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Monday, 25 June 2018

Dear Sir/Madam

EMPLOYMENT COMMITTEE

A meeting of the Employment Committee has been arranged to take place **TUESDAY, 3RD JULY, 2018 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', is written in a cursive style.

Neil Turner BSc (Hons) MSc
Director of Transformation & Resources

To: Members of Employment Committee

Councillors Mrs Baker (Chairman), Mrs Boyle (Vice-Chair), Mrs Banevicius, Cox, Mrs Eagland, Mrs Grange, Greatorex, Mrs Little, Rayner, Salter and B Yeates



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Previous Meeting 3 - 6
4. Pay Policy Statement 7 - 18
5. Draft People Strategy Verbal Report
6. Updated Equality & Diversity Policy 19 - 30



EMPLOYMENT COMMITTEE

1 FEBRUARY 2018

PRESENT:

Councillors Mrs Baker (Chairman), Mrs Boyle (Vice-Chair), Mrs Banevicius, Cox, Mrs Eagland, Greatorex, Miss Hassall, Rayner, Salter and B Yeates

1 APOLOGIES FOR ABSENCE

There were no apologies for absence

2 DECLARATIONS OF INTEREST

There were no declarations of interests

3 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on the 20th November 2017, as printed and circulated were taken as read, approved and signed by the Chairman.

4 OFFICER CODE OF CONDUCT UPDATE

The Committee received a verbal report requesting an amendment to the Officer Code of Conduct. It was reported that a small change had been required to ensure it reflected details in the Disciplinary Procedure correctly regarding the disclosure of criminal convictions. It was noted that the code would be relaunched to all Officers were aware of the revised version. When asked, it was confirmed that the unions had been consulted with.

Other areas of the Code was then discussed by the Committee and it was asked why a Politically Restricted Post were still allowed to stand as a Parish Councillor as these positions could still be political. After seeking guidance with the Head of Legal, Property and Democratic Services, it has been confirmed that standing for a Town or Parish Council is excluded as it is not considered political in terms of the legislation LGHA 89/ SI 1990. No reason has been given why and usually Town/ PC's are seen as more local democracy rather than Political.

It was also asked if drug guidance had been adopted and it was reported that there were only facilities to check for alcohol use.

It was asked if social media use could be mentioned in various sections and it was noted that there were other policies that could cover social media use including IT policies. It was agreed that it could however be highlighted to Officers within the Code of Conduct. It was asked if GDPR should be included and it was reported that the code was not required to be specific.

It was felt that as social media use had changed since the approval of the code 12 months ago so it might be right to review the Code of Conduct at a later date.

RESOLVED: That the amendment to the Officer Code of Conduct be approved.

5 MEMBER DEVELOPMENT STRATEGY

The Chairman led a discussion on Member Development Strategy and she asked for the Committee's thoughts and ideas for carrying out training and development. It was noted that the Head of Legal, Property and Democratic Services would be meeting with the Leader of the Council and Leader of the Opposition to discuss further. It was reported that there would not be a questionnaire circulated

A diagram of a proposed strategy was circulated to Members and it was reported that training would become Member led with a development plan which would inform the training programme along with a sub committee that would monitor attendance and further training needs. It was then reported that Members would meet with their party leader and discuss and record their individual development needs.

The Committee asked what the current budget was for Member Training and it was confirmed to be £5k. There was some concern that this was not enough to deliver effective training but it was reported that the use of e-learning and Officer to deliver sessions helped keep costs to a minimum. It was suggested that collaborative sessions with other authorities could also help reduce costs.

Views were then sought from the Committee on what could aid training to be valuable and the following was expressed:

- All training to be available for all Members to ensure continuity.
- The use different formats to deliver training.
- The use of different venues
- On block intensive training as part of Induction.
- Consider external training for Planning and not be all in house
- Sessions to stay on topic
- Length of sessions especially on an evening. Keep them short and sharp with objectives
- Information to be presented in an understandable way to Members
- Receive a synopsis of what training will be delivered.

Members then discussed specific training topics and items included IT as it was important to all Members. It was also suggested that sessions on Community liaison could be useful especially for new Members as it would help them understand the work of other agencies including health providers, highways and registered social landlords. Other topics discussed were speed reading, assertiveness training and Governance especially regarding commercialisation.

There was some concern that it was difficult to attend all training sessions due to other commitments and it was suggested that numerous dates could be offered or different formats offered for the same format.

RESOLVED: That the comments will be fed back to Head of Legal, Property and Democratic Services would be meeting with the Leader of the Council and Leader of the Opposition.

6 POLICY REVIEW 2018 SCHEDULE

The Committee noted that Policy Review 2018 Schedule and an update was given. It was noted that all reviews were on schedule and Members were keen for the deadlines to be maintained.

