

Appendix 1

PROTOCOL FOR ANNUAL LOCAL PAY AND CONDITIONS NEGOTIATIONS 2019/2020

	ACTION	TIMEFRAME	COMMENT
1.	Acting Head of HR & Head of Finance Strategy updates trade unions on the budget and financial situation.	11/09/2018	Completed
2.	The Acting Head of HR on behalf of the Assistant Director – Transformation will invite the trade unions to submit their claim on pay and conditions of service effective from the following 1 st April. The trade unions will be provided with an analysis of the Council’s financial position.	11/09/2018	Completed
3.	The trade unions (Unison and GMB) will submit their joint claim to the Assistant Director – Transformation.	No later than 31/10/2018	Completed Received 30/10/2018
4.	The Chief Executive and the Assistant Director – Transformation will meet the trade unions to discuss and respond to the claim(s).	06/11/2018	Completed
5.	Further meetings will take place as necessary during November/December, including a Corporate Consultative Committee (CCC), Joint Consultative Committee (JCC) and Employment Matters Committee (EMC).	12/2018	Completed
6.	a) Subject to 7 below, if agreement is reached, approval to recommend the agreement to full Council will be sought from the first EMC before the annual budget setting meeting of full Council.	01/2019	JCC/EMC meeting scheduled for 30/01/2019
	b) If agreement cannot be reached, the matter will be referred to JCC at which officers will outline the negotiations and the trade unions can respond.	01/2019	JCC/EMC meeting scheduled for 30/01/2019
	c) Recommendation(s) from the JCC will be reported to the EMC where a decision will be made for recommendation to full Council.	01/2019	JCC/EMC meeting scheduled for 30/01/2019
7.	Decision made and budget approved by full Council.	02/2019	Full Council meeting on 21/02/2019
8.	Any agreed pay award and/or changes to any terms and conditions implemented.	04/2019	

Appendix 2

Extract from the draft minutes of the Corporate Consultative Committee held at Gun Wharf on 11 September 2018.

Attendees: Tim Silver (TS) (Acting Head of HR), Julia Harris (JH) (NASUWT), Mark Hammond (MH) (Unison), Margaret Gallagher (AEP), Debbie Monkfield (Unison), Katie Durkin (Head of Finance Strategy)

2. Review of Medium Term Financial Strategy – Katey Durkin

Main Points:

1. Council budget is shrinking due to changes in the way that the Government calculate funding.
2. Medway are in a strong position to self-fund with business rates and the work we do to develop and attract local business. An example being the Rochester Airport project.
3. With the new funding system central government won't look to set up any unitary authorities whose population falls below a certain threshold. Medway is currently under that threshold so this could pose issues for us in the coming years. However, there is a great deal of funding being sought and won from other sources to regenerate the local area including the building of 29,000 homes over the next few years. The regeneration of Rochester Riverside and Strood waterfront are already underway.
4. In the medium term there will be pressure as work streams we are starting now won't begin to bear fruit until a few years down the line. There are particular pressures in Adult Social Care due to an aging population and an 18% increase in older people moving to the area which is above the average. The number of people in Medway aged over 85 is projected to increase by 85% by 2030. There is also a move to keep care at home which can cost up to 20% more than providing care in a home. There is also pressure on schools and Children's Social Care as we are attracting more families to the area.
5. The MTFSS assumes a 1% increase on current staff salaries for 2019/2020
6. Medway also has more schools going to academy status than some other authorities. This means funding for these schools is moving away from the council and revenues come more through providing payroll and other services.

Minutes of the Pay Protocol Meeting held at Gun Wharf on 6 November 2018.

Attendees: Neil Davies (Chief Executive), Carrie McKenzie (Assistant Director – Transformation), Tim Silver (Acting Head of HR Services), Mark Hammond (Unison – Regional Officer), Tania Earnshaw (Unison – Branch Secretary) and Frank Macklin (GMB – Regional Officer).

1. ND welcomed the attendees and invited TS to share the progress made to date with the Pay Protocol 2019/2012.
2. TS informed the meeting that the Pay Protocol 2019/2020 had been launched at the September meeting of the Corporate Consultative Committee, and that Katey Durkin (Head of Finance Strategy) had updated that meeting on the detail within the Medium Term Finance Strategy report and highlighted that a 1% increase on the current salary budget had been set aside for any pay awards for the FY commencing April 2019.
 - 2.1 At that meeting TS invited Unison and GMB to submit their joint pay claim for 2019/2020 by no later than 31 October 2018, and TS confirmed that the joint claim pay had been received on 30 October 2018.
 - 2.2 TS reminded attendees that the joint pay claim covered employees within the Council who were employed under MedPay terms and conditions of employment, and that there were other cohorts of staff who were employed on other terms and that any increase to the pay of this other cohort would need to be funded from the 1% allocated budget.
 - 2.3 TS concluded by further reminding attendees that statutory increases to both the National Living Wage and National Minimum Wage would also need to be funded from the 1% allocated budget.
3. ND invited MH to present the detail of the joint pay claim.
 - 3.1 MH confirmed that there were three elements to the joint pay claim:
 - A 5% increase on all pay points
 - The deletion of all pay points below the Foundation Living Wage 2019/2020 OR £9 per hour (NJC minimum wage), whichever is the higher.

