

Notice of Meeting

People, Performance and Development Committee



Date & time
Wednesday, 22
March 2017
at 2.00 pm

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

Contact
Andrew Baird
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Chief Executive
David McNulty



We're on Twitter:
@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

2 MINUTES OF THE PREVIOUS MEETING [17 FEBRUARY 2017]

(Pages 1
- 14)

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 (*16 March 2017*).
2. The deadline for public questions is seven days before the meeting (*15 March 2017*).
3. The deadline for petitions was 14 days before the meeting, and no petitions have been received.

5 ACTION REVIEW

(Pages
15 - 20)

For Members to consider and comment on the Committee's Actions Tracker.

6 FORWARD WORK PROGRAMME

(Pages
21 - 26)

For Members to consider and comment on the Committee's Forward Work Programme.

7 SURREY COUNTY COUNCIL SEVERANCE AND CHANGE MANAGEMENT POLICIES

(Pages
27 - 48)

Proposed amendments to Human Resources policies are brought to the

People, Performance, and Development Committee for consideration, as the Committee is the body that determines policy on the terms and conditions of employment for all Surrey County Council staff. The Committee is asked to consider and approve the substitution of Council's Safer Staffing Policy with the proposed Severance and Change Management Policies.

8 POLICY ON SAFEGUARDING (DISCLOSURE & BARRING SERVICE) CHECKS (Pages 49 - 96)

The People, Performance and Development Committee is asked to consider and approve the substitution of Council's Safer Staffing Policy with the proposed Policy on Safeguarding (Disclosure & Barring Service) Checks.

9 SURREY COUNTY COUNCIL SMOKEFREE POLICY (Pages 97 - 104)

To gain endorsement and support from the People, Performance and Development Committee regarding proposed changes to Surrey County Council's existing smokefree workplace policy to reflect recent Public Health England guidance. The changes would result in smokefree grounds and the removal of designated smoking areas on Surrey County Council premises unless specific exceptions apply.

10 FUTURE SALARY SACRIFICE SCHEME (Pages 105 - 110)

The purpose of this paper is to provide Members with an update on changes required to comply with measures being introduced under the Finance Bill, 2017. The result will be to reduce to the range of Salary Sacrifice options offered to staff under the My Benefits Scheme with effect from 6 April 2017. There will, however, be no retrospective changes to Salary Sacrifice Arrangements that are already in place before 5 April 2017.

In autumn 2016 Surrey County Council made representations to HMRC arguing that staff already participating in such schemes should not suffer any detriment and that proposals to remove salary sacrifice status from schemes designed to promote wellbeing; upgrade skills and to off-set the high cost of commuting, should be reconsidered. As the latter was unsuccessful officers will be seeking alternative ways to achieve the same objectives and will provide the Committee with options to consider for implementation before April 2018.

11 OFF-PAYROLL WORKING IN THE PUBLIC SECTOR: REFORM OF INTERMEDIARIES LEGISLATION (IR35) (Pages 111 - 116)

This report is brought to the People, Performance and Development Committee to inform them of a new duty on Surrey County Council to ensure correct tax deductions are being paid to HMRC where a worker is engaged through an intermediary as well as to provide information on how the Council is responding to this new duty.

12 PAY POLICY EXCEPTIONS ANALYSIS QUARTER 3 2016/17 (Pages 117 - 126)

This report provides data and analysis on pay progression for staff which falls outside of Surrey County Council's established policy on pay up to

Quarter 3 for the financial year 2016/17 for review and comment by the Committee.

13 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

14 PAY POLICY EXCEPTIONS REPORT MARCH 2017

(Pages
127 -
130)

The People, Performance and Development Committee acts as the Council's Remuneration Committee under delegated powers in accordance with the Constitution of the County Council. The purpose of this paper is to highlight decisions taken and recommendations made on pay that fall outside the published Pay Policy and amendments to existing Surrey Pay policies.

This report includes a range of pay exceptions and staff related decisions that require agreement from the People, Performance and Development Committee.

Exempt: Not for publication under Paragraph 1
Information relating to any individual.

15 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.

16 DATE OF NEXT MEETING

The next meeting of People, Performance and Development Committee will be on [14 June 2017].

David McNulty
Chief Executive
Published: Tuesday, 14 March 2017

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

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Thank you for your co-operation

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MINUTES of the meeting of the **PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE** held at 2.00 pm on 17 February 2017 at Committee Room C, County Hall, Kingston upon Thames, KT1 2DN.

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

Elected Members:

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

* = in attendance

In Attendance

Ken Akers, Head of HR & OD
Rachel Crossley, Chief of Staff
Prodromos Mavridis, Senior HR Advisor (Policy)

1/17 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

There were none.

2/17 MINUTES OF THE PREVIOUS MEETING: 24 NOVEMBER 2016 [Item 2]

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

3/17 DECLARATIONS OF INTEREST [Item 3]

Mr Nick Harrison, Ms Denise Le Gal and Mrs Hazel Watson each declared a non-pecuniary interest in relation to item 13 arising from their role as school governors.

4/17 QUESTIONS AND PETITIONS [Item 4]

There were none.

5/17 ACTION REVIEW [Item 5]

Declarations of interest:

None

Witnesses:

Ken Akers, Head of HR & OD
Andrew Baird, Regulatory Committee Manager

Key points from the discussion:

1. Attention was drawn to Action A49/16 on the People, Performance and Development Committee's (PPDC) Actions Tracker. The Committee noted that the request to circulate a letter to staff and Members outlining their responsibilities in respect of the Council's Information Governance Policy had been outstanding since November 2016 and asked that this action be finalised as soon as possible.

Actions/ further information to be provided:

None

RESOLVED:

That the People, Performance and Development Committee noted progress on the implementation of actions arising from previous meetings.

