

**NATIONAL JOINT COUNCIL FOR
LOCAL GOVERNMENT SERVICES**

**NATIONAL AGREEMENT ON
PAY AND CONDITIONS OF SERVICE**

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IMPLEMENTATION AGREEMENT 1997

- 1 This provides for the implementation of the agreement between the national Employers and the trade unions (a) to introduce a new national agreement in place of the APT&C handbook (Purple Book) and the Manual handbook (regionally variable colours) and (b) to merge the existing negotiating machinery for APT&C and Manual Workers.
- 2 From 1 April 1997 the national agreement for former APT&C and Manual employees will consist of a new handbook to be known as the Green Book. It will comprise the following four parts:
 - Part 1 - Principles
 - Part 2 - Key National Provisions
 - Part 3 - Other National Provisions
 - Part 4 - Joint Advice
- 3 The status of the provisions in Parts 2 and 3 is explained in Part 1. Part 2 contains key national provisions while Part 3 contains other national provisions which may be modified locally, by negotiation between the authority and the unions. A procedure is set out in Part 1 for dealing with local failures to agree over proposals to modify a Part 3 provision. However, the national negotiators urge the local parties to approach such local negotiations with an open mind, not determined from the outset either to veto or impose change but instead to negotiate with a view to reaching agreement.
- 4 Employees within scope of the Green Book are all employees of local authorities or other authorities of equivalent status in the UK, except those for whom other national negotiating machinery already exists. The new national agreement no longer refers to APT&C, staff or officers or to Manual Workers. All those within scope are referred to as “employees”.
- 5 Where contracts of employment incorporate national agreements, references to the former APT&C or Manual agreements will now be to the new Green Book. Employees need to be notified individually, accordingly, at a suitable opportunity.
- 6 The new national agreement does not of itself alter existing local and provincial/Scottish/ Northern Ireland arrangements which differ from the existing national agreements.

- 7 Single-table bargaining will operate nationally from 1 April 1997 as part of the Single Status agreement to wind up the former APT&C and Manual NJCs and to establish a new National Joint Council for Local Government Services. The constitution of the new NJC is attached as an appendix to Part 1 of the Green Book. The national negotiators call upon their provincial and local counterparts to follow through the principle of single-table machinery, where this has not already been done.
- 8 The remainder of this circular deals with detailed transitional arrangements on:
 - Pay and Grading
 - Working Time Arrangements
 - DSOs and CCT
 - Method and Frequency of Payment
 - Bonus
 - Continuous Service

PAY AND GRADING

- 9 Assimilation of existing employees (as at 31 March 1997) to the new pay spine effective from 1 April 1997 will be in accordance with the provisions of the attached **Annex**.
- 10 Employees on former APT&C scales shall be entitled to progress to the top of their pay scale in accordance with existing arrangements for incremental progression, until superseded by local arrangements following local reviews of grading structure.
- 11 The grading structures for former Manual Workers and former APT&C staff will remain in effect until superseded by local arrangements following a review of the grading structures in accordance with the provisions of Part 3, paragraph 1. Allowances protected under this arrangement, for example technicians' qualifications allowance, nursery staff special education needs allowance and social workers' standby allowance, will be uprated in line with national pay settlements.

12

- 12.1 To fulfil a key objective of single status employment, fair and non-discriminatory grading structures are needed at local level to integrate former APT&C staff and former Manual Workers. The job evaluation scheme that has been jointly developed will enable grading to be reviewed at local level in accordance with equal pay legislation.
- 12.2 Local authorities should review their local grading structures, including whether or not to operate a system of pay scales as opposed to single pay points. In conducting such a review, representatives of the recognised trade unions should be fully involved. In conjunction with local grading reviews the authority and the unions shall agree the terms on which there should be protection against loss of remuneration. Once such a review has been completed, the local grades, using national spinal column points, will supersede the existing national grading provisions and scales referred to in Appendix 1 to Part 3.
- 13 For former APT&C employees grading appeals registered formally at 31 March 1997 will be processed under Paragraph 80 of the former APT&C agreement.
- 14 For employees on former APT&C scales the conditions set out in Paragraph 80 of the former APT&C agreement will continue to apply except that the right to process a grading appeal to national level will cease with effect from 1 April 1997. These arrangements will continue until superseded by locally agreed procedures which should be in place by 31 December 1997.
- 15 Where the local government job evaluation scheme is in use the appeal will be determined using the scheme.
- 16 Former Manual Workers in service on 31 March 1982 had placed in suspense their leave entitlement which would have been enjoyed after 1 April 1982 under the "holiday in arrears" system which used to apply. This suspended entitlement is to be taken or credited when employment with an authority terminates and shall be taken into account in any calculation of current holiday entitlement at that time.

WORKING TIME ARRANGEMENTS

- 17 From 1 April 1999 the standard weekly hours of all full-time employees will be 37. For part-timers there will be corresponding increases in hourly basic rates from the date of the reduction in standard hours for their full-time counterparts. The standard in London will be 36 hours from a date to be negotiated in the London provincial machinery, but will not be more than 37 from 1 April 1999.

In implementing the provisions of the agreement the local parties should endeavour to minimise costs whilst ensuring service delivery standards are maintained. It is the view of the NJC that it is in the interests of both local parties that full-time employees will generally maintain existing output levels when the standard working week is reduced. For part-time employees it is the view of the NJC that existing contractual hours will be maintained. Wherever possible efforts will be made to offset the increased hourly rates of pay by more productive working methods. The NJC accordingly advises the local parties to co-operate in minimising the costs of reducing the standard working week in order to protect jobs and services.

- 18 From 1 April 1999 new premium rates as set out in Section 2 of Part 3 of the Green Book will apply, except where inclusive rates are introduced locally using the procedures laid down for the purpose in Part 3. From that date, employees who regularly work shifts and receive a shift allowance will continue to receive that allowance.
- 19 Between the date of this circular and 1 April 1999 the status quo will apply on standard hours and premium rates, except where it is agreed to introduce the new arrangements earlier.

DSOs AND CCT

21

21.1 Principles

In order to maintain the principles of equal pay and equitable treatment, the provisions of this agreement

must apply to all employees within scope of the NJC. However, the NJC recognises the possible difficulties which the CCT regime may impose, in respect of implementing the 37 hours (36 hours in London) provision.

21.2 Contracts operative before 1 October 1997

For DSO contracts that are operative prior to 1 October 1997, the implementation of the 37 hours (36 hours in London) provision, may be on a phased basis where it is agreed that implementation on the nationally agreed date would cause a contract to default. Any phased introduction will be the subject of local agreement and shall only apply for a maximum of two years beyond the national implementation date, or until the termination of the contract, whichever is the sooner.

21.3 Contracts operative after 1 October 1997

For DSO contracts starting on or after 1 October 1997, tender specifications will incorporate the provisions of the national agreement and the nationally agreed implementation date.

METHODS AND PERIODS OF PAYMENT

- 22 Any changes to existing arrangements should be by local agreement.

BONUS

- 23 The new national agreement no longer contains the Code of Guiding principles on bonus in the former manual workers agreement. Existing local bonus schemes/arrangements are not affected by this agreement. The NJC have agreed, however, to establish a joint technical working group to examine bonus and associated issues with particular reference to equal pay (subject to agreement in the NJCs).

CONTINUOUS SERVICE

- 24 Employees in post at 31 March 1997 will retain their entitlements with relation to continuous service as set out in the former APT&C and manual worker national agreements operative at that date.

IMPLEMENTATION AGREEMENT 2004

1. Local Pay Reviews must be completed and implemented by all authorities by 31 March 2007. Both Sides in individual local authorities will enter into negotiations, with a view to reaching an agreement on new local pay structures and systems by April 2006. The national parties will agree a mechanism to monitor the successful completion of local pay reviews. Progress will be reported to the NJC.
2. In keeping with the 1997 agreement, the NJC encourages a joint approach to pay reviews.
3. This National Agreement requires local employers to produce comprehensive proposals by a specific date; requires both local parties to negotiate towards a settlement by a date to be agreed and requires an agreed mechanism for dealing with situations where progress cannot be made - as recommended by the Local Government Pay Commission. Both Sides of the NJC affirm a preference for negotiated outcomes at local level and agree to use their best offices to promote these.
4. Those authorities that have completed local pay reviews, and those whose pay and rewards approach already provide a single status pay structure under Part 2 Para 5 of the National Agreement are required to produce a statement to that effect.
5. Negotiations on local pay reviews should take place in accord with the Pay & Grading section of the 1997 Implementation Agreement and Part 2 Para 5 of the National Agreement. Local pay & grading reviews should include:
 - ◆ A new pay and grading structure
 - ◆ Details of the approach to be taken to determine the relative sizes of the jobs included*
 - ◆ Proposals for protection
 - ◆ Proposals for premium rates
 - ◆ Proposals for progression
 - ◆ Proposals for back pay

- ◆ Proposals for appeal against assimilation proposals
- ◆ An Equality Impact Assessment of proposed changes to grading and pay and other conditions.
- ◆ An Equal Pay Audit where local pay reviews have been completed without such an audit.
- ◆ Proposals for bonus and other performance payments
- ◆ Proposals for any cost savings or productivity improvements required to offset the cost of implementation
- ◆ A timetable for implementation by 31 March 2007
- ◆ Resources necessary for the pay review and their estimated cost.

*the Local Government Pay Commission recommends that use of a job evaluation scheme other than the NJC scheme should comply with its basic principles.

6. The proposals must make clear how they are designed to take account of service improvement and promote better work-life balance for employees.
7. The local timetable will include a date at which any outstanding issues will be referred to an assisted bargaining process within which the two local parties would be assisted towards a settlement by an agreed third party.
8. Local employers will propose a timetable for regular equal pay audits. The National Joint Secretaries will produce joint advice on the approach to be taken to such audits.
9. There will be a joint review of Part 2 employee benefits to report to the NJC by 1 April 2005.
10. There will be a joint review of Part 3 Paras 2.1 to 2.7 incl to report to the NJC by 1 April 2007.

11. Both Sides will enter into discussions to reach a National Agreement on the improvement of services that will replace the current agreement on Best Value. This agreement will deal explicitly with Best Value, CPA, Treasury guidance on staff transfer, efficiency, the code of practice on a two-tier workforce and changes in pension transfer provisions.
12. Agreement has now been reached on rates of pay applicable from 1 April 2004 and 1 April 2005. Given that the rates of pay applicable from 1 April 2006 may be subject to the RPI figure at October 2005, those rates will be published nearer that time.

ANNEX: Assimilation Table

Current APT&C Spine		New Spine 1 April 1997		Current Manual Grades	
				£/wk	£/annum
1		1	[7008]		
2		2	[7422]		
3	6693	3	[7929]		
4	7089	4	8133	← 148.99	M1 7768
5	7572	5	8427	← 155.09	M2 8086
6	8019	6	8721	← 161.12	M3 8401
7	8466	7	9015	← 167.45	M4 8751
8	8997	8	9309	← 173.43	M5 9043
9	9570	9	9603	← 179.69	M6 9369
10/11	10194	10	9810		
		11	10449		
12	10407	12	10668		
13	10686	13	10953		
14	10884	14	11157		
15	11109	15	11388		
16	11373	16	11658		
17	11646	17	11937		
18	11874	18	12171		
19	12321	19	12630		
20	12768	20	13086		
21	13233	21	13563		
22	13581	22	13920		
23	13977	23	14325		
24	14436	24	14796		
25	14892	25	15264		
26	15375	26	15759		
27	15885	27	16281		
28	16404	28	16815		
29	17055	29	17481		
30	17625	30	18066		
31	18180	31	18636		
32	18717	32	19185		
33	19269	33	19752		
34	19818	34	20313		
35	20229	35	20736		
36	20766	36	21285		
37	21351	37	21885		
38	21975	38	22524		
39	22692	39	23259		
40	23295	40	23877		
41	23913	41	24510		
42	24519	42	25131		
43	25134	43	25761		
44	25746	44	26391		
45	26325	45	26982		
46	26961	46	27636		
47	27579	47	28269		
48	28191	48	28896		
49	28800	49	29520		

Notes

- [] protected, for existing employees
Entry point in spine for new employees after 1 April 1997 is SCP 4.
- SCP 1 for existing 16 year olds and
SCP 2 for existing 17 year olds. After 1 April 1997 when 16 and 17 year olds are not fulfilling the full duties of substantive posts locally determined rates will apply.

PART I

PRINCIPLES

- 1 The National Joint Council represents local authorities in the United Kingdom and their employees (other than those for whom there are alternative arrangements) and other authorities of equivalent status. We are jointly committed to the local democratic control of services to the community as the primary role of local government. Our principal role is to reach agreement, based on our shared values, on a national scheme of pay and conditions for local application throughout the UK. The Constitution of the National Joint Council is **annexed** to this Part.
- 2 The National Joint Council's guiding principles are to support and encourage:
 - (a) high quality services delivered by a well trained, motivated workforce with security of employment. To this end local authorities are encouraged to provide training and development opportunities for their employees;
 - (b) equal opportunities in employment; equality as a core principle which underpins both service delivery and employment relations; and both the removal of all discrimination and promotion of positive action;
 - (c) a flexible approach to providing services to the community, which meets the needs of employees as well as employers;and (d) stable industrial relations and negotiation and consultation between local authorities as employers and recognised trade unions.
- 3 The NJC has a strong commitment to joint negotiation and consultation at all levels, and to this end encourages employees to join and remain in recognised unions. Co-operation between employers, employees and unions will help ensure the successful delivery of services. Local authorities are therefore encouraged to provide facilities to allow trade unions to organise effectively for individuals and collective representation.

4 In addition to this Part, the national agreement consists of:

PART 2

Key national provisions which are for application by all local authorities to all employees covered by the NJC. They are basic provisions which constitute a standard throughout the UK.

PART 3

Other national provisions which may be modified by local negotiation. The party proposing change must state in writing what changes are sought and why and the parties must then seek to reach agreement, normally within three months. Where agreement is not possible, either party may refer the failure to agree to the provincial joint secretaries (or other mutually agreed persons) for conciliation. If the provincial conciliation is unsuccessful, the provincial secretaries may recommend further procedures for resolution of the difference, including external conciliation, mediation or binding ACAS arbitration. The above procedures should if possible be completed normally within a further three months.

PART 4

Joint Advice - this covers agreed guidance on good practice on a variety of issues.

ANNEX: Constitution

1. Title

The Council shall be known as The National Joint Council for Local Government Services.

2. Area

The sphere of operation shall be England, Wales and Northern Ireland.

3. Scope

The functions of the Council shall relate to all employees of local authorities in England, Wales and Northern Ireland and of other authorities of equivalent status, other than those employees covered by other national negotiating machinery.

4. Provincial and Associated Councils

There shall be joint Provincial Councils and a joint council for Northern Ireland.

5. Membership

- (a) The Council shall consist of 70 members of whom 12 shall be appointed to represent the employers and 58 to represent the employees.
- (b) The Employers' representatives shall be appointed as follows:-

Local Government Association (in conjunction with the Welsh Local Government Association)	10 representatives
Northern Ireland Local Government Association	1 representative
National Association of Local Councils	1 representative
TOTAL	12 representatives

- (c) The Trade Unions' representatives shall be appointed as follows:

UNISON	31 representatives
GMB	16 representatives
TGWU	11 representatives
TOTAL	58 representatives
NIPSA	1 observer

These are the recognised trade unions for this agreement.

- (d) If any of the bodies referred to in paragraphs (b) and (c) fail to appoint the number of representatives provided for by the constitution, such failure to appoint shall not invalidate the decisions of the Council.
- (e) In the event of any member of the Council or any of its committees being unable to attend any meeting, the body represented by such member shall be entitled to appoint another representative to attend as a substitute, provided that a substitute for a member of a committee shall be appointed only from amongst the remaining members of the Council.
- (f) The members of the Council shall retire on 30 September in each year and be eligible for re-appointment.
- (g) On the occurrence of a vacancy, a new member shall be appointed by the body in whose representation the vacancy occurs and shall be a member until the end of the period for which the previous member was appointed.

6. Functions

The functions of the National Joint Council are as follows:

- ◆ To negotiate collective agreements on pay and conditions and any other related matters that the two Sides of the National Joint Council agree to negotiate on.

- ◆ To urge all local authorities, recognised unions and employers to apply national agreements.
- ◆ To promote co-operation between employers and recognised unions throughout local government.
- ◆ To make advice available to local authorities, recognised unions and employees on industrial relations and personnel issues.
- ◆ To settle differences of interpretation and/or application of the national agreement that cannot be resolved locally or provincially.
- ◆ To assist where required in the resolution of disputes that cannot be resolved locally or provincially.
- ◆ To undertake any activity incidental to the above.

CONDUCT OF BUSINESS

7. Committees

The Council may appoint from its own members such committees as they may consider necessary. Reports from these committees shall be submitted to the Council. The Council may delegate special powers to any such committee. Reports in these cases shall be submitted for information.

8. Other Members

The Council or a committee may invite the attendance of any persons whose special knowledge would be of assistance. Such persons shall not have the power to vote.

9. Chair and Vice-Chair

The Council shall appoint from amongst its members a Chair and Vice Chair who shall retire in the same manner as provided for members in Clause 5. The Chair shall be held in alternate years by a member of the Employers' Side and a member of the Trade Union Side. In the absence of the Chair the Vice Chair shall preside at the meetings of the Council.

If neither the Chair nor the Vice Chair is present a Chair shall be elected for the meeting. The Chair shall have a vote but not

a casting vote. The Chair and Vice Chair shall be ex officio members of any committees.

10. Officers

The Council shall appoint joint secretaries, a treasurer, an auditor and such other officers, if any, as it may think fit. All honorary officers shall retire in the same manner as is provided for members in Clause 5 and shall be eligible for re-appointment.

11. Meetings

The annual meeting of the Council shall be held during the month of October. Ordinary meetings of the Councils shall be held as often as may be necessary.

The Chair shall call a special meeting of the Council if so requested by either side of the Council. The requisition, and also the notice summoning the meeting, shall state the nature of the business proposed to be transacted, and no other matters shall be discussed. The meeting shall take place within fourteen days of such a requisition being received by the joint secretaries.

12. Voting

The voting on the Council and on all committees shall be by show of hands or otherwise as the Council or committee shall determine. No resolution shall be regarded as carried unless it is approved by the majority of the members present and voting on each side of the Council or committee.

13. Quorum

The quorum shall be one third of the members of the Council divided equally between the two sides. In the absence of a quorum the Chair shall declare the meeting closed and the business then under discussion shall be the first business to be discussed at the next meeting of the Council.

The quorum of a committee shall be determined by the Council.

14. Notice of Meetings

All notices of meetings of the Council and of any committee will be sent to the respective members at least seven days before the meeting.

15. Finance

The administrative expenses of the Council (excluding expenses of representatives (which shall be met by the respective sides)) and its committees shall be borne equally by the two sides.

16. Amendment

The constitution may be amended only with the assent of the Local Government Association, the Convention of Scottish Local Authorities, and the first three unions referred to in paragraph 5(c).

17. Arbitration

In the event of a dispute over terms and conditions of employment arising between the two sides of the Council the dispute shall, if requested by either side, be referred for settlement by arbitration. The arbitration award shall be accepted by both sides and shall be treated as though it were an agreement between the two sides.

PART 2 Key National Provisions

- 1 Equalities
- 2 Official Conduct
- 3 Training and Development
- 4 Health, Safety and Welfare
- 5 Pay and Grading
- 6 Working Time
- 7 Leave
- 8 Part Time Employees
- 9 Temporary Employees
- 10 Sickness Scheme
- 11 Maternity Scheme
- 12 Car Allowances
- 13 Reimbursement of Expenditure
- 14 Continuous Service
- 15 Period of Notice to Terminate Employment
- 16 Grievance Procedures
- 17 Disciplinary Procedures
- 18 Trade Union Facilities
- 19 London and Fringe Area Allowances

1. Equalities

- 1.1 Employees will be afforded equal opportunities in employment irrespective of disability, gender, race, religion, age, sexuality, marital status, parental status, caring responsibilities and hours of work
- 1.2 Local authorities will ensure that discriminatory practices are identified and removed and non-discriminatory practices introduced in all areas of employment including recruitment, training and promotion. Lawful positive action initiatives should be taken to achieve and maintain a representative workforce.
- 1.3 The National Council has agreed an Equal Opportunities Guide which is intended for use in all local authorities. The Guide is reproduced in Part 4 of this national agreement.

2. Official Conduct

- 2.1 Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
- 2.2 Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.

3. Training and Development

- 3.1 Authorities will develop local 'Workforce Development Plans (see Part 4.8),' closely linked to their service delivery plans, which will provide the focus for the establishment of training and development priorities. Training and development should be designed to meet the corporate and service needs of authorities both current and in the future, taking into account the individual needs of employees. Local schemes on training and development should enable authorities to attain their strategic objectives through development of their employees. Training and development provisions should be shaped to local requirements and take account of the full range of learning methods. Such an approach should enable access to learning for all employees. The needs of part time employees and shift workers need particular consideration.

- 3.2 Employees attending or undertaking required training are entitled to payment of normal earnings; all prescribed fees and other relevant expenses arising. Employees are also entitled to paid leave for the purpose of sitting for required examinations. When attending training courses outside contracted daily hours, part-time employees should be paid on the same basis as full-time employees. (Assistance for other forms of learning, for example that directed at individual development, will be locally determined). Some training can be very expensive and authorities may require repayment of all or part of the costs incurred should an employee leave the authority before a reasonable time period has expired. The authority's policy in this regard should be made explicit.
- 3.3 Objectives for training and development programmes should include the following:
- ◆ To enable Councils to attain their strategic objectives via investment in their employees.
 - ◆ To promote equity of access to learning.
 - ◆ To encourage employees to develop their skills and level of responsibility to the maximum of their individual potential.
 - ◆ To widen and modernise the skills profile of employees to maximise their versatility, employability and so, job security.
 - ◆ To enable employees to raise productivity, quality and customer service in pursuit of sustainable improvement
- 3.4 Authorities should establish local partnership arrangements, to include recognised trade unions, to develop their local workforce development plans.

- 3.5 The NJC endorses partnership provision such as the "Return to Learn" scheme. Authorities and the recognised trade unions shall encourage and support employees taking on the statutory Union Learning Representative (ULR) role. This will include agreeing facilities and paid release in accordance with statutory provisions. ULRs should be enabled to play a full part in promoting and implementing local training and development programmes.

4. Health, Safety and Welfare

- 4.1 Authorities have a duty to comply with the law governing the health, safety and welfare of employees, including the conditions under which they work and the provision and maintenance of necessary protective clothing.
- 4.2 Employees have a duty to take care of themselves and others affected by their activity at work and to co-operate with employers' actions taken to meet their duties under the relevant Regulations.
- 4.3 Guidance is set out in Part 4.

5. Pay and Grading

- 5.1 The pay and grading of jobs must be fair and non-discriminatory, complying with equal pay legislation and associated Codes of Practice. The job evaluation scheme which has been developed jointly for local government is in Part 4.
- 5.2 The basic pay of each employee will consist of either a point or points on the local government pay spine. The pay spine is set out on the card inside the back cover. If a common system for all employees is not adopted locally, there needs to be objective justification for any distinction between those jobs paid on scales and those which are paid on single pay points. Further guidance on the equal pay aspects of local grading structures is included in Part 4.

- 5.3 An employee dissatisfied with the grading of their job is entitled to appeal for a reconsideration of the grading. Procedures will be agreed locally to deal with such appeals.
- 5.4 Posts paid above the maximum of the pay spine but graded below deputy chief officer are within scope of the NJC. The pay levels for such posts are determined locally, but once fixed are increased in line with agreements reached by the NJC.

6. Working Time

- 6.1 The standard working week for full time employees is 37 hours (36 in London). This may be calculated over a period other than a week in accordance with the provisions of Part 3.
- 6.2 Employees who are required to work non-standard patterns of work shall be compensated in accordance with the provisions of Section 2 of Part 3.
- 6.3 Variations to the established working week or patterns of work will be reasonable and subject to adequate notice.
- 6.4 Working arrangements will comply with relevant Health and Safety legislation, including the European working time directive and its associated UK legislation.

7. Leave

- 7.1 **Public Holidays**
Employees shall, irrespective of length of service, be entitled to a holiday with a normal day's pay for each of the statutory, general and public holidays as they occur.
- 7.2 **Annual Leave**
The minimum paid annual leave entitlement is twenty days with a further five days after five years of continuous service. The entitlement as expressed applies to five day working patterns. For alternative working patterns an equivalent leave entitlement should be calculated.

- 7.3 The annual leave entitlement of employees leaving or joining an authority is proportionate to their completed service during the leave year.
- 7.4 **Extra Statutory Holidays**
Employees shall have an entitlement to two extra statutory days holiday, the timing of which shall be determined by the authority in consultation with the recognised Trade Unions with a view to reaching agreement, or added to annual leave by local agreement.
- 7.5 **Public Duties**
Paid leave of absence will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing authority.
- 7.6 **Maternity Support Leave**
Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.
- 7.7 **Time off for Medical Screening**
Necessary paid time off will be granted for the purpose of cancer screening.
- 7.8 **Adoption Leave**
Authorities are recommended to introduce adoption leave schemes for employees adopting children.
- 7.9 **Special Leave**
Additional leave with or without pay may be granted in special circumstances at the discretion of the employing authority. Authorities shall give particular consideration to granting reasonable paid time off for dependants as defined under the Employment Relations Act 1999.
- 7.10 **Calculating Leave Entitlement**
For the purpose of calculating leave (annual and public and

extra statutory holidays) entitlements may where necessary be expressed in hours over the leave year.

7.11 Normal Pay

Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

- 7.12 In accordance with the arrangements for parental leave under the Maternity and Parental Leave etc Regulations 1999, a model parental leave scheme has been agreed for Part 4. Authorities are recommended to either adopt the model or agree a local scheme

8. Part Time Employees

- 8.1 Part time employees shall have applied to them the pay and conditions of service pro-rata to comparable full time employees in the same authority, except for:

- (a) training and development - where part time employees should have access equal to that of full time employees and when on training courses outside their contracted daily hours shall be paid on the same basis as full time employees.
- (b) the car allowance scheme - which applies to part time employees in full on the same basis as full time employees.

9. Temporary Employees

Temporary employees shall receive pay and conditions of service equivalent to that of permanent employees.

10. Sickness Scheme

- 10.1 The scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.
- 10.2 Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

- 10.3 Employees are entitled to receive sick pay for the following periods:

During 1st year of service 1 month's full pay and (after completing 4 months service)

2 months half pay

During 2nd year of service 2 months full pay and
2 months half pay

During 3rd year of service 4 months full pay and
4 months half pay

During 4th and 5th year of service 5 months full pay and
5 months half pay

After 5 years service 6 months full pay and
6 months half pay

Authorities shall have discretion to extend the period of sick pay in exceptional cases.

- 10.4 The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

- 10.5 In the case of full pay periods sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit receivable will secure the equivalent of normal pay.
- 10.6 In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit receivable, so long as the total sum does not exceed normal pay.
- 10.7 Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
- 10.8 The social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:
- (i) the conditions for the reporting of sickness as required by the authority;
 - (ii) the claiming of benefits
 - (iii) the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.
- 10.9 An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.
- 10.10 If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The authority shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the authority. If the authority decide that the grounds were justified then the employee shall forfeit the right to any further payment in

respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.

11. Maternity Scheme

11.1 Who This Scheme Applies To

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

11.2 Initial Obligations on the Employee

An employee shall notify her employing authority at least 28 days before her absence begins or as soon as is reasonably practicable:

- (a) that she is pregnant;
- (b) of the expected week of childbirth (EWC);
- (c) of the date of the beginning of her absence.

The employer can request that the notification of the beginning of the absence is given in writing and that the employee produce a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth.

11.3 Health and Well-being

- (a) **Ante-natal Care**
Any pregnant employee has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested by her employing authority.
- (b) **Health and Safety**
Consideration must be given to any health and safety implications for pregnant or breast-feeding employees identified in the Workplace Risk Assessment carried out in accordance with Part 2, Paragraph 4.

11.4 Maternity Leave Entitlement

- (a) All employees are entitled to ordinary maternity leave of 26 weeks duration.

- (b) At the discretion of the authority the employee may be allowed leave with or without pay in excess of the 26 week period.
- (c) Employees who have 26 weeks' continuous local government service at the end of the 15th week before the expected week of confinement are entitled to a further 26 weeks of additional maternity leave, a total of 52 weeks' maternity leave.
- (d) Maternity leave shall commence no earlier than 11 weeks before the EWC, or from the time of childbirth if that is earlier.

Within 28 days of receipt of the initial notification the employing authority will write to the employee stating the expected date of return from maternity leave.

11.5 Maternity Pay

- (a) Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP).
- (b) Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:-
 - (i) For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
 - (ii) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks receive half a week's pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.

- (iii) For employees not intending to return to work payments during the subsequent 20 weeks shall be the employee's entitlement to SMP.
- (iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

11.6 Right To Return To Work

- (a) Subject to (b) to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.
- (b) Where it is not practicable by reason of redundancy for the authority to permit her to return to work in her job as defined in (a) above the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.
- (c) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which she was employed prior to her absence.

The work to be done should be suitable to her and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.

11.7 Exercise of the Right to Return to Work

- (a) Return before the end of the maternity period
 - (i) Employees who qualify for ordinary maternity leave
An employee who qualifies for leave under paragraph 11.4 (a) shall notify the authority in writing if requested, at least 7 days before of the day on which she proposes to return if this is before the end of the 26 weeks maternity leave. Where the notice given is less than 7 days the employer may postpone the return to ensure 7 days' notice, but not beyond the end of the maternity leave period.
 - (ii) Employees who qualify for additional maternity leave
An employee who qualifies for leave under paragraph 11.4(c) shall notify the authority in writing if requested, at least 21 days before of the day on which she proposes to return if this is before the end of the additional maternity leave period. Where the notice given is less than 21 days the employer may postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.
- (b) All employees
 - (i) Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.
 - (ii) For an employee where, because of an interruption of work (whether due to industrial action or some

other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes, or as soon as reasonably practicable thereafter.

(c) **Return to work - Flexible Working arrangements**

Authorities should consider the full range of flexible working arrangements and support facilities for employees returning to work. The needs of breastfeeding employees should be taken into account.

11.8 Relationship With Sickness and Annual Leave

- (a) Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.
- (b) Ordinary maternity leave and additional maternity leave shall be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.

11.9 Definitions

(a) **A Week's Pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

(b) **Childbirth**

Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks

- (c) Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

12. Car Allowances

- 12.1 Where an employing authority authorises an employee to use a private car on official business, the employee will receive an allowance in accordance with the provision set out in Part 3 Section 6.

13. Reimbursement of Expenditure

- 13.1 Employees necessarily incurring additional expense in the course of their work in respect of travel, meals or overnight accommodation will be reimbursed approved expenses, subject to appropriate evidence of expenditure being produced, in accordance with local arrangements.
- 13.2 Employees will be reimbursed the additional costs arising from a compulsory change in their place of work, according to locally negotiated schemes establishing approved items of expenditure and periods of reimbursement.
- 13.3 Where an authority requires an employee to possess a Heavy Goods Vehicle, Passenger Service Vehicle and/or other special driving licence, the authority shall meet the renewal costs.

14. Continuous Service

- 14.1 For the purposes of entitlements regarding Annual Leave, the Occupational Sickness Scheme and the Occupational Maternity Scheme continuous service will include continuous previous service with any public authority to which the Redundancy Payments Modification Order (Local Government) 1983 (as amended) applies.
- 14.2 Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants he or she will be entitled to have previous service taken into account in respect of the sickness and maternity schemes provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened. For the purpose of the calculation of entitlement to annual leave the eight years

time limit does not apply provided that no permanent full time employment has intervened.

- 14.3 Where an employee is transferred to an organisation not covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999, continuity of service is protected under the TUPE Regulations where there is a TUPE transfer. However, if that employee returns voluntarily to local government service continuity is broken. Where an employee returns in such circumstances, without a break between employments, all previous continuous service will be recognised for the purposes of calculation of entitlements to annual leave, occupational maternity leave/pay and occupational sick pay. This is subject to the return to service being within five years of the original transfer.

Note: This agreement applies to all employees who have returned to local government service since 1st April 1997 however the calculation of the resulting benefits, such as additional leave, will only take effect as and from 1st April 2002.

15. Period of Notice to Terminate Employment

15.1 Employer

The minimum periods of notice to be given by an employer are governed by the Employment Rights Act 1996:

Continuous Service	Period of Notice
One month or more but less than two years	Not less than one week
Two years or more but less than twelve years	Not less than one week for each year of continuous service
Twelve years or more	Not less than twelve weeks

15.2 Employee

The minimum period of notice to terminate employment given by an employee shall be the ordinary period from one pay period to the next.

16. Grievance Procedures

- 16.1 The employing authority should ensure that all employees are aware of the person to whom they should apply in the event of their having a grievance and of the procedure to be followed in that instance. These procedures should accord with ACAS guidance.

17. Disciplinary Procedures

- 17.1 The employing authority should ensure that all employees are aware of the disciplinary rules and procedures that apply. All employees should also be aware to whom they can apply if they are dissatisfied with any disciplinary decision. These procedures should accord with legal requirements and with the ACAS Code of Practice and guidance.

18. Trade Union Facilities

- 18.1 Authorities shall provide the recognised trade unions with facilities necessary to carry out their functions, including paid leave of absence to attend meetings concerned with the work of the NJC and Provincial Councils and the operation of a check off system whereby, with the consent of the individual, trade union dues are deducted from pay.

19. London and Fringe Area Allowances

- 19.1 London and fringe area allowances will continue to be paid in those authorities where they apply at 1 April 1997 and will be uprated in line with subsequent national pay settlements. This provision will apply until alternative arrangements are formally agreed by the relevant Provincial Councils. Likewise all national provisions relating to London and fringe area allowances

existing at 31 March 1997 will continue to apply unless they are changed by agreement in the appropriate negotiating body. These allowances will also apply as outlined above to all employees appointed in the authorities concerned after 1 April 1997.

PART 3 Other National Provisions

- 1 Pay and Grading
 - 2 Working Arrangements
 - 3 ~~Training and Development~~ Deleted See Part 4.8
 - 4 Sickness Scheme
 - 5 Child Care and Dependants
 - 6 Car Allowances
 - 7 Payments to Employees in the Event of Death or Permanent Disablement Arising from Assault
 - 8 Meals and Accommodation Charges
 - 9 Schools Retained Employees and Nursery Employees
- APPENDIX 1 Transitional Provisions
- APPENDIX 2 Retained Employees and Nursery Employees in Educational Establishments

1. Pay and Grading

- 1.1 National grading provisions of the former Manual Workers' Agreement and the former APT&C Agreement as at 31 March 1997 and the former APT&C scales remain as part of the new national agreement until superseded by local arrangements following local reviews of grading structure. The relevant paragraphs from the former APT&C and Manual Worker agreements are listed in **Appendix 1**.
- 1.2 An employee promoted or regraded to a higher grade should receive an immediate pay increase.
- 1.3 There should be local arrangements for recognising temporary additional duties where employees act up in the absence of more senior employees.

2. Working Arrangements

- 2.1 The arrangement of the working week shall be determined by the authority in consultation with the recognised unions with a view to reaching agreement. The working week of individual employees may vary from the standard of 37 hours (36 in London) provided that the individual's average over a predetermined period does not exceed the standard working week over the same period.
- 2.2 Local pay reviews will consider the issue of premium rates under the existing provisions of Part 3 of the National Agreement. In reaching local agreement concerning premium rates Paras 2.3 to 2.5 will apply.

Where no local agreement concerning premium rates is reached Paras 2.6 and 2.7 will apply.
- 2.3 All employees required to work:
 - ◆ Beyond the full-time equivalent hours for the period in question
 - ◆ On Saturday or Sunday

3.2

- ◆ At night
- ◆ Sleeping-in duty
- ◆ Public Holidays
- ◆ Shift work
- ◆ In the evening
- ◆ On free or rest days
- ◆ Following recall to work
- ◆ On standby
- ◆ On split shifts or split duties
- ◆ On an irregular hours basis
- ◆ Managing evening lettings

will have the arrangements for remuneration for these working patterns, clearly set out in their contracts of employment. This may be by way of an inclusive rate of pay; locally agreed premium payments, or, by such other method as shall be agreed by the local parties.

- 2.4 The pattern of any revised working arrangements and remuneration adopted by an authority should be clearly related to the continuous improvement of council services. In determining any new working arrangements required to deliver improvements authorities will:
- i. Seek to meet employees' work-life balance needs and agree new arrangements that reflect the Joint Guidance at Part 4.5.
 - ii. Conduct an Equality Impact Assessment consistent with the NJC model that will be set out in Part 4.
 - iii. Ensure that part-time workers receive equal treatment in line with the provisions of Part 2, Para 8.
 - iv. Ensure that arrangements are consistent with Equal Pay legislation.

- 2.5 In seeking to ensure work-life balance and the needs of the service, working time arrangements should avoid:
- ◆ Short notice changes to rostered or expected patterns of work
 - ◆ Excessive hours in any particular week
 - ◆ Unnecessarily long roster periods

2.6 Employees, in receipt of basic pay at or below point 28, who are required to work (a) beyond the full-time equivalent hours for the week in question or (b) on Saturday or Sunday or (c) at night or (d) on public holidays or (e) sleeping in duty or (f) other non-standard working arrangements are entitled to compensation as set out in sub-paragraphs (a) to (f) below.

As an alternative, an inclusive rate of pay to recognise these requirements may be negotiated locally in accordance with the arrangements for modifying Part 3 provisions.

(a) **Additional Hours**

Employees who are required to work additional hours beyond their working week are entitled to receive enhancements on the following basis:

Monday to Saturday	Time and a half
Sundays and Public and Extra Statutory holidays	Double time (min 2 hours)

(Part-time employees are entitled to these enhancements only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full-time employees shall be worked by a part-time employee before these enhancements apply).

