

## IMPLEMENTING SINGLE STATUS AT BROXTOWE BOROUGH COUNCIL A SUMMARY

### The National Agreement

It was agreed in 1997 by national representatives of local government employers and local government trade unions (e.g. Unison, Unite) that all jobs covered by the National Agreement on Pay and Conditions of Service (also known as "the Green Book") should be job evaluated.

All local authorities under the Single Status Agreement are required to review their local pay arrangements. Job evaluation is the method used to establish a fair and equal pay and grading structure and to ensure that all jobs are evaluated in the same way by looking at factors for jobs rather than at individual members of staff. It's about the post, NOT the person or their performance.

The National Single Status Agreement made it clear that inequalities in pay still exist throughout local authorities and that something had to be done to address the problem. By carrying out a rigorous and open Job Evaluation project Broxtowe Borough Council is driving out inequalities throughout the organisation and awarding equal pay for work of equal value.

### Statutory Duties

The Council must also comply with:

**The Equal Pay Act 1970 (EPA)**, which gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and woman are doing:

- like work; or
- work rated as equivalent under an analytical job evaluation study; or
- work that is proved to be of equal value.

An employer will not be required to provide the same pay and benefits if it can prove that the difference in pay or benefits is genuinely due to a material factor other than one which is attributable to direct or indirect sex discrimination.

**The Sex Discrimination Act 1975 (SDA)**, which prohibits discrimination against individuals in employment, training, education, provision of goods, facilities or services and in the exercise of public functions. It also prohibits discrimination in employment and vocational training against married people and civil partners and people who have undergone or who are undergoing or are intending to undergo gender reassignment.

**The Gender Equality Duty** was introduced on 6 April 2007 and this has been the biggest change in sex equality legislation since the introduction of the Sex Discrimination Act.

It has been introduced in recognition of the need for a radical new approach to equality – one which places more responsibility with service providers to think strategically about gender equality, rather than leaving it to individuals to challenge poor practice.

The Code reflects the SDA and the EPA incorporating amendments through the **Equality Act 2006**.

This code of practice is a 'statutory' code which means it is admissible in evidence in any legal action under the SDA 1975 or EPA 1970, in criminal or civil proceedings before any court or tribunal.

A tribunal or court may draw an adverse inference that a breach of the law has occurred if a public authority has failed to follow relevant provisions in the Code. If a public authority does not follow the Code's provisions, it will need to show how it has otherwise met its legal obligations under the general duty and any specific duties.

### **What is job evaluation?**

Job evaluation ensures that all jobs are graded in accordance with a fair and non-discriminatory grading structure. It is considered to be an essential element in delivering Single Status and provides the base information for an overhaul of existing pay and reward systems.

### **Establishment of JE Steering Group**

In April 2006 cabinet established a steering group to consider the implications of undertaking a job evaluation exercise in order to comply with nationally agreed conditions of the 2003 pay settlement, which required local pay reviews to be completed by 31 March 2007, and to ensure that the Council was protected against claims for equal pay by having a thoroughly transparent pay and reward system in place.

Membership of the steering group comprises representation from all political parties, from senior management and from the recognised trade unions. The Steering Group continues to oversee the project management of the JE programme.

The initial issues that the steering group considered were as follows:

- Identify the resources (both human and financial) necessary to undertake the task
- Identify the likely timetable within which the task could be completed with regard to the key areas of work to be undertaken
- Identify project management arrangements
- Identify learning from the experience of other authorities which had undertaken job evaluation
- Identify training needs
- Communication issues
- Recommend an evaluation scheme

In September 2006 the steering group reported back to cabinet following consideration of two job evaluation schemes and recommended its preference for the Greater London Provincial Council Scheme for posts up to and including Head of Service level.

**Unison comments in the 26 September 2006 Cabinet report stated:**

*“UNISON welcome the fact that Broxtowe Borough Council has embarked on a job evaluation scheme and looks forward to working with the Council to implement the scheme. UNISON also looks forward to engaging in discussions on issues of backdating pay, protection, grading structures, pay scales and pay points; market supplements, phasing in, bonuses, enhancements and other pay related elements/allowances”.*

**The JE Team**

In December 2006 a JE Project Manager was appointed followed by two JE analysts in January 2007.

***Evaluations***

Between January 2007 and January 2008, 360 evaluations were undertaken using the GLPC scheme covering 942 employees.

***Sign Off Reports***

Having completed the evaluations the JE team produced a "summary report" for every employee which described the key elements of the job undertaken. These reports were to ensure that the information collected and analysed was as accurate as possible. Following this exercise the moderation panel reviewed 116 evaluations.

***Moderation Panel***

The moderation panel consisted of Heads of Service and trade union representatives all of whom had received specific training on the GLPC scheme. To maintain neutrality, no member of the panel could moderate jobs within their own area of work. Each panel was advised by either the JE Project Manager or a JE Analyst.

**Hay Scheme for Senior Officers**

Cabinet has also agreed that the job evaluation exercise should apply to senior officer posts and the Hay Scheme should be applied for Heads of Service level posts and above.

**The Greater London Provincial Council JE Scheme (GLPC)**

The Council has agreed local conventions for the application of the GLPC Job Evaluation Scheme at Broxtowe and a summary of the scheme and its factors are identified below. A variety of methods were used in order to gain evidence of the full range of duties and responsibilities required within a role and these included a job description, person specification, a completed JE questionnaire and interview wherever possible with the postholder.

## **Factor 1: Supervision and Management of People**

### 7 Levels

This factor considers the post holder's responsibility for the direct management/supervision of employees, contractors and voluntary staff.

There is a difference between supervision and full line management responsibility, for example posts that have a supervisory responsibility may well not hold the full range of accountability for the recruitment, organisation and deployment, performance and welfare of staff.

## **Factor 2: Creativity and Innovation**

### 7 Levels

This factor looks at the degree of creativity that is required in the post and the level of opportunity that exists for the use of, for example, creative thinking or skills needed to resolve either routine or more challenging issues. Creativity looks at whether guidelines or procedures have to be followed or whether there is a major demand for being required to develop new approaches and whether that is consistent or inconsistent.

## **Factor 3: Contacts and Relationships**

### 8 Levels

This factor measures the degree of personal contact and appraises the nature of the relationships with other people which are required to be maintained by the post holder in the course of the job. The purpose, content, potential outcome and conflict/stress of a contact are more important factors than the status of the person or organisation with whom the contact is made.

## **Factor 4: Decisions – Discretion**

### 6 Levels

This factor looks at how decisions are made and includes whether there are clearly defined rules and procedures and advice is readily available if required, whether there is freedom in how to achieve outcomes with reference to guidelines or whether decisions affect a whole service area.

## **Factor 5: Decisions – Consequences**

### 5 Levels

Consequences relate to decisions that are taken as part of the job in order to fulfil the obligations of the role and NOT based on the omission to make decisions and the consequences of such omissions. In deciding the appropriate level (from

limited/short/term through to major) consideration should be given to the effect on people, property, finance, budgets, policies, targets, etc. both inside and outside the department and authority.

## **Factor 6: Resources**

### 5 Levels

To gain credit under this factor the job must require a responsibility for the resource, which is personal to the post and identifiable to the post holder individually.

There is a distinction between responsibility and accountability – whilst in practice, responsibility for resources may be delegated on a day to day basis, accountability cannot be. The aim is to identify the level at which accountability is brought to bear in the event of loss of/damage to council assets.

It is also important to avoid giving credit where the post holder simply uses a resource, as an incidental part of the job – many jobs, for example, will require the post holder to use a PC as a matter of course.

The factor looks at the following areas:

- Cash/Financial Resources
- Plant/equipment resources
- Stocks/materials
- Data systems
- Buildings

## **Factor 7: Work Demands**

### 5 Levels

This factor looks at: interruptions that occur and how this can impact on the programme of work; deadlines that the postholder may or may not have control or influence over; conflicting priorities and/or conflicting resource needs in addition to challenging deadlines and the frequency of having to reschedule work or reallocating resources to cope with peaks and troughs or work in addition to challenging deadlines.

## **Factor 8: Physical Demands**

### 4 Levels

This factor considers the physical effort of work undertaken, together with the frequency, (e.g. occasionally, regularly – short or long periods) avoiding isolated occurrences and extremes.

## **Factor 9: Working Conditions**

### 4 Levels

Where employees are 100% office based it should not be appropriate to give a score against disagreeable conditions.

The following are used to assess levels (workplace):

Occasional yet significant	Between 10 and 25% of working time
Regular	Over 25% of working time
Main place of work	On a daily basis or several times a day – over 50% of working time

Disagreeable conditions include:

Heat/cold (e.g. cook)

Dirt/dust – requiring the need for personal protective equipment

Moderate noise – causes disruption/discomfort

Considerable noise – requires ear protection

Inclement weather

Vibration – e.g. pneumatic drilling

Unpleasant working conditions (e.g. personal care responsibilities)

Highly unpleasant working conditions – e.g. fumigation

Continuous	All throughout the day without a break, except for normal lunch break, etc, - over 85% of working time
Frequent	On a daily basis or several times a day – over 50% of working time
Regular	Over 25% of working time
Occasional	Between 10 and 25% of working time
Infrequent	At least once per quarter

## **Factor 10: Work Context**

### 4 Levels

This factor measures the level of residual risk to the post holder's personal safety after a full risk assessment has been conducted and appropriate measures taken to reduce the risk to the employee's well-being.

The levels relate to jobs of minimal risk that are primarily office based and not in regular contact with members of the public through to jobs where there is substantial risk and require daily exposure to potentially hazardous or violent risks.

## **Factor 11: Knowledge and Skills**

### 8 Levels

When this factor is assessed its relationship with other factors such as creativity, contacts and decisions are also considered.

This factor looks at the tasks undertaken, how wide and varied they are, whether they are of a repetitive nature, the level of knowledge and skills required and if they require expertise, whether they include a diverse range of specialist disciplines and how complex the work is.

**Scoring and Calculating Points – an example**

For each of the eleven factors, a level will have been identified, e.g. Level 3 for Contacts and Relationships (out of a possible 8 levels).

Each factor level is then translated into points by the following table (for example, level 3 Contacts and Relationships gives 56 points).

		FACTOR									
		C&I	C&R	DEC	CON	RES	WDM	PDM	WCD	WCX	K&S
LEVEL	1	28	20	20	12	10	8	6	6	8	48
	2	40	38	36	24	20	16	12	12	16	80
	3	52	56	52	36	30	24	18	18	24	112
	4	64	74	68	48	40	32	24	24	32	144
	5	76	92	84	60	50	40	-	-	-	176
	6	88	110	100	-	-	-	-	-	-	208
	7	100	128	-	-	-	-	-	-	-	240
	8	-	146	-	-	-	-	-	-	-	272
%		10.5%	15.4%	10.5%	6.3%	5.3%	4.2%	2.5%	2.5%	3.3%	28.9%

The weighting for each level is identified as a percentage on the bottom line of the table. Knowledge and skills give the highest percentage in terms of points (28.9%) with Physical Demands and Working Conditions the lowest at 2.5%.

With the Supervision and Management factor, whilst a post holder will be identified at the relevant level, the points score will then be dependant upon the numbers of staff they are responsible for, see table below:

		SUPERVISION and MANAGEMENT				
		.1 UP TO 5 STAFF	.2 6-15 STAFF	.3 16-49 STAFF	.4 50+ STAFF	
LEVEL	1	16	-	-	-	*An additional six points for 'dispersal' [where immediate staff are frequently mobile] may be awarded where applicable.  <b>SMP accounts for 10.5% of the total score.</b>
	2	28	34	-	-	
	3	46	52	58	-	
	4	58	64	70	76	
	5	64	70	76	82	
	6	-	82	88	94	
	7	-	-	94	100	

Each factor score once added together gives the total JE score. An example is given below:

	SMP	Disp*	C&I	C&R	DEC	CON	RES	WDM	PDM	WCD	WCX	K&S	SCORE
Level	1	N	3	3	2	2	1	2	1	1	1	4	-
Points	16	0	52	56	36	24	10	16	6	6	8	144	374

### **The proposed Broxtowe Local Pay Scale**

Once all of the evaluations had been completed, moderated and re-moderated following the return of the Summary Reports, together with the review of the terms and conditions, the Council undertook a series of formal meetings with the local and regional trade unions in August and September 2008 in order to create a new pay model.

The negotiations resulted in the creation of a local pay scale which moves away from the National Joint Council pay scale. The result of the evaluations of posts together with the new pay scale aims to eradicate any gender pay gap by 2012/13.

### **Pay Protection**

Any employee who receives a reduction in salary as a result of the outcome of the job evaluation process will have their existing salary frozen at the date of implementation and protected at that rate until 31 March 2011. No date of implementation has yet been agreed.

### **Review Of Terms And Conditions**

A comprehensive review of terms and conditions of employment also ran parallel to the JE exercise and a terms and conditions working group was set up by the JE Steering Group and met between January and May 2008.

The sub-group's main role was to consider all existing benefits. Its remit also encompassed identifying any potential new ones and to act in a sign-posting capacity for the Steering Group.

Two consultation surveys were issued to employees in June and August 2009 on terms and conditions of employment before these were finally considered in the formal negotiations between senior management and the unions.

### **Communicating with Employees**

Throughout the JE process employees have been kept informed of progress and advised and consulted with accordingly. This has included several JE specific newsletters as well as articles in the Broxtowe Employee News, emails, the JE intranet site, as well as presentations to all employees given by the Chief Executive in January 2009. Staff surveys have also been issued and any individual questions or queries

have also been responded to by the JE team. The Local Joint Consultative Committee and cabinet have also all been advised of progress and timescales throughout.

The JE score letters have been issued at the end of September 2009, which will be followed by the Union ballot and appeals process. A JE telephone helpline is also available during the period of letters being issued and the ballot commencing. Senior managers will also be able to provide specific advice and support to their team members in the meantime.

### **Achieving a Collective Agreement**

The Council's recognised trade unions, Unison and Unite the Union, have both now agreed to move to ballot their members on the proposed new pay and grading model and changes to terms and conditions. The result of the ballot is very important as a positive vote from both unions will mean that a collective agreement can be signed by all parties implementing the proposals from a specified date in the future.

### **The Ballot**

Once employees have received their letter detailing the full proposals, if they are a member of one of the Council's recognised trade unions, they will shortly thereafter receive a ballot paper asking them whether or not they wish to accept the proposals regarding pay and grading and terms and conditions.

The ballot will officially open on Monday, 19 October 2009 and close three weeks later on Friday 6 November 2009.

Only employees who are in one of the Council's recognised trade unions will get the opportunity to vote on the proposals. This is part of the formal consultation and negotiation process which the Council operates with its recognised trade unions with regard to terms and conditions of employment.

### **Outcome of the Ballot**

The Council must put in place a new pay structure because without it, potential inequalities could exist. The Council does not, at this point, envisage returning to the negotiating table with the unions as it believes the work that has been achieved so far has resulted in the best possible outcome for all employees.

For the proposals to be implemented, the ballots of both trade unions must have majority outcomes – e.g. over 50% in agreement. Without this the Council cannot form a collective agreement between the parties and the proposals cannot be implemented.

If the ballot of trade union members is not successful, the Council must then decide the next steps towards implementing the proposals. Employees will be notified of the outcome of the ballot as soon as possible afterwards. A report to cabinet for its consideration will be considered as soon as possible thereafter.

