

AGENDA

Meeting: STAFFING POLICY COMMITTEE
Place: Committee Room 3, County Hall, Trowbridge
Date: Wednesday 19 May 2010
Time: 10.30 am

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

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell
Cllr Rod Eaton
Cllr Mike Hewitt
Cllr David Jenkins

Cllr Francis Morland
Cllr John Noeken
Cllr Mark Packard
Cllr Jane Scott
Cllr John Smale

Substitutes:

Cllr Ernie Clark
Cllr Peter Colmer
Cllr Mary Douglas
Cllr George Jeans

Cllr Howard Marshall
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**

To confirm and sign the minutes of the meeting held on 10 March 2010
(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.

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 above for any further clarification.

Members of the public wishing to ask a question should give written notice (including details of any question) to the officer named above by **12.00noon on Monday 17 May 2010**.

6. **Code of Conduct - Policy Update**

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

7. **Employee Absence - Volcanic Ash**

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

8. **Pay Harmonisation - Progress Report**

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

9. **Independent Safeguarding Authority - Proposal for Wiltshire Council to Meet the Cost of Mandatory Registration Fees**

A joint report by the Service Directors HR & OD and DCS Commissioning is attached.

10. **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

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STAFFING POLICY COMMITTEE

MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 10 MARCH 2010 AT COMMITTEE ROOM 3, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Allison Bucknell (Chairman), Cllr Rod Eaton, Cllr Mike Hewitt, Cllr David Jenkins, Cllr Francis Morland, Cllr Mark Packard, Cllr Jane Scott and Cllr John Smale.

Also Present:

Cllr George Jeans

1. Apologies for Absence

An apology for absence was received from Cllr John Noeken.

2. Minutes

Resolved:

To confirm and sign the minutes of the Committee meeting held on 11 November 2009.

3. Declarations of Interest

There were no declarations of interest.

4. Chairman's Welcome, Introduction and Announcements

There were none.

5. Public Participation

There were no members of the public present.

6. Pay Harmonisation - Progress Report

The Committee considered a report by the Service Director HR & OD which updated Members on the progress of Pay Harmonisation.

It was noted that an HR project team had been established to support harmonisation and since its formation last November had been:-

- (i) checking that the records of staff who performed each distinct job were complete and correct.
- (ii) analysing the total spend within the current pay bill on the various terms and conditions.
- (iii) modelling the impact of possible options for the major terms, to assess likely impact on staff, and on costs.
- (iv) considering the draft recommendations of the Business Travel strand of the Workplace Transformation project.
- (v) checking understanding of how some current payments – particularly those received by TUPED staff – worked in practice.
- (vi) ensuring awareness of any anomalies that have arisen amongst the pay and grading arrangements of ex County Council staff.

It was noted that detailed project planning for all the project stages continued alongside the substantive work associated with the current project stage. Preliminary negotiations with the unions had begun in late February as planned.

Resolved:

- (1) To note the contents of the report .**
- (2) To receive a further report on progress of this project at the next meeting.**

7. People Strategy Action Plan 2010/11

The Committee received an updated schedule which set out progress made to date on each of the following strategic priorities set for the period 2008 to 2012:-

- Organisational Development
- Leadership Development
- Recruitment and Retention
- Skill and Competency Development
- Pay and Rewards

It was reported that the Chairman and Cllr Laura Mayes, Portfolio Holder for Organisational Culture, were inviting all Councillors to a series of workshops in order to explain the People Strategy Action Plan.

Resolved:

To note the progress made with the implementation of the People Strategy Action Plan since the last meeting.

8. **Relocation Expenses & Allowances**

Consideration was given to a report by the Service Director HR & OD which sought approval to increase the pay element of the existing Relocation Expenses & Allowances Policy in line with market forces.

Resolved:

- (1) To agree to increase the maximum moving home allowance for all staff from £5800 to £8000 at the Manager's discretion, so as to be equitable to that paid to former Salisbury District Council & Kennet District Council employees and in line with tax free limit of £8000 set by the HMRC.
- (2) To increase the lodging allowance up to a maximum of £600 per month, payable for an initial period of 12 months, this being reflective of the current average rental cost for a two bedroom property across Wiltshire when the overall volume of properties is taken into account
- (3) To adopt the amended policy, as set out in Appendix A to the report, reflecting the above.

9. **Grievance Appeals Sub-Committee**

Resolved:

To receive the minutes of the Grievance Appeals Sub-Committee meetings held on 6-8 & 19 October 2009 and 16 October 2009.

