

Notice of Meeting

People, Performance and Development Committee



SURREY
COUNTY COUNCIL

Date & time
Thursday, 26
January 2017
at 2.00 pm

Place
Committee Room C,
County Hall, Kingston
upon Thames, KT1
2DN

Contact
Andrew Baird
Room 122, County Hall
Tel 020 8541 7609

Chief Executive
David McNulty

andrew.baird@surreycc.gov.uk



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@SCCdemocracy

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This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Andrew Baird on 020 8541 7609.

Members

Mr David Hodge CBE (Chairman), Mr Peter Martin (Vice-Chairman), Mr Ken Gulati, Mr Nick Harrison, Ms Denise Le Gal and Mrs Hazel Watson

Ex Officio:

Mrs Sally Ann B Marks (Chairman of the County Council) and Mr Nick Skellett CBE (Vice-Chairman of the County Council)

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and substitutions.

2 MINUTES OF THE PREVIOUS MEETING [24 NOVEMBER 2016]

(Pages 1
- 8)

To agree the minutes as a true record of the meeting.

3 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

4 QUESTIONS AND PETITIONS

To receive any questions or petitions.

Notes:

1. The deadline for Member's questions is 12.00pm four working days before the meeting (*20 January 2017*).
2. The deadline for public questions is seven days before the meeting (*19 January 2017*).
3. The deadline for petitions was 14 days before the meeting, and no petitions have been received.

5 ACTION REVIEW

(Pages 9
- 16)

To review the Committee's Actions Tracker.

6 PROPOSED CHANGES TO HR POLICIES

(Pages
17 - 42)

Proposed amendments to HR policies are brought to the People, Performance and Development Committee for consideration as the body that determines policy on the terms and conditions of all staff. The Committee is asked to consider and approve changes to the following: Probation Procedures Policy, the Officer Code of Conduct and the Gifts and Hospitality Policy.

7 SHORT TERM RESOURCING NEEDS POLICY

(Pages
43 - 54)

The purpose of this report is to update the People, Performance and Development Committee on a recent report submitted to the Council Overview Board, current progress on agency worker usage monitoring and to present a draft policy on short term resourcing needs for review and approval by the Committee.

8 EXCLUSION OF THE PUBLIC

Recommendation: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

PART TWO – IN PRIVATE

9 PAY AND REWARD STRATEGY REVIEW BUSINESS CASE FOR SCHOOLS STAFF ON SURREY PAY

(To
Follow)

This report seeks the agreement of the People, Performance and Development Committee to proceed with the second phase of the Pay and Reward Strategy review for schools-based staff on Surrey Pay.

Exempt: Not for publication under Paragraph 4

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.

10 PUBLICITY OF PART 2 ITEMS

To consider whether the item considered under Part 2 of the agenda should be made available to the press and public.

Exempt: Not for publication under Paragraph 1

Information relating to any individual.

11 DATE OF NEXT MEETING

The next meeting of People, Performance and Development Committee will be on 17 February 2017.

David McNulty
Chief Executive

Published: Wednesday, 18 January 2017

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

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It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

MINUTES of the meeting of the **PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE** held at 10.00 am on 24 November 2016 at Members' Conference Room, County Hall, Kingston upon Thames, KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Elected Members:

- * Mr David Hodge (Chairman)
- * Mr Peter Martin (Vice-Chairman)
- * Mr Ken Gulati
- * Mr Nick Harrison
- * Mrs Hazel Watson
- Ms Denise Le Gal

* = in attendance

Substitutes:

Mr Mel Few

In Attendance

Ken Akers, Head of HR & OD

117/16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Ms Denise Le Gal.

Mr Mel Few acted as a substitute for Denise Le Gal.

118/16 MINUTES OF THE PREVIOUS MEETING [27 OCTOBER 2017] [Item 2]

The minutes were agreed as a true record of the meeting.

119/16 DECLARATIONS OF INTEREST [Item 3]

There were none.

120/16 QUESTIONS AND PETITIONS [Item 4]

There were none.

121/16 ACTION REVIEW [Item 5]

Nick Harrison arrived during discussions on this item.

Declarations of interest:

None

Witnesses:

Ken Akers, Head of HR & OD

Andrew Baird, Regulatory Committee Manager

Key points from the discussion:

1. In relation to Action A36/16, the People, Performance and Development Committee (PPDC) was informed that the decision had been taken to postpone the All Member Seminar on the Behaviour's Framework until after the County Council elections in May 2017. Responsibility for determining when this All Members' Seminar would take place following the elections had been passed to the Member Development Group. Members were further advised that any All Member Seminars planned in advance of the County Councils elections in May had been cancelled unless deemed to be absolutely necessary.
2. The Committee discussed Action A47/16 and noted that a Motion had been submitted for consideration at the Full Council meeting scheduled for 6 December 2016 which would ask Members to support investment in key worker housing to assist in the recruitment and retention of key frontline staff such as social workers, occupational therapists and engineers.

Actions/ further information to be provided:

None

RESOLVED:

That the People, Performance and Development Committee agreed to monitor progress on the implementation of actions from previous meetings.

122/16 PAY POLICY STATEMENT 2016 - 2017 [Item 6]

Declarations of interest:

None

Witnesses:

Ken Akers, Head of HR & OD

Key points raised during the discussion:

1. An updated version of the Pay Policy Statement "the Statement" was tabled at the meeting for consideration by the Committee and is attached to these minutes as Annex 1. Members received an introduction to the item from officers who highlighted that it had been necessary to amend the Statement as a result of changes to staff members' terms and conditions of employment arising from the implementation of a new Pay & Reward Strategy. PPDC were advised that Full Council would be asked to formally agree the revised Statement at its meeting on 6 December 2016.
2. Members were concerned that language and formatting made some of aspects of the Statement difficult to understand and a number of

changes to the Statement were therefore requested before it was submitted to Full Council for consideration and approval. Officers stated that the Statement would be amended in accordance with the Committee's suggestions and advised that a final version would be tabled for agreement at Full Council on 6 December 2016.

3. Discussions took place regarding pay progression for political assistants who, due to restrictions on pay imposed by Central Government, had not seen an increase in their pay band maximum since 2006. The Committee stated that it was unfair that political assistants' pay had remained stagnant for such a long period and it was agreed that the Chairman of the Committee should write a letter to the Secretary of State making this point and requesting that consideration be given to increasing the pay band maximum for political assistants.

Actions/ further information to be provided:

1. That the following amendments be made to the Pay Policy Statement:
 - a. Condense the Pay Policy Statement by first covering schools based staff, followed by non-schools based staff.
 - b. Details of staff benefits should be removed from the section titled 'Chief Officers Remuneration'. Staff benefits should instead be given its own standalone section.
 - c. A cover sheet to be added to the Pay Policy Statement providing a brief synopsis of what the Statement covers and a brief outline of the changes arising as a result of the revised Pay and Reward Strategy.
 - d. The first paragraph under Surrey Pay should highlight that the negotiations around Surrey Pay terms and conditions are made through collective bargaining.
 - e. Reference to the CEX and senior pay grades should be removed from the Schools based Surrey Pay Staff section
 - f. Further clarity should be provided in respect of what is meant by job-based pay models and career based pay models.

RESOLVED: That;

subject to the amendments requested by Members, the People, Performance and Development Committee agreed to recommend publication of the Statement to the next meeting Surrey County Council Full Council on 6 December 2016.

123/16 APPRAISAL COMPLETION REPORT FOR FINAL APPRAISALS CARRIED OUT IN 2016 (TO COVER PERFORMANCE IN 2015/16) [Item 7]

Declarations of interest:

None

Witnesses:

Ken Akers, Head of HR & OD

Key points raised during the discussion:

1. Officers provided Members with an update on the figures related to appraisal completion rates in the published report. The Committee was advised that Surrey Fire & Rescue Service (SFRS) had completed 100% of staff appraisals and that there was just a small number of appraisals which remained outstanding across SCC. Members congratulated officers on reducing the amount of time it took for staff appraisals to be completed across the organisation.
2. The Committee requested that the Council Overview Board be given the opportunity to review appraisal completion rate figures.

Actions/ further information to be provided:

1. That the appraisal completion rate figures be submitted to the Council Overview Board for possible consideration at a future meeting.

RESOLVED:

It is recommended that the People, Performance and Development Committee agreed to:

- i. note the final recorded completion rate for eligible appraisals;
- ii. note that Surrey County Council will now focus on the appraisal year 2017 and the support which services will need in relation to completing high quality appraisals; and
- iii. Continue to request reports providing appraisal completion data in line with the specified appraisal timescales for 2017.