NOTE: The Foundation Living Wage has been increased to £9 per hour for accredited employers outside of London.

 - A return to National Pay Bargaining
 - 3.2 MH stated that it was the TU's view that this was an affordable increase and that there was a degree of catch-up within the claim as over the past eight years pay awards within the Council had only increased by 5%.

- 3.3 TE highlighted that Unison had conducted a survey of their members and, while the results had yet to be collated, there was a strong indicator that Unison members felt that MedPay was not fit for purpose and that there was an equally strong indicator of a desire to return to National Pay Bargaining.
- 3.4 TE committed to share the results of their member survey.
- 3.5 FM confirmed that it was GMB's position that there should be a return to national pay bargaining.
- 3.6 TE raised concerns that there was gender and unconscious bias around pay within the Council and that there was evidence that staff were not receiving a PDR.
- 3.7 TS reminded TE that he had invited TE on numerous occasions to give the detail to support her concerns so that he could investigate, but that as yet TE had not taken up that invitation.
- 3.8 TS further commented that the results of the Council staff survey in 2017 had shown that PDR's were being completed.
- 3.9 FM suggested that there be a snap survey to Council staff to test their views on MedPay and PDR's.
- 3.10 CM stated that the 2017 survey covered those areas.
- 3.11 MH and FM discussed whether Unison and GMB should undertake a survey of their member's specific to these points.
- 3.12 ND reiterated that PDR outcomes and employee performance was regularly debated at Corporate Management Team, and that he was committed to look into any information that suggested that there may be some areas with the Council where the PDR process was not being applied appropriately.
4. ND gave an overview of the current and future budgetary pressures facing the Council.
 - 4.1 MH commented that it was an accepted position that all Councils were facing increasing financial pressures but that the same financial pressures were being faced by employees in meeting the demands of day to day living.
 - 4.2 MH highlighted that while the Unions welcomed the opportunity to engage with Elected Members, that it was frustrating that the Conservative administration had not engaged in the process, and highlighted that the Labour group had withdrawn from pay discussions at the Employment Matters Committee during last year's process for the same reasons.
 - 4.3 ND reminded the Unions that this was a democratic process and that he was unable to comment, but that he would encourage the TU's to take the opportunity to meet with Elected Members at the forthcoming meetings of the Joint Consultative Committee and Employment Matters Committee.

5. CM commented that the joint pay claim was solely based on monetary awards and encouraged the Unions to consider non-monetary benefits. CM highlighted the need to bring these to the table as quickly as possible so papers could be prepared within the statutory timetables for Member consideration.

Medway Council
Meeting of Joint Consultative Committee
Wednesday, 5 December 2018
6.15pm to 6.59pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

- Present:** Councillors: Godwin, Hicks, Mrs Josie Iles, Steve Iles, Wicks, Earnshaw and Hammond (UNISON), John Gray (NASUWT)
- Substitutes:** Councillors:
Joy (Substitute for Williams)
Maple (Substitute for Khan)
- In Attendance:** Carrie McKenzie, Assistant Director - Transformation
Michael Turner, Democratic Services Officer
Tim Silver, Acting Head of HR Services

1 Election of Chairman and Vice Chairman for the current municipal year

Councillor Wicks was elected as Chairman for the current municipal year and Tania Earnshaw (UNISON) was elected as Vice-Chairman for the current municipal year.

2 Apologies for absence

Apologies for absence were received from Councillors Khan and Williams, Nicola Brocklesby (ATL) and Claire Dent (Aspect).

3 Record of meeting

Subject to the addition of Mark Hammond and Frank Macklin in the list of members in attendance, the record of the meeting held on 31 January 2018 was agreed as a correct record.

4 Urgent matters by reason of special circumstances

There were none.

5 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Maple disclosed that he was a member of the GMB trade union.

6 Pay Negotiations 2019/2020

The Assistant Director, Transformation introduced the report, which was set out at agenda item 5 of the Employment Matters Committee Agenda (5 December 2018).

