

11 September 2023

Ms D Cadman – Chief Executive
Birmingham City Council
The Council House
Victoria Square
Birmingham
B1 1BB

Dear Ms Cadman

Response to letter from Deborah Cadman entitled ‘Council Business Management Committee- Job Evaluation Methodology’.

I have set out the response from GMB Union to the Birmingham City Council Job Evaluation Proposal in a separate letter. However, I thought it would be useful to also respond directly with the additional concerns arising from your letter from entitled ‘Council Business Management Committee- Job Evaluation Methodology’.

We dispute the fact that BCC has been engaged in a meaningful NJC job evaluation study since January 2023. Therefore, any suggestion that has been too slow to produce results is not one we can support, because we do not recognise its existence.

We do not support the continuation of ‘the current programme’ because the current programme does not reflect the NJC Scheme Guidance.

We need to be clear about the above. What is being referred to as “the current programme” in cabinet reports has not been a consistent process. GMB has sought to work with council officers on a negotiated scheme that does indeed follow the NJC Green book, this was due to be implemented in summer of 2023. In April 2022, a budget was agreed for joint trade union partners to have additional release to facilitate the scheme. GMB sought to fill these roles and provided training to the those who were to sit on the panels.

21.1 Cabinet Report – 26th April 2022 – ‘Job Evaluation/Pay & Grading’

6 The Current Job Evaluation Programme

6.1 The current programme was approved in the April 2022 Cabinet report on ‘Job evaluations and Pay and Grading’. Hereinafter this will be referred to as “the current programme”.

The above scheme has never been implemented it is therefore extremely disingenuous to refer to it and mislead councillors to think that it has ever been in use. In fact, what has been in use is an unknown scheme. Trade unions have continuously had to challenge the management led process that has been in place. It has been conceded in Employment tribunal that this process “cannot be relied upon” (including GMB current ET). It is this process that has created the huge equal pay liability in Birmingham City Council.

As confirmed above, GMB has sought to work with council officers on a negotiated and agreed job evaluation scheme inline with the NJC scheme. This was paused by council officers in January 2023.

The trade unions were then presented with the option of Haye Corn Ferry, a clear favourite of the officers and only assumptions as to why the negotiated process which had already been agreed would not suit your purpose. This has added an additional 9 months on to your time line.

Therefore, GMB do not support the continuation of ‘the current programme’ because the current programme does exist.

However, we do believe that the suggested 2-2.5 years’ timescale is a realistic one if the Council does proceed to fully implement NJC as per the recommended methods contained within the NJC Scheme Guidance.

We believe that meaningful progress could be made in implementing an agreed Job Evaluation scheme by 1 April 2025. However, we do not support the approach of setting an ill-informed deadline first and then trying to find a Job Evaluation process that works to that deadline.

We suggest that that approach may lead to shortcuts being taken that could undermine the integrity of the work. The Cabinet should take note that encouraging decisions to be made for reasons of time, rather than to ensure equality proofed outcomes and scheme integrity, is high risk practise that can (and indeed has in other cases) lead to further equal pay liabilities and delayed pay justice for women workers.

We support the principle of concluding the implementation of a new equality proof Job Evaluation scheme and pay and grading scheme as soon as possible in order for women workers to finally be valued and paid properly. But we recognise that there are simply no shortcuts to delivering this.

Birmingham City Council is in the current mess because it has failed to implement NJC properly before. The solution to this is simple: implement the scheme properly. The solution is not to try and be clever with ‘hybrid schemes’ and private companies. We ask at this stage, why Birmingham City Council Cabinet and Officers belief that Birmingham City Council is uniquely incapable of implementing NJC properly?

GMB have not seen either the questions or the legal advice the council has received regarding “Best value” on the various proposals. However, it appears to have ignored the fact that this duty relates not only to “economy”, but also “efficiency and effectiveness”. Any option that leads to a Job Evaluation scheme that is less open, transparent and created in partnership, does not meet this duty.

Job Information

The Job Information stage of NJC is the most vital. It is where you collect information from job holders in order to ensure that the job descriptions or job overview documents that are evaluated are accurate. ‘Rubbish in, rubbish out’ is a phrase commonly used about this stage. Take shortcuts here, as proposed, and we might as well not bother with the rest of the process.

The proposed method eliminates meaningful data collection from job holders.

The deletion of the use of full job evaluation questionnaires is a significant reduction in the operation of the scheme as the shorter questionnaires do not signpost to the level of information required.

It is vital that trade unions and the employer brief employees and that trade unions can support their members to submit meaningful data. GMB’s experience of other NJC processes is that it can be inaccessible for members to contribute and that a significant effort must be put in by those running the process to ensure that job holders’ experiences are heard and that they are supported to contribute meaningful detail of their work.

Deleting job holder interviews from the process, alongside use of a more generic questionnaire, greatly increases the likelihood that the data that you collect and present to be evaluated will be unreliable.

An over reliance on management’s interpretation of jobs is dangerous. It allows for bias to creep in and allows for manipulation of the scheme. Birmingham should be particularly sensitive to this point given their experience of management behaviour in Waste and Fleet.

‘West Midlands Employers’ are not partners of the NJC. Whilst they may have a business model that extracts profit from local authorities to allow the Council to outsource core work, we have no reason to believe that they have the necessary expertise in Job Evaluation generally and specifically to advise on modifications to the NJC scheme or process.

Job Analysts

GMB does not support the proposal of a 'single analyst approach' i.e., the use of a private company rather than training in house analysts from a group of a mixture of employer and trade union nominees. The process of using a joint group of in-house staff to become analysts ensures better joint working between unions and the employer and gives unions a greater overview of the work being done by the analysts.

We believe this transparency is a) in line with the NJC Scheme Guidance b) reflects best practise and c) ensures checks and balances that prevent further discriminatory practise. GMB are currently working with Glasgow City Council on just this model and whilst the work has been challenging, it has been a meaningful and positive process and one that we advocate being replicated.

Trust from union and workers is at an all-time low with Birmingham City Council. In order to restore normal industrial relations and bring discrimination to an end, meaningful joint working must be restored.

Quality Assurance and Governance

GMB does not support a trade union panel only having oversight of 10% of jobs which are 'randomly dip sample[d]', especially when this is unenforceable 'quality assurance'. Quality assurance is a core part of the job evaluation process and should be done across jobs, especially on all benchmark roles, and should result in direct review of work, not simply the ability to raise issues.

It is alarming to read that the 'Council is prepared to publish the criteria for selecting benchmark roles'. The selection of benchmark roles should be a joint decision made by a shared governance body that has been created between employer and unions to oversee the whole Job Evaluation process.

The outsourcing this governance is simply not credible and GMB will not engage in any process that bring in a private company rather than engage in meaningful joint working.

Response document titled '2023 Addendum to the Job Evaluation Joint Principles Document'.

GMB do not agree this document.

We do not agree the use of a 'hybrid Guage NJC programme'.

We do not agree the use of West Midlands Employers as a 'single analyst approach'.

We do not agree the principle of setting a deadline before a project plan is agreed that ensures the integrity of the work.

We do not believe that the proposed method allows for the collection of accurate job holder information.

We do not believe that the proposed method and scheme 'hybrid' amounts to 'positive partnership' but instead is attempting to find shortcuts, and limit the input of trade unions who have the expertise to play a governance role in the implementation of the NJC scheme.

We note the use of the term 'Guage scheme'. Guage is not a job evaluation scheme but a method implementation. We are concerned that the author of this paper does not know the difference between a job evaluation scheme and a piece of software.

Maintenance

GMB does not support the use of WME as a panel member for ongoing maintenance. We do not have any reason to believe that they have the expertise to ensure pay equity and we do not agree for a tripartite structure in lieu of proper collective bargaining and joint employer/ union working.

We do not know who the 'Pay Equity and Equal Pay Legal Group' are. We question what their role as been in overseeing the equal pay disaster Birmingham currently faces.

Governance

The governance of the implementation of NJC should be done by a working group made up of employer side and trade unions and this work should be overseen by the relevant committees of elected officials. The deletion of the joint working group is not something GMB will support and we believe that it is ultimately harmful to the process as a whole.

GMB would have welcomed the opportunity to engage in meaningful consultation regarding the points we have raised here. However, we have been given no opportunity to do this.

Yours sincerely

Michelle McCrossen

Michelle McCrossen
Regional Organiser