(b) **Saturday and Sunday Working**

Employees who are required to work on Saturday and/or Sunday as part of their normal working week are entitled to an enhancement.

Saturday	Time and a half
Sunday	Time and a half - basic pay above point 11 Double time - basic pay at or below point 11

(c) **Night Work**

Employees who work at night as part of their normal working week are entitled to receive an enhancement of time and one third for all hours worked between 8.00 pm and 6.00 am.

(d) **Public and Extra Statutory Holidays**

Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:

Time worked less than half the normal working hours on that day	Half Day
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Time worked more than half the normal Working hours on that day	Full Day
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(e) **Sleeping-in duty**

Employees required to sleep in on the premises shall receive an allowance as set out on the card inside the back cover. This allowance covers the requirement to sleep in and up to 30 minutes call out per night, after which the additional hours provisions will apply.

(f) **Other non-standard working patterns**

Where employees are engaged in non-standard patterns of work other than those covered by (a) to (e) above, local arrangements for compensation will be negotiated.

This will include, for example:

- (i) shift working
- (ii) free and rest day working
- (iii) evening working
- (iv) recall to work (including travel time)
- (v) standby duty
- (vi) unavoidable split shift or split duty working
- (vii) irregular hours working
- (viii) lettings.

2.7 For employees above point 28 the employing authority shall have discretion to pay the allowances set out in 2.6 (except additional hours) or to apply an inclusive rate of pay to take all the features of the job into account. For planned additional hours working the authority may also make an additional payment.

~~3. Training and Development Deleted see Part 4.8~~

4. Sickness Scheme

- 4.1 An employee shall not be entitled to claim sick pay under the scheme unless:
- (i) notification is made immediately to the person identified for this purpose by the authority;
 - (ii) further notification is made as required by the authority;
 - (iii) a doctor's statement is submitted to the authority not later than the eighth calendar day of absence;
 - (iv) subsequent doctor's statements are submitted as necessary;
 - (v) in cases where the doctor's statement covers a period exceeding fourteen days or where more than one statement is necessary, the employee must, before returning to work submit to the authority a final statement as to fitness to resume duties;
 - (vi) on return to work the employee signs a statement detailing the reasons for absence for all absences up to and including seven days.
- 4.2 An employee shall, if required by the authority at any time, submit to a medical examination by a medical practitioner nominated by the authority, subject to the provisions of the access to Medical Reports Act 1988 where applicable. Any costs associated with the examination should be met by the employing authority. Where it is necessary to obtain a second medical opinion, it should be provided by an independent medical referee.
- 4.3 Where, for the purpose of qualifying for sick pay under the scheme, an authority requires a doctor's statement from an employee, the authority will reimburse the employee the cost of such a statement on the provision of a receipt.
- 4.4 An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a doctor's statement .

- 4.5 Where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday should be given.
- 4.6 Widows and married women exercising their right to be excepted from the payment of full rate National Insurance Contributions shall be deemed to be insured in their own right for all National Insurance benefits.

5. Child Care and Dependants

- 5.1 Authorities should take reasonable steps to ensure adequate support for employees with responsibilities for children and dependants.

6. Car Allowances

- 6.1 Employees required to use their motor vehicles for the efficient performance of their duties will receive allowances for the use of their motor vehicles on business only after being so authorised by the local authority. The local authority may determine whether the use is casual or essential and the cubic capacity of car considered appropriate.
- 6.2 Essential users are those whose duties are of such a nature that it is essential for them to have a motor car at their disposal whenever required. If the employee uses a private car in carrying out those official duties then they shall be entitled to receive the lump sum allowance and mileage rates set out below.
- 6.3 Where a car is not in use as a result of either a mechanical defect or the absence of the employee through illness;
 - (i) The lump sum payments should be paid for the remainder of the month in which the car first went out of use, and for a further three months thereafter. For the following three months, payment should be made at the rate of 50% of the lump sum payment.
 - (ii) During the period when a car is off the road for repairs, reimbursement in respect of travel by other forms of transport should be made by the employing authority.

- 6.4 Casual users are those for whom it is desirable that a car should be available when required. The mileage rates are set out below.
- 6.5 Local authorities should not make it a condition of employment that employees graded below point 13 should provide motor cars for official use.
- 6.6 An authorised car user may apply to the authority for financial assistance to purchase a car.
- 6.7 The allowances are contained on the card inside the back cover and will be reviewed by the NJC each year to take effect from 1 April or during the year as necessary.

Notes. *(a) Where a local authority authorises the use of a car in excess of 1450 cc it should fix an allowance not lower than that prescribed for the category 1200 to 1450 cc.*
(b) The lowest category of allowance (451 to 999 cc) shall be payable only to employees actually using a vehicle with an engine falling into the 451 to 999 cc category.
(c) The scale of allowance to be paid to authorised employees of a local authority for the casual use of private motor cars whilst engaged on official duties operates so that a casual user does not at any mileage figure receive more than would have been received under the essential user allowance.

7. Payments to Employees in the Event of Death or Permanent Disablement Arising from Assault

- 7.1 Employing authorities shall make payments in accordance with sub-paragraph (7.2) hereof to any employee or, in the event of death, jointly to the dependants of any employee whose contract of service incorporates this National Agreement as amended from time to time, in the event of death or permanent disablement of the employee arising from a violent or criminal assault suffered by an employee in the course, or as a consequence, of their employment.

7.2 The amounts payable under sub-paragraph (7.1) are as follows:-

- (i) In the event of death within twelve months from the date of the assault and, in the opinion of the employing authority, by reason thereof, where the employee has left one or more dependants, the equivalent of five years' gross remuneration at the rate applying at the date of the assault or £35,000, whichever is the greater. Where the employee has left no dependants, the sum of £950 shall be payable.
- (ii) In the event of permanent total or partial disablement as a result of the assault the percentage specified in the scale set out in this Scheme of five times gross remuneration applying at the date of the assault or £35,000, whichever is the greater; provided that such payments shall, at the discretion of the employing authority, be reduced by the amount of any damages, or compensation recoverable in respect of the particular injuries.

7.3 This recommendation is not intended to prevent an employing authority from paying amounts exceeding those specified in sub paragraph (7.2) if it is considered to be reasonable to do so or from providing also for circumstances other than assault if the authority is satisfied that such a provision can lawfully be made.

7.4 Scale of Compensation

- (i) Death, total and irrecoverable loss of all sight in one or both eyes, total loss by physical severance or complete loss of use of one or both hands or feet at or above wrist or ankle, occurring within twelve months from the date of the assault100%
- (ii) Permanent total and absolute disablement (other than as stated at Item 1) from engaging in or giving attention to any profession or occupation of any kind100%
- (iii) Permanent partial disablement (not otherwise provided for above) the percentage of the capital sum set against the degree of disablement in the following table:
 - (a) Total loss of hearing in both ears 40%
 - (b) Total loss of hearing in one ear 10%

(c)	Complete loss of use of hip or knee or ankle	20%	
(d)	Removal of the lower jaw by surgical operation	30%	
(e)	Fractured leg or foot with established non-union	25%	
(f)	Fractured knee-cap with established non-union	20%	
(g)	Shortening of a leg by at least 3 centimetres	15%	
(h)	Loss by amputation or complete loss of :		
		Right	Left
		To be reversed if insured person is left handed	
	(i) one thumb	20%	17.5%
	(ii) one index finger	15%	12.5%
	(iii) any other finger	10%	7.5%
	iv) one big toe	10%	10%
	(v) any other toe	3%	3%
(i)	Complete loss of use of shoulder or elbow	25%	20%
(j)	Complete loss of use of wrist	20%	15%

8. Meals and Accommodation Charges

Arrangements in the former APT&C and Manual national agreements as at 31 March 1997 in relation to (i) free meals and

(ii) accommodation and meal charges will remain in place unless and until alternative arrangements are agreed locally. In the meantime charges should be reviewed annually in line with movements in the appropriate sectors of the Retail Prices Index.

9. Schools' Retained Employees and Nursery Employees

Appendix 2 sets out provisions relating to schools retained employees and nursery employees.

PART 3 APPENDIX 1: Transitional Provisions

I. Grading Provisions

The following paragraphs of the Purple Book and the Manual Handbook remain as part of the new national agreement until superseded by local arrangements following local reviews of grading structure.

Purple Book

Paragraphs 25, 26, 27, 28, 36
Yellow Pages - day nurseries

Manual Handbook

Section 2 (A), (B), (C) and (D)
Section 4 Paragraphs 3, 4 (+ Appendix A) 5, 8
(+ Appendix B) and 10

2. Working Arrangements

The following paragraphs of the Purple Book and the Manual Handbook remain as part of the new national agreement until 31.3.99

Purple Book - Paragraph 38

Manual Handbook - Section 5

Note: A separate document will be produced setting out the details of the provisions remaining in the agreement.

PART 3 APPENDIX 2: Retained Employees and Nursery Employees in Educational Establishments

1. School crossing patrol attendants, retained school bus attendants and other retained education service escorts, and school meals service employees.
 - (a) Annual leave will normally be taken during school holidays. Alternative arrangements may be agreed locally. Payments for annual leave will be pro-rata to comparable full-time employees.
 - (b) In addition to the provisions set out in the agreement on annual leave and public and extra statutory holidays there shall be an entitlement to:
 - (i) payment for days when the school is closed during the term owing to exceptional circumstances such as, an election, visits, emergencies or the like, at full rate;
 - (ii) in the case of school meals employees only, not more than three additional days in each year may be granted for school closures during term time on account of half term and other permitted official holidays. Payment at full rate shall be made for any such additional days. Employees required to work on any such additional days are to be given equivalent time off in lieu at a later date, or if this is not practicable, payment shall be at double time rates.
 - (c) In respect of the remaining periods of the year when the school is closed employees are entitled to a retainer payment calculated at the rate of one half of the employee's normal weekly pay immediately prior to the school closure concerned, subject to the following conditions;
 - (i) Employees must undertake to return to work at the end of the school holiday period.

- (ii) Employees called upon to work during any part of this period shall be paid plain time rates for the hours worked and the retaining fee shall cease for that part of the period.
- (iii) Any employee undertaking alternative holiday employment with the same authority on the same or better pay is not entitled to the retainer pay in respect of such a period of additional employment.
- (iv) One half of the retainer payment will be paid before the start of the holiday period and the remainder will be paid after school reconvenes. The payment may be withheld when an employee fails to return to work at the start of the new school term, except where the employee is absent on sick leave or undertaking public duties or any other reason approved by the authority.
- (v) The retaining fee is a special payment during school closure. Sickness pay should cease at the commencement of the school holiday period and the special payment should commence. Similarly an employee who is sick during school holidays is not entitled to sickness pay.

Note: In cases of sickness during periods when the special payment is made, no deduction should be made therefrom in respect of Social Security benefits receivable.

2. **Nursery Employees**

Nursery employees working directly with children in classrooms up to the age of seven or working with children attending a special school or with children with statements of special educational needs.

- (a) Nursery employees are to be regarded as full-time employees if regularly employed for ten sessions or

more per week (including lunch breaks where worked) during the school term or, where a sessional basis is inappropriate, for 32.5 hours (including lunch breaks where worked).

The right of the employer to require further work outside normal school hours is subject to payment at the plain time rate (based on 1/32.5 of weekly pay) or at the overtime rate of 1.5/32.5 for hours worked beyond the standard working week.

- (b) There will be no abatement of pay in respect of days not required to be worked during school holidays.
- (c) Nursery employees employed full-time should be available to work for 195 days in any year, of which 190 days will be days on which pupil contact is required.

PART 4 Joint Advice

4.1 Job Evaluation Scheme

Guidance

- 1 Single Status
- 2 Joint Ownership
- 3 Openness
- 4 Equality
- 5 Implementation
- 6 Re-evaluation & Appeals
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- 8 Review
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Appendix 1:

Local Government Single Status Job Evaluation Scheme
(Factor Plan and Factor Guidance)

Appendix 2:

Local Government Single Status Job Evaluation Scheme
(Grading Appeals)

Appendix 3:

Local Government Single Status Job Evaluation Scheme
(Users' Manual)

Appendix 4:

Guidance on the Computerised Version of the
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4.2 Equal Opportunities Guide

Introduction

The Equal Opportunities Policy and its Implementation
Recruitment and Selection Procedures
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4.4 Guidance On Equal Pay and Grading

**4.5 Guidance on Maternity Related and
Work Life Balance Issues**

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4.9 Guidance on Pay and Grading Reviews

4.10 Equal Pay Audits

4.11 Equality Impact Assessments

PART 4.1: Job Evaluation Scheme

GUIDANCE

I. Single Status

- 1.1 The Local Government Single Status Job Evaluation Scheme has been developed jointly by the National Joint Council for Local Government Services and is attached as **Appendix 1**.
- 1.2 As a key part of the process to achieve single status all jobs within scope of the “Green Book” (including jobs paid above the maximum of the spine but excluding those covered by the JNC for Chief Officers) will have to be graded on a common basis in accordance with equal pay legislation. The NJC believes that the design of its scheme meets this requirement.
- 1.3 The National Joint Council has also developed a users’ manual for use in authorities where the scheme is being implemented.

2. Joint Ownership

- 2.1 Job evaluation gains maximum acceptance in the workplace when it is “owned” by both the employer and the employee. This scheme has been developed jointly by the employers and trade unions nationally on the basis that that joint partnership operates within the authority.
- 2.2 Provincial/associated councils are encouraged to support the use of the scheme by providing training, advice and guidance as appropriate.
- 2.3 Local employer and union representatives involved in introducing and applying the scheme will need training both in applying the scheme and in equality awareness to ensure decisions are free from bias.
- 2.4 The authority’s trade union facility agreement may need to be reviewed to take on board the involvement of union representatives in implementing the scheme.

3 Openness

- 3.1 Openness and transparency are crucial to the integrity of the scheme. Information about the scheme and the process of evaluation should be clear and accessible and communicated to all concerned.
- 3.2 All employees need to know:
 - ◆ why the scheme has been devised
 - ◆ the principles of equal value and fairness on which it is based
 - ◆ the factor plan and weightings
 - ◆ how the scheme will be applied locally
 - ◆ the arrangements for appeals
 - ◆ the locally agreed protection provision.
- 3.3 Following the local grading review, all employees will have to be notified of their grade and appropriate pay point(s). In addition, individuals should be provided with the results of the evaluation of their jobs, on request, setting out the points scored under each factor.

4. Equality

- 4.1 The scheme has been designed to incorporate the principle of equal pay for work of equal value. The factor plan and weightings aim to be free from gender bias and discrimination on the grounds of race, sexuality, religion, age and disability.
- 4.2 In developing the scheme and the users' manual, the Equal Opportunities Commission (EOC) and the Commission for Racial Equality (CRE) were consulted.
- 4.3 Further detailed guidance on equalities issues is set out in the users' manual.

5. Implementation

- 5.1 The NJC Users' Manual on the scheme gives detailed guidance on the implementation of the scheme at local level.

It covers:

- ◆ Equalities issues
- ◆ Getting started - The Steering Group
- ◆ Selecting jobs to evaluate
- ◆ Gathering job information
- ◆ Using the job description questionnaire (JDQ)
- ◆ Joint panels
- ◆ Evaluating jobs
- ◆ Grading appeals

This should be used in conjunction with the EOC Good Equal Opportunities Practice in Analytical J E Guide and Part 4 advice on Equal Pay and Grading.

6. Re-evaluation & Appeals

- 6.1 An evaluation panel should re-evaluate a job where it is claimed that there has been a change to its content. This change may have resulted from the gradual addition of new features over a period or as a result of restructuring.
- 6.2 Part 2 paragraph 5 of the NJC agreement establishes the right to appeal for a reconsideration of grading. Procedures must be agreed locally to deal with such appeals. The NJC has issued joint guidance on the conduct of grading appeals.
- 6.3 In particular, where authorities are applying the scheme, procedures should be developed to ensure that appeals are decided using the scheme. A model procedure is attached at **Appendix 2**.
- 6.4 An employee who is dissatisfied with the grading of their job after an evaluation using this scheme has a right of appeal on one or more of the following grounds:

- ◆ the scheme has been wrongly applied e.g. factor levels have been wrongly allocated, the evaluation panel has failed to follow guidance etc.
 - ◆ the job description questionnaire did not provide complete information
 - ◆ it is believed that an equivalent job is more highly graded and paid.
- 6.5 All union and employer representatives involved in appeals should be properly trained in the scheme design and operation and equalities considerations. They should not have been members of the panel which initially evaluated the job under appeal.

7. New Jobs

- 7.1 A new job should be evaluated by a joint panel.

8. Review

- 8.1 To maintain the relevance and integrity of the scheme it will be reviewed as necessary by the National Joint Council.
- 8.2 At local level, joint reviews of the operation of the scheme should be conducted regularly.

9. Further Guidance

- 9.1 The NJC has issued a users' manual on the scheme and its implementation. This is available from LGMB, and from the Trade Unions and Provincial Council offices.
- 9.2 For further guidance on job evaluation, equal pay for work of equal value and related issues see:
- ◆ EOC Good Equal Opportunities Practice in Analytical JE: A Checklist
 - ◆ NJC Guidance on Equal Pay and Grading

- ◆ EOC Code of Practice on Equal Pay
- ◆ European Union Code of Practice on Equal Pay

10. Copyright

- 10.1 The copyright for the Local Government Single Status Job Evaluation Scheme is held by the National Joint Council for Local Government Services. It may not be reproduced in part or in whole, nor adapted without the consent of the NJC.

Part 4.1: APPENDIX I

Local Government Single Status Job Evaluation Scheme (Factor Plan and Factor Guidance)

1. **Knowledge and Skills**
 - 1.1 Knowledge
 - 1.2 Mental Skills
 - 1.3 Interpersonal and Communication Skills
 - 1.4 Physical Skills
2. **Effort Demands**
 - 2.1 Initiative and Independence
 - 2.2 Physical Demands
 - 2.3 Mental Demands
 - 2.4 Emotional Demands
3. **Responsibilities**
 - 3.1 Responsibility for People
 - 3.2 Responsibility for Supervision/Direction/
Co-ordination of Employees
 - 3.3 Responsibility for Financial Resources
 - 3.4 Responsibility for Physical Resources
4. **Environmental demands**
 - 4.1 Working Conditions

General Factor Guidance Notes

1. Words and phrases in the factor and factor level definitions have their normal meanings, unless they are used in a specific context, which is explained in these Guidance Notes.
2. Some factor level definitions include alternative criteria for meeting that demand level. Where a job meets more than one of the alternatives, then the job should still be assessed at that level, unless the combination of the relevant job features means that it meets the criteria for the next higher level.
3. Some factor level definitions incorporate introductory sentences with terms "some", "considerable", "high", "major", "very major". These represent a scale of demand; the individual phrases should be interpreted accordingly.
4. Part-time jobs: care must be taken when evaluating jobs known to be undertaken on a part-time basis to avoid treating them differently from full-time jobs. This is necessary to eliminate discrimination against predominantly female groups.

This is especially true for those factors that require assessments of frequency and duration, for example, Physical Demands, Mental Demands and Working Conditions. It may be helpful, when making assessments under these factors, to examine the proportion of the part-timer's working for which the demand occurs and to relate this to the factor level definition.

For example, a School Crossing Attendant normally works outdoors for virtually all of their working time and should be assessed on this basis, even though their working hours are limited. This may mean that the School Crossing Attendant scores higher in relation to this job feature than, say, a Car Park Attendant, who spends proportionately less time, but more actual hours outdoors. (The reduced hours outdoors of the School Crossing Attendant are, of course, accommodated through pro rata pay for hours worked.)

5. All evaluations must reflect the job requirements and not the abilities of the jobholder.

The Knowledge and Skills Factor - General Guidance

1. In order to facilitate evaluation, and avoid omission or under-valuation of any individual job feature, the broad Knowledge and Skills area has been divided into a number of discrete factors. As a general rule, a specific type of knowledge and skill should be evaluated under only one of these factors, but distinct aspects of a skill may be evaluated under different factors, for example:-

Language Knowledge and Skills: where a language other than English is required for communication purposes as part of the job, this should be assessed under the Communication and Interpersonal Skills factor: but:

where sufficient knowledge of the structure, syntax and alphabet of a language other than English is required, for example, for translation or drafting purposes, then the level of knowledge required should be assessed under the Knowledge factor.

Word Processing/ Typing Knowledge and Skills: knowledge of **how to** operate a typewriter or computer keyboard and of associated lay-out techniques or software packages should be assessed under the Knowledge factor: and:

the dexterity and co-ordination skills needed to achieve required standards of accuracy and speed should be assessed under the Physical Skills factor.

Driving or Operating Skills: knowledge of **how to** drive or operate a particular type of vehicle or plant should be assessed under the Knowledge factor: and:

the co-ordination and sensory skills needed to achieve required standards of accuracy and safety should be assessed under the Physical Skills factor.

2. If a specific type of knowledge or skill is required to carry out the job duties, then it should be assessed, even if it is only used occasionally.

Knowledge

This factor measures the Knowledge required for the job. It covers all technical, specialist, procedural and organisational knowledge required for the job, including numeracy and literacy; knowledge of equipment and machinery; and knowledge of concepts, ideas, other cultures or languages, theories, techniques, policies, procedures and practices.

It takes into account the breadth, diversity and range of knowledge and the depth and complexity of the understanding required.

This factor does not take into account physical, mental and interpersonal/communications skills required, as these are covered by separate factors.

- Level 1: The job requires knowledge of the procedures for a limited number of tasks and the operation of associated basic tools and equipment. The jobholder needs to be able to follow straightforward oral and written instructions and keep basic work records.
- Level 2: The job requires knowledge of the procedures for a range of tasks and the operation of associated tools and equipment. The jobholder needs basic literacy and numeracy skills.
- Level 3: The job requires knowledge of the procedures for a range of tasks, some of which, singly or in combination, are relatively complex, and of the operation of associated equipment and tools. Literacy and numeracy skills are required.
- Level 4: The job requires predominantly practical and procedural knowledge across a technical or specialist area or an equivalent level of organisational, procedural and policy knowledge.
- Level 5: The job requires theoretical plus practical and procedural knowledge in a specialist area or an equivalent level of organisational, procedural and policy knowledge.
- Level 6: The job requires advanced theoretical, practical and procedural knowledge across a specialist area or an

equivalent level of organisational, procedural and policy knowledge.

Level 7: The job requires advanced theoretical, practical and procedural knowledge across a specialist area plus detailed knowledge of the associated organisational policies, practices and procedures or an equivalent level of organisational, procedural and policy knowledge.

Level 8: The job requires advanced theoretical, practical and procedural knowledge across a specialist area plus detailed knowledge of the associated organisational policies, practices and procedures for that and other related specialist areas or an equivalent level of organisational, procedural and policy knowledge.

Knowledge - Guidance

1. **Literacy and Numeracy:** references to work records and literacy and numeracy at levels 1 - 3 relate to the levels of such skills generally associated with the procedural and equipment knowledge needed at the relevant level:-

Basic literacy and numeracy skills (at level 2) involve the ability to read text, write straightforward sentences, and undertake straightforward arithmetic functions.

Literacy **skills** (at level 3) include spelling, grammar and punctuation. Numeracy **skills** include an understanding of percentages and decimals.

Literacy should be considered in a broad sense (e.g. to include map reading).

2. **Area of Knowledge:** knowledge across a specialist or technical area (at levels 4, 6 and above) means that the jobholder requires knowledge of all the available practices and procedures for the particular area.

Practical and Procedural knowledge (at level 4 and above) includes detailed knowledge of how tasks need to be undertaken or situations managed across a specialist area either directly by the job holder or in order to give advice.

Theoretical knowledge (at level 5 and above) includes knowledge of relevant concepts and principles.

Advanced knowledge (at level 6) implies that a considerable depth of knowledge across the relevant specialist area is required.

Where a job covers a narrow specialist area (e.g. child protection compared with social work generally; or bridge maintenance compared to civil engineering generally), but requires knowledge across the whole specialist area as essential background or context to the work, then this should be taken into account in assessing the level of Knowledge required.

Specialist or technical knowledge includes understanding of the operation of associated equipment and tools, where relevant.

3. **Qualifications.** The Knowledge factor levels are defined in terms of the types of knowledge actually needed for the job, with no reference to any related qualifications.

Qualification levels specified for a job may be misleading as a means of determining the level of knowledge required. For instance, specified qualifications may understate the level of knowledge required, if, for example, they represent a minimum academic qualification used as the basis only for the acquisition of procedural job knowledge (e.g. 4 GCSEs specified for complex clerical work).

On the other hand, specified qualifications may overstate the level of knowledge required, for instance, if they are used to restrict the number of applicants for a post.

Qualifications as a measure of knowledge required for a job may also disadvantage (and indirectly discriminate against) those groups in the workforce which have had less opportunity to acquire the relevant qualifications.

Relevant qualifications and training may, however, provide an **indicator** only of the type and level of Knowledge needed to perform the job duties properly. Jobholders need not necessarily hold such qualifications - they may have acquired an equivalent level of knowledge through some combination of relevant experience (work-related, or acquired through voluntary activities or general life experience) and on- or off-the-job training. Consider also what qualifications would currently be expected of new jobholders.

On this basis, **indicative** levels of experience, training and qualifications are shown below. The knowledge could be gained, **for example**, through:-

- Level 1:** A short induction period at the workplace.
- Level 2:** Specific training in the job tasks, or through previous relevant experience plus a short induction period, or through some equivalent combination of previous experience and training/induction.

- Level 3:** Previous formal education or training, or equivalent experience, plus on-the job training and experience.
- Level 4:** Formal off-the job training supplemented by a short induction period. Alternatively, the knowledge could be gained through extended experience and/or training in relevant areas of work.
- Level 5:** A combination of formal off-the-job training and experience in relevant areas of work over a period of years, or through previous education to graduate level. “Practitioner level” where knowledge of the full range of procedures is required and some knowledge of the theoretical basis on which they have been developed. A job holder might have considerable experience, but not necessarily a professional qualification at this level. May include part-qualified professional posts.
- Level 6:** Extended previous formal training, to graduate or professional qualification level, or equivalent, plus training or experience in the application of the knowledge to the specific requirements of the job. A job holder could be a specialist professional or a more generalist manager with knowledge across a range of areas.
- Level 7:** Extended previous formal training, to graduate or professional qualification level, or equivalent, plus training or experience in the application of the knowledge to the specific requirements of the job, plus experience in relevant areas of work. Either a professional post with a considerable breadth and depth of knowledge and experience across a specialist area where this is a requirement of the job or a more generalist manager who has managerial responsibility for a range of specialist areas.

Level 8: Extended previous formal training, to graduate or professional qualification level, or equivalent, plus training or experience in the application of the knowledge to the specific requirements of the job, plus extensive experience in the relevant areas of work.

4. **Equal Opportunities:** account should be taken of the knowledge of equal opportunities concepts, ideas, theories, techniques, policies, procedures and practices, along with all other types of knowledge required for the job.

Knowledge of other cultures should be taken into account at all levels, where relevant.

5. **Policy Development and Advice:** for policy development, research, advisory and similar jobs, account should be taken under this factor of knowledge of any concepts, ideas, theories, techniques, policies, procedures and practices required for the work, together with relevant subject area knowledge (e.g. knowledge of housing policy, concepts, ideas, theories, statutes, regulations etc. for a housing policy development job).

Requirements of such jobs for investigatory, analytical and developmental skills should be measured under the Mental Skills factor.

6. **First Aid Knowledge:** should only be taken into account when it is a specific job requirement.

Mental Skills

This factor measures the Mental Skills required for the job. It includes analytical, problem solving and judgemental skills. It also includes creative and developmental skills, whether related to design, handling of people or development of policies and procedures; and planning and strategic skills.

It takes into account requirements to gather, collate and analyse the facts needed to solve problems; and also requirements for imaginative thinking.

- Level 1: The job requires judgemental skills, in order to identify straightforward solutions to simple problems.
- Level 2: The job requires judgemental or creative skills, where there is some need to interpret information or situations and to solve straightforward problems.
- Level 3: The job requires analytical and judgemental or creative and developmental skills, where there is need to interpret information or situations and to solve varied problems or develop solutions or plans over the short term.
- Level 4: The job requires analytical and judgemental or creative and developmental skills to analyse and interpret complex information or situations and to solve difficult problems or develop solutions or plans over the medium term.
- Level 5: The job requires analytical and judgemental or creative and developmental skills to analyse and interpret varied and complex information or situations and to produce solutions or strategies over the long term.
- Level 6: The job requires analytical and judgemental or creative and developmental skills to analyse and interpret very varied and highly complex information or situations and to produce solutions or strategies over the long term.

Mental Skills - Guidance

1. In this context, "**planning**" has its normal dictionary definition of:
"the establishment of goals, policies and procedures for a social or economic unit",
rather than any specific meaning in the local authority context, for example, town and country planning or economic development.
Similarly, "**analytical**" has its normal dictionary meaning of:
"examining and identifying the components of the whole".
At levels 1 to 3 jobs may involve the application of ideas or concepts created by others but new to the organisation. At levels 4 to 6 jobs are likely to require innovative skills to develop fresh ideas or concepts.
2. **Planning Timescales:** Timespans are only indicative and it is the overall planning and analytical content of the job that should be assessed, whether few longer-term plans/projects or many shorter-term. References to the timescale for solutions and planning relate to the period over which the plans are made, **not** to the durability of what is planned. For example, planning to win and deliver a 5 year education catering contract might take months to plan. It is the months of planning, rather than the 5 years of the contract which should be assessed. Likewise, designing a particular structure, intended to stand for a hundred years, might take a matter of weeks.
Indicative timescales are:-
Short term: up to several weeks;
Medium term: several months, up to a year;
Long term: more than a year.
The degree of complexity involved in the work should be objectively assessed.

3. **Relationship to Other Factors:** the factor evaluates the Mental Skills required by the job irrespective of the level of initiative and independence, or its level of responsibility, which are measured under other factors in the scheme. For example, a computer programmer requires mental skills to design a suitable program for a specified purpose, but may not have made the decision for the program to be designed. The same may apply to an architect designing a building. In both cases, the level of Mental Skills may be high relative to the level of Initiative and Independence.

The importance or value to the organisation of the computer program or building is irrelevant to the assessment of the Mental Skills required (although it may be taken into account under the relevant Responsibility heading).

Interpersonal and Communication Skills

This factor measures the Interpersonal and Communication Skills required for the job. It includes oral, linguistic, sign and written communication skills.

The emphasis of the factor is on the purpose to which the interpersonal and communication skills are put (for example, training, promoting, obtaining information from others, interviewing, gaining the co-operation of others, team working, advising, motivating, persuading, counselling, conciliating, negotiating, meeting the needs of others).

The factor covers the complexity or contentiousness of the subject matter to be conveyed, and any requirements to exercise confidentiality or sensitivity. It takes into account the nature, diversity, cultural background and size of the intended audiences.

Level 1: The job involves exchanging straightforward information, usually orally, and with work colleagues, but could include other people.

Level 2: The job involves exchanging orally or in writing information to inform other staff or members of the public. Some tact may be required.

Level 3: The job involves either:

- (a) exercising interpersonal caring skills, in order to meet the basic welfare needs of clients: or:
- b) exercising training or motivational skills in relation to other members of staff: or:
- c) exchanging orally or in writing varied information with a range of audiences: or:
- d) exercising advisory, guiding, negotiating or persuasive skills: or:
- (e) using a language other than English where there is a need to exchange greetings and straightforward information in that language.

- Level 4: The job involves either:
- (a) exercising developed interpersonal caring or training skills, in order to meet the more demanding needs of clients: or
 - (b) exercising developed training, developmental, leadership or motivational skills in relation to other staff: or:
 - (c) exercising developed advisory, guiding, negotiating or persuasive skills in order to encourage others to adopt a particular course of action: or
 - (d) exchanging orally and in writing complicated or sensitive information with a range of audiences: or:
 - (e) using one or more languages other than English where there is a need to exchange complicated information with individuals, or to identify and respond to the needs of clients, in that language.
- Level 5: The job involves either:
- (a) exercising highly developed interpersonal caring or training skills. in order to meet the very demanding needs of clients: or:
 - (b) exercising highly developed advisory, counselling, negotiating or persuasive skills, or advocacy, in order to convince others to adopt courses of action they might not otherwise wish to take: or
 - (c) exchanging orally and in writing complex and contentious information with a range of audiences, including non-specialists: or:
 - (d) using one or more languages other than English where there is a need to exchange orally and in writing complicated information with groups and individuals, or to identify and respond to the demanding needs of clients, in that language.

Level 6: The job involves either:

- (a) exercising very highly developed caring or training skills, in order to meet the exceptionally demanding needs of clients: or:
- (b) exercising very highly developed influencing, counselling, negotiating and persuasive skills, or advocacy, in order to convince others to adopt policies and courses of action they might not otherwise wish to take: or:
- (c) exchanging orally and in writing wide ranging complex and contentious information with a range of audiences, including non-specialists.

Interpersonal and Communication Skills - Guidance

1. **Scope of Factor:** the job should be evaluated according to the **most demanding form** of interpersonal or communication skill (so, for example, a job requiring highly developed interpersonal caring skills should be assessed at level 5, even if the written communication skills needed are level 2 or 3 only).

Communication skills refer to oral and/or written communication skills. Interpersonal skills, at level 3 and above, include caring, leadership, motivational, counselling and persuasive skills including those associated with the supervision and management of own staff. The actual responsibility for supervising employees is measured under the Responsibility for Supervision/Direction/Co-ordination of Employees.

The level of interpersonal and communication skills takes into account the nature of the clients, staff, and other audiences or recipients of information. Certain individuals or groups may require more developed skills because of their circumstances, positions, attitudes or ability to understand the information being conveyed.

2. **Clients:** in this context, clients are people who are dependent upon the caring skills and services of the local authority, for example, the elderly, mentally infirm, those with mental or physical impairments. Clients exclude internal authority customers (as in client departments) or external customers (for example, members of the public with planning applications), because neither are dependent on the local authority for their care and welfare.

The **exceptional needs of clients** refer to those which are exceptionally demanding, not to those which are out of the ordinary.

3. **Languages other than English:** level definitions 3(e), 4(e) and 5(d) relate to different levels of demand for communication in one or more languages other than English, where this is required for effective performance of the job duties.

The language referred to could, for example, be Welsh in a Welsh speaking area. Or it could be a relevant ethnic minority language in an area with significant numbers of ethnic minority residents.

4. A recognised **sign language**, required for communication with clients or members of the public, is to be treated in the same way as a language other than English for the purposes of applying the level definitions.

Physical Skills

This factor measures the Physical Skills required for the job. It covers manual and finger dexterity, hand-eye co-ordination, co-ordination of limbs, and sensory co-ordination.

It takes into account the purpose to which the skills are put and demands arising from the need to achieve specified standards of speed and precision.

- Level 1: There are no particular requirements for developed physical skills.
- Level 2: The work requires dexterity, co-ordination or sensory skills, where there is some demand for precision in the use of these skills.
- Level 3: The work requires dexterity, co-ordination or sensory skills, where there is either: (a) some demand for both precision and speed: or: (b) considerable demand for precision, in the use of these skills.
- Level 4: The work requires dexterity, co-ordination or sensory skills, where there are: either: (a) considerable demands for both precision and speed: or: (b) high demands for precision, in the use of these skills.
- Level 5: The work requires dexterity, co-ordination or sensory skills, where there are very high demands for precision in the use of these skills.

Physical Skills - Guidance

1. This factor covers all applications of Physical Skills, for example, in operation of hand tools and other equipment. Activities involving limited dexterity, with no requirement for developed physical skills, for example, standing, sitting, walking, using a pen, pencil or ruler, using a telephone, are covered by level 1.
2. The factor covers:-

Driving Skills - where required for carrying out the job duties. The level of skill required may vary with the context of the driving, the size and complexity of the vehicle or plant, and the nature of the passengers or load carried.

The driving skills required for an ordinary car, van or similar vehicle are covered by level 2. The level of physical skills may be higher when the nature of the load or passengers carried, the size and complexity of the vehicle (for example, whether an articulated vehicle, or one having ancillary equipment attached), or the driving conditions are taken into account. Any of these may increase the demand for precision particularly, but possibly also speed, in the use of the skills.

Typical examples of vehicle and factor levels are:

Car or light van - level 2

Minibus or similar - level 2 or 3

Medium van or similar - level 2 or 3

Large van or truck - level 3 or 4

Tractor, road roller, dump truck or similar - level 3 or 4

Articulated vehicle or JCB - level 4:

Note: account needs to be taken of the operation of any ancillary equipment e.g. tail lift. The requirement for a particular type of driving licence may be indicative of the level of skills needed.

Keyboard Skills - where required for carrying out the job duties. The level of skill required may vary with the context, nature and purpose of the keyboard activities, and any time constraints.

Use of a keyboard with a limited number of digits (e.g. 2-finger operation), without any time constraints, and with the opportunity to amend significantly, is covered by level 1.

Level 2 requires some precision in the use of the keyboard, for example, administrative or research jobs involving use of computers for some aspects of the work.

Level 3 involves elements of both precision and speed, where the keyboard skills are integral to the main duties, for example, computer programming, systems analysis or the use of computerised financial management systems.

Level 4 covers the precision and speed required by specialist keyboard operators, such as data input or word processing operators, applying considerable precision and speed, in order to complete tasks to the required standards and timescales.

3. **Speed** - relates to the speed with which the physical skills are exercised and not to the speed of the outcome. For example, pressing a button to release a rocket set to fly faster than the speed of sound requires only limited precision and speed.

The definitions relate to the standard level required for competent performance of the job duties. Any higher rates achieved, for example, in order to meet performance targets, should not be taken into account.

Precision - refers to any precise action, irrespective of job context.

4. **Consequences of Error.** The outcome of the physical skills, including the consequences of error, should not be taken into account here, but under the appropriate Responsibility factor. If the same degree of precision and speed is required to produce items worth £100 and £100,000, the jobs should be assessed at the same level on the Physical Skills factor.
5. **Previous Requirements for Physical Skills.** The level of skill required should be that needed for the job, and not any other level required for a previous career position. Thus, a supervisor of drivers only needs driving skills if still required to drive, or to train others. The same applies to word processing skills for an office manager.