RESOLVED: That the Policy Review 2018 Schedule be noted.

(The Meeting closed at 7.16 pm)

CHAIRMAN

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Revised Pay Policy Statement

Date: 3rd July 2018
Contact Officer: Christie Tims/Cathy Pepper
Tel Number: 01543 308100/308112
Email: Christie.tims@lichfielddc.gov.uk
cathy.pepper@lichfielddc.gov.uk
Key Decision NO
Local Ward None
Members

Lichfield
district council
www.lichfielddc.gov.uk

**EMPLOYMENT
COMMITTEE**

1. Executive Summary

- 1.1 To inform Committee of the Council's duties under Section 38 of the Localism Act 2011 to prepare and publish a Pay Policy Statement for 2018/19.
- 1.2 To approve publication of the updated Pay Policy Statement, subject to Full Council approval.

2. Recommendations

- 2.1 It is recommended that Employment Committee approves the contents of the updated Pay Policy Statement as set out in **APPENDIX A** and recommends the policy for approval by Full Council 17th July 2018.

3. Background

- 3.1 Under section 112 of the Local Government Act 1972, the Council has the "power to appoint officers on such reasonable terms and conditions as the authority thinks fit".
- 3.2 The Pay Policy Statement (attached at **APPENDIX A**) sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the Council's approach to setting the pay of its employees by identifying;
 - the methods by which salaries of all employees are determined;
 - the detail and level of remuneration of its senior managers i.e. 'chief officers', as defined by the relevant legislation;
 - the relationship between the remuneration of its chief officers, those who are not chief officers and the lowest paid;
 - the most recent gender pay gap figures available.
- 3.4 This statement is required to be submitted to Full Council for approval and will then be published on the Council's website. In addition, for posts where the full time equivalent salary is £50,000 p.a, or more, the Council's Annual Statement of Accounts will include a note setting out the total amount of :-
 - salary, fees or allowances paid to or receivable by the person in the current and previous year;
 - any bonuses so paid or receivable by the person in the current and previous year;
 - any sums payable by way of expenses allowance that are chargeable to UK income tax;
 - any compensation for loss of employment and any other payments connected with termination;
 - any benefits received that do not fall within the above

3.5 Legislative Framework

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

3.6 Pay Structure

The basis for the Council’s pay structure is on having a job evaluation system in place which ensures that all employees are rewarded according to the demands and responsibilities of their job and that there are no discriminatory elements.

3.7 The Council’s pay structure is largely based on the Council’s Single Status Agreement and on the National Joint Council for Local Government Services job evaluation scheme which has the support of both trade unions and employees. Any changes to jobs or new jobs go through a job evaluation process to ensure that there is consistency and fairness in place. The salaries are set according to the national pay grading scale (pay grades attached at **APPENDIX A within the Pay Policy Statement**). The senior management structure is at **APPENDIX B within the Pay Policy Statement**

3.9 The detailed information regarding pay and conditions is set out in the statement attached at **APPENDIX A**. This will be updated annually in accordance with the legislative requirements.

Alternative Options	None
Consultation	Employee Representatives have been consulted with regard to this report requirement.
Financial Implications	This report sets out the existing financial obligations regarding pay policy.
Contribution to the Delivery of the Strategic Plan	
Equality, Diversity and Human Rights Implications	There are no implications for anyone with protected characteristics as this policy applies to all employees equally.
Crime & Safety Issues	There are no implications.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Non - compliance with legislation or challenges on equal pay	Through the publication of an annual pay policy statement and maintaining a consistent approach to conducting Job Evaluation.	Green

Background documents

Pay Policy Statement

Updated June 2018

1. Introduction and purpose

Under section 112 of the Local Government Act 1972, the council has the 'power to appoint officers on such reasonable terms and conditions as the authority thinks fit'.

This Pay Policy Statement (the 'statement') sets out the council's approach to its pay, terms and conditions and other related matters in accordance with the requirements of Section 38 of the Localism Act 2011.

Once approved by the full Council, this Pay Policy Statement will come into immediate effect and will be subject to review on an annual basis, in accordance with the relevant legislation prevailing at that time.

Lichfield District Council

Lichfield District Council employs 312 staff (as at 31st May 2018), excluding casual workers, contractors, and agency workers) and provides a wide range of services managed through the Chief Executive's office and two directorates

The Chief Executive

The Chief Executive leads the organisation by translating members' aspirations into practical solutions and delivery. They also:

- Act as lead advisor to Elected Members
- Undertake the statutory role of Head of Paid Service
- Lead and support the council's governance arrangement
- Are responsible for civic and ceremonial functions.

The Directorates

Place and Community

This Directorate undertakes the strategic lead on:

- Sustainable economic development, planning policy, development plans and implementation, development control and enforcement, urban design and conservation, building control and land charges, city and town centre regeneration and development.
- Arboriculture services, countryside, biodiversity, rural strategy and planning.
- Inward investment and developing the economy, business support and partnerships, and tourism, car parking strategy and management of off street parking enforcement.

- Housing, including housing need and investment and affordable housing planning and development. Lead on housing partnerships, housing with support and travelling families.
- Homelessness strategy and responsibilities, including private sector housing investment and regulation.
- Enforcement and regulation, including contaminated land, pollution, nuisance, air quality.
- Health and safety enforcement and regulation, including food safety, occupational health and safety, infectious disease.
- Public health and protection, including taxi, liquor and miscellaneous licensing. Lead on community regeneration and development, including building social capital, community hubs and community transport.
- Links with the voluntary sector; grant aid and commissioning grant funded services. Safer and Stronger communities including the Community Safety Partnership and closed circuit television.
- Emergency planning, with business continuity in conjunction with Staffordshire Civil Contingencies Unit.
- Lichfield District Strategic Partnership (LDSP) and District Board. Lead on older people, children and young people and safeguarding policy.
- Physical Activity and Sport Development partnerships, reservoir management, outdoor sports and play provision and the management of parks and open spaces, including Beacon Park.
- Supporting strategic partnerships focusing on green matters including Cannock Chase AONB and managing the council's countryside assets.
- Quality of the local environment and the delivery of in-house street scene services, including street cleansing and fly-tipping, abandoned vehicles, fleet management, grounds maintenance, public conveniences, and shop mobility
- The Joint Waste service, with Chief Executive of Tamworth Borough Council in respect of waste collection and recycling, sustainable waste management, including partnership support, environmental education and awareness.

Transformation & Resources

This Directorate undertakes the strategic lead on:

- Assets, premises and the council's property portfolio.
- Legal services, including probity and contracts.
- Democratic services, governance, data protection and Freedom of Information.
- Electoral services, management of elections.
- Strategic planning and performance management for the Council, including accountability to Members, quality assurance, customer complaints, ombudsman investigations, MP enquiries, community research, and equalities.
- Provision of corporate customer services (Lichfield Connects), including development of supporting technology.
- Corporate lead on health and safety, insurance and the council's Employee Liaison Group.
- Corporate communications.
- Human Resources services.
- Administration and collection of local taxation, including council tax and business rates (NNDR) and BID levy, housing benefits and council tax reductions, arrears collection for council tax, business rates, benefits overpayments and sundry debts.
- Policy development on debt recovery and its management.

- Anti-fraud policy and awareness, internal audit, risk management, procurement, development & maintenance of corporate information systems, including geographical information systems (GIS), the Property Gazetteer and street naming and numbering.
- Financial probity, strategic financial management, treasury and investment funds, and revenue and capital strategy. Management of accounts and reconciliation and the management of external funding.

2. Legislative framework

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

With regard to the Equal Pay requirements contained within the Equality Act, the council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed job evaluation mechanisms, which directly relate salaries to the requirements, demands and responsibilities of the role.

The council also complies with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 which require public sector employers with 250 or more employees to publish their gender pay gap information.

The current published pay differential can be found on our website at:

<https://www.lichfielddc.gov.uk/Council/Gender-pay-report.aspx>

3. Pay structure

The underpinning mechanism in delivering the council's pay structure is the council's job evaluation system and the Single Status Agreement. This ensures all employees are rewarded according to the demands and responsibilities of their job and that there are no discriminatory elements.

The posts of the majority of employees have been assessed using a National Joint Council for Local Government Services job evaluation scheme and which is supported by both the national trade unions and council employees.

The Single Status Agreement ensures that there is consistency and fairness in its terms and conditions, including pay that the council offers to its employees.

The grades of Chief Officers have been evaluated through the Hay Job evaluation process.

Any changes to jobs or new jobs go through this job evaluation process to ensure that there is consistency and fairness in place. Based on the application of the job evaluation process, the council uses the nationally negotiated pay scale as the basis for its local grading structure. **Appendix 1** shows the Lichfield District Council NJC pay grades.

The Local Government Association (LGA) represents the council in national pay negotiations with trade unions and the government over pay and conditions.

In determining its grading structure and setting remuneration levels for all posts, the council also takes into account the need to ensure value for money in respect of the use of public funds, balanced against the need to recruit and retain employees who are able to meet the requirements

of their respective roles, and provide timely high quality services to the community, delivered effectively and efficiently.

New appointments will be made at the relevant rate to ensure the best candidate is secured and wherever possible this should be the lowest scale point within the grade. If an internal candidate is appointed on promotion then as a point of principle they should be offered the next available rate within the grade as a minimum.

From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector. This is known as a 'market supplement'.

Where appropriate a shared service payment may also be made to an officer who is managing a service on behalf of another council.

In addition we have an *Acting up Recognition Policy* (payment of an Honorarium), where a lower graded employee may be asked to take on the duties of a higher graded post, due to vacancy or other absence, where the employee possesses the appropriate skills and is agreeable to do so. There are currently no honorarium payments in place.

Payments for the Deputy Monitoring Officer and Deputy Section 151 Officer are also paid as a supplement to officers who sit outside of the senior leadership team for their additional responsibilities in carrying out statutory functions.

All other pay related allowances are the subject to either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by council policy.

Current details of 'additional pay' which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties, are set out below:

Additional Payment	Numbers	Pay range FTE Per annum £
Shared Service Payment	2	3528- 4459
Market Supplement	4	2500-5767
Deputy Monitoring and Deputy Section 151 Officers	2	2899-2942

Apprenticeships

In order to meet our obligations under the Enterprise Act 2016, <https://www.gov.uk/government/news/enterprise-act-becomes-law> which has enabled the Government to set ambitious targets for the public sector to have up to 2.3% of their workforce in an apprentice annually.

Our aim is to (where budgets, suitable vacancies and available registered training providers are available) achieve our target of up to 7 new apprentices during 2018/19. All vacancies will be considered by relevant Directors together with Heads of Service to ensure that opportunities for different ways of working are explored, that we have considered if the vacant post can be filled by an

Apprentice, and that appointments are made on the most appropriate basis and only when essential to ongoing service delivery. We aim to pay new recruits to an apprenticeships in line with the Apprenticeship rates as at April 2018 - **see Appendix 1.**

A statutory report will need to be published by September 2018 regarding our progress in using the Apprenticeship Levy and meeting the 2.3% workforce target. There are currently 4 active Apprenticeships being funded by the levy, with a further 3 planned before the reporting date.

4. Definition of a Chief Officer

Section 43 of the Act defines the meaning of a Chief Officer and refers to the Local Government and Housing Act 1989. Statutorily the Chief Officers at Lichfield District Council are the Chief Executive and the two directors but locally, the council has extended the definition of a Chief Officer to include the following:

- The Head of Paid Service; –the Chief Executive
- Statutory Chief Officers – these are the council’s two directors
- Heads of Service (8 posts)
- Assistant Chief Executive

The Chief Officers' Structure is shown on **Appendix 2.**

5. Chief Officers’ remuneration

Chief Executive, Directors, Heads of Service and Assistant Chief Executive

The current levels of remuneration are:

Heads of Service (HoS) and Assistant Chief Executive

The Assistant Chief Executive reports directly to the Chief Executive and the Heads of Service report directly to a Director and are paid on the Hay Scale, and are classed as part of the Leadership Team (for the purposes of the act). These officers are paid in a range of five incremental points between £57,794 and £63,048.

Directors

The salaries of posts within a range of four incremental points between £80,355 and £84,991.

Chief Executive

The chief executive salary falls within a range of four incremental points between £96,970, rising to a maximum of £102,848, not inclusive of any payment for Returning Officer duties, with the exception of District and Parish elections, payment for which is included in the salary.

6. Performance related pay for the Chief Executive

The scheme allows for an assessment of performance on an annual basis and a payment to reflect performance achievements delivered by the posts of the Chief Executive. The performance measures and targets are agreed for the Chief Executive who is appraised by the Leader, Deputy Leader and Leader of the Opposition. The amount awarded is based on the following:

- The maximum payable 10% of current salary.
- Targets substantially met – full payment.

- At least 50% of targets met, with justification all targets have not been substantially met – a payment of between 50% and 75%.
- Less than 50% of targets met – no payment.

7. Other pay additions

In addition to basic salary, described below are details of other elements of ‘additional pay’ which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties:

- Fees paid for Returning Officer duties where identified and paid separately. This applies solely to the Chief Executive and relates to fees, which are set by the Government for Parliamentary elections and through agreement with Staffordshire County Council, for County Council elections, using a pence per elector for the calculation. Fees for the district and parish local elections are included in the Chief Executive salary level.
- Essential user car allowance is £80.25 or £70.50 per month dependent on the size of vehicle. These rates are applicable to all employees who are essential car users. There are currently 80 employees receiving an essential car user’s allowance.

8. Payments on termination

The council’s approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment), (Discretionary Compensation) Regulations 2006 [and if adopted] Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.

The details of payments are set out in the Council’s Discretionary Payment Policy. These policies apply equally to all council employees.

