

Pay Policy

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Key messages

This policy aims to confirm arrangements for pay. This includes the means by which pay increases are determined, staff are able to progress through their pay scale as well as outlining arrangements for other aspects of salaries and remuneration and other pay related issues.

This document updates the previous pay policy and incorporates the changes made as part of the restructuring of pay and salary arrangements carried out during 2018.

Does this policy relate to me?

This policy applies to all employees of The Information Commissioner's Office

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1. Introduction

- 1.1 This policy describes how the pay system in the ICO operates.
- 1.2 We are committed to ensuring our pay system operates as effectively, efficiently, equitably and transparently as possible.
- 1.3 People Services will make sure that payments to staff are made accurately and in a timely and efficient manner.
- 1.4 We will also provide pay information to the ICO pension administrators each month to ensure that information about pay rates, pension contributions and other necessary information is kept up to date.
- 1.5 We seek to work constructively with our recognised trade unions in respect of pay matters in line with the ICO and Trade Union Recognition Agreement.
- 1.6 We will also ensure that information about our pay systems and their review is made available to all staff.
- 1.7 The current ICO pay scales are appended to this policy at Annex A. This Annex will be updated should pay scales change during the life of this policy

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2. Method of Payment and Pay Advance

- 1.1 Salaries will be paid monthly by bank transfer on or around the 25th of each month, apart from December, when payment will be made approximately one week earlier.
- 1.2 On an occasion when the 25th of the month falls on a weekend or Bank Holiday, payment will be made on the last working day immediately before the 25th.
- 1.3 Staff will receive pay information, in the form of a pay slip, advising them of their pay each month on or before the date that payment is due to be made.

- 1.4 In exceptional circumstances, new starters whose pay details have not been received or processed in time for the monthly pay run, may receive an advance from the ICO Finance department. The amount advanced will be fully recovered from the first month for which salary is next paid via the payroll.
- 1.5 Payroll will issue a P60 statement to each eligible member of staff following the end of the financial year. A P11d statement will also be issued to staff in receipt of benefits in kind from the ICO, for example, membership of the Health Cash Plan.

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3. Salary Review

- 1.1 The ICO has the freedom to make decisions on pay within the parameters of the Pay Remit Guidance published annually by the Cabinet Office.
- 1.2 The pay scales of all grades, outlined in annex A, will be scheduled for review on 1 July each year and published as soon as possible thereafter. Annual pay increases are not guaranteed at the ICO and are not a contractual entitlement. Pay increases will be considered in the context of affordability and government pay policy.
- 1.3 Where changes to pay scales have not been agreed in time to enable salaries to be increased on 1 July, increases will be backdated to 1 July once settlement has been reached or consultation concluded.
- 1.4 The ICO will keep the value of pay scales under review. This will include an external benchmarking of salary levels at least once every three years.
- 1.5 The ICO's Management Agreement with its sponsor department will describe the extent to which the ICO has flexibility to set pay. It will also describe the extent of any pay remit consultation or approval required by the sponsor department or HM Treasury.

- 1.6 Although the ICO cannot commence pay negotiations before any annual pay remit has been confirmed, preliminary discussions with the trade unions can take place in order to help inform content and nature of the pay remit business case that might be put to the sponsor department or the Treasury.
- 1.7 The ICO and the trade unions will endeavour to reach agreement on pay reviews. Where this is not possible, pay changes will be implemented by the ICO in line with its contractual agreements with staff.

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4. Pay scales and the Career Band Progression Framework

- 4.1 The ICO has a pay scale for each job level in the organisation. These are published and available to staff on the intranet, and can also be found at Appendix A of this policy. Each pay scale, with the exception of the Interim Chief Executive, who is paid at a spot salary, starts at Band 0 denoting the bottom of the scale and is structured with four evenly distributed career bands to Level 4 which denotes the top of the pay scale. Progression through the pay scale is dependent on an individual demonstrating competence, contribution and impact as described in the ICO's Career Progression Framework ("the framework"). This framework assesses individuals against a range of agreed milestones and measurable criteria and 100% of staff have the opportunity to reach the midpoint/market rate.
- 4.2 **The Career Progression Framework**
- 4.3 The framework has been designed to create a means by which the ICO can recognise and reward its staff. Progression is based on increased personal competence, contribution and impact within the role, aligned to the organisation's vision and values. This progression seeks to recognise the deployment of developing skills, knowledge and experience.

4.4 The framework is based on four areas of assessment which are aligned to the ICO's values. For all people managers and staff of level E or above, a fifth area, leadership qualities, is also assessed. These areas are:-

Inclusive– We want a truly equal, diverse workforce and inclusive culture. One where we respect each other and those we serve. We want diverse teams and leadership. We want stakeholder relationships that reflect our society so our organisation can thrive and perform at our very best. We are curious to understand all perspectives, recognising the value that they bring. Our aim is for equality, diversity and inclusion to become fully embedded in all our working and thinking.

Curious – We believe in continuous learning, empowering our teams to experiment and innovate and are eager for new or different perspectives to inform our work. We are curious enough to consider new ideas and agile enough to explore them effectively. We are curious, empathetic and actively interested in understanding all perspectives. We particularly use this to make our expectations of those we regulate as simple as possible to implement. We regularly ask ourselves why, and why not, and seek creative opportunities and solutions to both recurring and new situations. We challenge each other constructively, supporting each other to find the best outcome.

Collaborative – We work together in ways which enable us to prioritise, support our agility and our collective and individual high performance. This enables us to successfully execute our plans by responding to emerging risks and opportunities at pace but without sacrificing our high standards. We move fast together so we can fix things in ways which are timely and relevant for our customers, stakeholders and colleagues

Impactful - We thrive on delivering at pace and with impact, by being selective to be effective. This will help us to ensure our important work makes a material difference. We take pride in our high performance. We set clear objectives and make timely, informed decisions, using evidence and insight. We also measure and evaluate our work. We achieve high performance by empowering people to take personal ownership and accountability. We learn from our mistakes, continuously develop and celebrate our successes.

Leadership - Applicable to grades E-H and all people managers – we all have a responsibility for leadership, whether that's leading ourselves, leading others or leading the organisation.

- Self - we have a responsibility for our own outcomes, to develop our skills and capabilities, reflect on what we have learned and adapt our approach to get the best results for our customers.
- Others – we have a responsibility to create inclusive environment for everyone to learn and perform. We wanted trusted leaders that encourage diversity of thought and perspective and build high performing collaborative teams.
- ICO – we need to create the right environment and culture to help others to succeed, setting clear direction, embedding right values and behaviours and supporting the high performance strategy.

- 4.5 Within each area of the progression framework there are five levels of assessment corresponding with the pay bands within each pay scale.
- 4.6 Band 0 corresponds to the foot of a pay scale and Band 2 represents the market rate for the job level. This is reached by achieving full competence in a job role.
- 4.7 The assumption inherent within the framework is that all staff are able to access the market rate for their Job Level which is positioned at Band 2 of the pay scale.
- 4.8 Bands 3 & 4 of each pay scale provide an opportunity for a staff member to earn above the market rate. Progression to these bands requires consistent contributions and impact above normal expectations. Achievement of these bands will be challenging as they recognise levels of mastery in a role. They are, however, intended to be achievable for highly skilled staff who have a greater impact on the role.

4.9 Exception Zone

- 4.10 In addition to the career progression bands within each pay scale there is also an "exception zone" which gives further flexibility to pay a salary above the top of the pay scale.

- 4.11 Payment of a salary within this zone is intended to reflect very rare circumstances where a staff member is making such an exceptional contribution within their role, that they even exceed the criteria for assessment at Band 4 at the top of their pay scale.
- 4.12 Payment of a salary rate within the Exception Zone may also be used to mitigate an exceptionally acute recruitment or retention risk.
- 4.13 Salaries within this zone will be between 5 and 15% above the top of the pay scale.
- 4.14 An award of a salary within the Exception Zone must be recommended by the line manager and the countersigning manager with approval of the relevant Director. The Pay Consistency Panel will be the decision maker in all instances where payment in the Exception Zone has been recommended.

4.15 Assessment on the Framework

- 4.16 To be eligible to apply for career progression, employees need to have passed their probation period at the time an assessment window opens.

Employees will also have to be able to demonstrate a sustained period impact over a 12 month period to achieve career band progression.

- 4.17 The assessment window will open once a year in April.
- 4.18 The assessment process is usually triggered by the member of staff asking their Line Manager to be assessed against the framework. Line managers should also take the opportunity to encourage their staff to consider being assessed if they believe their contribution and impact may warrant a progression in pay.
- 4.19 The staff member is expected to ensure their Manager is provided with evidence of their growing competence, impact and contribution through the one to one meeting process throughout the year. It is not the intention that a request for assessment should be triggered by the submission of an extensive dossier of information for consideration.

- 4.20 It is expected that this assessment will almost always be the responsibility of the Line Manager who will be provided with appropriate training and a copy of the Career Progression Framework Assessment Guidance document. There may be circumstances where it is more appropriate for a staff member other than the Line Manager to complete the assessment. This may be the case, for example, where a Line Manager has very recently changed, so it is more appropriate for the former Line Manager to complete the assessment, or there may be situations where it is more appropriate for the assessment to be completed by the Counter Signing Manager.
- 4.21 The assessment will take the form of a meeting between the Line Manager and the member of staff where both parties will be able to enter into a dialogue about where the staff member is positioned on the framework.
- 4.22 To this end, the Line Manager will be expected to:-
- 4.23 a) Confirm that the member of staff is familiar with the framework, this policy and the Career Band Progression Framework Guidance documents.
- 4.24 b) Consider their staff member's view and evidence of where they think they are on the framework and take this into consideration when forming their assessment recommendation.
- 4.25 The assessment process is participative. Line managers must engage with their staff members and discuss the individual's view of their career band positioning.
- 4.26 It is for the Line Manager to make the provisional decision to determine where an employee is most appropriately positioned on the framework. Following the meeting, the Line Manager will complete a Pay Banding Assessment form on which they record their provisional decision and the reason for it.
- 4.27 This form and the provisional decision will then be subject to review and ratification by Countersigning Manager.
- 4.28 Pay banding decisions will not be confirmed until the Pay Consistency Panel has concluded its business.

- 4.29 Line Managers must be able to evidence the reasons for their decision and provide feedback to their team member justifying a) their decision and b) what the staff member might do to develop and progress through the framework.
- 4.30 If the Countersigning Manager supports the decision, it will be included in their submission to the Pay Consistency Panel.
- 4.31 If the decision is not supported, the Counter Signing Manager should discuss this with the Line Manager as soon as possible to reach an agreed position. Countersigning Managers must complete and submit a return summarising the provisional pay banding decisions to HR and also send HR the Pay Banding Assessment forms which they have considered.

4.32 Pay Consistency Panel

- 4.33 The Pay Consistency Panel's role is to ensure the consistent application of the pay progression framework across the ICO and oversee its development (see Annex C for terms of reference). The panel consider the pay banding assessments for grades up to and including Job Level G.
- 4.34 People Services will provide the panel with management information describing the provisional pay banding decisions across the organisation. The panel will scrutinise the information and seek to ensure that the framework has been applied consistently and equitably.
- 4.35 The panel will be chaired by an appropriate member of the Executive Team and will be attended by the Executive Director of Strategy and Resources. The rest of the panel will consist of a minimum of three other Executive Directors or Directors drawn from different parts of the ICO with the emphasis on ensuring cross office representation where feasible.
- 4.36 When considering roles at level G2 the Executive Team will form the panel.
- 4.37 The panel will be advised by an independent equality adviser.

- 4.38 The ICO's recognised trade unions will each be invited to have a representative observe meetings of the panel, aside from where it sits to consider appeals (as described in the terms of reference). Appeals will be paper based and the Pay Consistency Panel will clearly articulate its rationale for the decision it reaches.
- 4.39 If the panel identifies potential inconsistencies, it will make further enquiries to assure itself of the consistent application of the framework. Those enquiries will be channelled through the relevant Executive Director or Director.
- 4.40 If the panel believes that the framework might not have been correctly applied, it may require provisional decisions be reviewed within a team, group, department or directorate, or the panel may conduct such reviews itself. Such a review may result in pay banding decisions made by Line Managers not being approved, or returned to Line Managers for reconsideration. In such circumstances the Line Manager will always be given the reason for their decision being overturned and given the opportunity to discuss it further.
- 4.41 The Pay Consistency Panel may ask to review individual Pay Banding Assessment forms if necessary as part of its work.

4.42 Outcomes of Assessments

- 4.43 Once the Pay Consistency Panel has completed its review of provisional decisions, the confirmed outcomes of assessments will be sent directly to applicants.
- 4.44 It is at this stage that pay banding decisions are regarded as confirmed outcomes.
- 4.45 Pay increases will be processed by People Services for payment.

4.46 Informal Consideration of Pay Banding Decisions which are not agreed between Line Manager and Team Member

- 4.47 Provisional pay banding decisions which have not been agreed between the member of staff and their line manager will be notified to the Counter Signing Manager by the Line Manager.

- 4.48 The Counter Signing Manager will consider the provisional decision and the points of disagreement and discuss with the member of staff before deciding whether or not to ratify the Line Manager's provisional decision and communicating it to People Services.
- 4.49 The Countersigning Manager will record the fact that the member of staff does not agree with the provisional decision on the return they submit to People Services
- 4.50 This information will be available to the Pay Consistency Panel when they review the application of the framework across the organisation.

4.51 Formal Appeal Process

- 4.52 If a member of staff wishes to appeal against the pay banding decision following the completion of deliberations of the Pay Consistency Panel they may submit a formal appeal.
- 4.53 Any appeals must evidence how the framework has been incorrectly applied. The staff member will receive a copy of the submitted Pay Banding Assessment form and evidence used by the Line Manager to support this process. This will have been provided by their Line Manager at the point the provisional decision was made.
- 4.54 To trigger the appeal process a member of staff must submit their appeal to People Services in writing within one month of being informed of their assessment outcome.
- 4.55 Formal appeals will be considered by the Pay Consistency Panel as soon as it is possible to reconvene the Panel.
- 4.56 If the panel is considering individual appeals, all conflicts of interest will be declared and the relevant members excluded from the process.
- 4.57 If an appeal is upheld, resulting in an increase in the staff member's salary, the pay increase will be back dated as if implemented following the previous assessment window.

4.58 Assessment and Long Term Leave

4.59 Extended leave due to family based provisions

4.60 Should extended leave due to maternity, adoption, shared parental, or parental leave coincide with an assessment review window, the member of staff will have the opportunity to ask to be assessed against the career band framework upon their return to work. Alternatively they may choose to participate in the assessment during the window as part of a Keep In Touch day(s). A person can request to be assessed outside of an assessment window for up to 3 months from the date they have returned to work.

4.61 Sabbaticals/Career Breaks

4.62 An employee is eligible to be assessed whilst on career break and can request to be assessed during an assessment window. Progression is based on the provision of evidence of impact and contribution, and that can be drawn from the period before the career break.

4.63 If a sabbatical/career break is taken at any time, causing a staff member to miss an assessment review window, the member of staff will have the opportunity to be assessed against the framework at the next review window following their return to work.

4.64 Long Term Sickness

4.65 Where a period of long term sickness coincides with an assessment review window, a staff member will have the opportunity to be assessed against the framework immediately upon their return to work taking into account their development, contribution and impact in the period leading up to their sick leave. This will not form part of normal return to work assessments and will be dealt with as part of a separate discussion. A person can request to be assessed outside of an assessment window for up to 3 months from the date they have returned to work.

4.66 Disciplinary Issues

4.67 If a staff member is subject to investigation under the formal stages of the disciplinary policy they will not be able to request assessment against the framework until the formal disciplinary process has concluded. An assessment may be requested after the process has been concluded if it is found there is no case to answer or a sanction up to and including a first written warning has been issued.

4.68 No career progression assessment will be available to a member of staff with a live final written disciplinary warning in place.

4.69 *Capability Issues*

4.70 If a staff member has a live warning under the Managing Performance (Capability) procedure, they will not be permitted to request assessment against the framework.

4.71 *External secondments*

4.72 If a secondee requests that a banding assessment is made whilst they are on secondment, performance information will be requested from the host employer.

4.73 If it is not possible for the Line Manager to make a recommendation about the career banding of a team member who is on secondment, the banding decision will be made by the Pay Consistency Panel.

4.74 *Temporary internal moves*

4.75 If a member of staff is temporarily moved into another position at the same grade as their substantive role, the assessment will be completed by the most appropriate line manager. Which Line Manager this is will depend on the nature and length of the temporary move.

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5. Supplements and Allowances

5.1 There are four types of allowances, as follows:

- Additional responsibilities allowance
- Management of other staff at the same band
- Retention
- On call

5.2 **Additional Responsibility** - occasionally, a role may attract an allowance for undertaking additional responsibilities. This will be discussed and agreed with the individual concerned. This may take the form of an acting up in full or in part allowance depending on whether the full range of increased responsibilities is undertaken or a simple ex gratia payment for a short term and one-off piece of extra responsibility that steps outside the regular level of responsibility.

5.3 You will be advised by People Services if your job attracts an allowance which will be paid in addition to your basic level of salary.

5.4 **Management of staff at same Job Level** - occasionally, there may be instances in which an individual manages other staff who are paid at the same job level. In such instances, an allowance of 10% of an individual's actual salary may be authorised. This allowance is pensionable.

5.5 **Retention** - pay flexibility exists in order to pay up to an allowance of up to 15% of the top of the pay scale for the job level in the event of a severe individual retention issue. This allowance is pensionable.

5.6 **On call** - in a small number of instances, there may be occasions when a staff member may be required to be contactable and ready to undertake work outside of the normal 7am - 7pm Monday to Friday flexitime band width. The allowance payable at the time of writing is £25 for each night of being on call. The rate is £50 if called out on a public holiday and privilege days. The payment will be made as an allowance and is not pensionable.

5.7 In addition, call out payments and overtime rates at the rates described in section 10 may be payable for any period that work activity is required whilst on-call, with a minimum claim of 1 hour.

5.8 To be eligible for an on-call payment an individual must:

- Be in a role for which an on-call payment has been deemed as appropriate; and be available to undertake work throughout the period of the on-call; and
- Ensure that activities undertaken whilst on-call do not impinge on the ability to respond to required work activity (e.g. by being away from their telephone or IT equipment, or by being incapacitated for work); and
- Ensure that s/he has the resources required to undertake the work required whilst away from the office.

5.9 On-call allowance must be claimed and approved via Workday in accordance with the user guides. An on-call payment is not payable in the event of sickness absence from work or annual leave on what would have been an on-call night.

5.10 The payment of on-call allowances will be subject to continuous review. The allowance may be withdrawn if management determine that there is no longer a need for an individual or group of people to be on-call. At least one calendar month notice will be provided of the withdrawal of this allowance.

5.11 **Other allowances** - both temporary and permanent, may be introduced following consultation with the trade unions and consideration by the Executive Team. The rate payable will depend on the circumstances and the additional responsibilities required.

5.12 If, for whatever reason, you no longer undertake the responsibility related to the payment of a temporary allowance, you will no longer be entitled to be paid the allowance whatever its original purpose or origins.

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6. Promotions

- 6.1 If you are promoted to a higher job grade you will be appointed to Band 0 of the pay scale for the new grade or receive a 10% increase to your current salary, whichever is the greater.
- 6.2 If a 10% increase in pay places your new salary between the salary band points of your new Job Level, you will mark time on that salary until such a time that your career banding assessment places you on the next pay banding point.
- 6.3 Staff promoted to a higher-level post who are in receipt of a permanent allowance will have the allowance taken into account when the salary for their new post is being calculated.
- 6.4 'On-call' allowances or temporary responsibility allowances are not taken into account when calculating promotion pay and may well be discontinued or altered depending on whether the new role demands them.

7. Temporary Promotions

- 7.1 A temporary promotion is a type of promotion that is for a temporary period after a recruitment and promotion exercise has been completed. It will not result in a permanent change to your employment contract or grade.
- 7.2 The level of pay for a temporary promotion will be calculated in the same way as for a permanent promotion, as described in section 9. Upon completion of your temporary promotion your salary will return to the level that it would have been had you remained in your original position for the duration of your temporary promotion.

8. Temporary Upgrading

- 8.1 There may be occasions where it is necessary to temporarily upgrade a member of staff without undertaking a full recruitment and promotion exercise. This is sometimes referred to as 'acting up'.

- 8.2 Where the full responsibilities of a higher graded post are to be undertaken, then the salary to be paid during the period of upgrading will be calculated in accordance with the provisions set out in section 9.
- 8.3 Where only a proportion of the responsibilities of a higher graded post are to be undertaken, then an allowance may be payable for the period of upgrading. The size of the allowance will be determined depending on the circumstances at the time.
- 8.4 Upon completion of a temporary upgrading your salary will return to the level that it would have been had you remained in your original position for the duration of your upgrading.

9. Starting salaries for external appointees

- 9.1 The norm will be for new starters to start on the entry level salary (Band 0) for the grade.
- 9.2 In exceptional circumstances a successful external candidate may be offered a starting salary above the bottom of the pay scale (up to and including the exception zone). This may occur if the individual has considerable relevant experience and appointment would not be possible on the entry level salary. Factors also to be taken into account should include if there are suitable alternative candidates who would take the position at the entry level and the possible consequences of not filling the post.
- 9.3 The decision to allow a higher starting salary must balance the need to ensure that an effective appointment is made, the need to give value for money to the ICO, and the need to be fair and equitable to all new starters. The Director of People Services or their designate must authorise any starting salaries above the entry level for the grade, with appropriate authority from the Interim Chief Executive for more senior roles.
- 9.4 A report will be submitted to the Management Board and Pay Consistency Panel for consideration at each year providing information about circumstances where a staff member has started working with the ICO on a salary above the entry rate.

This will provide an opportunity for Management Board members to observe if this aspect of the policy is being implemented fairly.

- 9.5 As part of the implementation of the Data (Use and Access) (DUA) Bill, a new, statutory, post of Interim Chief Executive has been created. The appointment for this interim role will be made for up to two years at a spot salary of £195,000 with no pay progression or career banding progression during the appointment period. This appointment salary has been set with approval from our sponsor department, DSIT and HM Treasury. All other ICO terms and conditions will apply.

10. Overtime

- 10.1 Any overtime working must be authorised in advance by your line manager. Claims for overtime or additional hours worked must be accurately recorded in Workday. Claims cannot be made where a full record of the hours has not been kept.
- 10.2 The rates of overtime payable are set out in the following tables, as is the alternative of claiming overtime hours as Time Off in Lieu (TOIL).
- 10.3 A minimum break of 30 minutes must be taken where working time exceeds six hours.
- 10.4 A maximum of 14 hours 48 minutes TOIL may be carried forward to the next financial year.
- 10.5
- 10.6 Hours worked or spent travelling on business at the request of management at weekends or Bank/Public holidays are treated as overtime or travelling time. Job levels B to F can claim for business travel time or overtime hours worked on Monday to Fridays before 07.00 or after 19.00. Staff in levels B to D can also claim for time travelled or overtime worked between 07.00 to 07.55 and 17.55 to 19.00 rather than flexi credit if they choose.
- 10.7 Travelling time can alternatively be claimed as flexi time as described in the flexi time procedure.

10.8 Normal home to duty time must be deducted from any claims for travelling time beginning or ending at your home. This is the time it would have taken to travel from your home to contracted place of work. This does not apply if travelling between work locations.

	Hourly rate for overtime, travel or TOIL				
	Level B-C	Level D	Level E-F	Level G-G2	H - Interim CEO
Weekday	X1.5 overtime X1 for travel X1 for TOIL	X1	X1	Not compensated	Not compensated
Saturday	X2	X1.75	X1.5	X1	Not compensated
Sunday / Public Holiday	X2	X2	X2	X1	Not compensated
Non-working day	X1	X1	X1	X1	Not compensated

11. Call Out Payments

11.1 A call out payment may be made to members of staff who are called out from home to conduct emergency maintenance, repairs or other work on ICO facilities or infrastructure.

11.2 A call out fee may be paid to staff for other reasons in exceptional circumstances.

11.3 In order to be eligible for a call out payment you must either:

- a) have been called out from home to deal with an emergency; or
- b) have received less than 12 hours' notice of being required to work for at least three hours duration after 7.00pm.

11.4 The rate of payment for a call out in these circumstances is £60 per call out. Overtime may be claimed in addition to the call out payment.

12. Payment Errors and Overpayments

- 12.1 Occasionally errors may occur regarding the amount paid to you.
- 12.2 If you have been underpaid, the correct payment will be made to you, together with any arrears due, in the next available salary payment.
- 12.3 In exceptional circumstances an interim payment may be made to you via payroll or the ICO finance department. You should discuss this arrangement with People Services if necessary.
- 12.4 People Services will advise you if it is discovered that you have been overpaid. All overpayments will be recovered by the ICO.
- 12.5 People Services will agree the means for recovering the overpayment with you. This may, for example, be via cheque or by deductions from subsequent salary payments.
- 12.6 Where an overpayment is to be recovered by deductions to salary payments, Human Resources will agree a schedule of deductions with you. This may involve a single deduction or deductions over the course of several months. It is expected that recovery of an overpayment through payroll deductions would not normally take more than one year, though this may be varied in exceptional circumstances.

13. Unpaid leave, buying and selling leave

- 13.1 There may be occasions when you may be granted unpaid leave e.g. to care for a dependent. If this is the case a deduction will be made from your salary to account for the unpaid day(s).
- 13.2 ICO staff are paid on the basis of a seven-day week. The value to be deducted from your salary will therefore be calculated as follows:
- 13.3
$$(\text{FTE Annual salary} \times \text{no. of days of unpaid leave}) / 365$$
- 13.4 This is also the calculation which will be applied for deductions from salary because of strike action

13.5 ICO staff may purchase up to five additional days annual leave per year. This will entail a deduction being made from your salary. The value of that deduction will be calculated for full time employees as follows:

13.1 Hourly rate x 7.4 x No. of days of leave purchased

13.2 Staff who work compressed hours may also buy up to five of their days of additional annual leave. For staff on compressed hours the calculation for deductions from salary for full time employees as follows:

13.3 Hourly rate x No. of hours in your standard compressed day x No. of days of leave purchased.

13.4 Additional annual leave can be purchased at any time during the year.

13.5 Salary deductions to account for annual leave purchases will be made over a period of either one, three, six or 12 months, in agreement with you.

13.6 If you leave the ICO having taken more annual leave than you have accrued by your leaving date a deduction will be made from your salary. This will be calculated as follows:

13.7 Hourly rate x 7.4 x No. of days of leave taken above accrued entitlement

13.8 If you do not have sufficient salary to account for the cost of leave taken over your accrued entitlement, you will be invoiced for the amount owed.

13.9 Subject to provisions about the amount of leave that must be taken in the year, ICO staff may sell back up to ten days annual leave per year. This includes the selling back of annual leave that has previously been

13.10 Selling annual leave will entail a payment being made to you. The value of the payment will be calculated for full time employees as follows:

13.11 Hourly rate x 7.4 x No. of days of leave sold

- 13.12 Annual leave can only be sold back to the ICO at any point during your annual leave year providing that you have a minimum of 20 days contractual annual leave remaining, including any annual leave already taken.
- 13.13 All employees must take a minimum of 20 days annual leave (excluding flexi leave) in any leave year. When applying to sell your leave you must commit to taking the minimum of 20 days annual leave in your holiday year.
- 13.14 For new employees, you must have passed your probationary period before applying to sell accrued annual leave.
- 13.15 Payment for more than ten days annual leave is permitted if you have remaining annual leave or banked leave when you leave the ICO.
- 13.16 In the examples cited above annual salary refers to full time equivalent salary.

14. Advance Payments

- 14.1 The ICO can make advance payments to new starters if payroll have been unable to process their payment in time, resulting in a long period between starting with the ICO and receiving a salary payment from payroll.
- 14.2 Advances given in such circumstances will be deducted from the first salary payment made to you via payroll.
- 14.3 An advance payment may also be offered where an underpayment of basic salary has occurred, for example where HR changes are made after the payroll cut off.
- 14.4 Advances given in such circumstances will be deducted from your salary in the next available payroll.

15. Demotions

- 15.1 There are a number of reasons why a person may be demoted, for example as the outcome to a disciplinary hearing, re-deployment restructuring or because a person has chosen to apply for or take up a lower graded post.
- 15.2 In the event of a demotion for disciplinary reasons or a restructure, you will continue to receive your current rate of pay, but your salary will be frozen until the maximum salary for your new job catches up with your rate of pay. Your salary will then increase in line with the maximum for that job level.
- 15.3 If you choose to apply for, or voluntarily request to take, a lower graded post, you will move to the same career band point at the lower job level.

16. County Court Order, attachment to earning and student loan repayments

- 16.1 If you are subject to a county court judgement order or an attachment to earnings order the information will be forwarded to payroll and the appropriate deductions will be taken from your monthly salary. The deduction will be indicated on your pay slip.
- 16.2 If you have a student loan you may be required to make repayments direct from your salary. This will depend on your rate of salary. If deductions are required they will be indicated on your pay slip.

17. Remuneration Advisory Panel

- 17.1 The Remuneration Advisory Panel will comprise the non-executive board and the Commissioner.
- 17.2 The terms of reference for the Remuneration Advisory Panel describe in detail the role, make-up and parameters of the committee and are attached at Annex B.

- 17.3 The main function of the Remuneration Advisory Panel will be to act as a sounding board to The Commissioner in determining the salary levels of senior staff at job level H.

18. Annex A – Pay Scales

From July 2024	CB0	CB1	CB2	CB3	CB4	Spot Rate
Level B	24,275	24,861	25,681	26,504	27,324	n/a
Level C	26,652	27,987	29,868	31,750	33,632	n/a
Level D	33,273	35,318	37,692	40,064	42,439	n/a
Level E	42,593	45,209	48,245	51,279	54,317	n/a
Level F	55,591	59,006	62,974	66,940	70,907	n/a
Level G	69,371	74,370	79,372	84,370	89,369	n/a
Level G2	88,403	94,812	101,223	107,631	114,042	n/a
Level H	116,155	128,581	141,007	153,432	165,858	n/a
Interim CEO	n/a	n/a	n/a	n/a	n/a	£195,000

If you are promoted to a higher job level your salary on appointment will be greater of level 0 of the new job level pay scale or 10% increase in the level of your current salary (see section 9 for further details)

19. Annex B – Remuneration Advisory Panel Terms of Reference

19.1 **Purpose**

19.2 The Remuneration Advisory Panel is constituted as a committee of the ICO's Management Board

19.3 The panel's terms of reference may be amended at any time by the Management Board. Details of such changes would be shared for information, consultation or negotiation with our recognised trade unions consistent with our formal recognition agreement.

19.4 The advisory panel provides challenge, advice and scrutiny to the Commissioner on matters of Executive Team pay, development and succession planning.

19.5 The Commissioner shall retain decision making responsibility for all matters relating to ICO pay and remuneration.

19.6 Nothing in these terms of reference shall detract from the authority of the Information Commissioner as Accounting Officer and as a Corporation Sole.

19.7 **Authority**

19.8 The Board's authority derives from the Commissioner. The panel is authorised to:

- Undertake business within its terms of reference;
- Obtain external legal or other professional advice where required;
- Secure the attendance of anyone it considers has relevant experience, expertise or knowledge. The panel may also invite the recognised Trade Unions and staff representatives to attend part or all of the meetings; and
- Give free and confidential access to the Chair of the Remuneration Panel and the Commissioner to representatives from internal and external auditors.

19.9 **Objectives**

19.10 To provide challenge, advice and appropriate scrutiny to the Commissioner on the remuneration strategy for the Executive Directors within the ICO.

19.11 To ensure that no person shall be involved in any decisions on their own remuneration.

19.12 To consider Executive development and succession planning. In considering these objectives, the panel will take account of the wider pay environment and shall have regard to the ICO's commitments to equality, diversity and inclusion.

19.13 **Responsibilities**

19.14 The role of the panel is to provide challenge, advice and scrutiny to the Commissioner in determining the remuneration of the Executive Team.

19.15 The panel will consider proposals from the Commissioner about the remuneration of the Executive Team and provide advice on such proposals.

19.16 These proposals will take account of both organisational and individual performance. Executive Directors pay scales and pay progression system will be determined by collective bargaining and subject to pay negotiations as with the rest of the organisation.

19.17 In providing its advice, the panel shall have regard to:

- The ICO's Information Rights Strategic Plan, other relevant strategies and performance against them;
- The individuals objectives and performance against them;
- The overall pay budget;
- Value for money; and
- Any other factors which it deems necessary, including internal and external comparative information and benchmarking data where appropriate

19.18 Comment upon and advise the Commissioner on Executive Team pension arrangements and other employee benefits.

19.19 The panel shall consider executive development and succession planning taking into account the challenges and opportunities facing the ICO and the skills and expertise required in the future.

19.20 Advise and provide appropriate challenge to the Commissioner in regard to pay and remuneration arrangements and changes which apply across the ICO, including commenting upon changes to the pay strategy and offer guidance on its effect and implementation.

19.21 Membership and frequency

19.22 The panel shall be appointed by the Commissioner from amongst the Management Board membership and shall consist of not less than three members including two Non-Executive Directors and the Commissioner.

19.23 The panel shall be chaired by a Non-Executive Director.

19.24 In the absence of the panel chair, the remaining members present shall elect one of their number to chair the meeting. The Panel is quorate with two members present.

19.25 The panel may appoint an Independent Member with appropriate experience in remuneration matters.

19.26 The panel shall be required to meet at least twice per annum. These will, at a minimum, include one meeting to advise the Commissioner on objective setting for the Executive Team and one to advise the Commissioner on the remuneration of the Executive Team and provide advice on such proposals. The panel may also meet on an ad hoc basis as required.

19.27 The ICO shall provide secretariat support to the panel.

19.28 The minutes will be reported to the Management Board.

19.29 Information requirements and reporting

19.30 The panel should ensure that arrangements are in place to enable it to discharge its responsibilities effectively, including the timely provision of information in an appropriate form and quality.

19.31 To produce an annual report of the organisation's remuneration policy and practices which will form part of the annual report.

19.32 To ensure that all provisions regarding disclosure of remuneration, including pensions are fulfilled.

19.33 **Budget**

19.34 The panel is not responsible for a specific budget.

20. Annex C – Pay Consistency Panel Terms of Reference

20.1 **Purpose**

20.2 The Pay Consistency Panel's role is to ensure the consistent application of the Pay Progression Framework (the framework) as described in the Pay Policy, across the ICO and oversee its development.

20.3 The panel will receive management information describing the pay progression decisions across the organisation. The panel will scrutinise the information and seek to ensure that the framework has been applied consistently and equitably. The Panel will also consider any formal appeals made by staff concerning the application of the pay progression framework.

20.4 **Authority**

20.5 The Board's authority derives from the Commissioner. The panel is authorised to:

- Ensure the framework is applied consistently across the organisation
- Be the final arbiter for all decisions made using the framework

- Provide the Commissioner with management information concerning the application of the framework and the pay of staff across the organisation.

20.6 If the panel believes that the framework might not have been correctly applied, it may require recommendations to be reviewed within a team, group, department or directorate, or the panel may conduct such reviews itself.

20.7 Such a review may result in pay banding recommendations made by Line Managers not being approved.

20.8 Objectives

20.9 To ensure that the framework is applied consistently and fairly across the organisation and that all staff's pay is applied consistently.

20.10 Responsibilities

20.11 The role of the panel is to receive the appropriate management information describing the pay progression decisions across the organisation. The panel will scrutinise the information and seek to ensure that the framework has been applied consistently and equitably.

20.12 If the panel identifies potential inconsistencies, it will make further enquiries to assure itself of the consistent application of the framework. In ensuring that the framework is applied consistently and equitably, the panel shall have regard to:

- The ICO Pay Policy sure the framework is applied consistently across the organisation
- Management information, produced in line with a comprehensive privacy impact assessment, which shows the application of the framework.
- Equality and diversity information and analysis

20.13 The panel will be the final arbiter of all decisions with regard to the application of the framework except of staff at level H. Staff at level H will have their pay considered by the organisation's Remuneration Advisory Panel.

20.14 The panel will hear and consider all formal appeals made by staff concerning the application of the framework.

20.15 The panel will receive recommendations and make decisions concerning the award of salaries in the exception zone.

20.1 Membership and frequency

20.2 The panel will be chaired by an appropriate member of the Executive Team. The rest of the panel membership will consist of a minimum of three other Executive Directors or Directors drawn from different parts of the ICO.

20.3 When the pay of staff at grade G2 is being considered the panel will only consist of members of the Executive Team and the attendees listed below:

- The panel will be advised by an independent equality adviser.
- The ICO's recognised trade unions will each be invited to have a representative attend and observe meetings of the panel.
- Human Resources shall provide secretariat support to the panel.

20.4 Decisions and actions will be reported to the Executive Team for information.

20.5 The panel will meet a minimum of twice a year following the two assessment windows.

20.6 Appeals

20.7 The members of the panel will meet separately, and without other attendees, to consider appeals.

20.8 If a member of the panel has either recommended or decided the outcome of the case under appeal they will be considered conflicted and will excuse themselves from the proceedings. An alternative chair from the Executive Team will be appointed if necessary.

20.9 Information requirements and reporting

20.10 The panel should ensure that arrangements are in place to enable it to discharge its responsibilities effectively, including the timely provision of information in an appropriate form and quality.

20.11 To produce an annual report of the application of the framework to the Commissioner.

Feedback on this document

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Version history

Version	Changes Made	Date	Made by
1.2	Refresh	26/11/2018	-
1.3	Pay rates updated	17/01/2019	-
1.4	Refresh	01/03/2019	-
1.5	Pay rates updated	22/02/2021	SG
1.6	Pay rates updated	09/01/2021	SG
1.7	Pay rates updated	16/06/2023	MWS
1.8	Policy amended to include references to Interim CEO	29/06/2025	Conor Harris