

**PROTOCOL FOR ANNUAL LOCAL PAY AND CONDITIONS  
NEGOTIATIONS 2020/2021**

	ACTION	TIMEFRAME	COMMENT
1.	Head of HR Services & Head of Finance Strategy updates trade unions on the budget and financial situation.	24/09/2019	
2.	Head of HR Services 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 <sup>st</sup> April. The trade unions will be provided with an analysis of the Council's financial position.	24/09/2019	
3.	The trade unions (Unison and GMB) will submit their joint claim to the Assistant Director – Transformation.	No later than 31/10/2019	
4.	The Chief Executive, the Assistant Director – Transformation and the Head of HR Services will meet the trade unions to discuss and respond to the claim(s).	6/11/2019	
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).	12/2019	JCC/EMC Meeting scheduled for the 4 <sup>th</sup> December 2019  CCC meeting scheduled for the 10 <sup>th</sup> December 2019
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.	01/2020	JCC/EMC meeting scheduled for 29 <sup>th</sup> January 2020
	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.	01/2020	JCC/EMC meeting scheduled for 29 <sup>th</sup> January 2020
	c) Recommendation(s) from the JCC will be reported to the EMC where a decision will be made for recommendation to full Council.	01/2020	JCC/EMC meeting scheduled for 29 <sup>th</sup> January 2020
7.	Decision made and budget approved by full Council.	02/2019	Full Council meeting on 20 <sup>th</sup> February 2020
8	Any agreed pay award and/or changes to any terms and conditions implemented.	04/2019	



**Extract from the draft minutes of the Corporate Consultative Committee held at Gun Wharf on 24th September 2019.**

**Attendees: Samantha Beck-Farley (SBF) (Head of HR), Carrie McKenzie (CM) (Assistant Director Transformation) Angela George (AG) (ALT), Mark Hammond (MH) (Unison), Tania Earnshaw (TE) (Unison) Michael Barton (MB) (The Voice), Emily Calder-Evans (MCE) (NEU), Karen Turner (KT) (AEP), Katey Durkin (Head of Finance Strategy)**

**2. Review of Medium Term Financial Strategy – Katey Durkin**

**Main Points:**

1. We have a projected overspend of £6M, with significant overspend on Special Educational Needs. This has been driven by the number of EHCPs in Medway.
2. The spending review is the first spending round with real term increases in budget. Usually a draft settlement will be drawn up in December whereby we can see what this means for Medway. This does mean that as a council we are left in a precarious situation of budgeting without the full picture, however we can make assumptions based on some announcements.
3. The Government announced:
  - a. 1 billion extra funding for Social Care, normally we would get 0.4% share which would equate to about 4M. However we have to be mindful of what they mean by Social Care some of the funding could fall under things which are not the Council Responsibility but the CCG's.
  - b. 700m extra spend on SEN and Disabilities – we can assume that will equate to 4.3 million for Medway.
  - c. Allowing councils to apply a 2% levy on council tax specifically for social care.
  - d. Increase for better care fund. About 5% would be ring-fenced which would equate to £850,000.
  - e. Ongoing support for homelessness. Medway are an area of concern in this area so should result in continued funding.
  - f. Ongoing support for troubled families fund, confirmed as continuing– this is an important part of Early Help response.

4. Mid-term financial situation reviews our current budget, and spend for the next 4 years. There is a projected gap of 6M for next year but we are making efficiencies to counteract this. If we do nothing the gap rises to 17.3 million by the end of the 4 years. The deficit is significant but not insurmountable, before the chancellors announcements it was a lot more.
5. Employee pay has been forecasted in line with previous years. We have assumed a flat 1% increase across all pay bands for 2019/20.
6. Discussions are ongoing to consider options to close the gap term look at closing gap. Part of this focuses on Special Educational Needs pupils and a proposal to build a SEN school and not pay lots to transport pupils elsewhere. Medway also owns a property development company. This allows us to invest in land etc. that commercial developers wouldn't bother investing as it is too expensive. We are building a lot of properties ourselves and are looking into the possibility of setting up a rental arm. Ultimately the plan is that regeneration projects will bring in revenue to the area. A 1% increase on Council Tax income equates to about 1m and increasing the stock of houses is the quickest way to close the budget gap and become financially resilient.

### Minutes of the Pay Protocol Meeting held at Gun Wharf on 6 November 2019.

Attendees: Neil Davies (Chief Executive), Carrie McKenzie (Assistant Director – Transformation), Samantha Beck-Farley (Head of HR Services), Mark Hammond (Unison – Regional Officer), Tania Earnshaw (Unison – Branch Secretary) and Kate Marr (Unison – Regional Officer).

1. ND welcomed the attendees and invited TS to share the progress made to date with the Pay Protocol 2019/2020.
2. CM 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 2020.
  - 2.1 At that meeting SBF invited Unison and GMB to submit their joint pay claim for 2019/2020 by no later than 31 October 2018, and SBF confirmed that the joint claim pay had not been received but a Unison one had been received on 30 October 2019.
- 3 ND gave an overview of the current and future budgetary pressures facing the Council.
  - 3.1 MH commented that it was an accepted position that all Councils were facing increasing financial pressures, and whilst it is the same he acknowledges that it feels worse this year. And whilst we are to remain optimistic about next year, financial pressures were being faced by employees in meeting the demands of day to day living.
4. ND invited MH to present the detail of the pay claim.
  - 4.1 MH confirmed that there were four elements to the pay claim:
    - A 7% increase on all pay points over 2 years (3.5% per year).
    - A 35 hour working week (no decrease to salary)
    - A commitment to reassess job profiles
    - A return to National Pay Bargaining
  - 4.2 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 nine years pay awards the council has not increased enough.
5. TE highlighted that Unison had conducted a survey of their members around benefits 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. In addition it was acknowledged that the survey may indicate a desire for non-monetary benefits, i.e. free swimming, car parking etc.

- 5.1 TE committed to share the results of their member survey.
- 5.2 TE raised concerns that job profiles were not being updated and people were using ones that had no relevance to the current role, making the PDR process not fit for purpose. TE stated that the job profiles are too generic and also there are equality issues and a joint evaluation is required.
- 5.3 SBF shared with TE that she has just commissioned an audit review of the PDR and said she would share the results for a further discussion.
- 5.4 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. It needs to be done collectively and not as a tick box.
- 5.5 TE stated that a move to a 35 hour week would be a progressive change. With the lowest productivity rate in Europe, our colleagues are over worked.
- 5.6 TE raised concerns around flexible working, noting that the decisions were taking too long and were often in favourable to male colleagues.
- 5.7 SBF shared with TE the current work underway to support newly appoint leaders.
- 5.8 ME reiterated that whilst he acknowledges the financial situation realistically Unison cannot accept anything under inflation.
- 6 MH highlighted that while the Unions welcomed the opportunity to engage with Elected Members, it was also frustrating that there is little real engagement
- 6.1 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.
7. CM commented that the pay claim was solely based on Unison and encouraged the Unison to consider speaking with GMB. 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.
- 7.1 SBF shared the contact details of the new GMB rep and informed TE and MH that she had provided their details.
- 7.2 CM confirmed she would check with Perry Holmes if the EMC meeting can still go ahead given purdah.

**Medway Council**  
**Extract from a Meeting of Joint Consultative Committee**  
**Wednesday, 4 December 2019**  
**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: Carr, Fearn, Hackwell, Khan and Mahil  
Mick Simpkin (GMB)
- Substitutes:** Councillor Barrett, Mark Hammond (UNISON)
- In Attendance:** Carrie McKenzie, Assistant Director - Transformation  
Michael Turner, Democratic Services Officer  
Samantha Beck-Farley, Head of HR  
Nicola Trainor, Assistant Head of HR

**7 Pay Negotiations 2020/21**

**Discussion:**

The Assistant Director-Transformation introduced a report on the progress of the pay negotiations for the financial year 2020/2021. The Council had received a pay claim from UNISON which consisted of four elements:

- a 7% increase on all pay points over 2 years (3.5% per year).
- a 35 hour working week (no decrease to salary)
- a commitment to reassess job profiles
- a return to National Pay Bargaining.

Mick Simpkin (GMB) clarified that the GMB supported UNISON's pay claim.

Mark Hammond (UNISON) made the following points in support of the pay claim:

- UNISON's annual pay survey of its members showed a deteriorating position due to the fact their pay had been cut in real terms with a 20-30% cut in pay overall since 2010, including a five year pay freeze in this period, the largest in the country for council employees. The survey revealed an increase in the use of food banks and taking out pay day loans with some members having to sell possessions to make ends meet. This contrasted with the recent 14% increase in Members' allowances.

## Joint Consultative Committee, 4 December 2019

- In the circumstances the pay claim was reasonable and realistic and UNISON recognised the difficult financial situation facing the Council as a result of Government cuts in local government funding.
- The average pay offer in Kent was 2% with Folkestone and Hythe District Council offering 3% over 2 years. The Council had set aside only 1% and UNISON did not consider the negotiations around this to be meaningful.
- Studies had shown that longer working hours did not correlate to an increase in productivity and therefore a 35 hour working week was a reasonable demand.
- As people's jobs had changed, their responsibilities and duties now often varied significantly from what was in their job profile. UNISON wanted to see the trade unions involved in job evaluations and for individuals to have the ability to raise the issue of out of date job profiles in the PDR process. UNISON recognised that good joint working on job profiles had taken place in adult social care but wanted there to be collective engagement so any significant anomalies in job profiles could be addressed.
- A return to national pay bargaining would benefit trade union members.

A Member commented that the same issues were raised each year by the unions and had not been addressed by the Council, which could find funding for projects when the will was there. The Council should not rely on an excuse that there was not enough money to fund a decent pay rise and should lobby the Government more for a realistic funding settlement. In addition, some Members shared with the Trade Unions some frustration about the lack of meaningful negotiations on pay.

Mick Simpkin (GMB) commented that the Council should consider returning to national pay bargaining as the Government would fund any pay deals agreed by the NJC. He also considered that the Council should review job profiles to ensure that skilled staff were not lost due to feeling under paid.

In response to comments that the process of reviewing job profiles was not transparent and there was no trade union involvement, the Assistant Director-Transformation commented that the Council took the issue of job profiles very seriously and these were always reviewed at during any re-organisation. The Council had worked well with the unions in reviewing job profiles in adult social care. No serious evidence had been given showing there was a need to re-assess job profiles across the Council. UNISON had been asked for examples of this and only one had been given in the library service, which would be investigated. The Council wished to review job profiles jointly with the unions and the Head of HR was willing to discuss this with the trade unions. Employees were able to raise any issues about their job profile with their manager who could escalate the matter to HR if necessary.



## Joint Consultative Committee, 4 December 2019

### Decision:

The Committee agreed to:

- a) note that Unison will share the results of its pay survey with the Members of the Employment Matters Committee, and;
- b) note that discussion will take place between the Head of HR and the trade unions on the possibility of union involvement in the evaluation of job profiles.



**Medway Council**  
**Extract from Meeting of Employment Matters Committee**  
**Wednesday, 4 December 2019**  
**7.05pm to 7.23pm**

**Record of the meeting**

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

- Present:** Councillors: Carr, Fearn (Chairman), Hackwell, Khan, Mahil and Prenter
- Substitutes:** Councillors:  
Barrett (Substitute for Thompson)
- In Attendance:** Vicky Nutley, Assistant Head of Legal Services  
Carrie McKenzie, Assistant Director - Transformation  
Samantha Beck-Farley, Head of HR  
Nicola Trainor, Assistant Head of HR  
Michael Turner, Democratic Services Officer  
Mark Parker, Legal Services

**5 Pay negotiations 2020/21**

**Discussion:**

The Assistant Director-Transformation introduced a report on the progress of the pay negotiations for the financial year 2020/2021. She advised that the Council had received a pay claim from UNISON which consisted of four elements:

- a 7% increase on all pay points over 2 years (3.5% per year).
- a 35 hour working week (no decrease to salary)
- a commitment to reassess job profiles
- a return to National Pay Bargaining.

Members were advised that, at the earlier meeting of the Joint Consultative Committee, GMB had clarified that they supported UNISON's pay claim.

**Decision:**

The Committee agreed to note the report, the progress made to date under the Pay Negotiations Protocol, and the clarification from the GMB that they supported UNISON's pay claim.



# Diversity impact assessment

<b>TITLE</b> <i>Name/description of the issue being assessed</i>	<b>Pay Negotiations 2020/2021</b>
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<b>DATE</b> <i>Date the DIA is completed</i>	<b>07 January 2020</b>
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<b>LEAD OFFICER</b> <i>Name of person responsible for carrying out the DIA.</i>	<b>Samantha Beck-Farley Head of HR Services</b>
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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 2020**

**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** 7 January 2020

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

RCC: phone 2443 email: [annamarie.lawrence@medway.gov.uk](mailto:annamarie.lawrence@medway.gov.uk)

C&A: phone 1031 email: [paul.clarke@medway.gov.uk](mailto:paul.clarke@medway.gov.uk)

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PH: phone 2636 email: [david.whiting@medway.gov.uk](mailto:david.whiting@medway.gov.uk)

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