

## AGENDA

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**Meeting:** STAFFING POLICY COMMITTEE  
**Place:** Orkney Room, 2nd Floor, County Hall East Wing, Trowbridge  
**Date:** Wednesday 20 July 2011  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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### Membership:

Cllr Allison Bucknell  
Cllr Rod Eaton  
Cllr Mike Hewitt  
Cllr Jon Hubbard  
Cllr Francis Morland

Cllr John Noeken  
Cllr Mark Packard  
Cllr Jane Scott OBE  
Cllr John Smale

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### Substitutes:

Cllr Rosemary Brown  
Cllr Chris Caswill  
Cllr Ernie Clark  
Cllr Mary Douglas  
Cllr Malcolm Hewson

Cllr George Jeans  
Cllr Bill Moss  
Cllr Christopher Newbury  
Cllr Jonathon Seed

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## **PART I**

### **Items to be considered while the meeting is open to the public**

1. **Apologies for absence**

2. **Minutes of Previous Meeting** *(Pages 1 - 6)*

To confirm the minutes of the meeting held on 18 May 2011. (Copy attached)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

The Council welcomes contributions from members of the public.

#### Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of the agenda (acting on behalf of the Director of Resources) no later than 5pm on **Wednesday 13 July 2011**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Appointment of Sub-Committees** *(Pages 7 - 8)*  
A report by the Solicitor to the Council & Monitoring Officer is attached.
7. **Flexible Working - Annualised Hours Policy** *(Pages 9 - 18)*  
A report by the Service Director HR & OD is attached.
8. **Flexible Working - Time Off in Lieu Policy** *(Pages 19 - 24)*  
A report by the Service Director HR & OD is attached.
9. **Criminal Record Disclosures Policy & Procedure** *(Pages 25 - 42)*  
A report by the Service Director HR & OD is attached.
10. **Recruitment of Ex-offenders Policy & Procedure** *(Pages 43 - 52)*  
A report by the Service Director HR & OD is attached.
11. **Storage of Disclosure Information Policy & Procedure** *(Pages 53 - 60)*  
A report by the Service Director HR & OD is attached.
12. **Recruitment Policy & Procedure** *(Pages 61 - 86)*  
A report by the Service Director HR & OD is attached.
13. **Probationary Periods Policy & Procedure** *(Pages 87 - 104)*  
A report by the Service Director HR & OD is attached.
14. **Payment for Acting Up and Additional Duties Policy & Procedure** *(Pages 105 - 116)*  
A report by the Service Director HR & OD is attached.
15. **Ex-gratia and Honoraria Payments** *(Pages 117 - 120)*  
A report by the Service Director HR & OD is attached.
16. **Quarterly Performance Reports for March 2011** *(Pages 121 - 124)*  
A report by the Service Director HR & OD is attached.

17. **Revision to Terms and Conditions of Employment** *(Pages 125 - 130)*

A report by the Service Director HR & OD is attached.

18. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be considered as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

**PART II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

**None**

## **STAFFING POLICY COMMITTEE**

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### **DRAFT MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 18 MAY 2011 AT ORKNEY ROOM, COUNTY HALL EAST WING, TROWBRIDGE.**

#### **Present:**

Cllr Allison Bucknell (Chairman), Cllr Rod Eaton, Cllr Mike Hewitt, Cllr Francis Morland, Cllr Jane Scott OBE and Cllr John Smale

#### **Also Present:**

Cllr David Jenkins

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### **37. Apologies for Absence and Changes to Committee Membership**

- (1) Apologies for absence were received from Cllr John Noeken and Cllr Mark Packard.
- (2) To note that at the Annual Meeting of the Council held on 17 May 2011, the following changes in membership were agreed:-
  - Cllr Jon Hubbard was appointed as a member in place of Cllr David Jenkins.
  - Cllr Rosemary Brown, Cllr Chris Caswill and Cllr Malcolm Hewson were appointed as substitute members.

The Chairman paid warm tribute to Cllr David Jenkins and thanked him for the valuable contribution he had made to the work of this Committee during the past two years. These sentiments were warmly endorsed by other Members of the Committee.

### **38. Minutes of Previous Meeting**

#### **Resolved:**

**To confirm and sign the minutes of the Committee meeting held on 5 April 2011 as a correct record.**

39. **Declarations of Interest**

There were no declarations of interest.

40. **Chairman's Announcements**

There were no Chairman's announcements.

41. **Public Participation and Councillors' Questions**

There were no members of the public present or councillors' questions.

42. **Appointment of Sub-Committees**

The Committee considered appointments to its sub-committees.

Cllr Morland enquired as to whether or not it was a requirement that sub-committees be constituted on a political proportionality basis and requested that advice be sought from the Monitoring Officer. After some discussion,

**Resolved:** To appoint members to serve on the sub-committees of this Committee for the ensuing year as set out below, subject to the views of the Monitoring Officer:-

- (1) **Senior Officers Employment Sub-Committee**  
Cllr Mike Hewitt, Cllr Jane Scott & a Liberal Democrat nominee.  
(Substitute Members: Cllr Rod Eaton, Cllr Bill Moss, Cllr John Smale & a Liberal Democrat nominee.)
- (2) **Appeals Sub-Committee**  
Cllr Rod Eaton, Cllr John Noeken & a Liberal Democrat nominee.  
(Substitute Members: Cllr Allison Bucknell, Cllr Mike Hewitt, Cllr John Smale & a Liberal Democrat nominee.)
- (3) **Grievance Appeals Sub-Committee**  
Cllr Allison Bucknell, Cllr Mike Hewitt & a Liberal Democrat nominee.  
(Substitute Members: Cllr Rod Eaton, Cllr Bill Moss, Cllr Jonathon Seed & a Liberal Democrat nominee.)

43. **Flexible Working, Flexitime & Job Share Policies**

Consideration was given to a report by the Service Director HR & OD which sought approval for the adoption of a harmonised Flexible Working Policy, Flexi-

Time Policy and Job Share Policy in place of the current Ways of Working Policy and toolkit.

It was explained that since Ways of Working (WOW) had been introduced in 2006 the culture of the organisation had changed. In particular Local Government Reorganisation and subsequent workplace transformation projects had led to flexible working becoming “the way we work”. The ICT infrastructure had changed to support this with the introduction of laptops, wifi internet connection and voice over internet phones. A new suite of flexible working policies and toolkits had been created of which three, namely Flexible Working Policy, Flexi-Time Policy and Job Share Policy were the subject of the report under consideration. It was planned that the remaining policies currently being finalised would be presented to the next meeting of this Committee with the aim of having the whole suite of policies complete and ready for implementation by October 2011.

A full discussion ensued during which the following points were made:-

- The need for consideration to be given to a full risk assessment to be undertaken in respect of officers when working from home.
- The importance of management training necessary for the deliverance of these policies.

**Resolved:**

- (1) To approve the Flexible Working, Flexi-Time and Job Share Policies, to be implemented as part of the overall suite of flexible working policies by October 2011.**
- (2) To request the officers to ensure that adequate management training be implemented so as to ensure the effective implementation of these policies.**

44. **Honoraria Policy**

The Committee considered a report by the Service Director HR & OD which sought approval to a new Honoraria Policy which had been updated in line with a KPMG audit report which recommended a more robust sign off process for honoraria payments.

It was explained that there were two suggested main changes to this policy, as follows:-

- All honoraria payments must be approved by the relevant corporate director and countersigned by the head of HR & OD.

- In addition, any payment which exceeds £4,500 in any one year and/or increases the employee's grade by 2 grades or more above their substantive position, must be approved by the Cabinet Member for Resources (Cllr John Noeken) or a nominated Cabinet Member representative.

During discussion, Members considered that the title of this policy was incorrect and that this policy was really dealing with payment for additional duties rather than honoraria which were in fact ex-gratia payments made in gratitude for an officer undertaking and completing on a one-off basis a particularly complex piece of work. Members also questioned the need for payments to be approved by a Cabinet Member, it being considered that such payments should be signed off by management.

After further discussion

**Resolved:**

**To defer consideration of this policy until the next meeting in order to obtain the following information:-**

- (1) Whether or not the advice received from KPMG was based on honoraria or payment for additional duties.**
- (2) The need for a Cabinet Member to sign off such payments rather than senior management.**

**45. Acting Up Policy**

Consideration was given to a report by the Service Director HR & OD which presented an updated Acting Up Policy which was in line with Human Resources aim to create policies which were consistent in format, easy to read and understand and fit for purpose.

After discussion,

**Resolved:**

**To approve the updated Acting Up Policy, subject some minor amendments.**

**46. Disability Support in the Workplace Policy and Procedure**

The Committee considered a report by the Service Director HR & OD which presented a new Disability Support in the Workplace Policy and Procedure. It



was explained that this revised policy and procedure amalgamated existing disability support information and was in line with the Equality Act 2010.

After discussion,

**Resolved:**

**To approve the new Disability Support in the Workplace Policy and Procedure.**

47. **Smoking Policy**

Consideration was given to a report by the Service Director HR & OD which put forward options for a new Smoking Policy to cover all employees of Wiltshire Council. It was noted that Wiltshire Council currently had five smoking policies which had been implemented prior to reorganisation in April 2009 and these policies needed to be harmonised into one policy which would provide a consistent approach across Council sites.

After discussion,

**Resolved:**

- (1) To allow employees to smoke on Wiltshire Council premises at designated points only provided that:-**
  - (i) these designated points were accessible to members of the public, including those with impaired mobility.**
  - (ii) receptacles for the deposit of cigarette ends were provided and emptied on a regular basis.**
- (2) To continue the ongoing policy of offering assistance and advice to employees to help them to give up smoking.**

48. **Date of Next Meeting**

**Resolved:**

**To note that the next meeting of the Committee was scheduled to be held on Wednesday 20 July 2011, starting at 10.30am.**

49. **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.40 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

20 July 2011

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#### APPOINTMENT OF SUB-COMMITTEES

##### Purpose of Report

1. The Committee is requested to give further consideration to the appointment of members to its three Sub-Committees.

##### Background

2. At its meeting on 18 May 2011, the Committee considered making appointments to these Sub-Committees. Cllr Morland asked whether sub-committees must be constituted on a politically proportional basis and requested that advice be sought from the Monitoring Officer. After some discussion, the Committee resolved as follows:-

*To appoint members to serve on the sub-committees of this Committee for the ensuing year as set out below, subject to the views of the Monitoring Officer:-*

- (1) Senior Officers Employment Sub-Committee  
*Cllr Mike Hewitt, Cllr Jane Scott & a Liberal Democrat nominee.*  
*(Substitute Members: Cllr Rod Eaton, Cllr Bill Moss, Cllr John Smale & a Liberal Democrat nominee.)*
- (2) Appeals Sub-Committee  
*Cllr Rod Eaton, Cllr John Noeken & a Liberal Democrat nominee.*  
*(Substitute Members: Cllr Allison Bucknell, Cllr Mike Hewitt, Cllr John Smale & a Liberal Democrat nominee.)*
- (3) Grievance Appeals Sub-Committee  
*Cllr Allison Bucknell, Cllr Mike Hewitt & a Liberal Democrat nominee.*  
*(Substitute Members: Cllr Rod Eaton, Cllr Bill Moss, Cllr Jonathon Seed & a Liberal Democrat nominee.)*

##### Main Considerations for the Committee

3. Under sections 15-17 of the Local Government & Housing Act 1989 and subsequent regulations, the Council must review the representation of the different political groups on committees at the Annual Council Meeting. These requirements also apply to sub-committees and accordingly a committee must carry out a similar review regarding its sub-committees at its first meeting following the Annual Meeting of the Council.

4. This Committee's three Sub-Committees each consist of three members, i.e. a total of nine members. By applying the rules on political proportionality and the number of seats each Group holds on the main Committee, the combined membership of the three Sub-Committees should comprise:-  
  
6 members of the Conservative Group  
2 members of the Liberal Democrat Group  
1 member of the Independent Group
5. The Committee is asked to consider making amendments to the membership of the three Sub-Committees in the light of these Regulations.
6. As an alternative, the Committee could decide not to appoint permanent members to its Sub-Committees but to agree that appointments are made from its membership on a non-political basis as and when a Sub-Committee meeting is required. This would be similar to arrangements adopted by the Licensing and Appeals Committees where the Head of Democratic Services has authority to make appointments to these sub-committees when they are required on an ad hoc basis. However, under the Council's Constitution, it is a requirement that one member of the Cabinet is appointed to the Senior Officers Employment and the Appeals Sub-Committees.
7. As this alternative arrangement would involve setting aside the requirements on political proportionality the decision would have to be made with no member voting against it.

#### **Equalities Impact of the Proposal**

8. No negative impacts have been identified.

#### **Risk Assessment**

9. None

#### **Recommendation**

10. The Committee is asked to consider how it wishes appointments to its three Sub-Committees to be made.

**IAN GIBBONS**  
**Solicitor to the Council and Monitoring Officer**

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**The following unpublished documents have been relied on in the preparation of this Report: None**

## Flexible working - Annualised Hours Policy

### Purpose of Report

1. The purpose of this report is to present the Annualised Hours policy which sits within the suite of flexible working policies which will apply to all Wiltshire Council employees (except for teaching and non-teaching staff employed in locally managed schools) and replace the current Ways of Working policy and toolkit.

### Background

2. Staffing Policy Committee approved a harmonised flexible working policy and procedure together with the flexitime and job share policies in May 2011.
3. The Annualised Hours policy and Time Off In Lieu policy are presented today.
4. A further three policies complete this suite of harmonised flexible working policies – Term Time Working, Part Time Working and Compressed Hours Working. These will be put into the new policy format and agreed with the unions prior to launch.
5. Following discussion with the unions it has been agreed that the home working policy will not be harmonised at this time but the Wiltshire Council policy will be put into the new HR policy format and will sit within the suite of flexible working policies.
6. At the request of Staffing Policy Committee a communication has gone out via Managers Wire to confirm that these policies will be launched on 3 October 2011. Manager briefings have been set up at the 4 hubs for September 2011.

### Main Considerations for the Council

7. The Annualised Hours policy has been revised having taken into account both the current Wiltshire Council and ex-district policies.
8. There were very few differences between these policies and the main changes were to format and language.
9. Examples of how to calculate salary, annual leave and sickness have been included within the policy.

### **Consultation**

10. The policy was approved by JCC on 30 June 2011 following consultation with HR, union representatives and other key stakeholders

### **Environmental Impact of the Proposal**

11. None

### **Equalities Impact of the Proposal**

12. No negative impacts have been identified.

### **Risk Assessment**

13. None

### **Options Considered**

14. None

### **Recommendation**

15. That Staffing Policy Committee agree this updated policy

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Paula Marsh, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this report: None**

## **Wiltshire Council Human Resources**

### **Annualised Hours Policy**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

Wiltshire Council supports flexible working.

Annualised hours working involves an employee working a set number of hours over a year (rather than per week). This means they may work longer hours during certain periods of the year and less at others.

This policy must be read in conjunction with the [Flexible Working policy](#).

Go directly to the section on:

- [Requesting annualised hours](#)
- [Working patterns](#)
- Effect on [salary](#), [sickness absence](#) and [annual leave entitlement](#)
- [Over or under achievement of hours](#)
- [Leaving the council](#)
- [Line manager responsibilities](#)
- [Frequently asked questions](#)

#### **Who is covered by this policy?**

This policy applies to all Wiltshire Council employees (with the exception of staff employed in locally managed schools).

However some posts may be unsuitable for annualised hours due to operational requirements.

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

#### **What are the main points?**

1. If you work annualised hours you are contracted to work a certain number of hours over a year, rather than a week.

2. The hours you work are not spread evenly throughout the year.
3. This arrangement can benefit departments where there are peaks and troughs in workload throughout the year and can reduce the need for overtime.
4. This type of working may benefit you if you have commitments outside of work which vary throughout the year, but where a formal term time contract does not suit your requirements.

### **How does this policy apply to me?**

5. You can apply to work on an annualised hours basis using the [Proposal for Flexible Working form](#).
6. All requests will be considered in accordance with the procedures laid out in the [Flexible Working policy](#).

### **Working patterns**

7. Your weekly contracted hours will be converted to annualised hours by multiplying by 52.143 as shown in the [example](#).
8. Annual leave and bank holiday entitlements will be calculated and deducted from your annualised hours to give a total number of working hours for the year.
9. It is imperative that, as far as possible, hours are planned in advance and an accurate record is maintained of actual hours worked.
10. Your manager may choose to put in place pre-determined periods of minimum working hours, in order to meet operational requirements.
11. This record must be agreed and signed by both yourself and your manager at monthly intervals, or more frequently if required by your manager.

### **Cover**

12. You will be required to participate in normal departmental cover arrangements, unless otherwise agreed with your manager.

### **Contract changes**

13. Any employee who changes to annualised hours working will be deemed to have requested a permanent change to their contract, unless it is agreed otherwise in writing at the time of the change.



#### Salary

14. Your salary will be paid in twelve equal monthly instalments, regardless of hours worked in any particular month.

#### Sickness

15. Sickness absence will be allocated in line with planned hours of work for that particular period of time. See [example](#) below.

#### Annual leave and bank holiday entitlement

16. Annual leave and bank holiday leave will be calculated in hours and deducted from the number of hours to be worked in the year.
17. Where the annualised hours arrangement is based on contracted hours of less than 37 hours per week entitlements will be calculated on a pro rata basis. See [annual salary calculation](#) below.
18. All other terms and conditions will remain unchanged unless specified.

#### Excess hours

19. If total contracted working hours for the year have been achieved prior to the end of the year you may either:
  - refrain from working until the new year commences; or
  - agree with your manager that you continue to work and receive payment at your appropriate hourly rate, in addition to your normal monthly salary.
20. In exceptional circumstances overtime payments may be authorised.

#### Underachievement of hours

21. If total contracted hours have not been achieved by the end of the year you may either:
  - repay the council for all hours underachieved at the basic rate of pay; or
  - agree with your manager an appropriate timescale to catch up on underachieved hours – this should be over a period of not more than one month.
22. Continued failure to achieve contracted hours may constitute a breach of contract and be dealt with under the council's disciplinary policy.

#### Leaving the council

23. If you resign from your annualised hours contract, and there is a disparity between hours worked and payment received, you should use the notice period to close the gap between hours worked and pay received.
24. If there is still a disparity your final salary payment will be adjusted accordingly.

### **Line manager responsibilities**

25. Manage any annualised hours working requests in accordance with the flexible working policy using the [Considering a flexible working request](#) procedure which contains:
  - timescales
  - template letters
26. Where requests are agreed ensure that a change form is submitted to the HR Payroll administration team
27. Ensure that working hours are planned in advance as far as possible.
28. Ensure that a record of worked hours is kept, checked and signed off at no more than monthly intervals.
29. Ensure that annualised hours workers have the same access to development opportunities as full time staff.

### **HR responsibilities**

30. To action change forms received and issue variations to contract where appropriate.

### **Are there any exemptions?**

Managers must assess the impact of annualised hours working on the individual, team and service area and have the right to refuse requests if they are operationally untenable and would adversely affect service delivery.

### **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

***If appropriate:***

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

### **Advice and guidance**

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

### **Further information**

There are a number of related policies and procedures that you should be aware of including:

- Flexible working policy

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

Policy author	HR Policy and Reward Team - PM
Policy implemented	DD-MM-YYYY
Policy last updated	May 2011

**Annualised hours conversion example**

For a full time employee with **less than 5 years** service:

A.	Standard weekly hours	37	
	Total annual hours	37 x 52.143	1929.291 hours
B	Annual leave entitlement	23	
	Bank holidays	8	
	Total leave entitlement	31 days	
	Total leave in hours	31 x 7.4 hours	229.4 hours
	<b>Annual working hours</b>	<b>A - B</b>	<b>1699.891 hours</b>

For a full time employee with **more than 5 years** service:

A.	Standard weekly hours	37	
	Total annual hours	37 x 52.143	1929.291 hours
B.	Annual leave entitlement	28	
	Bank holidays	8	
	Total leave entitlement	36 days	
	Total leave in hours	36 x 7.4 hours	266.4 hours
	<b>Annual working hours</b>	<b>A - B</b>	<b>1662.891 hours</b>

**Part time employees**

For a part time employee use their normal contracted hours in part A.

In part B multiply their annual leave and bank holiday entitlement by their standard weekly hours divided by 5 (rather than by 7.4)

Deduct B from A to give their total annual working hours.

**Sickness example**

If an individual was due to work 30 hours in a week, and they are absent due to sickness for the whole week, they will be deemed to have taken 30 hours worth of sickness absence.

If sickness absence continues beyond the period for which working hours had been planned, the average weekly hours (over a course of a year) should be used for the duration of the absence.

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## Flexible working - Time Off In Lieu Policy

### Purpose of Report

1. The purpose of this report is to present the Time Off In Lieu (TOIL) policy which sits within the suite of flexible working policies which will apply to all Wiltshire Council employees (except for teaching and non-teaching staff employed in locally managed schools) and replace the current Ways of Working policy and toolkit.

### Background

2. Staffing Policy Committee approved a harmonised flexible working policy and procedure together with the flexitime and job share policies in May 2011.
3. The Annualised Hours policy and Time Off In Lieu policy are presented today.
4. A further three policies complete this suite of harmonised flexible working policies – Term Time Working, Part Time Working and Compressed Hours Working. These will be put into the new policy format and agreed with the unions prior to launch.
5. Following discussion with the unions it has been agreed that the home working policy will not be harmonised at this time but the Wiltshire Council policy will be put into the new HR policy format and will sit within the suite of flexible working policies.
6. At the request of Staffing Policy Committee a communication has gone out via Managers Wire to confirm that these policies will be launched on 3 October 2011. Manager briefings have been set up at the 4 hubs for September 2011.

### Main Considerations for the Council

7. The TOIL policy has been revised having taken into account both the current Wiltshire Council and ex-district policies. There were only minor variations between the policies.
8. The new TOIL policy has been adapted to ensure it supports and reflects the new flexitime policy. It includes some new frequently asked questions to clarify when TOIL should be taken (rather than recording hours as flexitime or overtime).
9. The policy is in the new HR policy format and language.

### **Consultation**

10. The policy was approved by JCC on 30 June 2011 following consultation with HR, union representatives and other key stakeholders

### **Environmental Impact of the Proposal**

11. None

### **Equalities Impact of the Proposal**

12. No negative impacts have been identified.

### **Risk Assessment**

13. None

### **Options Considered**

14. None

### **Recommendation**

15. That Staffing Policy Committee agree this updated policy

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Paula Marsh, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this report: None**



## **Wiltshire Council Human Resources**

### **Time off in lieu (TOIL) Policy**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

Time off in lieu (TOIL) is time taken off work to recompense for additional hours worked outside of normal working hours.

Go directly to the section on:

- [Accruing TOIL](#)
- [Using TOIL](#)
- [Line Manager responsibilities](#)
- [Exemptions](#)
- [Frequently asked questions](#)

#### **Who is covered by this policy?**

This policy applies to all Wiltshire Council employees (with the exception of staff employed in locally managed schools).

All employees may accrue time off in lieu if authorised in advance by their manager.

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

#### **What are the main points?**

##### Accruing TOIL

1. TOIL is accrued when hours are worked outside of normal working hours for operational reasons.
2. Employees who work under the flexitime scheme may only accrue TOIL when additional hours are worked outside the hours of the flexitime scheme, usually before 7am and after 7pm unless the department has specified different hours for operational reasons.

3. Employees who work specific hours, not subject to the flexitime scheme, may accrue TOIL for hours worked outside their normal working hours.
4. All TOIL must be authorised in advance by your manager.

#### Using TOIL

5. TOIL should be taken as soon as is reasonably possible after it has been accrued.
6. TOIL must be booked in advance with your manager.

#### Line manager responsibilities

7. To authorise TOIL where the work can only practically be undertaken outside of normal working hours.
8. To enable employees who have accrued TOIL to take this at a time which is operationally viable but without unreasonable delay.
9. To ensure working hours do not exceed those stipulated by the [Working Time regulations](#)

#### Are there any exemptions?

10. Employees who choose to work outside of normal working hours through personal choice cannot accrue TOIL.
11. TOIL should not be accrued on a regular basis. If employees are routinely expected to start or finish work outside of their normal working hours an alternative solution should be considered.
12. Excess hours accrued under the flexitime scheme may not be transferred to TOIL.

#### Frequently asked questions

13. Staff in my team regularly work outside the flexitime hours (for example attending evening meetings) and accrue a lot of TOIL but I am struggling to enable them to take this. Can they be paid for it instead?

As a manager you have a duty to ensure that staff are able to achieve work life balance. If evening meeting are a regular feature of the work it may be necessary to draw up a cover rota to ensure that those who attend meetings are able to take the TOIL as soon as possible after attending the meeting (ideally the following day). Overtime payments

can only be made to employees on grade I or below and should be agreed in advance, not used to “mop-up” excess TOIL which cannot be taken.

It may be appropriate to meet with your team to agree a period of time within which any outstanding TOIL should be booked, how this will be achieved as a team, and to agree any new systems which will be put in place to prevent a build-up of TOIL occurring going forward.

14. I would like to start work before 7am on a regular basis, would I have to record these hours as TOIL?

You should discuss with your manager whether it is operationally feasible for you to work at this time. If it is then it may be better to agree specific working hours with your manager and come out of the flexitime scheme.

15. I have built up some time off in lieu but my team is very busy and I am unable to take it – what should I do?

You should discuss with your manager when this time can be taken. It is your manager’s responsibility to ensure that you are able to take accrued hours within a reasonable period of time. You may also have to be flexible about when the leave is taken in order to meet operational requirements.

16. What is the difference between TOIL and overtime – how do I know which applies?

Employees on grade I and above do not qualify for overtime allowances apart from in exceptional circumstances and any additional hours should be taken as TOIL.

Both TOIL and overtime must be agreed in advance with your manager.

TOIL may be more appropriate when undertaking a particular project or piece of work which requires additional working hours but which is short term and where there will be an opportunity to take TOIL once it is complete.

Overtime is more appropriate where additional working is a more regular feature of the job and it is unlikely that there will be opportunity to take time off in lieu due to the nature of the work.

## **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

***If appropriate:***

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

**Advice and guidance**

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

**Further information**

There are a number of related policies and procedures that you should be aware of including:

- Flexible working policy
- Flexitime policy
- [Working Time regulations](#)

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

Policy author	HR Policy and Reward Team - PM
Policy implemented	DD-MM-YYYY
Policy last updated	May 2011

WILTSHIRE COUNCIL  
STAFFING POLICY COMMITTEE  
20 July 2011

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## Criminal Record Disclosures Policy and Procedure

### Purpose of Report

1. The purpose of this report is to present the new Criminal Record Disclosures Policy and Procedure.

### Background

2. The Government has recently brought the Criminal Records Bureau, which was previously a separate entity, under the remit of the Home Office. This is in anticipation of further changes to be made to the Criminal Records Bureau during 2012. This policy has been updated to reflect this change.
3. The Government's Vetting and Barring Scheme has been for updated and the policy has therefore been updating to reflect this change.

### Main Considerations for the Council

4. The barred lists previously known as POVA, POCA and List 99 no longer apply and are replaced by the Adults Barred List and the Childrens Barred List.
5. The new policy also makes it clear that employees are required to declare any criminal convictions after employment as well as at the recruitment stage. This is so that a view can be taken as to whether the conviction may have implications if the employee is in a role working with children or vulnerable adults.
6. The policy also reminds employees and managers that CRB rechecks are required every three years and that managers are responsible for ensuring this happens, in consultation with the CRB Team.
7. Further changes to this are anticipated during 2012 when the outcome of the Freedoms Bill is published and becomes law. The intention is to make it easier for adults to work with children and vulnerable adults and not all roles will therefore require a CRB check.
8. The policy is in the new HR policy format and language.

### Consultation

9. This policy was approved by JCC on 30 June 2011 following consultation with HR, union representatives and other key stakeholders

### **Environmental Impact of the Proposal**

10. None

### **Equalities Impact of the Proposal**

11. No negative impacts have been identified.

### **Risk Assessment**

12. None

### **Options Considered**

13. None

### **Recommendation**

14. That Staffing Policy Committee agree this updated policy.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Melanie Lyng, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

**DRAFT VERSION 3**

**Wiltshire Council Human Resources**

**Criminal Record Disclosures Policy and Procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

**What is it?**

This policy outlines the council's procedure for obtaining criminal record disclosure (CRB) checks. This policy is transitional until some provisions of the Safeguarding Vulnerable Groups Act 2006 are repealed by the Protection of Freedoms Bill in November 2011 and the changes are confirmed as new regulation from early 2012.

The council will continue to use enhanced CRB disclosures as part of its pre-employment processes for new employees who will be engaged in 'regulated activity' or work in specified settings during this transitional period.

**Go straight to the section:**

- [what is it?](#)
- [who does it apply to?](#)
- [when does it apply?](#)
- [what are the main points?](#)
- [corporate commitment to safer recruitment and safeguarding](#)
- [employment issues](#)
  - [working with children and young persons](#)
  - [working with vulnerable adults](#)
  - [definition of a vulnerable adult](#)
  - [promotions, transfers and secondments](#)
  - [TUPE transfers](#)
  - [the role of the CRB team](#)
- [obtaining CRB disclosure checks](#)
  - [information required from the applicant](#)
  - [CRB disclosure application forms](#)
- [regulated activities](#)
  - [new employees – regulated activity](#)
- [disclosure of past convictions](#)
  - [the employment of ex-offenders](#)
  - [barred lists](#)
- [CRB rechecks](#)

- [handling of CRB data](#)
  - [secure storage and handling of data](#)
  - [CRB rechecks](#)
- [policy issues](#)
  - [code of conduct](#)
  - [disciplinary policy](#)
  - [allegations against staff](#)
  - [new offences for employees](#)
- [roles and responsibilities](#)
- [frequently asked questions](#)
- [definitions](#)
- [equal opportunities](#)
- [legislation](#)
- [advice and guidance](#)
- [further information](#)
- [toolkit](#)

There is also a [toolkit](#) of documents including guidance notes available.

### **Who does it apply to?**

This policy applies to anyone applying for or working in roles providing services relating to children and vulnerable adults. It therefore applies to job applicants current employees and any other individuals, including those working in schools.

### **When does it apply?**

It applies to all prospective employees and workers who are engaged in 'regulated activity' and includes those specific roles where CRB disclosure checks are a requirement of professional registration or formal inspection. For all roles requiring a CRB check, a re-check must be carried out every three years.

### **What are the main points?**

#### **Wiltshire Council's corporate commitment to safer recruitment and safeguarding**

1. Wiltshire Council is committed to promoting the safety and wellbeing of all its service users, particularly those who would be incapable of protecting themselves from physical or sexual abuse, financial exploitation, or where there is a potential danger that their will or moral wellbeing may be subverted or over-powered (Section 115 (4)(a) Police Act 1997).



2. The council is committed to safer recruitment practices when recruiting new employees to work for the council or when using volunteers, specifically where their normal working will be with children or vulnerable adults and is in 'regulated activity'.
3. Enhanced [criminal record bureau](#) (CRB) disclosure checks are required for specified roles working with the council. CRB disclosure checks are only one element of a wider framework of safer recruitment practices and the council requires you to provide answers honestly to questions asked of you. Refer to [guidance for managers to safer recruitment](#) and [CRB – frequently asked questions](#).
4. There is specific guidance which the council follows if your role is within the services for children or vulnerable adults. Refer to [guidance for managers to safer recruitment](#)
5. Wiltshire Council will continue to follow robust recruitment and selection processes in order to effectively manage risk with the aim of protecting children and vulnerable adults, including checking your identity, qualifications and references. The council will also make enquiries regarding your career history and your suitability to work with children and vulnerable adults.

## Employment issues

### Working with children and young persons

6. If you will be working for Wiltshire Council with children or young people in regulated activity, you must also act in accordance with the following guidelines - [AMA guidance to safer working practice for adults who work with children and young people 2007](#).

### Working with vulnerable adults

7. If you intend to work with vulnerable adults for Wiltshire Council you must also observe the following policy – [policy for safeguarding vulnerable adults in Swindon and Wiltshire](#).

### Definition of a vulnerable adult

8. A vulnerable adult will be aged 18 years or over.
9. An adult may be considered to be vulnerable if they receive:
  - accommodation and nursing or personal care in a care home; or
  - personal care in their own home through a domiciliary care agency;or

- health care services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body; or
- is an expectant or nursing mother living in residential care;
- is receiving direct payments from the council in lieu of social care services;
- services provided in an establishment catering for a person with learning difficulties.

and in consequence of any one, or any combination, of the following factors:

- a substantial learning or physical disability; or
- a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
- a substantial reduction in physical or mental capacity due to advanced age;

they are substantially dependent upon others in performing basic physical functions, or their ability to communicate with those providing services or to communicate with others is severely impaired, and, as a result, they would be incapable of protecting themselves from assault or other physical or mental abuse, or there is a potential danger that their will or moral well being may be subverted or over powered.

#### Promotions, transfers and secondments

10. If you are moving from a role where a CRB disclosure check is not needed into a new role which is a regulated activity you will not be able to start work in the new role until a CRB disclosure check has been obtained. This will include if you are currently working in a role supporting children to a role supporting vulnerable adults or vice versa.

#### TUPE transfers

11. Where employees transfer to Wiltshire Council as part of a service transfer under the Transfer of Undertakings (TUPE) Regulations, the CRB disclosures of such staff will transfer to Wiltshire Council.
12. Where necessary CRB re-checks will be undertaken on those transferred staff whose CRB disclosures are older than three years at the point of transfer.

#### The role of the CRB team

13. The [CRB team](#) will ensure each individual application is eligible for a CRB disclosure check, first checking that:

- the position applied for is in a 'regulated activity';
  - it has a specific category code under which the position is eligible for CRB check;
  - an explanation can be given as to why this category code applies to the position in question.
14. The [CRB team](#) may need to verify information with recruiting managers / nominated school administrators to ensure that each check is an eligible one.
15. The [CRB team](#) will continue to work with the criminal records bureau and will comply with the CRB guidelines and regulations as part of its role as a registered body.
16. The [CRB team](#) will strive at all times to ensure that all applications are legitimate applications based on the specific CRB category codes. Refer to [DACC codes](#).

#### **Obtaining CRB disclosure checks**

17. Your manager will contact the [CRB team](#) at the recruitment stage in order to agree whether a CRB disclosure check is a requirement of the role.
18. You should be aware that it may take several weeks to obtain a CRB check and that you may not normally work in the role for which the CRB check is being obtained, until it is received and the offer of employment is confirmed.

#### **Information required from the applicant**

19. In order to carry out thorough CRB disclosure checks, the council will need to know any names, name changes, or aliases by which you may have been known in the past, including maiden names, assumed name of step parent, change of name by deed poll, etc. You will be required to produce originals of three documents from two specific lists, including an original copy of your birth certificate. Refer to [proof of identity requirements](#).
20. This information is also required as part of the recruitment procedure to meet with our obligations under the Asylum Act 2002. You may be required to provide additional written evidence of proof of identity.

#### **CRB disclosure application forms**

21. Recruiting managers and school administrators are required to complete a section of the CRB disclosure application form to confirm

specific details about the position for which the CRB check is required. Refer to [CRB guidance](#).

22. The council is committed to the avoidance of submitting potentially ineligible CRB applications and therefore requires recruiting managers and school administrators to provide accurate information on the application.

### **Regulated activities**

23. Regulated activity relating to children is defined as:
- specified activities such as teaching, instructing, supervising, caring for or providing children/vulnerable adults with guidance or treatment on a frequent, intensive or overnight basis;
  - fostering and childcare services;
  - specified positions such as school governor or director of children's or adult social services;
  - all activity undertaken within specified settings where there is the opportunity for contact with children or vulnerable adults. Such activities include teaching, training and instruction, as well as catering, cleaning, administrative and maintenance workers or contractors;
  - roles that involve managing or supervising, on a regular basis, the day-to-day work of those carrying out specified activities or working in specified settings.
24. Regulated activities relating to vulnerable adults is defined as:
- certain types of activity carried out frequently, on four or more days in a 30-day period, or overnight. This includes teaching, training, advising, and caring for vulnerable adults;
  - any activity carried out frequently, or on four or more days in a 30-day period in a care home which gives an employee the opportunity to have contact with vulnerable adults as a result of his duties or anything they are allowed to do there;
  - the day-to-day management or supervision on a regular basis of any person carrying out the activities mentioned above;
  - the director of adult social services or a trustee of vulnerable adults' charity.
25. Enhanced CRB disclosure checks will be required if you are working in a regulated activity and for all work in specified settings (e.g. schools, children's homes).

New employees – regulated activity

26. If you are an employee or a volunteer who will be engaged in regulated activity, the council will always require an Enhanced CRB disclosure check to be carried out before a contract of employment is issued to you.
27. You may not start work with the council in regulated activity until a CRB disclosure check has been obtained.

**Disclosure of past convictions – for all roles exempted from the Rehabilitation of Offenders Act 1974**

28. Where a role is exempted from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 you are required to be completely honest in disclosing all convictions throughout your entire life, from the age of criminal responsibility (10 years).
29. Where you are applying for a role which is exempted from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, no conviction will ever be considered spent and you must declare it.
30. You should be aware that if you have accepted a caution, warning or reprimand from the Police then these must be declared as relevant offences.

**The employment of ex-offenders**

31. Wiltshire Council is committed to equality of opportunity and recognises its responsibilities under the [rehabilitation of offenders at work act](#). Unlawful treatment of ex-offenders, i.e. failure to employ an ex-offender without lawful justification, where this cannot be justified by the nature of the work, will not be tolerated. Refer to the [recruitment of ex-offenders policy](#).
32. The council is committed to the rehabilitation of ex-offenders. There are many offences which may not disqualify an applicant from employment where:
  - the convictions are of a less serious nature; and/or
  - were committed some time ago; and/or
  - were committed when the applicant was a juvenile/young person; and/or
  - there were extenuating circumstances; and/or
  - there have been no further offences.
33. In some cases, consideration of offences will take specific account of the nature of the post you are applying for.

34. If you are applying for a role in regulated activity or specified settings you are required to disclose all offences and failure to do so may unfavourably affect consideration of your suitability to work with children or vulnerable adults.

#### Barred lists

35. The Adults Barred List and the ISA Children's Barred List are administered by the Vetting and Barring Scheme (VBS). The council will continue to work with the VBS to check your details against the names of individuals appearing on these lists.
36. You are required to declare if you are barred from working in any roles.
37. There are some offences which may result in you having been made subject of a Disqualification Order (DO). It is an offence for you to apply for a post that is restricted under the (DO) and, should you be subject to a DO and apply for a restricted post, Wiltshire Council will report you to the police.
38. If you have been convicted of an offence under Schedule 1 of the Children and Young Persons Act 1933 (as amended by subsequent legislation) you will not be eligible to apply for a restricted post.
39. You will never be allowed to carry out any form of regulated activity if you have been barred from carrying out a restricted post.
40. If you are barred from working in regulated activity with either children or vulnerable adults you must not work, or seek to work, in regulated activity with that group. You may apply and be considered for any suitable employment elsewhere in the Council.

#### CRB rechecks

41. Certain roles will continue to be subject to CRB rechecking every three years to ensure Wiltshire Council remains compliant with regulatory requirements and to support inspection protocols.
42. If you work in any of the following areas or roles, you will be required to undertake a new CRB disclosure check every three years:
- fostering and adoption teams
  - looked after children residential teams
  - staff with the legal designation of 'social worker' who are registered with the [General Social Care Council](#).
  - children's disability and special educational needs (SEN) services
  - youth offending teams

- care workers (adult)
  - Connexions
  - taxi drivers providing services for the council.
43. If you are the manager of the above staff groups, you must actively monitor the renewal date of CRB disclosures for these employees and must initiate the CRB re-check process every three years.
44. You will be required to complete the necessary forms and agree to checks being carried out if your role requires a CRB disclosure recheck. This will include checks against the barred lists. Failure to comply with this requirement may result in disciplinary action being taken and could lead to termination of your contract.

### **Handling of CRB data**

#### Secure storage and handling of data

45. Any information provided by the CRB as part of a CRB disclosure will be securely stored and handled and the content will be confidential to the council staff authorised to fulfil this role. Refer to the policy on the [storage of disclosure information](#).
46. The council does, however, reserve the right to advise other relevant organisations, having a statutory or another legitimate interest, as to the suitability of certain applicants for positions in regulated activity or specified settings. Refer to [working together to safeguard children – a guide to inter-agency working to safeguard and promote the welfare of children](#).
47. The council will observe the [CRB Code of Practice](#), including the opportunity for you to appeal to the CRB about the disclosure information provided.

### **Policy issues**

#### The code of conduct

48. The council has a code of conduct policy which applies to all staff. Refer to [code of conduct policy](#). The policy informs you about some of the statutory, national and local obligations which will govern your conduct as a local government employee.
49. All council employees are expected to abide by the code of conduct policy and to ensure that all of their activities whilst employed by the council are carried out with honesty, integrity and professionalism.

#### The disciplinary policy

50. If you do not comply with the terms of this CRB disclosures policy and should you behave in a way which is felt to be dishonest in respect of this policy or which brings the council's reputation into question, you may be subject to the council's [disciplinary policy](#). This could result in your dismissal from employment with the council.

#### Allegations against staff

51. Should an allegation be made against you in respect of your role working with children or vulnerable adults, this will be dealt with under the council's disciplinary policy. Refer also to the council's [procedure for managing allegations against people who work with children](#).

#### New offences for employees

52. You are required as part of your contract of employment to inform your manager of any police investigation, charge, caution, reprimand, fine or conviction against you immediately. All such disclosures will be handled in confidence but if you are employed in a 'notifiable occupation', a 'regulated activity' or a 'specified setting' this may result in your suspension from duties while an investigation takes place. Refer to the [disciplinary policy](#).

#### Roles and responsibilities

##### Applicant and employee responsibilities

53. To be completely honest in declaring all convictions before employment.
54. To be completely honest in declaring subsequent convictions after having been employed.
55. To provide such information as is requested in order for a CRB disclosure check to be carried out.

##### Line manager responsibilities

56. To confirm to an HR advisor, following the application of a CRB risk assessment on the responsibilities and duties, whether a CRB check is required for a new role.
57. To seek advice from an HR advisor if you are unsure whether a CRB check is in fact necessary for a new role.



58. To be responsible for following up re-checks after three years have elapsed since the last CRB disclosure was carried out, with the CRB team.
59. When information is received regarding a candidate's offending background, to confirm with an HR Business Partner whether the information is relevant to the role being applied for.
60. Not to make a decision not to employ a candidate on the basis of a CRB check outcome without first discussing this with the candidate and an HR advisor or HR business partner.
61. Not to unfairly discriminate against an applicant with a criminal record.

#### HR CRB team responsibilities

62. To undertake all safer recruitment reference checking including CRB checks.
63. To raise issues of non-compliance with this policy with the HR Director.

#### Recruitment team responsibilities

64. To confirm on all recruitment materials relevant to a role whether it is exempt from the Rehabilitation of Offenders Act (under the Rehabilitation of Offenders Act (Exceptions) Order 1975), whether it is a regulated activity and that an Enhanced CRB disclosure will be required for the successful candidate.
65. To undertake all safer recruitment reference checking including CRB checks.
66. To raise issues of non-compliance with this policy with the HR Director.

#### HR advisor responsibilities

67. To provide specialist sector advice and guidance on the application and interpretation of this policy.

#### Frequently asked questions

- 68. I have a spent conviction. Am I required to declare this at the interview stage?**

Only if the job you are applying for is exempt from the rehabilitation of offenders act 1974 (under the rehabilitation of offenders act 1974 (Exceptions) Order 1975) and the role requires a CRB Disclosure Check.

**69. Whose responsibility is it to carry out the CRB disclosure check?**

The recruiting manager is responsible for all safer recruitment relating to their staff and must inform the CRB team if a CRB disclosure is required for a role being advertised. The CRB team will work with the Criminal Records Bureau to carry out all checks.

**70. I have a number of employees whose CRB re-checks are shortly due for renewal. What should I do?**

You must contact the CRB team in plenty of time in advance of the expiry of the old CRB disclosure, in order that new checks may be carried out.

**71. Does the law require CRB checks for school staff employed before 2002 if they have not changed jobs and there are no concerns?**

**No.** Current regulation does not require, and guidance does not recommend, CRB checks on those recruited before March 2002 and who have continuity of service. The law only requires all longer service employees who work with children to have been checked against the barred lists.

**72. An Ofsted inspector has told me that I need to do three-yearly re-checks on staff in my school. Is this correct?**

No, due to specific exemptions from the Secretary of State for Education the need for CRB re-checks never applied in relation to regular school staff, although some local authorities do choose to carry out regular re-checks in their schools. The law only requires CRB checks for schools staff at the recruitment stage, and only then if the person has a break in service of more than three months.

**73. An individual has a recent CRB disclosure and has come directly from another local authority with no break in service. Do they need another clearance done?**

**Yes.** Under the Wiltshire Council CRB Policy anyone coming from another local authority will need a new CRB disclosure clearance as all individuals new to Wiltshire need a CRB clearance through Wiltshire Council as a Registered Body.

**74. What evidence is a school required to demonstrate during an OFSTED inspection that CRB checks on staff have been carried out?**

Schools need to keep a Single Central Record of all the pre-employment checks on staff and checks on volunteers and governors showing their

CRB disclosure numbers plus the date of the disclosure. (An enhanced CRB will include List 99, POVA, and POCA checks). If the employee's employment with the school is pre 2002 then a copy of the List 99 and local police check evidence should be recorded and retained. In addition the school needs to record all the other usual pre-employment checks on their SCR. More guidance is available on [schools HR Online](#).

**75. A new employee is about to start work but has been overseas in a role with the armed forces as civilian staff. Can a CRB check be obtained?**

**Yes.** All services personnel are subject at all times to the Service Discipline Acts (SDA), as are their families and UK based civilians (UKBC) when based or employed overseas.

All convictions under the Military Criminal Justice System for recordable offences committed by service personnel (in the UK and overseas) or civilians subject to the Service Discipline Acts (overseas only) are recorded on the UK Civilian Police National Computer (PNC) and are available to the CRB as part of their routine checks.

In addition, the Criminal Records Bureau has access to information held at the Service Police Crime Bureau (SPCB) in relation to serving or former members of the Armed Forces.

**76. What legislation or guidelines are employees required to abide by when working with children or vulnerable adults?**

You should refer to – [AMA guidance for Safer Working Practice for Adults who work with Children and Young People](#).

You should also refer to the [guidance for managers on safer recruitment](#).

**Definitions**

Regulated activity	Specific activity in specific settings when working with children or vulnerable adults.
CRB check	A check into the background of an applicant or an employee by the Criminal Records Bureau to check the status of past convictions or offences which is then used to assess the candidate's suitability for the position applied for.

Barred lists

The Adults Barred List and the Children's Barred List (including List 99) upon which people with certain convictions appear.

## **Equal opportunities**

This policy has been [Equality Impact Assessed](#) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly within the law. For further information see the [guidance on equal opportunities in CRB disclosures](#).

## **Legislation**

- [safeguarding vulnerable groups act 2006](#)
- [police act 1997](#)
- [protection of freedoms bill 2011](#)
- [the rehabilitation of offenders act 1974](#)
- [the rehabilitation of offenders \(exceptions\) order 1975](#)
- [section 142 of the education act 2002](#)
- [section 15 of the teaching and higher education act 1998](#)
- [section 6 of the protection of children act 1999](#)
- [sections 35 and 36 of the criminal justice and court services act 2000](#)
- [data protection act 1998](#)
- [education \(school teachers qualifications\) \(England\) regulations 2003](#)
- [education \(specified work and registration\) \(England\) regulations 2003](#)
- [the education \(prohibition from teaching or working with children\) regulations 2003, as amended](#)

This policy has been reviewed by an internal legal organisation to ensure compliance with the above legislation and our statutory duties.

## **Advice and guidance**

If you require help in accessing or understanding this policy or completing any of the associated forms you should contact either the [CRB Team](#), or the recruiting manager.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

## **Further information**

There are a number of related policies and procedures that you should be aware of including as well as several guidelines. There is also a [toolkit](#) including manager guidance and supporting documents to use when following this policy and procedure.

## Toolkit

Policies:

- [recruitment of ex-offenders](#)
- [code of conduct](#)
- [disciplinary](#)
- [storage of disclosure information](#)
- [volunteering](#)
- [safeguarding vulnerable adults in Swindon and Wiltshire](#).

Guidelines:

- [managers guide - safer recruitment](#)
- [CRBs – frequently asked questions](#)
- [managers guide - confidential handling and assessment of positive CRB disclosures](#)
- [AMA guidance for Safer Working Practice for Adults who work with Children and Young People](#)
- [form - DACC codes](#)
- [UK Border Agency identity guidance](#)
- [CRB guidance](#)
- [CRB Code of Practice](#)
- [General Social Care Council](#)
- [proof of identity requirements](#)
- [working together to safeguard children – a guide to inter-agency working to safeguard and promote the welfare of children](#)
- [procedure for managing allegations against people who work with children](#)
- [the schools HR website](#)
- [CRB website](#)

For further information please speak to your supervisor, manager, service director or contact an HR advisor.

Policy author	HR Policy and Reward Team - MCL
Policy implemented	DRAFT 3 – Version sent to JCC and Staffing Policy

Policy last updated	DD-MM-YYYY
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DRAFT

WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

20 July 2011

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## **Recruitment of Ex-offenders Policy and Procedure**

### **Purpose of Report**

1. The purpose of this report is to present the new Recruitment of Ex-Offenders Policy and Procedure.

### **Background**

2. This policy has not changed significantly in terms of its content. It has been updated in line with the new policy format.

### **Main Considerations for the Council**

3. The policy content is taken directly from the CRB's Code of Practice and is therefore largely in line with the Code.
4. The policy is in the new HR policy format and language.

### **Consultation**

5. This policy was approved by JCC on 30 June 2011 following consultation with HR, union representatives and other key stakeholders

### **Environmental Impact of the Proposal**

6. None

### **Equalities Impact of the Proposal**

7. No negative impacts have been identified.

### **Risk Assessment**

8. None

### **Options Considered**

9. None

### **Recommendation**

10. That Staffing Policy Committee agree this updated policy.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Melanie Lyng, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**



**DRAFT VERSION 2**

**Wiltshire Council Human Resources**

**Recruitment of Ex-offenders policy and procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

**What is it?**

This policy outlines the council's procedure for the employment of ex-offenders.

**Go straight to the section:**

- [what is it?](#)
- [who does it apply to?](#)
- [when does it apply?](#)
- [what are the main points?](#)
- [job descriptions](#)
- [disqualification orders](#)
- [spent convictions](#)
- [convictions which are never spent](#)
- [cautions, reprimands and warnings](#)
- [new convictions](#)
- [police information](#)
- [roles and responsibilities](#)
- [frequently asked questions](#)
- [definitions](#)
- [equal opportunities](#)
- [legislation](#)
- [further advice and information](#)
- [toolkit](#)

There is also a [toolkit of documents](#) including guidance notes to use when following this policy.

**Who does it apply to?**

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

### **When does it apply?**

This policy applies to applicants and currently employees when a criminal records bureau check or a recheck are carried out for the role they are to undertake or currently undertake.

### **What are the main points?**

1. This policy follows the [CRB code of practice](#) on the employment of ex-offenders.
2. As an organisation using the [criminal records bureau](#) (CRB) checking service assessing applicants' suitability for positions of trust, Wiltshire Council complies fully with the CRB code of practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a CRB check on the basis of a conviction or other information revealed.
3. The council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
4. The council has a written policy on the recruitment of ex-offenders, which is made available to all CRB applicants at the outset of the recruitment process.
5. The council actively promotes equality of opportunity for all applicants with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. Managers select candidates for interview based on their skills, qualifications and experience.
6. A CRB check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a CRB check is required, all application forms, job adverts and recruitment briefs will contain a statement that a CRB check will be requested in the event of the individual being offered the position.
7. Where a CRB check is to form part of the recruitment process, managers encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Wiltshire Council and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

8. Unless the nature of the position allows Wiltshire Council to ask questions about your entire criminal record, managers will only ask about 'unspent' convictions as defined in the [rehabilitation of offenders act 1974](#).
9. Managers ensure that all those in Wiltshire Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Managers also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g.: the rehabilitation of offenders act 1974.
10. At interview, or in a separate discussion, managers ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
11. The council make every subject of a CRB check aware of the existence of the [CRB code of practice](#) and make a copy available on request.
12. The council undertakes to discuss any matter revealed in a CRB check with the person seeking the position before withdrawing a conditional offer of employment.
13. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offence(s).

#### Job descriptions

14. Your manager will confirm on the [job description and person specification](#) if a CRB check is required for the role.

#### Disqualification orders

15. There are some offences which may result in a person being subject to a disqualification order (DO).
16. It is an offence for such a person to apply for a post that is restricted under the DO. The council will report any such applicant to the police.

#### Spent convictions

17. Certain convictions are considered 'spent' after the following periods of time.

18. The period of rehabilitation applies to the original conviction, not to how long you may have spent in prison.

Sentence	Rehabilitation period
A sentence of imprisonment or corrective training for a term exceeding 6 months but not exceeding 30 months.	10 years*
A sentence of youth custody for a term exceeding six months but not exceeding 30 months.	10 years*
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service.	10 years
A sentence of imprisonment or detention in a youth offending institution or youth custody for 6 months or less.	7 years*
A sentence of imprisonment for a term not exceeding six months.	7 years
A sentence of dismissal from Her Majesty's Service	7 years*
Any sentence of detention in respect of a conviction in service disciplinary proceedings	5 years*
Absolute discharge	6 months
Conditional discharge	1 year
Probation order or community order (age 18 or more)	5 years
A fine or any other sentence subject to rehabilitation under the rehabilitation of offenders act.	5 years

19. \*These sentences are halved if the offender was under 18 years of age at the date of conviction.

Convictions which are never spent

20. Sentences of imprisonment of more than 2.5 years are never spent and must be declared.

Cautions, reprimands and warnings

21. If you have accepted a police caution as an alternative to prosecution, this information is entered onto the police national computer and will therefore appear when a criminal records bureau check is carried out.

New convictions

22. It is essential that you inform your manager (and where required by regulation to be a member also any relevant professional registered

bodies) of any police investigation, charge, caution, reprimand, fine or conviction, immediately.

23. All such disclosures will be handled in confidence but if you are employed in a 'notifiable occupation', a 'regulated activity' or a 'specified setting', this may result in your suspension from duties while an investigation takes place. Refer to the [disciplinary policy](#).

#### Police information

24. From time to time the police may divulge information to Wiltshire Council about a current investigation being undertaken about an applicant or new employee. The council will not divulge such information to the applicant or new employee as to do so would be a criminal offence.

### **Roles and responsibilities**

#### Applicant and employee responsibilities

25. To complete the application form honestly, declaring any prior unspent convictions.
26. If you have been made the subject of a disqualification order, you must not apply for roles for which you are not permitted to apply.
27. To declare when an unspent conviction becomes spent.

#### Line manager responsibilities

28. To keep confidential any information disclosed to you by applicants regarding unspent criminal convictions. Such information only to be discussed with the recruitment team.
29. To update the job description for any role working with children or vulnerable adults to clearly show that a CRB check is required.
30. Never to employ any candidate into a role unless all checks have been carried out and confirmed as complete and satisfactory by the recruitment team.
31. To adhere to this policy and apply in all circumstances.
32. To seek advice from HR or from the CRB team where you do not understand any aspect of this policy.

#### HR responsibilities

33. To provide advice and guidance on the interpretation of this policy.
34. The recruitment team will carry out all criminal record bureau disclosures and confirm the outcome to the manager.
35. To support the manager where the result of a criminal record bureau disclosure means that the applicant may no longer be suitable for the role.

### **Frequently asked questions**

36. **I have an unspent criminal conviction. May I apply for a role with Wiltshire Council?**

Yes you may apply for a role with the council, unless you are the subject of a disqualification order, barring you from applying for specific roles. You may not apply for those specific roles but you may be able to apply for others. You should contact the [recruitment team](#) for further advice.

37. **I have been newly employed by Wiltshire Council and have subsequently been convicted of a crime. Do I need to declare this conviction to the council?**

Yes you do need to declare any subsequent convictions in order that the council may make an assessment as to whether you may continue to be employed in the particular role you currently do. It may be that the conviction does not affect the role you do or that you may be able to transfer to a different role.

38. **I was convicted of a crime with a prison sentence of 4 years. I only served 2 years of this sentence. Am I obliged to declare this spent conviction?**

Yes, as any conviction of longer than 2.5 years is always considered unspent, irrespective of how many years or months of the sentence you actually served.

### **Definitions**

Spent conviction	A criminal conviction for which a punishment has been served and so the crime is considered to be redeemed and at an end.
Unspent conviction	A criminal conviction which can never be redeemed.

Criminal records bureau

A government agency tasked with carrying out checks into applicants and employees' backgrounds when applying for or carrying out certain roles.

## **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on [equal opportunities in the recruitment of ex-offenders](#).

## **Legislation**

- [rehabilitation of offenders act 1974](#)
- [CRB code of practice](#)
- [safeguarding vulnerable groups act 2006](#)

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

## **Further advice and information**

If you require help in accessing or understanding this policy or completing any of the associated forms you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

## **Toolkit**

There are a number of related policies and procedures that you should be aware of including:

- [disciplinary](#)
- [CRB disclosures](#)
- [storage of disclosure information](#)
- [recruitment](#)

For further information please speak to your supervisor, manager, service director or contact an [HR advisor](#).

Policy author	HR Policy and Reward Team - MCL
Policy implemented	DRAFT 2 – Version sent to JCC and Staffing Policy
Policy last updated	DD-MM-YYYY

DRAFT



WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

20 July 2011

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## Storage of Disclosure Information Policy and Procedure

### Purpose of Report

1. The purpose of this report is to present the new Storage of Disclosure Policy and Procedure.

### Background

2. This policy has not changed significantly in terms of its content. It has been updated in line with the new policy format.

### Main Considerations for the Council

3. The policy is in the new HR policy format and language.

### Consultation

4. This policy was approved by JCC on 30 June 2011 following consultation with HR, union representatives and other key stakeholders

### Environmental Impact of the Proposal

5. None

### Equalities Impact of the Proposal

6. No negative impacts have been identified.

### Risk Assessment

7. None

### Options Considered

8. None

### Recommendation

9. That Staffing Policy Committee agree this updated policy.

**Barry Pirie**

**Service Director  
HR & OD**

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Report Author: Melanie Lyng, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

**DRAFT VERSION 2**

**Wiltshire Council Human Resources**

**Storage of Disclosure Information Policy and Procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

**What is it?**

This policy explains the council's position regarding the handling, use, storage, retention and disposal of information obtained through the criminal records bureau (CRB) disclosure service to help assess the suitability of applicants for positions of trust as well as for current employees who may need a new check carried out.

**Go straight to the section:**

- [what is it?](#)
- [who does it apply to?](#)
- [when does it apply?](#)
- [what are the main points?](#)
- [criminal record bureau disclosures](#)
- [storage and access](#)
- [handling](#)
- [usage](#)
- [retention](#)
- [disposal](#)
- [acting as an umbrella body](#)
- [reporting issues to the CRB](#)
- [roles and responsibilities](#)
- [frequently asked questions](#)
- [definitions](#)
- [equal opportunities](#)
- [legislation](#)
- [further advice and information](#)

**Who does it apply to?**

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees including for employees in schools.

## **When does it apply?**

This policy applies when the council obtains confidential information about applicants for roles and about current employees via a criminal records bureau (CRB) disclosure check.

## **What are the main points?**

### Criminal record bureau disclosures

1. It will be necessary from time to time for the council to obtain confidential information from the criminal records bureau about employees, volunteers and job applicants in order to understand past criminal convictions.
2. New employees and new volunteers being recruited into roles which bring them into contact with children and vulnerable adults will always have a CRB check carried out before starting work.
3. Disclosure information is contained in criminal record certificates under section 113 of the [Police Act 1997](#), in enhanced criminal record certificates of the Act or in information provided by the police under section 115 of the Act.
4. There are three types of disclosures:
  - criminal conviction certificates (or basic disclosures)
  - criminal record certificates (or standard disclosures)
  - enhanced criminal record certificates (or enhanced disclosures).

Standard and enhanced disclosures are in the main ones required for those working with children and vulnerable adults.

5. Information obtained via disclosures is highly confidential and the council will ensure the safe storage, access, handling, usage and destruction of such information.
6. As an organisation using the criminal records bureau service to help assess the suitability of applicants for positions of trust, Wiltshire Council complies fully with the [CRB code of practice](#) regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.
7. The council also complies fully with its obligations under the [Data Protection Act 1998](#) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information

and has produced this written policy on these matters, which is available to those who wish to see it.

#### Storage and access

8. Certificate information is kept securely in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.
9. Keys or combinations for such storage units will not be freely available and access will be restricted to named individuals only, normally the CRB and recruitment teams.

#### Handling

10. In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties.
11. The council maintains a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

#### Usage

12. Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

#### Retention

13. Once a recruitment (or other relevant) decision has been made, the council does not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.
14. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, the council will consult the criminal records bureau about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

#### Disposal

15. Once the retention period has elapsed, the council will ensure that any certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning.

16. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).
17. The council will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate.
18. However, notwithstanding the above, the council may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificate and details of the recruitment decision taken.

#### Acting as an umbrella body

19. Before acting as an umbrella body (one which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), the council will take all reasonable steps to be satisfied that they will handle, use, store, retain and dispose of certificate information in full compliance with the CRB code and in full accordance with this policy.
20. The council will also ensure that any body or individual, at whose request applications for CRB certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

#### Reporting issues to the CRB

21. Where the council becomes aware that this policy has been contravened, it will immediately report this to the criminal records bureau.

#### **Roles and responsibilities**

##### Employee responsibilities

22. To provide all information requested by the CRB/recruitment team in order that a CRB check can be carried out.

##### Line manager responsibilities

23. To ensure CRB checks are carried out before an employee joins the council.
24. To comply fully with this policy.

25. To immediately contact the recruitment team if you feel any aspect of this policy has been breached.
26. To ensure appropriate storage and use of confidential information as per this policy.
27. To seek the advice and support of the CRB/recruitment team if you do not understand any aspect of this policy.

#### Recruitment team responsibilities

28. To provide advice and guidance on the interpretation of this policy.
29. To work with the CRB in order to undertake CRB disclosure checks on behalf of managers.
30. Where there is doubt about whether this policy has been complied with, to flag concerns to the HR Director and to the HR Lead on Safeguarding.

#### Frequently asked questions

31. **I have been told a CRB check will be carried out for my role. What does this mean?**

You should refer to the [criminal records disclosures](#) but if you have been told you will need a CRB check before commencing your role, this means that the council will work with the criminal records bureau and the independent safeguarding authority in order to carry out background checks. Any information disclosed to the council will be treated very strictly and only used in the way expressed in this policy.

32. **I am concerned about the way in which data will be held by the council about me, as a result of a CRB check.**

The law is very strict about how information the council receives about you from a CRB disclosure check is held. The council has therefore written this policy to explain that it will adhere carefully to the CRB code and that such information will only be held in accordance with the data protection act.

#### Definitions

CRB check	A background check carried out by the criminal records bureau into employees before they start work or when a recheck is undertaken for current employees.
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**Criminal records bureau** A government body responsible for carrying out background checks into employees.

**Disclosure information** Information obtained from background checks about an applicant or employee before they start work with the council and when still working in a role working with children and vulnerable adults where a recheck is required.

### Equal opportunities

This policy has been [Equality Impact Assessed](#) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the [guidance on equal opportunities in the storage of disclosure information](#).

### Legislation

- [CRB code of practice](#)
- [Data protection act](#)
- [Police act 1997](#)

This policy has been reviewed by an internal legal organisation to ensure compliance with (the above legislation and) our statutory duties.

### Further advice and information

There are a number of related policies and procedures that you should be aware of including:

- [recruitment of ex-offenders](#)
- [criminal records disclosures](#)
- [employment of children and young persons](#)
- [CRB code of practice](#)

For further information please speak to your supervisor, manager, service director or contact an [HR advisor](#) .

Policy author	HR Policy and Reward Team – MCL
Policy last updated/implemented	DRAFT 2 – Version sent to JCC and Staffing Policy



WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

20 July 2011

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## Recruitment Policy and Procedure

### Purpose of Report

1. The purpose of this report is to present the new Recruitment Policy and Procedure which has been rewritten in line with the Equality Act 2010 and to make it more accessible to managers and employees.

### Background

2. This policy was last revised during 2010. Since then the Equality Act 2010 has introduced new requirements for employers regarding the treatment of staff with protected characteristics during the recruitment process. This policy has been updated in line with the new requirements.

### Main Considerations for the Council

3. The previous policy was relatively long and was accompanied by a 76 page 'Managers Guide' which managers found difficult to use. The documents have therefore been made more succinct and they outline the step by step process to be followed if a manager would like to recruit.
4. The policy will be updated once more later this year when the new e-recruitment system is introduced, although it is anticipated these will be minor changes.
5. The policy is in the new HR policy format and language.

### Consultation

6. This policy was approved by JCC on 30 June 2011 following consultation with HR, union representatives and other key stakeholders

### Environmental Impact of the Proposal

7. None

### Equalities Impact of the Proposal

8. No negative impacts have been identified.

### Risk Assessment

9. None

### **Options Considered**

10. None

### **Recommendation**

11. That Staffing Policy Committee agree this updated policy.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Melanie Lyng, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

**DRAFT VERSION 4**

**Wiltshire Council Human Resources**

**Recruitment Policy and Procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

**What is it?**

This policy sets out the council's procedure for the recruitment of permanent, and temporary fixed-term candidates into new roles.

This policy and procedure should be read in conjunction with the [appointments policy and procedure](#) and the [agency, interim and consultancy procurement policy](#).

**Go straight to the section**

- [what is it?](#)
- [who does it apply to?](#)
- [when does it apply?](#)
- [when does it not apply?](#)
- [what are the main points?](#)
- [the recruitment process](#)
  - [step 1 – create the new position](#)
  - [step 2 – complete the approval to recruit form](#)
  - [step 3 - review of candidates in the redeployment pool](#)
  - [step 4 – advertise the role](#)
  - [step 5 – update the e-recruitment system](#)
  - [step 6 – receive applications](#)
  - [step 7 – the selection process](#)
  - [step 8 - shortlist for interview](#)
  - [step 9 – the interview](#)
  - [step 10 – review of all candidates](#)
- [recruitment of employees previously made redundant](#)
  - [voluntary redundancy](#)
  - [compulsory redundancy](#)
  - [step 11 – offer to preferred candidate](#)
  - [step 12 – CRB check and references](#)
    - [interview expenses](#)
  - [step 13 – issuing the contract of employment](#)
    - [moving home allowance](#)
  - [step 14 - payroll and SAP records created](#)
  - [step 15 - induction](#)

- [probationary reviews](#)
- [additional information](#)
- [safeguarding](#)
  - [safeguarding of children and vulnerable adults](#)
  - [employment of ex-offenders](#)
  - [employment of children](#)
- [equality of opportunity and diversity](#)
  - [guaranteed job interview scheme](#)
  - [positive action](#)
  - [reasonable adjustments](#)
- [roles and responsibilities](#)
- [frequently asked questions](#)
- [definitions](#)
- [equality impact assessment](#)
- [legislation](#)
- [for further advice](#)
- [toolkit](#)

There is also a [toolkit of documents](#) including letter templates and guidance notes to use when following this policy.

### **Who does it apply to?**

This policy applies to all staff with the exception of teaching and non-teaching staff employed in locally managed schools.

In matters which involve chief officers and deputy chief officers (corporate directors and service directors) this policy must be read in conjunction with their JNC terms and conditions of employment and [Wiltshire Council's constitution](#).

In the case of the recruitment of temporary staff, consultants or interims, managers should also refer to the [agency, interim and consultancy procurement policy](#).

### **When does it apply?**

This policy sets out the council's procedure for the recruitment of permanent, and temporary fixed-term employees.

### **When does it not apply?**

This policy does not apply when a post is re-graded as a result of a job evaluation exercise.

### **What are the main points?**

## The recruitment process

1. Recruiting managers should follow the following step by step process below when recruiting a new member of staff also referring to the [recruitment flowchart](#).
2. Recruiting managers should have attended [recruitment and selection training](#) as well as [equality and diversity training](#).

### Step 1 – create the new position

3. All roles/vacancies need to be evaluated in order to determine the grade of the role. Roles are evaluated and graded by a panel of trained evaluators. Refer to the [job evaluation policy](#).
4. The recruiting manager must identify via the job evaluation questionnaire whether the role is politically restricted. Refer to the policy on [politically restricted posts](#) and the [guidance for managers on completing the job description](#).
5. The recruiting manager should ensure that the new position is created in SAP by completing the [SAP position creation form](#).
6. If the role is already on SAP and is to be amended before being advertised, the recruiting manager will need to update any amendments in SAP for the role by completing the [SAP Configuration Request Form](#).

### Step 2 – complete the approval to recruit form

7. Once the job has been evaluated, the recruiting manager should complete the [approval to recruit form](#) which must be authorised before the role can be advertised.
8. The recruiting manager should decide whether the role is to be recruited on a temporary fixed-term or permanent basis as well as deciding on a closing date for the job advert. Candidates may not be interviewed before the end of the closing date.
9. If approval is not given, the form should still be sent to the [recruitment team](#) to confirm that recruitment of the role will not proceed.
10. For some roles a criminal records bureau check will be required. The recruiting manager will confirm whether a check is required on the approval to recruit form as this information will need to be included in the job advertisement and a CRB check carried out with the preferred candidate. Refer to the policy on [criminal record disclosures](#).

Step 3 – review candidates in redeployment pool

11. The recruiting manager should forward the advert request form to the recruitment team.
12. The recruitment team will review employees currently in the redeployment pool to assess whether there is a match with the new role.
13. If a match is found, the recruitment team will liaise with the recruiting manager in order to arrange an interview. The redeployed member of staff will have preferential treatment and the recruitment process is suspended pending the outcome of any redeployment interviews.
14. If there is a suitable match between the candidate and the role, an offer of alternative employment will be made. The recruitment team will raise the offer letter.

Step 4 – advertise the role

15. If no match for the role is found against candidates in the redeployment pool, the role will be advertised.
16. The role will be advertised internally via the e-recruitment system. The role will be advertised externally if it is a customer facing role and so as to give as wide a range of candidates as possible the opportunity to apply.
17. All senior management and chief officer vacancies will be advertised nationally.
18. The role will be advertised via the [Wiltshire Council jobs website](#) and through targeted channels if any 'positive action' is to be undertaken to target under-represented groups. Refer to [equality of opportunity](#).
19. A temporary acting up position is one where employees may be asked to temporarily cover for a manager or for a more senior position on a temporary basis whilst the usual job holder is away or unavailable to work. If the acting up position is to continue for three months or more, the role must be advertised internally in the normal way. Refer to the [acting up policy](#).
20. All posts which may constitute a promotion opportunity will be advertised internally in order to give all candidates the opportunity to apply and be considered for the role.

21. All temporary secondments opportunities must be advertised internally in order to give equality of opportunity to all candidates to apply – refer to the [secondment policy](#).

#### Step 5 – update the e-recruitment system

22. The recruitment team will provide the recruiting manager with access to the council's e-recruitment system which is used to manage candidates and the recruitment process.
23. The recruiting manager will update the e-recruitment system as recruitment for the role progresses.
24. Managers should refer to [guidance for managers to managing appointments through e-recruitment](#).

#### Step 6 – receive applications

25. Candidates can apply for roles using the council's application form, online via the council website, or by requesting a paper copy to complete and return.
26. The council does not accept speculative applications for roles which are not associated with a specific vacancy. Candidates who would like to submit an ad hoc application will be directed to the Wiltshire Council website and asked to register an interest there first.
27. Individual letters of application or curriculum vitae are not accepted without a completed application form.
28. Candidates may contact the recruitment team if they require help completing the form or require the form in a different format or in a different language.
29. Applications are received by the recruitment team who update the e-recruitment system. The recruiting manager reviews these applications in the e-recruitment system taking into account the [Double Tick Scheme](#) and shortlists applicants for interview. The manager contacts candidates and arranges a suitable date and time for interview. Normally managers should shortlist no more than 6 candidates however for recruitment exercise where managers are looking for more than one candidate, it would be normal to shortlist more than 6 candidates.
30. For roles working with children and vulnerable adults only, the recruitment team will take up references for candidates who are to be interviewed, before the interview. These references will be ready for

when the interview takes place. References for all other roles will be taken up after an offer of employment has been made.

31. The outcome of references will be shared with the recruiting manager by the recruitment team. The manager will also be informed of any health requirements which may need reasonable adjustments to be made before the candidate starts work.

#### Step 7 – the selection process

32. The recruiting manager plans the interview and selection process including agreeing a short-listing panel who will be responsible for shortlisting candidates and for making a decision as to the candidate who is to be offered the role. The panel must be made up of at least one manager who has attended [recruitment training](#) and [equality and diversity training](#). For roles working with children and vulnerable adults, at least one member of the panel must be trained to the most recent [safer recruitment](#) standards.
33. The recruiting manager will arrange interviews. Refer to the [managers guide to recruitment](#) and the [managers guide to equal opportunities in recruitment](#). Managers may wish to send a copy of this document to candidates - [guidance for candidates to the recruitment process](#).
34. Recruiting managers should take into account the [Double Tick scheme](#) when shortlisting candidates. Refer to [equality and diversity](#).
35. The recruiting manager agrees a set of structured interview questions before the interview takes place based on the requirements of the job description and person specification.
36. The recruiting manager must make reasonable adjustments in order for candidates to attend for interview or take part in the selection process. Candidates should make the manager aware of any specific needs they may have. Refer to [reasonable adjustments](#).
37. The recruiting manager should fairly consider any requests for flexible working and any such requests should not be unreasonably refused.

#### Step 8 - shortlist for interview

38. The role of the short listing panel meet to review and assess candidates against the same criteria, completing the [short listing matrix](#) in order to record the recruitment decisions made about candidates.
39. If candidates have applied for a role and are not to be interviewed, the recruiting manager should update the e-recruitment system which will in turn generate a letter to the candidate notifying them of this.



#### Step 9 – the interview

40. The recruiting manager is responsible for managing the interview and selection process including arranging interview times, taking into account reasonable adjustments, arranging interview rooms and the interview panel. Refer to [guidance for managers to recruitment](#).
41. The recruiting manager will ensure all answers are noted to all interview questions using the [interview assessment form](#).
42. The recruiting manager should obtain evidence of proof of identity of all candidates at the interview. Refer to the [guidance for managers to recruitment](#) and [guidance for managers to safer recruitment](#).
43. If a CRB check is required, the recruiting manager will complete the [CRB clearance information form](#) at the interview and will forward this to the recruitment team. The recruiting manager will confidentially destroy i.e. shred, CRB forms which are no longer needed.
44. The recruiting manager must fully complete all interview paperwork and send originals of all notes and paperwork arising from the interview to the recruitment team. Notes should be complete, eligible and signed and dated. These notes may be referred to for the purposes of any subsequent tribunal hearing, or requests pursuant to the Data Protection Act or Freedom of Information Act. The recruiting manager should also ensure s/he collects all such paperwork from any other interviewers. Any unwanted paperwork must be shredded.
45. A record of interviews held, the list of candidates who attended as well as a list of those making up the interviewing panel will be retained for a period of 6 months.
46. All personal information obtained during the recruitment process must be regarded as confidential and will be retained for 6 months.

#### Step 10 – review of all candidates

47. The interview panel will meet after the interviews have taken place and will review all candidates. The [interview assessment form](#) will be completed and a copy forwarded to the recruitment team.
48. If no candidate adequately meets the requirements of the role, the role may be advertised once more.
49. The recruiting manager should give feedback within 48 hours of the interview to all unsuccessful candidates to whom s/he will definitely not

be making an offer and will liaise with the recruitment team in order to make an offer to the preferred candidate.

50. It is the recruiting manager's responsibility to ensure that unsuccessful candidates are informed that their application will not be progressed, in an appropriate and professional way.

### **Recruitment of employees previously made redundant**

#### Voluntary redundancy

51. If you were dismissed on redundancy grounds, and received a voluntary (enhanced) redundancy payment, you may be considered for re-employment to posts within Wiltshire Council after the minimum statutory period of four weeks has elapsed subject to the following conditions:

- The post did not exist or was not foreseeable at the time of the dismissal.
- The vacancy has been advertised in accordance with Wiltshire Council policy and procedures.
- The appointment was made on the basis of the best person for the job with regard to the usual selection procedures.
- The appointment has corporate director approval.

These conditions will apply for 12 months from the date of your dismissal, after which you may be considered for re-employment to any post within Wiltshire Council.

#### Compulsory redundancy

52. If you were dismissed on compulsory redundancy grounds these conditions will not apply and you may be considered for re-employment to any post within Wiltshire Council after the minimum statutory period of four weeks has elapsed.

#### Step 11 – offer to preferred candidate

53. The recruiting manager will complete the [preferred candidate form](#) and send this to the recruitment team.
54. The recruiting manager will verbally agree the terms of the job offer with the recruitment team before contacting the preferred candidate to make a verbal offer. Refer to the [policy on starting salaries and incremental progression](#).

55. The recruiting manager will be required to complete the first 3 sections of the pre-employment health questionnaire which will be sent to them by the Recruitment Team. This must be completed before the preferred candidate letter can be issued.
56. Once verbal acceptance of the role is received, the recruitment team will send a preferred candidate letter to the candidate, along with a pre-employment health questionnaire. This is a conditional offer which is dependent on the outcome of references being taken up and certain checks being carried out.

#### Step 12 – CRB check and references

57. The recruitment team obtain all references and complete a Criminal Records Bureau (CRB) disclosures check, if one is required for the role. The recruitment team will notify the recruiting manager of the outcome. Refer to the [policy on criminal record disclosures](#).
58. No candidate may start employment until suitable references, the pre-employment health questionnaire and a CRB check, if required, have been satisfactorily completed and confirmed as acceptable to the manager.
59. The recruitment team will notify the manager of the outcome of the health questionnaire in order that, should the preferred candidate have identified they have specific health requirements, that reasonable adjustments can be put in place before the candidate starts work. The recruiting manager should seek advice from an HR advisor.
60. If the candidate is not an EU citizen they will be required to bring in an original valid work permit and may not start work until this has been done. A candidate may also need a blue card.
61. Young persons between the ages of 16 and 18 need parental permission in order to undertake work for the council. Refer to the policy on the [employment of children](#).
62. Candidates must have a legal right to work in the UK and checks must be carried out to ascertain this before they are employed. The recruiting manager should check with the recruitment team what checks are required.

#### Interview expenses

63. Managers must agree costs with candidates in advance, before the interview takes place. Reimbursement will only be made against valid receipts.

64. For candidates travelling from abroad, expenses will only be paid from the port of entry.
65. Candidates can make a claim for expenses associated with an interview and will be required to complete an [interview expenses form](#).
66. If attending a job interview, candidates may claim expenses based on either the second class standard railway fare or the bus fare incurred.
67. Where candidates travel by car, the standard fare rate for the journey by bus will be paid.
68. Subsistence expenses are paid upon submission of receipts and are subject to maximum allowances. Claims can be made for breakfast, tea and/or dinner. A lunch allowance will not be paid. For details of these allowances please refer to [accommodation and meal allowances](#).

#### Step 13 – issuing the contract of employment

69. Once references, the CRB disclosures check and the pre-employment health questionnaire have been completed and are satisfactory, the manager agrees a provisional start date with the candidate.
70. The recruitment team sends the contract of employment to the candidate.
71. The signed contract of employment must be returned to the recruitment team before the candidate can start employment.

#### Moving home allowance

72. Successful candidates may be eligible to receive a moving home allowance. Refer to the [moving home allowance policy](#).

#### Step 14 - payroll and SAP records created

73. The recruitment team update the e-recruitment system with details of the candidate once the contract is received and a new payroll record is then created in SAP.
74. The recruitment team inform the recruiting manager of the new employee's payroll number.

#### Step 15 - induction

75. The recruiting manager arranges the new employee's induction programme – refer to [induction](#).

## Probationary reviews

76. The manager arranges probationary review meetings with the new employee and carries out all probationary review assessments. Refer to the [probationary periods policy](#).

## Additional information

77. Below are important legal and administrative considerations which must be read carefully when recruiting.

## Safeguarding

### Safeguarding of children and vulnerable adults

78. The council takes seriously its responsibilities under the [safeguarding vulnerable groups act 2006](#). The recruiting manager is responsible for ensuring that safe recruitment practices are followed when recruiting into roles dealing with children and vulnerable adults.

79. The recruiting manager should refer to the following policies/guide:

- [employment of children and young persons](#)
- [criminal record disclosures \(CRBs\)](#)
- [guidance for managers on safer recruitment](#)

### Employment of ex-offenders

80. Under the rehabilitation of offenders act 1974 certain offences are regarded as 'spent' after a certain period of time. This period of time is dependent on the seriousness of the offence and the nature or severity of the punishment. Some offences are never spent however and must be declared early on in the recruitment process.

81. The recruiting manager will not take such spent offences into account when making recruiting and selection decisions, except in the case of offences which are never spent, particularly when considering safeguarding issues for roles working with children and vulnerable adults.

82. Refer to the policy on the [employment of ex-offenders](#).

### Employment of children

83. Children between the ages of 13 and 16 who are employed by the council have a limit set on the number of hours they may work per week and in addition may only undertake 'light work'. Refer to – [policy on the employment of children](#).

## **Equality of opportunity and diversity**

84. Refer to [guidance for managers on equal opportunities in recruitment](#) for further equality and diversity issues and considerations.

### Guaranteed job interview scheme

85. The council is committed to the [Double Tick Disability Symbol](#). Part of this commitment is to guarantee an interview to disabled applicants who meet the essential criteria on the person specification for a job vacancy and who declare their disability on the application form.

### Positive action

86. The council is committed to building a workforce which broadly reflects the diversity of our community and may therefore take positive action where appropriate to encourage applications from under-represented groups. The recruiting manager should seek advice from an HR advisor. Refer to [guidance for managers on equal opportunities in recruitment](#).
87. The Equality Act 2010 introduces the ability to employ an applicant with a protected characteristic if there are candidates of 'equal merit'. Managers should contact an [HR advisor](#) or the [Equality and Diversity Partner](#) to discuss in more detail.

### Reasonable adjustments

88. Candidates will be given at least one week's notice to attend for interview. If reasonable adjustments are required to enable the candidate to attend for interview, the recruitment manager will arrange a suitable time, allowing enough time for any [reasonable adjustments](#) to be put in place. Reasonable adjustments should be agreed with the candidate.
89. The recruiting manager will ensure any reasonable adjustments which are required for the successful candidate to carry out their job are put in place before the new employee starts work. Reasonable adjustments should always be put in place in consultation with the new employee.

## **Roles and responsibilities**

### Human resources

90. To provide appropriate recruitment and selection training for managers.

91. To provide appropriate equality and diversity training in recruitment issues training for managers.

The recruitment team

92. To assist council managers with the recruitment of new and replacement staff.
93. To be the first point of contact for external candidates and members of the public interested in possible careers with the Council.
94. To place all internal and external job adverts.
95. To manage the careers website.
96. To initiate all new starter actions after carrying out the pre-employment checks including any Criminal Record Bureau (CRB) clearance.
97. In liaison with occupational health and the manager, to ensure the completion and return of the pre-employment health questionnaire. To notify the manager of the outcome of the questionnaire once completed by the candidate in order that the manager may consider [reasonable adjustments](#).
98. To liaise with the advertising agency to agree advertisement production and booking.
99. To approve adverts orders and final adverts proofs ensuring that they are non-discriminatory in content, are in plain English with telephone and text numbers.
100. To issue written conditional job offers to candidates.
101. To maintain relevant data on the online e-recruitment system.
102. To issue contracts of employment.
103. To respond to recruitment queries from prospective candidates.
104. To set up electronic personal files.
105. To set up new starter information in the payroll system.
106. To ensure a copy of all relevant documentation is held on the file including a full signed copy of the contract, the interview notes, the relevant job description and JEQ.

### Line manager responsibilities

107. To read and understand this policy and to ask questions of the recruitment team where there is doubt particularly in relation to equality and diversity issues.
108. To decide whether the role is politically restricted and to ensure this fact is communicated to all candidates via the job description, job advert and in discussions with them.
109. To take responsibility for safer recruitment issues and ensure such processes are built into the recruitment campaign.
110. To make sure there is a job description in place for the role.
111. To ensure the new position is set up in SAP.
112. To obtain the correct approval to recruit.
113. To liaise with the recruitment team in order to agree a recruitment plan.
114. To short list applications, being aware of the guaranteed interview scheme.
115. To arrange interviews with short-listed candidates.
116. To ensure that should a candidate have a specific need in order to enable them to attend for interview, that adequate measures are put in place to enable this to happen.
117. To keep notes of the interview (including the scores or ranking).
118. To update the electronic e-recruitment database with the status of applicants.
119. To make the initial verbal offer, in consultation with the recruitment team.
120. To advise the recruitment team of selection outcomes and agree the terms and conditions for the appointment with the recruitment team.
121. To agree the start date and to notify the recruitment team.
122. To organise induction and training.
123. To abide by the council's legal and regulatory obligations when recruiting.



124. To manage resources in such a way as to maintain an effective and efficient workforce, taking into account current and future manpower needs, forecasts and the efficient delivery of services to client groups.
125. To respond to any recommendations arising out of either the written references or from the pre-employment questionnaire. To liaise with occupational health to put in place reasonable adjustments, depending on the candidate declaring on the application form that they have a disability, religious or cultural needs, are pregnant or have been pregnant or have carer responsibilities.

#### Occupational health responsibilities

126. To provide input to managers should it be requested when writing the new job description, regarding specific health requirements for the role.
127. To carry out pre-employment health checks with the preferred candidate.
128. To support the recruiting manager in health-related questions for the preferred candidate.
129. To provide support to managers regarding making reasonable adjustments for candidates to attend for interview or when the new employee starts work.

#### Frequently asked questions

130. **I have identified an employee I wish to offer a role in my department to, can I appoint them?**

All new roles must be advertised first before the best candidate for the role is identified. All potential candidates must be given an equal chance of applying for a role and of being assessed against the same criteria before the best person for the role is selected.

131. **I want to fill a new role in my department, who do I contact?**

You should contact the [recruitment team](#) within HR.

132. **I wish to interview a candidate who is disabled. Do I have to make any special arrangements?**

You should contact an HR advisor who will be able to provide advice as well as seek advice and support from the equalities and diversity partner. If a candidate has indicated on the job application form that they have a disability and if they meet the essential requirements of the role as per the job description and person specification, they must

automatically be offered an interview. Any reasonable adjustments to allow this must also be offered.

**133. I have found a candidate in the redeployment pool I wish to recruit, what should I do?**

You should contact the recruitment team as they are responsible for matching candidates in the redeployment pool to posts as well as issuing offer letters of employment.

**134. I wish to recruit an employee for three months only. What should I do?**

You should contact the recruitment team in order to assess the best way of recruiting a temporary employee. You should refer to the [agency, interim and consultancy procurement policy](#) which deals with the recruitment of temporary staff.

**135. I need help with a job advertisement. Who should I contact?**

You should contact the recruitment team who will be able to advise you and will be able to liaise with the advertising agency in order to help you draft an advert.

**136. I need help drafting a job description.**

Further guidance is contained within the [guidance for managers to recruitment](#). If you need further help you should contact an HR advisor.

**137. Can I attend recruitment training for managers?**

Recruitment training is available for managers and is advertised on The Wire. You should apply to attend in the usual way via SAP.

**138. I need to understand more about making reasonable adjustments at work for a new candidate I have offered to who is disabled. What should I do?**

You should contact an HR advisor who will be able to provide advice as well as seek advice and support from other relevant professionals such as the equalities and diversity partner and occupational health.

**139. Can I state on the job advertisement that only able bodied people need to apply for a role I have which involves lifting equipment on a regular basis?**

Unless being able bodied can be objectively justified ie: unless you can show on the job description and person specification that there is a

specific requirement of the role that requires regular lifting, this specification cannot be stated. It may discriminate against disabled candidates who would otherwise apply. See [guidance for managers to equal opportunities in recruitment](#) for further advice.

**140. I have read about Positive Action. What is this?**

The council operates the positive action programme which means that alternative forms of advertising may be considered in order to encourage applications from candidates with protected characteristics. You should contact an HR advisor who will be able to provide advice as well as seek advice and support from the [equalities and diversity partner](#).

**141. The role I am recruiting for is politically restricted. What should I tell candidates?**

If a role is politically restricted, ie: that the job holder may not also undertake Political activity whilst undertaking this role, all candidates should be informed of this fact at the interview stage in order to allow them to decide whether they wish to continue to be considered for the role. For more information refer to the policy on [politically restricted posts](#).

**142. Who is responsible for carrying out pre-employment checks with candidates such as the CRB check?**

The recruitment team will undertake all pre-employment checks. Managers must obtain the relevant documents from candidates at the interview stage in order for a CRB check to be undertaken and to ascertain whether the employee has the legal right to work in the UK. Managers should complete the [CRB clearance form](#) if a CRB is required for the role.

**143. The role I am recruiting for has changed in terms of its job content. What do I need to do?**

It may be necessary to complete a [significant differences form](#). Advice should be sought from the HR Advisor.

**144. I have received the CV of a candidate I wish to interview. Can I accept the CV on its own as an application?**

No, all employees must in addition complete a standard application form. The forms are available in hard copy or by the candidate applying via the [jobs page](#) on the Wiltshire Council website.

**145. I wish to convene a selection panel. Who should be on the selection panel?**

At least one manager must be on the selection panel who has undertaken recruitment training as well as equality and diversity training. For roles involving working with children and vulnerable adults, at least one member of the panel must have undertaken up to date safer recruitment training. The selection panel should be made up of those who will be best placed to understand the requirements of the role being recruited for and be able to review all candidates' skills, experience and knowledge against the requirements of the role.

**146. I have found a candidate I wish to offer to. Who makes the offer to the candidate?**

You should first agree the terms of the offer with the recruitment team. Then you should make a verbal offer to the candidate, explaining that the offer is subject to satisfactory medical and work/personal references as well as, for some roles, a satisfactory CRB check. This is followed up in writing by the recruitment team.

**147. What expenses can candidates claim as part of the interviewing and selection process?**

Expenses must be agreed in advance. For further information refer to the [candidate expenses policy](#).

**148. Can I offer a moving home allowance to a candidate who lives 200 miles away as they wish to relocate to the area?**

The council operates a [moving home allowances policy](#), however this is subject to budgetary approval.

**149. One of the candidates to whom I did not offer the role has asked for feedback as to why they were not successful. May I tell them the reasons why?**

Yes although the feedback must be specific and clear, giving examples.

**150. Who is responsible for letting candidates know they have not been successful in getting the job?**

It is the recruiting manager's responsibility to give feedback to candidates. It is critical that both internal and external candidates are informed, in a timely fashion, that they have not been offered the role but certainly within 48 hours of interview. It is important that candidates

are communicated with quickly so that they can discount themselves from the process.

**151. I would like to interview a relative for a role for which I am responsible. Is this permitted?**

You may not interview or assist a relative in obtaining employment with the council. Refer to the [code of conduct policy](#).

**152. I suspect a colleague of having taken a bribe in order to help a potential employee find a job with the council.**

Employees are forbidden from accepting bribes or inducements in order to assist someone obtain a job with Wiltshire Council. You should report your suspicions to your manager. Any such action will be treated as gross misconduct under the council's [disciplinary policy](#).

**153. I would like to negotiate a set of terms and conditions of employment for a new employee which are different to the council's normal ones. Is this permitted?**

The council's normal terms and conditions of employment will always apply according to the type and grade of post being recruited. These terms and conditions are never individually negotiable by candidates or recruiting managers.

**Definitions**

Guaranteed interview scheme

Where an applicant with a disability has indicated on the job application form that they have a disability, they will automatically be guaranteed a job interview if they meet the minimum criteria on the person specification.

Positive action

Action which the council may take in order to encourage job applications and the recruitment of people in minority groups.

Acting up

Where an employee temporarily performs the duties of their manager or a more senior role.

Secondment

A temporary transfer to another role within the council where their normal role remains their substantive role or

	<p>the role that they return to when the secondment ends.</p>
Induction	<p>A period of time when a new employee is introduced to their new role via a targeted plan of training and introductions.</p>
Probationary period	<p>A period of normally 26 weeks but in some cases 12 months when a new employee starts, to help them settle into the role and at the end of which their role, if successfully completed, is confirmed as permanent.</p>
Appointment	<p>When an employee is confirmed in a role.</p>
Politically restricted post	<p>A role whereby the job holder may not undertake Political activities such as standing for election to become an MP or to canvass on behalf of others. See the <a href="#">policy on politically restricted posts</a> for further information.</p>
JEQ	<p>The Job Evaluation Questionnaire is the council's process for comparing jobs within the council and for evaluating the requirements of those roles.</p>
Criminal record disclosure	<p>Information disclosed by a candidate or by the Criminal Records Bureau about a past criminal conviction.</p>
Criminal records bureau	<p>A government department which works with the police to carry out checks into the background of candidates for new roles where the post holder will be working in a position of trust.</p>
Independent Safeguarding Authority	<p>(ISA) A government agency which maintains a list of people barred from working in certain posts.</p>

Selection panel

A pre-arranged group of staff who are brought together to decide on the best candidate for the role.

Interview assessment

A process to compare a candidate's experience, abilities and education against a pre-defined set of criteria for a post.

### **Equality Impact Assessment**

This policy has been equality impact assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the [guidance for managers on equal opportunities in recruitment](#).

### **Legislation**

This policy has been reviewed by an internal legal organisation to ensure compliance with (the above legislation and) our statutory duties.

This policy is compliant with the following acts of parliament:

- [the equality act 2010](#)
- [safeguarding vulnerable groups act 2006](#)

### **For further advice**

For further information please speak to the recruiting manager, corporate director or contact a member of an [HR Advisor](#).

Policies

- [appointments](#)
- [agency, interim and consultancy procurement](#)
- [job evaluation](#)
- [politically restricted posts](#)
- [recruitment of ex-offenders](#)
- [criminal record disclosures](#)
- [secondments](#)
- [acting up](#)
- [accommodation and meal allowances](#)
- [moving home allowance](#)
- [starting salaries and incremental progression](#)

- [probationary reviews](#)
- [code of conduct](#)
- [disciplinary](#)
- [candidate expenses](#)
- [employment of children](#)

## Toolkit

### Guidelines

- [guidance for managers to managing appointments through e-recruitment](#)
- [guidance for managers to recruitment](#)
- [guidance for managers to safer recruitment](#)
- [guidance for managers - reasonable adjustments](#)
- [guidance for managers - equal opportunities in recruitment](#)
- [guidance for managers – completing the job description](#)
- [guidance for managers – induction](#)
- [recruitment flowchart](#)
- [induction](#)
- [guidance for candidates to the recruitment process](#)

### Forms

- [form - SAP configuration request](#)
- [form - approval to recruit](#)
- [form - significant differences](#)
- [template - short listing matrix](#)
- [form - interview assessment](#)
- [form - preferred candidate](#)
- [form - CRB clearance information](#)
- [form - new starter](#)
- [form - interview expenses](#)

### Other

- [EIA – recruitment policy](#)
- [Wiltshire Council's constitution](#)
- [flowchart - recruitment](#)
- [wiltshire council jobs website](#)
- [recruitment training](#)
- [safer recruitment](#)

Policy author	HR Policy and Reward Team – MCL
Policy last	DRAFT 4 – Sent to JCC and Staffing Policy



updated/implemented	
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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

20 July 2011

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#### **Probationary Periods Policy and Procedure**

##### **Purpose of Report**

1. The purpose of this report is to present the new Probationary Periods Policy and Procedure.

##### **Background**

2. The policy has been updated in line with the Equality Act 2010.
3. There is a new Probationary Period Assessment Template.

##### **Main Considerations for the Council**

4. Probationary periods have no legal status but most organisations will confirm a probationary period to new employees in order to give both parties the chance to review if the role is the right one for the employee as well as enabling an Induction Plan to be implemented.
5. Employees who are dismissed during the probationary period are on a week's notice until they have successfully passed their probationary period.
6. The Probationary Periods Assessment Form has been updated in line with the Equality Act 2010 and with Legal input.
7. The policy is in the new HR policy format and language.

##### **Consultation**

8. This policy was approved by JCC on 30 June 2011 following consultation with HR, union representatives and other key stakeholders.

##### **Environmental Impact of the Proposal**

9. None

##### **Equalities Impact of the Proposal**

10. No negative impacts have been identified.

##### **Risk Assessment**

11. None

**Options Considered**

12. None

**Recommendation**

13. That Staffing Policy Committee agree this updated policy.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Melanie Lyng, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

**DRAFT VERSION 4**

**Wiltshire Council Human Resources**

**Probationary Periods Policy and Procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

**What is it?**

All new staff will undertake a probationary period when joining the council. Employment will be confirmed only after satisfactory completion of the probationary period.

**Go straight to the section**

- [what is it?](#)
- [who does it apply to?](#)
- [when does it apply?](#)
- [when does it not apply?](#)
- [what are the main points?](#)
  - [probationary review meetings](#)
  - [Step 1 – probationary review at 4 weeks](#)
  - [Step 2 – probationary review at 10 weeks](#)
  - [Step 3 – probationary review at 16 weeks](#)
  - [Step 4 – probationary review at 20 weeks](#)
  - [Step 5 – probationary review at 26 weeks](#)
  - [Step 6 – employees on a 12 month probationary period](#)
- [Other information](#)
  - [automatic confirmation](#)
  - [appraisal process](#)
  - [disciplinary issues](#)
  - [sickness during the probationary period](#)
  - [other policies – relevance during the probationary period](#)
  - [unpaid leave during the probationary review period](#)
- [roles and responsibilities](#)
- [frequently asked questions](#)
- [definitions](#)
- [more information](#)
- [equal opportunities](#)
- [legislation](#)
- [toolkit](#)
- [for further advice and information](#)

There is also a [toolkit of documents](#) including letter templates and guidance notes to use when following this policy.

### **Who does it apply to?**

This policy applies to all staff with the exception of teaching and non-teaching staff employed in locally managed schools.

In matters which involve chief officers and deputy chief officers (corporate directors and service directors) this policy must be read in conjunction with their JNC terms and conditions of employment and [Wiltshire Council's constitution](#).

### **When does it apply?**

It applies to all employees who are new to the Council, during their probationary period.

### **When does it not apply?**

The policy does not apply to transfers between roles within the council to employees with more than 26 weeks' continuous service.

Employees who are part of an organisation which is transferred to Wiltshire Council under TUPE terms are also not expected to undertake a probationary period, if they have more than 26 weeks' continuous service.

In addition, employees who have moved between different local authorities and have continuous service confirmed in their contract of employment with Wiltshire Council will not be expected to complete a probationary period if they have more than 26 weeks' continuous service.

### **What are the main points?**

1. You are required to undertake a period of probationary assessment upon joining the council for the first time as a new employee.
2. You will be issued with a contract of employment by the recruitment team before joining and this contract will confirm the probationary assessment period, normally 26 weeks but for some groups of employees (e.g. Soulbury staff) this may be 12 months in length.
3. The purpose of a probationary period is to ensure that you are able to settle into your new role satisfactorily with regular support and one-to-one meetings with your manager.

4. Your manager will ensure you have suitable, clear, work-related development [objectives](#) during your probationary period. The objectives will relate to the [job description and person specification](#).
5. The probationary period allows additional training needs to be identified by you and by your manager. The probationary period is a two-way process and if you have issues, concerns or have identified additional training needs, you should raise these with your manager as soon as possible.
6. When the probationary period is satisfactorily completed, the council's normal [guidelines for managers – the appraisal procedure](#) will commence.
7. Employees will be treated fairly during the probationary period and review. A consistent process will be followed and applied without regard to age, disability, race, sex, pregnancy and maternity, gender reassignment, marriage or civil partnership status, religion or belief and sexual orientation (otherwise known as protected characteristics).
8. If you require reasonable adjustments to be made in the workplace, your manager may decide to extend your probationary period and hold additional review meetings in order to allow time for these [reasonable adjustments](#) to be implemented. You should identify to your manager should you feel you have reasonable adjustments needed in order for you to carry out your role.
9. This policy should be read in conjunction with the [flowchart - probationary periods](#)
10. This policy applies to temporary and fixed-term employees. A shorter probationary period may be confirmed to you.
11. A probationary period may be extended beyond the normal 26 weeks' period.

#### Probationary review meetings

12. Your manager will hold a probationary review meeting with you at 4, weeks, 10, weeks, 16 weeks, 20 weeks and 26 weeks of employment and where it arises, at appropriate, regular intervals thereafter.
13. Your manager will complete the [template - probationary review assessment](#) after each of these meetings.
14. The probationary review meetings are part of the [guidance for managers - induction procedure](#) and [guidance for managers – probationary periods](#)

Step 1 – probationary review at four weeks

15. If you do not understand what is required of you in your role, your manager will hold a one-to-one with you in order to identify gaps in your knowledge and a plan for addressing these. One-to-one meetings will give you the opportunity to discuss any concerns you may have and to ensure you have understood what is required.
16. Your manager will review with you the job description and person specification, and will explain priority areas to work on, providing you with feedback on your performance to date. Refer to [template – job description and person specification](#).
17. Your manager will set objectives with you with the aim of you achieving the full role, normally within the first 16 weeks of the probationary period. Refer to [guidelines for managers to setting objectives](#).
18. Your manager will complete the [template - probationary review assessment](#), sending a copy to you for your signature, comment and return. A final copy will be sent to the [HR administration team](#).

Step 2 – probationary review at 10 weeks

19. Your manager will repeat the procedure as for step 1.
20. If you identify additional training requirements during your probationary review period, you should raise this with your manager.
21. Your manager will complete the [template - probationary review assessment](#), giving a copy to you for your signature, comment and return. A final copy will be sent to the HR administration team.

Step 3 – probationary review at 16 weeks

22. Unless you are in a specific training role with other longer-term development targets, or unless reasonable adjustments have not been implemented, you are normally expected to be performing at the required level for your role by 16 weeks from the start date of your employment. If this is not the case your manager may seek the advice of an HR advisor before discussing this with you.
23. A probationary review will be held at 16 weeks. There will be one of two possible outcomes:

<b>Option 1: satisfactory performance</b>
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- Your manager will complete a [template - probationary review assessment](#), with a copy to you for your comment and signature. A final copy will be sent to the HR administration team.

**Option 2: your performance is not yet adequate**

- If your manager is concerned that your performance is not at a satisfactory level, your manager will confirm this to you in writing – [template letter - 16 week probationary review](#), within two working days of the 16 week probationary review. A copy of this letter will be sent to the HR administration team.
- Your manager will have identified in the review meeting the areas where improvement is needed as well as agreeing with you what additional training or support you may need in order to address these areas. These will be confirmed in the letter.
- There may be reasons why your performance is not at the required level such as appropriate training not being available or, for example, that you have been absence from work, or that [reasonable adjustments](#) required at work have not yet been fully implemented. In this case your manager may decide to extend the probationary period beyond the 26 week period.
- If your manager feels it is necessary to extend the probationary review period, they will agree this with an HR advisor and will then confirm this in writing to you – [template letter - extension to probationary period review](#).

Step 4 – probationary review at 20 weeks

24. There will be one of two possible outcomes:

**Outcome 1: Acceptable performance**

- If your performance has reached an acceptable level, your manager will remind you of the need to maintain a satisfactory level of performance and conduct. Your appointment can only be confirmed when you have reached 26 weeks of employment. Your manager will complete a [template - probationary review assessment](#), with a copy to you for your comment and signature. A final copy will be sent to the HR administration team.

**Outcome 2: Unsatisfactory performance**

- If you have not reached a satisfactory level of performance, a formal review meeting will be arranged at 20 weeks – [template letter - invite to formal probationary review meeting](#). You have the right to be

accompanied to this meeting – [guidelines for managers to the right to be accompanied](#). An HR advisor will be invited to attend this meeting.

- Your manager will decide after this meeting whether to extend the probationary review period by between 4-12 weeks. Your manager will confirm this extension in writing – [template letter - extension to probationary review](#), sending a copy to the HR administration team;
- Your manager will complete a [template - probationary review assessment](#), with a copy to you for your comment and signature. A final copy will be sent to the HR administration team.

Step 5 – Probationary review at 26 weeks

25. Your manager will decide on one of two options:

<b>Option 1: Confirm your role as permanent</b>
<ul style="list-style-type: none"> <li>• Your manager will confirm your role as permanent – <a href="#">template letter - end of probationary review period</a>. A copy will be sent to the HR administration team.</li> <li>• Your manager will send a copy of the final <a href="#">template - probationary review assessment</a> to the HR administration team.</li> </ul>
<b>Option 2: Termination of contract of employment</b>
<ul style="list-style-type: none"> <li>• Your manager will seek advice from an HR advisor before notifying you of their intention to end your contract of employment.</li> <li>• As per the council’s <a href="#">notice periods</a> policy, your manager will confirm the intention to issue you with one week’s notice – <a href="#">template letter - termination of employment</a>. Your manager will send a copy of the final <a href="#">template - probationary review assessment</a> to the HR administration team.</li> </ul>

Step 6 - employees on a 12 month probationary period

26. If your probationary period is 12 months as per your contract of employment, your manager will hold further review meetings with you at 32, 40 and 46 weeks.

27. Your manager will complete the [template - probationary review assessment](#) for each of the meetings at 32, 40 and 46 weeks, sending a copy to you for signature and comment and a copy to the HR administration team.

**Other information:**

Automatic confirmation

28. If your manager does not hold formal review meetings with you, and you reach 26 weeks of employment (or 12 months, as per your contract of employment), your permanent employment with the council will be deemed to have automatically taken place.

#### Appraisal process

29. After completing the 26 weeks or 12 months probationary period successfully, the [appraisal procedure](#) will be followed in the usual way.

#### Disciplinary Issues

30. During the probationary period, you are subject to the [disciplinary policy and procedure](#) as for other employees.

#### Sickness during the probationary review period

31. Should you be off sick for a short period during the probationary period, this will not affect the assessment undertaken by your manager. Your manager may decide to extend the probationary period beyond 26 weeks if you have been off sick for a period of time such that it makes a reasonable assessment of your work difficult.
32. If significant absence is noted at any time during the probationary period, your manager will discuss this early on, referring to the [sickness absence management policy](#).
33. Your manager may need to involve occupational health for an assessment to be made, if health issues are felt to be an issue and so that appropriate support can be made available to you.

#### Other policies – relevance during the probationary period

34. All HR policies and procedures apply as normal, during the probationary period.

#### Unpaid leave during the probationary review period

35. Should you take unpaid leave (agreed by your manager) during the probationary period, your manager may decide to extend the probationary period beyond 26 weeks.

### **Roles and responsibilities**

#### Line manager responsibilities

36. To agree probationary review assessment dates with new employees and to ensure these are undertaken and the probationary period assessment form completed.
37. To create and implement an induction plan. If the employee is a current employee who is transferring internally and is not a new employee, a probationary period does not apply, however managers should ensure an induction plan is still implemented irrespective of length of service.
38. To seek advice from the HR advisor should the new employee not be performing adequately in their role at the 16 week review..
39. To establish objectives for the new employee, to ensure training opportunities are planned and are undertaken by the employee, within the first 26 weeks of starting.
40. To seek agreement with the head of service should a manager below head of service reach a decision to terminate an employee's contract of employment during or at the end of the probationary period.
41. To arrange and chair all formal meetings.
42. To ensure copies of all correspondence with the employee is kept and forwarded to the HR administration team
43. Where required, to carry out a workplace assessment and to ensure any [reasonable adjustments](#) required at work are implemented in a timely manner.
44. If the employee does not complete their probationary period successfully, to establish whether any equipment purchased may be reassigned to another employee, reused by contacting the Equalities and Inclusion Team or whether a refund may be obtained.
45. To keep records of all training undertaken by the employee with the outcome.

#### HR responsibilities

46. To provide guidance and advice to managers on the implementation of this policy.
47. To attend the formal probationary review meeting, where required.

#### Occupational health responsibilities

48. To provide advice and guidance to managers on the outcome of any pre-employment health questionnaire where reasonable adjustments are identified.

#### Employee responsibilities

49. To perform to the best of your abilities at all times.
50. To undertake any agreed training and to endeavour to implement the learning from this training.
51. To raise training and development needs with your manager as early as possible.
52. To identify to your manager if you have a protected characteristic and feel that additional support, training, equipment or adjustments are required.

#### Frequently asked questions

53. **I am a part time employee. Does the normal 26 week (or 12 months) probationary review apply to me?**

Yes you are subject to the normal 26 weeks probationary period.

54. **I am a casual employee and do not work a set number of hours per day or per week. Does the normal 26 week probationary review apply to me?**

If you are a casual employee, you will be subject to a probationary review but this may be extended and confirmed to you in writing, in order to give a reasonable period of time for your work to be reviewed and assessed by your manager.

55. **I have been told that my notice period during my probationary period is only one week. Can you confirm this?**

Your notice period during your probationary period will be as per your contract of employment however generally speaking, most employees are indeed on one week's notice until they have successfully passed their probationary period. Refer to the [policy on notice periods](#).

56. **I require reasonable adjustments at work in order for me to successfully complete my probationary period. Who should I talk to?**

You should liaise with your line manager, explaining clearly what adjustments you feel are required. Your manager will normally carry

out a workplace assessment and if needed, involve Occupational Health, in order to put [reasonable adjustments](#) in place at work. If equipment is required and is not readily available, it may be necessary to extend your probationary period in order that you have adequate time to implement adjustments at work once the equipment is available.

## Definitions

Probationary period	A period of 26 weeks commencing with your start date which allows both you and your manager to assess any specific training needs and to allow you time to settle into the new role. This probationary period will be 52 weeks in length for some employees.
Appraisal process	The council's procedure for setting formal goals with you and for reviewing your performance against those goals on a regular basis.
Probationary review	A meeting with your manager which occurs at 4,10,16, 20 and 26 weeks of employment. There will be further probationary reviews for employees subject to a 52 week probationary review.

## More information

- [disciplinary policy and procedure](#)
- [notice periods policy](#)
- [sickness absence management policy and procedure](#)
- [appraisal procedure](#)
- [reasonable adjustments](#)
- [induction process](#)
- [notice periods](#)

## Equal opportunities

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the [guidance on equal opportunities in probationary periods](#).

## Legislation

This policy has been reviewed by an internal legal organisation to ensure compliance with legislation and our statutory duties.

## Toolkit

Guidelines:

- [flowchart - probationary periods](#)
- [guidance for managers – probationary periods](#)
- [guidance for managers – agreeing the job description and person specification](#)
- [guidance for managers - the right to be accompanied](#)
- [guidance for managers - equal opportunities in probationary periods.](#)
- [guidance for managers – setting objectives with employees](#)

Forms and letters:

- [template letter - invite to formal probationary review meeting](#)
- [template letter - 20-week review probationary period](#)
- [template letter - extension to probationary period review](#)
- [template letter - end of probationary period letter](#)
- [template letter - termination of employment](#)
- [template - probationary review assessment](#)

## For further advice and information

For further information please speak to your manager, corporate director or contact an HR advisor.

Policy author	HR Policy and Reward Team – MCL
Policy last updated	DRAFT 4 – Version sent to JCC and Staffing Policy.

**Probationary Period Assessment Form**

This form should be completed by managers with all new employees in the council, at 4, 10, 16, 20 and 26 weeks after the employee's start date. For employees on a 12 month probationary period, it should also be used for reviews at 32, 40 and 46 weeks. The form should be completed by the employee and by the manager before each of the review meetings and a final version completed by the manager after the review meeting has taken place. A copy should then be sent to the HR administration team once both parties have signed to agree to the content.

Employee's name:	Start date:
Job Title:	End of probationary period:
Location:	Manager's Name:
Indicate which review this is: Week 4, 10, 16, 20, 26, 32, 40 or 46.	

<p><b>1. Review of job description:</b></p> <p>Review the job description and person specification with the employee. Explain what the priority areas are to concentrate on.</p> <p>If at week 20 and the employee is not meeting most of the requirements of the role, explain why.</p>	<p><b>Give examples where employee's performance meets the requirements of role.</b></p>	<p><b>Additional notes</b></p>
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<p>Priority objectives for next four weeks:</p>		
<p><b>2. Reasonable adjustments required in the role:</b></p> <p>Are there specific health requirements of the role as detailed on the job description? Are adjustments required in order for the employee to be able to perform to the standard required of the role?</p>	<p><b>Adjustments required:</b></p>	<p><b>Adjustments implemented</b></p>
<p><b>3. Developmental needs:</b></p> <p>Explain in what areas the employee needs to develop. If additional training is required, state what this is and how this training need will be achieved and by when.</p>	<p><b>Employee's developmental needs are:</b></p>	
<p><b>4. Strategies for improvement:</b></p> <p>Explain where you feel the employee can improve, giving ideas and strategies for improvement.</p>	<p><b>How will improvement be addressed:</b></p>	

<p><b>5. Timekeeping and attendance:</b></p> <p>Confirm whether you are happy with the employee's timekeeping and attendance. If not, detail why not and outline what change is needed and by when.</p>		
<p><b>6. Interpersonal Skills:</b></p> <p>Is the employee able to work effectively as a member of a team and relate well to both colleagues, customers/clients/users? What improvements are required, if any.</p>		
<p><b>7. Overall manager or supervisor comments:</b></p> <p>Give your overall view regarding the employee's performance. What improvements are required? Is additional training needed?</p>		
<p><b>8. Employee's comments on the above assessment:</b></p> <p>The employee should give their comments in response to this review.</p>		

<p><b>9. Review at 20 and 46 weeks:</b></p> <p><b>Are you happy to confirm the employee's permanent position in the post. (The earliest date that appointment can be confirmed is 26 weeks.)</b></p>	<p>Explain if you are happy to confirm and if not, give reasons why not:</p>	
<p><b>Employee's signature:</b></p> <p>.....</p> <p><b>Date:</b> .....</p>	<p><b>Manager's signature:</b></p> <p>.....</p> <p><b>Date:</b> .....</p>	<p><b>Received by HR:</b></p> <p><b>Date</b> .....</p>

DRAFT

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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

20 July 2011

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### **Payment for Acting Up and Additional Duties Policy & Procedure**

#### **Purpose of Report**

1. The purpose of this report is to present a new Payment for Acting up and Additional duties policy which combines the Acting up and Honoraria policies previously presented to Staffing Policy Committee in May 2011.

#### **Background**

2. Staffing Policy Committee reviewed the proposed Acting up and Honoraria policies in May 2011 and made several recommendations which have been incorporated into the new policy.

#### **Main Considerations for the Council**

3. On the recommendation of Staffing Policy Committee the term “honoraria” will no longer be used and instead a single policy and procedure will cover all acting up and additional duties payments.
4. Following advice from legal it has been agreed that payments under this new policy will not require member sign off. Instead they will be approved by the relevant service director and HR business partner.
5. All payments will end after 3 months unless there are exceptional circumstances which have been approved by the service director and HR business partner.
6. Any extension to the original end date will need to be approved at service director and HR business partner level.
7. No payment can be entered onto the SAP system without an end date – i.e. there can be no “ongoing” payments.
8. The SAP wage type has been updated to ensure that payments processed under the new policy and procedure will show on wage slips as “Additional Duties” rather than “Honorarium”.
9. A 6 monthly review of all acting up and additional payment will be undertaken by HR to ensure that processes are being followed.

10. The policy is in the HR policy format and language and includes a toolkit of managers guidance, approval forms, template letters and flowcharts.

### **Consultation**

11. The original Acting Up and Honoraria policies were approved by JCC in April 2011. The unions have been kept informed regarding the changes to these policies and have agreed the new Payment for Acting up and Additional duties policy.
12. Legal services and the HR stakeholder group have also been consulted in relation to this amended policy.

### **Environmental Impact of the Proposal**

13. None

### **Equalities Impact of the Proposal**

14. No negative impacts have been identified.

### **Risk Assessment**

15. None

### **Options Considered**

16. None

### **Recommendation**

17. That Staffing Policy Committee agree this policy.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Paula Marsh, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this report:** None

## **Wiltshire Council Human Resources**

### **Payment for acting up and additional duties policy and procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

This policy sets out the way in which the council will make payments to employees who:

- act up – carrying out the full responsibilities and duties of a higher graded post either for some or all of their working hours; or
- carry out some, but not all, duties or responsibilities of a higher graded post for some or all of their working hours; or
- take on additional duties within their role;

on a temporary basis

#### **Who does it apply to?**

This policy applies to all Wiltshire Council employees (including schools) who are contractually subject to the terms and conditions of the National Joint Council for Local Government Services.

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

#### **When does it apply?**

This policy applies when, at the request of their manager, an employee.

- acts up into a higher graded post - carrying out the full responsibilities and duties of a higher graded post for some or all of their working hours, or
- carries out some, but not all, duties or responsibilities of a higher graded post for some or all of their working hours, or

- take on additional duties within their role

It only applies where such arrangements are temporary – for example to cover long term sickness, parental leave, specific projects or other short term requirements.

### **When does it not apply?**

This policy does not apply if:

- an employee takes on additional duties or responsibilities to cover a period of planned leave of less than 4 weeks (for example covering their manager's annual leave); or
- the change is for a fixed term period of more than 3 months (for example covering maternity leave). In this case the job should be advertised as a secondment in accordance with the council's [secondment policy](#); or
- the change is permanent. In this case the job must be advertised in accordance with the council's [recruitment and selection policy and procedure](#).

### **What are the main points?**

Acting up payments

1. Where you take on the full duties and responsibilities of a higher graded post for a temporary period you will receive the difference between your current salary and the minimum spinal point of the new grade which would apply if you were appointed to the post on a permanent basis.
2. Where you are taking on the full duties and responsibilities of a higher graded post for a proportion of your working week, payment will be made based on the percentage of your working week that is spent acting up into the higher graded post.
3. You will be paid that percentage of the difference between your current salary and the minimum spinal point of the new grade which would apply if you were appointed to the post on a permanent basis.

Additional duties

4. You may be asked to carry out some duties in addition to your substantive post for a fixed period of time.



5. This may be due to:
  - An unexpected absence or vacancy within the team requiring you to take on some of the duties and responsibilities of a higher graded post;
  - A one-off project or piece of work on top of your normal duties.
6. These duties will be evaluated to see if they make a difference to the grade of your job.
7. To conduct this evaluation your manager will need to complete a [significant differences form](#) which will be evaluated alongside your current job evaluation questionnaire.
8. Should the grade of your job increase because of the additional duties you will be paid the difference between your substantive grade and the minimum spinal point of the new grade as a monthly additional duties payment.
9. Where you are taking on some duties and responsibilities of a higher graded post for a proportion of your working week, payment will be made based on the percentage of your working week that is spent undertaking the additional duties of the higher graded post.

#### Authorisation process

10. Prior to confirming any payment for acting up or additional duties the manager must contact their human resources adviser to ensure the correct process is followed.
11. No individual should be involved in the authorisation process of a payment for acting up or additional duties relating to themselves.
12. All payments for acting up or additional duties must be approved by a service director and counter-signed by the appropriate HR business partner (or HR advisor for schools) on the [acting up and additional duties payment approval form](#) prior to the arrangement commencing.
13. In all cases the payment will only be paid for a limited period, whilst the additional duties are being carried out. Normally payments will end after three months unless exceptional circumstances apply.

#### Payments

14. Acting up or additional duties payments are usually paid monthly as part of your normal salary.

15. Payments are pensionable and subject to tax and NI.
16. Any payment will be pro rata for part time employees.

#### Ex-gratia and honoraria payments

17. There is no ability to make any ex-gratia or honoraria payment to an employee for any reason.
18. All and any additional payments must be authorised in accordance with the procedure outlined in this policy

### **Roles and responsibilities**

#### Line manager responsibilities

19. To follow the managers flowchart – payment for acting up and additional duties to ensure the process is completed correctly.
20. Where additional duties are proposed to complete a significant differences form and submit this for re-evaluation in line with the job evaluation process.
21. Where full acting up on either a full or part time basis is proposed, to liaise with your human resources adviser to ensure the correct salary is paid.
22. To gain approval from your service director and HR business partner prior to confirming the arrangement with the employee.
23. To write to the employee using confirmation of acting up payment letter or confirmation of additional duties payment letter to confirm the arrangements and payment.
24. To submit the acting up and additional duties payment approval form to the HR Payroll administration team.
25. To complete an extension to acting up and additional duties payment approval form if the arrangement is extended beyond the original end date specified on the approval form.
26. To complete a cessation of acting up and additional duties payment form if the arrangement ends prior to the original end date specified on the approval form.
27. If it becomes clear that the arrangement will be a permanent requirement, to advertise the post in line with the recruitment and selection policy and procedure.

## HR responsibilities

28. To provide advice and guidance to managers on the application of this policy.
29. To counter-sign all payment for acting up and additional duties approval forms and extension/cessation to acting up and additional duties payment forms.
30. To undertake regular periodic reviews of all payments for acting up and additional duties.

## Frequently asked questions

### Acting up FAQs

31. **I have been acting up into a post for 3 months whilst the postholder is off sick. They are coming back to work part time on a phased return – should I still receive an acting up payment during the phased return period?**

If you continue to undertake the full duties and responsibilities of the higher graded role for part of the week (i.e. on the days that the postholder is not in work) you should receive a percentage of the higher salary to reflect this.

Your manager should speak to their human resources adviser to calculate the payment you should receive.

### Additional duties FAQs

32. **How long will it take to confirm a payment for an employee who is taking on some additional duties?**

Unless the employee is taking on the full duties and responsibilities of a higher graded post you will need to complete a [significant differences form](#) and submit this to your human resources adviser who will check the form and forward it to the job evaluation team.

It will then be scheduled for evaluation at the next available panel and the results will be returned to the human resources adviser as soon as possible after this panel who will communicate the results to you.

This process will take a maximum of 4 weeks from the date you submit the significant differences form but is often much quicker.

**33. I have been asked to take on some additional duties. However after completing a significant differences form I have been informed that they do not make a difference to the grade of my job. Can I refuse to take them on?**

It is normal for jobs to vary over time and it is expected that employees will be flexible and undertake additional tasks appropriate to their role.

It is important that you discuss the additional duties with your manager and agree how these will fit in with your current workload and priorities.

If you feel that the evaluation of the additional duties was not right you do have the opportunity to appeal under the [Job Evaluation policy and procedure](#).

### **Equal Opportunities**

This policy has been Equality Impact Assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated equally.

### **Advice and guidance**

If you require help in understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

### **Further information**

There are a number of related policies and procedures that you should be aware of including:

- [Recruitment and selection policy and procedure](#)
- [Secondment policy and procedure](#)
- [Job evaluation policy and procedure](#)

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

Policy author	HR Policy and Reward Team – (PM)
Policy implemented	
Policy last updated	June 2011

Template letter – confirmation of additional duties payment

**Personal and Confidential**

**NAME**

**ADDRESS**

**DATE**

Dear **NAME**

**Confirmation of additional duties payment**

Further to our recent discussions I can confirm that, effective from **DATE** you will receive an additional duties payment of £**ADD INFO** per month (subject to normal deductions).

I attach a copy of the approval form and significant differences form showing how this amount was calculated.

This is in relation to **ADD DETAILS OF ADDITIONAL RESPONSIBILITIES / DUTIES.**

This additional duties payment will **end on DATE**

**or**

This additional duties payment **will be reviewed on DATE.**

If you have any further queries in relation to this payment please do not hesitate to contact me.

Yours sincerely.

**NAME**

**POSITION**

Enc. Payment for acting up and additional duties approval form  
Significant Differences Form

Template letter – confirmation of acting up payment

**Personal and Confidential**

**NAME**

**ADDRESS**

**DATE**

Dear **NAME**

**Confirmation of acting up payment**

Further to our recent discussions I can confirm that, effective from **DATE** you will receive an acting up payment of £**ADD INFO** per month.

This is in relation to you acting up to the role of **POSITION TITLE, GRADE** for **all of your working hours**.

or

This is in relation to you acting up to the role of **POSITION TITLE, GRADE** for **??% of your working hours**.

The payment has been calculated as the difference between your current spinal point and the minimum spinal point of the new grade spinal point at the bottom of the grade for the position you are acting up into.

I attach a copy of the approval form showing how this amount was calculated.

This arrangement will **end on DATE**

or

This arrangement **will be reviewed on DATE**.

If you have any further queries in relation to this payment please do not hesitate to contact me.

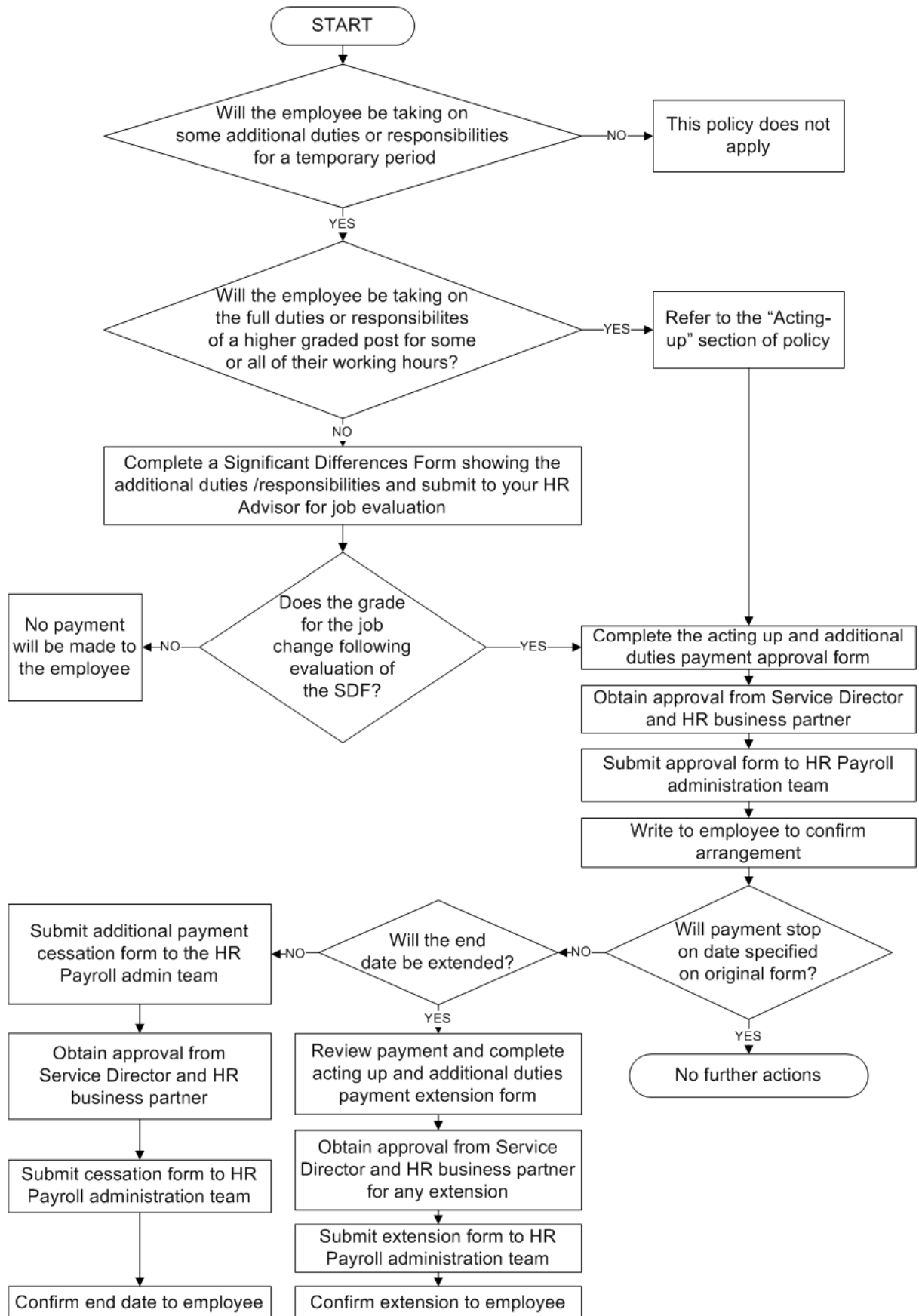
Yours sincerely.

**NAME**

**POSITION**

Enc. Payment for acting up and additional duties approval form

Payment for acting up and additional duties - manager's flowchart





## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

20 July 2011

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### Ex-gratia and Honoraria Payments

#### Purpose of Report

1. To outline the key considerations relating to ex-gratia and honoraria payments.

#### Background

2. In May 2011 Staffing Policy Committee requested a report reviewing the reasons why Wiltshire Council does not currently make honoraria or ex-gratia payments to employees.
3. Honoraria payments are defined as “payment given to a professional person for services for which fees are not legally or traditionally required”.
4. Ex-gratia payments are defined as “given as a favour or gratuitously where no legal obligation exists”.
5. For Wiltshire Council these terms have in the past been used to refer to payments to individual employees for high performance or undertaking an exceptional piece of work.

#### Main Considerations for the Council

6. The key reasons why Wiltshire Council do not currently allow honoraria or ex-gratia payments to be made to individuals to recognise high performance are as follows:
  - a) The increased risk to the council of equal pay claims on the grounds of:
    - Inconsistency of access to the payments – the possibility that some departments give them more often than others, some managers do not give them at all, certain groups get excluded (e.g. particular employee groups with protected characteristics)
    - Subjective criteria – who decides what is worthy of a payment? What is expected and what is “over and above” normal expected good performance. Different managers will have different expectations.
    - Issues with favouritism or perceived favouritism from managers.

- A number of legal cases show the risks associated with this type of payment including:
    - *Barker and others v Birmingham City Council* [2006] – women employed on the same pay grade as men were excluded from bonuses paid to the men.
    - *Hinckley & Bosworth Borough Council v Shaw* [2000] - a one off enhancement to pay in order to provide enhanced pension and redundancy payments was held to be ultra vires
    - *Gibb v Maidstone & Tunbridge Wells NHS Trust* [2009] - it was held that the payments made to the employee were really gifts or gratuities disguised as wages.
- b) Budget allocation – there is no budget allocated to these types of payments and some managers may have more scope within their budgets to make these payments than others.
- c) Public and employee perceptions – against the current climate of pay freezes, service reviews, budget cuts it would be difficult to justify additional financial rewards.
- d) The requirement for central monitoring which would be a considerable administrative burden.
- e) Overall effect on morale –some theories (e.g. Herzberg) suggest that giving financial rewards tends to de-motivate those who do not get them more than they motivate those who do get them.
7. Wiltshire Council currently has other measures in place to reward staff:
- Where additional hours are worked we can pay overtime (below Grade I or in exceptional circumstances) or record TOIL;
  - a one off special project can be evaluated via significant differences form and a payment for additional duties be awarded;
  - staff awards for “employee of the month” and “team of the month”
  - publish “compliments” received in the electric wire;
  - staff benefits – discounts etc. arranged for all staff with local businesses.

### **Consultation**

8. The legal services team have been consulted regarding the equal pay impact of ex-gratia and honoraria payments and recommend that they should not be paid.

### **Environmental Impact of the Proposal**

9. None

### **Equalities Impact of the Proposal**

10. The current situation whereby no ex-gratia or honoraria payment are allowed protects the council from equal pay claims.

### **Risk Assessment**

11. None

### **Options Considered**

12. To confirm current practice whereby no ex-gratia or honoraria payments are allowed.
13. To look for other ways, outside of additional salary payments, to recognise staff who managers believe have performed above what is expected of them in their role.
14. To investigate a fully developed performance related bonus scheme with objective criteria, subject to equal pay legislation and with budget allocated to it.

### **Recommendation**

15. That Staffing Policy Committee confirm current practice, whereby no honoraria or ex-gratia payments are made to individuals to recognise high performance.
16. In addition to look for other ways, outside of additional salary payments, to recognise employees who managers believe have performed above what is expected of them in their role.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Paula Marsh, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this report:** None

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## QUARTERLY WORKFORCE REPORTING

**WILTSHIRE COUNCIL** (excl. schools) Quarter ended: **March 2011**

### Notes on the figures:

- All reported figures exclude casual employees and agency/professional services staff
- Wiltshire Council figures exclude Fire, Police and Schools
  - **Headcount** = Number of positions that are filled not individual people
  - **FTE** = “Full Time Equivalents” which take into account actual working hours to show accurate staffing levels
- **Age profile** and **Employee diversity** information is as a % of the headcount (explained above).
- **Working days lost per FTE** = The lost time to sickness based on hours worked. Cost is a great incentive for looking at these rates: A sick day on average will cost £90 in lost productivity so a rate in line with the local Government median (9.9 days) would cost £891 per employee a year. WC has around 5400 staff meaning a rate at this level would incur an annual cost of just under **£5,000,000** in lost productivity (Temporary cover costs, lost morale, reduction in quality of work etc are not included in this figure).
- **“Annualised”** means we take the measured amount divide it by the months it covers and multiply it by 12 to give an estimate of the rate that would be seen throughout the year.
- **Incidents/injuries reported** - The Health and Safety section shows the number of RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) incidents that have occurred. There may have been other minor incidents that are not included. <http://www.hse.gov.uk/riddor/riddor.htm>.
- **“YTD”** means year to date i.e. All information known since April 2010 has been included.
- The **Voluntary staff turnover** section does not include information for those who leave due to statutory retirement, ill health, compulsory redundancy, dismissals, end of contract, unsatisfactory probation and TUPE transfers as these are classified as compulsory reasons. Only Voluntary leavers are included as these are the individuals that have decided to leave for their own reasons and therefore it may not be in Wiltshire’s best interest. Overall turnover rates will be higher and can be analysed on request.
- Although the cost associated with turnover is not readably available, CIPD estimate that the recruitment cost of replacing a leaver is £2930. Based on the Median turnover rate (6.6%) of local government, we could estimate that 356 employee’s will leave Wiltshire Council a year resulting in approximate costs of **£1,043,080**.
- **% all staff turnover** is the number of voluntary leavers as a percentage of headcount shown elsewhere in the report
- **% <1 year turnover rate** is the number of individuals that left voluntarily before completing one year service as a percentage of the employees in post with less than one years service. The cost of turnover in this group is generally higher as the investment in recruitment, induction and training is unlikely to be recovered within such a short time period.

If you have any queries on these reports or requests for further information, please contact Paul Rouemaine, HR Information Manager, on 01225 756159 or [Paul.Rouemaine@Wiltshire.gov.uk](mailto:Paul.Rouemaine@Wiltshire.gov.uk)

## QUARTERLY WORKFORCE REPORTING

WILTSHIRE COUNCIL (excl. schools) Quarter ended: **March 2011**

### Management Information Team Observations:

- Overall the headcount (excluding schools) reduced by 147 (2.6%), and the FTE by 157.0 (3.5%). This is predominantly due to the large reduction shown in the Department of Children and Education (DCE), which saw a reduction in headcount of 100 (7%). However the Department of Resources (DOR) saw the largest increase, an increase in headcount of 11 (1%) and FTE by 6 (0.6%).
- Sickness rates have increased slightly this quarter to 8.9 days per FTE (+0.2 days). This increase has now taken the sickness days lost over the lower quartile benchmark figure (8.8 days).
- This increase can be put down to an increased frequency of short to mid term illnesses, as the average length of absence and absences over 20 days have both decreased since last quarter, -0.2 days and -2% respectively.
- Stress/Depression/Mental Health/Fatigue reasons still account for the highest recorded days lost (22.6%).
- The highest sickness rates remain in DCS, with 12.3 days per FTE. This is above both Wiltshire Council's average and the benchmark figure at 8.9 and 8.8 respectively. Chief Executives Office (CHEX) and DOR have the lowest absence rates with 5.9 and 6.9 days per FTE.
- The annualised voluntary turnover rate increased this quarter to 11.7% (+2.3%). The Council has seen a huge increase in overall leavers from the last quarter (+49.7%) and in voluntary leavers (+63.5%), due to the organisational restructure. However these figures do include Voluntary Redundancy as "Voluntary".
- During the next financial year we will be excluding Voluntary Redundancy from the Voluntary Turnover rate in order to get a better understanding of the Council's true Rate. Excluding voluntary redundancies the voluntary redundancy rate for this financial year would be 8.2% which is still above the lower quartile benchmark (5.7).
- The Department of Children and Education (DCE) continues to display the highest staff voluntary turnover rate at 15.9% (+2.2%). However, CHEX saw the highest increase in voluntary staff turnover from last quarter, (+4.9% to 14.7%) with 4 more leavers (+100%) and has the second highest voluntary turnover rate behind DCE.
- Voluntary Redundancy has now become the highest overall reason for voluntary turnover in the wake of the organisations restructure (25.2%). Resigning for a job outside of a Local Authority still remains amongst the most common reason for voluntary turnover (19%).
- Less than 1 year leavers have decreased by 0.9% to 18.9%. While the average length of service for voluntary leavers have increased by 1.9 years to 9.7 years. This increase in length of service is likely to be due to the managers taking redundancy during the management review.
- New disciplinary and grievance cases have both increased since last quarter, to 8.9 and 7.0 per 1000 employees (+1.2 and +0.3 respectively) and are both well above the benchmarks of 5.0 and 2.8. The highest disciplinary cases were in DNP (17.6) and the highest grievance cases coming from DCE (9.7).
- The amount of part time workers has increased since last quarter to 43.2% (+1.2%). This could be due to the large decrease in FTE, especially seen in DNP who managed to decrease their FTE by 15 (-1.1%) while their headcount increased by 9 (+0.5%). This also could be down to the high turnover rate, especially from the management review (whose FTE's are predominantly 1.00) increasing the percentage of part time workers.

# QUARTERLY WORKFORCE REPORTING

**WILTSHIRE COUNCIL** (excl. schools)    Quarter ended:    **March 2011**

## Headcount and Full Time Equivalent

Measure	This quarter	Change since last quarter
Headcount	5401	-147 (-2.6%)
FTE	4283	-157 (-3.5%)

## Age Profile

Measure	This Quarter	Last Quarter	Benchmark
% of workforce under 25	6.4%	6.2%	5.2% (all)
% of workforce 55 and over	22.9%	22.9%	22.2% (all)

## Employee Diversity

Measure	This Quarter	Last quarter	Benchmark
% Female	70.8%	70.6%	69.8% (M)
% Part-time	43.2%	42.0%	42.4% (M)
% Temporary contracts	11.4%	10.9%	7.8% (M)
% Black or Minority Ethnic	1.5%	1.5%	4.7% (UQ)
% Disabled	2.5%	2.5%	3.0% (M)

## Sickness Absence

Measure	This Quarter	Last quarter	Benchmark
Working days lost per FTE (if annualised)	8.9 days	8.7 days	8.8 days (LQ)
Average length of absence (fte days) – ytd.	4.4 days	4.6 days	5.9 days (M)
% of total absences over 20 days (ytd.)	43.2%	45.2%	55.8% (M)

## Health and Safety

Measure	This Quarter	Last quarter	Benchmark
No. of workplace incidents/injuries reported per 1000 employees (ytd annualised)	1.7	0.7	2.8 (LQ)

## Voluntary Staff Turnover

Measure	This Quarter	Last quarter	Benchmark
% staff turnover (ytd annualised)	11.7%	9.4%	5.7% (LQ)
% <1 year turnover rate(ytd annualised)	18.9%	19.8%	n/a
Average leavers' length of service	9.7 years	7.8 years	n/a

## Disciplinary and Grievance Cases

Measure	This Quarter	Last quarter	Benchmark
New disciplinary cases per 1000 employees (annualised)	8.9	7.7	5.0 (LQ)
New grievance cases per 1000 employees (annualised)	7.0	6.7	2.8 (LQ)

# QUARTERLY WORKFORCE REPORTING

## BENCHMARK DATA

Benchmark figures are supplied by DLA Piper Benchmarker. The Local Authority benchmarks represent combined data from 54 subscriber Local Authorities. The Private Sector benchmarks represent data from approximately 250 private sector organisations classified as "large" (over 1000 employees), consisting of a mix of Financial, Professional and Support Services; Manufacturing, Engineering and Processing; and Retail and Leisure.

### AGE PROFILE

Measure	All Local Authorities	All Private Sector
% under 25	5.2%	18.8%
% 55 and over	22.2%	7.6%

### EMPLOYEE DIVERSITY

Measure	Local Authorities Median	Local Authorities Upper Quartile	Private Sector Median
% Female	69.8%	74.4%	49.1%
% Part-time	42.4%	49.1%	16.3%
% Temporary contracts	7.8%	10.1%	1.3%
% Black or Minority Ethnic	3.4%	4.7%	10.4%
% Disabled	3.0%	4.0%	1.1%

### SICKNESS ABSENCE

Measure	Local Authorities Median	Local Authorities Upper Quartile	Private Sector Median
Working days lost per FTE	9.9	8.8 (lower q.)	5.7
Average length of absence (FTE days)	5.9	7.7	3.5
% of absences over 20 days	55.8%	60.8%	40.5%

### HEALTH & SAFETY

Measure	Local Authorities Median	Local Authorities Lower Quartile	Private Sector Median
No. of workplace incidents/injuries reported per 1000 employees	5.9	2.8	8.0

### VOLUNTARY TURNOVER

Measure	Local Authorities Median	Local Authorities Lower Quartile	Private Sector Median
% staff turnover	6.6%	5.7%	10.5%
% staff turnover of leavers within first year's service	n/a	n/a	n/a

### DISCIPLINARY & GRIEVANCE CASES

Measure	Local Authorities Median	Local Authorities Lower Quartile	Private Sector Median
No. of disciplinary cases per 1000 employees	9.2	5.0	44.8
No. of grievance cases per 1000 employees	3.8	2.8	6.4



## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

20 JULY 2011

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#### **REVISIONS TO TERMS AND CONDITIONS OF EMPLOYMENT**

##### **Purpose of Report**

1. To recommend revisions to terms and conditions of employment in order to save an estimated £8.81 million over four years in support of the Council's Business Plan.

##### **Background**

2. The Council's Business Plan 2011 – 2015 sets out how we intend to meet the challenges we face following the general election for 2010. The coalition government is taking steps to change the way that local government will be organised and what resources it will have for the foreseeable future. The council is faced with absorbing a cut of 28.4% to its grant funding, as well as managing more than 300 new pieces of legislation. In addition the council has a new partnership landscape to deal with alongside the significant changes in the growth in numbers of older and younger people living in Wiltshire in the next few years.
3. To meet the challenges and achieve our goals we need to ensure our business and organisational structure is fit for purpose and that includes reviewing our staffing costs and making adjustments to deliver savings from those costs. The Business Plan requires that £12 million savings from staff costs are found over four years.

##### **Negotiations with the recognised unions**

4. The trade unions recognised nationally, and who negotiate the nationally agreed terms and conditions with the National Joint Council for Local Government Services (NJC) and the Joint Negotiating Council for Chief Officer and Chief Executives (JNC) are UNISON, GMB, and UNITE. These trade unions are therefore recognised locally for the purpose of negotiating changes to terms and conditions that supplement those agreed nationally by the NJC and JNC, and which can be varied via local agreements.
5. Once local agreements on terms and conditions are reached by UNISON, GMB and UNITE some of those agreements will also apply to Soulbury and teaching staff as outlined in the contracts of employment for those groups of staff.
6. A team of officers has been meeting with the three recognised trade unions since July 2010 to identify where savings can be achieved from changes to terms and conditions of employment.

7. During negotiations a wide range of options to achieve savings from terms and conditions have been proposed and explored, and some have been rejected. Relations with the trade unions have remained positive throughout the negotiations and they have clearly understood the challenges we face as a council. It was made clear at the outset that failure to find savings from costs associated with terms and conditions would mean savings from salary costs and that would inevitably mean additional job losses.
8. The proposals rejected by the trade unions are:
- Reducing overtime rates and removing unsocial hours payments
  - Withdrawing market supplements
  - Introducing charges for staff parking
  - Withdrawing the payment of home working allowances (existing payments would have continued)
  - Reducing redundancy pay by 50%
  - No pay for the first three days of sickness absence
  - A three year freeze on incremental progression
9. The **final proposals** which the trade unions agreed to consult and ballot their members on are:

- **Removal of essential and casual car user rates**

The proposal is for all staff to move to the Inland Revenue mileage rate, currently 45p for the first 10,000 miles and 25p thereafter. This already applies to a majority of staff, so the proposal will ensure consistency in the payment of mileage expenses for business travel.

Staff still in receipt of these payments will be offered a “buy out” to enable the implementation of this proposal on 1<sup>st</sup> October 2011. The “buy out” payments would be included in October pay.

There are two proposed “buy out” arrangements, one for those staff in receipt of the essential car user lump sum and mileage rate, and the other for those staff still in receipt of the casual user mileage rates. The proposed “buy out” arrangements are all based on the engine size criteria used to determine the allowances paid. The proposed “buy out” arrangements are:

**Essential user lump sum**

Engine size	Annual lump sum payment	One off “buy out” payment
451 cc – 999 cc	£846	<b>£500</b>
1,000 cc – 1,199 cc	£963	<b>£570</b>
1,200 cc and above	£1,239	<b>£730</b>

### Essential user mileage rates

Engine size	Up to 8,500 miles	Over 8,500 miles p.a.	One off "buy out" payment
451 cc – 999 cc	36.9p per mile	13.7p per mile	None – HMRC rate is higher
1,000 cc – 1,199 cc	40.9p per mile	14.4p per mile	None – HMRC rate is higher
1,200 cc and above	50.5p per mile	16.4p per mile	<b>5.5p x number of miles claimed Sept 2010 – Aug 2011</b> e.g. if 2,000 miles payment would be £110

### Casual car user mileage rates

Engine size	One off "buy out" payment
451 cc - 999 cc	£10
1,000 cc – 1,199 cc	£30
1,200 cc and above	£80

and

Engine size	Up to 8,500 miles	Over 8,500 miles p.a.	One off "buy out" payment
451 cc – 999 cc	46.9p	13.7p	<b>1.9p x number of miles claimed Sep 2010 – Aug 2011</b>
1,000 cc – 1,199 cc	52.2p	14.4p	<b>7.2p x number of miles claimed Sep 2010 – Aug 2011</b>
1,200 cc and above	65p	16.4p	<b>20p x no. of miles claimed Sep 2010 – Aug 2011</b>

- **Reduction in period of pay protection**

The proposal is to reduce the period of pay protection from 3 years to 1 year for all new cases from 1<sup>st</sup> September 2011. For staff already in receipt of pay protection the 3 year arrangement will continue. In addition the council has proposed that for any TUPE'd staff who move to a Wiltshire Council contract by 31<sup>st</sup> August 2011 the 3 year pay protection period will be honoured from that date, i.e. any pay protection

arrangements will end by 31<sup>st</sup> August 2014. Any existing pay protection cases will run their course.

- **Removal of excess home to work travel for any new cases**

The proposal is that these payments will cease for any new cases from 1<sup>st</sup> September 2011. Any existing payment of excess home to work travel will continue.

- **Increment freeze for two years**

The proposal is to freeze any increments due to be paid in the period from 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2014.

10. It is considered that these final proposals have the least immediate financial impact on staff as they do not remove allowances already being paid, other than for those in receipt of the essential and casual user car allowances, or are a temporary withdrawal of a payment.

### **Savings deliverable through these proposals**

11. These proposals will deliver approximately £8.81 million savings by 2015. This leaves a shortfall of approximately £3.19 million. Discussions on where these savings can be found will continue with the trade unions, but it is likely that these savings will be found from salary costs, and therefore some additional job losses may still be necessary.

### **Equality Impact Assessments**

12. The impact of each proposal has been statistically analysed in terms of gender, age, ethnic minority and staff with disabilities, and this analysis has been shared with the unions. It is understood that the unions agree that none of the proposals will have a disproportionately negative impact on any of these defined groups.

### **Union Ballots**

13. Each of the Unions are balloting their members, having held meetings to explain the proposals. All the ballots are due to close by 19 July. The result of the ballot will be reported to Committee on 20 July.

### **Recommendations**

14. If a yes vote is returned in the union ballots, the Staffing Policy Committee is recommended to agree to the proposed changes in terms and conditions of employment.

**Barry Pirie, Service Director, HR & OD**

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<b>Report Author</b>	Tricia Glover
<b>Title and contact details</b>	HR Project Manager (Pay & Conditions) <a href="mailto:triciaglover@wiltshire.gov.uk">triciaglover@wiltshire.gov.uk</a> ; 01225 756550
<b>Date of report</b>	6 July 2011

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