



Walsall Council

Personnel Committee

Friday, 22 July 2022 at 6.00 pm

At the Council House, Walsall

Public access to meeting via:

<https://aisapps.sonicfoundry.com/AuditelScheduler/CreateSchedules/Past/41>

Membership:

Councillor M. Bird (Chair)
Councillor A. Andrew (Vice-Chair)
Councillor Elson,
Councillor Garcha
Councillor Gultasib
Councillor K. Hussain
Councillor Nawaz
Councillor Towe
Councillor Whitehouse

Quorum:

Three Members

A g e n d a

Part 1 – Public Session

1. Apologies.
2. Declarations of Interest.
3. Local Government (Access to Information) Act 1985 (as amended):

To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
4. Teachers' Pension Indexation and 2021 Pay freeze – Copy **enclosed**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

Personnel Committee – Friday 22nd July 2022

Teachers' Pension Indexation and 2021 Pay Freeze

1. Summary of the report

To request the Personnel Committee to approve one-off £1 uplifts to school leaders and teachers, both school and unattached, in order to activate the indexation of benefits.

2. Recommendations

Personnel Committee is recommended to approve: -

1. A one-off £1 uplift to all school leaders and teachers (both schools and unattached) at all levels in August 2022 salaries in order to activate indexation of benefits.

3. Background

- 3.1 The issue relates to indexation in the final salary section of the Teachers' Pension Scheme (TPS). The 2010 TPS Regulations, which apply to this scheme, establish that the calculation method for the 'best consecutive three years in ten' average salary only applies indexation if the salary rate changes. If no such changes are applied i.e. during periods of a pay freeze then this leads to non-indexation of benefits and consequent pension losses for teachers and school leaders.
- 3.2 Schools were notified of this in March 2022 and advised that the local authority were considering the next steps regarding the issue that had arisen as a result of the 2021/22 pay freeze to school leader and teachers' salaries. We also stated that we were expecting further guidance on this issue following the Teachers Pensions Scheme Advisory Board meeting held on the 16th June. However, no further guidance was received other than schools and local authorities were to make local decisions.
- 3.3 The TPS have confirmed that an uplift of £1 will enact the indexation. Professional associations have issued several joint letters including template letters for staff (who are impacted) to issue to employers requesting a £1 uplift.

Since then we have received a number of requests from staff and governing bodies to make an adjustment on an individual basis.
- 3.4 Accordingly in order to protect schools and the local authority from possible discrimination claims it is now proposed that all school leaders and teachers, (both school and unattached) at all levels are paid a one-off £1 uplift in the August 2022 salary. The cost of which would be funded from the school budget.

- 3.5 In Walsall Community and Voluntary Controlled schools, it is only possible to make such payments to teachers and school leaders in accordance with the STPCD or Schools Model Pay Policy following approval by the Council's Personnel Committee.

4. Resource implications

- 4.1 The anticipated cost implications of applying such an uplift for Community and Voluntary Controlled schools and unattached teachers is approx. £1,116. Such payments to be funded by the respective schools or service areas for unattached teachers.

5. Legal implications

- 5.1 No legal implications

6. Performance and risk management issues

- 6.1 Risk of not approving such uplifts is possible litigation by individuals whose pension is negatively impacted. Such litigation could be on the grounds of discrimination if it can be proven that staff with protected characteristics have been negatively impacted disproportionately to others.

Unions are supportive of the approach recommended in this report for their members and therefore if applied the risk of challenge is viewed as being minimal.

7. Equality implications

- 7.1 None as intention is to be applied to all school leaders and teachers both school and unattached.

8. Consultation

- 8.1 Extensive dialogue has taken place with the teaching unions; schools; TPS and senior officers across the Council on the issue which has led to this proposal.

9. Background papers

- 9.1 None

Author:

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