Initiative and Independence

This factor measures the scope allowed to the jobholder to exercise initiative and take independent actions.

It takes into account the nature and level of supervision of the jobholder; the level and degree of direction and guidance provided by policies, precedents, procedures and regulations; and any requirements to organise or quality check own work.

- Level 1: The job involves following instructions which define the tasks in detail. Minimal personal initiative is required. The job is subject to supervisory or customer checks or close supervision.
- Level2: The job involves working from instructions, but making minor decisions involving the use of initiative. Problems are referred to a supervisor/ manager. Little close supervision is necessary beyond that provided by working arrangements and methods.
- Level 3: The job involves working within recognised procedures, which leave some room for initiative. The work may involve responding independently to unexpected problems and situations. The jobholder generally has access to a supervisor/ manager for advice and guidance on unusual or difficult problems.
- Level 4: The job involves working within recognised procedures, within which the jobholder is required to organise own workload. The work involves making decisions as to when and how duties are to be carried out, and responding independently to unanticipated problems and situations. The jobholder generally has access to a supervisor/ manager for advice and guidance on serious problems.
- Level 5: The job involves progressing a series of activities within recognised guidelines. The work involves making frequent decisions and exercising initiative without ready access to more senior officers. The jobholder consults a supervisor/ manager for advice on policy or resource issues.

- Level 6: The job involves working within broad practice or guidelines. The work involves using discretion and initiative over a broad area of activity, with little access to more senior officers. The job is subject to managerial direction.
- Level 7: The job involves working within Council policies. The work involves using wide discretion and initiative over a very broad area of activity, with little access to others. The job is subject to general managerial direction.
- Level 8: The job involves working within the overall policy of the Council. The work involves using very wide discretion and initiative over a very broad area of activity, without recourse to others. The job is subject to minimal managerial direction.

Initiative and Independence - Guidance

1. **Council Policies:** all work is undertaken within Council policies, including their development. Absence of reference to Council policies at levels below levels 7 & 8 does not mean that these levels are not within Council policies, but that they are also subject to more detailed procedures, which themselves are within Council policies.
2. **Recommendations:** jobholders may contribute to the decisions of others by making recommendations. The initiative involved in making such recommendations should be taken into account. The level of initiative in making recommendations will depend on how close to or far from the relevant decision making they are, their degree of influence, the breadth of activity to which they relate, and the degree of direction provided.
3. **Joint Decision Making:** the nature and extent of the jobholder's contribution to joint decision making by different people, departments or committees should be taken into account in assessing the level of initiative, in the same way as with recommendations. The sharing of decision making and action taking may reduce the level of initiative.
4. **Unexpected Problems and Situations:** (at level 3) include those where a jobholder attends a particular location to carry out a set of duties within recognised procedures, only to find that the situation has changed, but dealing with this is also covered by recognised procedures.
Unanticipated Problems and Situations: (at level 4) are those for which no recognised procedures are available to the jobholder when decisions have to be made without reference to a supervisor/manager.
5. **Organisation of Workload:** (at level 4) includes meeting the needs and demands of others, either internal or external. For example, an IT support job would involve organising the workload arising from internal customer demands. Similarly, a housing repairs job could involve organising the workload arising from external customer (tenant) requests for assistance.
6. **Managerial Direction:** the extent ranges from managerial direction through general to minimal. Account should be taken of the amount, level and degree of the direction.

Physical Demands

This factor measures the type, amount, continuity and frequency of the physical effort required by the job. It covers stamina as well as strength.

It takes into account all forms of bodily effort, for example, that required for standing and walking, lifting and carrying, pulling and pushing. It also includes the physical demands involved in working in awkward positions, for example, bending, crouching, stretching; for sitting, standing or working in a constrained position; and for maintaining the required pace of work.

Level 1: Tasks or activities are undertaken mainly in a sedentary position, and allow for considerable flexibility of movement. There may be limited requirements for standing, walking, bending or stretching; or an occasional need to lift or carry items.

Level 2: The job involves either:

- (a) some ongoing physical effort (for example, regular sitting in a constrained position, or standing, or walking at a normal pace, for long periods); or:
- (b) normally limited physical demand, but with periodic requirements for considerable physical effort (for example, lifting or carrying, pushing or pulling items of light to moderate weight, rubbing or scrubbing, or working in an awkward position).

Level 3: The job involves either:

- (a) ongoing considerable physical effort (for example, regular lifting or carrying, pushing or pulling items of moderate weight, rubbing or scrubbing, or working in awkward positions): or:
- (b) normally limited or some physical demand, but with periodic requirements for high physical effort (for example, lifting or carrying, pushing or pulling items of heavy weight, or working in very awkward positions).

- Level 4: The job involves either:
- (a) ongoing high physical effort (for example, frequent lifting or carrying, pushing or pulling items of moderate or heavy weight, rubbing or scrubbing, or working in very awkward positions): or:
 - (b) normally considerable physical demand, but with periodic requirements for very high physical effort (for example, lifting or carrying, pushing or pulling items of very heavy weight, or manual digging).
- Level 5: The job involves ongoing very high physical effort (for example, frequent lifting and carrying, or pushing and pulling, items of heavy or very heavy weight, or manual digging).

Physical Demands - Guidance

1. **Frequency and Continuity:** the level definitions incorporate a scale of frequency and continuity, as follows:-

Occasional - infrequently and/or for a short period of time - would generally result in the job being assessed at level 1 or 2, depending on the nature of the effort (unless the job also involves other forms of physical effort) e.g. if the demand is seasonal or occurring on average less than one day/shift in 10 over the year as a whole;

Periodic - more frequent than occasional, but less frequent than regular; effort not necessarily associated with normal job duties;

Regular - in the dictionary sense of repeated; would usually be associated with normal job duties;

Frequent - in the dictionary sense; certainly associated with normal job duties;

Ongoing - continuous or almost continuous; associated with the job duties undertaken for most of the working shift.

It is assumed that all relevant health and safety regulations are complied with. However, in considering the continuity of effort, breaks required by health and safety regulations (for example, for VDU work or driving), or other recognised breaks, should not be treated as breaks in the period of effort.

Demands over particular periods relate to the nature of the work, **and not** to the contractual hours of the jobholder.

Considerable physical effort, for example, could be rubbing/scrubbing tables, painting walls or doors with a brush or roller, lifting/carrying piles of files or buckets of water or pushing a wheelchair with a child or adult occupant.

High physical effort, for example, could include scrubbing floors, sawing wood, lifting or carrying large containers of food or similar, pushing a wheelchair with a heavy occupant, pushing a well-laden trolley or sweeping mud or ice.

Very high physical effort, for example, could include lifting or carrying full dustbins, sacks of potatoes, pushing/pulling a bed

with a very heavy occupant, digging heavy soil or soil below ground level or laying full-size paving stones.

2. **Weights:** light, moderate and heavy, have their normal everyday meanings, and are to be applied consistently, regardless of the physical characteristics of the jobholder and whether the duties are normally carried out by women or by men; or by small people or large people; or by fit or unfit people. So, a sack of cement or a sack of potatoes is a heavy weight, even if it is lifted and carried without obvious exertion by a tall, fit, young person.

Where mechanical aids are available, these should be taken into account when assessing the level of demand. For instance, other things being equal, moving sacks of potatoes with the aid of a trolley involves less demand than lifting and carrying the sacks over the same distance.

3. **Constrained Position:** is where the jobholder has to remain in a fixed and tensed position, in order to be able to carry out the job duties efficiently. For example, sitting in a fixed and tensed position at a keyboard, in order to type most efficiently and at speed; sitting in a vehicle driving seat in a position which is constrained by driving wheel, gear controls, brake and accelerator, in order to drive properly; standing in a rigid position to wash pans or operate equipment.

Mental Demands

This factor measures the degree and frequency of the mental concentration, alertness and attention required by the job.

It takes into account features which may make concentration more difficult, for example, repetitive work, interruptions or the need to switch between varied tasks or activities; and other forms of work related pressure, for instance, arising from conflicting work demands. It also takes into account the responsiveness required of the jobholder.

- Level 1: The job requires general awareness and sensory attention with short periods of concentrated sensory attention or short periods of enhanced mental attention.
- Level 2: The job requires general awareness and sensory attention, with either:
 - (a) medium periods of concentrated sensory attention: or
 - (b) medium periods of enhanced mental attention: or
 - (c) short periods of concentrated mental attention: or
 - (d) some work-related pressure, for example, from deadlines, interruptions or conflicting demands on the jobholder.
- Level 3: The job requires general awareness and sensory attention, with either:
 - (a) lengthy periods of concentrated sensory attention: or
 - (b) lengthy periods of enhanced mental attention: or
 - (c) medium periods of concentrated mental attention: or
 - (d) considerable levels of work-related pressure, for example, from deadlines, interruptions or conflicting demands on the jobholder.
- Level 4: The job requires general awareness and sensory attention with either:
 - (a) prolonged periods of concentrated sensory attention: or
 - (b) prolonged periods of enhanced mental attention: or
 - (c) lengthy periods of concentrated mental attention: or
 - (d) high levels of work-related pressure, for example, from deadlines, interruptions or conflicting demands on the jobholder.

- Level 5: The job requires general awareness and sensory attention with either:
- (a) prolonged periods of concentrated mental attention or:
 - (b) lengthy periods of concentrated mental attention over a range of different activities: or:
 - (c) very high levels of work-related pressure, for example, from deadlines, interruptions or conflicting demands on the jobholder.

Mental Demands - Guidance

1. **Sensory Attention:** attention of the senses (eyes, ears, smell), as in watching, looking, listening, touching, smelling.

General awareness and sensory attention is the level required for day-to-day activities, such as moving from one place to another.

Concentrated Sensory Attention: occurs when the jobholder needs to be particularly alert, for example, to traffic or the actions of children; concentrating on visual or aural activities, for example, typing, word processing, data input.

2. **Mental Attention:** attention of the mind, as in thinking, calculating.

Enhanced Mental Attention: occurs, for example, when undertaking the checking of documents for completeness or correctness (possibly of simple arithmetic), carrying out occasional calculations etc.

Concentrated Mental Attention: occurs, for example, when undertaking repeated manual calculations or other work with figures; or ordering of facts, as for instance, in report writing or preparation of a presentation.

3. **Timespans:** demands are affected by the period for which the attention is needed:-

Short periods - periods of minutes, up to, say, one hour.

Medium periods - periods of between one and two hours.

Lengthy periods - periods of hours at a time, for example, most of the morning or afternoon.

Prolonged periods - all or most of a working day.

Notes: 1 - the frequency of the mental demand must be considered when assessing this factor. Very occasional or infrequent mental demands would be insufficient to score above level 1.

2 - where evaluating a part-time job, which can equally be done on a full-time basis then it should be assessed as if it were a full-time job.

Breaks required by health and safety regulations (for example, for VDU work or driving), or other recognised breaks, should not be treated as breaks in the period of attention.

Demands over particular periods relate to the nature of the work, and not to the contractual hours of the jobholder.

4. **Work-Related Pressures** arise from features outside the control of the jobholder. Possible sources include interruptions, conflicting demands (more than one person requiring assistance simultaneously), constraining deadlines (for example, post or bank deadlines; administrative or service delivery deadlines; financial deadlines) or other time pressures. The nature and impact of interruptions should be taken into account. For example, answering a telephone call where this is an integral part of the job should not be viewed as an interruption but can be viewed as work-related pressure. Unavoidable interruptions are where the jobholder has no opportunity to make themselves “unavailable” and where there is a need to divert attention from what is being done to meet the demands of the person making the interruption.

Volume of work, as such, should not be taken into account and is better dealt with in other ways. Otherwise decreasing volumes of work (through additional staff being appointed) could result in down-scoring of jobs; or increasing volumes of work could result in the up-grading of jobs (at the cost of desirable work practices).

Emotional Demands

This factor measures the nature and frequency of the Emotional Demands on the jobholder arising from contacts or work with other people.

It takes into account the situation in which the contacts or work with other people occur, for example, whether they are angry, difficult, upset or unwell; or whether their circumstances are such as to cause stress to the jobholder, for example, if the people concerned are terminally ill, very frail, at risk of abuse, homeless or disadvantaged in some other way.

- Level 1: The job involves limited contact with, or work for, other people, which through their circumstances or behaviour place minimal emotional demands on the jobholder.
- Level 2: The job involves contacts with, or work for, people, which through their circumstances or behaviour occasionally place emotional demands on the jobholder.
- Level 3: The job involves contacts with, or work for, people, which through their circumstances or behaviour either:
 - (a) regularly place emotional demands on the jobholder or:
 - (b) occasionally place significant emotional demands on the jobholder.
- Level 4: The job involves contacts with, or work for, people, which through their circumstances or behaviour either:
 - (a) regularly place significant emotional demands on the jobholder or
 - (b) occasionally place intense emotional demands on the jobholder.
- Level 5: The job involves contacts with, or work for, people, which through their circumstances or behaviour regularly place intense emotional demands on the jobholder.

Emotional Demands - Guidance

1. **Sources of Emotional Demands:** covers demands arising from people-related features of the job (in contrast to the Mental Demands factor which covers demands arising from work-related features). Emotional demands are those which cause emotional pressure and may result in the jobholder feeling upset, or grieved, or angry.

Job features must be looked at objectively. Account should still be taken of the source of the emotional demand, where individual jobholders, who deal frequently with it, may learn to "cope" and not to demonstrate the emotional pressure on them.

It is assumed that all relevant precautions are taken, that the jobholder is trained to deal with the relevant people and complies with health and safety procedures.

2. The '**people**' who impose emotional demands may include the public, local authority members, other employees of the local authority or other organisations (internal and external clients; customers; users of services provided by the jobholder). They exclude immediate work colleagues, because changes in personnel could otherwise result in changes to the evaluation.
3. **Verbal Abuse** experienced by the jobholder, whatever the source, is not measured under this factor heading, but is treated as a form of people-related unpleasant condition under the Working Conditions factor heading.
4. **Level of Emotional Demand:**

Exposure to an emotional demand where the jobholder is required to deal with distressing, disturbing subject matter, for example, attending minuting and typing notes from child protection case conferences and associated telephone contact should be assessed under this factor.

Significant and intense emotional demands at levels 3, 4 and 5 should be assessed only where the demand forms an expected part of the job role and the jobholder has direct responsibility to deal with those imposing the demands.

Significant emotional demands include those arising from dealing with those who are frail or have physical or mental impairments, or are seriously disadvantaged through homelessness.

Intense emotional demands include those arising from dealing with terminally ill clients, cases of child abuse or where the necessary actions of the jobholder may cause genuine distress to, or be in conflict with the wishes of, the client (for example, transfer from own home to residential care, removal of child to foster care).

5. **Frequency of Emotional Demand:**

Where emotional demands occur rarely (e.g. less than twice a year) level 1 would normally apply. However, if a jobholder experiences significant or intense emotional demands rarely, level 2 may be appropriate.

Occasional - taking place from time to time, not frequent or regular and/or for a short period of time;

Regularly - in the dictionary sense of repeated within the normal cycle of activity.

The Responsibility Factors - General Guidance

1. The scheme distinguishes 4 types of responsibility:

- Responsibility for People;
- Responsibility for Supervision/Direction and Co-ordination of Employees;
- Responsibility for Financial Resources;
- Responsibility for Physical Resources

to ensure that the diverse responsibilities of the wide range of local authority jobs are considered.

A job may have any combination, and to any extent, of direct responsibilities, and each should be considered separately. For example, management of a nursing home includes responsibility for the health and well-being of the residents (Responsibility for People), direction and co-ordination of staff (Responsibility for Supervision), budgetary responsibility (Responsibility for Financial Resources) and responsibility for residents' records (Responsibility for Physical Resources).

2. **Contributions to a Shared/Joint Responsibility.** Each job should be assessed according to its actual contribution to an overall responsibility, as different people, departments or committees may have a direct responsibility. For example, an accountant in Financial Services may directly contribute to the setting and monitoring of the budget and longer term financial planning of a nursing home's maintenance programme (Responsibility for Financial Resource) whilst the home's manager has budgetary control responsibility for the programme (Responsibility for Financial Resources), which is managed by a maintenance manager (Responsibility for Physical Resources).

The same principles apply in client contractor situations.

The actual responsibility of a jobholder who shares, or contributes to, the **same** responsibility as others should be assessed. For example, there is no dilution of responsibility where a jobholder is responsible for the careful use of a piece of equipment for the whole shift, even when other jobholders have responsibility for the same equipment on other shifts.

On the other hand, there is considerable dilution of responsibility for a piece of equipment, which is shared by a team of employees on the same shift, but which the jobholder uses only occasionally.

Sharing of responsibility is normally with other employees, but could equally be with others (for example, with clients, for pensions, when collected by the jobholder; or residents, for security of residential premises). The nature and degree of the jobholder's responsibility for resources is more important in assessing demand than who owns them.

3. **Direct Responsibilities and Impact.** The following examples illustrate circumstances where the Responsibility factors are concerned with the direct impact of the job. An accounts job in a charity has a direct Responsibility for Financial Resources, but no Responsibility for People. A job involving home visits to the charity's clients has a direct Responsibility for People, but possibly no Responsibility for Financial Resources. The job of the charity's shopworker involves some Responsibility for People (those who visit the shop) and some Responsibility for Financial Resources (the shop receipts).

The **impact** of a failure to carry out the responsibilities properly (for instance, delays, inconvenience or discomfort to others, financial loss, lower quality service) may be a useful indicator of the **level** of responsibility.

4. **Other Responsibilities.** The Responsibility factors also take account of any responsibility the jobholder may have through the provision of advice and guidance on policies and procedures, research or the adaptation or development of existing or new policies and procedures. **However** in all but a few exceptional situations this responsibility will relate to only one of the four Responsibility factors even though there may be a “knock-on” impact under another factor. It is therefore important to identify before evaluating the job under any Responsibility factor whether the job role encompasses a responsibility for advice and guidance or policy development and if so in which factor the **main** influence lies.

For example:

Where the policy development, advisory or research responsibilities of jobs are **mainly** focused on policies which relate to the physical, mental, social, economic or environmental “well-being” of people (within, as well as external to, the Authority), they should be assessed under the Responsibility for People factor.

Where such responsibilities are **mainly** focused on the Authority’s policies with regard to the ways in which its employees are managed, disciplined or paid, they should normally be recognised under the Responsibility for Supervision factor.

If the **main** focus is on the financial policies and/or financial well-being of the Authority, then this should be taken into account under the Responsibility for Financial Resources factor.

Finally if the **main** focus is on the Authority’s policies in relation to any form of physical resource, including information, this should be assessed under the Responsibility for Physical Resources factor.

Remember that in relation to responsibilities for policy development, research, advice and guidance, it is only the **primary** focus that should be considered e.g. a financial policy that constrains highway development should be considered under Responsibility for Financial Resources; while a highways policy that has financial implications should be considered under Responsibility for Physical Resources.

However, where a job genuinely has more than one main policy, advice or research focus, then it should be assessed under each relevant factor - in the same way as direct hands-on responsibilities are assessed under each relevant Responsibility factor. But, as with direct hands-on responsibility jobs, care should be taken to avoid double-counting the same form of policy development, advice or research under more than one heading.

Responsibility for People

This factor measures the responsibility of the jobholder for individual, or groups of, people (members of the public, service users and recipients, clients), other than employees supervised or managed by the jobholder.

The emphasis of the factor is on the nature and extent of the direct impact on the well-being of individuals or groups.

The factor covers responsibilities, including any confidentiality requirements, for the physical, mental, social, economic and environmental well-being of people, including their health and safety.

These responsibilities could be exercised through, for example, providing personal services, advice and guidance, or other forms of assistance; implementing or enforcing regulations; or developing and implementing services.

- Level 1: The job involves limited, or no, direct impact on the well-being of individual, or groups of, people. The work may require common courtesy or consideration where encountering members of the public incidentally in the course of normal duties.
- Level 2: The job involves some direct impact on the well-being of individual, or groups of, people, through undertaking tasks or duties which are to their direct benefit, or impact directly on their health and safety.
- Level 3: The job involves considerable direct impact on the well-being of individual, or groups of, people, through **either**:
- (a) an assessment of needs and implementation of appropriate care or welfare for those who are reliant on the jobholder for their basic needs **or**:
 - (b) implementing regulations which have a direct impact on the health, safety or well-being of people.
- Level 4: The job involves high direct impact on the well-being of individual, or groups of, people, through **either**:
- (a) an assessment of the needs and implementation of appropriate programmes of care or welfare for those who are reliant on the jobholder **or**:

- (b) enforcing regulations which have a high direct impact on the health, safety or well-being of people.
- Level 5: The job involves a major direct impact on the well-being of individual, or groups of, people, who are reliant on the jobholder; and involves assessment of their complex needs and arranging for the delivery of appropriate programmes of care or welfare. The jobholder has responsibility for taking decisions which may affect the future well-being and circumstances of individual clients.
- Level 6: The job involves a very major direct impact on the well-being of substantial numbers of people, who are reliant on Council services for their care or welfare; and involves assessment of the needs of the relevant group of people and determining how appropriate programmes of care or welfare should be delivered. The jobholder has responsibility for taking decisions which will affect the future well-being of individual, and groups of, clients.

Responsibility for People - Guidance

1. **People:** in this context are the recipients of services provided by the local authority, or the **direct** beneficiaries of its activities, for example:-
 - residents of local authority homes;
 - clients of, for example, social workers and home carers;
 - users of libraries and leisure facilities;
 - recipients of benefits or other payments, for which local authorities are the originators or paying agents;
 - residents of privately-run homes, and the clients of childminders, who benefit from local authority inspection and registration activities;
 - users of cafes and restaurants, who benefit from local authority inspection and enforcement activities.

Those who are "beneficiaries" or recipients will not necessarily be happy with the relevant activities, for example, abused children removed from their families, restaurant owners being inspected for compliance with hygiene regulations.

2. **Equivalent Client or Customer Relationship:** this factor generally measures responsibilities which have a direct impact on people **other than** Council employees. However, some jobs with responsibilities for other groups of people, who are not defined above, nor employees supervised by the jobholder, should also be assessed.

Those in an equivalent client or customer relationship include other employees of the local authority (for example, customers of internal staff catering facilities, or clients of personnel, training, equalities or welfare officers); or the employees or volunteers of a voluntary organisation, to whom the jobholder is providing a direct service (but supervisory or co-ordinating responsibilities should be measured under the Responsibility for Supervision etc. factor).

3. **Reliance:** (at levels 3a, 4a, 5 and 6) means that the people concerned are personally dependent on the provision of service, assessment of needs or decisions made by the jobholder.

4. **Assessment:** the automatic or mechanical process of delivering or processing the requirements of people (for example, the taking of details of income and circumstances) is not sufficient for a job to be scored at level 3 or above, unless the deliverer or processor also makes the initial assessment of needs. At level 3 the assessment could be informal, for example, whether or how to carry out a prescribed programme of care in the light of the condition of the client on a particular day. At level 4 and above, assessment of needs is normally a formal process.
5. **Impact:** direct impact on people does not necessarily require direct contact, for example, environmental health, trading standards and similar officers may have a direct impact on people, through the implementation or enforcement of regulations, without necessarily having direct contact with those who benefit.
6. **Implementation and Enforcement of Regulations:** (at levels 3(b) and 4(b)) refers to **Statutory** Regulations for which local authorities are the implementation or enforcement agents. For example, planning and building control, registration of private homes for the elderly and childminders, enforcement of trading standards and environmental health regulations.

For level 4(b), the job must involve formal responsibility for initiating prosecution against those failing to comply with the relevant Statutory Regulations.

The implementation and enforcement of **Health and Safety Regulations** should only be taken into account under levels 3(b) and 4(b) where the job responsibilities actually involve implementation and enforcement of those regulations on behalf of the local authority as the statutory enforcement agency. The general health and safety responsibilities of all employees should not be taken into account under this factor but account should be taken of specific job responsibilities for the health and safety of other employees, for example, those of a Safety Officer or Occupational Health Nurse.

The responsibilities of health and safety reps. are **not** normally part of the duties of the job: they generally attach to the individual and should not be assessed.

7. **Equivalent Levels of Responsibilities:** jobs other than those involved in the implementation of Statutory Regulations may also have an impact on people without requiring direct contact, or the delivery of care.

Such jobs could include, for example, policy development; advisory or research jobs, where the **main** focus of the work is the physical, mental, social, economic or environmental well-being of people, for instance, in relation to local housing policy; advice on co-ordination of local government and health services for particular communities; development of social or environmental policies.

These jobs should be assessed as having equivalent levels of responsibility to those specified in the factor level definitions. The appropriate equivalences should be determined at local level, and will depend on the actual contribution of the job to the formulation of policies and their impact on the delivery of services. Consideration should also be given to whether the responsibility is an individual or shared one. However, **indicative** guidance might be as follows:

Level 2: providing general information, advice and guidance on established internal procedures in relation to the well-being of people.

Level 3: providing advice and guidance on the operation of established internal policy and procedures, in relation to the well-being of people. This may involve some interpretation of policy and procedures to meet specific circumstances or problems.

Level 4: providing interpretation, advice and guidance on the operation and implementation of external regulations and statutory requirements in relation to the well-being of people. This may require adaptation of internal policies and procedures to meet the demands placed on a service or department.

Or

A shared responsibility for the development of policies and procedures which meet the social, economic, legal or technical demands on a service or department in relation to the well-being of people. The development of such should be seen to

have a significant impact on the operation of that service or department.

Level 5: a major responsibility for the development of policies and procedures which meet the social, economic, legal or technical demands on a service or department in relation to the well-being of people. The development of such should be seen to have a significant impact on the operation of that service or department.

Level 6: a very major responsibility for the development of policies which meet the social, economic, legal or technical demands on the organisation in relation to the well-being of people and which can be seen to have a major impact on the operation of, or strategy across, services or departments.

Note: The definitions of “service” and “department” at levels 3, 4, 5 and 6 should be determined locally.

Responsibility for Supervision/Direction/ Co-ordination of Employees

This factor measures the direct responsibility of the jobholder for the supervision, co-ordination or management of employees, or others in an equivalent position.

It includes work planning and allocation; checking and evaluating the work of others; and training, development and guidance. It also includes responsibility for personnel functions for those for whom the jobholder has a formal supervisory responsibility, such as recruitment, discipline, appraisal; and planning, organising and long term development of human resources.

The emphasis of the factor is on the nature of the responsibility, rather than the precise numbers of employees supervised, co-ordinated or managed. It takes into account the extent to which other employees contribute to the overall responsibility.

- Level 1: The job involves limited, or no, direct responsibility for the supervision, direction or co-ordination of other employees. The work may involve demonstration of own duties, or advice and guidance, to new employees, or others.
- Level 2: The job involves some direct responsibility for the supervision, co-ordination or training of other employees. The work regularly involves advising, instructing, checking work, or training other employees.
- Level 3: The job involves considerable direct responsibility for the supervision, direction, co-ordination or training/development of other employees. The work involves the allocation of work to a small group or team, checking of work, and the direction of staff, including, where appropriate, on-the-job training.
- Level 4: The job involves high direct responsibility for the supervision or management, direction, co-ordination or training/development of other employees. The work involves supervising, directing and co-ordinating the work of a group of staff covering more than one area of activity or in more than one workplace, including

allocation of work, and evaluation and appraisal of the work carried out.

- Level 5: The job involves a major direct responsibility for the management, direction, co-ordination and development of significant numbers of other employees, covering several different areas of activity or in several geographically dispersed workplaces. The work involves the organisation, allocation and re-allocation, as appropriate, of areas of work and the evaluation of activities and working methods.
- Level 6: The job involves a very major direct responsibility for the management, direction, co-ordination and development of substantial numbers of other employees, covering many different areas of activity or in many geographically dispersed workplaces. The work involves overall responsibility for the organisation, allocation and re-allocation, as appropriate, of areas of work and the evaluation of activities and working methods.

Responsibility for Supervision/Direction/ Co-ordination of Employees - Guidance

1. **Scope of Factor:** consideration should be given to **all aspects** of the definition, not just to the size of the group supervised. The aim is to find the level definition which **best fits** the job.

There are deliberately no indications of the **size of groups**: numbers may vary with the circumstances of the job. Size of local authority is **not** relevant.
2. **Co-ordination and Management:** where a jobholder co-ordinates or manages the work of staff through others' direct supervision, account should be taken of the actual contribution to the overall directing and co-ordinating responsibility for all those concerned.
3. **Areas of activity:** (at levels 4 to 6) include cooking, gardening, housing benefits, highways inspection, recruitment and selection, payroll. Closely associated support activities (for example, clerical, secretarial) should be treated as part of the same area of activity.
4. **Others in an Equivalent Situation:** account should be taken of all employees or others who are supervised, managed, or co-ordinated including:
 - contractors' or suppliers' employees;
 - volunteers and the employees/workers of voluntary organisations;
 - work experience students or trainees;
 - students on placement for practical experience;
 - others in a similar situationwhere they are a direct responsibility of the job.
5. **Equivalent Levels of Responsibility:** jobs other than those involving direct managerial responsibilities may also have an impact on staff without necessarily requiring direct contact or supervision.

Such jobs could include, for example, policy development, advisory or research jobs, where the **main** focus of the work is staff, for instance, in relation to personnel or human resources advice or policy, including reward strategies, or health and safety policies. The policy development, advice or research aspect of these jobs could be measured either under this factor or under the Responsibility for People factor (treating staff as those in an equivalent position to people), but not both. For example, a legal job where the main focus was advice on employee disciplinary and Employment Tribunal cases should probably be measured under this factor (i.e. personnel functions). While a job where the main focus was providing advice on welfare or health and safety policy might be better assessed under the Responsibility for People factor (i.e. employees in equivalent position to clients).

Where such policy, advisory or research features are taken into account under this factor, they should be assessed as having equivalent levels of responsibility to those specified in the factor level definitions. The appropriate equivalences should be determined at local level, and will depend on the actual contribution of the job to the formulation of policies and their impact on staff. Consideration should also be given to whether the responsibility is an individual or shared one. However, **indicative** guidance might be as follows:

Level 2: providing general information, advice and guidance on established internal procedures in relation to personnel or human resources.

Level 3: providing advice and guidance on the operation of established internal policies and procedures in relation to personnel or human resources. This may involve interpretation of policies and procedures to meet specific circumstances or problems.

Level 4: providing interpretation, advice and guidance on the operation and implementation of external regulations and statutory requirements in relation to personnel or human resources. This may require adaptation of internal policies and procedures to meet the demands placed on a service or department.

Or

A shared responsibility for the development of policies and procedures which meet the social, economic, legal or technical demands on a service or department in relation to personnel or human resources. The development of such should be seen to have a significant impact on the operation of that service or department.

Level 5: a major responsibility for the development of policies and procedures which meet the social, economic, legal or technical demands on a service or department in relation to personnel or human resources. The development of such should be seen to have a significant impact on the operation of that service or department.

Level 6: a very major responsibility for the development of policies which meet the social, economic, legal or technical demands on the organisation in relation to personnel or human resources and which can be seen to have a major impact on the operation of, or strategy across, services or departments.

Note: The definitions of “service” and “department” at levels 3, 4, 5 and 6 should be determined locally.

Responsibility for Financial Resources

This factor measures the direct responsibility of the jobholder for financial resources, including cash, vouchers, cheques, debits and credits, invoices, budgets and income.

It takes into account the nature of the responsibility, for example, correctness and accuracy; safekeeping, confidentiality and security; deployment and degree of direct control; budgetary and business planning responsibilities; planning, organising and long term development of the financial resources.

It also takes into account the degree to which other employees contribute to the overall responsibility, the frequency with which the responsibility is exercised and the value of the financial resources.

- Level 1: The job involves limited, or no, direct responsibility for financial resources. The work may involve occasionally handling small amounts of cash, processing cheques, invoices or equivalent.
- Level 2: The job involves some direct responsibility for financial resources. The work regularly involves either:
- (a) handling of cash, or processing of cheques, invoices or equivalent or:
 - (b) accounting for considerable sums of money, where care and accuracy are important or:
 - (c) being accountable for small expenditures from an agreed budget or equivalent income.
- Level 3: The job involves considerable direct responsibility for financial resources. The work involves either:
- (a) accounting for large sums of money, in the form of cash, cheques, direct debits, invoices, or equivalent, where care, accuracy and security are important or:
 - (b) being accountable for considerable expenditures from an agreed budget or equivalent income. The responsibility may include contributing to the setting and monitoring of the relevant budget and ensuring effective spend of budgeted sums.

- Level 4: The job involves high direct responsibility for financial resources. The work involves either:
- (a) accounting for very large sums of money, in the form of cash, cheques, direct debits, invoices, or equivalent, where care, accuracy and security are important or:
 - (b) being accountable for large expenditures from an agreed budget or equivalent income. The responsibility may include contributing to the setting and monitoring of the relevant budget and ensuring effective spend of budgeted sums.
- Level 5: The job involves a major direct responsibility for financial resources. The work involves being accountable for very large expenditures from an agreed budget or equivalent income. The responsibility includes contributing to the setting and monitoring of the relevant budget(s) and ensuring effective spend of budgeted sums.
- Level 6: The job involves a very major direct responsibility for financial resources. The work involves being accountable for extremely large expenditures from an agreed budget or equivalent income. The responsibility includes contributing to the setting and monitoring of the relevant budget(s), long-term financial planning and changing the nature, level and composition of expenditure to meet service or other requirements.

Responsibility for Financial Resources - Guidance

1. **Monetary Values:** the job should be evaluated according to the nature and extent of the responsibility, rather than to the exact monetary value.

Values should be interpreted in relation to the financial size of the authority. It may be helpful, at the outset of the exercise, to consider levels of departmental expenditures in order to identify these which should be assessed as "extremely large", and to develop an appropriate scale.

2. **Accounting for** - give reckoning of; explain; monitor; audit; authorise payment of invoices from committed expenditures - covers receipts as well as expenditures.

Accountable for - bound to give account for; commit expenditure.

Handling/processing - must be an active responsibility, for example, checking invoices and cheques against other documentation to identify errors; but excluding the mechanical printing of cheques, without any checking process (the responsibility for printing equipment and materials should be considered under Responsibility for Physical Resources).

3. **Equivalent Levels of Responsibility:** it is impossible to specify all forms of financial responsibility, as many jobs in many departments may contribute to the overall accounting or accountability responsibility, for example, finance officers in corporate finance, departmental finance officers, service budget holders, cashiers, invoice checkers etc. In determining equivalences, it is important to look at the nature of the responsibility, the frequency with which it is exercised, the scale of the responsibility and so on of each job.

Occasional authorisation of small expenditures from a small budget may be equivalent to level 1, on account of the frequency and value.

Similarly, responsibility for controlling a petty cash box, or taking care of clients' monies, may normally be level 1, but, if the sums involved are relatively large and the responsibility is

exercised on a daily basis, this may be level 2 (or, exceptionally, level 3).

In relation to research, policy or advisory jobs, where the **main** focus of the research, policy or advice relates to the authority's financial policies or well-being, then these should be assessed as having equivalent levels of responsibility to those specified in the factor level definitions.

The appropriate equivalences should be determined at local level, and will depend on the actual contribution of the job to the formulation of financial advice or policies and their impact on the delivery of services and the financial well-being of the organisation. Consideration should also be given to whether the responsibility is an individual or shared one. However, **indicative** guidance might be as follows:

Level 2: providing general information, advice and guidance on established internal procedures in relation to finance.

Level 3: providing advice and guidance on the operation of established internal policies and procedures in relation to finance. This may involve interpretation of policies and procedures to meet specific circumstances or problems.

Level 4: providing interpretation, advice and guidance on the operation and implementation of external regulations and statutory requirements in relation to finance. This may require adaptation of internal policies and procedures to meet the demands placed on a service or department.

Or

A shared responsibility for the development of policies and procedures which meet the social, economic, legal or technical demands on a service or department in relation to finance.

The development of such should be seen to have a significant impact on the operation of that service or department.

Level 5: a major responsibility for the development of policies and procedures which meet the social, economic, legal or technical demands on a service or department in relation to finance. The development of such should be seen to have a significant impact on the operation of that service or department.

Level 6: a very major responsibility for the development of policies which meet the social, economic, legal or technical demands on the organisation in relation to finance and which can be seen to have major impact on the operation of, or strategy across, services or departments.

Note: The definitions of “service” and “department” at levels 3, 4, 5 and 6 should be determined locally.

4. **Income Collection and Generation:** should be taken into account, for example:-
- "bidding" for grants from Government, the European Commission and other grant giving bodies;
 - developing financial partnership arrangements with the private sector;
 - collection of Council Tax and other revenues.

Income generation and expenditure sums should not be counted twice, but the nature of the combined responsibility should be taken into account.

Responsibility for Physical Resources

This factor measures the direct responsibility of the jobholder for physical resources, including manual or computerised information; data and records; office and other equipment; tools and instruments; vehicles; plant and machinery; land, construction works, buildings and fittings and fixtures; personal possessions; and goods, produce, stocks and supplies.

It takes into account the nature of the responsibility, for example, safekeeping, confidentiality and security; deployment and degree of direct control; maintenance and repair; ordering, purchasing and replacement authority; planning, organising and long term development of the physical resources.

It also takes into account the degree to which other employees contribute to the overall responsibility, the frequency with which the responsibility is exercised and the value of the physical resources.

- Level 1: The job involves limited, or no, direct responsibility for physical resources. The work may involve limited handling or processing of information or careful use of low value equipment or care of the limited personal possessions of others.
- Level 2: The job involves some direct responsibility for physical resources. The work regularly involves either:
- (a) handling and processing of manual or computerised information, where care, accuracy, confidentiality and security are important or:
 - (b) careful use of expensive equipment or:
 - (c) cleaning of buildings, external locations or equivalent or:
 - (d) some responsibility for security of buildings, external locations or equivalent or:
 - (e) day-to-day maintenance of equipment or premises or:
 - (f) care of the personal possessions of others or:
 - (g) ordering, or stock control of, a limited range of supplies.

