategy was recommended and is to be worked up as a workstream. This would then be tracked via this board.
- 7.3 Commissioners advised there is a narrative in the press surrounding changes to workers' rights, Commissioners asked BCC whether they believe there are any risks around this.
- 7.4 EP team, Legal, HR and Finance have been looking at a range of models since the proposed settlement was put forward by the unions, scenario planning is live, covering the actual and potential claims. Two workshops are being undertaken to finalise the modelling within August. Pam Parkes raised concerns that as yet, the teams are not sharing what this modelling looks like in the early stages and officers have made assurances and commitments to this being available, but Commissioners have not yet seen any evidence. Pam Parkes considers this a significant risk and felt it is appropriate to have a deadline set. This is to be agreed for clarity. Commissioners would like assurance that this is going to be ready for review.
- 7.5 To conclude, Jackie Belton advised a Scottish LA had negotiated their way out of a waste strike. It was asked whether there might be any learning from this.

8 Actions

- 8.1 Timeline for non-benchmarked roles to be clarified and provided at the next meeting.
- 8.2 Invitations to be sent to the Leader and Cabinet Member, inviting them to be board members.
- 8.3 Communications strategy to be created as a workstream and reported on within this board.
- 8.4 BCC to identify risks (if any) of narratives within the press.
- 8.5 Assurance to be provided to Commissioners that financial modelling will be available by the end of August.
- 8.6 Definitive deadline date to be set for financial modelling.
- 8.7 Learning (if any) to be established from prevention of waste strikes in different LA's.

9 Date of Next Meeting

- 9.1 11th September 2024.