9. Lowest paid employees

The lowest paid people employed under a contract of employment with the council would be employed on a full time [37 hours] equivalent salary, set at the minimum pay point currently in use within the council’s grading structure (see **Appendix 2**) which is currently £8.50 per hour.

The council employs apprentices who are not included in the definition of ‘lowest paid employees’ as the terms and conditions are determined by the National Apprenticeship Services.

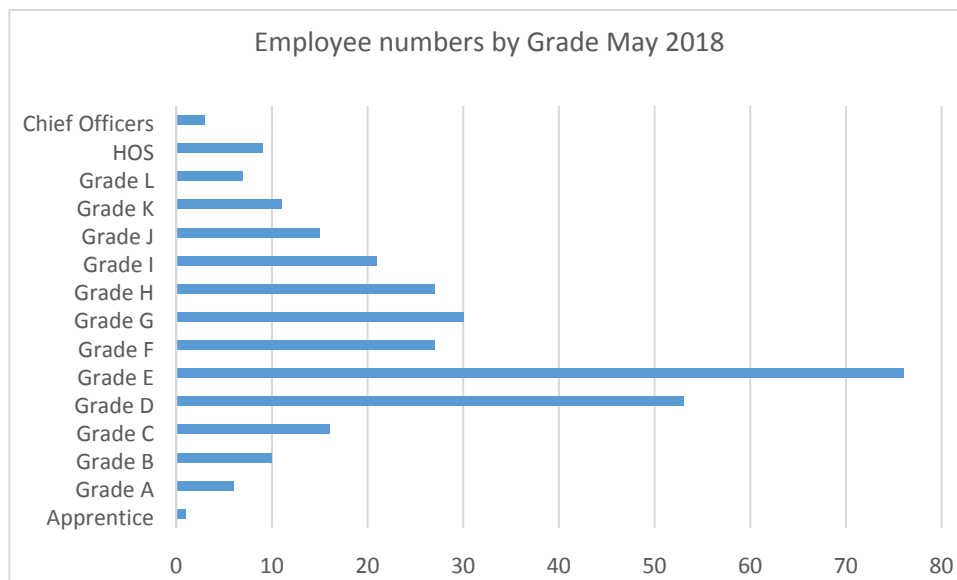
10. Pay relationship

The relationship between the rate of pay for the lowest paid and chief officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce, and that of senior managers. This is detailed in the Hutton ‘Review of Fair Pay in the Public Sector’ (2010). The Hutton Report explored the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the salary of the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure, and the Government’s Code of Recommended Practice on Data Transparency recommends the publication

of the ratio between highest paid salary and the median average salary of the whole of the authority's workforce.

The graph below shows the relationship numbers of staff on the different pay grades within the council:



The current pay levels within the council define the multiple between the lowest paid (full time equivalent) employee and the Chief Executive ratio is **1 to 6.23** and between the lowest paid employee and median average chief officer as **1 to 3.85**. The multiple between the median average full time equivalent earnings and the Chief Executive is **1 to 4.88**, and between the median average full time equivalent earnings and median average chief officer it is **1 to 3.02**.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the council uses available benchmark information as appropriate and undertakes an Equal Pay audit on a regular basis.

11. Publication

Upon approval by Full Council, this statement will be published on the Council's Website. In addition, for posts where the full time equivalent salary is at least £50,000, the council's Annual Statement of Accounts will include a note setting out the total amount of:

- salary, fees or allowances paid to, or receivable, by the person in the current and previous year.
- any bonuses paid or receivable by the person in the current and previous year.
- any sums payable by way of expenses allowance that are chargeable to UK income tax.
- any compensation for loss of employment and any other payments connected with termination.
- any benefits received that do not fall within the above.

12. Accountability and decision making

In accordance with the constitution of the council, the Employment Committee is responsible to the council for functions relating to employment matters including establishing the overall framework for remuneration and terms and conditions of employment.

Appendix 1

National Joint Council for Local Government Services

April 2018 - March 2019

BAND A		Hour
A6	16394	8.50
A7	16495	8.55

BAND B		
B7	16495	8.55
B8	16626	8.62
B9	16755	8.68
B10	16863	8.74
B11	17007	8.82

BAND C		
C11	17007	8.82
C12	17173	8.90
C13	17391	9.01
C14	17681	9.16

BAND D		
D14	17681	9.16
D15	17972	9.32
D16	18319	9.50
D17	18672	9.68
D18	18870	9.78

BAND E		
E18	18870	9.78
E19	19446	10.08
E20	19819	10.27
E21	20541	10.65
E22	21074	10.92

BAND F		
F22	21074	10.92
F23	21693	11.24
F24	22401	11.61
F25	23111	11.98
F26	23866	12.37

BAND G		Hour
G26	23866	12.37
G27	24657	12.78
G28	25463	13.20
G29	26470	13.72
G30	27358	14.18