6/17 PROPOSED CHANGES TO HR POLICIES [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 report was tabled at the meeting.
2. The Committee received an introduction to the report from officers who provided both a synopsis of the changes that Members were being asked to approve to each of the three policies and an outline of why it had been deemed necessary to revise these policies.
3. Members sought confirmation on the legality of making a probationary period mandatory for members of staff who had moved to Surrey County Council (SCC) from another local authority. Officers advised that legislation does not prohibit the imposition of a probationary period on staff who have transferred from another local authority with the exception of employees who have come to SCC as part of a TUPE arrangement in which case the probationary period would not apply. The Committee was informed that Council's probation policy was clearly stated in the contract for all new employees and that it was opportunity for both SCC and new members of staff to reflect on whether the move was the right one.
4. For the purposes of clarity the Committee made a minor amendment to Recommendation i. It was agreed that in the final line of the recommendation the word 'on' should be changed to 'during'.

Actions/ further information to be provided:

None.

RESOLVED; 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 during probation;
- ii recommends the amended Code of Conduct policy for approval at the next full Surrey County Council meeting on 21 March 2017; and
- iii agrees the proposed amendments to Surrey County Council's Gifts and Hospitality Policy.

7/17 SHORT TERM RESOURCING NEEDS POLICY [Item 7]

Declarations of interest:

None

Witnesses:

Ken Akers, Head of HR & OD

Key points raised during the discussion:

1. An introduction to the report was provided by officers who advised Members that the proposal to introduce a short term a Short Term Resourcing had arisen from a review of agency staffing which had been conducted by the Council Overview Board.
2. Further information was requested on what limitations existed for staff in respect of taking Time off in Lieu (TOIL). The Committee was informed that existing policies enable staff to take TOIL where they have agreement from their manager. In certain instances staff are entitled to accrue TOIL which they can then take off in reasonable chunks. PPDC has previously indicated that it does not support payments for staff who have accrued but are unable to take TOIL and Members were therefore advised that this only happens on very rare occasions.

Actions/ further information to be provided:

None

RESOLVED; 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.

8/17 APPRENTICESHIP REFORMS [Item 8]

Declarations of interest:

None

Witnesses:

Ken Akers, Head of HR & OD

Key points raised during the discussion:

1. An additional paper was tabled at the meeting which provided details of how the apprenticeship levy could contribute towards training for existing members of staff. The paper is attached as Annex 2 to these minutes.
2. The Committee asked whether it the provision of training through the apprenticeship levy would require participating staff to be granted time off work in order to complete qualifications. Officers stated that in some instances this would be necessary although the expectation was that in most cases training would be completed at work.
3. Members requested further information on the extent to which SCC would be able to claw back funds committed as part of the Apprenticeship Levy. The Committee was informed that under the Government's Apprenticeship Reforms SCC had been required to commit 0.5% of its annual staff budget to a ring-fenced digital account the money from which could only be used to train apprentices. There were, however, opportunities for SCC to claw back some funding by reducing duplication in spend from its training budget. The Apprenticeship Reforms could also lead to improved efficiency through enhanced training opportunities for staff. Officers indicated that SCC had also been working with other large local authorities in the South East to create lists of accredited providers and to deliver improved economies of scale.
4. Officers were asked to return to the Committee with a report detailing the number of employees across SCC who could benefit from training as part of the Apprenticeship Reforms.
5. The Chairman of the Committee told Members that he had written to the Secretary of State for Education expressing concern regarding the inclusion of schools within the reforms on account of the fact that it may be necessary for some smaller schools to make staff members redundant in order to take on an apprentice. The Chairman stated that he would share the Secretary of State's response with the Committee once it had been received. Members highlighted that some lateral thought would be required around training opportunities to ensure that schools were not adversely impacted by the introduction of the Apprenticeship Reforms. Officers advised that SCC would work closely with Babcock 4S in order to achieve this and would bring a report to PPDC at a future date which included proposals to ensure that staff benefitted from the reforms.
6. PPDC was informed that SCC had not submitted an individual response to the Government's consultation on the introduction of the reforms but had taken the decision to endorse the Local Government Association's (LGA) response. Members stressed that they felt SCC should have provided an individual response to the consultation.

Actions/ further information to be provided:

1. The Head of HR & OD to bring a report to the People, Performance and Development Committee to facilitate a discussion on the number of employees across the organisation who could benefit from training as part of the Government's Apprenticeship Reforms. **(Action Ref: A1/17)**
2. The Head of HR & OD to bring a report to the People, Performance and Development Committee detailing how the Council can support schools on successful and effective implementation of the Apprenticeship Reforms. **(Action Ref: A2/17)**
3. Response to the Chairman of PPDC's letter to the Secretary of State for Education regarding the Apprenticeship Reforms to be shared with the Committee. **(Action Ref: A3/17)**

RESOLVED: That;

the People, Performance and Development Committee note updates on the Apprenticeship Reforms.

9/17 STAFF SURVEY RESULTS [Item 9]

The Staff Survey Results were taken after item 10 on the agenda.

Declarations of interest:

None

Witnesses:

Rachel Crossley, Chief of Staff
Ken Akers, Head of HR & OD

Key points raised during the discussion:

1. The Committee received an introduction to the report from officers who informed Members that the response rate to the Staff Survey had been encouraging. More people had responded to the Staff Survey than last year and SCC's response rate was above average for large public sector organisations. Overall, the outcomes of the survey were broadly similar to the previous year. Improved results for the Children, Schools and Families Directorate were encouraging although there had been a slight dip in results for Orbis; Environment and Infrastructure and Legal, Democratic and Cultural Services.
2. Members sought clarification on the system used by Best Companies to rate organisations in accordance with their Staff Survey results. Officers explained that SCC had achieved a 'Ones to Watch' rating which effectively meant that its results were categorised as good. 1, 2 and 3 Star ratings denoted organisations which were very good, excellent and outstanding respectively. The Committee was further advised that Best Companies had an 'unclassified' rating for results that were considered low.
3. Discussions took place regarding the comparatively low scores recorded for the 'Leadership' category and what steps could be taken

to improve staff perceptions of SCC's Leadership. Members were advised that training for managers such as the High Performance Development Programme had helped to improve SCC's Leadership scores particularly in relation to staff feeling as though they were listened to. Training for senior managers could therefore be used to target areas where surveys show that staff have specific concerns. Officers highlighted that work would be taking place with managers to improve the flow of information to staff on key messages and strategic issues. Members were further informed that there may be ambiguity for staff in particular areas of the organisation as to who they deem to be leaders and that this may have some impact on results in this category.

4. Members expressed concern regarding the results relating to staff wellbeing and inquired about the steps being taken to improve wellbeing among SCC employees. Officers advised that the Strategic Director of Adult Social Care and Public Health was leading on a piece of work to across Surrey to promote the healthy workplaces. This is supported by an in house programme providing specific interventions to help managers tackle stress among team members.
5. The Committee asked to receive a chart comparing the results of the 2015 and 2016 Staff Surveys.
6. Discussions took place regarding how SCC monitors and measures staff morale. Members were informed that some questions from the Staff Survey do provide an insight into morale across the organisations and that the results from these had been synthesised into a Russell Circumplex Model of Emotion which the Chief of Staff indicated that she would circulate to the Committee.
7. Officers were asked to work with services scoring below the ones to watch category in both 2015 and 2016 surveys to understand the results in more detail and the actions being proposed in those service areas. Members requested that a report be brought back to the Committee outlining the actions agreed to improve these service areas.

Actions/ further information to be provided:

1. Chief of Staff to share the table comparing the results with those from last year's survey which is currently being created for the Council Overview Board. **(Action Ref: A4/17)**
2. Chief of Staff to work with services scoring below the ones to watch category in both 2015 and 2016 surveys to understand the results in more detail and the actions being proposed in those service areas. A report should then be brought back to the Committee on this. **(Action Ref: A5/17)**
3. People, Performance and Development Committee Members to receive Russell Circumplex model of emotion arising from Staff Survey. **(Action Ref: A6/17)**

RESOLVED:

That the People, Performance and Development Committee noted the results of the 2016 Surrey County Council Staff Survey.

10/17 PAY EXCEPTIONS ANALYSIS 2016/17 QUARTERS 1 AND 2 [Item 10]**Declarations of interests:**

None

Witnesses:

Ken Akers, Head of HR & OD

Key points raised during the discussion:

1. Members received an introduction to the report from officers who highlighted that there had been a general reduction in pay exceptions across SCC for Quarters 1 and 2 of 2016/17. There had been a significant number of pay exceptions granted for social workers within the Children, Schools and Families Directorate although the Committee was advised that this was to be expected as pay exceptions were more frequent for social workers.
2. PPDC requested that future Pay Policy Exceptions Analysis reports include details of the amount of money that pay exceptions recorded in the report would cost SCC.

Actions/ further information to be provided:

1. Future Pay exceptions analysis reports should provide detail of the total financial outlay to the Council arising from the pay exceptions listed.

RESOLVED:

That the People, Performance Development Committee review and comment on the analysis of pay exceptions for the period April 2016 to September 2016.

11/17 EXCLUSION OF THE PUBLIC [Item 11]

RESOLVED: 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.

12/17 PAY POLICY EXCEPTIONS FEBRUARY 2017 [Item 12]**Declarations of interests:**

None

Witnesses:

Ken Akers, Head of HR & OD

Key points raised during the discussions:

The Head of HR & OD introduced the report. The Committee asked a number of questions which were responded to by the officers present before moving to recommendations.

Actions/ further information to be provided:

None

RESOLVED:

The Committee approved the recommendations set out in the confidential report.

13/17 PAY AND REWARD STRATEGY REVIEW BUSINESS CASE FOR SCHOOLS STAFF ON SURREY PAY [Item 13]

Declarations of interests:

None

Witnesses:

Ken Akers, Head of HR & OD

Key points raised during the discussions:

The Head of HR & OD introduced the report. The Committee asked a number of questions which were responded to by the officers present before moving to recommendations.

Actions/ further information to be provided:

None

RESOLVED:

The Committee approved the recommendations set out in the confidential report.

14/17 PUBLICITY OF PART 2 ITEMS [Item 14]

It was agreed that the information in relation to the Part 2 items discussed at this meeting would remain exempt.

15/17 DATE OF NEXT MEETING [Item 15]

The Committee noted that its next meeting would be held on 22 March 2017.

Meeting ended at: 3.20 pm

Chairman

How will the introduction of the Apprenticeship Levy reduce spend and change the internal training offer?

Adult Social Care

We currently offer fully funded level 2, 3, 4 & 5 Health and Social Care Diplomas in Adult Social Care. We split the full cost into 3 equal parts over a fixed period of time depending on the level being undertaken.

The Diplomas costs vary by level and on average ASC have been commissioning the following:

- Level 2 x 20 new starts a year at £1400 per head = £28,000 over 12 months
- Level 3 x 20 new starts a year at £1800 per head = £36,000 over 18 months
- Level 4 x 10 new starts a year at £2250 per head = £22,500 over 24 months

Therefore over a 12 months period we would be looking to spend approximately **£54,000**. Payments are based on candidate progress so vary from learner to learner. We are currently accessing funding for Level 5 via the Apprenticeship Framework route.

From the Apprenticeship Levy we would look to access funding Band 4 for the levels 2 & 3 which has a maximum allocation of £4000 per learner (£160,000). This value would be paid to the provider via the digital account on a monthly basis generally over a 12/18 month period. The funding band for levels 4 & 5 are yet to be determined.

Children's Services

In Children's services we offer fully funded Level 3 & 5 Diplomas. As for ASC we split the full cost into 3 equal parts over a fixed period of time depending in the level being undertaken.

The Diplomas costs vary by level and on average ASC have been commissioning the following:

- Level 3 x 20 new starts a year at £2100 per head = £42,000 over 18 months
- Level 5 x 7 new starts a year at £3000 per head = £21,000 over 24 months

Therefore over a 12 months period we would be looking to spend approximately **39,000**. Payments are based on candidate progress so vary from learner to learner.

The standards for this sector are not yet ready for delivery so a band has yet to be allocated.

Leadership & Management

We currently offer awards and diplomas at level 3, 5 & 7 from the Institute in Management qualifications suite in Leadership and Management. In 16/17:

- we spent £55,000 on level 3 qualifications
- we spent £54,000 on level 5 qualifications
- and £15,000 on level 7 qualifications.

Totally a spend of **£124,000** in a 12 month period.

We would look to access funding band 7 (£5000 per learner) for level 3 Apprenticeship Standards in Leadership and Management at Team Leader and Supervisor roles. Band 9 (£9000 per learner) for level 5 Apprenticeship Standards in Leadership and Management for Operations and Departmental Managers. There is currently a Level 6 Chartered Manager Degree at funding band 15 (£27,000 per learner). They standards are all ready for delivery.

How an apprenticeship helps with career development

As well as covering the cost of a proportion of our current training budget spend, the Apprenticeship Levy will also allow us to offer a wider range of fully funded qualifications for staff. Apprenticeships are a valuable option for anyone looking to progress their career and develop new skills.

- Gain the skills and knowledge to help your career progression
- Unique way of developing professional-level, job specific skills while remaining in employment and earning a salary
- Learning and 1-1 support with allocated tutors
- Service funded with no personal contributions expected meaning no debt via student or training loans.

Who is eligible?

Any member of staff is eligible to undertake an apprenticeship regardless of age or position. The apprenticeship must be relevant to the role they are currently in to allow them to draw on their own experiences through work to meet the criteria of the qualification.

What levels of qualification are on offer?

Apprenticeship Levels	Equivalent
Level 2	5 GCSE's
Level 3	2 A Levels
Level 4	Higher Education Certificate/Diploma
Level 5	Foundation Degree
Level 6 & 7	Bachelors/Master's Degree

The level of an Apprenticeship standard does not dictate which funding band it will sit in as shown in the examples below. It depends on the complexity of the qualification and the requirements within it.

Areas approved and ready for delivery include:

Sector	Apprenticeship Standard	Level	Band	Max Cost
Customer Service	Customer Service Practitioner	2	6	£4,000
Accounting	Assistant Accountant	3	9	£9,000
Transport	Transport Planning Technician	3	10	£12,000
Financial Services	Financial Services Administrator	3	10	£12,000
Financial Services	Workplace Pensions Administrator/Consultant)	3	9	£9,000
Hospitality	Hospitality Supervisor	3	7	£5,000
Law	Paralegal	3	9	£9,000
Project Management	Associate Project Manager	4	9	£9,000
Law	Chartered Legal Executive	6	10	£12,000

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People, Performance and Development Committee
22 March 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 1**, 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 1).

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
A1/17	17 February 2017	Apprenticeship Reforms	Report to be brought back to the People, Performance and Development Committee to facilitate a discussion on the number of employees across the organisation who could benefit from training as part of the Government's Apprenticeship Reforms.	Head of HR & OD	The Head of HR & OD is in the process of reviewing the most appropriate time to bring this report to the Committee for consideration by Members. (Updated: 17 February 2017)
A2/17	17 February 2017	Apprenticeship Reforms	Report to brought to the People, Performance and Development Committee detailing how the Council can support schools on successful and effective implementation of the Apprenticeship Reforms.	Head of HR & OD	The Head of HR & OD is in the process of reviewing the most appropriate time to bring this report to the Committee for consideration by Members. (Updated: 20 February 2017)

COMPLETED ACTIONS

Number	Meeting Date	Item	Recommendation / Action	Action by whom	Action update
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	The Chairman of the Committee has noted the Information Governance Team has issued communications to staff and Members on their responsibility in respect of the Council's information governance policies and has decided that it is not necessary to send out further communications on this. (Updated: 21 February 2017)
A3/17	17 February 2017	Apprenticeship Reforms	Response to the Chairman of PPDC's letter to the Secretary of State for Education regarding the Apprenticeship Reforms to be shared with the Committee.	Executive Assistant to the Leader of the Council	A response from the Minister of State for Apprenticeships and Skills was sent to the Committee on 15 March 2017. (Updated: 15 February 2017)
A4/17	17 February 2017	Staff Survey Results	Chief of Staff to share the table comparing result with those of last year's currently being created for the Council Overview Board.	Chief of Staff	This was circulated to Members of the Committee on 20 February 2017. (Updated: 20 February 2017)
A5/17	17 February 2017	Staff Survey Results	Chief of Staff to work with services scoring below the ones to watch category in both 2015 and 2016 surveys to understand the results in more detail and the actions being proposed in those service areas. A report should then be brought back to the Committee on this.	Chief of Staff	The Chief Executive and Chief of Staff are meeting with heads of service and assistant directors individually to discuss the staff survey results and actions being taken. A report on the outcomes of these meetings will be brought back to the People, Performance and Development Committee on 25 July 2017. (Updated: 14 March 2017)

A6/17	17 February 2017	Staff Survey Results	Committee Members to receive Russell Circumplex model of emotion arising from Staff Survey.	Chief of Staff	This was circulated to Members of the Committee on 20 February 2017. (Updated: 20 February 2017)
A7/17	17 February	Pay Exceptions Analysis Quarters 1 & 2	Future Pay exceptions analysis reports should provide detail of the total financial outlay to the Council arising from the pay exceptions listed.	Head of HR & OD	The Head of HR & OD submitted the Pay Policy Exceptions Analysis for Q3 to the Committee's meeting on 22 March 2017 including the additional detail requested by the Committee within the report for consideration by Members. (Updated: 17 February 2017)

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People, Performance and Development Committee
22 March 2017

Forward Work Programme

Purpose of the report:

For Members to review and comment on upcoming items due for consideration by the People, Performance and Development Committee.

Introduction:

A Forward Work Programme recording upcoming items due for consideration by the Committee is attached as **Annex 1**, and the Committee is asked to review the items due to be discussed.

A number of 'standing' items are brought to the attention of the Committee at defined intervals, either monthly (e.g. pay exception requests for officers in posts graded S13 and above), quarterly (e.g. pay exception reports for officers in all posts), or annually (e.g. Annual Pay review and Pay Policy Statement).

In addition to the permanent items, the Committee considers proposals for changes to Surrey Pay terms and conditions as well as human resource policies which govern the employment relationship between the Council and its officers.

While changes to HR policies can be driven by developments in legislation, the Council also proactively reviews its employment practices. Regular HR policy reviews aim to ensure the effectiveness and fitness for purpose of the Council's approach to people management, maintain a positive employee relations climate and ultimately contribute to making Surrey County Council an employer of choice. Proposals for changes are submitted on an ad-hoc basis, although it is likely that most PPDC meeting agendas will contain one or more items of that nature.

Additional papers/proposals are submitted for consideration by the Committee on an 'as required' basis, and may include projects or initiatives relating to the HR Strategy for people management and/or organisational development.

Recommendations:

The Committee is asked to review upcoming actions that it is due to consider at future People, Performance and Development Committee (Annex 1).

Report contact: Andrew Baird, Regulatory Committee Manager

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



People Performance and Development Committee Forward Work Programme – March 2017

14 June 2017

Item title	Monthly Pay Policy Exceptions June 2017 (Part 2)
Report author	Ken Akers, Head of HR & OD
Item Summary	For PPDC to decide on senior pay (grades S13 or above) that fall outside of the published pay policy.

Item title	Proposed Surrey Pay Settlement (Non-Schools & Schools) (Part 2)
Report author	Ken Akers, Head of HR & OD ,Julie Smyth HR Reward Manager
Item Summary	For the Committee to agree the proposed 2017/18 Surrey Pay settlement for schools and non-schools

Item title	Pay Policy Exceptions Analysis (2016/17) Q4 and Full Year
Report author	Rahul Singh, Senior MI Specialist Ken Akers, Head of HR & OD
Item Summary	To review analysis of Pay Policy Exceptions agreed for Quarter 4 and for the full year 2016/17

Item title	HR Strategy
Report author	Ken Akers, Head of HR & OD
Item Summary	Summary of HR Strategy

Item title	Appraisal Completion Update
Report author	Ken Akers, Head of HR & OD Lavern Dinah, Acting Strategic OPD Manager
Item Summary	To update the Committee on the number of appraisals that have been completed to date so far for the year 2015/16.

Item title	Leadership Offer Review Update
Report author	Lavern Dinah, Acting OD Manager Ken Akers, Head of HR & OD
Item Summary	Update on the new corporate leadership offer

Item title	Outcome of review into key worker housing
Report	Ken Akers, Head of HR & OD

author	
Item Summary	To update Members on existing key worker housing schemes as well as outcomes arising from a review into key worker housing options undertaken by a project group.

Item title	Appointment of Local Pension Board Members
Report author	Neil Mason, Senior Advisor (Pension Fund)
Item Summary	To appoint Members of the Local Pension Board.

Please note that the following HR Policy changes may be combined into one report.

Item title	Industrial Action Policy
Report author	Prodromos Mavridis, Snr HR Advisor – Policy and Engagement Ken Akers, Head of HR & OD
Item Summary	To approve the revised Industrial Action Policy in line with the Trade Union Act 2016.

Item title	Collective Dispute and Grievance Policy
Report author	Prodromos Mavridis, Snr HR Advisor – Policy and Engagement Ken Akers, Head of HR & OD
Item Summary	To approve the revised Collective Grievance and Collective Disputes Policy.

Item title	Family-friendly Policies
Report author	Prodromos Mavridis, Snr HR Advisor – Policy and Engagement Ken Akers, Head of HR & OD
Item Summary	To approve the revised/realigned suite of Family-Friendly policies (maternity, adoption, parental leave etc).

Item title	Annual leave during sickness
Report author	Prodromos Mavridis, Snr HR Advisor – Policy and Engagement Ken Akers, Head of HR & OD
Item Summary	To approve changes to the arrangements for the accrual and carryover of annual leave during long-term sickness.

25 July 2017

Item title	Monthly Pay Policy Exceptions July 2017 (Part 2)
Report author	Ken Akers, Head of HR & OD
Item Summary	For PPDC to decide on senior pay (grades S13 or above) that fall outside of the published pay policy.

Item title	Surrey Pay Settlement (Non-Schools & Schools) Final Offer (Part 2)
Report	Ken Akers, Head of HR & OD

author	
Item Summary	For the Committee to agree the pay award to be offered to staff for 2017/18.

Item title	Outcome of the Chief Executive's Appraisal (Part 2)
Report author	Ken Akers, Head of HR & OD
Item Summary	To update the Committee on the outcome of the Chief Executive's appraisal panel.

Item title	Environment & Infrastructure Directorate Welcome Bonus (Part 2)
Report author	Dominic Forbes, Planning and Development Group Manager Jo Donoghue, Strategic Business Partner
Item Summary	For the Committee to consider proposals for a welcome bonus for engineers and specialist staff joining the E&I Directorate.

Item title	Termination of Employment Policy (including review of early retirement provisions) (Part 2)
Report author	Prodromos Mavridis, Snr HR Advisor – Policy and Engagement Ken Akers, Head of HR&OD
Item Summary	To approve changes to relevant policies and their regrouping under the Termination of Employment heading.

Item title	Behaviours Framework
Report author	Ken Akers, Head of HR & OD
Item Summary	To update the Committee on action that has been taken to embed the Behaviours Framework

Item title	Learning Agreement (under Study Leave and Financial Assistance Policy)
Report author	Joy Hurman, Social Care Workforce Development Team Leader Ken Akers, Head of HR&OD
Item Summary	To approve changes to allowances specified in the Learning Agreement within the Study Leave and Financial Assistance Policy

Item title	Update on Review of Staff Survey Results
Report author	Rachel Crossley, Chief of Staff
Item Summary	To update the Committee on actions being taken to areas identified for improvement in the staff survey.

21 September 2017

Item title	Monthly Pay Policy Exceptions September 2017 (Part 2)
Report author	Oonagh Dixon, Reward Advisor Ken Akers, Head of HR & OD
Item	For PPDC to decide on senior pay (grades S13 or above) that fall outside of

Summary	the published pay policy.
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Item title	Pay Policy Statement 2017/2018
Report author	Ken Akers, Head of HR & OD Julie Smyth, HR Reward Manager
Item Summary	To review the Pay Policy Statement for 2017/18 for recommendation to Full Council

27 October 2017

Item title	Monthly Pay Policy Exceptions October 2017 (Part 2)
Report author	Oonagh Dixon, Reward Advisor Ken Akers, Head of HR & OD
Item Summary	For PPDC to decide on senior pay (grades S13 or above) that fall outside of the published pay policy.

Item title	Pay Policy Exceptions Analysis Q1 & Q2 2017/18 (Part 2)
Report author	Rahul Singh, Senior MI Specialist Ken Akers, Head of HR & OD
Item Summary	To review analysis of Pay Policy Exceptions for Quarter 1 of 2017/18.

30 November 2017

Item title	Monthly Pay Policy Exceptions November 2017 (Part 2)
Report author	Oonagh Dixon, Reward Advisor Ken Akers, Head of HR & OD
Item Summary	For PPDC to decide on senior pay (grades S13 or above) that fall outside of the published pay policy.

Item title	Review of Senior Management Arrangements for the Environment & Infrastructure Directorate
Report author	Ken Akers, Head of HR & OD
Item Summary	To update the Committee on the senior management arrangements for the Environment and Infrastructure Directorate following changes made to the senior management structure within the Directorate.


SURREY

People, Performance and Development Committee
22 March 2017

Severance and Change Management Policies

Purpose of the report:

Proposed amendments to Human Resources policies are brought to the People, Performance, and Development Committee for consideration, as the Committee is the body that determines policy on the terms and conditions of employment for all Surrey County Council staff. The Committee is asked to consider and approve the substitution of Council's Safer Staffing Policy with the proposed Severance and Change Management Policies.

Recommendations:

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

- i. the proposed revisions to Surrey County Council's Severance Policy; and
- ii. the proposed revisions to Surrey County Council's Change Management Policy.

Introduction:

A review/update of the Severance and Change Management policies has been carried out and is being submitted for consideration and approval. The People, Performance and Development Committee (PPDC) may wish to note that the policy documents are in the process of being finalised; some changes may need to be made to wording and presentation before final versions are published.

An original copy of the policies showing 'tracked changes' has not been included with the report as it was felt it would be difficult to read. As well as additions, deletions and amendments to the wording, there are also quite a few places where the sections have moved location. For these reasons the main changes and additions have been referred to in the report itself and the final revised policies are attached as Annex 1 and Annex 2 to this report.

Review of the Severance Policy

1. Employees can now choose to retire from the age of 55 and access their pension without approval (although the amount of their pension may be subject to a reduction in order to take account of the early payment). This regulatory change necessitates an amendment to Surrey County Council's Severance Policy.
2. There is also a requirement to update the Severance Policy to be consistent with the Policy on Employer Discretions related to the Local Government Pension Scheme as regards the facility for making additional payments/actuarial adjustments for compassionate reasons.
3. The revised Severance Policy also includes a modification to arrangements for redundancy compensation applying to employees on fixed-term contracts. This revision is taking place in order to ensure that the entitlement that applies to fixed-term employees mirrors that of permanent staff.

Review of the Change Management Policy

4. The revised Change Management Policy contains additional detail, definitions and procedural guidance on a number of aspects relating to change management. This includes a change of the parameters for what the Council considers to amount to 'suitable alternative employment' for the purposes of redeployment as an alternative to redundancy.
5. More specifically, the current policy only allows redeployment to posts with a salary within 10% of the one being made redundant. The proposed amendment allows for more flexibility as it stipulates a requirement for the salary/grade difference to be 'reasonable'.

Financial and value for money implications

6. The proposed harmonisation of redundancy pay entitlement between fixed-term and permanent employees will increase the redundancy costs associated with the non-renewal of fixed-term contracts. However, the overall financial impact is expected to be marginal as employees with less than two years' service are not entitled to redundancy compensation and the Council proactively seeks to minimise redundancy costs through redeployment.

Equalities Implications

7. The harmonisation of entitlement to redundancy compensation between fixed-term and permanent employees is expected to have a positive impact from an equalities perspective.

Risk Management Implications

8. The harmonisation of entitlement to redundancy compensation between fixed-term and permanent employees minimises legal and reputational risks around any, perceived or actual, less favourable treatment of employees on fixed-term contracts.

Next steps

Subject to approval from PPDC the Council will publish these revised policies on S Net and communicate the changes to managers.

Report contact: Danni Lamaignere, Senior HR Advisor, HR Advisory team, Business Services

Contact details: danni.lamaignere@surreycc.gov.uk, 07805 755630

Annexes:

Annex 1 – Surrey County Council Severance Policy

Annex 2 – Surrey County Council Change Management Policy

Sources/background papers:

None

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SEVERANCE POLICY

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1. Introduction and Scope

It is the council's policy to take all reasonable steps to avoid compulsory redundancies and where such redundancies occur nevertheless for unavoidable business reasons, to keep the number of redundancies to a minimum.

Alternative courses of action will be reviewed in order to identify alternatives to compulsory redundancies such as:

- A restriction or freeze on recruitment
- The termination, where practical, of any agency workers or temporary staff (who are not on fixed term contracts)
- A call for volunteers below State Pension Age from relevant service areas to express an interest in voluntary redundancy
- Retraining and redeployment, where appropriate, of existing employees into appropriate vacancies

2. What is the Severance scheme?

The Severance scheme at Surrey County Council includes severance on the grounds of Compulsory Redundancy, Voluntary Redundancy or Efficiency.

3. Who does the policy apply to?

The policy applies to all council employees who are eligible to be members of the Local Government Pension Scheme (LGPS). It also covers all council employees who are eligible to be members of the Teachers' (TPS) and NHS Pension Schemes, including those under the management of School Governing Bodies.¹

4. Why do we have a Severance scheme?

The scheme is run with the aim of:

- Ensuring the efficient running of the county council
- Helping the county council reach its cost reduction targets
- Minimising the need for compulsory redundancies now and in the future and;
- Ensuring the consistent application of the policy

For the purposes of the Scheme, severance of employment will be considered against a range of factors including but not limited to:

- The existence of a justifiable business case in terms of organisational impact
- Whether the employee has refused an offer of suitable alternative employment
- Whether there are alternatives to redundancy, through full consideration of redeployment opportunities
- Whether the employee's conduct or performance is actionable under relevant council procedures
- A financial payback period within 3 years or where above 3 years in line with a compelling business case to SRG²

¹ The Governing Body of a school has statutory discretion to determine all cases (except early retirement on compassionate grounds) in respect of non-teaching employees and Teachers. However if funding is to be sought from the Council a Governing Body must submit a business case for consideration by the Severance Review Group.

² SRG comprises of senior managers and the group normally meets on a monthly basis. The Director of People and Development, with support from the Head of HR Operations, can consider all cases where the capital cost is under £20,000 or where the request comes from the Senior

Where approved, the employee will receive the benefits of Severance as outlined below.

The council reserves the right to refuse requests for Severance where it considers the skills could be retained or due to financial prudence.

5. What types of severance are there?

5.1 Compulsory Redundancy

Redundancy occurs where one of the following situations occurs:

- A business closure (closure of the business altogether)
- A workplace closure (closure of one of several establishments, or relocation to a new location)
- A need for employees to carry out work of a particular kind has ceased or diminished or is expected to cease or diminish

Please refer to the [Change Management Policy](#) for more information on Compulsory Redundancy.

5.2 Voluntary Redundancy

Voluntary redundancy occurs when an employer offers a financial incentive to an employee to leave the organisation voluntarily, in order to avoid having to select people for redundancy.

Voluntary redundancy still constitutes a dismissal and all the same rules apply as a compulsory redundancy.

For an application for Voluntary redundancy to be considered it must:

- Show that there was a genuine reduction in the requirement for work of a particular kind to be undertaken at a particular establishment or school. This usually arises through the deletion of the position occupied by the individual concerned.
- Show that suitable alternative employment opportunities have been explored and exhausted prior to submission of the business case and where the case is approved, suitable redeployment will continue to be considered until the employee's last day of service
- Show that by terminating an employee's employment by reason of redundancy it would leave a vacancy that provides suitable employment for someone who would otherwise be made compulsorily redundant from a different redundant post.

If the above criteria are met, an employee could request redundancy through their line manager.

In cases of both Compulsory and Voluntary redundancy the following will apply:

- From time to time as part of localised or county-wide organisational change, the council / schools may invite volunteers for severance on any of the grounds set out in this policy. In inviting applications the council does not bind itself to accept any or all applications made as a result.

manager reporting to the Director. Where the capital cost is over £20,000 then a business case needs to be submitted to the SRG for consideration. £20,000 includes any payments made for Pay in Lieu of notice.

- An employee will not be entitled to a severance payment if, before leaving the council / school, they accept an offer of employment with another local authority or associated employer contained in the *Redundancy Payments (Modification) Order 1999* and commence the new employment within four weeks of their last day of service as the employment would be deemed to be continuous.
- An employee will not be entitled to a severance payment (whether this be on compulsory or voluntary grounds) if they unreasonably refuse suitable alternative employment offered by the council prior to their last day of service. If an employee returns to local authority employment after a period of 4 weeks their continuous service will begin again.³

5.3 Efficiency

In exceptional circumstances decisions can be made relating to whether an employee would be able to leave on the grounds of efficiency. This would include situations where:

- The employee's role has changed sufficiently that they are no longer able to adjust and perform in the role they perform and/or;
- Where the job requires new skills or competencies that the employee does not have and where retraining, investment in future development would not be appropriate; and/or
- Where performance management procedures would not be appropriate.