She highlighted details of the pay negotiations protocol as set out in section 3 of the report and provided details of the joint pay claim from GMB and Unison as detailed in paragraph 4.1 of the report. With regard to the proposal to return to National Pay Bargaining, she advised that no analysis of this had been carried out due to the significant work this would involve and also because it was not strictly part of the pay negotiations.

Mark Hammond (Unison) made the following points:

- The cost of living had increased by 27% in the last 8 years but pay had increased in Medway at a much lower rate due to the number of pay freezes and increases of 1%. The annual pay survey of Unison members commissioned by the union reflected this with 84% of respondents saying they considered Medpay to be unfair. A significant pay increase was needed.
- Some employees were overdrawn and reliant on credit cards and food banks and some were struggling to feed their families.
- Other councils on local pay arrangements had funded higher pay awards than Medway.
- Genuine negotiations would involve examining how a higher pay increase could be funded. Other councils had followed that approach and agreed a higher increase.

Tania Earnshaw (Unison) made the following points:

- Staff had taken on additional workloads due to cuts and reorganisations. This, together with dissatisfaction felt towards the pay negotiations, was adversely affecting morale.
- The usual 1% pay rise was split between a cost of living increase and the Medpay performance element.
- Staff were asking to be paid properly instead of being offered peripheral non-pay rewards.

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- The results from the survey of union members showed a consistent despair about the performance element of the Medpay scheme, which was seen as unfair, not transparent and potentially discriminatory as it could mean that anyone with caring responsibilities at home did not have the capacity to achieve Level 1A.
- The union's Welfare Officer was extremely busy dealing with cases and it was unacceptable that food bank vouchers were being given to staff.
- Proper negotiations were needed and if the result was another 1% increase then the Trade Unions would not participate in the JCC next year.
- 3 documents were tabled at the meeting detailing results from surveys of union members about pay, including comments from members of staff.
- Of those asked, 100% supported the proposal to have an independent review of the Medpay Scheme.

Members made a number of points including:

- The evidence provided by the Trade Union representatives was damning and it was clear more Council staff were experiencing financial difficulties.
- The pay negotiations were not genuine. At the budget Council meeting in February an extra 0.5% pay increase had been proposed unexpectedly and it was queried what discussions had taken place with the Trade Unions after the meeting on how this should be allocated.
- The same issues and concerns that had been raised last year still applied and nothing had changed.
- The pay increase was so small that there seemed little point in allocating part of it for performance.
- There were concerns about the effectiveness of the Medpay Scheme and whether it had been equality proofed. The scheme had been in place for 5 years and it was queried why previous proposals to have it externally verified had been refused if it was indeed fit for purpose. Another Member questioned why such a review could not take place.
- Concern was expressed about Council staff using food banks and a Member commented that he had also been told about this independently.
- With regard to the proposal to return to national pay bargaining, it was important to understand how far Medway employees had fallen behind in pay compared to if Medway had stayed in the national scheme.
- In spite of claims of financial difficulties preventing a higher pay award in Medway, it was noted that other councils in the national scheme facing similar difficulties had been able to fund higher pay awards than Medway.
- The Council needed to deliver balanced budget.
- A Member asked if staff received discounts for shopping, cinemas etc. and, if not, whether this could be looked at.
- A Member queried why the pay increase could not be weighted towards the lower paid.

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In response to these comments, the Assistant Director – Transformation advised that there had been no opportunity to consult the trade unions after the Council budget meeting on how the extra 0.5% pay increase could be allocated. There was an employee assistance programme and staff could take advantage of various schemes which offered discounts on shopping and entertainment etc., as well as season ticket loans for transport, occupational health and legal advice. Any review of Medway would be a substantial piece of work. Regarding examining differentials between pay levels at Medway and councils who were subject to national pay bargaining, this was also a significant piece of work but there was some comparative information available.

The Chairman thanked everyone for their contributions and closed the meeting.

Chairman

Date:

Michael Turner, Democratic Services Officer

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Extract from the draft minutes of the Employment Matters Committee held on 5 December 2018:

Discussion:

Members considered a report regarding the pay negotiations for the financial year 2019/2020.

A Member expressed the view that the pay negotiation process was not genuine and referred to the Council budget meeting in February 2018 where a further 0.5% increase in the pay award had been agreed which had not been part of the pay negotiations. Whether any discussions had taken place with the Trade Unions on how this extra funding should be allocated was queried and, if not, whether discussion would take place if the same was to happen this year.

Some Members referred to the points made earlier at the Joint Consultative Committee meeting by the Trade Union representatives about the financial difficulties some employees were experiencing, including having to resort to assistance from food banks. A Member expressed a wish to see if the number of employees using food banks could be established.