- Level 3: The job involves considerable direct responsibility for physical resources. The work involves either:
- (a) handling and processing of considerable amounts of manual or computerised information, where care, accuracy, confidentiality and security are important or:
 - (b) cleaning, maintenance and repair of a range of equipment, buildings, external locations or equivalent or
 - (c) regular careful use of very expensive equipment or:
 - (d) security of buildings, external locations or equivalent or:
 - (e) ordering, or stock control of, a range of equipment and supplies.
- Level 4: The job involves high direct responsibility for physical resources. The work involves either:
- (a) adaptation, development or design of significant information systems or
 - (b) adaptation, development or design of a wide range of equipment, land, buildings, other construction works or equivalent or:
 - (c) security of a range of high value physical resources or:
 - (d) ordering of a wide range of equipment and supplies or:
 - (e) making a significant contribution to the adaptation, design or development of either large-scale information systems for use by others, or of a range of equipment, land, buildings, other construction works or equivalent.
- Level 5: The job involves a major direct responsibility for physical resources. The work involves either:
- (a) adaptation, development or design of large-scale information systems for use by others or:
 - (b) adaptation, development or design of a wide and high value range of equipment, land, buildings, other construction works or equivalent or
 - (c) security of a wide and very high value range of physical resources or:

- (d) ordering of a wide and high value range of equipment and supplies.

Level 6: The job involves a very major direct responsibility for physical resources. The work involves overall responsibility for the procurement and deployment of substantial physical resources. The responsibility includes long-term planning of the procurement and deployment of physical resources and changing the source, nature, level and composition of such resources to meet service or other requirements.

Responsibility for Physical Resources - Guidance

1. The job should be evaluated according to the highest level of Responsibility for Physical Resources. For example, a job involving regular use of very expensive equipment and care of the personal possessions of clients should be assessed at level 3, in line with the first of these features.
2. **Amounts of Information:** "considerable amounts" of information (at level 3) include:-
 - processing electoral register data;
 - processing benefit contribution forms or records.
3. **Expensive Equipment:** "very expensive" items of equipment (at level 3) include:-
 - heavy plant;
 - a refuse lorry or similarly adapted large vehicle;
 - a mainframe computer system, where the jobholder has active responsibility for its operation;
 - dedicated in-house printing system or operation.

"Expensive" items of equipment (at level 2) include:-

- a car, used only for local authority purposes;
- a minibus or transit van, used for transporting passengers or goods.

A computer terminal or PC is basic equipment (level 1), because the active responsibility for its careful use is very limited.

4. **Security:** examples of "some responsibility" for security (level 2) are:-
 - keyholder responsibility for part or all of a building, external location or construction site;
 - responsibility for opening or closing (with keys) one or more buildings;
 - responsibility for checking windows, switching on alarm systems or similar, where there is no caretaker.

Examples of level 3 security responsibilities include acting as security guard or attendant, where this is a major job feature.

5. **Equivalent Levels of Responsibility for Physical Resources:** it is impossible to specify all forms of responsibility for physical resources, as many jobs in many departments may contribute to the overall responsibility. For example, IT help-desk or advisory staff, jobs involving policy advice or development in relation to any form of physical resources, for example, on IT systems or traffic management schemes.

Policy development, advisory or research jobs whose **main** focus is on physical resources should be assessed as having equivalent levels of responsibility to those specified in the factor level definitions. The appropriate equivalences should be determined at local level, and will depend on the actual contribution of the job to the formulation of advice or policies in relation to physical resources and their impact on the delivery of services and the financial well-being of the organisation. Consideration should also be given to whether the responsibility is an individual or shared one. However, **indicative** guidance might be as follows:

Level 2: providing general information, advice and guidance on established internal procedures in relation to any form of physical resources

Level 3: providing advice and guidance on the operation of established internal policies and procedures in relation to physical resources. This may involve interpretation of policies and procedures to meet specific circumstances or problems.

Level 4: providing interpretation, advice and guidance on the operation and implementation of external regulations and statutory requirements in relation to physical resources. This may require adaptation of internal policies and procedures to meet the demands placed on a service or department.

Or

A shared responsibility for the development of policies and procedures which meet the social, economic, legal or technical demands on a service or department in relation to physical resources. The development of such should be seen to have a significant impact on the operation of that service or department.

Level 5: a major responsibility for the development of policies and procedures which meet the social, economic, legal or technical demands on a service or department in relation to physical resources. The development of such should be seen to have a significant impact on the operation of that service or department.

Level 6: a very major responsibility for the development of policies which meet the social, economic, legal or technical demands on the organisation in relation to physical resources and which can be seen to have a major impact on the operation of, or strategy across, services or departments.

Note: The definitions of “service” and “department” at levels 3, 4, 5 and 6 should be determined locally.

Working Conditions

This factor measures exposure to disagreeable, unpleasant, uncomfortable or hazardous working conditions arising from the environment or from work with people.

It covers the frequency, duration and nature of conditions, such as dust, dirt, temperature extremes and variations, humidity, noise, vibration, fumes and smells, human or animal waste, steam, smoke, grease or oil, inclement weather, lack of privacy or isolation, and the risk of illness or injury arising from exposure to diseases, toxic substances, machinery or work locations. It also covers abuse, aggression and risk of injury from people.

The factor measures those aspects of the working environment which are unavoidable and integral to the job. Health and safety regulations and requirements are assumed to be met, but the requirement to wear protective clothing may create disagreeable or uncomfortable conditions.

The emphasis of this factor is on the degree of unpleasantness or discomfort caused. This takes into account the frequency, intensity and duration of exposure to particular conditions; and the additional effect of variations or combinations of conditions.

Level 1: The job involves minimal exposure to disagreeable, unpleasant or hazardous:

- environmental working conditions or:
- people related behaviour.

Level 2: The job involves some exposure to disagreeable, unpleasant or hazardous:

- environmental working conditions or:
- people related behaviour.

Level 3: The job involves considerable exposure to disagreeable, unpleasant or hazardous:

- environmental working conditions or:
- people related behaviour.

Level 4: The job involves high exposure to disagreeable, unpleasant or hazardous:

- environmental working conditions: or
- people related behaviour.

Level 5: The job involves very high exposure to disagreeable, unpleasant or hazardous:

- environmental working conditions: or
- people related behaviour.

Working Conditions - Guidance

1. **Scope of Factor:** covers all **people related behaviour**, including any form of verbal abuse and aggression from people other than immediate work colleagues; and **environmental working conditions**, including the risk of injury from people, dirt, smells and noise resulting from both the physical environment and contact or work with people.

The emphasis is on the **degree of unpleasantness or discomfort** encountered, which is affected by the frequency, intensity and duration of exposure to particular conditions.

2. The factor has five levels, from minimal to very high. "Minimal" includes **either** occasional exposure to disagreeable conditions (environmental or people related) **or** more frequent exposure to marginally unpleasant conditions. "Considerable" includes regular exposure to disagreeable conditions. "High" and "very high" cover continuous (or almost continuous) disagreeable or very disagreeable conditions respectively.
3. **Indoor/Outdoor Work:** outdoor work generally involves more exposure to disagreeable conditions than indoor work, but consideration must be given to all other features, for example:
 - whether or not the outdoor work can be organised to minimise exposure to cold and wet and maximise exposure to sun and warmth;
 - other unpleasant aspects e.g. fumes, smells, noise, abuse;
 - whether or not the indoor work involves exposure to heat, cold or abuse from people;
 - the extent to which the work can be organised by the jobholder to lessen the exposure to unpleasant conditions, and the level of control over the conditions.

Where a job is split between indoor and outdoor work, the frequency of each, and any other relevant features, should be taken into account.

4. **Personal Comfort Levels:** the degree and nature of the unpleasantness, and the frequency and duration with which it is encountered should be assessed, rather than individual responses to these, which vary. For example, some people are better at withstanding cold, or prefer heat; some are better at withstanding abuse. Responses may also vary with the familiarity with the condition, for example, some people become accustomed to an odious human or environmental smell.
5. **Hazards/Risk of Injury:** are included, because it is recognised that some jobs are inherently more hazardous than others. The scheme assumes that all appropriate precautions and safeguards are taken, for example, special training, protective measures and clothing, being accompanied by another responsible person where feasible.

The extent of hazards and risk of injury takes into account the likelihood of such incidents occurring. This may vary between similar jobs, depending on their precise nature, location and degree of isolation.

SCORING and WEIGHTING MATRIX												
Factors and Points per Level												
Level	Knowledge and Skills			Effort Demands				Responsibilities			Env. Demands	
	Knowl edge	Mental	Comm. Physical	Init & Indep	Physical	Mental	Emotional	People	Super vision	Fin. Res.		Phys. Res.
1	20	13	13	13	10	10	10	13	13	13	13	10
2	40	26	26	26	20	20	20	26	26	26	26	20
3	60	39	39	39	30	30	30	39	39	39	39	30
4	80	52	52	52	40	40	40	52	52	52	52	40
5	100	65	65	65	50	50	50	65	65	65	65	50
6	121	78	78	78	-	-	-	78	78	78	78	-
7	142	-	-	91	-	-	-	-	-	-	-	-
8	163	-	-	104	-	-	-	-	-	-	-	-
Factor%	16.3	7.8	7.8	10.4	5.0	5.0	5.0	7.8	7.8	7.8	7.8	5.0
Heading%		38.4		10.4		15.0				31.2		5.0

PART 4.1: APPENDIX 2

Local Government Single Status Job Evaluation Scheme - Grading Appeals

Model Procedure

- 1 An employee who wishes to appeal against the grading of his/her job must submit the claim in writing to management setting out the grounds for the application.
- 2 As a first step, the appeal should be discussed with the employee, a representative of management and her/his union representative as soon as possible. A representative of the department responsible for maintaining the JE scheme for the authority should also be present.
- 3 If the appeal is not settled and/or withdrawn, the first stage of the formal appeal must commence within a timescale agreed at local level.
- 4 The appeal will be heard by a joint panel at authority level. The panel will consist of representatives from the recognised trade unions and management and/or elected members. An independent person may be appointed to chair the panel.
- 5 The decision of the joint panel is final.
- 6 The local parties may agree to a further appeals mechanism to apply in exceptional cases where the panel fails to reach agreement. This may involve the provincial/associated council.
- 7 The NJC recommends that appeals should be dealt with within three months of being submitted.
- 8 Nothing in this procedure shall prejudice the legal rights of the employee and the employer.

Local Government Job Evaluation Scheme - User's Manual

I Introduction

- 1.1 The Local Government Job Evaluation Scheme has been developed jointly by the National Joint Council for Local Government Services. It is the only scheme that has been developed with the explicit purpose of covering the full range of jobs within the scope of the National Joint Council.
- 1.2 Single status, as it is understood and intended by the National Joint Council, will not be achieved until all jobs within its scope in an authority are graded on a common basis in accordance with fairness and equal pay legislation. The evaluation process results in a series of point scores for each of the jobs evaluated. The resulting scores should be used as the basis for a new grading structure for all jobs.
- 1.3 Job evaluation gains maximum acceptance in the workplace when it is “owned” by both the employer and the employee. This scheme has been developed jointly by the employers and trade unions nationally on the basis that that joint partnership operates within the authority.
- 1.4 This manual is intended for use at local level where the scheme has been adopted and should be read in conjunction with the Part 4 Guidance on the scheme. It will be essential that all union and employer representatives involved in introducing and applying the scheme receive full training.
- 1.5 The Users' Manual has the status of a Part 4 provision offering further guidance on applying the scheme.

2 Equalities Issues

- 2.1 The scheme has been designed to be free from gender bias and discrimination on the grounds of race, sexuality, religious belief, age and disability. The following issues are particularly susceptible to bias:
 - ◆ how information about the scheme is made available

- ◆ how information is gathered from job holders for evaluation
 - ◆ the selection of jobs for evaluation
 - ◆ the make up of evaluation and appeals panels
 - ◆ the conduct of appeals
 - ◆ stereotypes and/preconceptions about the status and worth of individual jobs
 - ◆ access to appeals
 - ◆ the relationship between evaluation scores and grading/rates of pay.
- 2.2 Employer and union representatives should be aware at the outset that avoiding sex bias in evaluating jobs will mean that existing relativities are challenged and may be altered.
- 2.3 Equality training is essential for all union and employer representatives who are involved in job evaluation, particularly for those interviewing job holders and/or gathering information about job content, and for evaluation panel and appeal panel members. Specialist trainers will need to be knowledgeable about the scheme as well as equality and equal pay issues. The use of equal opportunities specialists at other points in the process may also be considered.
- 2.4 Information about the scheme and its operation may need to be provided in a range of formats to take account of disabled employees and for employees for whom English is not their first language.
- 2.5 Communications from the authority and the unions need to reach all those covered by the review. This will include those employees absent on maternity leave (and other approved long term leave including sick-leave); part-time employees and job-sharers, those working non-standard hours and employees who work away from main buildings.
- 2.6 Access to the appeals procedure must be open to all employees.

- 2.7 The results of evaluations and appeals should be jointly monitored over a period of time on a regular basis to ensure that scoring, grading and pay outcomes remain free from sex and race bias.

3 Getting Started - The Steering Group

- 3.1 Having made the decision to use the scheme, responsibility for its implementation should be given to a joint steering group. The steering group as a priority will need to consider and agree on:

- ◆ training for all union and management representatives who will be directly involved in gathering information about jobs and evaluating them
- ◆ the ways in which the scheme and its implementation will be communicated to employees (including named union and employer contacts). Progress on implementing the scheme should be reported on a regular basis, in general and in relation to individuals' jobs
- ◆ how specialist advisers on equal opportunities and equal value might be involved
- ◆ the composition of the joint evaluation panel/panels, including arrangements for chairing and gender/race balance
- ◆ the basis on which jobs are to be selected for evaluation
- ◆ the terms on which there should be protection against the loss of remuneration
- ◆ the appeals procedure
- ◆ overall timescales for the evaluation process
- ◆ arrangements for monitoring the work of evaluation panels

4 Selecting Jobs To Evaluate

- 4.1 Over time, every job (but not necessarily every job holder) in the authority should be evaluated. However, as every job in the authority cannot be evaluated immediately, the steering group will need to decide which jobs will be evaluated as a priority, the order in which jobs are to be evaluated and the timescale for evaluations.
- 4.2 The steering group may agree to identify a number of benchmark jobs to evaluate first. Benchmark jobs are selected to be representative of particular levels and types of jobs and can be used as a reference point against which other jobs may be assessed. It is therefore important that they are evaluated consistently across the authority.
- 4.3 Great care must be taken to ensure that the selection of benchmark jobs is representative of the workforce as a whole and that sex and race bias is avoided in the selection and evaluation process. This first tranche of jobs should be representative of the spread of jobs in the authority and should cover the main occupational groups, as well as smaller groups with rarer characteristics. The jobs selected should reflect a gender balance and a mix of part-time/full-time jobs.

5 Gathering Job Information: Using The Job Description Questionnaire

- 5.1 Collecting accurate job description information is a crucial part of the job evaluation process. A standard job description questionnaire has been drawn up to be used as an integral part of the scheme. All authorities implementing the scheme are strongly recommended to use the job description questionnaire (JDQ).
- 5.2 The JDQ should be used as:
 - ◆ it provides a standard format which delivers information needed to cover all the scheme's factor headings and allows a proper comparison of different jobs;

- ◆ it has been designed to be compatible with a computerised scoring system which may apply to the scheme in future.
- 5.3 Job descriptions created for recruitment purposes or employment contracts are unlikely to provide sufficient relevant information for job evaluation, and may distort the functioning of the scheme because they are rarely in a common format and are produced over many years. Older job descriptions are unlikely to reflect changes to jobs which have taken place in the intervening period. Generic job descriptions should also be avoided because they may be unreliable.
 - 5.4 All employees whose jobs are to be evaluated should be advised in advance and given an explanation of the job evaluation process. Job holders must be involved in completing the JDQ and should be encouraged to provide all relevant information.
 - 5.5 The job holder should be provided with an opportunity to look through the questionnaire prior to an interview where the JDQ will be completed and discuss it with their trade union representative. This will allow those involved to understand the order of questions and when to provide information that is relevant. Arrangements may need to be made to accommodate the needs or preferences of disabled job holders in completing the JDQ e.g. provision of a larger print or audio materials.
 - 5.6 The JDQ should normally be completed at an interview between the job holder, a representative of management and a union representative.
 - 5.7 Interviews in a standard format, following the JDQ, help to maintain consistency and ensure that all aspects of the job are captured. This will expedite the evaluation stage of the process. The information given to interviewers must be recorded in a clear and concise manner on the JDQ (unexplained abbreviations should be avoided). Job holders should not be made to feel pressured or rushed to get through the interview. There will be a responsibility on interviewers to adopt a professional and bias-free approach. Training will be required for those unfamiliar with interviewing techniques.

Interpretation or translation facilities should be provided as appropriate.

- 5.8 Where job holders do not work during all normal office hours e.g. part-timers, shift workers etc, interviews need to be arranged at times and places suitable to them.
- 5.9 The completed JDQ should be signed by the job holder, the line manager and the trade union representative. Disagreement over the content of the job is best resolved at interview but if this is unsuccessful, the job should not be evaluated until the matter is settled.
- 5.10 It is particularly important at these early stages to establish confidence in the process on the part of all those involved - management, union representatives and employees. Once confidence is gained and the scheme is better understood by all, a simpler method of gathering job information, using the JDQ, may be agreed.
- 5.11 Job titles should not identify the gender of the job holder. Nor should the sex of the job holder be identified in the JDQ. In particular, personal pronouns (his/her, he/she) should not be used, instead the descriptions used should simply refer to the "job holder".
- 5.12 Gender-bias can creep in in the use of language used to describe jobs, e.g. there is a tendency to describe jobs typically done by men in a more technical or complex way. This tendency needs to be noted and avoided in completing the JDQ. The JDQ answers should not contain interpretation, analysis or assumptions about how information given will fit the scheme.
- 5.13 Care should also be taken to ensure that aspects of jobs typically done by women are not omitted or under-described. Nor should features which typically characterise men's jobs be over-emphasised.
- 5.14 Everyone involved in gathering job information and evaluating jobs must observe confidentiality in respect of information supplied by job holders.

6 Joint Panels

- 6.1 Evaluation panels should:
- ◆ comprise equal numbers of union and employer representatives.
 - ◆ be balanced in terms of gender and race (as far as is practicable).
 - ◆ be a workable size i.e. not so large as to be unwieldy but not so small as for its work to be burdensome.
- 6.2 The chair may be appointed from within the panel. Or the chair may rotate on an agreed basis. Alternatively, the steering group may agree to appoint an independent chair (or chairs).
- 6.3 Before panels sit, panel members (including independent chairs) should receive training about the scheme and should be well informed about the provisions of the national agreement, and associated NJC guidance on equal opportunities and equal pay and grading.
- 6.4 Panels should agree a quorum and both sides should make arrangements for named (and trained) substitutes. Every effort should be made to ensure consistent membership and attendance on panels.
- 6.5 Efficient administrative arrangements should be made for the work of panels. It is particularly important that consistent, clear records are kept, especially in relation to scoring jobs and appeals decisions.
- 6.6 It is important to ensure that new panel members receive training in the use of the scheme.

7 Evaluating Jobs

- 7.1 Consistency and objectivity are important attributes in evaluation. The following list represents the most common do's and don'ts for evaluators. They should:
- ◆ not make assumptions about the nature or scope of others' jobs. This can lead to underestimation or overestimation of the value of different jobs.

- ◆ ensure that any important job demands are not omitted.
- ◆ ensure that there is no double counting of job demands.
- ◆ be wary of the “halo effect”, that is an unconscious assumption that a job holder should score highly on all factors, because the job holder has scored well on the first factor(s).
- ◆ be wary of the “reverse halo effect”, that is an unconscious assumption that a job holder should not score well on all factors, because the job holder has not scored well on the first factor(s).
- ◆ be aware that jobs that are known to have high status will not necessarily score highly on all factors. Similarly jobs which have low status will not necessarily score poorly on all factors.
- ◆ not allow prior knowledge about present pay or the status of job holders to influence rating decisions.

7.2 The following points represent good practice which may be helpful to evaluation panels:

- ◆ the decision making process of the panels should be monitored.
- ◆ everyone on the panel should have an opportunity to score the job individually before any discussion about reason or differences begin. This would normally be done before the panel meets.
- ◆ job scores should be reviewed to check that there are no consistent differences on gender lines. For example, that the top/high score for each factor is not given to male dominated job classes.
- ◆ awareness of how descriptions and job titles can be applied to undervalue jobs done by women.
- ◆ a record should be kept of decisions on the meaning of words in the factor plan such as “same” or “simple”.
- ◆ consensus decisions on job scores should be recorded on the “reasons for decisions” sheets.

- ◆ it is always appropriate to go back to previous jobs in the light of a present discussion or to re-examine the reasons for the score given.
- ◆ feedback to employees at the end of the exercise.
- ◆ ensure that panels are continually reminded of the need for consistency.

- 7.3 Where a reasonable adjustment is made to a job under the provisions of the Disability Discrimination Act 1995 (DDA), evaluation should generally follow the principle of evaluating the job, not the job holder. For example, where a reasonable adjustment involves the disabled job holder using technology that the post would not otherwise require or the re-allocation of **minor** or subsidiary duties to another employee, these modifications should not affect the evaluation of the post. Where, however, **major** adjustments are made to the duties of a post, beyond what might be deemed “reasonable”, in order to enable a disabled person to take or stay in the job, and which substantially alter the job, the job should be re-evaluated as a “changed” job. Guidance and examples of “reasonable adjustment” are provided in the “Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability”.
- 7.4 Wherever possible, panels should reach a consensus on the evaluation of individual jobs and every effort should be made to do so. In the event of strong disagreement, it often helps to put that job aside and return to it after a number of (possibly similar) jobs have been evaluated. Panels’ decisions (and the reason for them) must be recorded giving scores by factor as well as the total scores for each job.

8 Re-evaluation and Appeals

- 8.1 Where the scheme is adopted, appeals against grading will be dealt with using the scheme. It is important to the maintenance of the integrity of the scheme that no other process is used.

- 8.2 The NJC Part 4 Guidance on the scheme sets out the grounds for re-evaluation and appeals. Appeals normally arise because employees believe that their jobs have changed and their pay no longer reflects the value of their present job. The job evaluation scheme provides an objective way to test that claim - changes can be identified and their value measured. Usually an appeal against the grading of a job will result in a re-evaluation of the job by an evaluation panel.
- 8.3 Where jobs are restructured, for example arising from a departmental review, they should be evaluated by a panel.
- 8.4 Once an evaluation or re-evaluation has been conducted and the result passed to an employee, the scheme allows for the employee who remains dissatisfied to appeal further. A model procedure is appended to the Part 4 Guidance on the scheme.
- 8.5 The appeal against evaluation might be considered by people who are usually not involved with the everyday operation of the scheme. It is important therefore that all those sitting on appeal panels are fully trained in equality awareness and the scheme to maintain its integrity.

9 Further Information

Contact Organisations

Association of Local Authorities in Northern Ireland
123 York Street
Belfast
BT15 1AB

The Commission for Racial Equality
Elliot House
10/12 Allington Street
London SW1E 5EH

The Convention of Scottish Local Authorities
Rosebery House
9 Haymarket Terrace
Haymarket
Edinburgh EH12 5XZ

Equal Opportunities Commission
Overseas House,
Quay Street
Manchester M3 3HN

GMB
22/24 Worple Road
London SW19 4DD

Local Government Association
26 Chapter Street
London SW1P 4ND

Local Government Management Board
Layden House
76-86 Turnmill Street
London EC1M 5QU

Northern Ireland Public Services Alliance
Harkin House
54 Wellington Park
Belfast BT9 6DZ

Provincial/Associated Councils in England and Wales, Northern
Ireland and Scotland

Transport & General Workers Union
Transport House
Palace Street
London SW1E 5JD

UNISON
1 Mabledon Place
London WC1H 9AJ

Publications

- ◆ EOC Code of Practice on Equal Pay (1997)
- ◆ EOC Good Equal Opportunities Practice in Analytical Job Evaluation: A Checklist
- ◆ EOC Job Evaluation Schemes Free of Sex Bias (1994)
- ◆ European Union Code of Practice on Equal Pay (1997)

- ◆ National Joint Councils' Equal Opportunities Guidance (see Part 4.2)
- ◆ National Joint Council for Local Government Services Guidance on Equal Pay and Grading (1998)
- ◆ Race Relations Code of Practice: For the elimination of racial discrimination and the promotion of equality of opportunity in employment, CRE, (1984)
- ◆ Local Authorities and Racial Equality, CRE, (1995)
- ◆ Racial Equality Means Quality: A Standard For Racial Equality for Local Government in England and Wales, CRE, (1995)
- ◆ Racial Equality Means Quality: A Standard For Racial Equality for Local Government in Scotland, CRE, (1995)
- ◆ The Gender Impact of Compulsory Competitive Tendering in Local Government, EOC, (1995)
- ◆ LGMB Disability Discrimination Act Employment Guide (1996)

Local Government Job Evaluation Scheme- Guidance on the Computerised Version

I Introduction

- 1.1 The computerised version of the Local Government Job Evaluation Scheme has been developed for the National Joint Council by Pilat (UK). It has been designed to accord with the principles of the scheme - single status, joint ownership, openness and equality.
- 1.2 Use of the computerised version should also accord with these principles. Therefore this guidance is intended to supplement the joint advice on the scheme set out in Part 4 with some adaptations for use of the computerised version.
- 1.3 Use of the computerised version will enable the process of evaluation to be carried out more speedily and efficiently; whilst preserving the integrity of the scheme. In essence the computerised version embeds the “paper version” of the scheme within the Gauge software. The only change has been the necessary modification of the original job description questionnaire to make it computer compatible.

2 Getting started - The decision to use the computerised version

- 2.1 Presentations on the computerised version of the scheme should be conducted jointly. There should be a joint recommendation from the unions and the employer for the authority to use the computerised version.
- 2.2 The decision to use the computerised version should be communicated to employees quickly on a joint basis.
- 2.3 It remains essential that everyone who will be involved with the job evaluation exercise must have training about the Local Government Scheme itself, i.e. its principles, factors, weightings/scoring matrix, its operation and equalities criteria. This is particularly important in the case of steering group members, panel members evaluating benchmark sample jobs, job analysts i.e. those interviewing job holders, appeal panel

members, union representatives, personnel and other management staff.

- 2.4 Training in the use of the computerised version will also be required for those who will be directly involved in operating it and for management and union representatives who will have a role in its use. For its clients, Pilat (UK) will train designated staff in the use and administration of the software and provide user support.
- 2.5 Union representatives and management/personnel staff who have already been trained in the use of the “paper version” of the scheme are a valuable resource. They can be deployed in briefing employees about the computerised version, assisting job holders in familiarising themselves with the evaluation process and acting as facilitators at interviews with job holders.

3 The Steering Group

- 3.1 A joint steering group will still be required where the computerised version is used. (The Part 4 Users’ Manual recommends how this should be set up.)
- 3.2 It should agree the benchmark sample of jobs to be evaluated on exactly the same basis as would apply using the “paper version” of the scheme.
- 3.3 It will need to be agreed who has access to operating the scheme (on a password protected basis) and on what basis (e.g. who is going to be the system administrator, who will amend the help screens to incorporate locally agreed conventions, who will input answers from job holders at interviews).
- 3.4 Only a very limited number of steering group members (one or two) should be permitted to amend help screens to record the local conventions which have been jointly agreed by the steering group. (Beyond this, the software cannot be modified by users.)
- 3.5 The steering group should agree what information is going to be recorded for each entry on the “log-in screen” in addition to the job title. This should include the employee’s payroll or

post number, department/service, gender, ethnic origin and current grade. This information (held confidentially) is vital for checking and analysing the results of evaluations and devising grading structures. Recording gender and ethnic origin of job holders is also essential for monitoring scoring, grading and pay outcomes, as recommended by the Green Book, to ensure that they are free from sex and race bias.

- 3.6 The steering group should agree a protocol on access to the data deriving from the evaluation of jobs. Appropriate access needs to be agreed for union representatives and personnel staff, e.g. the rank order of point scores, print-outs of questionnaire answers (where requested), print-outs of job overviews and results broken down by gender and ethnic origin. Data should not identify individual job holders, except where disclosure is necessary where the union is representing an individual member/s in respect of an appeal under the scheme or a grievance.

4 Evaluating the benchmark sample

- 4.1 Joint panels will still need to be set up to evaluate the benchmark sample of jobs.
- 4.2 Only one or two panels will be required for this exercise where the computerised scheme is to be used.
- 4.3 At the outset the steering group (or the joint panel set up to evaluate the benchmark sample) needs to agree the provisional local conventions or definitions which are required by some of the factors (e.g. financial responsibility). Evaluating the benchmark sample of jobs will allow the panel to test that the local conventions are right. The finally agreed conventions will then be incorporated into the software (where they will appear on the relevant help screen). Testing is important as once the conventions are “fixed” after the benchmark sample exercise, they must apply unchanged throughout the evaluation process to avoid inconsistent results.
- 4.4 The size of the benchmark sample will vary depending on the range of jobs within the authority. However, use of the

computerised scheme may reduce the need for a large sample because its proper use should enable consistent evaluations to be arrived at more quickly. The crucial point is that the benchmark sample is representative of the spread of jobs in the authority; and that the local conventions are tested and found to be satisfactory.

- 4.5 To begin with, the evaluation of the benchmark sample of jobs should involve the concurrent use of completed “paper” Job Description Questionnaires (JDQs) and computerised evaluations. Firstly, the panel should evaluate a batch of jobs using completed “paper” JDQs. As soon as the panel is satisfied it is evaluating consistently, the same or identical batch of jobs should be evaluated using the computerised version (and the computerised JDQ). This exercise enables the panel to test that the computerised version will produce the same results as properly conducted panel evaluations. Providing provisional local conventions have been agreed, the rest of the benchmark sample may be evaluated using only the computerised version.
- 4.6 The scores for jobs comprising the benchmark sample may be deemed provisional until the steering group is satisfied that the local conventions have been adequately tested and that any anomalies in scoring have been addressed. Evaluations beyond the benchmark sample should not take place until the local conventions have been tested and agreed, as they cannot be altered thereafter without endangering the validity of earlier evaluations.
- 4.7 The steering group will need to decide its approach to disclosure of scores to job holders within the authority. A distinction needs to be made between the rights of access to data for individual employees in respect of their own jobs and wider disclosure. For example, it would not be advisable to disclose the provisional scores of the benchmark sample of jobs to other than the individual employees concerned (upon request), as the local conventions applied may be amended during or after the evaluation of the benchmark sample. Likewise, the steering group may decide to refrain from disclosing the results of evaluations within the authority until after a provisional grading structure is determined.

5 Interviewing job holders

- 5.1 The process of interviewing job holders remains the same as for using the “paper version” of the scheme, except that the job holder’s answers are recorded straight onto the computer by the interviewer/facilitator; and the questions only allow for “closed format” answers. However it is important to assure job holders that the computerised JDQ has been designed to capture the same information as the paper JDQ.
- 5.2 Prior to starting interviews with any job holders, arrangements should be made to brief all employees about the process, starting with those whose jobs are to be included in the benchmark sample. Job holders should have the opportunity to familiarise themselves with the format of the computerised job description questionnaire. Excerpts from the questionnaire should be made available to all employees. However it is not necessary for job holders to have prior access to the full questionnaire. Not all questions will be relevant to all job holders; and as the computerised questionnaire uses closed format questions, full disclosure may prejudice the results.
- 5.3 Facilities should be provided to interpret and/or translate the computerised JDQ and related information into required languages as appropriate. The computerised JDQ should also be made available in formats suitable for employees with visual impairment (e.g. large print, braille). The needs of disabled employees must be met throughout the evaluation process.
- 5.4 All interviewers/facilitators should be trained in accordance with the joint advice set out in the Part 4 Users’ Manual on the paper version of the scheme. The questions can be read from the screen, either by the job holder or by the interviewer/facilitator. Great care must be taken by the interviewer/facilitator in explaining or re-phrasing the questions to job holders (where there is scope to do so). Under no circumstances should a job holder be asked or required to complete the computerised questionnaire on their own or input the data onto the computer themselves. It is crucial that the interview with the job holder is conducted properly and that answers to questions are entered onto the

computer correctly. For accuracy, they should be checked with the job holder. This is important because a grounds for appeal is that the JDQ did not provide complete information.

- 5.5 The software has the facility to record comments in text which the job holder may wish to make. The comments can then be attached to the evaluation record in question. The comments do not affect the evaluation, but they can be valuable to justify an answer, or to note a disagreement over an answer that will need to be resolved before the evaluation is “signed off.” The record of comments may also assist the joint steering group in monitoring provisional evaluations to check for consistency. (Once the comments have been entered to the record, access to them is “read only” i.e. they cannot be altered.)
- 5.6 At the end of the interview the job holder should be given the printed-out statement of the job overview which the computer compiles as the interview proceeds. This should be signed off either at the interview or as soon as is practicable, by the job holder, the line manager and the union representative. (If there is a disagreement over the content of the job, this should be resolved if possible at the interview. If this is not possible, the evaluation should be suspended until the matter is resolved.) It is recommended that job holders be given a print-out of all or some of their answers if requested. This facility should be made known to job holders, as it will assist in checking that the JDQ answers provided complete information about the job. As the print-out of the computerised JDQ is much longer than the paper version of the JDQ, it is not advisable (nor necessary) to give a full copy to the job holder, as the computer can selectively print out the answered questions only, if required. (The software contains a library of over 400 questions, but on average a job holder will answer 50-80 questions.)
- 5.7 Lastly, it should be noted that the job over-view which is generated by the computer (based on the jobholder’s answers) is not a job description.
- 5.8 Once the person inputting the answers is proficient at operating the software, normally the interview should take no more than an hour.

6 Appeals

- 6.1 The grounds for re-evaluations and appeals remain as set out in the Green Book. However in practice use of the computerised version should significantly diminish the scope for appeals. In particular it should virtually eliminate appeals on the grounds that the scheme has been wrongly applied as use of the computerised version will remove the potential for inconsistent panel results, particularly over time.
- 6.2 As with the “paper version” of the scheme, if a job holder is dissatisfied with the evaluation of their job, as a first step, there should be an informal discussion with the appropriate manager and the union representative to identify the problem and resolve it if possible.
- 6.3 In considering requests for re-evaluations, use of the computerised version will enable the records to be quickly analysed and particular factors to be identified where the evaluation result may be disputed.
- 6.4 Re-evaluations should be conducted using the computerised version. A freshly completed JDQ (or part thereof) should be used. It may also be advisable for a different (trained) person to conduct the interview.
- 6.5 Where the local parties agree to a further appeals mechanism outside the authority (as referred to in Part 4.1, Appendix 2), any such re-evaluations/appeals would have to ensure that the originating authority’s local conventions applied.

7 New jobs

- 7.1 The computerised version should be used to evaluate new jobs using the computerised version JDQ, completed to reflect the anticipated demands of the job. The evaluation should then be checked six months after appointment at an interview with the job holder, using the computerised JDQ.

8 Equalities.

- 8.1 It is important that all the advice on good practice set out in the Green Book on equalities and the Local Government Job Evaluation Scheme is followed for the computerised version.

PART 4.2 Equal Opportunities Guide

INTRODUCTION

The National Joint Council believes that it is important for public bodies such as local authorities to give a lead on good equal opportunities practice. Both local authorities and trade unions intend to be at the forefront of work on equal opportunities and this Guide is part of that commitment. If local councils are to retain the confidence of all the communities they aim to serve they should reflect the make-up of these communities within their workforce. And, as a focal point of community opinion, they should lead the drive for equal opportunities by example. As employers they are covered by the sex discrimination legislation and the legislation aimed at improving the employment opportunities of people with disabilities. Additionally local authorities have a specific duty to promote racial equality in employment.

Equality of opportunity makes good business sense. Making equal opportunities a cornerstone of their work helps councils to:

- ◆ use resources efficiently and effectively to deliver quality services;
- ◆ combat discrimination against particular groups in the workforce and the community;
- ◆ make the most of their greatest asset - the workforce;
- ◆ recruit and retain quality staff;
- ◆ improve motivation and performance;
- ◆ reflect the composition and diversity of the local community at all levels of the workforce;
- ◆ break down the barriers of discrimination and nurture cooperation.

Although steps have been taken to reduce direct discrimination in recent years, indirect discrimination is still a major problem. Inferior conditions of service for part-time workers (who are mainly women), access to employment and services for disabled people and other less obvious but no less important areas of discrimination exclude groups of people from the workforce or deny them equal employment rights, opportunities for advancement and career progression.

This Guide is intended to be a reference document which sets out practical principles local authorities can adopt as employers to further equal opportunities. It is also written as guidance for elected members, managers, employees (and potential employees), and trade unionists. Personnel managers, equal opportunities specialists and other experts who need to implement personnel policies have their own sources of advice. It is not the purpose of this Guide to supplant those sources, and a list of publications which develop practical approaches to the detailed aspects of implementing equal opportunities is included as an **Appendix**.

Each Section of the Guide is set out to convey a range of actions to achieve each aim. However, the National Council acknowledges that there is a wide variation between the size of authorities, the make-up of their populations and the committee systems and management structures authorities have adopted to pursue their policies. The National Council therefore acknowledges that local councils will need to select the appropriate measures to match their circumstances - a single approach by all authorities would not be sensible.

The Equal Opportunities Policy and its Implementation

Aim

To produce a framework for equal opportunities practice across the authority and the means of implementing it.

