



SPECIAL CABINET – 17TH MARCH 2021

SUBJECT: PUBLICATION OF GENDER PAY GAP DATA 2020 – EQUALITY ACT 2010 (SPECIFIC DUTIES AND PUBLIC AUTHORITIES) REGULATIONS 2017

REPORT BY: LYNNE DONOVAN, HEAD OF PEOPLE SERVICES

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1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek approval from Cabinet for the publication of the Authority's gender pay gap written statement 2020.

2. SUMMARY

- 2.1 Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, all organisations listed at Schedule 2 to the regulations that employ over 250 employees are required to report annually on their gender pay gap from 2017.
- 2.2 The provisions under these Regulations only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school head teachers/Governing Bodies are not required to be included within the scope of the Council's Gender Pay Gap Data. This reflects the unique employment legislation position whereby all schools employees are employed by the local authority, but decisions about the appointment and management of such employees are mostly discharged by head teachers/governing bodies, as appropriate. Caerphilly Schools will not be required to publish and report their own specific figures as no School employs more than 250 staff.
- 2.3 The Council's gender pay gap data is required to be published on our own website and a government website by 30 March each year. The data must include the hourly pay, as both a mean figure, (identifying the difference between the average of men's and women's pay) and the median figure, (identifying the difference between the midpoints in the ranges of men's and women's pay). Employers are encouraged to produce a written statement explaining the data.
- 2.4 The Regulations further require the Council to publish the mean and median gender pay gap relating to bonus pay. Cabinet will be aware that the Council does not offer piecework or bonus incentive schemes.

3. RECOMMENDATIONS

- 3.1 Cabinet are asked to agree the written statement attached at Appendix 1 detailing gender pay gap data for publication on the Council's website and the Government website on line using the gender pay gap reporting service.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To comply with the legislative requirements of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

5. THE REPORT

- 5.1 The Council's gender pay gap data is required to be published on an annual basis, once accepted. There is a requirement under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations for this to be undertaken no later than the 30th March each year.
- 5.2 There are six calculations to carry out, and the results must be published on the employer's website and a government website within 12 months. Where applicable, they must be confirmed by an appropriate person, such as a chief executive.
- 5.3 Gender pay reporting is a different requirement to carrying out an equal pay audit.
- 5.4 Employers have the option to provide a narrative with their calculations. This should generally explain the reasons for the results and give details about actions that are being taken to reduce or eliminate the gender pay gap.
- 5.5 The written statement that is attached to this report at Appendix 1 contains the full details of the Council's gender pay gap position that the Council is required to publish under legislation.
- 5.6 With Cabinet's agreement, the statement will be published on the Council's Website and to the government on line using the gender pay gap reporting service (<https://www.gov.uk/report-gender-pay-gap-data>), and will be available for access by members of the public, press and interested pressure groups.
- 5.7 The Council's gender pay gap data and written statement is based on a high level snapshot of pay within the Council that shows the difference in the average pay between all men and women in our workforce. In accordance with the Specific Duties and Public Authorities Regulations, the data includes all employees of the Council who were paid on 31 March 2020.
- 5.8 **Conclusion**

The Council's gender pay gap does not stem from paying male and female employees differently for the same or equivalent work but is the result of roles in which male and females currently work and the salaries that these roles attract. Our gender pay gap is reflective of the causes of gender pay gap at a societal level. The vast majority of posts in the lower quartile of data are part time posts. These are the posts that continue to predominantly attract female applicants.

6. ASSUMPTIONS

- 6.1 It is assumed within this report that whilst the Council continues to deliver diverse services with a very high concentration of part time posts in the lower earnings quartile, the opportunity to close this gap based on the number of females currently occupying said posts will be limited.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 The Gender Pay Gap links to our Strategic Equality Plan 2016 – 2020 and 2020 – 2024. The remuneration of employees is an integral feature of our People Management Strategy and frameworks and is a fundamental feature of the employment relationship.

7.2 Corporate Plan 2018-2023.

The Gender Pay Gap statement contributes towards the Corporate Well-being Objectives, as detailed below:

Objective 2 - Enabling employment

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 Having considered the five ways of working, the Gender Pay Gap statement contributes to the following Well-being Goals:

- A more equal Wales
- A more prosperous Wales.

9. EQUALITIES IMPLICATIONS

- 9.1 The data highlights a gender pay gap in favour of males. In this data snapshot the mean gender pay gap difference is 8.04% and the median gap is 11.28%. This does not mean that the Council is paying males and females differently for work deemed to be of equal value. The identification of a gender pay gap provides a trigger for further investigation about the reasons why the gap exists.

- 9.2 The Council has committed to Equal Pay which is a more specific legal concept that deals with the pay differences between men and women carrying out comparable jobs. Equal Pay requires the scrutiny of information at the level of the individual employee to satisfy that there is equal pay for equal work. The Council continues to use the GLPC job evaluation scheme and the HAY job evaluation scheme to satisfy this specific purpose.

- 9.3 Last year's figures were 8.3% and 10.3% respectively, representing a 0.26% reduction in the mean gender pay gap and an increase of 0.98% in the median. The Council is not paying males and females differently for work deemed to be deemed of equal value. The Council continues to pay employees in line with its evaluated pay structures.

- 9.4 The Council recognises the importance of equality not only in the Well-being of Future Generations Act but explicitly through its Strategic Equality Plans 2016-2020

and 2020-2024; its introduction of Equal Pay through Single Status and withdrawal of piecework and bonus incentive Schemes in 2009 and its introduction of the Living Wage Foundation minimum hourly rate in 2012.

- 9.5 The gender pay written statement attached at Appendix 1 confirms the pay received by employees in March 2020 and reports on the facts of the current pay arrangements in place; therefore no specific Equalities Impact Assessment has been undertaken. Any previous changes to pay, terms and conditions that have led to this data have been assessed for equalities issues, as have other reports relating to CCBC employee pay issues such as the Living Wage report.
- 9.6 In determining the pay and remuneration of all of its employees, the Council has complied with all relevant employment legislation, including:
- The Equality Act 2010, including the requirements specifically in relation to Equal Pay
 - Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000
 - The Agency Workers Regulations 2010
 - The Transfer of Undertakings (Protection of Employment) Regulations 2006, where relevant;
 - The National Minimum Wage Act 1998.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising from the requirement to publish the Council's gender pay gap position.

11. PERSONNEL IMPLICATIONS

- 11.1 The personnel implications arising from the gender pay gap data and the measures taken and proposed to close the Council's gender pay gap further are outlined in the written statement attached at Appendix 1 to this report.

12. CONSULTATIONS

- 12.1 All comments from consultees have been included in the report.

13. STATUTORY POWER

- 13.1 Local Government Act 1972
Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017
Localism Act 2011
Local Government (Wales) Measure 2011
Local Government (Wales) Act 2015

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Consultees: Corporate Management Team
Cllr Colin Gordon, Cabinet Member for Corporate Services
Stephen Harris, Head of Financial Services & S151 Officer
Robert Tranter, Head of Legal Services & Monitoring Officer
Lisa Downey, HR Service Manager
Shaun Watkins, HR Service Manager

Appendices:

Appendix 1 Written Statement – Gender Pay Gap 2020