Reference was made to concerns expressed earlier at the Joint Consultative Committee from the Trade Union representatives that the Medpay Scheme could be discriminatory as employees with caring responsibilities in the home found it extremely difficult to qualify for some of the performance elements of the Scheme due to these other responsibilities. A Member commented that the Scheme was bureaucratic, expensive and time consuming and there had been no assessment of its value to the organisation in the five years it had been in place. It was proposed that a review of the Medpay Scheme be commissioned focusing in particular on the issues of fairness and equality, accepting such a review could not be completed by February 2019.

.A Member asked if the Medpay Scheme was monitored to ensure all employees received a Performance Development Review (PDR) assessment and also whether managers were carrying out these reviews in accordance with the Scheme.

The Assistant Director – Transformation advised Members that the Medpay scheme was very closely monitored to ensure all staff received a PDR. The PDR outcomes were moderated by senior management to ensure consistency and fairness and all Managers were trained in the Scheme and supported. A Member queried whether the scheme was equality proofed and asked for details of that to be included in future reports.

A Member commented that pay in Medway had fallen significantly behind that of local authority workers who were subject to the National pay bargaining. It was suggested that officers compare pay in Medway with what it would have been had Medway remained part of the national pay bargaining arrangements. It was accepted a full comparison was not feasible and this should be done through a sampling of a few pay points

A Member made the point that if the Council agreed to the Trade Unions' pay claim then this would take the authority above the Council Tax cap limit, which would trigger a referendum and queried whether the costs of that had been factored in. In response, a Member commented that the costs could be met from efficiency savings and would not automatically have to be met from an increase in Council Tax.

In response to a suggestion that the pay award be weighted towards employees at the bottom of the pay scale, a Member commented that while this was laudable, to do so would reduce even further an already small cost of living increase into something unacceptable.

It was also suggested that additional leave could be given to employees and while this would not help those who felt a pay rise was needed it would go some way to address the increase in workloads some staff had experienced.

Decision:

The Committee agreed to:

- a) note the report, including progress made to date under the Pay Negotiations Protocol, and;

- b) commission a review of the Medpay Scheme focusing in particular on the issues of fairness and equality.

Appendix 6

Statutory National Minimum Wage and National Living Wage Rate from 1 April 2019

	Current Rate £	New rate £	Increase %
National Living Wage	7.83	8.21	4.9
Age Range 21-24	7.38	7.70	4.3
Age Range 18-20	5.90	6.15	4.2
Age Range 16-17	4.20	4.35	3.6
Apprentices	3.70	3.90	5.4

Diversity impact assessment

TITLE <i>Name/description of the issue being assessed</i>	Pay Negotiations 2019/2020
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DATE <i>Date the DIA is completed</i>	14 January 2019
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LEAD OFFICER <i>Name of person responsible for carrying out the DIA.</i>	Tim Silver Acting Head of HR Services
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1 Summary description of the proposed change

- *What is the change to policy/service/new project that is being proposed?*
- *How does it compare with the current situation?*

The report updates members on the pay negotiations for implementation in April 2019

2 Summary of evidence used to support this assessment

- *Eg: Feedback from consultation, performance information, service user records etc.*
- *Eg: Comparison of service user profile with Medway Community Profile*

TU's are engaged and informed at all stages of the pay negotiations process.

3 What is the likely impact of the proposed change?

Is it likely to :

- *Adversely impact on one or more of the protected characteristic groups?*
- *Advance equality of opportunity for one or more of the protected characteristic groups?*
- *Foster good relations between people who share a protected characteristic and those who don't?*

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age			X
Disability			X

Diversity impact assessment

Gender reassignment			X
Marriage/civil partnership			X
Pregnancy/maternity			X
Race			X
Religion/belief			X
Sex			X
Sexual orientation			X
Other (e.g. low income groups)			X

4 Summary of the likely impacts

- *Who will be affected?*
- *How will they be affected?*

There is no impact on any of the protected characteristic groups as any agreed pay award will be applied in accordance with MedPay terms and conditions of employment.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

Not applicable

6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

Action	Lead	Deadline or review
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Diversity impact assessment

		date
Not applicable		

7 Recommendation

The recommendation by the lead officer should be stated below.
This may be:

- to proceed with the change implementing action plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

Not applicable

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into service plan and monitored

**Assistant
Director -
Transformation**

Carrie McKenzie

Date

14 January 2019

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443 email: annamarie.lawrence@medway.gov.uk

C&A: phone 1031 email: paul.clarke@medway.gov.uk

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PH: phone 2636 email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication