

Thurrock: A place of opportunity, enterprise and excellence, where  
individuals, communities and businesses flourish

## General Services Committee

The meeting will be held at **6.00 pm** on **9 March 2015**

**Committee Room 4, Civic Offices, New Road, Grays, Essex, RM17 6SL**

### Membership:

Councillors John Kent (Chair), Robert Gledhill (Vice-Chair), Chris Baker,  
Mark Coxshall, James Halden, Barbara Rice and Lynn Worrall

### Substitutes:

Councillors Victoria Holloway, Barry Johnson, Tom Kelly, Susan Shinnick,  
Graham Snell, Richard Speight and Simon Wootton

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 12</b>
To approve as a correct record the minutes of General Services Committee meeting held on 10 December 2014.	
<b>3 Items of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declarations of Interests</b>	
<b>5 Pay and Reward Review</b>	<b>13 - 20</b>
<b>6 Shared Parental Leave and Pay</b>	<b>21 - 26</b>

## Exclusion of the Public and Press

Members are asked to consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

<b>7</b>	<b>Housing Repairs and Maintenance Contract - Approval of Admitted Body Status to the Local Government Pension Fund</b>	<b>27 - 44</b>
<b>8</b>	<b>TUPE Conditions Compulsory Redundancy Business Case</b>	<b>45 - 100</b>
<b>9</b>	<b>TUPE Conditions Compulsory Redundancy Business Case</b>	<b>101 - 160</b>

### **Queries regarding this Agenda or notification of apologies:**

Please contact Matthew Boulter, Principal Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **27 February 2015**

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

### **Recording of meetings**

This meeting may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

Members of the public not wishing any speech or address to be recorded for publication to the Internet should contact Democratic Services to discuss any concerns.

If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at [CommunicationsTeam@thurrock.gov.uk](mailto:CommunicationsTeam@thurrock.gov.uk) before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

## Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

## Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

## How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

**Vision: Thurrock:** A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

**1. Create** a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

**2. Encourage** and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

**3. Build** pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

**4. Improve** health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

**5. Promote** and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

## Minutes of the Meeting of the General Services Committee held on 10 December 2014 at 5.30 pm

---

**Present:** Councillors John Kent (Chair), Robert Gledhill (Vice-Chair), Chris Baker, Mark Coxshall, James Halden, Barbara Rice and Lynn Worrall

**In attendance:**  
Graham Farrant, Chief Executive  
Roger Harris, Director of Adults, Health and Commissioning  
David Lawson, Deputy Head of Legal and Deputy Monitoring Officer  
Natalie Warren, Community Development and Equalities Manager  
Steve Jones, Democratic Services Manager

---

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **5. Minutes**

The Minutes of the General Services Committee, held on 26 June 2014, were approved as a correct record.

### **6. Items of Urgent Business**

The Chair informed the Committee that he had not agreed to the consideration of any items of urgent business.

### **7. Declarations of Interests**

There were no declarations made.

### **8. Frost Estate Community Governance Review**

The Democratic Services Manager introduced the report, which set out the various duties the Council had to comply with when undertaking a Community Governance Review, together with the results of the first consultation exercise with registered electors of the Frost Estate.

Members were informed that additional legal advice from James Findlay QC had been received. A copy of this was circulated at the meeting for Members' consideration.

The Committee then took some time to read the document that had been circulated at the meeting.

Members were informed that from the initial consultation, a total of 357 responses had been received, which represented 49.93% of the total electorate, and that:

- 299 respondents had indicated a preference for a new parish council for the area to be created, which represented 83.75% of all respondents to the questionnaire and 41.81% of the registered electors in the area surveyed;
- 50 respondents (14.01%) had indicated a preference for no change to the current arrangements; and
- 6 respondents (1.68%) had indicated a preference for alternative arrangements, although what was included could not be considered as being alternative forms of governance.

The Committee were informed that each of the possible services a new parish council could provide had been ranked in order of the importance that had been placed on them by the local electors and that this was set out in the table at paragraph 3.11 of the report. Members were further informed that appendices 2 to 5 set out the responses to the questionnaire in greater detail, and also included comments made by respondents in respect of the benefits and disadvantages of a parish council, together with other comments and observations they wished the Committee to take into consideration.

Members were advised that it was clear that a major factor in both the request for a parish council to be established and the responses to the questionnaire that were submitted was the repair and maintenance of the roads on the Frost Estate and that the additional legal advice that was circulated addressed the issue of the maintenance of private roads by a parish council.

Members were further advised that in order to recommend the creation of a parish council for the Frost Estate, the Committee should:

- Take into account the results of the survey;
- Consider the advice from James Findlay QC that has been circulated;
- Be satisfied that such a body would reflect the identities and interests of the community in that area, and would be effective and convenient.

The Committee were informed that on the final point, assistance had been provided by James Findlay QC, with this being set out at paragraphs 12 to 19 of the written advice that had been circulated. It was reported that this was a matter for Members to consider and that it related to issues of judgement rather than law.

When considering the report and the recommendations that could be made, a number of Members spoke and raised the following points:

- Clarification was sought in respect of the term “general highways” that was used in the advice from James Findlay QC. The Deputy



Head of Legal & Democratic Services informed the Committee that the QC used had used the term “highways” to refer to an adopted road. Members were further advised that the QC then considered private roads and the possibility of a parish council purchasing these from the Crown.

- With 83% of respondents wishing to see a parish council being created, the Committee have to listen and would be foolish to ignore this.
- The Council needed to carefully consider what information it should send to residents to help with the decision they would be asked to make in the next phase of consultation.
- Any information to be sent to residents should not scare them and nor should it tie the hands of a parish council.
- The potential services of a parish council that the public ranked as low were services that could not be done on the Frost Estate.
- Members could not assume that the issue of roads was the only driver behind the request for a parish council to be created, as the responses to the survey showed that crime and disorder was the second highest priority of residents.
- Whether residents could be given an idea of the likely costs to repair the roads on the estate. The Chief Executive advised the Committee that he had asked for differential costs to be provided, as a parish council was more likely to be able to carry out repairs at a lower cost than the Council could, as they did not have to do the works to the same standard. It was suggested that Officers could liaise with the Residents Association in respect of the standard of repairs to the roads on the Estate and produce costings on this basis
- A 50% response rate was better than most local elections.
- Any figures provided should be for a standard of repair that the residents of the Frost Estate wanted.
- Whether a parish council could recover the costs of any repairs to the roads on the estate from the frontagers. The Deputy Head of Legal & Democratic Services informed the Committee that for private roads, the obligations for repair fell to the frontagers. Members were further advised that if a new parish council were to buy the roads from the Crown and if they had the General Power of Competence, they could repair the roads, but they should have regard to approaching the frontagers and making reasonable efforts to recover their costs. Finally, Members were informed that a parish council could also step in and make repairs to the roads if required.
- The implications of setting up a new parish council, such as the need to have a parish clerk, should be provided to residents.
- What would happen to any assets and liabilities of a parish council if it ceased to exist? Members were informed that a parish council could not be wound up in the same way as a commercial enterprise and that this could only happen following a further Community Governance Review. It was reported that in the event of a Review

recommending abolition, the assets and liabilities of the parish council would pass to Thurrock Council.

- Could Thurrock Council still charge a precept for the area if the parish council was to fail? The Deputy Head of Legal & Democratic Services informed Members that this could not happen.

Members were informed that the likely costs involved in repairing roads on the estate could be provided as part of the information that was scheduled to be sent to residents as part of the consultation on the draft recommendations of the Committee. The Committee were of the view that the information to be provided to residents should be easy to understand and brutally honest in terms of the likely costs they could face.

The Committee discussed the potential size of the proposed parish council. It was suggested that this could be 7 parish councillors, to reflect the minimum size recommended by the National Association of Local Councils. A Member then suggested that this could be 10 parish councillors, to reflect the number of people that had volunteered to be involved in the Residents Association.

The Committee indicated a preference for an odd number of councillors, rather than an even number, whereupon it was proposed by Councillor Halden:

“That the number of parish councillors should be 9”.

Members indicated their agreement to this proposal.

The Chair then moved to the recommendations set out in the report and advised Members that specific wording had also been circulated at the meeting to cover recommendation 1.3, should the Committee be minded to agree to recommend the creation of a new parish council.

In respect of recommendation 1.3, it was proposed that the wording circulated be used, that a parish council be established and that this should comprise 9 parish councillors.

Members indicated their agreement to the proposal, along with the remainder of the recommendations included in the report and on the document circulated.

It was then proposed by the Chair and seconded by Councillor Gledhill:

“That the additional information to be circulated to residents of the Frost Estate, alongside the next phase of consultation, should be agreed by members of the General Services Committee by email before to being sent out.”

The Committee indicated their agreement to this proposal.

**RESOLVED:**

- 1. That the results of the consultation with residents of the Frost Estate be noted.**
- 2. That the results of the consultation be published on the Council's website.**
- 3. That pursuant to Section 93 of the Local Government and Public Involvement in Health Act 2007, the Department for Communities and Local Government Guidance for the Conduct of Community Governance Reviews, and, having received a valid petition signed by the required number of electors calling for the constitution of a new Neighbourhood Council for the area of the Frost Estate which triggered the Community Governance Review process, it be noted that the Committee have taken the following into account:**
  - (i) the petition;**
  - (ii) the results of the consultation with the electors;**
  - (iii) the legal advice contained within the report and circulated at the meeting; and**
  - (iv) the information on existing community governance arrangements in the area concerned and the alternative forms of community governance which might have been appropriate for the areas in question.**
- 4. The General Services Committee recommend that the interests of effective and convenient local government and community identities in this area would be best served by the creation of a new Parish Council.**
- 5. That the new Parish Council be called The Frost Estate Neighbourhood Council.**
- 6. That in the proposed area of the Parish Council, the number of Councillors to serve on the new Frost Estate Neighbourhood Council should be 9.**
- 7. That the first year of elections to the new Neighbourhood Council should be 2015.**
- 8. That the aforementioned recommendations of the General Services Committee in respect of the future governance arrangements for the Frost Estate form the basis of the second stage of public consultation with local electors, stakeholders and other interested parties.**
- 9. That the additional information to be circulated to residents of the Frost Estate, alongside the next phase of consultation, should be**

**agreed by members of the General Services Committee by email before to being sent out.**

- 10. That a report be brought to Council in March 2015 in order that a final decision may be made in respect of the Community Governance Review and the future governance arrangements for the Frost Estate.**

## **9. Arrangements for the Recruitment of the Director of Public Health**

The Director of Adults, Health and Commissioning introduced the report, which requested the Committee to consider and agree to the proposed arrangements for the recruitment to the post of Director of Public Health.

Members were informed that the appointment panel did not need the full General Services Committee, as it had to involve a number of others from the CCG and the Public Health Faculty.

When considering the report and the recommendations, a number of Members spoke and raised the following points:

- The Council should have a full-time Director of Public Health because from 2016, additional responsibilities for children from 0 to 5 would be taken on and work with the CCG was require to ensure that the Better Care Fund would work for Thurrock.
- Concern was expressed that a full-time role would be an additional drain on the tax payer.
- From reading the report, some Members could not see why a full-time role was needed and had not been aware of the additional duties that would be taken on, until advised of these at the meeting.
- A Member asked about the position of Southend if the current shared arrangement was coming to an end in March 2015.

The Director of Adults, Health and Commissioning advised Members that the current post holder did not wish to continue in the shared role from 1 April 2015 and so there was no option to share with Southend. It was reported that Thurrock would not have a Director of Public Health, unless an alternative arrangement was put in place.

Members were informed that the Council had looked at alternatives to a full-time post but that there did not appear to be a viable alternative.

In respect of the extra costs of a full-time Director of Public Health, Members were informed that a consultant post was currently vacant and if a clinician was appointed as Director of Public Health, the Council may not need as many consultant hours.

A Member queried whether the Council had not appointed to the consultant post because it was unable to recruit to a full-time post and asked whether, once a full-time Director of Public Health had been appointed, the Council

would also look to appoint a full-time consultant and so have less money in the public health budget. The Director of Adults, Health and Commissioning advised Members that, nationally, it was difficult to appoint full-time consultants as most had chosen to work for Public Health England and continued to work in the clinical world of the NHS. It was reported that if the Council was lucky, it would appoint a clinician as its new Director of Public Health.

When considering recommendation 1.3, a Member suggested that this could be amended to include the words “or nominees” to reflect the issue raised by the Director of Adults, Health and Commissioning regarding the potential size of the interview panel.

The Committee indicated their agreement to the recommendations in the report, as amended at the meeting.

**RESOLVED:**

- 1. That the appointment process, as set out in the report, be confirmed.**
- 2. That the appointment of Penna to undertake an external assessment of shortlisted candidates be agreed.**
- 3. That the General Services Committee, or nominees, be the appointment panel for the post of Director of Public Health (alongside any requirements of the Faculty of Public Health and Public Health England) with the final recommended candidate being endorsed at full Council on 25 February 2015.**

**The meeting finished at 6.30 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

This page is intentionally left blank

<b>9 March 2015</b>	<b>ITEM: 5</b>
<b>General Services Committee</b>	
<b>Pay and Reward Review</b>	
<b>Wards and communities affected:</b> None	<b>Key Decision:</b> None
<b>Report of:</b> Neil Mercer, Interim HR Policy and Strategy Manager	
<b>Accountable Head of Service:</b> Jackie Hinchliffe, Head of HR, OD and Transformation	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<b>This report is:</b> public	

## Executive Summary

This report provides an update on the pay and reward review. It has been brought to GSC as a decision is required concerning the council's job evaluation scheme.

### 1. Recommendation

**1.1 That the General Services Committee authorises the adoption of the Greater London Provincial Council's (GLPC's) job evaluation scheme to evaluate all role profiles developed as part of the pay and reward review, and that the council should use the GLPC scheme thereafter.**

### 2. Introduction and Background

2.1 In 2013 it was proposed that Thurrock should change their pay and grading structure. The existing model was found to be inflexible and band widths were too long (eg Band 9 contains 11 pay points) and overlapped. As such, it risked breaching equal pay legislation.

2.2 Many local authorities were successfully adopting job families as an alternative. The Chartered Institute of Personnel and Development listed four key reasons to take this approach, as follows:

- individuals can identify organisation-wide career paths
- there is greater flexibility
- it enables closer links to market rates

- it improves the staff appraisal process by linking reward more closely with personal contribution and progress
- 2.3 A job family structure for Thurrock was approved by DB on 4<sup>th</sup> April 2014, however further work on this review was suspended in July 2014 as it could not be resourced at that time.
- 2.4 A new way of continuing this review has now been identified. It requires far fewer internal resources, primarily because 'off-the shelf' products are now available at no extra cost to the council. A revised outline project plan is attached at Appendix 1.
- 2.5 This review offers an excellent opportunity to examine whether the Council is using the best possible job evaluation scheme and, if it isn't, to switch to better scheme.

### **3. Issues, Options and Analysis of Options**

- 3.1 At present, the Council engages the services of an external provider (The Reward Partnership) to carry out job evaluations using the James scheme. The cost of this service is £80 per evaluation and, for example, from October 2012 to March 2014 185 jobs were evaluated at a total cost of £14,800. This does not include the amount of officer time which is spent preparing posts for evaluation.
- 3.2 NGA Ltd, who are assisting the Council with this review, have conducted an assessment of schemes used in local government which are compliant with equal pay and single status requirements. The most widely used scheme is the Greater London Provisional Council (GLPC) Scheme, now owned by London Councils.
- 3.3 The GLPC scheme was developed and agreed with the Equal Opportunities Commission and trade unions in London and launched in 2000. It reflects best practice and complies with single status.
- 3.4 The GLPC scheme could be administered either manually or online, at the following cost:



Method	Requirements	Costs	Total
<b>(i) Manual GLPC scheme</b>	Licence from London Councils  JE scheme training for HR staff	£5,000 one-off payment  Two-day on-site training by London Councils: £1,800	<b>£6,800 in yr 1 only</b>
<b>(ii) Online GLPC scheme (NGA Ltd are licensed by London Councils to host the software for this scheme)</b>	Initial licence fee to Northgate  Local systems development  Annual maintenance and support  JE scheme & IT systems training for HR staff	£15,440 one-off payment  3 days @ £875 pd one-off payment = £2,625  £2,911 pa  Two-day on-site training by NGA Ltd: £2,500	<b>£23,476 in yr 1, £2,911 pa thereafter</b>

3.5 It is recommended that the online version is used: although this is more expensive to operate, it is quicker. Costs would, then, be recovered over time as fewer officer-hours would be required to administer the scheme.

3.6 The introduction of job families would also reduce job evaluation costs as it would no longer be necessary to devise and evaluate individual job descriptions, of which there are approximately 800 at present. In the future, a far smaller number of role profiles (estimated by NGA at 60-72) would be subject to an evaluation process.

#### **4. Reasons for Recommendation**

4.1 To ensure an up-to-date, best practice pay and grading structure which is approved by the GLPC, trade unions and the former Equal Opportunities Commission.

4.2 To help enable more accurate comparisons between Thurrock's pay system and those of other local authorities.

4.3 To cut job evaluation costs by at least 50%.

#### **5. Consultation**

This report was discussed at Directors' Board on 27<sup>th</sup> January 2015, where it was agreed that the recommendation in Section 1 above should be submitted to GSC.

## **6. Impact on corporate policies, priorities, performance and community impact**

If approved, the new job evaluation scheme will be instrumental in determining matters relating to pay, such as grading, performance and market supplements.

## **7. Implications**

### **Financial**

Implications verified by: **Sean Clark**  
**Head of Corporate Finance**

- 7.1 The costs of past and future involvement by pay specialists NGA Ltd were authorised, and paid for in full, in 2014. The only additional costs in 2015/16 would be those associated with the adoption of the GLPC job evaluation scheme, as outlined in Section 3 above.
- 7.2 Switching to job families should represent an on-going, annual saving of at least 50% in job evaluation fees.

### **Legal**

Implications verified by: **Chris Pickering**  
**Principal Solicitor: Employment and Litigation**

- 7.3 It is important to move to a new pay and grading structure as soon as possible in order to help safeguard the council from the risk of equal pay claims, as outlined in Section 2.1 above.
- 7.4 Adopting a new job evaluation scheme such as the GLPC's, which has been approved by the trade unions and the former Equal Opportunities Commission, will help to ensure that pay and reward at Thurrock is legally compliant.

### **Diversity and Equality**

Implications verified by: **Teresa Evans**  
**Equalities and Cohesion Officer**

- 7.5 The Equality and Human Rights Commission (EHRC) deem long and overlapping pay grades to be 'high risk practices' as they can result in discrimination the grounds of gender<sup>1</sup>.

---

<sup>1</sup> <http://www.equalityhumanrights.com/private-and-public-sector-guidance/employing-people/equal->

7.6 They recommend 'specific justification to be provided for increments beyond six', and warn that 'it is not uncommon for those at the bottom of an overlapping scale to be undertaking work of greater value to those at the top of the lower scale'.

7.7 Switching to the GLPC job evaluation scheme as part of this pay review would, then, address the EHRC's concerns and move Thurrock towards a best-practice system.

**Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

7.8 All Council employees on single status conditions would have their grade and pay reviewed as part of this process.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Report by NGA Ltd

9. **Appendices to the report**

Appendix 1: Outline project plan

**Report Author:**

Neil Mercer

Interim HR Policy and Strategy Manager

Chief Executive's Department

This page is intentionally left blank

**APPENDIX 1 - PAY & REWARD REVIEW: OUTLINE PROJECT PLAN**

Work Strand	Key Tasks	Lead	Jan 2015	Feb 2015	Mar 2015	Apr 2015	May 2015	June 2015	July 2015	Aug 2015	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016
<b>JOB EVALUATION</b>	AUTHORISATION OF NEW SCHEME BY DB	NM	█															
	AUTHORISATION OF NEW SCHEME BY GENERAL SERVICES COMMITTEE	NM			█													
	TRAIN HR IN NEW SCHEME	JC						█										
<b>ROLE PROFILES</b>	NGA TO SUPPLY ROLE PROFILES & PLACE INTO JOB FAMILIES	GP		█	█													
	FINALISE ROLE PROFILES	JH/ JC				█	█											
	EVALUATE ROLE PROFILES	JC							█	█								
<b>PAY &amp; REWARD STRUCTURE</b>	DEVELOP OPTIONS FOR NEW PAY & REWARD STRUCTURE	GP/ HRM								█	█							
	NEW PAY & REWARD STRUCTURE & ASSIMILATION PROCESS AUTHORISED BY DB	HRM										█						
	NEW PAY & REWARD STRUCTURE & ASSIMILATION PROCESS AUTHORISED BY COUNCIL	JH											█	█				
	ALLOCATE GRADE & PAY RANGE TO EACH ROLE PROFILE WITHIN PAY & REWARD STRUCTURE	GP/ HRM													█	█		
	ALLOCATE PAY POINTS TO EMPLOYEES AND INFORM THEM	HRM /HR														█	█	
	APPEALS	DMT /DB															█	█
	PAY & REWARD REVIEW TO BE STANDING ITEM AT FORTNIGHTLY TRADE UNION CONSULTATION MEETINGS	HRM	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
	PAY & REWARD REVIEW TO BE STANDING ITEM AT MONTHLY PEOPLE BOARD MEETINGS	JH	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█

Appendix ~~XX~~

This page is intentionally left blank

<b>9 March 2015</b>	<b>ITEM: 6</b>
<b>General Services Committee</b>	
<b>Shared Parental Leave and Pay</b>	
<b>Wards and communities affected:</b> None	<b>Key Decision:</b> None
<b>Report of:</b> Neil Mercer, Interim HR Policy & Strategy Manager	
<b>Accountable Head of Service:</b> Jackie Hinchliffe, Head of HR, OD and Transformation	
<b>Accountable Director:</b> Graham Farrant, Chief Executive	
<b>This report is Public</b>	

## Executive Summary

New legislation to assist working parents comes into effect in April. It applies where both parents are working, and may apply at Thurrock if at least one parent works for the Council. One aspect of the new arrangements is left to individual employers to decide, namely whether or not to provide an enhanced rate of shared parental pay.

### 1. Recommendation

**1.1 That General Services Committee should authorise the payment of an enhanced rate of shared parental pay to employees, rather than the statutory rate of £138.18 per week.**

### 2. Introduction and Background

- 2.1 New legislation means that, from 5th April 2015, both parents of a new born baby will have greater flexibility in determining which of them can take leave from work to care for their child in its first year.
- 2.2 In the vast majority of cases, this scenario will apply to a woman taking maternity leave and the father of her child. Similar provisions, however, apply to adoptions, surrogacy arrangements and same sex partnerships.
- 2.3 For ease of understanding, and because this matter concerns an issue of potential sex discrimination, this document focuses on a scenario where a mother takes maternity leave and the other parent is male.

- 2.4 A mother can choose to end her maternity leave early in favour of a shared parental leave (SPL) arrangement, in which either parent can take time off work to be the primary carer (although the mother must take a minimum of two weeks' maternity leave immediately after giving birth).
- 2.5 This may happen at a time when the mother would have received an enhanced, occupational rate of maternity pay, had she remained on maternity leave<sup>1</sup>. The new regulations do not require employers to enhance pay for employees taking SPL: they are only entitled to the lower, statutory rate of £138.18 per week.
- 2.6 The vast majority of employees who could benefit from SPL are fathers of new born babies, therefore the new regulations could constitute sex discrimination against men if they were not paid the same as a woman on maternity leave.
- 2.7 Employment law commentators believe this matter will only be resolved if and when it is challenged in the courts.
- 2.8 Employers can, in the meantime, choose whether or not to voluntarily enhance payments: this is what GSC is being asked to decide.

### **3. Issues, Options and Analysis of Options**

- 3.1 Shared parental pay (ShPP) is paid to employees by the Government, at the statutory rate, regardless of whether the employer pays an additional, enhanced rate.
- 3.2 The cost to the Council of enhancing ShPP is difficult to estimate, as it involves forecasting the numbers of employees who will become parents in the future, and how many of them will opt to take SPL.
- 3.3 A crude estimate, based on 2014 figures, indicates that the maximum cost to the council would be £54,000 per annum. This would only apply if every parent who was eligible for SPL took it at the earliest opportunity (ie two weeks after the mother had given birth). The actual figure would almost certainly be a fraction of this.
- 3.4 Other employers are divided as to whether or not they should pay enhanced ShPP. For example, in a December 2014 survey, the East of England Local Government Association found that four local authorities in the region intended to enhance pay, five did not and four were undecided.
- 3.5 Options available to GSC are:

---

<sup>1</sup> At Thurrock, a woman with at least one year's service is entitled to occupational maternity pay of 12 weeks at half pay, in addition to statutory maternity pay entitlements (which are paid for by the Government).



- (i) To authorise the payment of enhanced ShPP
- (ii) Not to authorise enhanced ShPP
- (iii) Not to authorise, but to review the situation at a future date, for example, after a binding, legal precedent had been set and/or the demand for, and cost of, ShPP could be better assessed.

#### **4. Reasons for Recommendation**

Option (i) is recommended because:

- Offering enhanced ShPP complements the council's recruitment and retention strategies by promoting Thurrock as a parent-friendly employer.
- It would mean little risk of legal challenge (it should be noted that two male members of staff have already enquired whether enhanced ShPP will be available at Thurrock).
- The cost to the council would be relatively little.

#### **5. Consultation**

This report was discussed at Directors' Board on 27<sup>th</sup> January 2015, where it was agreed to recommend, to GSC, that enhanced ShPP should be authorised.

#### **6. Impact on corporate policies, priorities, performance and community impact**

The SPL and ShPP regulations require amendments to the Council's Working Families Policy and Procedures, including the deletion of the Additional Statutory Paternity Leave and Additional Statutory Paternity Pay Schemes, (which the new legislation has replaced with SPL and ShPP), and the creation of a new SPL policy, which is currently being drafted.

#### **7. Implications**

##### **Financial**

Implications verified by: **Sean Clark**  
**Head of Corporate Finance**

- 7.1 Section 3.3 above shows that the cost of paying enhanced SPL is difficult to quantify and will vary from year to year. Any additional costs will have to be met from the services' employee budgets. Agreeing this should also be seen as an increase to the cost of terms and conditions at a time when the targeted £1m reduction in terms and conditions for the 2015/16 budget has not been achieved.

### **Legal**

Implications verified by: **Chris Pickering**  
**Principal Solicitor: Employment and Litigation**

- 7.2 There is currently no legal requirement to provide enhanced SPL, although this could change if challenged in the courts.
- 7.3 By adopting a policy of paying enhanced SPL, the council should ensure that it will have a strong defence to this type of challenge and the possibility of having to issue back-pay to employees who had been denied the enhanced rate.

### **Diversity and Equality**

Implications verified by: **Teresa Evans**  
**Equalities and Cohesion Officer**

- 7.4 Providing enhanced SPL would help promote Thurrock as a family friendly employer and be within the spirit of equal pay regulations.
- 7.5 It should be noted that any employee taking SPL would stand to benefit, should enhanced pay be provided. This would, in the majority of cases, apply to men, however it would apply equally to women who chose to take SPL.
- 7.6 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Shared Parental Leave - Employers' Guide (GOV.UK)
- Shared Parental Leave factsheet (Chartered Institute of Personnel & Development)
- Getting to Grips with Shared Parental Leave (Shoosmiths Solicitors)

- Enhanced Maternity and SPL Pay (survey by East of England Local Government Association)

**Report Author:** Neil Mercer  
Interim HR Policy & Strategy Manager  
Chief Executive's Department

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank