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Sefton Council

MEETING: PAY AND GRADING COMMITTEE

DATE: Tuesday 12th February, 2019

TIME: 2.00 pm

VENUE: Town Hall, Bootle

Member

Councillor

Councillor Lappin (Chair)
Councillor Murphy (Vice-Chair)

Councillor Burns
Councillor Dutton
Councillor John Sayers
Councillor Yvonne Sayers

Councillor Shaw

COMMITTEE OFFICER: Ian Barton

Democratic Services Officer

Telephone: 0151 934 2788 Fax: 0151 934 2034

E-mail: ian.barton@sefton.gov.uk

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting. This page is intentionally left blank.

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

3. **Minutes** (Pages 5 - 6)

Minutes of the meeting held on 14 January 2019

4. Implementation of a New NJC payspine 2019/20 (Pages 7 - 24)



THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

PAY AND GRADING COMMITTEE

MEETING HELD AT THE TOWN HALL, BOOTLE **ON 14 JANUARY 2019**

PRESENT: Councillor Lappin (in the Chair)

Councillors Burns, John Sayers, Yvonne Sayers and

Shaw

11. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dutton and Murphy.

12. MRS. LYN SHAW

Councillor Lappin referred with sadness and regret to the recent death of Mrs Lyn Shaw, the wife of Councillor Simon Shaw and expressed sincere condolences to Councillor Shaw, his family and friends on their very sad loss.

DECLARATIONS OF INTEREST 13.

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declaration of a personal interest was made and the Member concerned remained in the room and took part in the consideration of the item and voted thereon:

Member Minute No. Nature of Interest

Pay Policy

Councillor Shaw Minute No. 14 - Is a member of the bodies listed

> under items 1, 2, 4, 5 and 6 (National Pay Agreements within

Local Government) on page 11 of

the report submitted.

14. **MINUTES**

RESOLVED:

That the Minutes of the meeting held on 13 November 2018 be confirmed as a correct record.

PAY AND GRADING COMMITTEE- MONDAY 14TH JANUARY, 2019

15. PAY POLICY

The Committee considered the report of the Head of Corporate Resources that recommended a Pay Policy for the Council as required by the Localism Act 2011. After consideration of the report by the Committee, the report would be considered by the full Council at the meeting to be held on 24 January 2019.

RESOLVED:

That the Council be recommended to approve the proposed Pay Policy as detailed within Annexe A of the report.

Report to:	Pay & Grading	Date of Meeting:				
Subject:	Implementation of New NJC Pay Spine 2019 - 2020					
Report of:	Mark Dale	Wards Affected:	All			
Cabinet Portfolio:	Regulatory, Compli	Regulatory, Compliance and Corporate Services				
Is this a Key Decision:	No	Included in Forward Plan:	No			
Exempt / Confidential Report:	No					

Summary:

To seek approval following NJC national negotiations in 2017/2018 for the implementation of a local pay spine for NJC employees

Recommendation(s):

That the implementation of the new pay spine for NJC employees is accepted (this includes as applicable within the Schools Community) for the Authority

Reasons for the Recommendation(s):

To implement a result of national pay negotiations to local pay arrangements.

Alternative Options Considered and Rejected: (including any Risk Implications)

Not implementing a new pay spine would be in breach of national negotiations and leave the Authority open to litigation. Options in respect of implementation have been considered and thought less realistic given consultation

What will it cost and how will it be financed?

(A) Revenue Costs

See section 9 of this report for details of cost implications.

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
N/A
Legal Implications:
Equality Implications:
The equality Implications have been assessed and shared with trade unions

Contribution to the Council's Core Purpose:

(Please give a brief description of how the proposals set out in the report contribute towards the following Council's Core Purpose. Insert 'not applicable' where required **and remove this text)**

Protect the most vulnerable: N/A
Facilitate confident and resilient communities: N/A
Commission, broker and provide core services: N/A
Place – leadership and influencer: N/A
Drivers of change and reform: N/A
Facilitate sustainable economic prosperity: N/A
Greater income for social investment: N/A
Cleaner Greener: N/A

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD4650/19) and Chief Legal & Democratic Officer (LD 4650/19) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Joint Trade Union Forum from Summer 2018

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

Contact Officer:	Mark Dale
Telephone Number:	0151 934 3949
Email Address:	Mark.dale@sefton.gov.uk

Appendices:

Appendix 1 - Existing Pay Spine and the recommended pay spine that would apply from 1st April 2019

Background Papers:

NJC Circular: 2019 New Pay Spine Circular and FAQs

BACKGROUND

- 1. This report deals with the implementation of the pay spines that are recommended to apply in respect of NJC employees within the Authority. The pay spines will also be utilised in respect of NJC School Council employees and utilised within the school community as necessary.
- 2. The process of the implementation of the pay spine has occurred as a result of national pay negotiation and local consideration of national advice and technical guidance. Following this, local consultation with Trade Unions has taken place and has now concluded.

NATIONAL NEGOTIATIONS

- 3. As part of the 2018/19 two year NJC pay deal, nationally a new set of national pay spines were agreed.
- 4. Although the national pay spines were produced at national level, the implementation of the Local Pay structure in terms of the application of the new pay spines to local pay grades is a matter for each individual NJC employer.
- 5. The pay spine sits in conjunction with the NJC Green Book National Agreement with various local terms and conditions that may have been agreed.
- 6. Nationally the signatories to the NJC pay spine that are reflected in this Authority's consultation are GMB, UNISON and UNITE.
- 7. The NJC pay spine will apply within the Authority and to all Community controlled schools (and would also it is anticipated be adopted by Voluntary Aided schools). Pay spine implementation in relation to Academy schools and Multi-Academy Trusts would be a matter for them.
- 8. The table at Appendix 1 indicates the existing pay structure and the recommended pay structure that would apply from 1st April 2019.
- 9. In terms of implementation, several key points are important:
 - (a) Financially the changes in pay structure will be contained within the existing MTFP assumptions. As such the deletion of spinal column point 7 and the non use of 'greyed out' spinal column points will not present any material budget issues
 - (b) The implementation arrangements will apply existing conventions in relation to the implementation of pay awards, which follows a two stage process, firstly the application of incremental progression within the grade (if appropriate) followed by the application of the pay award.

- (c) The National pay spine introduced equal steps of 2.0% between each NEW SCP 1 to 21. By creating these equal steps between these pay points new SCPs 10,13 16,18 and 21 were generated to which no old SCPs would readily assimilate. This meant that in relation to implementation arrangements on 1.4.2019 these spinal column points were 'greyed out' indicating that they were not to be utilised in the assimilation process. The introduction of this equal step pay spine meant that in some organisations the current number of pay points in a grade changed and the National employers suggested that local consultation determined how individual pay structures utilise these spinal column points.
- (d) Pay rates in Sefton are based on a standard 36-hour week. Some employers operate a 37 hour week utilising the pay spine.
- 10. Consultation was through the Joint Trade Union Forum.

<u>DELETION OF OLD SPINAL COLUMN POINT 7 AND PROGRESSION</u> <u>ISSUES</u>

- 11. Within Sefton the new pay spine involved the deletion of spinal column point 7 in order to maintain grading differentials and to comply with job evaluation protocols. The introduction of the new SCPs (para 9c refers) expanded the number of incremental steps in certain grades within the initial proposed grading structure. This was particularly prevalent in Grade F, and in respect of potential Age and Sex Discrimination challenges, was an issue as the number of spinal column points were above the best practice number of six.
- 12. The initial proposals were tabled with Trade Unions in the summer of 2018 and consultation took place in relation to a potential issue around an increase in incremental progression and ensuring that any issue in regard of gender inequality was mitigated. Trade Unions were also considering their own guidance and were mindful of any situation which increased grade size or which they felt inadvertently disadvantaged the workforce.
- 13. In relation to the new 'greyed out' spinal column points, it is recommended by officers that none of these 'spinal column' points are utilised which will enable Grades E, F and G to consist of the same amount of spinal column points in the grades going forward as in the current pay structure and limits the number of spinal column points in the grade to comply with best practice.
- 14. The final proposals which have been the subject of consultation through the Joint Trade Union whilst allowing potential progression through grades E, F and G slightly quicker than if utilising all the spinal column points in the national Pay spine, does not increase headroom in any grade and is in compliance with the national protocol. Any move to utilise "new /greyed out" Spinal column points would risk disagreement with Trade Unions on a Regional or National Level which would and could not be overridden by local

representatives. On balance, it is felt that this is a realistic situation going forward.

- 15. In terms of equality impact and gender equality, the statistics and data in respect of the exercise have been shared with the Joint Trade Unions and no issues have arisen relative to this matter.
- 16. It should be remembered that the implementation of a new pay spine is not about re-writing grades, but is about assimilation to the new structure.
- 17. Considerable work has taken place in terms of consultation and officers believe that the position reached is a fair and equitable one.
- 18. Advice has been taken as to the consistency of this Authority's approach and information provided from North West Employers indicates that the approach of Sefton is consistent with other Authorities.
- 19. The Trade Unions have indicated that, given the change in pay, they may want to sound their members out by potential indicative ballot, however, consultation has been constructive and balanced in relation to the implementation.

20. **ANCILLIARY MATTERS**

In relation to other matters concerning the pay spine, we currently utilise spinal column point 6 for the basis of calculating standby payments and there is a presumption of non-payment of overtime in respect of current spinal column point 32. It is intended that relevant standby calculations will be based on new spinal column point 1 and the overtime barrier becomes applicable at spinal column point 26 and above. Trade Unions will not seek to canvas their members' views on this aspect as this is simply transposing in existing arrangements onto the pay spine.

21. The national agreement provides contractual Sunday working to be paid at double time for individuals on spinal column point 11 and below and time and a half rate for those on spinal column point 12 or above. This will translate going forward as double time for spinal column point 1 to 3 and time and a half for spinal column point 4 and above.

RECOMMENDATIONS

(i) The implementation of the new pay spine for NJC employees is accepted (this includes as applicable within the Schools Community) for the Authority

Appendix 1

1 st April 2018			1st April 2018 Increment Assimilation only			Assimilation only	1 st April 2019					
SCP	Annual Salary	Hourly rate of pay	JE Score	Grade	If 6 months or more in grade	If 6 months or more in grade	If less than 6 months in grade	SCP	Annual Salary	Hourly rate of pay	JE Score	Grade
6	£16,394	£8.7335	Up to 235	A	n/a	1	1	1	£17,364	£9.2502	Up to 235	А
7	£16,495	£8.7873	236	В	8	2	2	2	£17,711	£9.4351	236 to 260	В
8	£16,626	£8.8571	to		9	2	2					
9	£16,755	£8.9258	260		n/a	2	2					
10	£16,863	£8.9833	261	С	11	3	3	3	£18,065	£9.6237	261 to	С
11	£17,007	£9.0600	to		12	4	3	4	£18,426	£9.8160	299	
12	£17,173	£9.1485			13	4	4					
13	£17,391	£9.2646	299		n/a	4	4					
14	£17,681	£9.4191	300	D	15	5	5	5	£18,795	£10.0126	300 to	D
15	£17,972	£9.5741			16	6	5	6	£19,171	£10.2129	332	
16	£18,319	£9.7590	to		17	6	6		ı	ı		
17	£18,672	£9.9470	332		n/a	6	6					

18	£18,870	£10.0525	333	Е
19	£19,446	£10.3594	to	
20	£19,819	£10.5581		
21	£20,541	£10.9427	372	

19	8
20	9
21	11
n/a	11

7	
8	
9	
11	

7	£19,554	£10.4169	333	Е
8	£19,945	£10.6252		
9	£20,344	£10.8377	to	
10	£20,751	£11.0546	NOT IN U	JSE
11	£21,166	£11.2756	372	

22	£21,074	£11.2266	373	F
23	£21,693	£11.5564		
24	£22,401	£11.9336	to	
25	£23,111	£12.3118		
26	£23,866	£12.7140	411	

23	14	12
24	15	14
25	17	15
26	19	17
n/a	19	19

12 £21,589 £11.5010 373	F
13 £22,021 £11.7311 NOT IN U	SE
14 £22,462 £11.9661 to	
15 £22,911 £12.2053	
16 £23,369 £12.4492 NOT IN U	SE
17 £23,836 £12.6980	
18 £24,313 £12.9521 NOT IN U	SE
19 £24,799 £13.2110 411	

27	£24,657	£13.1354	412	G
28	£25,463	£13.5648		
29	£26,470	£14.1012	to	
30	£27,358	£14.5743		
31	£28,221	£15.0340	459	

28	22
29	23
30	24
31	25
n/a	25

	20
	22
	23
	24
	25

	20	£25,295	£13.4753	412	G
	21	£25,801	£13.7448	NOT IN U	ISE
	22	£26,317	£14.0197	to	
	23	£26,999	£14.3830		
	24	£27,905	£14.8657		
	25	£28,785	£15.3345	459	
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£29,055	£15.4783	460	Н	33	27	26	26	£29,636	£15.7878	460	Н
£29,909	£15.9333			34	28	27	27	£30,507	£16.2518		
£30,756	£16.3845	to		35	29	28	28	£31,371	£16.7121	to	
£31,401	£16.7281			36	30	29	29	£32,029	£17.0626		
£32,233	£17.1713	509		n/a	30	30	30	£32,878	£17.5149	509	
	ı							'			
£33,136	£17.6524	510	1	38	32	31	31	£33,799	£18.0056	510	- 1
£34,106	£18.1691			39	33	32	32	£34,788	£18.5324		
£35,229	£18.7674	to		40	34	33	33	£35,934	£19.1429	to	
£36,153	£19.2596			41	35	34	34	£36,876	£19.6447		
£37,107	£19.7678	559		n/a	35	35	35	£37,849	£20.1631	559	
£38,052	£20.2712	560	J	43	37	36	36	£38,813	£20.6766	560	J
£39,002	£20.7773	to		44	38	37	37	£39,782	£21.1928	to	
£39,961	£21.2882			45	39	38	38	£40,760	£21.7139		
£40,858	£21.7661	609		n/a	39	39	39	£41,675	£22.2013	609	
£41,846	£22.2924	610	K	47	41	40	40	£42,683	£22.7383	610	K
£42,806	£22.8038	659		n/a	41	41	41	£43,662	£23.2598	659	
						,		1			
£43,757	£23.3104	660	L	49	43	42	42	£44,632	£23.7766	660	L
£44,697	£23.8112	709		n/a	43	43	43	£45,591	£24.2874	709	
1	L							1			
£44,697	£23.8112	Over 710	M	n/a	43	43	43	£45,591	£24.2874	Over 710	M
	£29,909 £30,756 £31,401 £32,233 £33,136 £34,106 £35,229 £36,153 £37,107 £38,052 £39,002 £39,961 £40,858 £41,846 £42,806	£29,909 £15.9333 £30,756 £16.3845 £31,401 £16.7281 £32,233 £17.1713 £33,136 £17.6524 £34,106 £18.1691 £35,229 £18.7674 £36,153 £19.2596 £37,107 £19.7678 £38,052 £20.2712 £39,002 £20.7773 £39,961 £21.2882 £40,858 £21.7661 £41,846 £22.2924 £42,806 £22.8038	£29,909 £15.9333 £30,756 £16.3845 £31,401 £16.7281 £32,233 £17.1713 509 £33,136 £17.6524 £34,106 £18.1691 £35,229 £18.7674 £36,153 £19.2596 £37,107 £19.7678 559 £38,052 £20.2712 560 £39,002 £20.7773 to £39,961 £21.2882 £40,858 £21.7661 609 £41,846 £22.2924 610 £42,806 £22.8038 659 £43,757 £23.3104 660 £44,697 £23.8112 709	£29,909 £15.9333	£29,909 £15.9333 34 34 £30,756 £16.3845 to 35	£29,909 £15.9333	\$\begin{array}{cccccccccccccccccccccccccccccccccccc	\$\begin{array}{cccccccccccccccccccccccccccccccccccc	£29,909 £15.9333 34 28 27 £30,507 £30,756 £16.3845 to 35 29 28 £31,371 £31,401 £16.7281 36 30 29 £32,029 £32,233 £17.1713 509 1 38 32 31 31 £33,799 £34,106 £18.1691 39 33 32 32 £34,788 £35,229 £18.7674 to 40 34 33 33 £35,934 £36,153 £19.2596 41 35 34 34 £36,876 £37,107 £19.7678 559 n/a 35 35 35 £37,849 £38,052 £20.2712 560 J 43 37 36 £38,813 37 37 £39,782 £39,961 £21.2882 45 39 38 £40,760 39 39 £41,675 £41,846 £22.2924 610 K 47 41 40 40 £42,683 £42,806 £22.8038 659 </td <td>£29,909 £15.9333 34 28 27 £30,507 £16.2518 £30,756 £16.3845 to 35 29 28 28 £31,371 £16.7121 £31,401 £16.7281 36 30 29 £32,029 £17.0626 £32,233 £17.1713 509 1 38 32 30 £32,878 £17.5149 £33,136 £17.6524 510 1 38 32 31 £33,799 £18.0566 £34,106 £18.1691 39 33 32 33 £34,788 £18.5324 £35,229 £18.7674 to 40 34 33 33 £35,934 £19.1429 £36,153 £19.2596 41 35 34 34 £36,876 £19.6447 £37,107 £19.7678 559 1 43 37 35 35 £37,849 £20.1631 £38,052 £20.2712 560 J 43 37 36 £38,813 £20.6766 £39,961 £21.2882 45 39</td> <td>£29,909 £15,9333 34 28 27 £30,507 £16,2518 28 £31,371 £16,7121 to £31,401 £16,7281 36 30 29 £32,029 £17,0626 29 £32,029 £17,0626 29 £32,029 £17,0626 30 £32,878 £17,5149 509 £33,136 £17,6524 510 I 38 32 31 31 £33,799 £18.0066 510 £34,106 £18,1691 39 33 32 £34,788 £18,5324 32 £34,788 £18,5324 33 £35,229 £18,7674 to 40 34 33 33 £35,934 £19,1429 to 24 24 £36,153 £19,2596 41 35 34 £36,876 £19,6447 24 24 £37,107 £19,7678 559 35 35 £37,849 £20,1631 559 £38,052 £20,2712 560 J 43 37 36 £38,813 £20,6766 560 36 £39,782 £21,11928 to 38 £40,760</td>	£29,909 £15.9333 34 28 27 £30,507 £16.2518 £30,756 £16.3845 to 35 29 28 28 £31,371 £16.7121 £31,401 £16.7281 36 30 29 £32,029 £17.0626 £32,233 £17.1713 509 1 38 32 30 £32,878 £17.5149 £33,136 £17.6524 510 1 38 32 31 £33,799 £18.0566 £34,106 £18.1691 39 33 32 33 £34,788 £18.5324 £35,229 £18.7674 to 40 34 33 33 £35,934 £19.1429 £36,153 £19.2596 41 35 34 34 £36,876 £19.6447 £37,107 £19.7678 559 1 43 37 35 35 £37,849 £20.1631 £38,052 £20.2712 560 J 43 37 36 £38,813 £20.6766 £39,961 £21.2882 45 39	£29,909 £15,9333 34 28 27 £30,507 £16,2518 28 £31,371 £16,7121 to £31,401 £16,7281 36 30 29 £32,029 £17,0626 29 £32,029 £17,0626 29 £32,029 £17,0626 30 £32,878 £17,5149 509 £33,136 £17,6524 510 I 38 32 31 31 £33,799 £18.0066 510 £34,106 £18,1691 39 33 32 £34,788 £18,5324 32 £34,788 £18,5324 33 £35,229 £18,7674 to 40 34 33 33 £35,934 £19,1429 to 24 24 £36,153 £19,2596 41 35 34 £36,876 £19,6447 24 24 £37,107 £19,7678 559 35 35 £37,849 £20,1631 559 £38,052 £20,2712 560 J 43 37 36 £38,813 £20,6766 560 36 £39,782 £21,11928 to 38 £40,760

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National Joint Council for Local Government Services

Employers' Secretary:

Simon Pannell

Trade Union Secretaries Rehana Azam, GMB Jim Kennedy, Unite Heather Wakefield, UNISON

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localgovernment@unison.co.uk

To: Chief Executives in England, Wales and N Ireland

(copy to Finance Director and HR Director)
Members of the National Joint Council

14 June 2018

Dear Chief Executive,

New Pay Spine 1 April 2019

The NJC pay agreement for 2018-20 includes the introduction of a new pay spine on 1 April 2019 that is based on the following:

- A bottom rate of £9.00 per hour (£17,364) on new Spinal Column Point (SCP)1 (equivalent to old SCPs 6 & 7)
- 'Pairing off' old SCPs 6-17 incl. to create new SCPs 1-6 incl.
- Equal steps of 2.0% between each new SCPs 1 to 22 incl. (equivalent to old SCPs 6-28 incl.)
- By creating equal steps between these pay points, new SCPs 10, 13, 16, 18 and 21 are generated to which no old SCPs will assimilate. This means that in some organisations the current number of pay points in a grade might change
- On new SCPs 23 and above (equivalent to old SCPs 29 and above), 2.0% increase on 2018 rate

This circular provides technical advice on issues related to assimilating employees to the new pay spine next April. However, this is not an exhaustive list and we will provide further guidance as necessary over the coming months. This circular does not discuss the wider issues around strategic approaches to pay and reward and development of good quality career structures linked to progression frameworks. Councils should take the opportunity to review their approach to career development in the light of any changes to grading structures they may need to make.

1. We use the NJC spine without any local variations in individual spine point values and our contracts provide for automatic link to the NJC settlement. Is the 2019 pay spine in the pay circular mandatory?

Yes. Agreements reached by the NJC are collective agreements and if they are incorporated into employees' contracts of employment then the changes will take effect automatically. The new spine will replace entirely the current spine and accordingly employees should assimilate across from their current SCP to the new corresponding SCP in April 2019.

2. How do we go about achieving the necessary changes to our grading structure?

Local employers should consider various options and present formal proposals around which there would be local negotiations with a view to reaching agreement. Discussions should start well in advance and reasonable facility time arrangements should be agreed.

In terms of measuring the impact of any changes, an equality impact assessment (EIA) will need to be carried out on proposals prior to implementation. Joint advice on carrying out EIAs is set out in the Green Book Part 4.11. This includes a recommended template for this exercise – see *template 3*.

Once assimilation has happened, employers will continue to have to meet gender pay reporting requirements, but it is recommended they also do a broader equal pay audit. Further advice on carrying out Equal Pay Audits is set out in the Green Book Part 4.10.

3. As an example, our current SCPs 8 and 9 are in different grades within our organisation. They are merged into a single point in the new pay spine. How can we address this?

It was recognised that by merging two pay points together at the lower end of the spine that this was likely to be a result. It was recognised by employers and unions during both the technical discussions and negotiations that a structure that has a pay point that is both the top of one grade and the bottom of another would be an acceptable approach to dealing with this.

4. We pay the Living Wage Foundation (LWF) rate as a supplement. What impact might this have on our arrangements?

This should be relatively straightforward; the bottom-loading in the NJC pay deal in 2018 and 2019 should significantly narrow the gap with the LWF rate, so you will merely reduce the level of the supplement.

5. We introduced the Living Wage Foundation rate by removing all pay points below that rate from our pay structure. Some of those pay points may now be above the LWF rate by 2019. What are our options?

In April 2017 the LWF rate was between SCPs 12 and 13. In April 2018 it was between SCPs 10 and 11. The LWF rate for next April is not yet known but we would expect it to be below the hourly value of SCP 2 on the new pay spine. This highlights the potential problems that can be caused by removing pay points from the structure. A council that used SCP 11 as its minimum point as a way of dealing with the LWF rate would find that point assimilating on to new SCP 3. It would need to consider whether to reintroduce the lower points as part of the broader assimilation process. This would be likely to assist with the erosion of differentials between the bottom two grades within a typical pay structure. However, care should be taken to ensure introducing lower points does not give rise to claims for unlawful deduction of wages.

Those councils that have some alternative 'low pay supplement' will need to consider the basis on which it has been paid and whether it can be included as part of the assimilation process

6. Our council contractually applies NJC settlements, but for historical reasons has some variations in the cash value of particular spine points. How do we apply the new pay spine?

You have a number of choices. You could calculate the percentage increase from 2018 to 2019 for a relevant NJC spine point and apply the same percentage increase to your cash value. However, it is recognised that this may produce some anomalous results such as individual pay points leapfrogging one another. Alternatively you could identify the nearest 'matching' point and use that as the basis to fully return to using the NJC spine. If you do the latter we would advise that you need to ensure that the pay increase is a minimum 2% from 2018 to 2019, but recognise that could also produce anomalies which could be addressed by an assimilation adjustment. There will no doubt be other options based on specific local circumstances and it is not possible to give an answer to all of those in such general guidance

7. Our existing pay structure was built on a principle of grades that were all the same number of pay points. The new spine would create much shorter grades at the bottom end.

This is an almost inevitable consequence of having to address the impact of the National Living Wage. To have evened out gaps in pay points and not merged some existing points would have been far too costly. It is of course open to councils to look to use linked or career grades, providing they represent genuine steps in the demands of the job (see Green Book Part 4.9 and NJC JE Technical Note 7 for more detailed joint advice).

Breadth of grades should recognise the time period required for an employee to become fully competent in their role. We would therefore advise that good practice (particularly where incremental progression is largely automatic) would limit incremental progression to five years which is the case with a six point grade.

8. We have local pay bargaining with an entirely locally determined pay spine. Does the new NJC spine have any implications for us?

From a contractual point of view it is unlikely to have any impact. Clearly any arrangements you have in place will need to be compliant with the level of the National Living Wage. More broadly you may wish to look again at your arrangements in the light of the new national structure. The advantages of the NJC pay spine are:

- The NJC pay spine is transparent
- Using the NJC pay spine aids comparability with other NJC employers
- It becomes easier to apply future NJC pay awards
- Using the NJC pay spine future proofs the employer against National Living Wage increases and so provides stability
- The NJC pay spine provides a sound basis for future pay and grading exercises

9. Do we have to use all the points in the spine?

This isn't a requirement at present and will not be so in the future. Some councils will already not use particular spine points, although the creation of points that do not link into the assimilation process (new SCPs 10, 13, 16, 18 and 21) is likely to raise such issue again.

You may well have to use pay points that currently sit outside any local grading structures eg. Grade 'x' = SCPs 13-16 and Grade 'y' = SCPs 18-21.

If consideration is being given to not using particular points within a grade that of course will result in unequal steps and as with other changes this will need it to be part of your equality impact assessment.

10. If an employee is due an increment on 1 April 2019 how do we interpret the assimilation table?

The NJC agreement is silent on the approach to be taken with regard to the chronology of assimilation and increments when moving to the new pay spine on 1 April 2019. The two potential approaches produce different outcomes at some pay points – those in red in the third column.

Either of the approaches below are acceptable but it is important to use the same approach for the entire workforce covered by the agreement.

At the lower end at the six points which are the result of merging two existing points in to one, deciding what pay point an employee would have been on after getting an increment and then assimilating them to that one produces a lower outcome. Further up the spine there are five points where the result is the opposite. Clearly where increments are paid on a service anniversary date this won't be an issue

SCP at 31 Marc h 2019	Approach A New SCP if "assimilate first and then increment"	Approach B New SCP if "increment first and then assimilate"
6	2	1
7	2	2
8	3	2
9	3	3
10	4	3
11	4	4
12	5	4
13	5	5
14	6	5
15	6	6
16	7	6
17	7	7
18	8	8
19	9	9
20	10*	11
21	12	12
22	13*	14

23	15	15
24	16*	17
25	18*	19
26	20	20
27	21	22
28	23	23

^{*}Pay points not used for direct assimilation

A specific example is shown below where a current four point grade (SCP 18 – SCP 21) would become a five point grade in 2019 (New SCP 7 – SCP 11). Using 'Approach A' above, new SCP 10 is not used in the assimilation table. Old SCP 20 becomes new SCP 9. An employee on SCP 20 would therefore automatically move across to SCP 9 and if pay progression is applicable would then move up to SCP 10.

Current grade 31 March 2019	Assumed new grade 1 April 2019
SCP 18	SCP 7
SCP 19	SCP 8
SCP 20	SCP 9
	SCP 10
SCP 21	SCP 11

Similarly, a specific example using 'Approach B' would result in an employee on SCP 20 first receiving an increment to SCP 21 and then assimilating to SCP 11.

From SCP 28 on the existing pay spine this is more straightforward. Effectively the new pay spine merely re-numbers existing pay points. For example, an employee who was on SCP 30 on 31 March 2019 would automatically move across on to new SCP 24. If an increment is due on 1 April 2019 then that movement would be to new SCP 25.

An example that shows the different outcomes at the lower end of the spine is set out below:

Current grade 31 March 2019	Assumed new grade 1 April 2019		
SCP 10	SCP 3		
SCP 11	SCP 3		
SCP 12	SCP 4		
SCP 13	SCP 4		
SCP 14	SCP 5		

Using 'Approach A' an employee on existing SCP 10 would be assimilated to new SCP 3 and then receive an increment taking them to new SCP 4. Using 'Approach B', the employee would have been moved to existing SCP 11 to show the incremental progression and then assimilated across on to SCP 3.

11. Some of our existing four point grades could become five or six point grades if we apply the assimilation table with no adaptation to our grading structure. What could we do about this?

One option would be to have some longer grades. We would advise that good practice (particularly where incremental progression is largely automatic) would limit incremental progression to five years which is the case with a six point grade.

You may wish to consider losing either one or two SCPs from the grade by removing either the top and / or bottom point in the grade. This would raise issues about future costs if you are removing the bottom point. If the top point has been used to assimilate existing employees, you could initially seek to 'red circle' those employees, but not allow further progression to that pay point. Such an approach could at some point raise equality issues, so this would require an equality impact assessment and regular monitoring over time.

12. We link particular spine points to other conditions of service e.g. the level of premia payments, what do we do about that?

The <u>recently updated Green Book</u> (see particularly pages 26-29) has highlighted the necessary changes to take effect next April. You will need to ensure that these changes (and any relating to other spine points) are reflected in your contractual documents locally.

Yours sincerely,

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