## **Outcomes of Implementing a Job Evaluation scheme**

Upon implementation, a new local pay structure will be introduced for all employees at Broxtowe Borough Council and the previous NJC and manual pay scales will no longer be used. It is proposed that the new pay and grading structure will be introduced (and backdated) for all employees from 1 April 2007.

The are four outcomes when a job has been evaluated:

- **Green circle**

The post holder will have a new grade and their basic salary will increase and they will be able to progress further.

- **White circle with headroom gain**

The post holder will have a new grade and their salary will be the same initially, but they will be able to progress further up the pay scale than the previous grade allowed.

- **White circle with headroom reduction**

The post holder will have a new grade and although their basic salary will stay the same they will not be able to progress as far up the pay scale as the old grade range allowed.

- **Red circle**

The post holder will have a new grade and the basic salary will be lower than their previous grade and their overall earnings will decrease. Within this there will be some transient Red Circles i.e. those that face a small reduction in salary, which is overhauled by the annual pay awards so in effect no reduction occurs. Red circles will be protected until 31 March 2011.

The Council intends to publish a rank order of all the evaluated posts at a future date.

## **Supporting Employees**

A variety of advice and support measures are in place for all employees once they have received their JE outcome letters. This includes senior management advice and support, a dedicated helpline, intranet and email support, pension advice, counselling support and surgeries held around the borough.

## **The Appeals Process**

Great care has been taken in ensuring that the Job Evaluation process has been fair, transparent and objective. The Council has therefore co-developed the appeals policy and procedure with the trade unions.

Where an employee believes that the evaluation outcome for their job is incorrect, they are entitled to appeal and have their post re-evaluated.

Employees are reminded that if they appeal, the outcome is not guaranteed and their score could go up, go down or stay the same – and therefore so could the salary for their post.

An employee must demonstrate substantial evidence to support their view that either/or:

- The job evaluation process has not been applied fairly to their job, e.g. they believe the factor levels have been wrongly allocated.
- The information given at the evaluation has been incorrectly interpreted or not included e.g. the analyst has misinterpreted or excluded information, or that significant information was not admitted by the postholder at the time of interview.

Where an employee believes that their grading is incorrect due to a significant change in their duties since the original evaluation, it may not be appropriate to appeal under this policy. In such a case the employee should submit an application under the Re-grading and Re-evaluation Procedure.

Appeals will not be accepted on the basis of comparison with other jobs within the authority or with other employers.

## **Senior Managers**

Senior managers at the Council have all been briefed on their roles and responsibilities with regard to the next stages of the JE programme. They have been provided with comprehensive guidance on the Single Status programme at Broxtowe Borough Council and the next stages to be undertaken in implementing the proposed changes to the pay and grading structure and terms and conditions of employment.

Senior managers play a crucial role in supporting their teams in what is an especially demanding and challenging time for everyone.

The Job Evaluation programme at Broxtowe Borough Council will ensure that the Council is not only establishing sound and robust systems of pay, but also protecting itself against potential claims of unfairness in the future.

## **Summary**

Job evaluation is necessary to comply with nationally agreed local authority conditions of service and not to conduct JE would be a breach of these conditions.

JE ensures systems of equal pay and protects the council from equal pay claims.

Currently, without a corporate system against which to evaluate the worth of different jobs within the authority, it is difficult to justify how the authority rewards employees and how it arrives at decisions about who should be paid what. This leaves the authority vulnerable.

A clear and transparent system reduces the extent to which the Council can directly or indirectly discriminate against and between employees and the extent to which variations can occur between different departments, which can de-motivate, be unfair and potentially discriminatory.

Job evaluation is for ever! This is not just a one-off exercise that is repeated at intervals. The Council's job evaluation systems will be maintained and these will protect the Council for the future.

As at 28 September 2009 the current levels of red, green and white circled employees are: Red 24%, Green 31%; White 45%.