BAND H		
H30	27358	14.18
H31	28221	14.63
H32	29055	15.06
H33	29909	15.50
H34	30756	15.94

BAND I		
I34	30756	15.94
I35	31401	16.28
I36	32233	16.71
I37	33136	17.18
I38	34106	17.68

BAND J		
J38	34106	17.68
J39	35229	18.26
J40	36153	18.74
J41	37107	19.23

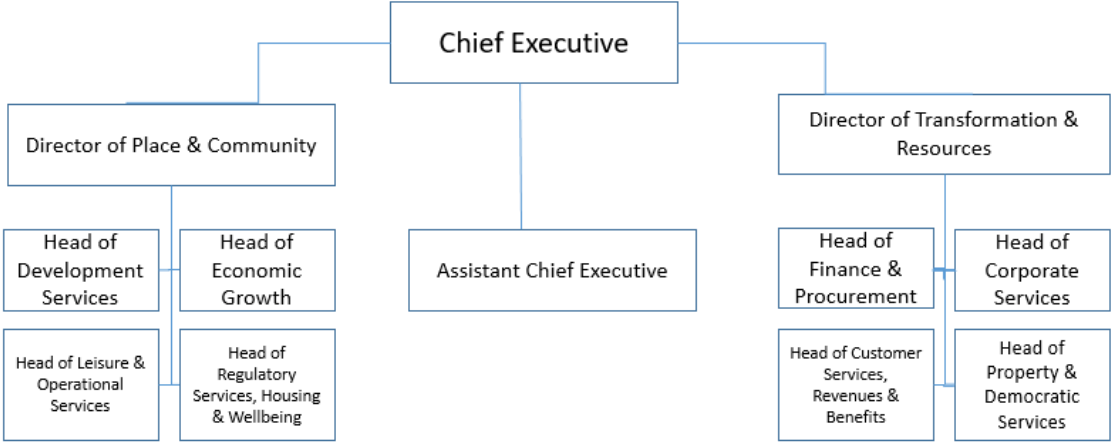
BAND K		
K41	37107	19.23
K42	38052	19.72
K43	39002	20.22
K44	39961	20.71
K45	40858	21.18

BAND L		
L45	40858	21.18
L46	41846	21.69
L47	42806	22.19
L48	43757	22.68
L49	44697	23.17

Apprentice Rate– under 19 or 19 and over and in the first year of their apprenticeship - £3.70 per hour

Lichfield District Council
Chief Officer Structure

Appendix 2



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Equality & Diversity Policy

Date: 3rd July 2018
 Contact Officer: Christie Tims
 Tel Number: 01543 308100
 Email: Christie.tims@lichfielddc.gov.uk
 Key Decision: NO
 Local Ward: None
 Members:



EMPLOYMENT COMMITTEE

1. Executive Summary

- 1.1 To inform the Committee of the revised Equality & Diversity Policy in line with our duties to staff under the Equality Act 2010 and employment regulations.
- 1.2 To approve the updated Policy for formal adoption.

2. Recommendations

- 2.1 It is recommended that Employment Committee approves the contents of the updated Equality and Diversity Policy as set out in **APPENDIX A**.

3. Background

- 3.1 As part of the Equality Act 2010 regulations we have a duty as an employer to provide equality, fairness and respect for all in our employment, regardless of tenure.
- 3.2 We must also ensure we do not unlawfully discriminate because of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation.
- 3.3 This policy seeks to oppose and avoid all forms of unlawful discrimination within our workforce. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.
- 3.4 The policy has been developed in consultation with Leadership Team and the Employee Liaison Group and forms part of our Equality Action Plan for this year to meet our equality duty under the Act.
- 3.5 The current policy outlining these responsibilities is the Equal Opportunities & Diversity Policy, which was launched in 2010 in response to the updated legislation and last reviewed in 2014. This policy has been revised in line with our new policy template and format and clarifies some of the responsibilities and links to other relevant policies. It is also now more closely aligned to our Equality Statement, our values and the prevailing ACAS best practice guidance.
- 3.6 An Equality Impact Assessment for the policy is also attached at **Appendix B**.