Actions

- ◆ Develop a policy which suits the needs of the authority, by consulting senior managers, trade union representatives and local community organisations along with the recognised sources of advice;
- ◆ Establish effective mechanisms for putting the policy into effect. Whatever the mechanism chosen there should be a requirement to present an annual progress report;
- ◆ Decide on targets which promote equality of opportunity. These will vary between authorities as no two authorities will start from the same position or have the same challenges. This may require an equalities audit done in consultation with the trade unions;
- ◆ Set realistic deadlines to achieve the targets. The disciplines of a timetable are important but the deadlines must be achievable;
- ◆ Build in ways of monitoring progress;
- ◆ Identify those accountable for implementing the elements of the plan. No one should be in doubt about who is doing what;
- ◆ Write into the plan review dates and criteria. As targets are achieved or other issues arise, the action plan may need to be modified and other priorities set.

Comments

The Equal Opportunities Policy

The policy will contain a statement of commitment which sets out its scope and can be used as a summary of the council's position. It will describe clear objectives and priorities and include measurable targets. The commitment of the council, its top managers and its trade unions must be demonstrated. Finally the policy needs to be

publicised to managers and supervisors, to staff, potential employees and the local community.

The Measures Covered by the Action Plan

The targets within the action plan are aimed at measures to promote equal opportunities which generally fall into two categories -

Authority - wide measures directed at the workforce as a whole, for example running training courses, seminars etc. to raise awareness of equal opportunities and equalities issues; assembling the data on which to plan for equality; recruitment and selection procedures.

Measures aimed at specific groups, for example, eliminating problems of access for disabled people, introducing flexible working conditions for employees with caring responsibilities; adopting HIV policies; providing prayer rooms; setting equality targets. Authorities should consider using the positive action provisions of race and sex legislation, for example in training for women, which can promote equality and increase the participation of particular groups in the workforce in areas where they are under-represented.

The measures taken by authorities need to be appropriate to the size of the organisation and make-up of the population served by the authority.

Recruitment and Selection Procedures

Aim

To ensure that there are no discriminatory barriers to the employment and promotion of members of any group.

Actions

- ◆ When a post becomes vacant an accurate job description, either a new one or an existing one which has been reviewed, should be drawn up before the job is advertised. No unnecessary duties should be included.
- ◆ Person specifications should be written to cover only the qualities essential to the post. Unnecessary physical or language requirements should be avoided. The value of skills gained through non-traditional work e.g. voluntary work should be considered. The competence gained through experience should be balanced against that gained through more formal routes.
- ◆ Application forms should elicit the information about the applicant's suitability for the job. Where other information is collected for equal opportunities monitoring purposes it should be in a form which ensures anonymity. Special provision for those unable themselves to complete a form should be considered e.g. whether a recorded application might be acceptable for someone with a visual handicap.
- ◆ Advertise the vacancy so as to promote equal opportunities. Generally this will mean advertising internally and externally at the same time. Make use of media which reach all parts of the community.
- ◆ Ensure recruiting agencies, if they are used, operate to the same standards as the authority and comply with the authority's policy.
- ◆ Avoid stereotyping in recruitment literature.
- ◆ Criminal offences should not be in themselves a reason for debarring an applicant from equal treatment in the recruitment and selection process where the offence is irrelevant to the duties of the individual as an employee. The only

consideration should be whether the offence is one that makes the individual unsuitable for his or her type of work.

- ◆ Shortlisting should take place against the criteria in the person specification.
- ◆ Record reasons for rejecting/selecting applicants.
- ◆ Interviews should be carefully structured around a common core of questions and only relevant questions should be asked. Where tests are used, these should be non-discriminatory and should be ones that have been shown to be appropriate to the task. Facilities for people with disabilities should be provided for interviews and tests where appropriate.
- ◆ Record the reasons for decisions taken by the interview panel.
- ◆ Ensure that a confidential feedback procedure is available for candidates and that they are aware of it.
- ◆ Authorities should consider setting up a confidential procedure to deal with complaints of discrimination in recruitment.
- ◆ Medical screening should concentrate on health factors pertinent to the tasks.

Comment

Most authorities practice the above measures according to the LGMB's 1993 survey of local government's equal opportunities record. However, as with other aspects of equal opportunities, the importance of reviewing existing practice should be recognised to ensure that procedures have developed along with best practice and to ensure that all employees regardless of employment status are included.

Training

Aims

- ◆ To develop greater understanding of equal opportunities issues and the council's policy among members and the workforce generally.
- ◆ To ensure those staff the council have identified as needing to implement the equal opportunities measures are capable of doing so.
- ◆ To encourage and train members of groups who are under-represented in the workforce or who have been traditionally excluded from training programmes, e.g. part-time and temporary workers.

Actions

- ◆ The appropriate department e.g. central personnel, chief executive's, should be made responsible for a programme of courses which address discrimination, so that all of the council's workforce is reached;
- ◆ The programme of courses will need to be prioritised;
- ◆ Induction courses for new employees should include training on the local authority's equal opportunities policy;
- ◆ Those who need a more detailed knowledge of the anti-discrimination measures the authority has adopted, for example, those with a part to play in recruitment and management of staff, should be given appropriate training;
- ◆ Pre-employment training, which is directed at the long-term unemployed where disadvantaged groups are often over-represented should be investigated. (Grants are available from the Employment Service for such courses);
- ◆ A programme of positive action training for employees of an under-represented racial group or sex should be developed;
- ◆ Local authorities should facilitate training for disabled people to open up opportunities for employment and career advancement for which grants may be available;

- ◆ In designing occupational and career progression courses the needs of disabled people should be borne in mind. As well as accessibility, there is the question of the format of materials, for example in braille or on tape.

Comments

A programme to raise awareness of equal opportunities issues and thus combat discrimination is a long-term project and is often best achieved if participation is voluntary. The priorities the council sets in this programme will depend on the make-up of the local community and its own progress along the equal opportunities path.

The law provides for positive action in training for areas where one racial group or one sex is under-represented. Positive action training to develop potential supervisors or managers, or to develop specialist skills or provide for special needs (for example, an English language course for speakers of a different language) benefits both employees and the local authority alike as well as sending strong signals about commitment to equal opportunities. To avoid legal pitfalls, however, authorities need to be sure that the group targeted by the positive action is under-represented and are advised to consult their legal advisers before implementing their proposals.

Equal opportunities awareness training should be available to all employees and arrangements made to ensure that they can participate fully.

Pay, Grading and Conditions of Service

Aim

Pay, grading and conditions of service. at both national and local level, should seek to ensure consistency, transparency and equality.

Actions

The aim may be achieved by:-

- ◆ evaluating jobs by the same analytical and non-discriminatory method
- ◆ using criteria for assessing salary at appointment which are consistent and non-discriminatory
- ◆ including pay and grading in the equal opportunities monitoring process and reviewing on a regular basis
- ◆ training managers and personnel involved in decision-making on pay, grading, appointment and promotion to be aware of potential direct and indirect discrimination
- ◆ ensuring that equal pay and equal treatment initiatives are extended to casual, temporary, full-time and part-time staff.

Comments

Pay

The local authority's pay structure should comply with the 1984 Regulations on 'Equal Pay for Work of Equal Value'. Job evaluation schemes, bonus schemes and merit payments must be free of sex and race bias. Alongside these issues authorities will want to consider reviewing the content of low-paid jobs traditionally done by women to introduce more variation, making them more rewarding.

Grading

Grading criteria should be non-discriminatory so that comparisons can be made between levels of skills across different job types. This is not the simple process it sounds, for example, the use of qualifications in the grading process may appear to be non-discriminatory, but in practice, where there is unequal access to qualifications, it can indirectly discriminate.

Conditions of Service

Conditions of service are generally expressed in equal terms but they should also be non-discriminatory in their application. The provision of fringe benefits such as removal expenses, car leasing and performance related pay should be on the basis of non-discriminatory criteria. Access to overtime, bonus and other enhanced payments should be reviewed in the light of good equal opportunities practices.

Analysis, Monitoring and Review

Aim

To be able to assess the effects of introducing equal opportunities measures and to ensure the policy continues to be relevant.

Actions

- ◆ Collect information from the workforce covering age, gender, ethnic origin, registered disability, grade, actual earnings, department. This information provides the database;
- ◆ Similar information can be sought from job applicants (although methods should be used to ensure that this is done on an anonymous basis);
- ◆ Local authorities seeking to collect other, more sensitive information for the purpose of promoting equality, should do so following discussions with the recognised trade unions and should ensure confidentiality and that the information is not used for other purposes;
- ◆ Ensure employees leaving the authority are interviewed to find out why they are leaving and that the details are recorded;
- ◆ Update the database regularly to check progress towards equality targets;
- ◆ The council should review the equal opportunities policy annually in terms of its scope and the effectiveness of measures taken.

Comments

The basic numerical databases for equal opportunities monitoring purposes will overlap with others the council has established e.g. for training needs.

Other initiatives might require one-off surveys.

The sensitivity of monitoring makes it important for surveys to be developed in consultation with the trade unions.

Dealing with Harassment

Aims

To reduce and prevent harassment and ensure a safe and non-threatening working environment.

To provide employees who believe they have been subject to harassment and/or discrimination with a means to have that complaint addressed and to deal with those employees who are accused of breaching the authority's equal opportunities policy.

Action

- ◆ Agree between the authority and the trade unions positive and clear policies and procedures to deal with complaints of harassment and discrimination;
- ◆ Agree between the authority and the trade unions how harassment on the grounds of any disadvantage can be tackled. Whilst sex and racial harassment procedures are now relatively widespread, they may need adapting to deal with harassment affecting other groups such as older workers, workers with disabilities or lesbians and gay men;
- ◆ Consider how counselling of harassed workers can be best introduced;
- ◆ Include training in dealing with harassment and accompanying procedures in training given to managers and supervisors;
- ◆ In proven cases of harassment decide how subsequent disciplinary action will be proceeded with.

Comments

Harassment can be defined as behaviour or remarks which cause offence and which threaten, humiliate or embarrass. Harassment can be unlawful* and employers may be liable for the behaviour of their staff. All forms of harassment can have an adverse effect on job performance, attendance, staff turnover, morale and health. It is a serious issue which requires recognition and action.

As part of the health and safety risk assessment that employers are obliged by law to carry out in each workplace, any foreseeable sources of harassment should be identified and action taken to deal with them.

All complaints of harassment should be dealt with in a confidential and sympathetic manner.

Employees working in direct contact with the public, sometimes in their own homes, may be particularly vulnerable and procedures should be in place to investigate any complaints. Harassment is not just an issue between employees. Elected members, clients and members of the public may be guilty of harassing staff or may be harassed. Procedures should be designed to deal with these eventualities.

The whole area surrounding complaints about discrimination and harassment is an extremely sensitive one. It is essential to involve the recognised trade unions in agreeing the procedures for dealing with it.

* The Criminal Justice and Public Order Act 1994 created a criminal offence of intentional harassment. As "harassment" is not defined, all forms may be covered by the legislation. Convictions are punishable by 6 months imprisonment and/or up to £5000 fine. Only harassment within a dwelling is exempt, therefore intentional harassment in the workplace would fall within the legislative provision.

PART 4.2: Appendix

Sources and Publications

General

A Model Equal Opportunity Policy

EOC (free)

EOC Code of Practice

HMSO for the EOC

Equal Opportunities: A Guide for Employers

EOC (free)

Guidelines for Equal Opportunities Employers

EOC (free)

A Good Equal Opportunities Guide: Policies and Practices in a
Sample of Local Authorities (1992) LGMB

Maximising Human Resources: Through Equal Opportunities (1990)
LGMB

Working Together: Good Practice in Equal Opportunities
Cambridge Training and Development Limited

County Councils and Equal Opportunities

LGA (formerly ACC)

Equal Opportunities Review

Industrial Relations Service

Equal Opportunities Statement and Guide

Confederation of British Industry (CBI)

Discriminate on Ability

CBI

City Action - Business, Skills and Jobs

Employment Department

Equal Opportunities Code

Institute of Personnel and Development (IPD)

formerly Institute of Personnel Management (IPM)

Women

The Best of Both Worlds

Employment Department

Sexual Harassment in the Workplace - A Guide for Employers
Employment Department

Code of Practice for the elimination of discrimination on the grounds of sex and marriage and the promotion of equality of opportunity in employment.

EOC

Race

Implementing Equal Employment Opportunity Policies - An Information Note for Employers and Employees (1984)
CRE

Race Relations Code of Practice (1984)

Racial Discrimination: A Guide to the Race Relations Act, 1986
CRE (free)

Race Discrimination and Grievance Procedure (1989)
CRE

Indirect Discrimination in Employment: A Practical Guide (1989)
CRE

Equal Opportunity in Employment - A Guide for Employers (1990)
CRE

Race Relations Code of Practice: For the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment (1981- to be updated 1995) CRE

Racial Equality Means Business. A Standard for Racial Equality for Employers (1995) CRE

Racial Equality Means Quality: A Standard for Racial Equality for Local Government in England and Wales (1995)
CRE

Local Authorities and Racial Equality: A Summary Report
CRE

Young and Equal - A Standard for Racial Equality in Services for Young People (1995)
CRE

People with Disabilities

Code of Good Practice on the Employment of Disabled People (1994)
Disablement Advisory Service, Sheffield (free)

People with Disabilities: Models of Good Practice for Local Authorities
Disability Resource Team

Employment Good Practice Pack
Royal National Institute for the Deaf (RNID)

Employing Disabled People
CBI

Building on Ability - A Guide for Training People with Disabilities
Employment Department

Monitoring People with Disabilities
Employers' Forum on Disability

Disability Etiquette
Employers Forum on Disability

Monitoring

Monitoring an Equal Opportunities Policy: A Guide for Employers
(1986) CRE

A Measure of Equality - Monitoring and Achieving Racial Equality in
Employment
CRE

Why Keep Ethnic Records? Questions and Answers for Employers and
Employees
CRE

Recruitment

Recruitment and Selection: A Good Practice Guide (1993)
LGMB

Fair and Effective Selection
EOC

Selection Tests Free of Sex Bias
EOC

Recruitment Code

IPD (formerly IPM)

The Code on Occupational Testing

IPD (formerly IPM)

Training and Positive Action

Training: The Implementation of Equal Opportunities at Work
(Volumes 1, 2 and 3)

CRE

A Guide to Education and Training for the 21st Century
Employment Department/Department of Education and Science

Positive Action and Equal Opportunity in Employment

CRE

Positive Action and Recruitment Advertising

EOC

Positive Action in Vocational Education and Training

EOC

What Is Positive Action? Race Relations Employment Advisory Service
(Department of Employment)

Positive Action - Resource Pack for Trainers, Personnel Officers and
Managers (1991)

LGMB

HIV and AIDS

Developing Services for Gay Men and Bisexual Men (1993)

LGMB

HIV Infection and the Workplace (Confidentiality, employment and
occupational health) (1989)

LGMB

HIV & AIDS: Continued Employment Guidelines for Employers

LAGER (Lesbian and Gay Employment Rights)

Sexuality

Equal Opportunities for Lesbians and Gay Men: Guidelines to Good
Practice in Employment.

LAGER

All Things Being Equal?: Local Authority Services for Lesbians and Gay
Men

LAGER

PART 4.3 Guidance on Appeals

I. Background

- 1.1 Paragraph 5.3 of Part 2 of the National Agreement provides that:

“An employee dissatisfied with the grading of their job is entitled to appeal for a reconsideration of the grading. Procedures will be agreed locally to deal with such appeals”

Once local agreement is reached, the appeals procedure will apply to all employees in scope of the NJC.
- 1.2 Paragraph 14 of the Implementation Agreement provides that, until agreement on a local procedure is reached, those employees on the former APT&C scales will continue to have the right to have appeals heard under the old Purple Book Paragraph 80 procedure. Although, for appeals registered after 1 April 1997, the right to progress an appeal to national level has ceased. So that in authorities which did not operate the national grading appeals procedure the old procedures will similarly continue e.g. where appeals are dealt with through a procedure linked to an existing job evaluation scheme, unless there is local agreement otherwise.
- 1.3 Any new procedure will only apply until a new grading structure based on job evaluation is put in place. This is because an integral part of the operation of a JE scheme will be an appeal process.

2. Features of an Appeal Process

2.1 Grounds for Appeal

- 2.1.1 The National Agreement (see above) uses the word “dissatisfied”. Grounds for appeal therefore are not limited by the national agreement which may include comparisons, equal pay, an incorrect job description, or increased duties and responsibilities, recognising that many jobs do change over time without their essential character changing. Appeals could also follow departmental reviews and reorganisations.

2.2 Procedure and Time-limits

2.2.1 The appeal procedure should be clear, concise and incorporate time limits which ensure that the process can be completed quickly. In the first instance an application for regrading should be considered by the appropriate person(s), which may be the line manager. The appeal process should only be set in train if the application has been rejected or only partially agreed, and the employee continues to be dissatisfied and has grounds for appeal. Whether the decision on the application can be oral or written or either needs to be clarified. It may be necessary to introduce safeguards at the stage of the initial application to prevent a decision at that stage from being unduly delayed. The procedure should make clear that appellants have the right to be represented by their trade union from the start of the appeal process.

2.3 Registering an Appeal

2.3.1 Rules about how the appeal should be registered, with whom and by when need to be agreed:

- Will there be standard documentation such as a pro-forma available?
- With whom will appeals be registered (at central or departmental level)?
- What period between rejection of application for regrading and registering the appeal should be allowed?
- Should a full written case be required at the registration stage or later?

2.4 Stages of Appeal

2.4.1 How many levels of appeal will be a key question. It is likely that there will be two levels of appeal within the authority. The line manager will have already dismissed the original application, so the first level of appeal will be above that. In a smaller authority, this might be at the corporate management

team level, whereas in a larger authority it may be at the departmental management level.

- 2.4.2 The second stage of appeal is likely to be outside the department or service concerned.
- 2.4.3 The question of introducing an external, independent element into the process may need to be considered. That will be a matter for the local parties, but, if adopted, the broad alternatives are for an independent person to participate in the process within the authority or a further, external stage of appeal which may involve the provincial/associated councils. Where an independent person is used, they could sit on the panel at the final appeal stage as a Chair or Assessor. Such a role would need to be closely prescribed - could the independent be a tie-breaker, with an arbitration role, or have more of a conciliation role?

2.5 Appeals Panels

- 2.5.1 There are several issues here at each level:
- Will the panels be joint, with trade union involvement, or “management” only?
 - Will different stages have a different make-up e.g. the first stage being management only: the second stage being joint with trade union involvement?
 - Will elected members be involved in the second stage?
- Arrangements will need to ensure that people involved at previous stages do not hear the appeal later in the process.

2.6 Presenting the Case

- 2.6.1 There are a number of issues to consider here:
- Will a full written statement of case be sought at the first stage or a later stage, with only an outline necessary for the first stage of appeal?
 - Who will be allowed to present the case for the appellant?

- Will management be required to present reasons for not agreeing to the application in writing at all stages or just orally at the first stage?
- Which management representatives will be responsible for presenting the case?
- Will oral presentations to the panel be time-limited?
- Will witnesses be allowed (if so, notice of such should be given prior to the hearing)?

2.7 Training

2.7.1 While it is acknowledged that authorities have been conducting appeals for many years, changes to the processes which are agreed locally may necessitate a review of the material used to train those involved.

2.8 Conclusion

2.8.1 Local authorities and trade unions are very familiar with appeal processes. The above advice is intended to help authorities and unions to bridge the gap between the removal of the old grading appeals procedures and full implementation of a grading structure review.

Part 4.4: Guidance on Equal Pay and Grading

I Introduction

- 1.1 The single status agreement states that authorities should review their grading structures. (Implementation Agreement paragraph 12.2)
- 1.2 In carrying out such reviews, authorities need to ensure that they are acting in accordance with equal pay legislation. The agreement states that “the pay and grading of jobs must be fair and non-discriminatory, complying with equal pay legislation and associated Codes of Practice”. (Paragraph 5.1, Part 2). The Equal Opportunities Commission (EOC) Code of Practice on Equal Pay (1997) particularly emphasises the need for transparency, and for objective justification for pay practices which have an “adverse impact on substantially more members of one or another sex”.
- 1.3 Discrimination in pay on the grounds of race is also unlawful under the Race Relations Act.
- 1.4 Existing additional payments such as productivity or attendance allowances should also be considered in any overall review of pay structures. The report of the NJC Bonus Technical Working Group gives advice on dealing with such payments.
- 1.5 Once all the jobs have been ranked, decisions will need to be taken to turn the rankings into a grading structure. Key areas for decisions will be:
 - where to fix the grade boundaries
 - whether to have incremental scales, fixed pay points, or both
 - how to deal with labour market additions.
- 1.6 In conjunction with local grading reviews the authority and the unions shall agree the terms on which there should be protection against loss of remuneration.
- 1.7 In addressing these issues, authorities should be aware of the potential for discrimination. To avoid discrimination, authorities should consider the likely effects of any proposed changes before implementing them. This guidance briefly

highlights areas to take into account, alongside other considerations, in taking decisions on grading.

2 Establishing Grade Boundaries

- 2.1 In setting grade boundaries, authorities should seek to group jobs with similar (job evaluation) scores into one grade by drawing boundaries between clusters of jobs.
- 2.2 Where clear clusters and breaks are not obvious, authorities should avoid drawing boundaries in a way which results in women's jobs ending up in a different grade below that for men's jobs, despite having broadly similar scores.
- 2.3 The number and width of grades needs careful consideration and should be consistent. Very narrow grade bands may create pay differences which cannot be justified by the actual differences in scores or rankings. Relatively few, but wider bands may provide scope for greater flexibility, but if they also result in significant differences in men's and women's position within the grade, these differences will need to be justifiable.
- 2.4 Use of overlapping grades opens up the possibility of claims from women at the top of the lower grade who could compare themselves with men with similar scores at the bottom of the higher grade.

3 Incremental Scales or Single Pay Points

- 3.1 Paragraph 5.2 of Part 2 of the agreement emphasises the need for objective justification if a common approach on this issue is not agreed locally for all employees.
- 3.2 The EOC Code of Practice and case law have highlighted the potentially discriminatory effect of incremental scales based purely on length of service, and of long incremental scales. Shorter incremental scales, however, which relate to the time it takes the postholder to become fully proficient in the post, are usually justifiable.
- 3.3 Incremental scales related to other factors, such as performance in the job, will need to be objectively justified if they are mainly

applied to jobs in more typically male areas. Clear criteria for placement within scales will be needed.

- 3.4 Transparent and objective criteria for progression through incremental pay scales will also be needed and must be applied consistently.
- 3.5 Where authorities propose to use career or linked grades (where a job spans a number of grades) progression through them should be dependent on meeting objective criteria. There should be a clear difference in the job demands for each of the grades concerned, and these should be clearly written into the job description. Movement to a higher grade should be linked to the employee taking on the new demands, rather than just to time in post or qualifications received.
- 3.6 The EOC Code of Practice highlights the need to check that women are not being consistently appointed at lower points on the pay scale, thus perpetuating the effects of unequal or lower pay in the past.

4 Labour Market Additions

- 4.1 Blanket use of labour market supplements for whole job areas are particularly open to challenge unless firmly backed by recent labour market evidence.
- 4.2 Use of specific supplements for certain jobs must be justified by clear and regularly updated evidence of recruitment and retention difficulties, backed up by good quality market data. Where differences between men's and women's pay are not wholly attributable to labour market differences, recent case law indicates that employers will need to be able to objectively justify the remaining differences in pay. All jobs receiving a market supplement must be regularly reviewed

5 Protection Against Loss of Remuneration

- 5.1 As stated in the single status agreement, authorities and trade unions shall agree the terms on which there should be protection against loss of remuneration (Implementation

Agreement paragraph 12.2). The justifiable length of any phasing of protection will depend on the circumstances including good industrial relations practice. Advice is also set out in the EOC Code of Practice. Those employees who are covered by protection arrangements should be offered opportunities for training and development to assist them to enhance their skills and promotion prospects.

6 The Role of Monitoring

- 6.1 Regular joint monitoring of grades and of earnings, including pay within grades, by gender and ethnic origin should enable authorities to identify potential areas of difficulty at an early stage and to make appropriate changes.

Part 4.5: Guidance on Maternity Related and Work Life Balance Issues

It has been agreed to issue national guidance on certain maternity related areas as follows, so as to reflect good practice.

1.1 Fertility Treatment

Authorities are recommended to make reasonable time-off arrangements for employees undergoing fertility treatment.

1.2 Ante-natal Care

Authorities may grant time off for ante-natal care to fathers-to-be, partners or nominated carers. A nominated carer is as defined under Part 2, paragraph 7.6 of the Green Book. Examples could include time-off to attend parent-craft classes or to accompany the expectant mother when undergoing a medical examination. Authorities may request that the employee produce evidence of appointments.

1.3 Miscarriage, Termination, Still-birth and Death of a Baby

If the baby dies or is still-born after 24 weeks' pregnancy the maternity scheme applies. Where this occurs before 24 weeks (miscarriage) or there is a termination authorities should give sympathetic consideration to the circumstances and where necessary grant special leave or sick leave, as appropriate on the basis of the individual circumstances. The decision should be based on the needs of the employee and medical opinion.

1.4 Premature Birth

Where a baby is born prematurely authorities should consider each case on its merits and the action required. For example extension of the maternity leave period might be appropriate. The necessary discretion already exists under the scheme.

1.5 Contact Schemes

Authorities and employees should maintain contact over the maternity leave period. Authorities need to ensure that employees are kept informed of vacancies, any significant workplace developments and training opportunities.

1.6 Information

Authorities should publish their policies on the above areas and make available good, clear information on maternity, parental and other family-friendly issues to employees in relevant formats and languages. Joint Guidance will shortly be issued on many of these and related areas in the NJC's forthcoming Work-Life Balance Document.

1.7 Work Life Balance

Authorities should give a lead on good practice in family friendly forms of working. An NJC Guide, "Finding the Balance", provides joint guidance on the full range of options.

1.8 Time Off for Dependants

In addition to time off for dependants under section 57A of the Employment Rights Act 1996, as amended, authorities shall consider events which may be foreseen, but which are of a serious nature such as to make the presence of the employee necessary. For example, time off to settle an elderly relative into a care home or to attend a hospital appointment or planned operation with a child/partner.

Part 4.6: Parental Leave Model Scheme

1 Entitlement

- 1.1 Parental leave of 13 weeks shall be granted to employees having or expecting to have responsibility for a child as defined in the Maternity and Parental Leave etc. Regulation 13 (2) 1999. An additional 5 weeks shall be granted to those with responsibility for a child for whom Disability Living Allowance has been awarded.
- 1.2 Authorities should make parental leave available to those with parental responsibilities but who do not fall under the legal definition. This might include foster parents; adoptive parents prior to placement; grandparents with a significant parenting role and step-parents.
- 1.3 Leave shall be granted for the purposes of caring for a child up to the age of 8; or for eight years following placement for adoption or up to the age of 18, whichever is the soonest; or up to the age of 18 for children for whom disability living allowance has been awarded.

2 Notice

- 2.1 Every attempt will be made by the employee to give as much notice as possible with a minimum of 7 days' notice in writing before the day on which s/he proposes to take the leave.
- 2.2 Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the employing authority. Such discretion shall not be unreasonably withheld.

3 Postponement

- 3.1 Every attempt will be made in the employing authority to avoid postponement. In any event, leave shall not be

postponed for more than three months except in exceptional circumstances.

3.2 Authorities shall agree guidelines with the recognised unions to deal with the procedures for postponement in exceptional circumstances where the service would be unduly disrupted if the employee took leave during the period identified in his/her notice. The following steps act as a guide:

- (i) Consult between authority and the employee with a view to coming to agreement over alternatives. These might include:
 - a different pattern of leave - eg part time rather than full time;
 - a shorter or longer period of leave;
 - alternative dates within the three month period.

Where there is no agreement, authorities must as a minimum, permit the employee to take a period of leave of the same duration and beginning on a date determined in consultation with the employee no later than three months after the originally notified start date.

- (ii) Following consultation, and not more than seven days after the employee's notice was given to the authority, the authority shall give the employee notice in writing of the postponement which states the reasons for it and specifies the date on which the agreed period of leave will begin and end.

3.3 Postponement may not be used where employees in the particular circumstances outlined below have requested parental leave.

- Following maternity support leave. The unpredictability of the timing of childbirth will also have implications for notice. It is recommended that employees expecting to take maternity support leave should discuss their likely requirements for parental leave.
- Following maternity leave. Where a mother takes a period of parental leave following on from a period of maternity leave, authorities should give guidance on the new interpretation of Part 2 provision 11.5 (b) (iv). Where parental leave is taken as a full time block of leave following maternity leave, an employee should not be required to refund monies paid under this section unless she does not return to local authority employment for a period of at least three months after the end of the parental leave period.
- At the time of adoption. At times prior to adoption where the parent is required to be at home by the adoption process, or following adoption leave.

4 Flexibility

- 4.1 Employing authorities shall be sympathetic to flexible parental leave-taking arrangements as requested by employees.
- 4.2 Parental leave may be taken
 - as a single block of up to 13 weeks, (or 18 for a disabled child)
 - as a number of shorter periods of a minimum of half a day
 - in patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 13 weeks leave as a single block (or 18 weeks for a disabled child).

4.3. It is recommended that joint guidelines are drawn up to deal with flexible and part time leave-taking arrangements including those on part time, variable or annualised hours contracts.

4.4. Guidelines should also include procedures to plan for adequate staffing cover.

5. **Return**

5.1. Employees on parental leave shall have the same right to return to their job as provided to those on maternity leave under Part 2, Paragraph 11.6 of the Green Book.

5.2. Authorities are recommended to introduce procedures to meet individual requirements for training and a flexible return to work following parental leave.

6. **Terms and conditions during parental leave**

6.1. Time taken as parental leave shall be treated as continuous service for the purpose of Part 2 Paragraph 14 of the Green Book.

6.2. Employees who fall sick during a period of parental leave and who give the employing authority the relevant notification shall be entitled to pay under the sickness scheme and this period shall not count towards their parental leave entitlement.

Note: **PAY**

Where pay is reduced because of parental or other leave paid at less than full pay, authorities shall assist employees in obtaining information regarding the implications of reduced national insurance contributions and the possibility of state support through benefits or tax credits.

Part 4.7: Management of Health & Safety

1. Introduction

- 1.1 The National Joint Council (NJC) recognises that effective health and safety management results from proper planning, organising, controlling, monitoring and reviewing and is vital to good employment, the delivery of, and improvement of, services and will reduce loss of resources.
- 1.2 Local authorities and trade unions share the aim of providing safe and healthy workplaces and systems of work. Both Sides will work enthusiastically and in the spirit of cooperation to engender a positive safety culture within the authority. The employers and trade union safety representatives will work in the spirit of partnership to promote health and safety policies and initiatives that will improve the health, safety and welfare of employees. Local authorities in collaboration with all safety representatives will strive to be exemplars of health and safety management practice.
- 1.3 Local authorities are diverse in size, structure and services delivered and a wide variety of hazards exist. The risks posed are to be controlled proactively by the systematic application of preventive and protective measures within a risk assessment framework.
- 1.4 Consultation with the workforce through trade union safety representatives is recognised as one of the key ways in which health and safety performance can be improved. The NJC promotes joint consultation on all matters relating to the health and safety of the workforce. Safety committees are recognised as an effective mechanism to assist in the management of health and safety.
- 1.5 Authorities have a statutory duty under the Health & Safety at Work etc Act 1974 with regard to the health and safety of their employees and others who may be affected by their undertaking. This duty cannot be contracted out. Authorities

should ensure that adequate resources are allocated to securing the health, safety and welfare of its employees and those affected by its undertaking.

2. **Joint Consultation**

2.1 The NJC accepts that the development and implementation of other policies, for example, procurement and environmental matters, could impact on health and safety, and must be subject to effective consultation with a view to reaching agreement. The sharing of information and experience between trade union representatives and management in the spirit of cooperation and partnership should be encouraged and is underpinned by regulations especially in the development of preventive and protective measures, ie. the risk assessment framework.

2.2 Full use must be made of safety representatives and safety committees. This will include the provision of information, opportunities for attendance at approved union/TUC training, arrangements to investigate health and safety matters and provision for joint safety committees to review the effectiveness of policies and procedures. Joint safety committees should deal not only with those matters required by regulation but also such other issues as may be agreed.

3. **Local Authorities should recognise that:**

- the health and safety and well being of the workforce is crucial to the proper functioning of the authority and the provision of its services.
- health and safety must be adequately considered in policy development and in the decision making process at all levels by both officers and elected members of the authority.
- commitment to health and safety is necessary from

the top of the authority at both elected and officer level. As such there should be a designated person at both elected and director (first or second tier) level with the role of driving up health & safety standards. Employees at all levels must understand and accept their health and safety responsibilities.

- health and safety management should be incorporated in the authority's performance monitoring and reporting arrangements and improvement planning process.
- services are now delivered in many ways eg. by contractors and in partnership with both the voluntary and private sectors. Authorities must have a system in place to satisfy themselves that contractors and partners have the ability and resources for effectively managing health and safety, thus protecting all who may be affected. Health & safety must be incorporated into contracts and partnership agreements and the performance properly monitored. Contracts and partnership agreements should include arrangements for joint consultation and sharing of information. Authorities should recognise the value of safety representatives in maintaining health and safety standards of contractors.
- organisational change can affect the well being of employees; therefore effective dialogue with trade union representatives over health and safety implications is essential to reduce potential risks to health and to promote employee well being.
- a high standard of occupational health provision aimed at ensuring the well being of the workforce coupled with effective implementation of rehabilitation and redeployment policies are important. Occupational health advisers, working in

conjunction with other professionals and in consultation with trade unions on general arrangements, can make a major contribution towards this goal.

- training is vital to securing the health and safety competency throughout the workforce. Local authorities should ensure that employees are given adequate health and safety training following recruitment and repeated as required, and in particular:
 - on specific hazards and risks
 - when exposed to new or increased risks due to changes in responsibility, the environment or the introduction or change of technology.
 - for those who supervise and manage service provision.
 - training must be reviewed periodically and safety representatives should be consulted in the development and delivery of training programmes to ensure all existing and new risks are addressed.
 - the authority must ensure that they have appropriate access to competent advice that is consistent with the size and diverse risk environment of local authorities. The source and nature of the competent advice should be the subject of consultation to ensure that all existing and new risks are adequately addressed.

4. The NJC will produce further joint guidance on implementation issues.

Part 4.8: Guidance on Local Workforce Development Plans

Preamble

1.1 The NJC believes that investment in workforce development is essential to the sustainable improvement of local government services. This guidance is intended to assist in developing and implementing plans for workforce development.

2. Workforce Development Plan Guidelines

2.1 The NJC recommends that plans include:

- Targets and commitments on access to learning.
- The approach to developing Learning Partnerships including any delivery of programmes jointly with the trade unions
- Provisions for ensuring that managers and trade union representatives are jointly trained to deliver the plan
- The approach expected of contractors in relation to workforce training and development.

2.2 The plan should also cover the role of Union Learning Representatives and specify the following in detail:

- Paid time off to attend Union Learning Representative training and accreditation
- Paid time off to attend joint training with managers in connection with developing and implementing the agreement
- Paid time off and facilities to carry out Union Learning Representative duties
- Any paid time off arrangement for employees to consult Union Learning Representatives.

2.3 The following section contains action points that authorities may wish to include as part of their plans:

2.3.1 Corporate strategy:

- Strive to become a 'Learning Local Authority'¹ including seeking and maintaining Investors in People or Public Sector Excellence Model status
- Assess the authority's future skill requirements, then examine the age profile and turnover of their current workforce (overall and by occupation) to identify areas that are a priority for action.
- Monitor their workforce in relation to equality and use measures such as positive action training to address under-representation of any groups in relation to the profile of the local community
- Identify external funding opportunities (such as individual learning fund accounts, Learning and Skills Council funds) and other resources such as local school or college facilities that can be used to assist in workforce development.

¹ Authorities that create a supportive climate and encourage learning for all their employees. For details see the EO website: <http://www.lg-employers.gov.uk/skills/lifelong/framework.html> For details see the EO website at: www.lg-employers.gov.uk/

2.3.2 Investing in the current workforce:

- Give priority to addressing basic skills needs and to providing basic ICT skills development opportunities for employees.
- Explore new methods of learning such as distance learning and e-learning.
- Ensure that all managers have the skills to support their staffs' development, including the ability to organise on the job development opportunities and offer coaching.
- As part of employee benefit packages (to help to recruit and retain learning staff) and to encourage a positive attitude to learning, offer a variety of learning opportunities to enable employees to develop skills and knowledge beyond what they might need for work. (For example: by developing

learning partnership arrangements with other local organisations; by finding ways to subsidise or negotiate reduced fees for college courses; or by setting up learning centres).

- Benchmark workforce development spend as a percentage of payroll against other public sector organisations

2.3.3 **Investing in the future workforce:**

- Contribute significant time and resources to effectively promoting local government careers in local schools, colleges and universities, via Connexions, Learning and Skills Councils and other careers services, etc.
- Devote sufficient resources to marketing the authority as a positive employment choice, e.g. pay attention to the quality of advertisements and recruitment materials
- Invest in sufficient progression opportunities and trainee posts to address future skill needs.
- Give appropriate priority to taking on student placements, both supporting the development of those in specific occupations and more general ones e.g. for undergraduates and those still at school.
- Set up or participate in schemes to attract groups of young people, such as Apprenticeships or Graduate Trainee schemes.

2.4 **Implementation and Measuring Progress:**

The Workforce Development Plan should set out:

- Assessment of current performance against the commitments;
- Key targets and performance indicators for improvement;
- Milestones and timetables towards achieving these targets;

- Responsibility for action;
- Methods for monitoring, and reviewing progress.
- Role of any local partnership arrangements

3. **General Information and Advice**

3.1 Workforce Development Plans can cover all types of learning including:

- Job-related training designed to equip employees to undertake their current job;
- Initiatives designed to develop new skills and knowledge, relating either to their current role or expanding scope for progression;
- Training and development that allows an employee to develop skills and confidence but is largely unrelated to the current role.

3.2 Workforce Development Plans are likely to concentrate on the first two areas of training and development. However authorities may wish to consider ways in which they might promote the third area as part of recruitment and retention initiatives, to promote learning designed to cover skills gaps and to encourage a positive approach to learning.

3.3 Workforce Development Plans should have clearly quantified objectives. These may include targets such as:

- An annual development assessment review for each employee.
- Specifications on access to learning opportunities for all employees.
- A specified level of achievement for nationally recognised qualifications.

3.4 The NJC recognises that quality marks such as Investors in People help to benchmark achievement in training and development and it encourages councils to seek this and other forms of appropriate external benchmarking of their

training and development activity. The NJC will track progress, using indicators promoted by the People Skills Scoreboard to include Race, Gender, Age, Disability and Grade.

3.5 **Apprenticeships and traineeships**

Following a local grading review the local parties may agree apprentice and trainee pay rates and training schemes for individual jobs. Training schemes could provide for:

- Any arrangements for appointment to a permanent post following satisfactory completion of training.
- Training for a nationally recognised qualification where this is available.
- Quality training provided, or supervised by, a reputable training provider.

3.6 **Skills Pathways**

Skills pathways are an approach to workforce development that focuses on the acquisition of core skills and occupational experience and values needed to enable an individual to perform at a level of competence within an occupational role.

The purpose of skills pathways is to clearly identify and map out opportunities for career progression, against the core competence levels required. These levels of competence are currently defined by the National Occupational standards framework, however local authorities would be encouraged adapt these to meet regional and local needs.

Skills pathways will provide a clear set of expectations (skills profiles) and the mechanisms that need to be in place to assist employees obtain career progression in an occupational role. Skills pathways are not guaranteed steps to obtaining employment and must not be seen as stand alone approach.

Implementation will ensure that individuals can update their skills and are supported in the drive for continuous learning and improvement. This initiative will also provide opportunities for staff to move between services e.g. teaching assistants may become social workers or care workers.

3.6 **Individual Development**

Local schemes providing access to funds for individual development may be developed. The following broad characteristics are recommended:

- An account controlled by the individual employee but with a limited range of providers and with rigorous accounting procedures in place
- Administration provided by or funded by the employer or an agreed external agency
- Provision to be funded by any grant support available, an employer contribution, and an agreed employee contribution by deduction from salary
- Links with one or more training providers and/or internal training facilities with an agreed range of learning options.
- A focus on individual development, not usually supported by the employer.

Part 4.8: Appendix A

1. Introduction

- 1.1 The National Joint Council for Local Government Services for England, Wales and Northern Ireland (referred to as the NJC in this document), representing employers and trade unions are committed to good practice in training and development. The NJC recognises that employees are essential to the provision of high quality public services.
- 1.2 The 2004 pay agreement contained new training and development provisions in Part 2 Para 3 and Part 4.8 of the Green Book. Part 2 Para 3 of the National Agreement sets out how authorities will develop local Workforce Development Plans closely linked to service delivery. It states that training and development should be designed to meet the corporate and service needs of authorities both current and in the future, taking into account individual needs of employees. It also states that training and development should take into account the full range of learning methods, enable access to learning for all employees and that the needs of part time and shift workers need particular consideration. In addition, authorities should establish local partnership arrangements to include recognised trade unions, to develop their workforce development plans and to promote and support the statutory Union Learning Representative role.
- 1.3 Part 4.8 sets out guidance around workforce development planning, apprenticeships and trainees, skills pathways and individual development.
- 1.4 The NJC has produced this document to support the implementation of the NJC agreement and, in particular, to promote the benefits of workforce development and to show how partnership working between employers and trade unions can support successful workforce development. It provides practical advice to support working together to develop the local government workforce.

- 1.5 References are made throughout to supporting case studies, websites and other useful documents. Website links are provided for further details of the case studies used.
2. **Why Workforce Development is Important**
- 2.1 The pace of change in local government has never been greater, driven by advances in technology, changing customer expectations and demands, and new Central Government requirements, including the Efficiency Review. New skills are needed to improve performance, to cope with a changing environment and to make the most of new technology.
- 2.2 At the same time, The Government's National Skills Strategy seeks to raise educational standards and attainments, supported by the Learning and Skills Council's vision that "by 2010, young people and adults in England have the knowledge and skills matching the best in the world and are part of a truly competitive workforce".
- 2.3 Forward thinking authorities and trade unions have recognised that a skilled workforce is key to achieving the requirements of the modernisation and change agenda. This requires a longer-term commitment to investing in developing the workforce. It can only be done successfully in partnership between the authorities and the trade unions, if resources and expertise are to be maximised and used efficiently. **Union Learning Representatives (ULRs)**, were created to support the development of staff, recognising that some members of staff are more likely to make their learning and development needs known to a trusted member of the trade union, than a manager (see Para 6 below).
- 2.4 Part 4.8 includes a comprehensive list of all the elements to be considered in the production of a workforce development plan.
- 2.5 Many authorities are beginning to recognise the link between developing their staff, and improvement in

performance, and strive to be **Learning Local Authorities**¹, many of them pursuing Investors in People accreditation or Public Sector Excellence Model status. In its Comprehensive Performance Assessment (CPA) 2004, South Tyneside Council achieved a score of "Excellent", jumping two grades from "Fair". Their HR Manager has stated that there is a clear link between their success and their commitment to development of their workforce. Trade unions were involved at an early stage and were instrumental in establishing an open learning resource centre (see South Tyneside's Workforce Development Plan 'Building Capacity - Focussing on Priorities' on the EO's website:
http://www.lg-employers.gov.uk/pay_and_workforce/planning/index.html

3. **What is Workforce Planning and a Workforce Development Plan?**

- 3.1 Workforce planning is the process of assessing what staff and skills the authority currently has, assessing what will be needed to provide services in the future, say in 3-5 years' time. The workforce development plan sets out the plan of action the authority intends to take to address any gaps, whether that be upskilling existing staff or recruiting more. The process works from both top down, with the council and the top level managers steering the organisation according to its vision and values, and from bottom up, assessing the needs of the individual and the frontline services.
- 3.2 The plans should be integrated into or linked to existing plans and strategies such as the Corporate Plan, HR Strategy, Learning and Development Plans and produced as part of the business planning process so that resources such as time and money are identified to carry out the plan.

4. **Why is Workforce Planning and Producing a Workforce Development Plan Important?**

¹ Authorities that create a supportive climate and encourage learning for all their employees. For details see the EO website: <http://www.lg-employers.gov.uk/skills/lifelong/framework.html>

- 4.1 There are many clear advantages to workforce planning and the production of a workforce development plan. There is strong evidence that investment in the development of employees has a beneficial effect on the performance of the organisation.
- 4.2 Authorities need to anticipate occupational skills gaps to avoid shortfalls in services due to shortages in key groups of staff such as Social Workers, Planners, Occupational Therapists, Environmental Health Officers, Trading Standards Officers, Building Control Officers and Librarians.
- 4.3 Workforce development provides an opportunity to **address inequalities in the workforce profile** and take action to remove barriers to progression that directly or indirectly discriminate, enabling everyone to achieve their full potential. The workforce development plan should set out the action the authority intends to take to redress imbalances.

Case Study

Manchester City Council successfully ran a coaching programme specifically aimed at developing black principal officers to enable them to gain more senior management positions. As a result of the programme 3 of the 4 who participated have secured higher graded jobs. The programme started with an assessment centre, following which all participants received feedback and were supported in identifying priority development needs.

Every service area now has a black staff group who meet regularly. These groups feed into the service top management teams. These teams are responsible for ensuring priority development needs are supported. There is also a corporate group who looks at cross cutting themes from the service groups and seeks to develop corporate development interventions. Recently four internal conferences have been held for all members of these black staff groups. The "Developing the Workforce" sessions were

part of an impact assessment of the black staff groups on the approach to black staff development.

4.4 There are many other benefits to workforce planning and workforce development, such as those listed in Part 2 Para 3.3. This states that the objectives for training and development programmes should include the following:

- To enable Councils to attain their strategic objectives via investment in their employees.
- To promote equity of access to learning.
- To encourage employees to develop their skills and level of responsibility to the maximum of their individual potential.
- To widen and modernise the skills profile of employees to maximise their versatility, employability and so, job security.
- To enable employees to raise productivity, quality and customer service in pursuit of sustainable improvement

5. **How Can It Be Done?**

5.1 In Part 2 Para 3.4, both sides agreed that authorities should establish local partnership arrangements, with recognised trade unions, to develop their local workforce development plans.

5.2 There are many good examples of joint working between the employer and the trade unions. One of the keys to success is having all key stakeholders/partners involved at an early stage, and in June 2004 in Newcastle, the trade unions wrote a submission to the council's first workforce development plan. It made a number of recommendations such as that every member of staff should have an individual learning plan (ILP), that barriers to learning should be identified and removed and that targets and commitments should be made on access to learning (for full document see UNISON's website - <http://www.unison.org.uk>)

- 5.3 The Employers' Organisation has a number of case studies on its website showing different ways of workforce planning and development depending on the size and structure of your authority and the particular issues it faces. The key is to remember this is about a process and not just the production of a document.
- 5.4 Part 4.8 lists all the elements that need to be considered in a workforce development plan such as:
- Employer commitments and targets such as release for staff to attend training, percentage of payroll spend per head on development, number of days training and so on.
 - Employer provisions for the release of Union Learning Representatives (ULRs) for training in their role as ULR, joint training with managers, and for consultation with staff around learning issues (see Para 6.7 below)
 - Learning Partnerships
 - An appraisal scheme providing each employee with an individual development plan
 - Data on workforce profile and access to development opportunities by grade, gender, ethnicity, disability and training outcomes
 - Links to assessments such as CPA, Best Value Reviews, Social Services and Ofsted inspections.
 - Links to National Occupational Standards
 - Skills pathways and generic skills frameworks
 - Links to the National Skills Strategy and other initiatives such as Skills for Life (Get On), Modern Apprenticeships and New Deal, NVQs and so on.
 - Lifelong Learning
 - Career advice and work with Connexions, schools and careers advisers on local government as a career
- 5.5 For full document see the EO's Workforce Development Plan Guidance on the EO website:

Case Study

At **Nottingham City Council** the take-up of training was very low and people were having difficulty finding the time for training or appropriate opportunities. Nottingham City Council and the unions addressed the problem by reaching agreement on minimum entitlements to training for all staff. The initial target was two days per employee per year and this rose to three days over the following two years. This entitlement is written into the council's HR strategy.

They also thought about how they could make training and development more attainable and have developed a wide range of activities, including work-shadowing, guided reading, project work and a variety of IT-based programmes.

For further details of this and other case studies go to www.unison.org.uk

6. Learning At Work and the Union Learning Representative

- 6.1 Union Learning Representatives (ULRs)**, who gained statutory recognition in the Employment Act 2002, were created to support the development of staff, recognising that some members of staff are more likely to make their learning and development needs known to a trusted member of the trade union, than a manager. This is especially true in the case of **skills for life** needs such as numeracy and literacy. ULRs can be particularly valuable where sections of the workforce are sceptical or have difficulty articulating their needs. ULRs have a significant role to play in engaging employees who have traditionally missed out on learning and development opportunities, such as shift/part-time workers, people from minority ethnic backgrounds and women.

6.2 The role of the ULRs is to:

- Help individual union members to analyse their learning and development needs
- Provide members with information and advice on learning and development
- Promote the value of learning and development to their members
- Broker learning opportunities
- Assess the effectiveness of learning and development
- Other activities that promote and support learning

6.3 The TUC, UNISON and GMB have all produced useful information on the role of Learning Representatives and Learning Advisers (see Annex A).

6.4 Good practice in the development of ULRs is emerging from those authorities that welcome the benefits that learning can bring to their workplace. It is anticipated that by 2012 ULRs will have introduced more than 500,000 people in the workforce to learning.

6.5 The trade unions have a range of resources they can bring to the partnership, such as programmes of training and development including distance learning programmes, access to the Union Learning Fund and experience from authorities across the whole country via union support networks. Many of those who take on the role of Learning Rep or Learning Adviser will have experienced work based learning, and be able to advise and support employees who are seeking to develop.

6.6 Organisations that take learning seriously will use the involvement of ULRs in a positive way. They may set up a learning committee or steering group involving employee representatives, union representatives, training and HR representatives and departmental representatives, where

relevant. Together the employer and the trade unions can come to a "**learning agreement**" which formalises their commitment to learning (see Lincoln City Branch case study at Para 10.3). A learning agreement might include:

- The specification of the number of learning representatives and the amount of time off to which they are entitled
- The establishment of procedures for dealing with questions of time off
- Facilities available for use by union learning representatives
- The establishment of a joint learning committee
- The undertaking of learning needs surveys
- Regular promotional activities regarding learning
- The dissemination of information and learning opportunities

6.7 A model learning agreement can be found on the TUC's website www.learningservices.org.uk

Case Study

Denis, from Knowsley Council, thought he and his fellow refuse collectors were treated as "second class citizens" when it came to learning. Knowsley's Equal Project Action Researcher engaged him with her enthusiasm for making change and he starting taking the situation in-hand, organising learning opportunities for both himself and his workmates.

Following the success of this he spoke at a couple of project meetings to partner organisations and as his confidence grew Denis trained as a Union Learner Rep and completed a 'Stepping Out' course, certificating him in the art of management. From his experiences he has now gone on to promote learning and resource provision within his workplace, even running his own Learning at Work Day within his depot.

Denis is currently working with the steering group he set up to forward an on-site learning resource centre for his colleagues.

For more information see the Campaign for Learning website www.campaignforlearning.org.uk

7. **Overcoming Obstacles to Learning at Work**

7.1 This section addresses some commonly cited reasons from both the individual and the employer against engaging in learning and development activity. ULRs have a significant role to play in overcoming many of these obstacles, as is illustrated in the case studies throughout this document.

8. **Lack of Time**

8.1 Many people feel too busy to take time out to reflect and learn. Part-time employees, shift workers and casual and temporary workers may have particular difficulty in getting time for training as they are likely to have family, caring or other commitments on their time. Research shows this is particularly true of single parents² .

8.2 However, people who do not engage in active learning at work find their skills soon get out of date, and they get overlooked for key projects, promotion and other benefits, thus compounding the problem.

8.3 There are many examples of training and development that can be undertaken in a flexible way so that busy people can learn at more convenient times. Some examples include:

- online learning
- distance learning
- modular learning tools such as the EO's

Management Tracker see EO website:

http://www.lg-employers.gov.uk/publications/fullpublications/management_development_tracker.html

²Women's Attitude to training survey by Campaign for Learning 1998

- 8.4 Employers can do a lot to support staff who are trying to juggle commitments outside work and who have limited time opportunities to study, by having flexible working arrangements. There are an increasing number of employers implementing work-life balance initiatives with clear success. For example, East Riding tackled a difficulty in retaining staff in their Benefits Section by implementing different shift patterns and allowing staff to work from home. In South Yorkshire, the four local authorities - Barnsley, Doncaster, Rotherham and Sheffield worked in partnership with the Learning and Skills Council and the trade unions, using Objective 1 funding from the European Social Fund to carry out a study on work-life balance. They produced a document called "South Yorkshire's Balancing Act...creating better work-life balance within local authorities" containing case studies from each authority.
- 8.5 Education providers can work with staff and employers to become more flexible about when and where they provide learning support. Breakfast and after school clubs can help people with child caring commitments.
- 8.6 People who traditionally miss out on learning opportunities such as women, ethnic minorities and people who speak English as a second language, older people can be an untapped resource for an authority. Enabling these people to learn can help to address recruitment and retention problems, as well as developing the workforce more equitably. Including equality as a standard requirement in management development is good practice. This should cover non-discriminatory behaviour as well as statutory requirements and should link to the authority's progression through the Generic Equality Standard. Monitoring of access to learning by gender, ethnicity, grade and so on is also good practice.
9. **Cost/Lack of Money**

- 9.1 Part 2 Para 3.2 states that, "Employees attending or undertaking required training are entitled to payment of normal earnings; all prescribed fees and other relevant expenses arising. Employees are also entitled to paid leave for the purpose of sitting for required examinations. When attending training courses outside contracted daily hours, part-time employees should be paid on the same basis as full-time employees. (Assistance for other forms of learning, for example that directed at individual development, will be locally determined). Qualification training can be expensive and authorities may require repayment of all or part of the costs incurred should an employee leave the authority before a reasonable time period has expired. The authority's policy in this regard should be made explicit."

Case Study

Brighton and Hove City Council is working with a range of partners to increase work-based development opportunities available to both front line workers and managers that are both useful and cost effective. Their "grow your own" approach has let to some creative solutions.

Initiatives include:

- A work-based management development programme in partnership with University of Brighton
- Introduction of a work based Diploma in Social Work in partnership with UNISON and the Open University, which includes a book allowance from UNISON
- Creation of a Learning Centre at the depot in partnership with GMB
- Introduction of a range of computer based learning packages to support the development of e-skills

See UNISON website

<http://www.unison.org.uk> for full case study

9.2 The Part 4.8 guidance encourages authorities to identify external funding opportunities. Many of the local authorities featured in this guidance were able to find additional funding from outside the organisation, some went to their local Learning and Skills Council, others worked with providers who were funded by government and were able to offer their programmes at a discounted rate, and still more were able to access the Union Learning Funds (see <http://www.dfes.gov.uk/>) by working in partnership with their union representatives. Others were funded by the Office of the Deputy Prime Minister (ODPM) Capacity Building Fund (see website <http://www.odpm.gov.uk>).

9.3 Authorities need to look at the risks and pitfalls of not investing in their staff, and how this affects performance. They should look at the longer-term savings and efficiencies that can be made through workforce planning including:

- More efficient use of existing resources by using existing staff to coach and mentor others and using existing development opportunities such as secondments.
- Saving on recruitment costs by better staff retention and more efficient recruitment methods - online recruitment, joint recruitment and so on.

Case study

Boston Borough Council's UNISON branch Education Co-ordinator decided to get to grips with Skills for Life when he became a ULR. He was able to secure funding from the LSC to set up a learning centre and to arrange the local college to deliver courses.

The results of this partnership approach are already providing rewards - working with Boston Borough Council, Boston College, and the Learning and Skills Council has opened up training opportunities to all Boston Borough Council Employees. This will improve staff confidence and skills and so build a stronger workforce who is happier both in and out of work.

10. **Fear of Learning**

- 10.1 Sometimes individuals don't feel confident about returning to a learning environment. They may have had bad experiences of learning - perhaps at school. Others may have low levels of self-confidence and will worry about keeping up with others, or that they don't have the "right" qualifications or necessary skills.
- 10.2 Authorities should try to ensure that there is someone that people in this situation can talk to before the programme begins. They should ensure that the trainer(s) knows if any of the people have a special need, so that their needs can be built into the planning for the programme.
- 10.3 ULRs may be able to assist individuals to build confidence by assuring people that they can do it, providing information on the programmes in advance and by putting people in touch with others who have succeeded. They can help by using their experience and mentoring role to encourage both individuals and management. They can acknowledge different styles of learning and non-training learning. Evidence from the Campaign for Learning's Equal Project has proved that individuals, who are allowed to study non-work-related subjects initially, become more motivated to learn other, work related, skills.

Case Study

In January 2004 **Lincoln City Council** became one of the first Local Authorities in the country, and certainly the first in the East Midlands, to sign a Learning Agreement. As part of their commitment to lifelong learning, the Unions and the council worked together, with the LSC, to provide taster sessions in a wide variety of subjects, both work and non-work related, to encourage people to start learning again. Subjects covered were as diverse as Digital Photography and Head massage; basic IT and Flower arranging.

It gave a large number of employees the confidence in their ability to learn and many signed up for work related courses.

For further information go to <http://www.unison.org.uk>

- 10.3 In 1998 the National Adult Learning Survey by the DfES (www.DfES.gov.uk) found that 15% of adults said they didn't need training to learn for the kind of work they do. A further 13% said they were too old to learn. Some employers may discriminate against older people in training, as there can be an unspoken assumption that investment in training for older people is economically imprudent.
- 10.4 Training at work can sometimes be poor quality and irrelevant to an experienced workforce and this can lead people to feel that they don't want to bother with training. Badly managed change can leave a demoralised workforce reluctant to undertake training and development activities.
- 10.5 An important aspect of planning to overcome these obstacles is to ensure that the training and development activities result in direct benefits to the individual employee as well as the local authority. Training which leads to certification, new skills, and/or a more interesting way of doing the job is likely to be more attractive to demoralised workers than something that they think it just a "bums on seats" exercise.
- 10.6 Authorities should find champions who are keen learners from within the workforce to encourage others to attend. They should publish success stories in their authority's staff newsletter and involve Union Learning Representatives, in selling the benefits of training to people who feel that they do not need to learn more.

Case Study

Staffordshire County Branch's initiative to offer educational opportunities for what is considered a traditionally low-skill sector of the workforce has paid off in helping craft a real working partnership with Staffordshire County Council's Cleaning Services. The partnership actively delivers training opportunities and laid the groundwork to develop a team of learning representatives and advisors.

The Union, the Workers Education Association and the council have provided essential training for over 2000 cleaning services staff, 96% of whom are female, part-time workers.

The training has improved health and safety, cost efficiency and retention of staff. There has also been a rise in the number of employees requesting further training, eg. NVQs. The icing on the cake was winning in the West Midlands Workforce Development Awards 2004.

The full case study can be found at <http://www.unison.org.uk/>

11. **Lack of Information**

- 11.1 Much of the language that is used in the training and development world has developed into a mysterious jargon. NVQ, GNVQ, iip, LSC,³ and so on are all mysterious acronyms to most people. The difference between the expressions "learning", "education", "training" and "development" is not clear, and often these words are used interchangeably.
- 11.2 The range of qualifications is confusing. The Campaign for Learning lists 16 different types of qualifications - including NVQ's, University Degrees, school qualifications such as GCSE/A Level; A/S Level, access courses, ONC, HND professional qualifications, management qualifications. There are many more. Employers will be asking themselves, "is this a qualification that is valuable for us to use?", and employees will be asking, "will this be valuable to my career/prospects?"
- 11.3 There may be many more opportunities for work-based learning than the individuals are aware of, and Union Learning Representatives can help by demystifying and guiding employees to valuable programmes and/or qualifications
- 11.4 A number of methods of skills auditing using most up to date IT systems are currently being piloted.

³National Vocational Qualification, General National Vocational Qualification, Investors in People, Learning and Skills Council

- 11.5 In the North West region, EO with Halton, Macclesfield, Blackpool and Wirral Councils are piloting a skills auditing system. Findings will be published on the EO website later in 2005.
- 11.6 ULRs can help by adding their knowledge of workforce issues to that of employers and managers. Managers may also need training in conducting appraisals and identifying development needs.
- 11.7 EO has a number of tools on its website to support training needs analysis. Information gathered from authorities on spend on training and development, days per head and other indicators are collated to form the People Skills Scoreboard produced annually by the EO. This can be used for benchmarking purposes.
12. **Fear That Staff Will Leave**
- 12.1 Managers sometimes fear that if money is spent on training the workforce, they will leave and take the new skills with them. In practice it is employees who lack development opportunities who are more likely to leave.
- 12.2 A common plea from those who have had training is to be allowed to use their new skills in the workplace. If an employee can use the new skills they have acquired and feel valued for doing so, they are likely to be more motivated to stay with the employer.
- 12.3 Employers fear that their trained workforce will be "poached" by other organisations. This is something that is actually experienced by many authorities. Some employers have tried a "golden handcuffs" approach - requiring the employee to stay for a set period of time or pay the training fees back if they leave early. However, it might be more practical to try building a range of different options, to encourage staff to stay, into the workforce development plan, such as career progression pathways and succession

planning, secondment opportunities and good people management practices that make employees feel valued.

- 12.4 Organisations need to ensure that their approach to evaluation provides them with data on this aspect of the "return on investment", in order to establish whether it is really true that people leave, or just a myth. They need to check the organisation's turnover figures and consider - is there a high staff turnover, are there reasons for this, and are they being tackled?

13. **In Summary**

- 13.1 This NJC Guidance illustrates some of the action that can be taken to overcome obstacles to learning at work and workforce development. It is clear from the case studies that much can be achieved through strengthening partnership working between trade unions and employers with benefits to all concerned. The individual's life can be enriched, inequalities tackled and untapped skills and resources accessed. At the same time the employer benefits from having a skilled and professional workforce able to perform well and deliver improved services efficiently and effectively.
- 13.2 Many of the Regional Employer Organisations have a long history of providing training and development and there are discussions on workforce development at Provincial Council meetings.

Part 4.8: Annex A

Sources of Information

For more information about the workforce development agenda the following websites may be useful.

Employers' Organisation for local government -
www.lg-employers.gov.uk

Regional Employers Organisations -
<http://www.lg-employers.gov.uk/links/index.html>

TUC Learning Services - www.learningservices.org.uk

GMB - www.gmb.org.uk

TGWU - www.tgwu.org.uk

UNISON - www.UNISON.org.uk

Improvement and Development Agency - www.idea.gov.uk

Campaign for Learning - www.campaignforlearning.org.uk

Learning and Skills Council - www.lsc.gov.uk

Workers Education Association - www.wea.gov.uk

Chartered Institute of Personnel and Development - www.cipd.co.uk

Learndirect - www.learndirect.co.uk

The following publications may also be useful:

"The Learning Rep" available from TUC Learning Services :
Tel: 0207 467 1309

"UNISON Workplace Learning Partnerships" pack available from
UNISON Open College 1, Mabledon Place, London WC1H 9AJ

Lifelong Learning - a branch guide

Available from UNISON Open College 1, Mabledon Place, London
WC1H 9AJ

Trade Union Learning Representatives - The Change Agenda - CIPD
CIPD House, Camp Road, London SW19 4UX

"South Yorkshire's Balancing Act.... creating better work-life balance
within local authorities" - produced jointly between the LSC and
local authorities. For copies contact Pam Walton - email address:
cmb@sheffield.fg.co.uk

Part 4.9: Pay & Grading Reviews

Overview

1.2 Local pay and grading reviews are central to the objective of modernising pay structures and removing discrimination in pay and conditions of service in local authorities. They are a means of ensuring that pay structures:

- are transparent and fair;
- remove artificial and outdated demarcations between groups of employees;
- provide equal pay for work of equal value;
- underpin service objectives; and
- effectively motivate employees.

1.3 The 1997 National Agreement for local authorities services introduced the principle of Single Status, with the objective of removing the then existing distinction between 'manual workers' and 'officers'. However, progress in implementing Single Status through the conduct of local pay and grading reviews has been slow and patchy. The Local Government Pay Commission, in its report of October 2003, therefore recommended:

"Every local authority which has not yet done so should undertake a pay audit (pay and grading review) and develop an action plan for implementing a pay structure embodying the equal value principles required by the Single Status Agreement with objectives, a staged timetable and deadlines. This should form part of a longer-term strategic plan for addressing any gender pay gap revealed by the pay audit including tackling occupational segregation." (Chapter 5, Para 27)

1.4 A key element of the 2004 Pay Agreement that followed publication of the Local Government Pay Commission Report is the requirement on those authorities that have not already done so to complete local pay and grading reviews.

1.5 **Scope of the Review**

"The requirement to undertake a pay and grading review applies to all employees in scope of the 'Green Book' (the National Agreement on Pay and Conditions)".

1.6 **Requirements for a Successful Pay and Grading Review:**

1.7 A successful pay and grading review will require:

- **Partnership Working.** The NJC believes that joint participation between management and trade unions is beneficial to both parties and should underpin the conduct of the reviews. This partnership approach should cover:
 - => establishing common objectives for the review;
 - => development of action plans for the review;
 - => the design and conduct of the review; and
 - => joint management-union training of participants in the review.
- **Top-Level Commitment.** Elected members, senior managers and trade union representatives need to have buy-in to the review to ensure that it is given the necessary priority and resources.
- **Steering Group.** The establishment of a joint management-union steering group at the outset of the review will be central to its success (see Para 2.30 below).
- **Early Planning.** The early development of a project plan for the review is essential to a successful outcome.
- **Project Management.** Active project management will facilitate the completion of the review within timescales and allocated resources, and ensure that potential problems are quickly identified and resolved.
- **Adequate Resources.** This will include both

quantity (provision of resources/facilities for managers and trade unions involved in the review) and quality (ensuring that the relevant people with the appropriate knowledge, skills and experience are involved).

- **Realistic Timescales.** Timescales need to be sufficient to the task in hand and reflect the resources that are available - otherwise there is the risk that corners will be cut in the process to meet the deadlines.
- **Effective Communication.** Ensuring that employees are kept fully informed of the objectives, progress and outcomes of the review is key. This should be a joint responsibility of both management and trade unions [see below].

1.8 **Communication with Employees**

1.9 There should be good, regular communication with employees throughout the process of the pay and grading review on a regular basis. The intention should be to:

- ensure employees are aware of the planned process and likely timescales;
- dispel any lack of clarity that may arise on specific issues;
- encourage employee "buy-in" of the exercise;
- explain the more complex processes in a simple way;
- deal with frequently asked questions consistently and clearly;
- inform employees of detailed proposals once these have been finalised;
- emphasise the joint approach between management and the unions; and
- encourage openness and transparency.

1.10 Both sides will need to discuss what information should be shared and how widely, since the exercise is conducted

jointly, with management and trade union representatives working together.

1.11 Pay Review Outcomes

1.12 The outcomes of a local pay review can be unsettling for both parties locally. Local authorities need to make a realistic assessment as to the potential financial implications of the outcomes of the review, and build these into their budget-planning process.

1.13 However, under the Implementation Agreement 2004, either Side may identify cost savings and productivity improvements to offset the cost of implementing changes to pay and grading structures.

1.14 It is also likely that implementation of the pay review will result in significant changes to traditional job relativities in local authorities, either directly as a result of job evaluation or indirectly as a result of the impact on bonus schemes and market supplements. This is especially likely where the authority has not previously used any form of job evaluation to determine local rank order of jobs.

1.15 While pay protection is a matter for local determination, employees whose jobs are 'downgraded' (in either absolute or perceived terms) may interpret this as a loss of status: managing such problems is a part of the communication process.

2. JOB EVALUATION

2.1 Requirements Under the National Agreement

2.2 The 1997 Single Status Agreement and 2004 National Pay Agreement place the obligation on local authorities and trade unions to undertake local pay reviews.

2.3 The latter agreement sets a deadline for completion of such

reviews of April 2007. These local reviews provide the framework for the development of pay and grading arrangements within the context of single status. There is now an obligation on local authorities to produce comprehensive proposals for a local pay review. The 2004 Implementation Agreement requires both local parties to negotiate towards a settlement by a date to be agreed and requires an agreed mechanism for dealing with situations where progress cannot be made - as recommended by the Local Government Pay Commission. Failure to implement the Agreement may well leave local authorities vulnerable to significant legal and financial risks.

2.4 Advantages of Job Evaluation

2.5 Both Sides of the NJC believe that the application of a properly designed analytical job evaluation scheme is the most effective tool for the development of a fair and transparent structure. The benefits of job evaluation include:

- it provides a fair, systematic and transparent method for assessing the relative value of jobs within the local authority;
- it can form the basis for the pay and grading system implemented by the local authority
- it can provide the employer with a defence to an equal pay claim where the scheme:
 - => is analytical ie. it is factor-based;
 - => is non-discriminatory in both design and implementation;
 - => covers both applicant and comparator jobs; and
 - => has been used to analyse and evaluate jobs and the evaluation is still valid.

2.6 Equal Pay Claims

2.7 Although there is no legal requirement to use job evaluation as a means of assessing whether women and men are doing

equal work, the Equal Pay Act gives a special role to job evaluation, in that an employer can use a non-discriminatory analytical job evaluation scheme as a defence against an equal pay claim. The NJC supports the Equal Opportunities Commission advice that job evaluation provides the best means of eliminating discrimination from pay and grading structures.

- 2.8 Local authorities which do not undertake a local pay review using job evaluation open themselves to significant legal risks, by escalating the likelihood of equal pay claims from individual employees, or trade unions on their behalf, and increasingly from solicitors taking cases on behalf of employees on a 'no win, no fee' basis. Where claims are lodged at employment tribunal, the parties concerned are entitled to seek compensation for loss of earnings equivalent to 'back-pay' of up to six years.
- 2.9 Dealing with such claims, as well as being potentially expensive, also diverts resources from the improvement in service. A number of local authorities have been on the receiving end of such claims, and in some cases the financial settlement has involved back-pay running into millions of pounds. The National Joint Secretaries understand that some solicitors are looking to extend the scope of such claims, with approaches being made to employees in local authorities across the whole of the country.
- 2.10 Both Sides of the NJC have issued advice to their respective constituents on dealing with equal pay claims and compensation. These can be obtained from:

Trade Unions: 'Guide to Local Government Grading and Pay',
UNISON - g.archer@unison.co.uk
GMB - brian.strutton@gmb.org.uk
TGWU - pmorley@tgwu.org.uk

Employers' Organisation: 'Reviewing and

Modernising Pay Frameworks', contact:
samantha.burberry@lg-employers.gov.uk

2.11 However, the best means of reducing the risks involved will be for local authorities to complete and implement local pay reviews using job evaluation in accordance with the 2004 National Agreement.

2.12 **Choice of Scheme**

2.13 Although other job evaluation schemes are available for use by local authorities, the NJC believes that its scheme is the best available to meet the needs of local authorities. The Local Government Pay Commission in its report of October 2003 made the following recommendation in respect of the national scheme:

"This presumption [that the NJC scheme will be used] should be retained but we also feel that more flexibility should be shown where the principles and safeguards which are found in the NJC scheme are demonstrably present in another scheme." (Chapter 5 Para 41)

2.14 The Commission also recommended:

"...there should be an onus on an employer proposing to use a scheme other than the jointly designed NJC scheme to demonstrate as far as is reasonably possible that it is fit for the purpose in terms of its ability to cover all the jobs concerned and in terms of conformity to equality principles in design and implementation. If this is done then union representatives should not oppose its use (or insist on NJC scheme) on those grounds." We recommend that the Unions should give appropriate advice to this effect to local representatives. Such advice would be in keeping with the agreement." (Chapter 5 Para 43)

2.15 In light of this recommendation the Employers and Trade Unions confirmed in the 2004 Implementation Agreement

that these principles should underpin the choice of scheme. It should also be noted that the EOC, in its evidence to the Commission, stated its belief that the NJC scheme "worked well" in local government.

2.16 Where authorities are considering using other schemes they will need to ensure that the scheme meets the standards required for an equality-proofed job evaluation system as well as the principles of the NJC Scheme. If the scheme is a proprietary system the authority will need to contact the owner to obtain information on whether the tool has been equality proofed. Further details on equality-proofing job evaluation schemes will be available in joint advice to be issued shortly.

2.17 **The NJC Job Evaluation Scheme**

2.18 The NJC job evaluation scheme has been jointly developed to meet the needs of local authorities. It has been designed to reflect the diversity of jobs within local authorities, and to incorporate the principle of equal pay for work of equal value.

2.19 It is a points-rated analytical scheme. The factor plan and weightings aim to be free from gender bias and discrimination on the grounds of race, sexuality, religion, age and disability. In developing the scheme the Equal Opportunities Commission (EOC) and the Commission for Racial Equality (CRE) were consulted.

2.20 The thirteen factors of the scheme have been selected and designed to reflect the different attributes of the wide range of jobs undertaken by staff in local authorities that the scheme is designed to cover. The factors are:

· Knowledge	· Initiative and independence	· Responsibility for people
· Mental skills	· Physical demands	· Responsibility for supervision/direction and co-ordination of employees
· Interpersonal & communication skills	· Mental demands	· Responsibility for financial resources
· Physical skills	· Emotional demands	· Responsibility for physical resources
		· Working conditions

2.21 The scoring and weighting percentages for the points matrix:

- follow equal value considerations;
- reflect local government values;
- provide equal percentages for factors under each broad heading; and
- have equal steps for the levels within each factor.

2.22 Using Two Job Evaluation Schemes

2.23 Under the Equal Pay Act [s.2A(2)(3)] a job evaluation scheme provides an employer with a defence against equal pay claims where potential applicant(s) and comparator(s) are covered by a single scheme. The Act does not, however, provide a legal defence where the applicant and comparator are covered by different job evaluation schemes.

2.24 Where a local authority uses more than one scheme it will increase the risk of legal challenge, as well as presenting practical difficulties in application. The legal risk is likely to be greater the lower down in the pay structure that the cut-off point for the application of the schemes is set, as it is more

likely to impact on jobs and grades which are predominantly filled by women.

2.25 Local authorities will, therefore, reduce the risk of legal challenge under the Equal Pay Act if they use the NJC job evaluation scheme for all employees within scope of the National Agreement. The NJC job evaluation scheme has been designed to reflect the diversity of jobs within local authorities, and to incorporate the principle of equal pay for work of equal value, and will therefore provide the best protection against equal pay claims.

2.26 A local authority that applies two schemes is likely to be faced with some or all of the following problems:

- it may be difficult to objectively justify its use of two schemes by reference to the requirements of the organisation;
- determining where to place the cut-off/divide between the two schemes to ensure that they give similar, rather than different, outcomes; and
- designing and operating methods to test evaluations of jobs within the boundary between the two schemes, where experience shows that the more favourable outcome for the employee applies.

2.27 In any event the authority will need to undertake an equality impact assessment of the effect of the use of two schemes prior to implementation, and undertake regular equalities monitoring of the outcomes of the two schemes, for example, gender monitoring for jobs above and below the cut-off for the two schemes.

2.28 **Overview of the Job Evaluation Process**

2.29 The NJC scheme has been designed for joint application by local authorities and their respective trade unions. The main stages in the process of job evaluation are:

- **Forming a Steering Group.** A joint steering group should be established at the outset to manage and oversee the job evaluation process (see below).
- **Training of Job Analysts and Evaluators.** Effective joint training is a key ingredient in the process, and should cover:
 - => equalities issues;
 - => understanding of factor plan;
 - => roles of job evaluators and job analysts; and
 - => use of the Job Description Questionnaire and collection of job information.

Where the job evaluation process is spread over a lengthy period consideration should also be given to regular 'refresher' training for participants.

- **Choice of Job Evaluation Method.** The NJC scheme is available in both paper-based and computerised versions. The software version of the scheme (called 'Gauge') is designed and provided by the NJC's external consultants, Pilat (<http://www.pilat-hr.co.uk>). It has been developed specifically for the NJC scheme, and is reviewed and updated in light of user experiences to ensure it continues to meet their needs.
- **Selecting 'Benchmark' Sample Jobs.** This is a representative sample of jobs that reflects the breadth and depth of jobs within the authority, including well-populated jobs. This sample can be used as the framework for implementing the scheme through piloting, testing and development of local job evaluation conventions.
- **Collection of Job Information** on the benchmark sample using the job description questionnaire. This should include interviewing employees and line managers to ensure high quality information
- **Evaluation of the Benchmark Sample.** These evaluations will facilitate the chosen method of

- evaluation - paper-based or computerised, and enable panels to set and record any conventions.
- **Check the Sample for Consistency.** This should be done at regular intervals during the exercise and would include ensuring that conventions developed in the evaluation process are applied consistently factor by factor. This would typically be undertaken by the steering group: once the steering group has completed this task, there may be merit in obtaining an external check, for example by a NJC Associate Consultant, at this stage to avoid later problems. (See 'Advisory Note on Quality Assurance' [dated 3 September 2003] on EO website at: <http://www.lg-employers.gov.uk/conditions/lgs/evaluation.html>)
- **Collection of Job Information** on the other jobs, on an agreed basis.
- **Evaluation of Remaining Jobs** in the context of the framework established by the benchmark jobs.
- **Check for Consistency** of evaluation factor by factor ("sore-thumbing"). Before grading reviews are concluded it is essential that all results are thoroughly checked for consistency. This process involves looking for obvious anomalies factor by factor as well as across the rank order. The parties may wish to seek a further external check of the complete set of job evaluation outcomes at this stage. (See 'Advisory Note on Quality Assurance' [dated 3 September 2003] on EO website at: <http://www.lg-employers.gov.uk/conditions/lgs/evaluation.html>)
- **Pay Modelling** and design of grading structure [see next section].

2.30 **The Joint Steering Group**

- 2.31 The steering group will have a key role in managing the job evaluation process.

2.32 Its membership should reflect the diversity of the local workforce, with particular regard to gender and ethnicity.

2.33 Initially its responsibilities will include:

- developing a partnership approach for the review;
- agreeing the resources (human, financial, ITC, time and other) necessary to undertake the task;
- skills analysis to determine what job evaluation expertise exists in-house, and the requirements (if any) for specialist assistance, eg. on equal opportunities and equal value;
- development of a project plan and project management arrangements;
- training for all union and management representatives involved in the job evaluation process;
- employee communication to inform employees about what is happening and when, and on progress;
- composition of the joint evaluation panel[s], including arrangements for chairing and gender/race balance;
- the basis on which jobs are to be selected for evaluation;
- overall timescales for the evaluation process; and
- arrangements for monitoring the work of evaluation panels.

2.34 As the process continues the steering group will also oversee the validation and verification (sore-thumbing) of the job evaluation results. The group will jointly agree an appeals process and oversee appeals using the principles as set out in Green Book Part 4.1 Para 6.

2.35 **Streamlining the Job Evaluation Process**

2.36 A number of authorities have found the conduct of a job evaluation exercise to be time-consuming and requiring the

investment of significant human resources. A range of approaches can assist in streamlining but it's important not to undermine the process, for example, by importing JE scores from other authorities.

2.37 The NJC recognises that job evaluation does create workload demands for authorities and their local trade unions, and has endeavoured to provide them with as much assistance as possible. Details of the support available are set out below.

2.38 The Local Government Pay Commission recommended that;
"The NJC parties consider whether there are measures which could facilitate the implementation process of the NJC Job Evaluation Scheme without undermining the principles of the scheme, and make such adjustments to the process aspects of the NJC scheme as might facilitate the progress needed in this area. Such consideration should be informed by the experience of local employers and union representatives." (Chapter 5 Para 48).

2.39 The NJC believes that streamlining of the job evaluation process within an authority can be achieved by:

- Restricting full job evaluation to a representative sample of posts (perhaps 20%, though this figure could be higher according to the range of jobs compared with the number of posts eg, in a unitary authority). In this instance it is important to ensure that this sample is:

- => reflective of the diversity of the local workforce,

- with particular regard to gender and ethnicity;

- => drawn from across all levels of the organization structure;

- => typical of the range of jobs, functions and services found within the authority inclusive of all occupational groups including school-based employees; and

- => includes all potentially contentious jobs.
- Assessment of the remaining jobs by a process of factor comparison with the jobs which have been subject to full evaluation, which should;
- => be based on comprehensive job information, eg. a completed job description questionnaire; and
- => involve an objective assessment of the job information.
- Putting in place a robust review mechanism which enables the Steering Group to consider issues of principle before any individual appeals are undertaken; and
- Undertaking an equality impact assessment of the outcomes.

2.40 This streamlining process, including for example the percentage and type of sample jobs, should be jointly considered and agreed by the steering group.

2.41 **Support Available for the NJC Scheme**

2.42 There is a wide range of support available to local authorities using the NJC scheme. These include the following:

- a • **Users' Manual.** The Users' Manual has the status of Part 4 provision offering further guidance on applying the scheme. It is available as a CD-Rom from <http://www.lg-employers.gov.uk/conditions/lgs/evaluation.html>
- **Training Resource Pack.** This contains material to enable job evaluation users to be trained in the application of the NJC scheme. It also provides detailed information on how to go about the process of job evaluation. It is available on the User Manual CD-Rom.

- **Computer-Based Systems.** A computer software package, Gauge, is available from Pilat Consultants as an option for evaluating jobs. This has been specifically tailored for use with the NJC scheme and comes with technical support and appropriate training in its use. Use of the computerised version will enable the process of evaluation to be carried out more speedily and efficiently; whilst preserving the integrity of the scheme. Two versions of pay modelling software, provided by Pilat and Link, are available to assist local parties. More information on these software packages can be obtained from PILAT by email at info@pilat.com or on its website at <http://www.pilat-hr.co.uk> and at Link via its website at <http://www.link-reward.co.uk/home.htm>
- **Job Description Questionnaire (JDQ).** A model JDQ has been designed by the NJC to assist in the collection of job information for evaluation purposes from the jobholder, based on the factors used in the scheme.
- **Technical Advice.** The NJC's Job Evaluation Technical Working Group (JETWG) provides detailed technical advice on the application of the scheme and related areas. Its technical notes can be found on the EO website at:
<http://www.lg-employers.gov.uk/conditions/lgs/evaluation.html>
- **Regional Organisations.** Regional joint organisations also provide a range of support mechanisms to local authorities on implementing the NJC scheme, such as local user groups and consultancy support. Further details can be obtained from the relevant regional employer, trade union and joint organisations.
- **Associate Consultants.** The NJC has a team of Associate Consultants available to assist authorities in the implementation of the NJC scheme. These consultants can assist in a number of ways, including training, designing and setting up

procedures, project management and pay modelling. Further information on this service can be obtained by emailing harry.honnor@lg-employers.gov.uk at the Employers' Organisation, or from the national contacts for each of the three trade unions.

- **NJC Joint Secretaries.** Advice and support is also available from the National Joint Secretaries.

2.43 Local authorities and trade unions can also benefit from the experience of their peers who have already completed their local pay reviews, and may find it useful to contact their opposite numbers in such authorities.

3. PAY AND GRADING STRUCTURE

3.1 In broad terms this process will consist of a number of stages:

- job evaluation process producing a rank order of jobs;
- developing the pay and grading structure;
- carrying out the pay modelling, and costing the preferred option(s); and
- equality impact assessments.

3.2 The job evaluation issues have been discussed in the earlier section. The main issues involved in the latter two stages are discussed below. More detailed advice and guidance is available in the following documents:

Trade Unions: 'Guide to Local Government Grading and Pay',

UNISON - g.archer@unison.co.uk

GMB - brian.strutton@gmb.org.uk

TGWU - pmorley@tgwu.org.uk

Employers' Organisation: 'Reviewing and Modernising Pay Frameworks', contact samantha.burberry@lg-employers.gov.uk

3.3 **Equal Pay Audits and Equality Impact Assessments**

3.4 The NJC 2004 Pay Agreement includes the requirement to undertake equal pay monitoring of new pay structures and changes to other terms and conditions.

3.5 The 2004 Implementation Agreement states that pay and grading reviews must include:

- an Equality Impact Assessment of proposed changes to grading and pay and other conditions; and
- an Equal Pay Audit where local pay reviews have been completed without such an audit. (Implementation Agreement 2004, Paragraph 5).

3.6 The NJC will shortly be issuing joint guidance on Equality Impact Assessments and on Equal Pay Audits.

3.7 It is important that any new pay structures and pay-related allowances are subject to thorough equality proofing and both Sides are recommended to ensure that either an Equality Impact Assessment or Equal Pay Audit as specified in the Agreement is undertaken. This also ensures that authorities can show how their new pay structures were equality checked if this should become necessary.

3.8 **Equality Support**

3.9 Pay and grading reviews will inevitably include a range of equalities issues.

3.10 Authorities and trade unions should therefore ensure that there is equality expertise available to advise and assist the parties throughout the development and implementation of the pay and grading structure, as well as on the application of job evaluation. If this expertise is not available internally, the NJC is able to offer assistance through its Associate Consultancy service by emailing harry.honnor@lg-employers.gov.uk

3.11 As proposals for pay and grading are developed, the parties should carry out an equality impact assessment of any intended changes to their pay system in advance of their implementation. Factors such as race, disability and age as well as gender should also be included in such assessments. Any differences between the pay of predominantly male and female jobs that the job evaluation process has established as being of equal value must be objectively justified in accordance with the requirements of the Equal Pay Act.

3.12 **Developing Grading Structures**

3.13 The job evaluation process will produce a point-based rank order of jobs that will then need to be translated into a grading and pay structure. Key issues to be considered at this stage include:

- how many grades?;
- incremental points and incremental progression;
- where to draw grade boundaries;
- use of overlapping or butt-ended grades; and
- equality impact assessments.

3.14 At an early stage in the pay review the parties should give consideration to the type of pay and grading structure that is likely to result from the review. This can be explored in advance of the completion of the job evaluation process, although final decisions on the grading structure should be deferred until the preferred option(s) can be tested using the actual job evaluation results.

3.15 The national pay spine provides a basis on which grading structures should be designed. Within this there are a number of issues that the local parties will need to consider. These are discussed below.

3.16 **Fixed Pay Points or Salary Scales?**

3.17 A major issue for the parties will be to determine whether

grades should be based on:

- fixed pay point ('spot') salaries, where each grade is associated with a single pay rate; or
- salary scales, consisting of several incremental pay points which allow for incremental progression.

3.18 The former approach was traditionally used for manual worker grades with the latter being the system applied for APT&C grades. There are potential advantages and disadvantages to each of these options for employer and employee. The most significant are:

Salary Scales	Fixed Pay Points
<p>Advantages:</p> <ul style="list-style-type: none"> => they are capable of recognising extra skills and competency gained through experience; => they can motivate employees and improve morale; => they can be used as an aid to recruitment and retention. 	<p>Advantages:</p> <ul style="list-style-type: none"> => they establish the 'rate for the job' and are potentially the least discriminatory system; => they are simple to understand and transparent; => they are suitable for jobs having little scope for progression after the initial induction and training.
<p>Disadvantages:</p> <ul style="list-style-type: none"> => they do not reward additional expertise gained through experience in job; => they de-motivate employees through lack of salary progression; => if only used at certain levels within the grading structure (eg. at the lower end) they may be perceived by the staff affected as not valuing these jobs. 	<p>Disadvantages:</p> <ul style="list-style-type: none"> => they are less transparent and more complex than spot salaries; => they may be more open to challenge on discriminatory grounds, especially if the scale consists of a large number of increments.

3.19 In deciding between fixed pay points and salary scales, the local parties must ensure that their choice is not discriminatory. The 1997 Single Status Agreement allows for the application of either a fixed pay point or series of pay points. It also provides that where a common system for all employees is not adopted locally, there needs to be objective justification for any distinction between those jobs paid on scales and those which are paid on single pay points. This is likely to be particularly relevant where the fixed pay points are concentrated at the bottom of the new pay structure.

3.20 While it is possible to develop a grading structure which has a mix of fixed pay points and pay ranges, this option may increase the scope for discrimination where the jobs are dominated by a single sex, for example if fixed pay points are chosen for grades where the majority of staff are female. This could lead to a challenge on the basis that it is discriminatory unless the parties can demonstrate that the choice of fixed pay points for certain grades is objectively justified.

3.21 **Broad Bands or Narrow Bands?**

3.22 Where the choice is to have grades consisting of a series of incremental points, the parties will need to choose whether to have a small number of broad bands or a large number of narrow bands. Broad bands are associated with flatter organisational structures and may allow greater pay flexibility. They are most suitable where there is a wish to move away from incremental pay progression, as incremental progression within broad bands consisting of multiple pay points will be expensive over time. However, they may allow more scope for challenge on discriminatory grounds. The Local Government Pay Commission in its report commented:

- ...So-called 'broad-banding', where employees are grouped within very wide pay bands, has become popular in some organisations in recent years,

including the civil service. But broad bands still remain uncommon and, where such structures have been introduced, sometimes problematic because of their apparent lack of transparency. There is now some movement back towards narrow salary ranges and this is supportive of non-discriminatory pay systems.

The Commission supports a move away from long, service-based, incremental pay scales. This move would support greater gender equality and other rationales...." (Chapter 6 Paras 47 and 48).

3.23 Narrow bands allow for more differentiation between jobs within the organisation, and place greater emphasis on expertise and experience. They are also more suitable for use with incremental progression. The most recent national survey of local authorities showed that this option was the most popular.

3.24 One other aspect to consider is the use of grade scales with different numbers of incremental points. As with using a mixture of fixed pay points and salary scales (see above), using a mixture of grades with varying numbers of increments may increase the scope for discrimination where some grades are dominated by a single sex. To reduce the risk of legal challenge the parties would need to be able to demonstrate that the choice of grades with different numbers of incremental points is objectively justified.

3.25 **How Many Grades?**

3.26 There is no single solution to this question. Previously, local authorities have operated as many as 25 grades below Chief Officer level. The choice of the number of grades under a new grading structure will in part be determined by:

- whether the objective is to produce flatter organisational structures and more flexible pay arrangements;

- the choice between broad bands or narrow bands; and
- the outcomes of the job evaluation exercise - the points distribution will in part inform the extent to which clear differences in job sizes can be identified.

3.27 **Incremental Progression**

3.28 Where grades consist of multiple points a decision will need to be made on the basis for progression within each grade. The 2003 Employers' Organisation Single Status Survey has shown that authorities have used a range of options including progression based on:

- experience;
- skills and competencies,
- contribution;
- performance;

or

- a combination of all of the above.

3.29 The 1997 Single Status Agreement provides the scope to introduce alternative arrangements in place of the traditional 'time-served' progression.

3.30 The Local Government Pay Commission recommended a move away from long, service-based incremental pay scales. It commented:

"Rather than seeing the issue of progression as service or contribution we suggest consideration should be given to a combination of a limited number of service related increments followed by some form of contribution based pay progression This could include progression based on the acquisition of skills, competencies, qualifications etc. as appropriate. The complexity of local government suggests

different approaches to progression may suit different authorities or even different groups of employees within individual authorities. However, the use of mixed approaches within an authority will need to be objectively justifiable from an equal pay perspective. If progression is on the basis of skills or competencies, attention will need to be paid to equality issues in their definition and to equality of opportunities to acquire and demonstrate them." (Chapter 6 Para 50).

- 3.31 Specifically, this means that pay progression systems based on, for example, contribution will require:
- objective, clear and relevant criteria against which the contribution will be measured;
 - non-discriminatory and transparent processes of assessment by managers; and
 - investment in training for managers and employees to create a 'level playing field' for all employees to achieve the required standards/criteria.
- 3.32 Equality impact assessment of proposals for progression and regular post-implementation equality monitoring will also be essential.
- 3.33 **Career Grades**
- 3.34 'Career Grade' schemes provide a means of enabling progression within or through a grade structure or hierarchy. They are generally associated with professions or careers within which the acquisition of competence and skill adds to the employee's potential to contribute to the organisation. Employees are able to progress through a number of grades as they achieve specified attainment targets (usually attainment of formal qualifications or undertaking more responsible duties). Such schemes have been the subject of a number of successful equal pay claims. These have been the consequence of the level of work undertaken by individuals

not matching their progression through the career grade.

- 3.35 A career grade may be viewed as a series of jobs with different levels of job demands and responsibilities, often requiring different knowledge and skill levels.
- 3.36 It is to be expected that a number of jobs in the career grade would score different numbers of points under a job evaluation scheme and that a number would fall in different grades in the job evaluated grading structure. One way of aiming to ensure equality in the establishment and operation of career grades is to construct them on the basis of the job evaluation scores for jobs that have been evaluated.
- 3.37 To reduce the risk of legal challenges it is recommended that career grade schemes should:
- require the employees to undertake the level of duties and responsibilities commensurate with the grade being paid, not just be based on completion of training or attainment of a qualification to allow them to carry out such work;
 - be available for all comparable groups, and not restricted to jobs dominated by one gender; and
 - be operated in a consistent non-discriminatory way, especially if they are dominated by different genders.
- 3.38 Existing career grade schemes should be also be subject to equality impact assessments as part of the job evaluation process to ensure that they are non-discriminatory in design, operation and access.
- 3.39 Authorities should also undertake regular equalities monitoring of the schemes to ensure equality of access and of operation.
- 3.40 More detailed joint advice on skills pathways and career grade schemes will be issued shortly as Technical Note 7 that

can be accessed at:
<http://www.lg-employers.gov.uk/conditions/lgs/evaluation.html>

3.41 Pay Modelling

3.42 When sufficient job evaluation results become available, and the principles of the proposed pay and grading structure are resolved, the parties can begin the process of pay modelling. This will usually involve examining a large number of options for possible pay structures to obtain an outcome that balances:

- the proposed pay and grading structure;
- the job evaluation results;
- the implementation costs; and
- equalities issues.

3.43 Two computer-based pay modelling packages are available for use with the NJC job evaluation scheme. The 'Link' pay modelling system is specifically designed for use with the NJC job evaluation scheme. Pilat also has a pay modelling system as part of the computerised version of the NJC scheme. Both systems need to be separately purchased under licence, and require training in their use that can be provided by the software providers, Pilat or Link (see Para 2.42 above). This training should be made available to both management and trade union representatives.

3.44 One of the major advantages of using a computer software-based package for pay modelling is that it allows the parties to test more easily a wide range of options for the pay and grading structure. For example, one unitary authority tested as many as thirty different approaches before choosing and successfully implementing the preferred option.

3.45 All pay and grading options considered as part of the modelling process should be subject to equality testing, for example, to ensure that grade boundaries are not drawn in

such a way as to place jobs traditionally performed by women just below the points cut-off for the higher grade. The EOC Toolkit Guidance Note 4, paragraphs 38-39, provides guidance on avoiding direct or indirect sex discrimination in drawing grade boundaries.

- 3.46 The parties will need to determine how to design a pay model that reflects the relationship between job evaluation points, NJC pay points and the grading structure.
- 3.47 One option is to construct a 'line of best fit' on a 'scattergram' plotting existing salaries against job evaluation scores. Plotting of job evaluation scores against current salaries can also be used to identify 'outlying' jobs that have historically been under or over-graded in the existing pay structure. These methods can be used to develop grade boundaries and pay rates, determine differentials and identify the number of posts that will be upgraded or downgraded under the proposed pay structure.
- 3.48 **Pay and Grading Costs**
- 3.49 The experience of pay and grading reviews in local authorities that have completed them demonstrates that there will be additional paybill costs arising from implementation of the results. The costs of proposed structures will, therefore, be a major factor in the pay modelling process and subsequent negotiations on implementation. The 2004 Implementation Agreement includes the requirement for parties to include in local reviews proposals for any cost savings or productivity improvements required to offset the cost of implementation.
- 3.50 Cost estimates should include a financial assessment of the impact over a number of years, encompassing the period after any pay protection is withdrawn or phased out, to assess the full effect of the changes.
- 3.51 **Other Pay Elements**

3.52 It is essential that local pay and grading reviews include a review of all pay elements, including payments linked to performance (incentive bonus scheme), market supplements, premium payments and payments-in-kind. The Equal Opportunities Commission Equal Pay Review Kit (EOC Guidance Note 2) contains information on the types of pay and non-pay elements that should be included in a review.

3.53 **Bonus Schemes**

3.54 Bonus schemes have generally been applied to manual and craft employees, predominantly in occupations traditionally filled by men. The continuation of such schemes in their current form in the new pay structure is likely to leave authorities vulnerable to challenge under equal pay legislation. A number of local authorities have already been challenged on these grounds and several have settled to avoid litigation.

3.55 Authorities must therefore review their bonus schemes. The NJC Bonus Technical Working Group report on bonus schemes (March 1998) sets out a range of options on how to deal with the issue. It advised that if bonus schemes continue they must:

- be clear about their purpose;
- be equally accessible to men and women
- relate earnings clearly to output or some other objective criterion; and
- build in frequent and transparent monitoring and review arrangements.

3.56 If there are issues of pay protection where the job evaluated rate of pay cannot absorb the entire bonus, options could include:

- buying-out of whole or part of bonus which cannot be absorbed; or
- phasing out over a period.

See also the section below on 'Pay Protection'.

3.57 **Market Supplements**

3.58 Pay arrangements should generally be set at a level that will recruit and retain employees, minimising the need to use market pay supplements. However, there may be a small number of jobs for which it is not possible to recruit and/or retain employees at the job-evaluated rate, because of local or national shortages. In these circumstances it may be necessary to consider market supplement schemes. Such schemes should:

- be based on clearly evidenced recruitment and/or retention problems;
- have clear, transparent and fair criteria for the application of market supplements;
- ensure that market salary testing uses appropriate market comparators for the particular post(s);
- apply to existing as well as newly recruited postholders in the relevant job;
- ensure that the 'job evaluated' grade and any additional market supplement are clearly identified, shown as a separate allowance to the pay/grade determined by job evaluation, and understood by employees in receipt; and
- ensure that the contractual terms of future payments are sufficiently clear to enable the payments to be withdrawn if the 'market' changes.

3.59 Authorities should also undertake regular equalities monitoring with the trade unions of the outcomes of the application of market supplements, for example, gender monitoring for jobs in receipt of the payments.

3.60 Where employees are currently in receipt of market supplements they should be reviewed to ensure that they are consistent with these criteria above. If current payments cannot be justified by reference to these criteria

consideration should be given to phasing them out.

3.61 **Premium Payments**

3.62 The 2004 Implementation Agreement provides for premium payments to be included in local proposals for pay and grading reviews. While these are matters for local negotiation there is scope for rationalisation and simplification of existing arrangements. The national conditions pertaining to working time premium payments are contained in Part 3 Paragraph 2 of the 'Green Book': these were revised in 2004 as part of the pay agreement and set out the framework within which the local negotiations should be carried out.

3.63 The two parties should also carry out an equality impact assessment of any proposals for change in relation to premium payments. It should be noted that some premium payments (for unsocial hours working patterns) are likely to occur predominantly in occupations traditionally filled by women.

3.64 **Non-Pay Elements**

3.65 The Equal Pay Act covers not only pay, but also all contractual terms and conditions of employment including sickness benefits, annual leave and working time. An equal pay claim can be made on the basis of a comparison of any term in the employee's contract with the equivalent term in her/his comparator's contract [see EOC Equal Pay Review Kit (Guidance Notes 1 & 2)]. Such comparisons are made on a term-by-term basis, rather than by taking the contract as a whole. Each element of remuneration should be considered separately: it is not sufficient to only compare total pay.

3.66 The main terms and conditions of employment have been harmonised within the National Agreement, for example, the working week and annual leave. However, differences may still exist as a result of locally determined conditions of service, for example, additional leave for employees that is

linked to grade. Any review of pay and grading structures should also incorporate an examination of non-pay conditions of service to ensure that they are non-discriminatory and that single status is implemented in full.

4. **IMPLEMENTATION ISSUES**

4.1 **Pay Protection**

4.2 The job evaluation process will create different impacts on different occupational groups. Downgrading may result from the removal of existing anomalies in the current grading system, where previous pay rates are above the new rate for the job. There may also be an impact from the potential withdrawal of payments/allowances including bonus schemes and market supplements. The 2004 Implementation Agreement requires that local pay and grading reviews should include proposals for pay protection, although the details of any protection arrangements are a matter for local determination.

4.3 Protection arrangements must not perpetuate long-term unequal pay for jobs that have been assessed as of equal value under the job evaluation scheme. Such an outcome may lead to an equal pay claim. The Employment Appeals Tribunal has held that protection cannot be used as a defence if past sex discrimination is the cause of the difference in pay. Employment tribunals consider each case on its merits and are expected to take into account:

- whether the group(s) in receipt of pay protection are gender dominated;
- the length of time the personal protection arrangement has been in operation;
- whether the initial reason for the pay differential remains justifiable;
- whether employers acted in accordance with good industrial relations practices; and
- that their actions were not based on any direct or indirect gender discrimination.

4.4 Consequently any protection arrangements dealing with past pay discrimination should be time-limited, with the aim of achieving pay equality as soon as possible. Pay protection should not apply to new employees.

4.5 An alternative to pay protection may be to enhance duties and responsibilities commensurate with the protected grade. However, authorities must ensure that any such arrangement is non-discriminatory in application.

4.6 **Equal Pay Claims - Compensation**

4.7 It is clear that many authorities may have to deal with the issue of compensation for past discrimination for those employees who have a legitimate claim for equal pay at an employment tribunal. Where an employment tribunal applicant is successful in securing equal pay the tribunal may award compensation of up to six years pay difference.

4.8 Proposals for compensation should be included as part of the local pay and grading review.

4.9 Ultimately this will be a matter for local determination, taking into account the potential risks, costs, difficulties and delay of a negotiated settlement or litigation. Both Sides of the NJC believe that it is in the interests of all parties involved to resolve the issue of compensation through local negotiation rather than allow claims to proceed to employment tribunals.

4.10 The respective Sides of the NJC have issued specific advice on handling the issue of compensation. This can be found at:

Trade Unions: 'Guide to Local Government Grading and Pay',

UNISON - g.archer@unison.co.uk

GMB - brian.strutton@gmb.org.uk

TGWU - pmorley@tgwu.org.uk

Employers' Organisation: 'Reviewing and Modernising Pay Frameworks', contact: samantha.burberry@lg-employers.gov.uk

4.11 Where proposals for compensation are under consideration the authority and trade unions may wish to seek appropriate legal advice on the implications. As any agreement reached between the parties on potential equal pay claims are likely to require individual assent from the employees concerned. It is also advisable for the parties to seek legal advice on the arrangements for implementing such an agreement.

4.12 **Assimilation**

4.13 In equal pay terms, those who are upgraded under the new structure may have a technical entitlement to move immediately on to their new grade from the previous one, even where the pay difference is substantial. However, some packages are implemented over a limited period in order to help manage the costs (often called "phasing in".) In these circumstances, the substantive grade is often achieved by a period of transitory arrangements, using accelerated increments for gainers. Where this occurs, councils must ensure that any employees who have been upgraded as a result of the exercise understand that they will not gain their full entitlements immediately and know how and when they will move to their substantive grade. Trade unions will need to consult the individual members affected and ensure they understand and explicitly consent to the phasing proposal being implemented.

4.14 It is also important to ensure that any employees who have been graded lower or have lost money they previously received as a bonus or other supplement understand what they will lose and how it has come about, together with any protection arrangements that have been agreed.

4.15 **Sharing Information**

4.16 At the conclusion of the pay and grading review process, the steering group should consider the sharing of job evaluation outcomes. Deciding not to share information can create unnecessary problems, and sometimes scepticism, because of perceptions about secrecy. It may also lead to protracted discussions that waste time and resources because such problems then have to be addressed.

4.17 To avoid unnecessary delays and difficulties, the NJC recommends that as much information as possible should be shared to keep employees informed about the process and any proposals that emerge. As a minimum, we recommend that the following information should be shared with the employee:

- the job information on which the job evaluation outcome is based;
- the rank order of jobs together with the points for each post should be published;
- individuals should know their own job evaluation outcomes; and
- (when the grade and salary structure is published) the job evaluation points should be included so all employees can see how grades have been designed and points allocated

4.18 **Consulting on a Package**

4.19 Once there is a definite proposal for a new pay structure, there is a need for formal consultation on it with all employees. We recommend that this should be undertaken as a joint process wherever possible.

4.20 There is a responsibility on both authorities and trade unions to be able to demonstrate that thorough, structured consultation has been undertaken and there is a legal obligation to publicise the full package openly and transparently.

- 4.21 The trade unions recommend that member consultation should be conducted through a ballot and authorities will need to allow sufficient time and resources for this to be facilitated.
- 4.22 In some authorities there has been a jointly organised single ballot of all employees on the new package, with management and trade unions presenting the package together and asking employees to vote on whether they wish to accept it. Both Sides will need to discuss the best way to consult and agree a way forward that best meets the local circumstances.
- 4.23 Authorities and trade unions are advised to keep all documents and records relating to the consultation process so that it can be verified should there be any later challenge from employees or members.
- 4.24 **Contractual Implications**
- 4.25 Once the pay and grading structure and associated issues such as pay protection have been finalised the authority should take the appropriate measures to incorporate the changes into individual contracts of employment. What these are will depend on the details of the individual contracts, for example, whether local collective agreements are automatically incorporated.

Part 4.10 Equal Pay Audits

1. Introduction

1.1 The 2003 report of the Local Government Pay Commission [LGPC] found that for local government staff:

- the gender breakdown of full-time and part-time staff is:
- F/T Male 20%
- F/T Female 25%
- P/T Male 5%
- P/T Female 50%
- there is a high degree of gender-based occupational segregation in the NJC workforce;
- the gender gap between male and female full-time employees, comparing average hourly earnings, was 14 percent (i.e. the average hourly pay of full-time females was 86 percent of their male counterparts);
- the gender gap between female part-time employees and male full-time employees was much wider at 39 percent.

1.2 Overall the LGPC found that progress in local authorities towards creating genuinely equal pay and rewards systems for male and female employees was some way off completion. It therefore recommended that: "Every local authority which has not yet done so should undertake a pay audit (pay and grading review) and develop an action plan for implementing a pay structure embodying the equal value principles required by the [Single Status Agreement] with objectives, a staged timetable and deadlines. This should form part of longer-term strategic plan for addressing any gender pay gap revealed by the pay audit, including occupational segregation." [chapter 5, paragraph 27].

1.3 The subsequent 2004 National Joint Council pay agreement therefore included a requirement on local authorities and trade unions that:

"Local Pay Reviews must be completed and implemented by

all authorities by 31 March 2007. Both Sides in individual local authorities will enter into negotiations, with a view to reaching an agreement on new local pay structures and systems by April 2006. The national parties will agree a mechanism to monitor the successful completion of local pay reviews. Progress will be reported to the NJC."

1.4 The NJC believes that it is important that both local authorities and trade unions jointly undertake Equal Pay Audits (EqPAs) in the spirit of partnership working. Both management and unions should be jointly involved in the process from the outset.

1.5 Set out in this circular is advice on the conduct of Equal Pay Audits (EqPAs), including:

- what an EqPA is;
- why local authorities should undertake them;
- their scope and coverage; and
- how to resource and carry them out.

1.6 This section should be read in conjunction with other joint advice at Part 4.9 and Part 4.11.

2. **What is an Equal Pay Audit?**

2.1 In the context of the Single Status Agreement an Equal Pay Audit (EqPA) involves local authorities and trade unions working together to:

- analyse all the pay arrangements for all its employees;
- identify any differences in levels of pay between men and women;
- review the reasons for, and possible causes of, differences in pay, in particular whether these can be attributed to direct or indirect sex discrimination; and
- identify how to close gaps in pay that cannot be

attributed to reasons/causes other than sex discrimination.

- 2.2 An EqPA is therefore an effective diagnostic tool that will enable local authorities to check their current status on progress towards equal pay for all employees. It is a key element in the completion of an equal pay review by local authorities, and it should be an integral part of any local pay and grading reviews.
- 2.3 EqPAs should be undertaken across the authority at regular intervals, ideally annually. They should be undertaken jointly and should measure trends over time to ensure that equality of pay becomes embedded in the organisation and that it does not slip over time.

3. **The Case for Equal Pay Audits**

- 3.1 All employers have a duty to ensure equality of pay for men and women engaged in equal work. For local authorities this is a key requirement of levels 2 and above of the Equality Standard for local government at:
<http://www.lg-employers.gov.uk/diversity>
An EqPA will enable a local authority to establish the extent to which it has (or has not) made progress towards implementation of equal pay.
- 3.2 An EqPA as a diagnostic tool will enable local authorities and trade unions to identify areas where there may be issues of unequal pay and reduce the risk of legal challenge which may be expensive, time-consuming and damaging to the morale of staff and the image of the organisation.
- 3.3 An EqPA provides the local authority with the opportunity to ensure that it adopts best practice in employment policies and procedures as well as being equality-proofed. It also enables it to actively promote its success in achieving equality of treatment for all its staff, and being an 'employer of choice' for potential new recruits. Finally it will

contribute towards ensuring that the skills and potential of all staff are maximised.

4. **The EOC Equal Pay Review Kit**

4.1 The EOC has produced a toolkit to assist employers in undertaking equal pay reviews. The model recommended by the EOC consists of five steps:

- Step 1** Deciding the scope of the review and identifying the data required
- Step 2** Identifying where men and women are doing equal work
- Step 3** Collecting and comparing pay data to identify any significant equal pay gaps
- Step 4** Establishing the causes of any significant pay gaps and deciding whether these are free from discrimination
- Step 5** Developing an Equal Pay Action Plan or reviewing and monitoring

4.2 The NJC recommends the use of the kit, which provides detailed guidance on what needs to be done at each stage and therefore provides a useful framework for the conduct of an EqPA. See <http://www.eoc.org.uk/> for further details.

5. **Content of an EqPA**

5.1 For a local authority carrying out an EqPA there are two parallel activities that will be required. These are:

- 1. identifying where men and women are undertaking work of equal value; and
- 2. collection and analysis of pay and other information (see Para 7) to establish any differences in pay between male and female employees (and ethnicity, disability and age).

5.2 The combination of these two activities will enable the

parties to identify where there are differences in pay that may be attributable to gender.

6. **Establishing Work of Equal Value**

6.1 The recognised system for establishing where employees are carrying out work of equal value is to carry out a job evaluation exercise. The NJC job evaluation scheme provides the recommended model for evaluating all jobs within scope. Detailed advice and guidance on how to conduct a job evaluation scheme using the NJC scheme can be found at Part 4.9.

6.2 Where job evaluation exercise has already been completed and the outcomes implemented, the parties should ensure (if they have not already done so) that they undertake equal pay audits of the outcomes including:

- type of grading structure (broad bands, spot salaries, etc.);
- arrangements for assimilation from 'old' to 'new' grading structures;
- application of pay protection.

6.3 The parties will then be in a position to identify any remaining differences in pay between groups of staff carrying out equal work and the possible causes of such differences.

6.4 The audit should be documented and jointly signed off by the local parties.

7. **Data Collection and Analysis**

7.1 The basic employee information that will be required for an EqPA will include:

1. occupational group
2. department/service
3. gender (ethnicity, age, disability)

4. grade (job evaluation outcomes)
5. basic pay
6. total pay
7. normal/standard hours worked
8. additional (overtime) hours worked

7.2 In conjunction with the job evaluation outcomes this will enable the parties to identify any gender-based differences in pay for employees undertaking equal work. Where any such pay gaps are identified then the reasons for them can then be analysed.

7.3 The parties will also need to verify that the information is accurate, complete (i.e. includes all employees) and up-to-date.

7.4 In addition to the basic information outlined above, the parties will also need access to a range of related data to enable them to analyse the possible reasons for pay differences between male and female employees undertaking equal work.

- access to other pay elements (and amounts received) including:

- => incentive bonus payments
- => performance and/or contribution pay
- => overtime
- => market pay supplements
- => unsocial/shift payments
- => allowances
- => pay protection

- access to non-pay benefits, including:

- => car allowances or lease cars
- => loans
- => telephone allowances
- => travel expenses

- => childcare vouchers
- policies and procedures affecting entitlements including:
 - => pay entry points
 - => pay progression arrangements
 - => promotion policies
 - => job transfers
 - => acting up, honoraria and secondments
 - => long service increments and awards
 - => employee appraisal schemes

7.5 It is important that the parties should check not only the policies and procedures but also the practical implementation of these by line managers, payroll and human resources staff.

7.6 Finally the parties should map the frequency of men and women in particular job types and pay bands to assess the extent of occupational segregation [the tendency for men and women to be employed in different occupations from each other across the entire spectrum of occupations].

7.7 Pay information for men and women doing equal work is then compared by calculating average basic pay and total earnings and comparing access to and amounts received of each element in the pay package.

8. **Developing an Action Plan**

8.1 Any differences in pay between male and female employees undertaking equal work must be capable of being objectively justified. If this is difficult to establish and document, then the likelihood is that there is a potential equal pay issue. In such circumstances the parties will need to work together to develop an action plan to deal with the root cause.

8.2 Differences in pay may arise from a range of factors such as:

- poorly maintained job evaluation systems and processes
- use of JE schemes other than the NJC scheme which have not been equality proofed and/or use of more than one scheme
- discriminatory grade structures (e.g. more scope for pay progression in grades which are dominated by one gender);
- inconsistent application of bonus, performance and market supplement payments;
- inconsistent application of pay entry points (i.e. starting and promotion salaries);
- inconsistent application of employee appraisal systems;
- unequal access to non-pay benefits (eg, it is recognised that in some cases part-time employees who work beyond their contractual hours may not be entitled to non-pay benefits in respect of those additional hours);
- occupational segregation or lack of opportunity to work flexible hours.

