

WEST NORTHAMPTONSHIRE COUNCIL CABINET

12TH JULY 2022

CABINET MEMBER RESPONSIBLE FOR HR & CORPORATE SERVICES: COUNCILLOR MIKE HALLAM

Report Title	Pay and Grading Proposal
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1. Purpose of Report

1.1. To provide an update on the progress made to date on the council's Pay and Grading Project, including budget implications and phase 2 implementation plan, and the outcome of the recent trade union consultation and negotiations.

2. Executive Summary

- 2.1 As a new employer, West Northamptonshire Council (WNC) needs to determine its pay, terms & conditions for *new starters and those moving roles* within the newly formed authority to ensure equal pay. Individuals who transferred into WNC from predecessor councils did so under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and are therefore on the terms and conditions of their predecessor councils, which means pay and terms from their previous employer are protected at the point of transfer.
- 2.2 Prior to Vesting Day (1 April 2021), West Northamptonshire Council negotiated a partial set of 'day one' terms and conditions of employment. This left additional terms that needed to be negotiated /consulted (depending on the term) post Vesting Day, alongside the proposed new WNC pay structure.
- 2.3 The purpose of the Pay & Grading project, is to implement a pay structure that is logical, transparent, lawful, equitable and affordable. This is to enable new starters to be recruited and placed on an agreed set of consistent terms & conditions for West Northamptonshire Council, and our workforce currently on interim terms, to be alligned to a permanent pay structure and full set of WNC terms and conditions of employment.
- 2.4 As of June 2022 the **first phase** of the project is ending, with proposals made to Trade Unions in respect of each of the remaining 'day one' terms and conditions. A job family architecture has been designed to meet the operational needs of the council and an associated pay structure (based on the National Joint Council (NJC) 2021 pay spine) has been designed, pay modelled and proposed to the Trade Unions.
- 2.5 The proposed pay structure has a requirement for investment to minimise the overall impact on the workforce. There are therefore future budget implications which will be presented at a future date and a revised Pay Policy will also need to be agreed.

3. Recommendations

- 3.1 It is recommended that the Cabinet:
 - a) Note the proposal made to the Trade Unions in respect of the new pay structure and the remaining 'day one' terms and conditions.
 - b) Note the forward implementation plan
 - c) Note the budget implications

4. Reason for Recommendations

- The development of the pay structure seeks to ensure that pay is transparent, equitable and fair at WNC.
- A pay structure underpinned by job evaluation promotes fairness and in doing so helps mitigate the risk of equal pay claims.

• There is a requirement to complete the activity which commenced pre-Vesting Day on determining the remaining 'day one' terms and conditions.

5 Report Background

- 5.1 The council's Constitution's Scheme of Delegation states that responsibility in respect of grading, determination of wages and salary scales, determination of allowances and determination and application of conditions of service sits with the Chief Executive (and additional delegated officers).
- 5.2 The workforce affected by the Pay and Grading proposal are those who have joined West Northamptonshire Council or changed roles since 1st April 2021. These employees have been (and continue to be) placed on West Northamptonshire Council *interim* terms and conditions and paid on a spot salary, with interim pay being aligned to one of the previous councils pay scales.
- 5.3 There are some roles in the organisation that, due to the nature of their roles, have their pay aligned to alternative pay scales, such as those aligned to NHS pay rates, centrally employed Teachers and those on the WNC Local Soulbury pay scale. The staff who are aligned to alternative pay scales, will not be impacted by the pay scales element of our proposed offer

Terms & Conditions

- 5.4 WNC as a new employer was required to establish a set of employment terms and conditions, to be used for new starters and those moving posts on or after 1st April 2021.
- 5.5 During March 2021 negotiation and consultation took place with the Council's recognised trade unions on a number of 'day one' terms and conditions. It was agreed at that time that a number of elements would be postponed until the Council were in a position to discuss the new Local WNC Pay structure (as the remaining terms were linked to this).
- 5.6 The graphic below outlines the remaining terms and conditions:

#		d & Conditions	#	Remaining Day One - Terms & Conditions	
1	Standard Working Week	15	Maternity Support / Paternity Leave	1	Job Evaluation Scheme (breakpoints)
2	Core working hours	16	Adoption Pay and Leave	2	Pay Grade / Structures
3	Effective date	17	Pre-Adoption Leave	3	Overtime Rates
4	Pay date	18	Other paid leave	4	Enhanced Rates (unsocial hours)
5	Pay Spine	19	Business travel	5	Pay Allowances (sleeping in)
6	Pay Award (pay bargaining)	21	Subsistence	6	Pay Allowances (other)
7	Job Evaluation Scheme(s)	20	Excess home-to-work mileage	7	Pay Allowances (partial acting up)
8	Incremental Pay Progression			8	Annual Leave (breakpoint)
9	Contractual notice period (employer)			9	Employee Notice Period
10	Contractual notice period (employee)			10	Employer Notice Period
11	Sick Pay Benefits			11	Pay Progression
12	Sickness absence due to industrial disease, accident or assault			12	Redundancy Pay
13	Annual Leave			13	Pay Protection
14	Maternity Pay and Leave				

Pay Structure

- 5.7 As a new employer, West Northamptonshire Council (WNC) needs to put in place a pay structure for new starters and those moving roles within the newly formed authority to ensure equal pay.
- 5.8 Individuals who transferred into WNC from legacy councils, are on TUPE terms and conditions, which means pay and terms from their legacy employer are protected at the point of transfer under TUPE Transfer of Undertakings (Protection of Employment).
- 5.9 Since 1 April 2021, as set out in the recruitment protocol in place, an interim approach to pay for new appointments was put in place for use with critical roles. It is the responsibility of all managers to ensure that the use of the interim approach is kept to a minimum to mitigate future costs.
- 5.10 When determining the salary and pay allowances for a critical role which needs to be filled, the manager will advertise and appoint on a spot salary which will be subject to review under the phase 2 Pay and Grading project.
- 5.11 To determine the level of the spot salary for the role, the manager will use the scale point at the bottom of the pay range that applied to the post before it became vacant. For example, if the vacant role originated in the transferred Daventry District Council establishment, then a spot salary within the relevant Daventry District Council pay grade for the role would apply.
- 5.12 In exceptional circumstances to ensure parity of pay across the team the Assistant Director/Executive Director can assign the spot salary using another of the sovereign councils pay scales, but the reason for doing so must be recorded on the business case/approval to recruit form.

- 5.13 In the (extremely rare) circumstance of being unable to identify an obvious sovereign council pay range (for example brand new role in a team formed from all councils) then the role will be evaluated using both HAY and NJC Job Evaluation Schemes and this information used to benchmark a spot salary, referencing similar sized roles in one of the former sovereign councils, and the external market as applicable. Advice should be sought from HR for any posts falling into this category prior to authority to recruit being sought.
- 5.14 This approach remains in place until work is completed on phases 1 and 2 of the pay and grading project, which is to design and model a new pay structure, negotiate with the Trade Unions and formally match individuals on interim pay and terms to the agreed pay structure.

6 Issues and Choices

- 6.1 A series of negotiation and consultation meetings were held with the Trade Unions during the week commencing 16th May 2022 and proposals were put to the Trade Unions in respect of each of the remaining terms and conditions and the proposal for the new WNC Local pay structure was presented.
- 6.2 Appendix A contains the proposals for the remaining 'day one' terms and conditions, and Appendix B contains the proposed pay structure under consultation.
- 6.3 Following the negotiation and consultation week, the Trade Unions advised that they would be consulting with their membership. This activity commenced 13th June 2022. Feedback is anticipated by early July.
- 6.4 The full pay and grading proposal has now been shared across the council workforce and there is an internal intranet page containing FAQs, a slide deck and other information to ensure the whole workforce, not just Trade Union members, are fully informed at this stage.

Developing the Pay Structure

- 6.5 A significant amount of activity has been undertaken since August 2021 to design and build a new local pay structure for the council.
- **6.6** This activity commenced with the adoption of a job family approach whereby a number of job families were designed. All roles across the council can be catergorised into one of these nine job families.
- **6.7** It should be noted that due to the unitary process and the bringing together of four different organisations, there were upwards of 2500 individual job titles across both North and West Northamptonshire Councils. These roles were underpinned by different job evaluation methodologies and pay structures. As such it was felt that this approach allowed us to standardise the job evaluation process, moving to the agreed new job evaluation scheme (NJC with HAY for senior roles) and change the approach to determine the relative worth of jobs, using a job family methodology.

- 6.8 Job families are different from directorates. A job family approach is where roles are classified into one of several job family groups. Each family will include a number of bands and each band will have a role profile. A role profile describes the band in each job family in job evaluation terms and will outline the work activities, responsibilities and demands associated with roles in that band, together with the knowledge, skills and experience required.
- 6.9 Once we had determined the number of job families our next step was to consider how many organisational levels would be required in the job family architecture. The number of levels ultimately determines the number of pay bands that would be needed for WNC.
- 6.10 It has been determined that 16 levels are appropriate for existing organisational hierarchy. This would be split into 11 levels for officers and managers using the NJC Job Evaluation scheme and pay scale and 5 levels for senior management based on the HAY job evaluation scheme.
- 6.11 An informal job mapping exercise has been undertaken within HR to align current roles to organisational bands based on organisational hierarchy, knowledge of the roles, job evaluation scores and existing salary levels. This mapping work gives an analytical indication of the volume of staff within each proposed band, which has been used to inform the design of our pay structure.
- 6.12 The design of the pay structure was then discussed with the Executive Leadership Team and Cabinet and a number of options were developed and pay modelling was undertaken on each of the options.
- 6.13 The informal mapping that has been undertaken is a desktop exercise, to inform the design of the pay structure and provide indicative overall costs. It cannot be used to inform at this stage in the process a final assimilation level for individuals. That will take place through a formal matching stage.
- 6.14 Pay modelling was based on the assimilation of the cohort on interim pay and further modelling was undertaken on the impact on the whole WNC workforce to test potential future costs. However, it should be noted that there are many difficulties in robustly modelling future costs given the organisational change and transformation activity that WNC will be undertaking as any pay modelling can only be based on the current structure.
- 6.15 The final pay structure option selected and presented to the Trade Unions requires an anticipated level of investment for the next financial year (2023-24) of c.£0.7 m. This investment increases the pay line and reduces overall impact.
- 6.16 The proposed pay structure has incorporated the NJC pay points and pay structure design principles. Note that the informal mapping that has been undertaken is a desktop exercise, to inform the design of the pay structure and provide indicative overall costs. It cannot be used to inform at this stage in the process a final assimilation level for individuals. That will take place through a formal matching stage.

Implementation

- 6.17 As of June 2022, the council is awaiting a formal response from the Trade Unions to the proposals that have been put forward.
- 6.18 Discussions have also taken place regarding the implementation of the new pay structure and terms and condition.
- 6.19 Formal job matching would take place from July to December 2022. This would comprise of an initial desk top activity, followed by formal targeted matching panels. Matching panels would be held jointly with representatives from HR, the Trade Unions and subject matter experts where required.
- 6.20 The current assessment by HR is that there are 904 individuals (excluding casuals) currently in this first cohort which will need to be matched. This equates to 308 discreet roles.
- 6.21 Any member of staff whose role has been matched would be given a formal right to appeal. Appeals would be heard prior to the forward implementation date of February 2023.
- 6.22 It should also be noted that significant systems changes are required on the Council's finance and payroll system 'ERP Gold' in order to enact the outcome of the pay and grading project. These changes will take a number of weeks, impacting on both the Business Systems and Payroll teams, and there will be associated testing of the build before the changes can be put into a live environment.

Estimated Impact

6.23 There are 3 possible pay outcomes as a result of the formal matching phase, and these are outlined below:

What are the possible pay outcomes of formal matching?

Let's assume Employee A currently earns a salary of: **£25,500**

Red Circled	Pay Band	SCP	FTE 2022/23	Hourly 2022/23	NJC SCP
If Employee A is formally matched to Band 4 , their current pay is higher than the top of the new pay band. We consider this employee to be red	1	1	£19,293	£10.00	3+
circled. This employee will be placed at the top of the matched band.		2	£19,650	£10.19	4
	2	3	£20,444	£10.60	6
Employees negatively impacted will have a pay protection period of 2 years (Pay protection period subject to consultation).		4	£20,853	£10.81	7
years (i dy protection period subject to consultation).		5	£21,270	£11.02	8
	3	6	£21,695	£11.25	9
Amber Circled		7	£22,129	£11.47	10
	4	8	£23,023	£11.93	12
If Employee A is formally matched to Band 5 , their current pay is already comparable to the pay range within the new pay band. We consider this		9	£23,484	£12.17	13
employee to be amber circled. This employee will be placed at the next		10	£23,954	£12.42	14
nighest spinal column point, based on their current pay.		11	£24,433	£12.66	15
		12	£25,419	£13.18	17
	5	13	£25,937	£13.44	18
Green Circled		14	£26,446	£13.71	19
		15	£26,975	£13.98	20
If Employee A is formally matched to Band 6 , their current pay is lower		16	£28,065	£14.55	22
than the bottom of the new pay band. We consider this employee to be	c .	17	£28,791	£14.92	23
green circled. This employee will be placed at the bottom of the matched band.	6	18	£29,758	£15.42	24
		19	£30,697	£15.91	25

- 6.24 The preliminary informal job mapping exercise has been essential in identifying the <u>potential</u> high-level impacts of transition onto the new pay structure. However, this exercise has been conducted as a guide to support the development of the pay structure and setting of the pay line. Actual individual employee outcomes can only be determined once a full job matching exercise is conducted.
- 6.25 With investment in the pay line, draft mapping and pay modelling indicates that over 95% of the workforce currently on interim terms will either benefit or see no immediate negative impact to their base pay. But as stated above actual outcomes can only be determined once a full job matching exercise is conducted.
- 6.26 We have interrogated the preliminary job mapping outcomes in terms of equality impact in addition to pay impact. It should be noted at this stage that the outcomes are based on the informal mapping and actual individual employee outcomes can only be determined once a full job matching exercise is conducted. At this stage we will then undertake a further review and undertake a fully equality impact assessment.
- 6.27 Data at the informal mapping stage looked at gender, age, sexual orientation, disability, ethnicity and religion. The data shows that as a result of the introduction of the new payscale, the outcomes are anticipated to be pre-dominantly positive in relation to those characteristics.

Budget implications

6.28 The assimilation of the workforce currently on interim WNC terms and conditions will follow the formal matching process identified above. For 'Green Circled' and 'Amber Circled' employees

this will result in an increase to base pay. 'Red Circled' employees will see a longer-term fall in their base pay once pay protection has expired, two years following assimilation.

- 6.29 In the absence of formal job matching at the point of pay structure design, the potential employee outcomes were modelled utilising the informal mapping exercise identified in paragraph 5.11 It is currently anticipated that this will create an initial base budget pressure of £0.6m for 2023-24 and one off pay protection costs of £225k. These will be fed into the budget setting process for 2023-24.
- 6.30 A more precise picture of the actual financial impact will emerge as formal matching progresses and will be integrated into the budget process as the cost estimates are refined.
- 6.31 As a new organisation West Northamptonshire Council must put in place a pay structure underpinned by job evaluation to minimise risk and ensure equity around pay.
- 6.32 The council has a unique opportunity to set out, through its pay structure, what type of employer we want to be.
- 6.33 Through the Best Companies all workforce survey and the THRIVE Big Conversation, our workforce told us that pay, terms and conditions and receiving a 'fair deal' were of significance to their engagement and satisfaction.
- 6.34 Investment in the pay structure will ensure that we can both attract and retain a workforce with the right skills, knowledge and experience who can deliver the Corporate Plan therefore enabling WNC to provide the best services to its residents and businesses.
- 6.35 We could continue to operate with an interim approach to pay however this carries significant risk to the council.

7 Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 As outlined above there are budget implications arising from the project to be managed under the future budget setting process.
- 7.1.2 There are also costs to deliver the project which include additional HR posts, support from a specialist job evaluation expert, legal advice and ERP Gold development costs. These were raised at the start of the project and budget allocated as part of the 2022/23 budget setting process.

7.2 Legal

7.2.1 The pay structure underpinned by a job evaluation framework will mitigate risks of future claims in relation to pay. Legal advice is being taken at key stages of the project as it is a complex programme of activity.

- 7.2.2 Transition regulations provide that staff transferring under local government reorganisation are to be dealt with under TUPE. The starting point under TUPE is that any proposed change to a transferring employee's contract is not a lawful change if the sole or principal reason for the variation is the transfer. It is therefore not lawful to move all staff to the new terms and conditions on mass.
- 7.2.3 A transfer-related variation may be lawful in certain limited circumstances. The main relevant one is: The sole or principal reason for the variation is an economic, technical or organisational reason (ETO reason).

7.3 Risk

7.3.1 The proposals outlined in this report seek to mitigate risks connected to pay for WNC.

7.4 Consultation

7.4.1 Negotiation and consultation has been undertaken with recognised trade unions and engagement across the workforce on the progress of the project.

7.5 Consideration by Overview and Scrutiny

7.5.1 The pay and grading project is part of the WNC people strategy which has been to Overview and Scrutiny. Further challenge and comment may arise as part of this.

7.6 Climate Impact

7.6.1 It is not considered that there are any implications arising out of the pay and grading proposals.

7.7 Community Impact

7.7.1 The proposal will have a positive impact on the community in respect of becoming a chosen employer within West Northamptonshire and attracting and retaining local workers.

7.8 Communications

7.8.1 Communication with employees is a key, ongoing element of the project to ensure they understand the objectives and outcomes of the project. Communications activities will continue throughout the next phase to keep the workforce regularly informed and updated on future developments.

8 Background Papers

- 8.1.1 Appendix A Terms and Conditions
- 8.1.2 Appendix B Pay Structure Proposal

Appendix A – Terms and Conditions

Term	Proposal
Job Evaluation	For bands 12 and above (strategic management roles) these are underpinned by
Scheme	HAY, below 12 NJC
(Breakpoint)	
	Performance based pay progression criteria extending beyond the definition of
	satisfactory to apply to roles on band 11 and above.
	Soulbury Scale: See appendix one
	Performance based pay progression criteria extending beyond the definition of
	satisfactory to apply to roles on bands: WEPSCBSEP, WEPSCBPEP, WEIPSIM, WEIPSSIM
	Policy subgroup to consult with Trade Unions on policy separately.
Overtime &	Overtime and enhancements can be claimed up to the top of band 6 (£30,697 on
Enhancements	proposed structure)
(Breakpoint)	
	Soulbury Scale: See appendix one
	This is not applicable as standard, as such, all overtime and enhancements are to
	be claimed via policy exemption protocols.
Pay Protection	Two years protection at full pay with review at 1 st February 2025.
	This will be underpinned by package of outplacement and redeployment support.
Redundancy Pay	
(multiplier)	Age & Length of Service) x 1.5
	This will be underpinned by package of outplacement and redeployment support.
Pay Allowances	Additional Duties
(Other)	The following duties receive a payment of £250 per duty per year, payable
	monthly - First Aiders, Fire Wardens and Mental Health First Aiders. To be
	implemented earlier than Feb 2023 subject to TUs response on full proposals.
	AMHPs Shift / Rota Working
	Approach to be determined as part of policy subgroup as only applies to a handful
	of employees.

Formal Proposals: terms for consultation

Formal Proposals: terms for negotiation

Term	Proposal
Annual Leave (Breakpoint)	 Bands 11 and above (senior manager/strategic manager) receive 28 days annual leave all other staff 27 days (flexi time scheme available service allowing). This is one band below the NJC/Hay cut off but rationale being that Band 11 are roles are primarily responsible for running services. 2 of the aforementioned days are to be taken at Christmas, with a commitment to continue with flexibility (where possible) to understand people's personal circumstances when operating this. Additional 5 days to be awarded after 5-years' service, staggering the allocation with 2 extra days after 2 years of service, followed by a further 3 days after 5 years.
	 Soulbury Scale: See appendix one Bands: WEPTRAIN, WASSTEP, WEPEPSCA, WEPSCBSSEP to receive 27 days (flexi time scheme available service allowing). Bands: WEPSCBSEP, WEPSCBPEP, WEIPSIM, WEIPSSIM to receive 28 days annual leave
Employee / Employer Notice Period	 Bands 1 – 7: One Month (up to £36,043 on proposed pay structure) Bands 8 – 10: Two Months (up to £52,250 on proposed pay structure) Bands 11+: 3 Months
	 Soulbury Scale: See appendix one Bands: WEPTRAIN, WASSTEP: One Month Bands: WEPEPSCA, WEPSCBSSEP: Two Months Bands: WEPSCBSEP, WEPSCBPEP, WEIPSIM, WEIPSSIM: Three Months
Enhanced Rates (Unsocial Hours)	Over the next 12 months we commit to working with TU colleagues to review enhanced rates, to ensure any new arrangements meet the needs of the organisation and allows us to attract and retain our workforce, critical within the Adult Social Care workforce. In the interim we propose the following:
	Interim Proposal: Standard (8am-8pm): Monday to Saturday: 1.0, Sunday: 1.5, Bank Holiday: 2.0 Night (8pm-8am): Monday to Saturday: 1.33, Sunday: 1.83, Bank Holiday: 2.33
Pay Allowances (Sleeping-in)	WNC local rate set at the current NJC rate of £37.72 which can be claimed up to the top of band 6. 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. Commitment to mirror NJC sleeping in allowance.
Overtime Rates	Refer to breakpoint above. Overtime in exceptional circumstances. Mon to Sat 1.5 and Sun and Bank Hols x 2. Part timer workers do not receive enhanced rate until they have worked over 37 hours Band 7 and above, TOIL or policy overtime exemption can be applied in exceptional circumstances.

Pay Allowances:	£37.72, consistent with sleeping-in rate.				
Standby & Recall					
to work					
Pay Allowances	Free and Rest Day Working: See unsocial hours and overtime (where applicable)				
(Other)	Caretaker Lettings: Determined as not applicable for WNC				
	Partial Acting up : WNC policy in place following TU negotiation (See Pay Policy)				
NHS	Pay for Admiral Nurses & Occupational Therapist and Physiotherapists whose pay				
	is aligned to NHS Agenda for Change				
	Propose we continue with a Local NHS payscale for this group				

Appendix B – Proposed Pay Structure

Proposed Pay Structure:

Pay Band	SCP	FTE 2022/23	Hourly 2022/23	NJC SCP
1	1	£19,293	£10.00	3+
1	2	£19,650	£10.19	4
2	3	£20,444	£10.60	6
2	4	£20,853	£10.81	7
	5	£21,270	£11.02	8
3	6	£21,695	£11.25	9
	7	£22,129	£11.47	10
	8	£23,023	£11.93	12
4	9	£23,484	£12.17	13
4	10	£23,954	£12.42	14
	11	£24,433	£12.66	15
	12	£25,419	£13.18	17
-	13	£25,937	£13.44	18
5	14	£26,446	£13.71	19
	15	£26,975	£13.98	20
	16	£28,065	£14.55	22
<i>c</i>	17	£28,791	£14.92	23
6	18	£29,758	£15.42	24
	19	£30,697	£15.91	25
	20	£33,454	£17.34	28
_	21	£34,156	£17.71	29
7	22	£35,061	£18.18	30
	23	£36,043	£18.69	31
	24	£37,099	£19.23	32
	25	£38,320	£19.87	33
8	26	£39,325	£20.39	34
	27	£40,363	£20.93	35
	28	£43,467	£22.53	38
	29	£44,442	£23.04	39
9	30	£45,517	£23.60	40
	31	£46,561	£24.14	41
	32	£48,619	£25.21	43
10	33	£49,750	£25.79	
10	34	£51,000	£26.44	
	35	£52,250	£27.09	
	36	£57,600	£29.86	WNC Local Pay
	37	£59,000	£30.59	– Points
11	38	£60,400	£31.31	
	39	£61,800	£32.04	

Pay Band	SCP	FTE 2022/23	Hourly 2022/23	NJC SCP
	40	£77,000	£39.92	
10	41	£79,000	£40.95	
12	42	£81,000	£41.99	
	43	£83,000	£43.03	
	44	£92,000	£47.69	
13	45	£94,000	£48.73	
13	46	£96,000	£49.76	
	47	£98,000	£50.80	
	48	£114,000	£59.09	
14	49	£116,750	£60.52	WNC Local Pay
14	50	£119,500	£61.94	Points
	51	£122,250	£63.37	
	52	£141,000	£73.09	
10	53	£144,250	£74.77	
15	54	£147,500	£76.46	
	55	£150,750	£78.14	
16	56	£176,500	£91.49	
	57	£180,750	£93.69	
	58	£185,000	£95.89	
	59	£189,250	£98.10	