Alternative Options	If not approved, the existing Equal Opportunities Policy will prevail.
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Consultation	Employee Representatives have been consulted with regard to the revisions to the policy.
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Financial Implications	None arising directly as a result of this report.
Contribution to the Delivery of the Strategic Plan	The updated policy supports our Equality Action Plan and our values of having respect for everyone. This also provides a foundation for the development of our People Strategy.
Equality, Diversity and Human Rights Implications	An EIA has been completed and is attached at Appendix B .
Crime & Safety Issues	There are no implications arising directly from this report, but the policy does clearly state that some forms of harassment, even if they take place within the workplace, may be regarded as criminal acts.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That we fail in our duty of care to protect our workforce from unlawful discrimination.	Through having a robust and regularly reviewed policy that sets out our obligations and how they will be met.	Green
B	Non - compliance with employment regulations.	The policy has been revised in line with ACAS guidance and consulted with our trade union and employee representatives	Green
C	That we do not meet our Equality Duty under the 2010 regulations.	Revisions to the policy form part of our Equality Action Plan for 2018/19 and the consistent approach to protected characteristics.	Green Green

Background documents

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Equality & Diversity Policy

Final

Document Location

This document is held by Lichfield District Council, and the document owner is the Head of Corporate Services

Printed documents may be obsolete. An electronic copy is available on Lichfield District Council's Intranet 'Brian'. Please check for current version before using.

Revision History

Revision Date	Summary of changes
February 2018	Revised Draft for consultation
April 2018	Updated to focus on employee issues

Approvals

Name	Approved	Date
Leadership Team	Amendments requested	February 2018
ELG	to 4 th June	April 2018
Leadership Team		20 June 2018
Employment Committee		3 July 2018

Document Review Plans

This document is subject to regular review. Updates shall be made in accordance with business requirements and changes will be with agreed in consultation with the Employee Liaison Group.

Distribution

The document will be available on Brian.

Lichfield District Council

Equality & Diversity Policy

Introduction

Lichfield District Council recognises that diversity within our workforce is an asset that should be valued. We aim to ensure our workforce is truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The council will work to ensure that every employee is treated fairly during the whole of their working life by reducing discrimination in employment on the grounds of the characteristics protected by equalities legislation and will strive to ensure that people are not disadvantaged for other reasons not covered by the Equality Act. This policy therefore applies to all employees, regardless of tenure and should be a principle adopted by all contractors, suppliers and partners who work on our behalf.

All types of harassment, victimization and bullying in the workplace are unacceptable. The council recognises that harassment can take many forms and can be subtle and insidious in nature. This policy covers identifying, reporting, and supporting victims. All staff and councilors sign codes of conduct which include a statement against harassment and as such the council will not tolerate harassment of or by an employee.

Purpose of the policy

The policy's purpose is to:

- provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time.
- not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation.
- oppose and avoid all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities.

Equal opportunities in employment

Person and job specifications will be created for all contracted positions and shortlisting decisions will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where this necessary and can be justified.

The organisation will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for

variations to these standard working practices and will refuse such requests only if the organisation considers it has good reasons, unrelated to any protected characteristic, for doing so. The organisation will comply with its obligations in relation to statutory requests for contract variations. The organisation will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Council will also make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation

The organisation will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Dignity at work

The organisation has a separate policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with. The prevention of Bullying Policy can be found [here](#).

Customers, suppliers and other people not employed by the organisation

The organisation will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation. All policies and service provision changes must undergo an equality impact assessment. Details on how to do this can be found [here](#).

Employees should report any bullying or harassment by customers, suppliers, contractors, partners, visitors or others to their manager who will take appropriate action.

Training

The organisation will provide training to all existing and new employees and others engaged to work at the organisation to help them understand their rights and responsibilities under our equality duty and prevention of bullying policy.

The organisation will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

The organisation will provide training in equality and diversity to managers and others likely to be involved in recruitment, equality impact assessments or other decision making where equality issues are likely to arise.

Equal Pay

In applying the principals of the Equality Act 2010, we are committed to promoting equal pay across all our jobs to both existing employees and to new employment opportunities. We operate a pay system that is based on objective criteria and free from bias. In the promotion of equal pay all managers will ensure that:

- where an existing job changes or additional duties become a requirement of the post, an evaluation of the post will be undertaken to ensure that the salary and grade awarded is correct, fair and non-discriminatory to other posts;

- where a new position is created, the line manager and departmental director will produce a job description and the post will be evaluated prior to advertisement and approval. The evaluation will be based on the duties and responsibilities defined in the job description to ensure that a fair and accurate grade is applied;
- where a post holder is appointed to a newly created post, the jobholder will undertake a job evaluation interview six months from the start date to ensure that the post has been evaluated correctly as the post develops.
- adequate and appropriate training and guidance is available for managers and supervisory staff involved in decisions on pay and benefits.

To support this aim an Equal Pay audit will be carried out every 4 years to ensure the integrity of the pay structure and the effectiveness of our policies to support it.

Gender Pay

Each year we will collate, analyse and publish our Gender Pay Gap in line with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. Our current report can be found [here](#).

Manager's Responsibility

It is every manager's responsibility to ensure the promotion and continuation of equality in employment for all their staff and service users. In addition managers are expected to:

- ensure that their services are, as far as practicable, responsive to different individual needs;
- meet particular, reasonable needs of individuals to remain in work;
- be responsible for ensuring that all employees are fully aware of their individual responsibilities and of the Council's legal obligations with regard to equality and diversity.

Employee responsibilities

Every employee is required to assist the organisation to meet its commitment to provide equal opportunities in employment and service provision or practice and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the organisation's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If an employee considers they have been unlawfully discriminated against, they may use the organisation's [grievance procedure](#) to make a complaint. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the [prevention of bullying policy](#).

The organisation will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

Use of the organisation's grievance procedure does not affect the right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

Monitoring and review

This policy will be monitored periodically by the organisation to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the organisation will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equality and diversity policy in accordance with the results shown by the monitoring. If changes are required, the organisation will implement them.

This will be undertaken annually as part of our annual Equality Statement and assessed every 4 years as part of the Equal Pay Audit.

Public Sector Equality Duty

The importance of having an equality and diversity policy is recognised by the requirements of the public sector equality duty, which came into force on 5 April 2011. The first arm of the general public sector equality duty, which applies to all of the protected characteristics of:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

The protected characteristics under the Equality Act 2010 requires public authorities to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010. The second and third arms of the general duty, which apply to all of the protected characteristics except for marriage and civil partnership, require public authorities to have due regard to the need to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those who do not.

The general duty is supplemented by a number of specific equality duties, which came into force on 10 September 2011, by virtue of the Equality Act 2010 (Specific Duties) Regulations 2011 (SI 2011/2260). The 2011 Regulations provided for two specific duties: the duty to publish equality information and the duty to publish equality objectives, which are available [here](#).

Title of Function or Policy to be assessed: Equality & Diversity Policy	
2	Date: June 2018
3	Name of Lead Officer: Christie Tims
4	EIA Team: ELG
5	Head of Service: Christie Tims
6	Starting, new or review: Review
7	<p>Set out the aims/objectives/purposes/outcomes of the function or policy, and give a summary of the service provided:</p> <p>The policy is designed to set out behaviours expected of Lichfield District Council Employees or people who work for or with the council in respect of Equality and Diversity best practice. The policy is to ensure all employees and contractors, suppliers and partners who work on our behalf are treated fairly and are free from harassment and discrimination.</p>
8	<p>Linked policies, functions: Are there any other functions, policies or services, which might be linked with this one for the purposes of this exercise?</p> <p>Prevention of bullying and harassment at work, disciplinary and grievance policies and council's complaints procedure.</p>
9	<p>Who is it intended to affect or benefit (the target population):</p> <p>All employees, and people working on behalf of or closely with the council</p>
10	<p>Within this table, state whether the policy or function will have a positive or negative impact across the following factors and provide any comments.</p> <p>Positive Impact</p> <p>The policy is clear and sets out the obligations of the council, Managers and individuals within the organisation. It is a zero tolerant policy to discrimination and associated discrimination and aims to remove discrimination from the workplace. There are direct references to the law in connection with positive action, positive discrimination, victimisation, harassment and direct, indirect and institutional discrimination.</p> <p>Negative Impact-No negative impacts have been identified Comments</p> <ul style="list-style-type: none"> • Age-Neutral impact – the policy is not age specific and outlines age as a protected characteristic in line with the Equality Act 2010. • Disability -The policy accepts the need to respond to individuals needs and is heavily built around diversity. The policy precludes discrimination and outlines Disability as a protected characteristic in line with the Equality Act 2010. • Gender-Neutral impact – the policy is not gender specific and outlines sex as a protected characteristic in line with the Equality Act 2010. • Race -Neutral impact – the policy is not race specific and outlines sex as a protected characteristic in line with the Equality Act 2010.
11	<p>What evidence do you have for the statements you have made above? Managers will be informed and advised of importance of this policy and the issues they are required to manage/ report. This policy will be communicated to all employees via the intranet, email and hard copy on notice boards and available to all suppliers and contractors who work on our site or on our behalf. All employees are supported throughout the implementation of the policy by HR professionals.</p>
12. From evidence given at Q.11 what actions, if any, will you need to take against each of the following equality strands:	
Disability: Policies are reviewed on a regular basis to take account of current best practice and current and forthcoming legislation	
Race: Policies are reviewed on a regular basis to take account of current best practice and current and forthcoming legislation	
Gender: Policies are reviewed on a regular basis to take account of current best practice and current and forthcoming legislation	
Age: Policies are reviewed on a regular basis to take account of current best practice and current and forthcoming legislation	
Religion/belief: Policies are reviewed on a regular basis to take account of current best practice and current and forthcoming legislation	
Sexuality: Policies are reviewed on a regular basis to take account of current best practice and current and forthcoming legislation,	