8.3 It is possible that detailed analysis may identify a significant number of pay differences between male and female employees undertaking equal work which cannot be objectively justified, e.g. objectively justifying differential access to payments can present employers with a considerable challenge. It may not be practicable to resolve all of these in one go. The EOC advises that employers should initially concentrate on resolving equal pay gaps of five per cent or more or patterns of gender pay differences of three per cent or more. In particular pay differences of this order affecting a large number of staff of one gender should be tackled immediately.

8.4 Action plans to address equal pay problems can involve specific measures to address differences including reviewing and updating:

- pay and grading arrangements, such as length of bands and pay progression;
- job evaluation arrangements, for example to ensure that the scheme used is consistently applied by the users;
- human resource policies and procedures to ensure best practice, for example, on starting salaries;
- implementation by managers of human resource policies and procedures, for example, where pay progression is performance-based;
- access to payments and benefits, such as bonus, market pay supplements or car allowances, to ensure that they are consistent and fair;
- improvements in access to training and development opportunities, for example to address problems of occupational segregation;
- flexible working schemes, for example, for employees with carer responsibilities;
- monitoring of rewards policy and implementation to enable early warning of potential problems.

8.5 Action plans should include:

- a risk assessment of failure to address the problem (EqIAs are essentially a form of risk assessment. By carrying out an EQIA before proposals are finalised, an authority is likely to avoid introducing policies or procedures which could turn out later to have a negative impact and/or to be indirectly discriminatory);
- the measures to be taken to address the problem (these proposals should be subject to an EqIA);
- the timetable for completion of the process;
- the officer(s) accountable for ensuring effective implementation of the measures;
- post-implementation monitoring and review arrangements.

8.6 Where appropriate action plans should also be drawn up to

improve the collection and monitoring of pay and benefits data to facilitate future EqPAs.

Useful Reference Documents

EOC Equal Pay Review Kit

Equal Pay Review: A Practical Guide [Society of Chief Personnel Officers]

Part 4.10 Appendix A

1. Equality Standard For Local Government

1.1 The Equality Standard enables local authorities to mainstream gender, race and disability into Council policy and practice at all levels in both service delivery and employment. The Standard can easily be extended to other aspects of diversity e.g. age, religious beliefs and sexuality.

1.2 Within each of the levels there are specific criteria against which an Authority's performance is measured. The table below shows the five levels and the action an authority will have taken in relation to pay reviews to move through the levels.

Level	Description	Relevant Employment Actions
1	Commitment to a comprehensive employment policy	Commitment to <ul style="list-style-type: none">• an equality employment assessment of the local labour market area, workforce profiling and equal pay review.• establish a fair employment and equal pay policy.
2	Assessment and consultation	<ul style="list-style-type: none">• Develop and adopt fair employment and equal pay policy element of Corporate Equality Plan.• Engage in an equal pay review.
3	Setting Equality objectives and targets	<ul style="list-style-type: none">• Conduct an equal pay review and plan for equal pay adjustment.• Start action on all employment and pay targets.

Level	Description	Relevant Employment Actions
4	Information systems and monitoring against targets	<ul style="list-style-type: none"> • Use existing or adapted personnel information systems to provide equality data relating to human resource targets that include inter alia equal pay. • Report on implementation of pay review recommendations.
5	Achieving and reviewing outcomes	<ul style="list-style-type: none"> • Demonstrate the Authority is paying its staff equally for work of equal value. • Complete human resource assessment of results of equal employment and equal pay achievement. • Demonstrate staff are fully trained in the systems for delivering full range of fair employment and equal pay objectives. • Managers at all levels can demonstrate that full range of fair employment and equal pay objectives are mainstreamed as part of their professional practice.

1.3 Whilst the Standard does not have statutory authority or an independent assessment process, its use by local authorities is assessed through various mechanisms such as Best Value Performance plans, Best Value Performance Indicators, CPA assessments.

1.4 Pay and grading reviews and equal pay audits are intrinsically linked with achieving the Equality Standard. The EOC advice is that equal pay reviews should preferably be undertaken using the Equality Standard framework.

Part 4.10 Appendix B

1. **Scope of an EqPA**
- 1.1 Under the Equal Pay Act 1970 women (or men) a right to equal pay for equal work. An employer can pay a man more than a woman for doing equal work, but only if there is a genuine reason for doing so which is not related to sex.
- 1.2 A woman can claim equal pay for equal work with a comparator doing work that is:
 - The same, or broadly similar, ('like work')
 - Different, but which is rated under the same job evaluation scheme as equivalent to hers, even if the evaluations were carried out at different times ('work rated as equivalent'), or is
 - Different, but of equal value in terms of demands such as effort, skill and decision-making ('work of equal value').
- 1.3 Although there are no specific provisions relating to equal pay in the Race Relations Acts and Disability Discrimination Act, unequal treatment on the grounds of race and disability in general is not permitted and claims can be made under these laws. Similar rules apply to sexual orientation and religion or belief, and in 2006 will be extended to age discrimination.
- 1.4 Both the Equal Opportunities Commission and the National Joint Council recommend that EqPAs should include analysis of pay arrangements to ethnicity, disability, and age in addition to gender. Some authorities may not be able to access detailed pay information for these categories of staff, which may limit their ability to carry out a comprehensive EqPA. Where this is the case authorities should consider establishing systems which will enable them in the future to analyse on the basis of ethnicity, age and disability.

4.10B.2

Part 4.10 Appendix B

Amended:
Circular 6: June 2005

Part 4.11: Equality Impact Assessments (EqIAs)

1. Introduction

- 1.1 The Local Government Pay Commission (LGPC)¹ stated that equality is a 'necessity not an option' and made a number of recommendations on equalities, including the need to conduct Equality Impact Assessments (EqIAs) of any new proposals or any proposed changes to existing terms and conditions.
- 1.2 The 2004 Implementation Agreement requires authorities to include 'an EqIA of proposed changes to grading and pay and other conditions' in their local pay and grading reviews. The 2004 agreement also requires authorities to carry out EqIAs of any proposed changes to Part 3 working arrangements.
- 1.3 The NJC believes that undertaking EqIAs is essential to ensuring that new proposals:
 - are not directly or indirectly discriminatory;
 - actively take on board equalities considerations in their development.
- 1.4 The NJC believes that it is important that both local authorities and trade unions jointly undertake EqIAs in the spirit of partnership working. Both management and unions should be jointly involved in the process from the outset.
- 1.5 This circular deals with carrying out EqIAs on proposals which impact on employment and pay and conditions in local government. These will include specific proposals on changes to employment and pay and conditions and changes made for other reasons (for example, to implement Government requirements) that in effect change pay, conditions or other working arrangements.

¹ <http://www.lgp.org.uk/index.htm>

1.6 Advice is set out on the conduct of EqIAs, including:

- What an EqIA is;
- The reasons for undertaking an EqIA;
- Who should be covered; and
- The key stages involved.

1.7 This section should be read in conjunction with other joint advice at Part 4.9 and Part 4.10.

2. **What is an Equality Impact Assessment (EqIA)?**

2.1 An EqIA is a systematic method of assessing and recording the likely differential impact of proposed policies, initiatives or changes to services/procedures on equality target groups in the workforce or in the community. The aim is to try to anticipate any adverse impacts and amend the proposals to deal with them. The EqIA method can be used to review existing policies, as part of an audit of current procedures and practices, but is normally used (particularly by the Equalities Commissions), to refer to the assessment of proposed or new policies.

2.2 Differential impact suggests that a target equality group is likely to be affected differently by a proposal - negatively, neutrally or positively. Adverse impact is an indication that the impact is less favourable and potentially unlawful in relation to the target equality groups. An impact that is adverse, but not on equality grounds would normally be dealt with as a collective bargaining issue.

2.3 The particular aim of an EqIA is to identify proposals where the impact is unlawful or otherwise unjustifiable. However, with the positive duty for race and the forthcoming positive duties for gender and disability, EqIAs will also identify those proposals that will have a positive impact by improving outcomes for various groups or community.

2.4 EqIAs are essentially a form of risk assessment. By carrying out an EqIA before proposals are finalised, an authority is

likely to avoid introducing policies or procedures that could turn out later to have a negative impact and/or to be indirectly discriminatory.

3. **Why Undertake an EqIA?**

- 3.1 The 2004 pay settlement requires authorities that are carrying out local pay and grading reviews to carry out an EqIA of the proposed changes to pay, grading and conditions which emerge from the review. Guidance on the conduct of equal pay audits, which assess the impact of current pay and grading structures and policies on men and women, is provided in Part 4.10.
- 3.2 The 2004 agreement also requires the carrying out of EqIAs when making changes to Part 3 working arrangements.
- 3.3 Good practice overall is to conduct EqIAs for all proposed changes which impact on employment and pay and conditions as a matter of course.

Positive Duties

- 3.4 The promotion of racial equality and EqIAs are already required by the Race Relations (Amendment) Act. The introduction of positive duties for gender and disability are due shortly, which will place a similar requirement for EqIAs for these areas on authorities and other public bodies.
- 3.5 Authorities in Northern Ireland have specific statutory responsibilities in respect of equality impact assessments under the Northern Ireland Act 1998. Northern Ireland authorities should read this Joint Advice in the context of those statutory responsibilities.

The Equality Standard

- 3.6 EqIAs are an essential part of meeting the various levels of the Equality Standard for Local Government that is a Best

Value Performance Indicator in England. The Equality Standard is also supported by the National Assembly for Wales where it integrates equality policies and objectives with existing programmes and initiatives (for example, the Wales Programme for Improvement). Authorities that are already committed to achieving the Equality Standard should be planning to undertake, or already undertaking, EqIAs.

4. **Who Should be Covered?**

4.1 Whilst there is a strong emphasis on gender equality in both the LGPC findings report and NJC 2004 pay settlement, EqIAs should be used to assess the relative impact of proposals on the terms and conditions of the relevant target groups with respect to:

- Gender
- Race
- Disability
- Sexual Orientation
- Religion or Belief
- Age
- Main Occupational Groups/Part time staff.

4.2 The first five groups are already covered by relevant equalities legislation and age legislation will be enacted in 2006. Authorities should also consider whether proposed changes will disproportionately affect occupational groups which are predominantly male or female, or part time, to avoid indirect gender discrimination.

5. **Carrying out an Equality Impact Assessment**

Key stages and questions

5.1 The EqIA has three main stages.

Stage 1 - Scope of the assessment

- What are the aims and objectives of the proposal?

- How does the policy/proposed change fit in with the authority's objectives?
- Which group or groups of employees are affected by this proposal?

Stage 2 - Assessment of impact

- What information on the likely impact of the proposal is available from current data?
- What are the views of key stakeholders?
- How is it likely to affect the target equality groups?
- Is there any evidence that this proposal will have a differential impact on any of the target equality groups?
- In what way?

Stage 3 - Decision and recommendations

- Is there an adverse impact on any of the target groups?
- If so, can the proposal be changed to remove the impact?
- Can the negative consequences be counter-balanced by other measures?
- If not, are there alternative measures that would achieve the objectives without an adverse impact?
- If not, can the proposed changes be justified on grounds that they are intended to promote equality of opportunity?
- If yes, for what reasons?
- Could the proposal lead to unlawful direct discrimination? If yes, you must abandon it straightaway and look for different ways of achieving your policy; direct discrimination can never be justified. Reject the proposal.
- Could the proposal lead to unlawful indirect discrimination? If yes, you should look for different ways of achieving your aims. If you decide the potential for indirectly discriminating against some groups is justifiable, you should make sure your

reasons have nothing to do with race, gender, disability, sexual orientation, religion or belief, age or main occupational groups/part time staff. You would be well advised to seek legal advice on the question of justifiability. This is a difficult area of law.

- Agree and publish/formally record decision on proposal/policy with justification (if required), including the relative weight given to the evidence and the reasons for the decision.
- Make arrangements for jointly monitoring and evaluating the policy and its impact as part of regular audits.

Part 4.11: Appendix 1

The Equality Standard for Local Government

The Equality Standard for Local Government in England and the Equality Standard for Local Government in Wales have been developed to assist local authorities to ensure that all existing strands of equalities covered by existing legislation are mainstreamed into everything the local authority does. Again, this is in relation to policy, service delivery and employment and training. The LGPC recommendation highlighted the need to promote the Equality Standard for Local Government.

The Equality Standard for Local Government in England is the culmination of work involving a partnership between the Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and Equal Opportunities Commission (EOC) and the Employers Organisation, with assistance from the Audit Commission. It has been adopted as a Corporate Health Performance Indicator (BVPI 2a).

Levels for Achieving the Equality Standard

There are five levels to achieving the Equality Standard:

Level 1	Commitment to a Corporate Equality Plan (CEP)
Level 2	Assessment and consultation
Level 3	Setting equality objectives and targets
Level 4	Information systems and monitoring against targets
Level 5	Achieving and receiving outcomes

As part of the evidence for Level 2 for example, local authorities have to carry out an impact and needs/requirements assessment in order to find out how well current council functions and policy address local needs.

Areas covered by the Equality Standard

There are four areas of local government policy, service delivery and employment that must be covered by each level to achieve the standard.

1. Leadership and corporate commitment
2. Consultation and community development and scrutiny
3. Service delivery and customer care
4. Employment and training

The Employers' Organisation has produced a number of supporting materials about the Equality Standard for Local Government

Anti Discrimination Legislation

The Equality Standard provides a generic framework through which local government can address its legal obligations under anti-discrimination legislation such as Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976 and Disability Discrimination Act 1995, which prohibit discrimination in the delivery of services and employment.

A review of the standard is currently taking place to incorporate the new regulations that came into force in December 2003. These are the Equality in Employment (Sexual Orientation) Regulations 2003 and Equality in Employment (Religion or Belief) Regulations 2003.

Age discrimination legislation will also be introduced by December 2006.

In addition, under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, a part-time worker has the right to no less favourable treatment than full-time workers.

Race Relations (Amendment) Act 2000 and Impact Assessments

In England, Scotland and Wales under the Race Relations (Amendment) Act 2000 public bodies including local authorities must conduct impact assessments of their current and proposed policies to ensure that they meet with the general duties under the act. This requirement extends to all areas of public service delivery and employment and training.

PAY AND ALLOWANCES CARD

**NEW SPINE
1 APRIL 2002**

**CAR ALLOWANCES
(PART 3 PARAGRAPH 6)
FROM 1 APRIL 2002**

4	9648	Essential Users	451-	1000-	1200-
5	9876		999cc	1199cc	1450cc
6	10209	Lump sum			
7	10539	per annum	£657	£735	£945
8	10872	Per mile -			
9	11202	first 8,500 miles	28.1p	31.2p	38.3p
10	11433	Per mile -			
11	12171	after 8,500 miles	10.1p	11.1p	12.4p
12	12429	Petrol element	6.631p	7.073p	7.763p
13	12762	Amount of VAT			
14	12996	per mile in			
15	13266	petrol element	0.988p	1.053p	1.156p
16	13584				
17	13905	Casual Users			
18	14178	Per mile -			
19	14712	first 8,500 miles	35.8p	39.9p	49.4p
20	15246	Per mile -			
21	15801	after 8,500 miles	10.1p	11.1p	12.4p
22	16212	Petrol element	6.631p	7.073p	7.763p
23	16689	Amount of VAT			
24	17235	per mile in			
25	17784	petrol element	0.988p	1.053p	1.156p
26	18357				
27	18969				
28	19584	Part 3, Paragraph 2.3(e)			
29	20364	Sleeping in Duty payment:			£27.21
30	21045				
31	21711				

Notes

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After 1 April 1997 when 16 and 17 year olds are not fulfilling the full duties of substantive posts locally determined rates will apply.

PTO

PAY AND ALLOWANCES CARD continued

32	22569	RATES OF PROTECTED ALLOWANCES	
33	23235	AT 1 OCTOBER 2002	
34	23889	Former APT&C Agreement (Purple Book)	
35	24390	Paragraph 28(3)	
36	25035	Nursery Staffs in Educational Establishments	
37	25740	Special Educational Needs Allowance	£984
38	26493	Paragraph 28(14)	
39	27363	Laboratory /Workshop Technicians	
40	28083	City and Guilds Science Laboratory	
41	28827	Technician's Certificate Allowance	£156
42	29559	City and Guilds Laboratory Technician's	
43	30297	Advanced Certificate Allowance	£120
44	31041	Paragraph 32 London Fringe Area Allowances	
45	31737	£ per annum	
46	32505	Inner Outer	
47	33249	Fringe Fringe	
48	33990	666 462	
49	34719	Paragraph 35 Standby Duty Allowance	
		- Social Workers	
		(1)(a)(i) Allowance Per Session	£22.12
		Former Manual Worker Agreement (White Book)	
		Section 1 Paragraph 3	
		London Fringe Area Allowances	
		£ per annum	
		Inner Outer	
		Fringe Area Fringe Area	
		666 462	

PAY AND ALLOWANCES CARD

NEW SPINE

1 OCTOBER 2002

CAR ALLOWANCES (PART 3 PARAGRAPH 6) FROM 1 OCTOBER 2002

4	9834	Essential Users	451-	1000-	1200-
5	10068		999cc	1199cc	1450cc
6	10308	Lump sum			
7	10641	per annum	£657	£735	£945
8	10977	Per mile -			
9	11310	first 8,500 miles	28.1p	31.2p	38.3p
10	11544	Per mile -			
11	12291	after 8,500 miles	10.1p	11.1p	12.4p
12	12549	Petrol element	6.631p	7.073p	7.763p
13	12885	Amount of VAT			
14	13122	per mile in			
15	13395	petrol element	0.988p	1.053p	1.156p
16	13716				
17	14040	Casual Users			
18	14316	Per mile -			
19	14853	first 8,500 miles	35.8p	39.9p	49.4p
20	15393	Per mile -			
21	15957	after 8,500 miles	10.1p	11.1p	12.4p
22	16371	Petrol element	6.631p	7.073p	7.763p
23	16851	Amount of VAT			
24	17403	per mile in			
25	17955	petrol element	0.988p	1.053p	1.156p
26	18537				
27	19155				
28	19776	Part 3, Paragraph 2.3(e)			
29	20562	Sleeping in Duty payment:			£27.48
30	21249				
31	21921				

Notes

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PTO

PAY AND ALLOWANCES CARD continued

32	23358		RATES OF PROTECTED ALLOWANCES								
33	24048		AT 1 April 2003								
34	24726		Former APT&C Agreement (Purple Book)								
35	25245		Paragraph 28(3)								
36	25911		Nursery Staffs in Educational Establishments								
37	26640		Special Educational Needs Allowance		£1017						
38	27420		Paragraph 28(14)								
39	28320		Laboratory /Workshop Technicians								
40	29067		City and Guilds Science Laboratory								
41	29835		Technician's Certificate Allowance		£162						
42	30594		City and Guilds Laboratory Technician's								
43	31356		Advanced Certificate Allowance		£123						
44	32127		Paragraph 32 London Fringe Area Allowances								
45	32847		£ per annum								
46	33642		<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Inner</td> <td style="width: 50%; text-align: center;">Outer</td> </tr> <tr> <td style="text-align: center;">Fringe</td> <td style="text-align: center;">Fringe</td> </tr> <tr> <td style="text-align: center;">690</td> <td style="text-align: center;">477</td> </tr> </table>		Inner	Outer	Fringe	Fringe	690	477	
Inner	Outer										
Fringe	Fringe										
690	477										
47	34413										
48	35181										
49	35934		Paragraph 35 Standby Duty Allowance								
			- Social Workers								
			(1)(a)(i) Allowance Per Session		£22.89						
			Former Manual Worker Agreement (White Book)								
			Section 1 Paragraph 3								
			London Fringe Area Allowances								
			£ per annum								
			<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Inner</td> <td style="width: 50%; text-align: center;">Outer</td> </tr> <tr> <td style="text-align: center;">Fringe Area</td> <td style="text-align: center;">Fringe Area</td> </tr> <tr> <td style="text-align: center;">690</td> <td style="text-align: center;">477</td> </tr> </table>		Inner	Outer	Fringe Area	Fringe Area	690	477	
Inner	Outer										
Fringe Area	Fringe Area										
690	477										

PAY AND ALLOWANCES CARD

**NEW SPINE
1 APRIL 2003**

**CAR ALLOWANCES
(PART 3 PARAGRAPH 6)
FROM 1 April 2003**

4	10278	Essential Users	451-	1000-	1200-
5	10521		999cc	1199cc	1450cc
6	10668	Lump sum			
7	11013	per annum	£657	£735	£945
8	11361	Per mile -			
9	11706	first 8,500 miles	28.6p	31.5p	38.7p
10	11949	Per mile -			
11	12720	after 8,500 miles	10.6p	11.3p	12.8p
12	12987	Petrol element	7.056p	7.363p	8.064p
13	13335	Amount of VAT			
14	13581	per mile in			
15	13863	petrol element	1.051p	1.097p	1.201p
16	14196				
17	14532	Casual Users			
18	14817	Per mile -			
19	15372	first 8,500 miles	36.4p	40.2p	49.9p
20	15933	Per mile -			
21	16515	after 8,500 miles	10.6p	11.3p	12.8p
22	16944	Petrol element	7.056p	7.363p	8.064p
23	17442	Amount of VAT			
24	18012	per mile in			
25	18582	petrol element	1.051p	1.097p	1.201p
26	19185				
27	19824				
28	20469	Part 3, Paragraph 2.3(e)			
29	21282	Sleeping in Duty payment:			£28.44
30	21993				
31	22689				

Notes

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After 1 April 1997 when 16 and 17 year olds are not fulfilling the full duties of substantive posts locally determined rates will apply.

PTO

PAY AND ALLOWANCES CARD continued

32	24000		RATES OF PROTECTED ALLOWANCES									
33	24708		AT 1 April 2004									
34	25407		Former APT&C Agreement (Purple Book)									
35	27372		Paragraph 28(3)									
36	28173		Nursery Staffs in Educational Establishments									
37	29100		Special Educational Needs Allowance £1044									
38	29865		Paragraph 28(14)									
39	30654		Laboratory /Workshop Technicians									
40	31434		City and Guilds Science Laboratory									
41	32217		Technician's Certificate Allowance £168									
42	33009		City and Guilds Laboratory Technician's									
43	33750		Advanced Certificate Allowance £126									
44	34566		Paragraph 32 London Fringe Area Allowances									
45	35358		£ per annum									
46	36147		<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Inner</td> <td style="width: 50%; text-align: center;">Outer</td> </tr> <tr> <td style="text-align: center;">Fringe</td> <td style="text-align: center;">Fringe</td> </tr> <tr> <td style="text-align: center;">£</td> <td style="text-align: center;">£</td> </tr> <tr> <td style="text-align: center;">708</td> <td style="text-align: center;">492</td> </tr> </table>		Inner	Outer	Fringe	Fringe	£	£	708	492
Inner	Outer											
Fringe	Fringe											
£	£											
708	492											
47	36921		Paragraph 35 Standby Duty Allowance									
48	37372		- Social Workers									
49	38173		(1)(a)(i) Allowance Per Session £23.52									
			Former Manual Worker Agreement (White Book)									
			Section 1 Paragraph 3									
			London Fringe Area Allowances									
			£ per annum									
			<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Inner</td> <td style="width: 50%; text-align: center;">Outer</td> </tr> <tr> <td style="text-align: center;">Fringe Area</td> <td style="text-align: center;">Fringe Area</td> </tr> <tr> <td style="text-align: center;">£</td> <td style="text-align: center;">£</td> </tr> <tr> <td style="text-align: center;">708</td> <td style="text-align: center;">492</td> </tr> </table>		Inner	Outer	Fringe Area	Fringe Area	£	£	708	492
Inner	Outer											
Fringe Area	Fringe Area											
£	£											
708	492											

PAY AND ALLOWANCES CARD

NEW SPINE
1 APRIL 2004

CAR ALLOWANCES
(PART 3 PARAGRAPH 6)
FROM 1 April 2004

4	10560	Essential Users	451-	1000-	1200-		
5	10809		999cc	1199cc	1450cc		
6	10962		Lump sum				
7	11316		per annum	£666	£744	£954	
8	11673		Per mile -				
9	12027		first 8,500 miles	29.1p	31.7p	39.2p	
10	12279		Per mile -				
11	13071		after 8,500 miles	10.8p	12.2p	13.1p	
12	13344		Petrol element	7.215p	7.368p	8.245p	
13	13701		Amount of VAT				
14	13953		per mile in				
15	14244		petrol element	1.074p	1.097p	1.228p	
16	14586		Casual Users				
17	14931			Per mile -			
18	15225			first 8,500 miles	37.0p	40.4p	50.5p
19	15795			Per mile -			
20	16371			after 8,500 miles	10.8p	11.2p	13.1p
21	16968	Petrol element		7.215p	7.368p	8.245p	
22	17409	Amount of VAT					
23	17922	per mile in					
24	18507	petrol element		1.074p	1.097p	1.228p	
25	19092	Part 3, Paragraph 2.3(e)					
26	19713		Sleeping in Duty payment:			£29.22	
27	20370						
28	21033						
29	21867						
30	22599						
31	23313						

Notes

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After 1 April 1997 when 16 and 17 year olds are not fulfilling the full duties of substantive posts locally determined rates will apply.

Amended:
Circular 6: June 2005

PTO

PAY AND ALLOWANCES CARD continued

32	24708		RATES OF PROTECTED ALLOWANCES								
33	25437		AT 1 April 2005								
34	26157		Former APT&C Agreement (Purple Book)								
35	26703		Paragraph 28(3)								
36	27411		Nursery Staffs in Educational Establishments								
37	28179		Special Educational Needs Allowance		£1074						
38	29004		Paragraph 28(14)								
39	29958		Laboratory /Workshop Technicians								
40	30747		City and Guilds Science Laboratory								
41	31557		Technician's Certificate Allowance		£174						
42	32361		City and Guilds Laboratory Technician's								
43	33168		Advanced Certificate Allowance		£129						
44	33984		Paragraph 32 London Fringe Area Allowances								
45	34746		£ per annum								
46	35586		<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Inner</td> <td style="width: 50%; text-align: center;">Outer</td> </tr> <tr> <td style="text-align: center;">Fringe</td> <td style="text-align: center;">Fringe</td> </tr> <tr> <td style="text-align: center;">£</td> <td style="text-align: center;">£</td> </tr> </table>		Inner	Outer	Fringe	Fringe	£	£	
Inner	Outer										
Fringe	Fringe										
£	£										
47	36402		729		507						
48	37212		Paragraph 35 Standby Duty Allowance								
49	38010		- Social Workers								
			(1)(a)(i) Allowance Per Session		£24.21						
			Former Manual Worker Agreement (White Book)								
			Section 1 Paragraph 3								
			London Fringe Area Allowances								
			£ per annum								
			<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Inner</td> <td style="width: 50%; text-align: center;">Outer</td> </tr> <tr> <td style="text-align: center;">Fringe Area</td> <td style="text-align: center;">Fringe Area</td> </tr> <tr> <td style="text-align: center;">£</td> <td style="text-align: center;">£</td> </tr> </table>		Inner	Outer	Fringe Area	Fringe Area	£	£	
Inner	Outer										
Fringe Area	Fringe Area										
£	£										
			729		507						

PAY AND ALLOWANCES CARD

NEW SPINE
1 APRIL 2005

CAR ALLOWANCES
(PART 3 PARAGRAPH 6)
FROM 1 April 2005

4	10872	Essential Users	451-	1000-	1200-	
5	11127		999cc	1199cc	1450cc	
6	11286		Lump sum			
7	11649		per annum	£690	£771	£990
8	12018		Per mile -			
9	12381		first 8,500 miles	30.6p	32.9p	41.1p
10	12642		Per mile -			
11	13458		after 8,500 miles	11.7p	11.8p	13.9p
12	13737		Petrol element	7.974p	7.974p	8.924p
13	14106		Amount of VAT			
14	14364	per mile in				
15	14664	petrol element	1.187p	1.187p	1.330p	
16	15015	Casual Users				
17	15372		Per mile -			
18	15675		first 8,500 miles	38.7p	42.0p	52.7p
19	16260		Per mile -			
20	16854		after 8,500 miles	11.7p	11.8p	13.9p
21	17469		Petrol element	7.974p	7.974p	8.924p
22	17922		Amount of VAT			
23	18450		per mile in			
24	19053		petrol element	1.187p	1.187p	1.330p
25	19656					
26	20295					
27	20970					
28	21654	Part 3, Paragraph 2.3(e)				
29	22512	Sleeping in Duty payment:			£30.08	
30	23265					
31	24000					

Notes

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Amended:
Circular 6: June 2005

PTO

National Joint Council for Local Government Services

Employers' Secretary:

Sarah Messenger
Local Government House, Smith Square
London, SW1P 3HZ
Tel: 020 7187 7373 Fax: 020 7664 3030

Trade Union Secretaries

Peter Allenson, TGWU
Brian Strutton, GMB
Heather Wakefield, UNISON

Address for correspondence:

1 Mabledon Place
London, WC1H 9AJ
Tel: 0845 3550845
Fax: 020 7551 1195

**To: Chief Executives in England, Wales & N Ireland
(with copies for HR Director & Finance Director)
Members of the National Joint Council
Regional Directors**

16 November 2007

Dear Chief Executive

NJC CIRCULAR 5/07

MATERNITY AND ADOPTION LEAVE

1. The NJC has agreed amendments to the maternity scheme at Part 2 Para 11 of the Green Book. The amendments reflect the statutory changes introduced under the Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006. These Regulations came into force on 1 October 2006 and took effect in relation to employees whose expected week of childbirth began on or after 1 April 2007.
2. There are two annexes to this circular. **Annex A** sets out the old agreement with track changes showing the amendments that create the new agreement. **Annex B** shows the new agreement in full, which replaces Part 2 Para 11 of the Green Book in its entirety.
3. The NJC has also agreed that an adoption scheme will now be included in the Green Book and that this will be in line with the attached maternity scheme. The full text for inclusion in the Green Book will follow shortly.

Yours sincerely,



Sarah Messenger



Pete Allenson



Brian Strutton



Heather Wakefield

Joint Secretaries

11. Maternity Scheme

11.1 Who this Scheme Applies To

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

11.2 Initial Obligations on the Employee

An employee shall notify her employing authority at least 28 days before her absence begins or as soon as is reasonably practicable:

- (a) that she is pregnant;
- (b) of the expected week of childbirth (EWC);
- (c) of the date of the beginning of her absence.

The employer can request that the notification of the beginning of the absence is given in writing and that the employee produce a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth.

11.3 Health and Well-being

- (a) **Ante-natal Care**
Any pregnant employee has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested by her employing authority.
- (b) **Health and Safety**
Consideration must be given to any health and safety implications for pregnant or breast-feeding employees identified in the Workplace Risk Assessment carried out in accordance with Part 2, Paragraph 4.

11.4 Maternity Leave Entitlement

- ~~(a) All employees are entitled to ordinary maternity leave of 26 weeks duration.~~
- (a) All employees are entitled to 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave, giving a total of 52 weeks' continuous leave 'the maternity leave period'.
- ~~(b) At the discretion of the authority the employee may be allowed leave with or without pay in excess of the 26 week period.~~
- ~~(c) Employees who have 26 weeks' continuous local government service at the end of the 15th week before the expected week of confinement are entitled to a further 26 weeks of additional maternity leave, a total of 52 weeks' maternity leave.~~
- ~~(d) Maternity leave shall commence no earlier than 11 weeks before the EWC, or from the time of childbirth if that is earlier.~~

- (b) Maternity leave shall commence no earlier than 11 weeks before the EWC, or from the day following childbirth if that is earlier.

~~Within 28 days of receipt of the initial notification the employing authority will write to the employee stating the expected date of return from maternity leave.~~

Within 28 days of receipt of the initial notification the employing authority will write to the employee informing them of the last day of their maternity leave and the expected date of their return.

11.4.1 Keeping in Touch (KIT) Days

- (a) Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, the employer and the employee should discuss and agree any voluntary arrangements, for keeping in touch during the employee's maternity leave. An employee may work for up to 10 KIT days during OML or AML without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.
- (b) The work can be consecutive or not, and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employer nor the employee can insist upon it.
- (c) Authorities are recommended to adopt policies for KIT days that have regard to DTI guidance (Maternity Entitlements and Responsibilities: A guide – babies due on or after 1 April 2007) and therefore should include arrangements for payment for working on these days.

11.5 Maternity Pay

- (a) Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) where eligible.
- (b) Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:-
- (i) For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
 - (ii) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (currently 39 weeks in total), where eligible.

- (iii) For employees not intending to return to work, payments during ~~the subsequent 20 weeks shall be the employee's entitlement to SMP~~ their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible.
- (iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

11.6 Right to Return to Work

- (a) Subject to (b) to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.
- (b) Where it is not practicable by reason of redundancy for the authority to permit her to return to work in her job as defined in (a) above the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.
- (c) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which she was employed prior to her absence.
The work to be done should be suitable to her and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.

11.7 Exercise of the Right to Return to Work

- (a) Return before the end of the maternity leave period
 - ~~(i) Employees who qualify for ordinary maternity leave
An employee who qualifies for leave under paragraph 11.4(a) shall notify the authority in writing if requested, at least 7 days before of the day on which she proposes to return if this is before the end of the 26 weeks maternity leave. Where the notice given is less than 7 days the employer may postpone the return to ensure 7 days' notice, but not beyond the end of the maternity leave period.~~
 - (i) An employee shall notify the authority in writing if requested, at least 21 days before the day on which she proposes to return if this is before the end of the maternity leave period. Where the notice given is less than 21

days the employer may postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.

~~(ii) Employees who qualify for additional maternity leave
An employee who qualifies for leave under paragraph 11.4(c) shall notify the authority in writing if requested, at least 21 days before of the day on which she proposes to return if this is before the end of the additional maternity leave period. Where the notice given is less than 21 days the employer may postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.~~

(ii) If an employee changes her mind about the day she proposes to return, she must give her employer 21 days' notice of the new date, if this is **earlier** than the original date (see 11.77(a)(i)) she notified **or** if she is now proposing to return **later** than the original date, she must give notice of the new return date 21 days before the original return date.

(b) All employees

(i) Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

(ii) For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes, or as soon as reasonably practicable thereafter.

(c) Return to work - Flexible Working arrangements

Authorities should consider the full range of flexible working arrangements and support facilities for employees returning to work. The needs of breast-feeding employees should be taken into account. The Health & Safety Executive has produced guidance that employers should refer to if a facility for breast-feeding is requested.

11.8 Relationship with Sickness and Annual Leave

(a) Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

(b) Ordinary maternity leave and additional maternity leave shall be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.

11.9 Definitions

(a) **A Week's Pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of

employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

(b) **Childbirth**

Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks

(c) Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

11. Maternity Scheme

11.1 Who This Scheme Applies To

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

11.2 Initial Obligations on the Employee

An employee shall notify her employing authority at least 28 days before her absence begins or as soon as is reasonably practicable:

- (a) that she is pregnant;
- (b) of the expected week of childbirth (EWC);
- (c) of the date of the beginning of her absence.

The employer can request that the notification of the beginning of the absence is given in writing and that the employee produce a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth.

11.3 Health and Well-being

(a) Ante-natal Care

Any pregnant employee has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested by her employing authority.

(b) Health and Safety

Consideration must be given to any health and safety implications for pregnant or breast-feeding employees identified in the Workplace Risk Assessment carried out in accordance with Part 2, Paragraph 4.

11.4 Maternity Leave Entitlement

(a) All employees are entitled to 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave, giving a total of 52 weeks' continuous leave, 'the maternity leave period'.

(b) Maternity leave shall commence no earlier than 11 weeks before the EWC, or from the day following childbirth if that is earlier.

Within 28 days of receipt of the initial notification the employing authority will write to the employee informing them of the last day of their maternity leave and the expected date of their return.

11.4.1 Keeping in Touch (KIT) Days

(a) Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, the employer and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's

maternity leave. An employee may work for up to 10 KIT days during OML or AML without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

(b) The work can be consecutive or not, and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employer nor the employee can insist upon it.

(c) Authorities are recommended to adopt policies for KIT days that have regard to DTI guidance (Maternity Entitlements and Responsibilities: A guide - babies due on or after 1 April 2007) and therefore should include arrangements for payment for working on these days.

11.5 Maternity Pay

(a) Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP), where eligible.

(b) Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:-

(i) For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.

(ii) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (currently 39 weeks in total), where eligible.

(iii) For employees not intending to return to work payments during their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible.

(iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

11.6 Right to Return To Work

(a) Subject to (b) to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.

(b) Where it is not practicable by reason of redundancy for the authority to permit her to return to work in her job as defined in (a) above the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.

(c) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which she was employed prior to her absence.

The work to be done should be suitable to her and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.

11.7 Exercise of the Right to Return to Work

(a) Return before the end of the maternity leave period

(i) An employee shall notify the authority in writing if requested, at least 21 days before the day on which she proposes to return if this is before the end of the maternity leave period. Where the notice given is less than 21 days the employer may postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.

(ii) If an employee changes her mind about the day she proposes to return, she must give her employer 21 days' notice of the new date, if this is **earlier** than the original date (see 11.7(a)(i)) she notified **or** if she is now proposing to return **later** than the original date, she must give notice of the new return date 21 days before the original return date.

(b) All employees

(i) Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

(ii) For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes, or as soon as reasonably practicable thereafter.

(c) Return to work - Flexible Working arrangements

Authorities should consider the full range of flexible working arrangements and support facilities for employees returning to work. The needs of breastfeeding employees should be taken into account. The Health & Safety Executive has produced guidance that employers should refer to if a facility for breastfeeding is requested.

11.8 Relationship with Sickness and Annual Leave

(a) Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

(b) Ordinary maternity leave and additional maternity leave shall be regarded as continuous service for the purposes of the National Joint Council's sickness and maternity schemes and annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.

11.9 Definitions

(a) **A Week's Pay**

The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

(b) **Childbirth**

Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks

(c) Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.