124/16 HIGH PERFORMANCE DEVELOPMENT PROGRAMME [Item 8]**Declarations of interest:**

None

Witnesses:

Ken Akers, Head of HR & OD

Key points raised during the discussion:

1. The Committee received an introduction to the report from officers who highlighted that SCC had invested heavily in developing its management team as a means of driving improved performance across the organisation. Members were advised that the High Performance Development Programme “the Programme” had been an important part of steps to develop managers throughout the Council and had been successful in improving organisational performance. Officers stated, however, that fewer managers within frontline services had attended the Programme as had been anticipated and so any future changes to it would encourage increased participation by frontline service managers.

2. The Committee expressed concern regarding the limited number of frontline service managers that had attended the Programme and requested further details on how they would be encouraged to sign up to future iterations of the Programme. Officers indicated that frontline service managers hadn't been adequately engaged in the Programme offer and so careful monitoring and management would be put in place to develop the offer and help to tailor it towards the needs of those delivering frontline services. Members were informed that a steering group had already been set up to assist in directing the development of the Programme and that this steering group included frontline service managers so that they were fully engaged in this process. The Committee stated that improved uptake on the Programme may be achieved by discussing the benefits of attending the course with relevant staff members.
3. Further information was requested in regard to the increased resignation rate which has been recorded among staff across the Council since the High Performance Development Programme was introduced. Officers stated that the Programme had empowered managers to tackle entrenched behaviours which ran counter to the expectations of the organisation and that this had resulted in a slight increase in staff turnover.
4. Members were advised that the next iteration of the Programme would aim to link SCC staff with managers from other public sector bodies in Surrey so as to aid collaborative working between organisations across the county.
5. The Committee stated that effective coaching and professional development programmes had enabled SCC to bring on and improve many of its own staff at a time when lots of organisations were choosing to reduce training budgets as a result of financial pressures. Half of managers across SCC had completed the High Performance Development Programme and this was contributing to improvements in service delivery across the organisation.
6. Members requested that the Corporate Leadership Team undertake an evaluation of the Programme and consider what improvements could be made to it for the next cohort managers.

Actions/ further information to be provided:

1. Corporate Leadership Team to be engaged on the development of the next iteration of the High Performance Development Programme.

RESOLVED: That;

the People, Performance and Development Committee:

- i. note the findings of the University of Surrey's evaluation report of the High Performance Development Programme and the positive difference the investment has made in starting to develop the shift in culture of the organisation; and
- ii. support plans in place to re-focus the leadership and management programme to continue this journey to service excellence; building on areas identified in the evaluation report as needing more attention.

125/16 DATE OF NEXT MEETING [Item 9]

The Committee noted that its next meeting would be held on 26 January 2017.

Meeting ended at: 11.10 am

Chairman

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People, Performance and Development Committee
26 January 2017

Action Review

Purpose of the report:

For Members to consider and comment on the Committee's actions tracker.

Introduction:

An actions tracker recording actions and recommendations from previous meetings is attached as **Annex A**, and the Committee is asked to review progress on the items listed.

Recommendations:

The Committee is asked to monitor progress on the implementation of actions from previous meetings (Annex A).

Report contact: Andrew Baird, Regulatory Committee Manager

Contact details: 020 8541 7609, andrew.baird@surreycc.gov.uk

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ONGOING ACTIONS

Number	Meeting Date	Item	Recommendation / Action	Action by whom	Action update
A36/16	30 June	Surrey County Council Behaviours Framework Launch and Plan for Embedding into the Organisation	The Cabinet Member for Business Services and Resident Experience to ask the Member Development group to consider how the Behaviours Framework can be used to improve customer service delivery among County Councillors.	Democratic Services Lead Manager	The Committee agreed that scheduling an All Member Briefing on the Behaviours Framework should be postponed until after County Council elections in May 2017. (Updated: 25 November 2016)
A43/16	26 September 2016	Apprenticeship Reforms	Members requested that a follow up report on the Apprenticeship Reforms be considered by PPDC detailing what flexibilities there are within the scheme and whether the funding can be used for general staff training and development.	Regulatory Committee Manager/ Head of HR & OD	A follow-up item on the Apprenticeship Reforms will be brought to the People, Performance and Development Committee on 17 February 2017. (Updated:17 January 2017)
A46/16	27 October 2016	Proposal to introduce a Professional Development Programme within the Environment and Infrastructure Directorate	Senior Managers within the E&I Directorate should draw up proposals for what a welcome bonus for staff joining the Directorate would be structured and brought back for consideration by PPDC once this had been completed	Head of Planning and Development Group	The Committee will consider proposals for a welcome bonus for staff joining the Environment & Infrastructure Directorate at its meeting on 25 July 2017. (Updated: 17 January 2017)

People, Performance & Development Committee – ACTION TRACKING

November 2016

A47/16	27 October 2016	Proposal to introduce a Professional Development Programme within the Environment and Infrastructure Directorate	Head of HR & OD along with relevant heads of service to draw up proposals for ways in which the Council could invest in property for housing frontline staff who would be otherwise unable to afford the cost of accommodation in Surrey	Head of HR & OD	<p>A Motion regarding key worker housing was agreed by Full Council at its meeting on 6 December 2016. The motion agreed was as follows:</p> <p><i>'The Council notes the difficulties in recruiting and retaining skilled staff to work for the County Council, the high cost of agency staff and that the situation is becoming critical as the council's financial position worsens.</i></p> <p><i>This Council has previously agreed that more emphasis should be given to key worker housing as one approach to dealing with this problem.</i></p> <p><i>The Council now agrees to explore the options available to enhance the provision of key worker housing in Surrey in order to help recruit and retain more skilled staff whilst reducing agency spend.'</i></p> <p>In light of this motion, the Property Services Team are now looking at the Council's Investment Strategy to see whether it can support key worker housing.</p> <p style="text-align: right;">(Updated: 5 January 2017)</p>
A49/16	27 October 2016	Pay Policy Exceptions October 2016	The Head of HR & OD to work with the Cabinet Member for Businesses Service to draft a letter regarding adherence to the Council's information governance policies for officers and Members.	Head of HR & OD/ Cabinet Member for Business Services and Resident Experience	<p>This action has been highlighted to relevant officers for them to progress</p> <p style="text-align: right;">(Updated: 27 October 2016)</p>

A50/16	27 October 2016	Pay Policy Exceptions 2016	The Head of HR & OD to provide confirmation to the Committee that the intention is to delete the SEND Strategic Lead role following the taking on of additional responsibilities by Julie Stockdale.	Head of HR & OD	This action has been highlighted to the Head of HR & OD for them to progress (Updated: 27 October 2016)
A52/16	24 November 2016	Pay Policy Statement 2016 - 2017	A letter from the Chairman of the Committee to be sent to the Secretary of State highlighting that the pay band maximum for political assistants had not been increased since 2006 and suggesting that this should be addressed.	Head of HR & OD	This action has been highlighted to the Head of HR & OD for them to progress. (Updated: 13 December 2016)
A53/16	24 November 2016	Appraisal Completion Report for Final Appraisals Completed in 2016	That the appraisal completion rate figures be submitted to the Council Overview Board for possible consideration at a future meeting.	Regulatory Committee Manager	The Appraisal Completion Report has been circulated to the Scrutiny Manager for discussions with the Chairman of the Council Overview Board. (Updated: 13 December 2016)
A54/16	24 November 2016	High Performance Development Programme	Corporate Leadership Team to be engaged on the development of the next iteration of the High Performance Development Programme.	Head of HR & OD	This action has been highlighted to the Head of HR & OD for them to progress. (Updated: 13 December 2016)

COMPLETED ACTIONS

Number	Meeting Date	Item	Recommendation / Action	Action by whom	Action update
A44/16	27 October 2016	Minutes of the Previous Meeting	The Head of HR and OD to circulate a note to Committee Members on Tuesday 1 November detailing the Council's position in regard to the number of completed appraisals across SCC.	Head of HR & OD	This information was included as part of the Appraisal Update report being considered by the Committee at its meeting on 24 November 2016 (Updated: 24 November 2016)
A48/16	27 October 2016	Proposal to introduce a Professional Development Programme within the Environment and Infrastructure Directorate	PPDC to receive details of the current offer that the Directorate has for engineering and other specialist roles.	Head of Planning and Development Group/ Strategic Business Partner	A briefing was circulated to Members on 25 November 2016 (Updated: 25 November 2016)

<p>A51/16</p>	<p>24 November 2016</p>	<p>Pay Policy Statement 2016 - 2017</p>	<p>That the following amendments be made to the Pay Policy Statement:</p> <ul style="list-style-type: none"> a. Condense the Pay Policy Statement by first covering schools based staff, followed by non-schools based staff. b. Details of staff benefits should be removed from the section titled 'Chief Officers Remuneration'. Staff benefits should instead be given its own standalone section. c. A cover sheet to be added to the Pay Policy Statement providing a brief synopsis of what the Statement covers and a brief outline of the changes arising as a result of the revised Pay and Reward Strategy. d. The first paragraph under Surrey Pay should highlight that the negotiations around Surrey Pay terms and conditions are made through collective bargaining. e. Reference to the CEX and senior pay grades should be removed from the Schools based Surrey Pay Staff section. f. Further clarity should be 	<p>HR Reward Manager</p>	<p>The requested amendments were made to the Pay Policy Statement and the revised version was approved at Full Council on 6 December 2016.</p> <p style="text-align: center;">(Updated: 6 December 2016)</p>
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People, Performance and Development Committee
26 January 2017

Proposed Changes to HR Policies

Purpose of the report:

Proposed amendments to HR policies are brought to the People, Performance and Development Committee for consideration as the body that determines policy on the terms and conditions of all staff. The Committee is asked to consider and approve changes to the following: Probation Procedures Policy, the Officer Code of Conduct and the Gifts and Hospitality Policy.

Recommendations:

It is recommended that the People, Performance and Development Committee:

- i agrees to amend contracts of employment to require all new entrants to the Council to be subject to a probation period, usually six months, and to provide for a period one month notice period for all on probation.
- ii recommends the amended Code of Conduct policy for approval at the next full Surrey County Council meeting on 7 February 2017; and
- iii agrees the proposed amendments to Surrey County Council's Gifts and Hospitality Policy.

Introduction

1. It has been necessary to review a number of HR policies for the following reasons:
 - **Probation Procedure:** a change to the legislation prompted a review.
 - **Officer Code of Conduct:** an internal audit report recommended that the Officer Code of Conduct refer to ethical behaviour more explicitly. Consultation with the Reward Board and service managers identified further amendments which are included in the proposals. Changes to the Officer of Code of Conduct Policy are attached as Annex 1
 - **Gifts and Hospitality:** an internal audit report recommended a number of amendments to the Gifts and Hospitality Policy for the purposes of clarity and completeness. Consultation with the Reward Board and service managers identified further amendments which are included in

the proposals. Changes to the Gifts and Hospitality are attached as Annex 2.

6

Probation procedures

Recommendation

2. To amend contracts of employment to require all new entrants to the Council to be subject to a probation period, usually six months, and to provide for a period one month notice period for all staff on probation.

Key amendments

3. The current contract states that the probation procedure does not apply to bank contracts. The new procedure proposes the introduction of a probation period for those who are new to Surrey County Council (SCC) on a bank contract. This is in line with the result of the pay and reward review which introduced appraisal conversations with bank staff.
4. The current contract states that the probation procedure is discretionary for those with local government service. The proposal is to require all staff new to SCC to have a probationary period before they are confirmed in post.
5. The current policy requires probation to be completed within six months with no possibility to extend. The probation procedure was written at a time when employment rights were gained after only one year's service. It was therefore important to have rules in place to ensure that decisions on the suitability of employment were made within a strict timeframe. Since 2012 the law has changed to increase the length of service needed to acquire such rights to two years. So the new procedure allows an extension of up to three months to provide more flexibility for managers.
6. The current policy explains that the notice period for those on probation is usually a week. For those with continuous service the period of notice they are currently entitled to will include previous continuous service aggregated at half-rate, which may be up to six weeks. This is in line with the current contract which requires the Council to recognise certain contractual provisions, e.g. periods of notice, annual leave, and maternity benefits. This service is not counted for any other rights i.e. the employee will still have to complete two years' service to claim unfair dismissal.
7. Six weeks is a long notice period for someone on probation so the proposal is to amend the contract to provide for a period of one month for all on probation.
8. The proposals provide a simple and consistent approach. They give managers greater flexibility, furthermore those unsuccessful during probation are more likely to be advocates for the organisation if they are given longer than a week's notice.

Code of Conduct

Recommendation

9. recommends the amended Code of Conduct policy for approval at the next full Surrey County Council meeting on 7 February 2017; and

Key amendments

9. The proposed changes to the Code of Conduct Policy introduce the concept of ethics and strengthen references to the Council's value statements which reflect the importance of the principles of public life.

Section 2 Organisational Ethics and Personal Conduct

10. To address the internal audit recommendation that the Code of Conduct refer to ethical behaviour more explicitly than in the current policy, it was agreed with the auditor that updating the statement of personal conduct in section 2 would be sufficient to address the concern raised.
11. The wording agreed with the auditor is as follows:

“The Council expects all employees to behave ethically and maintain high standards of personal conduct to sustain the good reputation of the Council and its services.”
12. An explanation of the relationship between the values and behaviours, taken from the Council's behaviours framework guide, has been added to highlight their importance to everything the Council does.
13. The summary of the seven principles of public life together with the explicit links to values and behaviours make clear the corporate standards of behaviour required from staff.

Section 4 Health, safety and wellbeing

15. The word “Wellbeing” has been added to the title to broaden the scope of matters covered in this section.
16. The following paragraphs have been added:
 - the expectation on employees to report to work in a fit and safe state to carry out their duties with a link to the Drug and Alcohol Workplace policy;
 - the Council's commitment to provide a smoke free environment with a link to the Smoke Free Workplace policy.

Section 5 Governance

17. The title of this section has been changed from Treatment of Information to Governance to broaden its scope.
18. A section has been added on Fraud and Corruption to highlight the importance of employees understanding their responsibilities and duties in this area, with a link to the Council's Strategy against Fraud and Corruption.

Section 8 Gifts, Hospitality, Sponsorship or Endorsements

19. There is now a brief summary of the key expectations of employees in this area, with a link to the Gifts and Hospitality policy and guidance for the detail and further information. Currently the main gifts and hospitality policy requirements are described in the Officer Code of Conduct and the full Gifts

and Hospitality Policy and guide are separate documents. This risks inconsistencies occurring between what is said in the Code of Conduct and in the Gifts and Hospitality policy, as has been identified in the recent audit of gifts and hospitality (referred to in paragraph 23 below). The proposal to link to the Gifts and Hospitality policy for the policy requirements is considered a safer approach.

20. The amended policy is attached at Annex 1.

Gifts and hospitality

Recommendation

21. To consider and approve the proposed amendments to the Gifts and Hospitality policy.

Key amendments are set out below:

Section 1 Introduction

22. An introduction to the policy has been added linking the need for high ethical standards to the Council's strategy on fraud and corruption.

Section 4 Registration and approval of gifts and hospitality

23. The requirements for the registration and approval of gifts and hospitality are set out in paragraphs 4a and 4b of the Gifts and Hospitality policy only, rather than in both this policy and the Code of Conduct. This addresses a slight inconsistency identified in the audit report between the wording used in the Gifts and Hospitality policy and the current Code of Conduct which could potentially impair the effectiveness of the monitoring process and/or the consistency of disclosures made.
24. Paragraph 4b proposes that Heads of Service are responsible for prescribing the appropriate level of management to authorise approvals in their service. This addresses an inconsistency where the current policy states that Head of Service approval is needed, then later that officers should seek approval from their line manager. Giving Heads of Service the ability to prescribe what level of management authorises approvals allows services to operate a process that best suits their environment, this is likely to mean a more robust process.
25. The current policy states that acceptance of hospitality must be authorised in advance of receipt or within seven days where this is not possible. This stipulation has been expanded to cover both gifts and hospitality. This is to make clear that authorisation of both gifts and hospitality must take place on a timely basis.
26. The notional value of items where the value is not known has been changed from £200 to £50. Documentation from 2010 suggests that it should have read £50 and that £200 is an error.
27. It is made clearer that only gifts and hospitality with a value of £25 and over need to be registered and approved, and that anything under £25 does not need manager approval or to be registered unless it is considered that there are good reasons for doing so.

28. Guidance on the non-acceptance of monetary gifts has been added at paragraph 4f. This was a recommendation from the audit report.
29. References to Gifts and Hospitality books held by Heads of Service have been removed as all entries are now made in the online register. The guidance explains that anyone who does not have online access should arrange with their business services team for entries to be made on their behalf. Having all entries in one place enhances reporting and scrutiny of content. For this reason the requirement for a separate register for the Corporate Leadership Team has also been removed. Only members of the Human Resources Leadership team and the officer managing the register will see the full content.

Section 5 Employees in social care provider services

30. Guidance is provided on the receipt of gifts from potentially vulnerable service users due to the complexity and sensitivity of the relationship between providers of care services and vulnerable service users, their carers' and families. This was a recommendation from the audit report

Section 7 Bequests and legacies

31. Guidance on what to do if an employee becomes a beneficiary in a service user's will has been added because there is no advice on this matter in the current policy.

Section 8 Monitoring and compliance

32. The following requirements have been added to strengthen monitoring and compliance:-
33. That managers monitor all offers of gifts and hospitality made to their team members and flag if one third party or organisation seems to be excessively offering "small" gifts which are not being recorded.
34. That an annual reminder will be sent to all Heads of Service that they should communicate gifts and hospitality compliance requirements to officers. The guidance suggests how Heads of Service might do this. This was a recommendation from the audit report.
35. That the Head of HR&OD is the policy owner and responsible for reviewing policy content and for the oversight of compliance with its requirements. This is to satisfy the audit report recommendation to establish responsibilities for oversight and to consider detailing a named officer as policy owner.
36. The amended policy and guidance are attached at Annex 2.

Conclusions:

37. The proposed change to the probation procedure gives flexibility to managers and ensures that all new entrants to Surrey are treated equally.
38. The proposed changes to the Officer Code of Conduct make explicit the requirement to behave ethically and will link with the new behaviours framework. Explicit links are also made to key policies relevant to the high standards of conduct expected of the Council's staff.

39. The proposed changes to the Gifts and Hospitality policy make clearer the requirements and provide guidance in areas that were not previously covered.

Financial and value for money implications

40. There is a cost attached to extending the probationary period from one week to one month. However it is not significant and can be met with existing budget provision.
41. There are no financial implications relating to the amendments to the Code of Conduct and gifts and hospitality policies.

Equalities and Diversity Implications

42. The proposed amendments will not impact on residents or staff with different protected characteristics so an Equality Impact Assessment is not needed.

Risk Management Implications

43. None

Next steps:

- To engage with unions on the proposed changes through SCCTU.

Probationary Procedure

- To amend the probation procedure on Snet.

Officer Code of Conduct

- To seek full Council approval for the amended policy at the 7 February 2017 meeting.
- To amend the policy and guidance on Snet.

Gifts and Hospitality

- To amend the policies and guidance on Snet.

Report contact: Ken Akers, Head of HR&OD

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Annexes:

Annex 1 – Proposed changes to Officer Code of Conduct Policy

Annex 2 – Proposed Changes to Gifts and Hospitality Policy

Officer Code of Conduct

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1 Welcome to the Code of Conduct Policy

The purpose of this Code is to help employees support the County Council's aim to provide high quality services fairly and efficiently in line with its values of listening, responsibility, trust and respect. Members have their own Code of Conduct and there is also protocol which outlines how members and officers work together.

The Code of Conduct applies to all employees of the County Council, agency workers, contractors and their staff whilst working for, or on behalf of, the Authority.

Employees are expected to apply the Code of Conduct and other Council policies to the performance of their duties, including to their use of work related social media. Where an employee identifies themselves or can be identified as a Surrey County Council employee, the same rules that apply to actions in general apply to conduct online, including on personal social media sites – see [Personal use of social media \(link\)](#) for further information.

Any breach of the Code of Conduct will be regarded as a disciplinary offence. The code may be taken into account in performance appraisal.

2 Organisational Ethics and Personal Conduct

The Council needs to ensure its decisions and operations are open, accountable and in line with recognised ethical standards. Officers of the Council are therefore required to be aware of and act in accordance with [The Seven Principles of Public Life](#), which are:

Selflessness - Officers and members should act solely in terms of the public interest;

Integrity - Officers and members should avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work;

Objectivity - Actions and decisions should be taken impartially, fairly and on merit using the best evidence and without discrimination;

Accountability - Officers and members are accountable to the public and submit themselves to the scrutiny necessary to ensure this;

Openness - Actions and decisions should be taken in an open and transparent manner and information should not be withheld from the public unless there are clear and lawful reasons for so doing;

Honesty - Officers and members should be truthful; and

Leadership - Officers and members should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

This code is based, and builds, on these seven principles published by [the Committee on Standards in Public Life](#).

The Council expects all employees to behave ethically and maintain high standards of personal conduct to sustain the good reputation of the Council and its services. In doing so employees are expected to be aware of and act in accordance with the Council's [values and behaviours](#) (*link*). Values and behaviours are very much linked. The Surrey County Council values sit at the heart of everything we do. The behaviours are what people see, and express what we value. The values are brought to life in each of the behaviour clusters.

3 Compliance with County Council Instructions

The Council expects all employees to comply with lawful written and oral instructions.

This will ensure that we take a consistent approach across the County Council in relation to how we procure services and goods, carry out people management activities and how we approach financial management.

The relevant procedures and instructions are published on snet – see [related information](#).

4 Health, Safety and Wellbeing

The Council has a legal duty of care for the health, safety and wellbeing of its employees. In addition, all employees must take reasonable steps to protect their own health and safety and that of other people who may be affected by their work. Some employees, particularly managers, have specific responsibilities and these are detailed in the Council's safety policies and procedures. The Council's [Health and Safety Policy and Manual](#) (*link*) is published on the website.

Employees are expected to report for work in a fit and safe state to carry out their duties. They must not drink alcohol or take drugs at any time whilst at work, including during rest or meal breaks spent at or away from council premises. Incidents outside working hours that involve intoxicating substances may be considered a disciplinary offence if the incident breaches the code of conduct. For further detail about the council's expectations regarding drugs and alcohol employees should refer to the [Drug and alcohol workplace policy](#) (*link*).

The Council is committed to providing a smoke free environment for staff and employees are expected to comply with the Council's [Smoke free workplace policy](#) (*link*).

5 Governance

5.1 Handling and Treatment of Information relating to the County Council

It is generally accepted that open government is best. All employees should be aware as to what information should be made available to Members, auditors, government departments, service users and the public, and **which information should remain confidential**. Any information made available should be provided in a clear and concise way.

Employees should **not use any information** gained in the course of their employment for **personal gain**, or pass it on to others who might use it in such a way. Information concerning a service user, resident, employee's or Member's personal affairs **should not** be divulged without prior approval, except where that disclosure is required or sanctioned by law. It is important that employees take all relevant steps to comply with data protection requirements and ensure that confidential information is kept secure. For further information you should read the [Information governance \(link\)](#) guidance.

5.2 Declaring Personal Interests and Outside Commitments

All employees **must declare**:

- i. Any non-financial or financial interest which might conflict with the authority
- ii. Membership of any organisation that is **not open to the public** without formal membership and commitment of allegiance and which has secrecy about rules, membership, or conduct
- iii. Membership of **other groups, clubs and societies**, that an employee believes could be relevant to declare in particular circumstances.

Declarations should be made to Heads of Service who should ensure that a written record is made on the employee's personnel file. Declarations must extend to acknowledging the involvement of a relative or partner of an employee in an organisation in which the County does or seeks to do business, particularly if they are directors, partners or hold senior managerial positions in those organisations.

Employees should be aware of any **contractual restrictions** on taking outside employment. In any case, outside employment should not be taken which conflicts with the council's interests.

For further guidance see [Conflict of interest \(link\)](#).

Where employees are in any doubt about whether any personal relationships, interests, or outside commitments should be declared in particular circumstances, they should either declare the information in any case, or else seek further advice

from their manager or HR by phone on 0208 541 9000 or e-mail myhelpdesk@surreycc.gov.uk.

5.3 Declaring Related Party Transactions

The County Council is obliged to fulfil a disclosure requirement in respect of related party transactions. This reporting requirement aims to provide assurance to readers of financial statements that any material transactions entered into between the organisation and those in a position of power to influence its decisions are disclosed and above board.

Senior Managers Levels 1 – 4, must **declare**:

- I. Positions of influence they hold within partnerships, companies, trusts or any entities providing services to the County Council
- II. Positions of influence they hold (in a personal capacity) within organisations receiving grant funding from the County Council

Declarations must extend to a relative or partner of the employee if they have an interest in any such organisation. Senior Managers Level 1 – 4 will be required to declare this and complete an annual return.

5.4 Whistleblowing

The Council is committed to the highest possible standards of honesty, openness, probity and accountability. We seek to conduct our affairs in a responsible manner, ensure that our activities are openly and effectively managed, and maintain our integrity and principles of public interest disclosure.

In line with this commitment, where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the code of conduct for employees, the employee is encouraged to report the matter in line with the council's confidential reporting procedure – see [Whistleblowing \(link\)](#).

Employees who raise matters of concern in this way have specific protections afforded them under the Public Interest Disclosure Act 1998.

5.5 Fraud and Corruption

The Council maintains a zero tolerance approach to fraud and corruption. All employees need to understand their responsibilities and duties in regard to the prevention and reporting of suspected fraud and corruption as outlined in the Council's [Strategy Against Fraud and Corruption \(link\)](#).

6 Working Relationships

Internal and external relationships with colleagues, service users and contractors should be conducted in a professional, friendly and respectful manner. Employees are expected to treat others with fairness and dignity at all times and to work to resolve differences where these exist.

6.1 Working with Members

Mutual respect between employees and members is **essential** to good local government. **Close personal familiarity** between employees and individual members can damage the relationship and should therefore be **avoided**.

For further information about working relationships between officers and members please see the [Members/Officers protocol](#) (*link*).

6.2 Working with Colleagues

Employees must ensure compliance with all the County Council's employment policies. Employees should not be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions of another employee, or prospective employee to whom they are related or have a close personal relationship.

6.3 Working with the Local Community & Service Users

Employees should ensure courteous, efficient and impartial service delivery to all.

6.4 Political Neutrality

- i. Members are elected to direct the policies and activities of Surrey County Council. **Employees** should ensure they **serve all members**, not just those of the controlling group, and respect their individual rights.
- ii. Employees should ensure that their own **personal or political opinions should not interfere** with any policy of the authority. Where employees advise political groups, **political neutrality must be retained**.

(Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from political neutrality).

Certain posts are designated as politically restricted by the Local Government and Housing Act 1989. Your contract of employment will tell you whether you hold one of these posts and, if you do, you will be required by law to observe certain restrictions regarding your out of work activities. For further information see the [Politically restricted posts](#) protocol.

6.5 Equality Issues

- i. Employees must ensure compliance with the County Council's **Equalities Statement** and other employment policies in relation to equality issues to comply with high standards of employment practice.
- ii. Employees are expected to be aware of and act in accordance with the Council's [Ending harassment, bullying, victimisation and discrimination](#) (*link*) policy. The Council will not tolerate any form of harassment, bullying, victimisation or discrimination against colleagues, other employees or job applicants. All members of the local community have a right to be treated with **fairness and equality**.

7 Contractors and Competitive Tendering

Contractors may include individuals who are temporarily working alongside County Council employees, or employees of an external firm that has been awarded a contract to provide services on behalf of the County Council. All Contractors should be treated with courtesy and respect.

7.1 Contractors

Any orders and contracts must be awarded by **fair and open competition** against other tenders. No special favour should be shown to businesses with particular connections to employees.

Employees should **declare any relationship** with a particular contractor, or any potential contractors, to the Head of Service and should not participate in any buying activity where these Conflicts of Interest could arise. See the [Procurement standing orders](#) (*link*) for further information.

7.2 Separation of Roles During Competitive Tendering

- i. Employees should be clear on the separation of **client and contractor roles**. Senior employees who have both a client/contractor responsibility must be aware of the need for accountability and openness.
- ii. Employees privy to **confidential information** on tenders of costs relating to contractors should not disclose the information to any unauthorised party or organisation.
- iii. Employees should ensure no special favour is shown to **current or recent former employees**, or associates, in awarding contracts.

8 Gifts, Hospitality, Sponsorship or Endorsements

County Council employees should exercise caution concerning the **acceptance of gifts or hospitality** in relation to their role in the Council; and any **involvement in sponsorship events**, or **endorsement of a product or service**, where there may be a **conflict of interest**.

All gifts and hospitality should be properly recorded and employees are expected to be aware of and act in accordance with the Gifts and hospitality policy. For further detail and information about what needs to be recorded see [Gifts and hospitality policy and guidance](#) (*link*).

9 Use of the County Council's Materials or Resources

Employees should not make personal use of any County Council property, facilities, materials, or resources unless properly authorised to do so.

9.1 Property and Resources

County Council property and resources should be used solely in respect of its work. No improper use should be made of any facility such as vehicles, equipment, stationery or secretarial services which the County Council provides for its own business.

The Authority recognises that there are times when calls must be made during working hours, for emergencies or to utility companies, for example. Reasonable usage of the telephone in these cases is permissible, but employees are expected to keep the length of call to the minimum possible.

9.2 Intellectual Property

Employees should follow County rules on the ownership of intellectual property or copyright created during their employment. Any invention, improvement or design made or conceived by you while you are engaged to work for the County Council which is in the existing, or contemplated, scope of the business of Surrey County Council shall become and remain the exclusive property of Surrey County Council.

Related information

[Values and behaviours](#)

[Equalities information](#)

[Politically restricted posts](#)

[IMT policies](#)

[Information governance](#)

[Strategy against Fraud and Corruption](#)

[Ending harassment, bullying, victimisation and discrimination](#)

[Members/Officers protocol](#)

[Conflict of interest](#)

[Disclosing information](#)

[Whistleblowing](#)

[Procurement guidelines](#)

[Gifts and hospitality](#)

[Health & Safety](#)

[Financial governance](#)

Gifts and hospitality policy

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1. Introduction

The Council needs to ensure that its decisions and operations are open, accountable and in line with recognised ethical standards.

It is essential that the public can be confident that decisions are made for good and proper reasons and are not influenced inappropriately by the interests of individual employees, their relatives or friends. Therefore employees should not compromise their position as public service workers by accepting gifts or hospitality that might be perceived as having influenced any such decision.

In delivering its objectives the council maintains a zero tolerance approach to fraud and corruption, whether it is attempted from outside the council (the public, clients, partners, contractors, suppliers or other organisations) or within (Members and employees). Employees should exercise caution concerning the acceptance of gifts or hospitality and should refer to the Council's **Strategy on Fraud and Corruption** ([link](#)) for further information.

In support of these objectives this policy details the Council's expectations of employees and those working on behalf of the Council regarding the acceptance of gifts and hospitality in relation to their role in the Council.

2. Application

The policy applies to all Surrey County Council employees, except fire fighters, teachers and staff employed directly by schools. It applies to agency workers, and contractors and their staff whilst working for or on behalf of the Council.

3. Basic principles

- All officers of Surrey County Council and those working on behalf of Surrey County Council are expected to refuse the offer of inappropriate and disproportionate hospitality and gifts made in relation to their role in the Council unless there are compelling reasons or exceptional circumstances for doing so.
- Accepting a gift or hospitality that does not comply with this policy will breach the code of conduct and may result in disciplinary action.
- Individuals are responsible for deciding whether an offer of a gift or hospitality is "inappropriate and disproportionate and could have the potential to be interpreted as recompense, inducement or endorsement.
- Gifts or hospitality must not be accepted where it might be perceived to influence a decision in respect of purchasing goods or services, awarding contracts, or in the discharge of any other aspect of the Council's business. It is your responsibility to refuse such offers and to report any possible conflict of interest and in cases where you believe that the Council may be compromised.

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- It is a criminal offence for officers or those working on behalf of the council to corruptly receive any gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour, or disfavour, to any person in their official capacity. In no circumstances should any statement ever be made in return for a personal gift, or money.
- It is expressly prohibited for an officer to accept any gift or hospitality from an organisation if the officer is actively involved in a tender process with the organisation on behalf of the Council. This prohibition commences at the point that an invitation to tender is published and extends to a period of three months after a contract has been awarded.
- For reasons of integrity and transparency, the principle of receipt of gifts or hospitality extends to the spouse, partner or immediate family of the officer.
- Officers must follow the policy and procedure for the registration and approval of offers of gifts and hospitality. If there is any doubt about the acceptance of a gift or offer of hospitality, the officer is responsible for discussing this with their manager.

4. Registration and Approval of Gifts and Hospitality

The requirements for the registration and approval of gifts and hospitality are outlined below.

Offers of gifts and hospitality with a value of £25 or less do not need manager approval or to be recorded in the register unless it is considered that there are good reasons for doing so. Employees should speak to their manager if there is any doubt whether an item falls within the definition of a gift or hospitality and/or is acceptable.

Employees working in social care provider services should refer to section 5 below for information about the acceptance of gifts in their service.

- a. Any gifts and hospitality with a value of £25 or more that have been offered, whether accepted, declined or accepted and passed on to charity, must be registered in the **online gifts and hospitality register** ([link](#)). For information on how to do this you should refer to the **Gifts and hospitality Guidance** ([link](#)).
- b. Acceptance of gifts or hospitality with a value of £25 or more must be approved by an appropriate manager. Heads of Service are responsible for prescribing the appropriate level of management to authorise approvals in their service.
- c. Acceptance of gifts and hospitality with a value of £25 or more must be authorised and recorded in advance of receipt. Where this is not possible, it should be recorded and authorised within seven days of the receipt.
- d. Where an officer receives a series of gifts or hospitality from the same individual or organisation in one year with a cumulative value of £100 or over, these too must be registered.

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- e. No officer of the Council should continue to accept gifts or hospitality after the cumulative value of items reached in a single financial year reaches £200 or more. In such circumstances the officer must register that the gift or hospitality has been declined for this reason and advise the relevant manager in their service. Items where a value is not known should be assumed to be worth a notional cost of £50 and be recorded on this basis in calculating the cumulative total received over the financial year.
- f. **Monetary gifts**
An employee must never accept monetary gifts of any kind, whether in the form of cash or cheques. However, vouchers from service users may be acceptable depending on the circumstances, but should be treated with caution.
- g. **Tokens of goodwill**
Officers may receive tokens of goodwill when attending conferences or similar events and on occasion, minor articles such as diaries, pens and calendars issued for advertisement that have a value of less than £25. These can be accepted and do not need to be registered, unless it is considered there are good reasons for doing so.
- h. Heads of Service are accountable for ensuring that staff are aware of the arrangements for the registering and approval of gifts and hospitality and the location of the **online gifts and hospitality register** (*link*).

5. Employees in social care provider services

Special caution should be exercised by employees in social care provider services due to the complexity and sensitivity of the relationship between providers of care services and vulnerable service users, their carers and families. The general principle is that staff should not accept gifts of any kind. However, it is recognised that a refusal may offend or distress the giver, therefore gifts with a value of less than £25 in value may be accepted following discussion the employee's manager. Gifts with a value of over £25 must be registered and approved in the normal way as set out above.

6. Hospitality

Hospitality may be defined as anything beyond the offer of non-alcoholic drinks and light refreshment. Officers should only accept such offers if there is a genuine need for Surrey County Council to be represented at a function or there is demonstrable added value to the county council in the officer attending (e.g. sharing best practice between other professional colleagues or other local authorities or relevant organisations).

Acceptance of hospitality through the attendance at relevant conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal, and such hospitality does not compromise purchasing decisions. Personal hospitality over the value of £25 must be approved by the relevant manager and recorded in the online Register of Gifts and Hospitality.

Officers are responsible for deciding whether an offer of hospitality is “inappropriate or disproportionate”. Further information on this is provided in the **Gifts and hospitality Guidance** ([link](#)).

7. Bequests and legacies

If as a result of their employment an employee becomes a beneficiary of a service user’s will, this must always be reported to their line manager and recorded in the **online gifts and hospitality register** ([link](#)). The employee must not accept the bequest, regardless of its size or value, unless granted explicit permission by the appropriate level of management in their service. Permission will only be granted where the legacy is of little financial value, such as a sentimental item.

8. Monitoring and compliance

Heads of Service are responsible for ensuring that arrangements are in place for the entry of information into the **online gifts and hospitality register** ([link](#)) for those members of staff who are unable to do so directly.

Managers need to be aware of and monitor all offers of gifts and hospitality made to their team members, and to flag if one third party or organisation seems to be excessively offering “small” gifts which are not being recorded.

Surrey County Council will publish the Registers of Gifts and Hospitality online and it will be open to inspection by the public and internal and external auditors.

On an annual basis the Chief Executive (or a designated officer) will present a report on Gifts and Hospitality to an appropriate committee of the Council for review.

An annual reminder will be sent to all Heads of Service that they should communicate gifts and hospitality compliance requirements to officers.

The Head of HR&OD as the policy owner is responsible for reviewing policy contents and for the oversight of compliance with its requirements.

9. Miscellaneous

– other areas which can be associated with receiving gifts / favours/hospitality

Using services of contractors

Officers must not knowingly use the services of contractors employed by Surrey County Council for acquiring materials, labour or plant at cost, trade or discount prices for their personal use.

Competitions and raffles

Where officers enter competitions and raffles at events attended on official Surrey County Council business and win prizes with a value in excess of £25 they must seek the approval of the relevant manager before taking up any

Annex 2 – Gifts and Hospitality Policy

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hospitality, or before retaining possession of any gift, and record the matter in the Register of Gifts and Hospitality. The same principle applies for online raffles and competitions. If the officer has bought tickets for a raffle with their own money, then this requirement is not applicable.

Sponsorship of events

Where the Council sponsors an event, no officer must benefit in a direct way without there being **full disclosure** to the relevant manager of any such interest. Again, the onus is on the individual to take responsibility for making informed judgements about whether any hospitality made to them as part of any sponsorship is not “inappropriate or disproportionate”. Where the Council gives support in the community through whatever means, officers must ensure that there is no **conflict of interest** and the same principles of disclosure apply.

Endorsement of a product or service

Officers must exercise caution before providing any statement endorsing the quality or operation of any product or service that may be used for publicity purposes. Such endorsement may put the County Council at risk of misrepresentation or legal challenge. Officers are therefore advised to apply judgement in terms of appropriateness and if necessary seek further advice from their manager in these instances.

In no circumstances should any statement ever be made in return for a personal gift, money or a gesture of hospitality.

Gifts and hospitality Guidance

Why do we have guidance in addition to the policy?

The policy outlines the principles and rules we need to follow in relation to the acceptance of gifts and hospitality. This guidance document will help you make decisions about the acceptance and refusal of gifts and hospitality and follow the correct procedures.

How do I decide whether or not to accept a gift and/or hospitality?

The guiding principles for acceptance of gifts and /or hospitality should be based on the following questions.

- Would the public question the appropriateness of hospitality or gifts received by an officer of the Council?
- Would the behaviour of individuals create suspicion of any conflict between their official duty and their private interest?
- Would the action of an individual acting in an official capacity give the impression (to a member of the public, any organisation with which they deal, or to a Councillor or colleague) that they have been (or may have been) influenced by a benefit to show favour or disfavour to any person or organisation?

If you have any doubt about an offer of a gift/ hospitality you are responsible for notifying and discussing this with your manager.

How do I record gifts and hospitality?

Any gifts and hospitality with a value of £25 or more that have been offered, whether accepted or declined or accepted and passed on to charity, must be registered in the **online gifts and hospitality register** ([link](#)). If you have online access you can do this directly.

When should entries be made?

Entries should be made at the earliest opportunity and in advance of receipt where accepted. Where this is not possible this must take place within seven days at the latest.

What should I do if I don't have online access and cannot enter the information online?

You should make sure that your online entry is made on your behalf by a member of your business support or administrative team. Your service will have decided how this is done and some services may ask you to record items in a Gifts and hospitality book to assist with this process.

The information that you will need to provide is as follows:-

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<p>Name(s), job title and email address (if available) of those receiving offer of, or gift or hospitality - Details of all SCC staff and employees (including agency, contractors and their employees employed on behalf of the authority) and names of relative or partner, if appropriate, should be recorded</p>	<p>Date - Date the gift or hospitality was offered</p>	<p>Person or Organisation providing gift or hospitality - Both the name of the organisation and organisation representative or individual as appropriate</p>	<p>Details of the gift or hospitality - Brief description of item, ie, dinner at X, case of wine, holiday</p>
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<p>Value£ - If actual value is not known enter estimated. If offered to more than one person enter total value. If value is not known, assume a notional cost of £50.</p>	<p>Reason – a brief explanation of why the gift or hospitality was offered</p>	<p>Decision - State whether offer was 'Declined' 'Accepted and donated to charity' or 'Accepted'. For donations to charity state name of charity</p>	<p>Authorisation – if appropriate state name of authorising officer and date authorised</p>
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How do I decide whether it is appropriate to accept an offer of hospitality?

You are responsible for making informed judgements that the offer of hospitality is not “inappropriate or disproportionate”. For example reasonable and proportionate catering at an event may be justified whereas an expensive dinner could have the potential to be interpreted as recompense, inducement or endorsement.

When receiving a hospitality invitation, you should be sensitive to its timing in relation to decisions that Surrey County Council may be taking that may affect the organisation(s) providing the hospitality.

What types of hospitality do not need to be registered?

- Any hospitality provided by Surrey County Council;
- Any hospitality provided by other public sector organisations that is similar to that provided by Surrey County Council;
- Modest hospitality and beverages (to a value of less than £25) provided by any outside organisation or individual whilst on official County Council business;
- Any hospitality provided as part of a course/conference that is included in a conference fee paid by Surrey County Council.

Can I accept hospitality when undertaking inspection visits?

Where visits are required to inspect equipment or services, or in relation to the award of a contract, you should ensure that the County Council meets the costs of such visits in order to avoid prejudicing subsequent purchasing

decisions. Any arrangement where the company visited meets part or all of the cost must have the prior approval of the relevant manager, and must be recorded in the Register of Gifts and Hospitality.

I attended an event where myself and a colleague received hospitality that needs to be registered. Do I have to make an entry on the register if my colleague has already done so?

Yes, each individual that receives a gift or hospitality must record their details separately.

Is it appropriate to accept what may be considered a luxury item, for example expensive alcohol or perfume?

When deciding whether or not to accept an offer of a gift, the context is important. An offer from an organisation seeking to provide services to the Council or in the process of applying for permission or some other decision from the Council is unlikely to be acceptable, regardless of the value of the gift. However, a gift given at Christmas by a service user as a gesture of appreciation to an employee will generally be acceptable and could cause offence if returned.

If approval is given for an individual to accept a luxury item, for example an expensive alcohol or perfume, managers may wish to consider whether it is appropriate for it to be distributed by way of a raffle for staff, with proceeds being donated to an appropriate charitable cause, or for perishable goods to be shared with the team.

When might it be appropriate to register gifts or hospitality with a value of less than £25?

It is perfectly in order to register gifts or hospitality received that have a value of less than £25 if you wish to do so. This could occur, for example, where a business discussion has taken place with a third party over a meal which has been paid by the third party. You believe that your share of the cost is a little under £25. You have received approval from your manager to accept this hospitality and agreed that for integrity and transparency it should be registered.

What if I receive a gift of a substantial nature (over £25) from a third party and approval for acceptance is not given?

If approval is not obtained the gift should be returned with a polite explanation that the Council's policies do not allow their acceptance. If you have any doubts about a gift you have already accepted, you should consult your line manager, who in turn should discuss the matter with a relevant senior manager to determine whether you should retain the gift. The Chief Executive will be the final arbiter on the advisability of accepting or refusing gifts.

What should I do if I receive a ceremonial gift?

Where a ceremonial gift is made to you in your official capacity (for instance, when finalising a collaborative agreement between public sector bodies), the gift will be retained by Surrey County Council and may be put on display. At an appropriate time, such ceremonial gifts will be transferred to the Surrey History Centre.

How should Heads of Service ensure compliance with the policy requirements?

Heads of Service will receive an annual reminder to communicate policy compliance to officers. Action should then be taken to ensure that officers within their service are aware of the most recent policy and guidance and to check that the requirements are being met. It is up to each Head of Service to decide how best to do this, but an example of good practice would be to send an annual reminder email with a link to the policy and guidance.



People, Performance and Development Committee
26 January 2017

Short Term Resourcing Needs Policy

Purpose of the report:

The purpose of this report is to update the People, Performance and Development Committee on a recent report submitted to the Council Overview Board, current progress on agency worker usage monitoring and to present a draft policy on short term resourcing needs for review and approval by the Committee.

Recommendations

It is recommended that the People, Performance and Development Committee:

- i. notes the update on agency staffing given to the Council Overview Board (COB) and notes COB's feedback;
- ii. notes work in progress regarding the monitoring of agency worker usage; and
- iii. reviews and approves the draft policy on short term resourcing needs prior to its publication and cascade to all managers.

Introduction

This report provides the committee with the following:

- an overview on the recent agency staffing update report (December 2016) presented to the Council Overview Board;
- feedback received from the board and subsequent actions;
- an update on the current work in progress regarding agency worker usage; and
- the draft policy on short term resourcing needs for review and approval.

Agency staffing update report

1. Key data relating to temporary staff (including agency workers engaged via the Adecco contract and agency workers and contractors directly engaged by services) was shared with the Council Overview Board (COB) on 14 December 2016.
2. The following key issues, figures and activities were noted by officers:
 - the Council's overall projected spend on temporary staff for 2016-17 is on target to be £1.4 million less than the equivalent spend in 2015-16;

- the proportion spent on temporary staff in relation to the overall staffing spend will potentially increase from 4.9% in 2015-16 to 5% in 2016-17. This is based on actual spend from the first two quarters of 2016-17;
- the proportion spent on temporary staff across all directorates was broadly proportionate with the council as a whole with the exception of business services which accounted for 33.9% of the overall staffing spend was on temporary staff; and
- within Business Services, £0.59 million has been spent in IMT on temporary workers over the first two quarters of 2016-17 (currently stands at 26 workers) accounting for 85% of non-permanent staff spend.

Feedback from Council Overview Board

3. Following consideration of this report COB requested a breakdown of direct spend on temporary posts to understand the type of positions filled in this way. COB further requested that officers report to the Board on a six-monthly basis to review data on agency staff usage.
4. Council Overview Board also recommended that the high percentage of agency staff in IT & Digital should be investigated by a Task Group with findings to be reported at the Board's meeting in February. The Board agreed that the membership of the Task Group should be as follows: Eber Kington, Colin Kemp, Denise Saliagopoulos and Hazel Watson. The draft Terms of Reference for the Task Group can be found at Annex 1.

Service workforce plans and agency worker scrutiny – what we are doing to improve monitoring

5. The reporting capabilities now available with Adecco will provide data on agency spend and tenure to help services with workforce planning and monitoring usage.
6. As of November 2016, HR is reviewing all temporary worker spend and tenure which will include agency workers via the Adecco contract, directly engaged workers and consultants on a quarterly basis.
7. As part of work to improve workforce planning, HR will be working with service leads to ensure that agency workers are being used appropriately. Alongside this HR will circulate to Heads of Services on a quarterly basis reports of temporary worker spend and tenure highlighting any excessive spend and tenure above six months for their review and action.
8. Target usage will be developed with workforce leads based on the data analysis to individual services that will take into account flexibility, recruitment challenges, peaks in demand, unexpected turnover and current development work. HR will work with services to support these plans with the aim of minimising the use of agency workers and tenure of individuals.

Policy and guidance

9. The draft policy was submitted to COB in December 2016 for review and comment. Further feedback was then sought from service representatives via the Continuous Improvement and Productivity Network HR (CIPN HR).
10. The draft policy and guidance document has been written (see Annex 2) to support managers to determine the most appropriate and cost effective means to

meet a short term need. The document details the options a manager must consider prior to the use of agency workers.

- 11. Information on the different options is available on snet and the policy will link to these sources.
- 12. The policy details the implications and risks involved when using regular additional hours (overtime) for permanent staff. These hours could be deemed contractual which would increase the costs of annual leave. Examples of controls that should be put in place to mitigate any risk are included.
- 13. The document will be available to managers as part of the recruitment snet pages and will be cascaded via leadership meetings and will be taken into account when considering workforce planning considerations.

Conclusions

- 14. The committee are requested to note the recommendations and to approve the policy as presented in the paper.

Financial and value for money implications

- 15. No costs associated.

Equalities and Diversity Implications

- 16. There are no equality and diversity implications resulting in the publishing of this policy.

Risk Management Implications

- 17. The policy has been created to aid managers to identify any risks involved when addressing short term resourcing needs and how to control and mitigate those risks; in particular the need for a stable workforce and minimising the resource costs of temporary workers.

Report contact: Ken Akers, Head of HR & OD

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Annexes:

Annex 1 – COB Task and Finish Group Scoping Document

Annex 2 – Draft Short Term Resourcing Policy

Background papers: None

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Scrutiny Board Task and Finish Group Scoping Document

The process for establishing a task and finish group is:

1. The Scrutiny Board identifies a potential topic for a task and finish group
2. The Scrutiny Board Chairman and the Scrutiny Officer complete the scoping template.
3. The Council Overview Board reviews the scoping document
4. The Scrutiny Board agrees membership of the task and finish group.

Review Topic: Council Use of Agency Staff
Scrutiny Board(s): Council Overview Board
<p>Relevant background</p> <p>The Council Overview Board has reviewed the Council's use of agency staff and contract arrangements as this has evolved over the last two years as part of scrutiny of the Council's recruitment strategy and commitment to realise efficiencies.</p> <p>Reporting timetable to COB November 2015 - Analysis of agency staff use and cost through Manpower data. Request made for further statistical breakdown of agency staff costs.</p> <p>July 2016 - Update on progress improvements to the council's agency worker arrangements, including implementation of a new framework agreement, historical and current spending, current mark-up rates and controls to manage usage and costs. Agreed to receive data from first 2 sets of quarterly monitoring from the Adecco contract and requested a policy on the use of agency staff for review.</p> <p>December 2016 – Update with new monitoring data as above.</p>
<p>Why this is a scrutiny item?</p> <p>The Council Overview Board has over the course of 18 months requested data on the cost, type and tenure of agency staff at the Council. The Council has entered into a new framework contract with Adecco with new monitoring arrangements and a new policy on the employment of agency staff. At its December 2016 meeting COB found that there were anomalies in the use of staff amongst the Business Services directorate and that spend on agency staff remains significant.</p>

What question is the task group aiming to answer?

The initial focus will be what reasons are there for high usage of agency staff in IT & Digital, in terms of:

- cost and length of contract;
- the process and structure of decision making in regard to the employment and continued employment of agency staff;
- whether this is a planned use of agency staff within an agreed and published staffing policy;
- What measures are being taken to reduce this and how will the service work with HR in the future to control off-contract use of agency staff; and
- What are the costs elsewhere in Business Services and how are these being managed?

Aim

Reduced spend on agency staff and an end to agency staff in non-specialist posts for long periods (define?). Reassurance that workforce planning considers reduced reliance on agency staff.

Objectives

Objectives:

- Understand the current reasons for high use of agency staff and the plans to manage this
- Reduced percentage of staff employed through the agency contract
- Reduced direct spend by services on agency staff

Scope (within / out of)

In

All instances of direct spend on agency staff including breakdown of position, cost and tenure

Individual directorate use of the Adecco contract

Out

Historic spend e.g. Manpower contract use, pre-2016

Outcomes for Surrey / Benefits

Support the delivery of the corporate priorities of Economic Prosperity (specifically Support young people to participate in education, training or employment) and Resident Experience (deliver £67m savings)

Proposed work plan

It is important to clearly allocate who is responsible for the work, to ensure that Members and officers can plan the resources needed to support the task group.

Timescale	Task	Responsible
January 2017	Meet with Chief Information Officer to review the services use of direct spend and its current agency staff usage.	Matt Scott Ken Akers Laura Forzani Sergio Sgambellone Ross Pike
February 2017	Review with HR the other Directorates' use of agency staff.	Ken Akers Ross Pike
February 2017	Formulate conclusions and recommendations	Task Group
March 2017	Report to COB	Task Group

<p>Witnesses Matt Scott, Chief Information Officer Ken Akers, Head of HR & OD Strategic Directors, Heads of Service as identified</p>
<p>Useful Documents Past COB reports: November 2015 July 2016 December 2016</p>
<p>Potential barriers to success (Risks / Dependencies)</p> <ul style="list-style-type: none"> • Officer availability • The IT & Digital restructure • Local solutions for 'hard to fill' posts such as Social Workers, Educational Psychologists that occur on a national level.
<p>Equalities implications</p> <p>Any evidence or emerging recommendations from the Task Group will be assessed and reported as necessary.</p>

Task Group Members	Eber Kington Colin Kemp Denise Saliagopolous Hazel Watson
Co-opted Members	N/A
Spokesman for the Group	To be determined
Scrutiny Officer/s	Ross Pike

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Short term resourcing needs policy

As part of the wider approach to workforce planning it is important for managers to assess their short term resourcing needs in terms of what impact they could have in the longer term.

Workforce planning is a process to identify how you get the right people, with the right skills, in the right place, at the right time to meet the future needs of our residents. We need to get the most from our limited resources and find alternative ways to provide the best level and breadth of service to our residents we can with the resources we have.

Managers are responsible for ensuring that temporary or short term resourcing needs are met in a cost effective and efficient manner. Managers must be mindful of all cost implications, in particular, when using agency workers or consultants. There must be a clear business case based on the urgency of service needs, potential scarcity of skills and the impact insufficient staffing would place on the service prior to engaging a temporary worker.

Options for covering a short term need

A short term need can include peaks in demand, sickness absence, maternity cover or emergency staffing shortages. To meet the needs of your business in the most cost-effective way, there are a number of options that can be considered.

Re-allocation or re-scheduling of work within your existing team

This could be managed by:

- adjusting the priority work areas of existing team members to cover the temporary period
- providing time off-in-lieu (if necessary)
- where the FTE establishment permits, you may, by mutual agreement, amend an employee's contract of employment to increase their contractual hours
- an acting-up payment for employees covering all of the duties of a higher graded post for a continuous period of between four weeks and six months
- an honorarium for an employee undertaking some of the duties of a higher graded post
- additional hours - see below for further information.

Engaging a bank worker

- This could be a known bank worker for your existing team or identifying a bank worker known to a comparative team elsewhere in your service

A fixed term appointment

- If a fixed term appointment is considered the most appropriate action then this can be by:
 - A fixed term contract employee (for more than 1 month) – Fixed term contracts are for a specified period of time eg to cover maternity leave, or a specified task eg setting up a database
 - A consultant - The definition of a consultant, is a company who engages directly with the council to provide a service, unsupervised and the fee for the whole project is agreed up front.
 - An agency worker (also referred to as a locum or temporary worker) – this is where the worker is covering an established post and could otherwise be carried out by a directly employed member of staff.

Surrey County Council position statement on additional hours and calculating holiday pay

Surrey County Council does not offer guaranteed or non-guaranteed overtime or additional hours. It is recognised that there may be occasions where employees voluntarily work additional hours, however, the council does not expect any individual to be working regular additional hours over and above their contractual hours. Definitions are provided below for clarification:

- guaranteed overtime or additional hours is where an organisation is obligated to offer additional hours and the employee is obligated to work them.
- non-guaranteed overtime or additional hours is where an organisation is not obligated to offer additional hours, but when they do, the employee is obligated to work them.
- Voluntary additional hours are when a manager invites an employee to work additional hours to meet a temporary need and there is no obligation on the employee to work these additional hours.

Managers should consider alternative options to cover a temporary increase in resourcing need and must remain mindful of the council's position regarding voluntary additional hours

The use of additional hours

The Council's Reward policy seeks to avoid the need for employees to be required to work hours in excess of their normal contractual hours. In most cases, when additional hours are worked, time off in lieu (TOIL) must be considered first. For example whenever possible any employee who is required to remain on duty in a residential home beyond the hours "rostered", should be given equivalent TOIL over the ensuing seven days.

Where insisting upon TOIL is impracticable you may authorise payment for additional hours but you should satisfy yourself that the additional expenditure represents the most cost effective solution. Additional payments should only be paid if TOIL is genuinely impractical for business reasons.

As a hiring manager, you are accountable for controlling staffing costs. This includes controlling expenditure on additional hours. Approval for these hours should be authorised in advance.

Additional hours can become contractual where the hours are considered to be established, consistent and expected. It is important you understand the implications involved where the use of regular additional hours poses the risk of the hours becoming contractual. Contractual hours are included in any calculations required for pay e.g. to determine holiday or sick pay. However the additional contractual hours are only included for pensionable pay when the contract states explicitly that they should be.

Recommended controls to support this include:

- monitoring monthly claims for additional hours to check whether staff are regularly working
- considering when additional hours are claimed – times of day, particular days of the week – and recruit to cover such shifts through bank workers or part time workers.
- reviewing your establishment to check that it continues to be appropriate for the workload and service user needs
- reviewing your vacancies to consider how these should be filled eg splitting 1 FTE into smaller roles
- when additional hours are worked, consider providing time off in lieu (TOIL) rather than payment for additional hours
- ensuring that additional hours worked are on a voluntary basis
- building a bank worker pool the team can call to cover gaps in the rota.

The use of agency workers

What do you need to know?

At Surrey County Council, we have a contract with Adecco to supply all agency workers.

The use of agency workers is associated with high costs. Agency workers should primarily be used as a short term solution to provide cover for unplanned or emergency staffing shortages. Such shortages may include sickness absences, unexpected increases in workload, or covering a vacancy while you go through a formal recruitment process.

Maternity leave is a planned absence and should be back-filled by the usual recruitment process for fixed term positions, not with an agency worker where possible.

If agency workers are being used in excess of 6 months, you should re-consider the business needs and work through the above options. The HR team will monitor tenure of agency workers and will highlight those exceeding 6 months and brought to the attention of the Head of Service for review.

Monitoring agency worker usage

As part of service workforce planning, targets will be set for the appropriate level of agency worker usage. These targets will take into account the level of flexibility services require, the variability of work, recruitment challenges and any levels of change services are experiencing. Disproportionate spend or workers with extended service will be highlighted to Heads of Services for review and action.

Governance arrangements will be put in place to help services monitor their usage. HR will work with services to support these plans with the aim of reducing agency worker usage.

The rights of an agency worker

The Agency Workers Regulations 2010 give agency workers the entitlement to the same or no less favourable treatment as comparable employees with respect to basic employment and working conditions, if and when they complete a qualifying period of 12 weeks in a particular job. The regulations do not cover the genuinely self-employed, individuals working through their own limited liability company, or individuals working on managed service contracts.

Where the need for the agency worker is determined as being longer term, a transfer to permanent work should be considered. If the agency worker applies for an advertised permanent post, and is successfully appointed, there is no fee to transfer the worker. If we request they transfer from an agency worker to a permanent employee, there will be a fee applicable if they are within the first 14 weeks of their assignment as an agency worker, thereafter, there is no charge.

For further information, please contact the MyHR Helpdesk.

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