



Coventry City Council

Council Meeting

22 March 2011

Booklet 4

Answers to Written Questions

1.

QUESTION SUBMITTED BY: Councillor Nellist

TO BE ANSWERED BY: Councillor Duggins

TEXT OF QUESTION:

" Whether he will now use the £600,000 in the 2011/12 budget (agreed by Council on February 15th 2011 to be set aside for payment to those Council employees earning less than £21,000 of a flat rate payment of £250 in the pay year 2011/12), to pay this Council's eligible employees notwithstanding the decision of the local government employers not to make that payment; not by the Council departing from the national pay bargaining structures but as a payment in addition to that agreed by those structures?"

Answer:

At the time the Council considered the 2011/12 budget, the position regarding the local government pay award was not resolved. It was, therefore, prudent to make provision for the possibility that a small award targeted at lower paid groups may be made. It is quite normal that the budget is set using an estimate of the likely pay award as the actual position is usually not known until well into the new year.

The City Council was represented at informal consultation meetings held by the National Employers in December 2010 regarding the pay award for 2011/12.

At these meetings, we made it clear that the ruling labour Group favoured a small overall pay award loaded in favour of the lowest paid and that if this was not offered we would at least be keen to see a guaranteed increase for those employees earning less than £21,000 in line with the proposals for central government employees.

We will of course honour our standing policy to pay any award made through national pay bargaining. Until that happens then we will not want to move away from national pay scales nor make any payment in addition to them.

The LGE has made a no increase proposal and at time of writing there has been no agreement to do anything different to this.

We will, therefore, maintain the £600k as a contingency until the national position is finalised and if no award is eventually made, we will use this resource to address some of the inevitable pressures we will face over the next few months, and to balance in budget in 2012/13 and beyond as we continue to adjust to the significant cuts in government funding.

2.

QUESTION SUBMITTED BY: Councillor Nellist

TO BE ANSWERED BY: Councillor Mutton

TEXT OF QUESTION:

"Further to the Council report 8.1 of December 7th, 2010, page 8, point 7.8, if he will set out in detail what are the "significant risks from equal pay claims" which remain and for which it is necessary to retain the full £30 million provision of capitalisation facility, being £22.5 million more than the estimate of the costs of proposals contained in that report?"

Answer:

Whilst the Council successfully defended its pay protection arrangements at the remitted Employment Tribunal hearing in August 2010, Unite, Unison and GMB have again appealed to the Employment Appeal Tribunal against the Employment Tribunal's decision. As such, the issue of pay protection remains live. The remaining capitalisation facility is in place in light of the continuing uncertainty in relation to the Council's liability for Pay Protection claims and also to cover the risk of further equal pay back pay claims being brought. See section 9 of the 7 December 2010 Council report.

3.

QUESTION SUBMITTED BY: Councillor Nellist

TO BE ANSWERED BY: Councillor Mutton

TEXT OF QUESTION:

"Further to the Council report 8.1 of December 7th, 2010, page 8, points 7.9 & 7.10, whether the legislation named requires an employer subject to an implied contractual equality clause to increase employees' pay in line with a comparator and to pay employees back pay for up to 6 years, or only imposes that requirement subject to an individual employee making a successful individual claim?"

Answer:

There is only a legal obligation to pay an employee back pay compensation for historic pay inequality where an equal pay claim has been brought and been successful.

In order to conclude long standing litigation between employees and the council and further waste of public funds on legal action, the council has made settlement offers where it felt claims received were valid which are currently with the employees for consideration.

4.

QUESTION SUBMITTED BY: Councillor Nellist

TO BE ANSWERED BY: Councillor Mutton

TEXT OF QUESTION:

1. What minutes or notes are held of meetings facilitated by, or involving, ACAS from 1997 to 2007 at which equal pay or single status were discussed?
2. What minutes or notes are held of meetings between Council officers and recognised trade unions between 1997 and 2007 at which equal pay or single status were discussed?

Answer:

I do not know and should not know the detail of the information you are requesting in this question. As such, I am passing this question to officers as there may well be hundreds of documents in the categories to which you refer.