10. **Senior Officers Employment Sub-Committee**

Resolved:

To receive the minutes of the Senior Officers Employment Sub-Committee meetings held on 14 December 2009 and 18 January 2010.

11. **Date of Next Meeting**

Resolved:

To note that the next meeting of the Committee would be held on Wednesday 19 May 2010 starting at 10.30am.

12. **Urgent Items**

There were no urgent items.

(Duration of meeting: 11.30am – 12.55pm)

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

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

WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

19 May 2010

CODE OF CONDUCT – POLICY UPDATE

Purpose of Report

1. This report presents the updated code of conduct for officers with the aim of having it recommended to council and changed within the constitution.

Background

1. The code of conduct forms part of the constitution (part 16) and also forms part of the terms and conditions of employment for all officers
2. There are 5 existing policies (Wiltshire County Council and the 4 ex-districts) which need to be harmonised into a single policy
3. This policy is high priority for the Workplace Transformation project due to the number of remote workers increasing and a higher level of trust required.
4. Human Resources aims to create policies which are consistent in format, easy to read and understand and are fit for purpose. This policy is in the new format which supports these aims.

Main Considerations for the Council

5. In amending the policy key stakeholders were consulted including the head of legal, the head of governance, the BME and disability forums and unions.
6. The updated code is aligned more closely with the members' code of conduct.
7. The main changes to the code of conduct (attached at Appendix 1) have been:
 - Formatting the policy in line with the new policy template.
 - Simplifying some of the language to make it clearer and easier to understand.
 - Providing links to relevant forms (e.g. the register of interests) and to associated policies.
8. The content of the amended code of conduct is largely based on the previous Wiltshire County Council policy.
9. Two additions have been made based on the content of ex-district codes:
 - i) Uniform / PPE – covered in points 43 and 44
 - ii) Speaking to the media – covered in point 45

10. One change has been made to content in paragraph 26, namely that officers may no longer use council telephones for private calls apart from in exceptional circumstances and with the permission of their manager.

Environmental Impact of the Proposal

11. None.

Equalities Impact of the Proposal

12. An Equalities Impact Assessment was undertaken on 5 May 2010 and no negative impacts were identified.

Risk Assessment

13. None

Options Considered

14. None.

Recommendation

15. To recommend Council approve the revised code of conduct and that the constitution be updated.

**Barry Pirie
Service Director
HR & OD**

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

Code of Conduct

What is it?

Wiltshire Council's code of conduct

- sets out minimum standards of behaviour for employees;
- provides guidelines to help maintain and improve standard;
- aims to protect the reputation of both employees and the council.

This code of conduct is not exhaustive and does not replace the general requirements of the law, common sense and good conduct

Who does it apply to?

This policy applies to all employees of Wiltshire Council except for teachers who have their own code of conduct.

What is my responsibility?

You need to:

- read this policy (please ask if you need it in a different format);
- ensure you understand it;
- ask if there are any points that are unclear;
- use this code of conduct, alongside other council policies, to guide you in your role.

What are the main points?

Introduction

1. The public is entitled to expect the highest standards of behaviour from local government employees.
2. You represent the council and are trusted to act in a way which promotes the council's interests and protects its reputation.
3. You are accountable for your actions and should ask your manager for advice if you are not sure of the appropriate action to take.
4. Breach of this code of conduct may lead to disciplinary action which could result in dismissal.

Interests

5. Conflicts of interest may occur if a decision of the council could affect you, or close friends and relatives, either positively or negatively.
6. Interests could include
 - involvement with businesses which have existing or proposed contracts with the council;
 - membership of organisations or groups which may oppose council policies;
 - roles undertaken outside of work (e.g. acting as a school governor, a member of an NHS trust board)
7. You should ask yourself the question “Would a member of the public might think that my family or I would benefit from the connection between my personal interest and my employment with Wiltshire Council?”
8. If the answer is yes then you must declare the interest using the [online form](#) or in writing to the head of governance.

Political neutrality

9. You must not allow your own personal or political opinions to interfere with your work.
10. When engaged on council business you must not wear or display items (badges, banners etc.) which indicate your support or opposition to any political party.
11. You must respect the individual rights of all councillors and assist them, regardless of their political group, to carry out their responsibilities. Any advice given should be impartial, objective and helpful.
12. Under the Local Government & Housing Act 1989 certain employees are in politically restricted posts which restricts their political activities outside of work. These restrictions form part of their contract of employment and post holders receive full details on appointment.

Outside Commitments

13. Your activities outside of work should not conflict with your duty to the council.

14. Employees on grade I (spinal point 28) or above must obtain written consent from their corporate director before engaging in any other business or accepting additional employment.
15. Any additional employment should not conflict with the council's interests or have the potential to bring the council into disrepute.
16. You may not set up a business, or accept a job with a business, which is in direct competition with the council.
17. If you work for another organisation you may not act as a messenger between that organisation and the council. Formal channels of communication must be maintained.
18. Any secondary employment must not be carried out during council working hours, nor whilst on standby for official call out purposes unless such employment can be undertaken from your home.
19. It is your responsibility to monitor the number of hours you work and to ensure that you are rested and refreshed and able to carry out your role. On average you should not work more than 48 hours in total each week.

Confidentiality

20. You must take all reasonable steps to ensure that the loss, destruction, inaccuracy or improper disclosure of information does not occur as a result of your actions.
21. You must not disclose personal or financial information about any other member of staff or service user without the express consent of that individual or authorisation from your corporate director.
22. Confidential information, belonging to the council, should not be disclosed to any person not authorised to receive it.
23. You must not use any information obtained in the course of your employment to cause damage to the council or for personal gain or benefit. Nor should you pass information on to others who may use it in such a way.

Time, facilities and publications

24. You must spend all of your contracted hours working for the council.
25. You may not make personal use of the council's property or facilities (stationery, computers, software, photocopiers, car parks etc.) unless authorised to do so by your manager.

26. You may only use the council telephones to make private calls in exceptional circumstances, and with prior permission of your manager.
27. Any public funds entrusted to you must be used in a responsible and lawful manner.
28. If you want to publish any material which you have written in connection with your duties or in which you describe yourself as holding a position within the council you must first gain the consent of your corporate director.
29. If, in the course of your work, you create a
 - copyright work (for example a procedures manual or a software programme);
 - patentable invention;
 - design capable of registration;this would become the property of the council and, if appropriate, you would be required to cooperate in the registration formalities
30. You may retain fees for any lectures delivered with the agreement of your corporate director.

Equality

31. The council has a positive legal duty to promote equality and diversity within the community it serves.
32. You must treat colleagues, clients and customers with respect, do not discriminate unlawfully against any person and treat members and co-opted members of the authority professionally.
33. If you have any involvement in making appointments you should ensure that your decisions are based only on the ability of the candidate to undertake the duties of the post. If any applicant is a close personal friend or relative you should not be involved in the appointment process.
34. You should not be involved in any decisions relating to discipline, pay or promotion of close personal friends or relatives.

Gifts, Hospitality and Sponsorship

35. You must not accept any fee or reward for work done other than your pay and allowances as set out in your contract of employment except as set out in paragraphs 37 and 38 below.
36. It is a criminal offence to accept gifts, loans, fees or rewards as an inducement to act in a certain way in your official capacity.

37. You may accept small items (e.g. inexpensive pens, diaries, flowers, chocolates) but they must be registered.
38. You may only accept an offer of a more significant gift (as a guide worth more than £25) or hospitality (e.g. visits, meals, sporting events etc.) if there is a genuine need to do so in order to represent the council in the community.
39. Gifts, benefits and hospitality offered to you or members of your family as a consequence of your employment must be declared using the [online form](#) or in writing to your manager whether accepted or not.
40. You should never accept significant gifts or hospitality from service users, actual or potential contractors or outside suppliers.
41. If an external organisation wishes, or is sought, to sponsor a council activity the rules concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors. Your corporate director must be involved in any decision.
42. Where the council wishes to sponsor an event or service no employee or member of their family must benefit unless full disclosure of interest has been made to the relevant corporate director. All sponsorship must be recorded.

Uniform / PPE

43. Uniforms are provided for some employees and these should be worn unless otherwise agreed with the service director
44. Suitable personal protective equipment will be issued and must be worn where a risk assessment indicates it is appropriate.

Speaking to the media

45. Approaches from all national press, radio or TV stations or specialist press should be directed to the media relations team who will discuss the nature of the story and then contact the appropriate officer or member asking them to respond.

Misconduct

46. Employees should conduct themselves in a professional manner at work. Serious misconduct and/or criminal offences committed during or outside of working hours which bring you or the council into disrepute may be the subject of disciplinary action which could lead to dismissal.

Are there any exemptions?

No – however some parts of the code of conduct will have more of an effect on senior, managerial and professional employees than others.

Many employees are responsible under their own professional codes of conduct. In cases where professional codes of conduct appear to conflict with the council's own code advice should be obtained from your service director.

Line manager responsibilities

You should provide additional advice and guidance on any points within the code of conduct.

You should signpost employees to relevant policies, documents and guidelines.

More Information

There are a number of related documents and policies which you should be aware of:

[General principles document](#)

[Wiltshire Council Constitution](#)

[One Council, One Culture – What will we be like](#)

[Media relations protocol](#)

[Whistleblowing policy](#)

[ICT security policy](#)

[Data protection policy](#)

[Relatives, relationships and related matters in the workplace](#)

[Dignity at work policy](#)

[Equal opportunities policy](#)

[Disciplinary procedure](#)

For further advice...

For further information please speak to your manager, corporate director or contact a member of your [human resources advisory team](#).

FAQs...

What should I do if I know that someone is breaching this code of conduct?

Often it is those closest to an organisation who realise that there is something wrong. Sometimes people are reluctant to act upon their concerns because they think that they are being disloyal, or because they are afraid that they might be victimised if they speak up.

The council has in place a [whistleblowing policy](#) to enable employees to raise concerns in an appropriate manner and to ensure that they do not suffer any detriment as a result of doing so.

Can my partner's business tender for a contract?

The code of conduct does not preclude anyone from having the opportunity to tender for business. However the process must be, and be seen to be, fair open and transparent. To this end you would need to make your manager aware of your interest, take no part in the tendering process and ensure that you do not pass on any information which would give that business any advantage in the process.

Can my relative apply for a job in the council?

Yes. They can apply and would be considered on the basis of their suitability for the role. They should declare their relationship to you on the appropriate section of the application form.

You should not be involved in any stage of the appointment and should disclose the relationship as soon as you are aware they are applying for the role.

Can I take an evening job?

Employees on Grade I (spinal point 28) and above must obtain the consent of their corporate director prior to taking on any additional work. Employees below this grade need not seek permission.

In all circumstances employees must remember:

- They should not do work which is in direct competition with the council;
- The work they are doing should not bring the council into disrepute;
- They may not act as a "go-between" between the council and the other business;

- They must not undertake other work when they are on duty for the council, including during standby or call out duties unless the work can be undertaken from home;
- That they are responsible for ensuring they get enough rest and do not exceed working time regulations.

One of my clients bought me a box of chocolates – should I accept them?

Generally gifts which are of low value (under £25) can be accepted. You should be guided by the procedures within your own team and by common sense.

Regardless of whether the gift is accepted or not it must be registered using the [online form](#) or alternatively in writing to your manager.

Can I accept discounts because I work for the Council?

Discounts which have been formally agreed and accepted by the council on behalf of their employees can be found on the [Staff Benefits](#) section of the intranet.

Any other discount offered should be treated in the same way as gifts and hospitality and generally should not be accepted.

Can I campaign for a political party outside of work?

If you hold a politically restricted post you may not

- be a candidate for membership of the European Parliament, the House of Commons, or a County or District Council;
- hold office in a political party;
- canvass at elections;
- speak or write in public on party political matters.

You may be a member of a political party but not actively campaign.

If your post is not politically restricted you may campaign on behalf of a political party however when engaged on council business you must remain politically neutral and not allow your personal or political views to interfere with your duties.

What types of interests should be declared?

An interest is anything which could cause a reasonable member of the public, knowing all facts, to think the officer might be influenced when making a decision in the course of their work.

Interests could include:

- Land or property ownership
- Relationships with people involved
- Acting as a school governor
- Involvement with an organisation or pressure group which may oppose a council policy

Individuals are free to take part in activities organised and authorised by the Trade Unions without declaring an interest.

Can I use the photocopier at work to make personal copies?

You should get authorisation from your manager before using any work facilities for personal use.

The code of conduct doesn't cover my specific situation, what should I do?

In the first instance seek advice from your manager. They may refer you to other policies and procedures or refer your query to their service director or human resources advisor.

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WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

19th May 2010

Employee Absence – Volcanic Ash

Purpose of Report

1. The purpose of this report is for Staffing Policy Committee to consider a policy for the payment of staff who have been unable to attend work due to the disruption to air travel following the volcanic ash incident.

Background

2. The recent disruption to air travel resulted in some staff being unable to attend work due to being prevented from returning from holidays and trips overseas. Whilst the number of staff absences has been low in non-schools, a significant number of teaching staff were affected as the disruption occurred during the school holidays.
3. Staff who were stranded abroad were expected to make all reasonable attempts to return to their place of work as soon as was reasonably practicable in their own particular circumstances.
4. The numbers of staff affected week commencing 19th April were as follows: -
 - 42 in non-schools
 - 250 (minimum) in schools
5. The numbers of staff who had returned to work week commencing 26th April were as below: -
 - 35 in non-schools
 - 238 in schools

Main Considerations for the Council

6. Wiltshire Council has a Severe Weather Policy. This policy is in place to guide staff where they are unable to attend work due to adverse weather conditions and could be applied to staff who are unable to attend work due to the air travel disruption. This policy advises staff to work from home, or remotely, wherever possible and where this is not an option the policy states that managers have the discretion to authorise one of the following: -
 - a. Take a days leave, where the entitlement allows; or
 - b. Make up the lost time within the next accounting period; or
 - c. Take unpaid leave
7. The volcanic ash situation is unprecedented. Staff have not had the option to work from home or remotely. In addition the delays have meant that staff would have to take a significant amount of their annual leave entitlement, which may impact on any annual leave arrangements they have made for later in the year. It would also be difficult for the lost time to be made up and there would be a significant financial impact to the employee

if the leave is unpaid. As a result it is proposed that the Council applies a more flexible approach by incorporating an element of additional paid leave.

Environmental Impact of the Proposal

8. None.

Equalities Impact of the Proposal

9. This policy would apply to those staff who were stranded overseas and therefore does not discriminate against any employee.

Risk Assessment

10. If an element of paid additional leave is granted to this group of staff there is a risk that staff will expect this policy to be available during other emergency situations e.g. extreme severe weather. It would need to be clear that this policy applies only to the volcanic ash incident – and any future incidents of this nature.

11. If additional leave is granted there is a cost to the organisation /school if it is necessary to cover that absence. In non schools the cost for 42 employees to be absent for a week is approximately £16,500.

12. It is possible that this incident could re-occur, and the numbers stranded could be higher and therefore more costly in the future.

Options Considered

13. There are three options for consideration as below. It is worth noting that in respect of schools, the council can only advise on the procedure to be followed. Schools can choose to follow that advice or refer to the advice given by LGE.

- a. Allow a period of 5 days additional paid leave for both schools and non-schools staff. The daily cost per person for this option for non-schools staff is on average £80. For absences beyond that the Severe Weather Policy detailed in point 6 would apply.

This approach (a) has been implemented by at least 5 other local authorities, including Hampshire, Brighton and Hove, Derbyshire, Northamptonshire and Buckinghamshire. This is the option that CLT support, as it demonstrates a consistent approach for both schools and non-schools.

- b. Implement a different approach for non schools and schools staff as below: -
 - Non schools
Do not offer additional paid leave, but treat this incident in line with our Severe Weather policy. This option is nil cost to the council.
 - Schools
For schools staff, recognise that teachers generally do not have as much flexibility as other staff in terms of their working arrangements. Schools and local authorities should determine the scope for teachers to make up any lost time, perhaps through the use of additional twilight sessions.

This approach (b) is in line with advice from LGE, and is the approach adopted by a high number of other local authorities, including Devon and Somerset.

c. Implement a combination of (a) and (b) as below: -

- Non schools
Allow a period of 5 days additional paid leave. The daily cost per person for this option for non-schools staff is on average £80. For absences beyond that the Severe Weather Policy detailed in point 6 would apply.
- Schools
For schools staff, recognise that teachers generally do not have as much flexibility as other staff in terms of their working arrangements. Schools and local authorities should determine the scope for teachers to make up any lost time, perhaps through the use of additional twilight sessions.

This approach (c) is in line with advice from LGE in respect of schools, and allows some flexibility for non-schools staff.

Recommendation

- i) As this situation is unprecedented, some degree of flexibility is required. CLT have supported option (a) which treats staff in schools and non-schools consistently. However, LGE advice for schools suggests that schools should be treated differently as these staff have little or no scope to make up lost time.
- ii) It is recommended that the council adopts option (c). This option allows an element of 5 days paid leave for non-schools staff. This will mean that in the majority of cases, staff who may have already used their annual leave entitlement will not be financially affected. This option also follows LGE advice for schools staff, which recognises that teachers do not have as much flexibility as other staff in terms of their working arrangements.

Barry Pirie
Service Director
HR & OD

Report Author: Amanda George, HR Strategy Development Manager – Policy and Reward

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

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WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

19 May 2010

PAY HARMONISATION - PROGRESS REPORT

Purpose

1. To update the Committee on the progress of Pay Harmonisation

Update

2. HR project team to support harmonisation

The HR project team to support the Pay Harmonisation exercise for around 5,200 staff is complete.

3. Executive Board

The Executive Board met on 1 April and is due to meet next on 20 May. At the 1 April meeting the Executive Board reviewed and gave direction on some models of possible basic pay grading structures, which were subsequently considered at the meeting of the Corporate Leadership Team (CLT) on 22 April.

4. Steering Board

The Steering Board is advising on the service needs and issues around some of the more significant types of allowances which need to be harmonised, including those for working unsocial hours, and standby/callout.

5. School Support staff

- 5.1 At the outset of the Pay Harmonisation project one of the risks identified was that school support staff would need to come within scope. This has now become an actuality. The newly forming national School Support Staff Negotiating Body (SSSNB) will not now achieve the planned national agreement which would move school support staff into a new national framework for their terms and conditions by 28 May 2010 as planned. The new deadline set is 1 April 2011 with an implementation date of **1 April 2012**.
- 5.2 For the period until 1 April 2012, school support staff will stay within the remit of the National Joint Council for Local Government Services (also known as "the Green Book"). This means that under Equal Pay law those who are employed at Community and Controlled schools (where the Council is the employer) will be able to compare their pay with the pay received by staff employed elsewhere across the Council, and vice versa.
- 5.3 It is also judged that there is now a heightened risk that the SSSNB will be disbanded by a new Government.
- 5.4 The headcount of support staff employed at Community and Controlled Schools is around 5,000 (some of these have more than one job).

5.5 Discussions will be held with the relevant Headteachers' Associations, Governors, and the Schools Forum in the near future in order that representation of schools on the project Executive Board can be secured.

5.6 Pay modelling work is urgently being expanded to include school support staff.

6. The CLT

The CLT considered modelled new pay grading structures on 26 April and gave direction on further pay modelling work. They will next consider pay models (including school support staff) on 7 June.

7. Negotiations

Preliminary negotiations continue productively, but no firm proposals will be made to the union side until these have been authorised by the CLT (anticipated in June).

8. Communications

A survey was recently undertaken by the Communications team to measure the success of communications to the workforce to date, and action is being taken to address some gaps identified.

9. Current work strands

HR Pay Harmonisation project team members are continuing with the work activities reported at the previous meeting; building school support staff into the latest pay modelling; and additionally:

9.1 Undertaking market pay research in order that we can position the proposed pay line at the median for Local Government pay (as directed by Cabinet)

Details of a wide range of local government jobs and their rates of pay are being collected. The job content for these jobs is being evaluated. This is enabling a Local Government market pay line to be plotted which shows what is being paid for what size of job, which can then be used as a reference point for any pay lines we consider.

9.2 Equal Pay Audit

A quick equal pay audit was conducted shortly after vesting day which revealed some potential vulnerability to Equal Pay claims. A fuller Equal Pay Audit with refreshed information is now being undertaken so that we can ensure that the new package of terms and conditions does address any vulnerabilities.

9.3 Project planning

The impact of the inclusion of school support staff on project plans is being assessed.

Conclusion

10. The Committee is asked to note this update. A further update will be provided at the next meeting

Barry Pirie
Service Director, HR/ OD

WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

19 May 2010

INDEPENDENT SAFEGUARDING AUTHORITY - PROPOSAL FOR WILTSHIRE COUNCIL TO MEET THE COST OF MANDATORY REGISTRATION FEES

Purpose of Report

1. Members of Wiltshire Council's Staffing Policy Committee are asked to consider this report and recommend whether the new Independent Safeguarding Authority (ISA) Registration fees should be absorbed by the employer(s) or be viewed as a personal expense for new staff in all front-line services for children and vulnerable adults, including education.

Background

2. The Enhanced Criminal Records Bureau Disclosure cost of £36 is currently met by Wiltshire Council as part of its routine recruitment/staffing costs. This is to ensure Wiltshire schools and the Local Authority can fully meet their corporate safeguarding responsibilities. On 27th November 2008 the teaching unions made a formal request for the School employers to pay the proposed new £64 Independent Safeguarding Authority (ISA) Registration fee in the same way that the Enhanced CRB disclosure costs were being met.
3. Human Resources agreed to take the necessary discussions forward in consultation with those Service Directors, whose frontline services would eventually require ISA-Registration. The Implementation Executive Joint Consultative Committee in March 2009 also recorded a request for all relevant Council-employed staff to be included in future proposals over the payment of the ISA-Registration fee.

Main Considerations for the Council

4. The Safeguarding Vulnerable Groups Act 2006 (SVGA) became law on 12th October 2009. Guidance released around this date by the ISA contained more detail about the scope of ISA Registration and the two categories called respectively 'Regulated Activity' and 'Controlled Activity'. Due to the revisions to the timescales for the setting up of the ISA and Vetting and Barring Scheme (VBS) and delays in the production of guidance for Registered Activity Providers (RAPs) from the ISA it has not been possible until now to progress the unions request for the employer(s) to fully meet the cost of ISA Registration. That information has now largely been provided although some recent guidance about 'Controlled Activity' is still awaited.

Environmental Impact of the Proposal

5. None

Equalities Impact of the Proposal

6. Whilst the Council should not seek to discriminate in the way that it provides services and employment and, where possible, it should do all it can to promote equality and good relations between different groups it must be noted that all the below statutory provisions specifically seek to exclude undesirable individuals from working with children or vulnerable

adults. This forms part of our corporate strategy to meet requirements on the Council to ensure we meet both safeguarding and safer recruitment inspection standards.

7. The existing exemptions from the provisions of the Rehabilitation of Offenders Act 1974 permits employers to ask ex-offenders to declare their offences on application for any positions in either the Children's or Vulnerable Adults Workforce.
8. The CRB founded under Part V of the Police Act 1997 and launched in March 2002 enables organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying and rejecting candidates whose criminal records indicate that they may be unsuitable to work with either children or vulnerable adults.
9. The Vetting and Barring Scheme (VBS) provisions of the Independent Safeguarding Authority (ISA) will further reinforce the right to 'bar' undesirable individuals from working with children or vulnerable adults in regulated activity and is covered by the Safeguarding Vulnerable Groups Act 2006.

Risk Assessment

10. Risk of potential claims of unfair discrimination is fully mitigated by the above statutory provisions providing they are applied fairly and proportionately by the Council. The risk of general non-compliance with the Safeguarding Vulnerable Groups Act 2006 is already included on the Corporate Risk Register under item CR007. The risk of the Council not covering the full ISA-Registration fee is covered in the options set out below.

Financial Implications

11. ISA Registration will begin for new recruits from November 2010 with the rest of the existing regulated workforce needing to be registered over the next 4 years. Registration will cost £64 per individual and includes a CRB check. An Enhanced CRB check at Enhanced level currently costs £36 and in Wiltshire this is currently paid by the employer. The Council's recognised unions, as detailed above, have requested that the employer cover the cost of all future ISA Registration in the same way.

Options Considered

12. ***Option A - Full fee covered.***
HR Management and the Head of Safeguarding would like to recommend to Staffing Policy Committee that to ensure an adequately vetted and cleared workforce that we should cover the full costs of ISA Registration. The previous arrangement whereby the full CRB fee was covered by the employer has resulted in a high level of safer recruitment and safeguarding standard for both children and vulnerable adults. These standards have been commented on favourably during inspections and area reviews and we have fully met the expectation on us as a regulated activity provider in respect of safeguarding service users. By covering these costs the Council has been able to process disclosure applications promptly without the need to delay and recharge staff for such applications. This has also removed a potential disincentive to junior staff who might not be in a position to pay a fee before a decision is made about whether they are acceptable to work in such regulated activities. For schools in particular there are a significant number of roles which are not only on relatively lower grades and pay but are also part-time due to the nature of the academic working year. For such staff a fee of £64 may be a serious deterrent to their applying for such roles. Having the full fee CRB paid by the employer has been a successful arrangement for Wiltshire Council and is the option that carries the lowest risk of non-compliance with statutory safeguarding arrangements.

13. It is also to be noted that the larger 'County' authorities in the South-West region, hence our competitors for staff, also intend to cover these ISA-Registration costs for similar business reasons. This option is supported as the best or preferred practice for safeguarding and safer recruitment reasons by HR, the Head of Safeguarding and the Corporate Directors for Children and Education and Community Services.
14. **Option B - Part fee covered**
 This option is not preferred by either HR or the Head of Safeguarding but is offered as a status quo solution in recognition of the otherwise increased costs of the new ISA arrangements. The proposal would be to continue to pay the equivalent of the CRB fee of £36 with the new recruit or member of staff paying the additional £28 ISA Registration fee element. The rationale for this would be that the ISA Registration is a personal registration and is fully portable to other employers whereas the CRB component belongs to the current employer. This option carries some risk for non-compliance with statutory safeguarding arrangements due to the reluctance of staff to pay the part-fee and or complete and return the application for a disclosure. There is also the risk of challenge from the teaching unions in particular, as their professional fees for General Teaching Council registration are reimbursed to them through payroll as a national arrangement, and they would expect this 'disclosure fee' to also be covered by the employer. The support staff unions are also likely to object to this option as their members are generally in lower paid parts of the workforce but especially those in schools and care services. It is likely that we would experience a increased level of wastage on applications that are not pursued once a fee is requested of the applicant to confirm their suitability for appointment.
15. It is also to be noted that none of the larger 'County' authorities in the South-West region, hence our competitors for staff, are pursuing this option although some smaller authorities are considering it to manage costs. This option is not supported as best or preferred practice for safeguarding and safer recruitment reasons by HR, the Head of Safeguarding or the Directors for Children and Education and Community Services.
16. **Option C - No fee covered**
 This option carries the greatest risk both in respect of safeguarding compliance but also trade union opposition. It is however the option of nil cost. It is likely that Option C will have a higher level of wastage than Option B on the number of applications that are not pursued once a fee is requested of the applicant to confirm their suitability for appointment.
17. This option is not supported as best or preferred practice for safeguarding and safer recruitment reasons by HR, the Head of Safeguarding or the Directors for Children and Education and Community Services. It will potentially impact adversely on recruitment times, re-recruitment costs and our level of compliance with statutory requirements as well as have a negative impact on our preferred employer status.
18. **Independent Safeguarding Authority phasing 2010-2015**
 The ISA phasing is planned across five years according to timescales shown in the tables below. Based on estimates using existing staff data for previous year the predicted costs of the ISA Registration phasing is also shown for two of the three options in the two tables below:

Table 1 - Option A

YEAR AND CRITERIA FULL FEE £64	Corporate costs <i>(Estimated)</i>	Schools costs <i>(Estimated)</i>
Year one (2010) New entrants to the 'regulated' workforce and those moving between employers.	400	1650
	£25,600	£105,600
Year two (2011) All those who have never had a CRB Disclosure check	0	100
	£0	£6,400
Year three (2012) All those with a CRB Disclosure check older than 3 years	1700	7000
	£108,800	£448,000
Year four (2013) All those with a CRB check under 3 years old	500	1300
	£32,000	£83,200
Year five (2014) Those undertaking 'controlled' activity (both new starters and existing staff)	100	0
	£6,400	£0
Total	2700	10050
Costs	£172,800	£643,200

Table 2 - Option B

YEAR AND CRITERIA PART FEE £36	Corporate costs <i>(Estimated)</i>	Schools costs <i>(Estimated)</i>
Year one (2010) New entrants to the 'regulated' workforce and those moving between employers.	400	1650
	£14,400	£59,400
Year two (2011) All those who have never had a CRB Disclosure check	0	100
	£0	£3,600
Year three (2012) All those with a CRB Disclosure check older than 3 years	1700	7000
	£61,200	£252,000
Year four (2013) All those with a CRB check under 3 years old	500	1300
	£18,000	£46,800
Year five (2014) Those undertaking 'controlled' activity (both new starters and existing staff)	100	0
	£3,600	£0
Total	2700	10050
Costs	£97,200	£361,800

Recommendation

19. Option A for full costs covered is supported as the best or preferred practice for safeguarding and safer recruitment reasons by HR, the Head of Safeguarding and the Corporate Directors for Children and Education and Community Services. It also places us in a good competitive position in respect of the recruitment and appointment of the best available candidates for these regulated activities.
20. Once a decision has been reached in the Council about whether these new safeguarding costs should be absorbed by the employer(s) or be viewed as a personal expense for new staff in all front-line services for children and vulnerable adults, including education, then further information will be provided by HR to all the authority's Joint Consultative Committees and other relevant employee relations forums for the School employers.

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

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