When considering cases under this category each case will be dealt with individually on its own merits and various factors will be considered including, but not limited to:

- Overall cost to the organisation
- Any demonstrable benefit to the council
- Where suitable alternative role is considered not appropriate
- Where the employee's role has changed sufficiently that they could not be reasonably expected to adjust and perform in the role they are in
- Consideration of succession planning and/or structural changes which could lead to savings through appointing a replacement at a lower level or whether it avoids a redundancy situation.

The essence of the efficiency arrangements is to seek to reach agreement with the employee for the mutual termination of the contract of employment.

SRG will examine each case fairly and make a decision in accordance with this policy.

6. Do I qualify for a severance payment and what is the impact on my pension?

6.1 Redundancy

The following calculations will apply depending on the age of the employee and under which category they leave the organisation⁴:

Voluntary/ Compulsory redundancy	Over 55 and a member of the occupational pension scheme	Pension	Immediate payment of pension benefits. The pension benefits paid to an employee retiring on redundancy grounds before the pension scheme's
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³ If you have any questions regarding your pension please contact pensions services on 020 8541 9000, option 3.

⁴ Employees in both cases must have a minimum of 2 years local authority service to qualify

			Normal Pension Age (NPA) will NOT be reduced due to early payment. ⁵
		Redundancy-Severance payment	Employees would also be due a redundancy payment based on the number of weeks as calculated by the ready reckoner multiplied by the employee's weekly pay. This is up to a maximum of 30 weeks' pay.
	Under 55 (and those over 55 who are not members of an occupational pension scheme offered by the county council)	Pension	n/a
		Redundancy – Severance payment	The severance payment is based on 1.5 weeks' pay for each year of continuous service, up to a maximum of 40 weeks' pay. SRG has the discretion to take non-continuous service into account in working out the severance payable
Efficiency	Over 55 and a member of the occupational pension scheme	Pension	Immediate payment of pension benefits. The pension benefits paid to an employee retiring on efficiency grounds before the pension scheme's Normal Pension Age (NPA) will <u>not</u> be reduced due to early payment. ⁶
		Efficiency - severance payment	No payment would be made in cases where employee is over the age of 55 and leaving the organisation on efficiency grounds.
	Under 55 (and those over 55 who are not members of an occupational pension scheme offered by the county council)	Pension	n/a
		Efficiency – severance payment	The severance payment is based on 1.5 weeks' pay for each year of continuous service, up to a maximum of 40 weeks pay. SRG has the discretion to take non-continuous service into account in working out the severance payable

All severance payments (including those confirmed as leaving on efficiency grounds) are based on an employee's final annual salary at the point of termination of employment.

The calculation of the pension benefits payable to an employee who is made redundant or retires on the grounds of business efficiency at or over age 55 depends on their scheme membership dates. Benefits built up in the Career Average Re-valued Earnings (CARE) scheme will be based on the pensionable pay that

⁵ A minimum of 2 years scheme membership is required. In the LGPS separate employments are treated independently. If a LGPS member who has multiple employments is made redundant from one post, then the LGPS benefits related to that post are payable immediately. In the TPS all teaching employment must cease in order for the member to qualify for the immediate payment of their TPS benefits.

⁶ A minimum of 2 years scheme membership is required. In the LGPS separate employments are treated independently. If a LGPS member who has multiple employments retires on efficiency grounds from one post, then the LGPS benefits related to that post are payable immediately. In the TPS ALL teaching employment must cease in order for the member to qualify for the immediate payment of their TPS benefits.

they receive up to their leaving date. A combination of final pay and membership will be used to calculate benefits built up in the Final Salary scheme.⁷

The pension benefits paid to scheme members who retire voluntarily before the scheme's normal pension age (NPA) would normally be reduced to reflect the early payment date. Where an employee is made redundant or retires on the grounds of business efficiency at or after age 55, but before the scheme's NPA, these early retirement reductions will not apply.

6.2 Redundancy / Efficiency – Underpin

In exceptional cases, where an employee retires on the grounds of redundancy or efficiency, if the capital cost of the early payment of pension benefits (plus any redundancy payment) is less than the severance payment that would be payable to an employee with the same length of service who was not a member of the LGPS or TPS, SRG can approve an additional payment to make up the difference.

6.3 Additional Discretionary Compensation (ADC)

In exceptional circumstances, Additional Discretionary Compensation (ADC) may be awarded to an employee who retires at or after age 55 with an entitlement to a redundancy payment. ADC may not be awarded to an employee retiring on the grounds of business efficiency.

For further information please refer to the [Policy Statement on Employer Discretions](#).

7. What happens if I am on a Fixed Term Contract and I am vulnerable to redundancy?

Employees will be entitled to the same severance payment whether they are on a fixed term or permanent contract.

8. How will my redundancy and pension payments be taxed?

Any redundancy payment under £30,000 will not be subject to income tax under current HMRC guidance. Any excess above £30,000 will be taxed in the normal way. Any Pay in Lieu of Notice is taken into account in assessing whether the payment exceeds the £30,000 threshold.

Up to 25% of the value⁸ of an employee's pension can be taken as a tax free lump sum⁹. Pensions in payment are taxed as earned income.

⁷ Recent reforms mean that the structures of all public sector pension schemes have changed from Final Salary schemes to Career Average Re-valued Earnings (CARE) schemes. The LGPS changed to a CARE scheme from 1 April 2014. The TPS changed to a CARE scheme from 1 April 2015, however, depending on their age and length and dates of scheme membership, some TPS members will remain in the Final Salary scheme. More information about the types of scheme member and the protections that apply can be found on the TPS website <https://www.teacherspensions.co.uk/members/your-scheme/understanding-what-type-of-member-you-are/active-members.aspx>

⁸ The total value of your LGPS pension includes any additional year's contracts, additional retirement contribution contracts (ARCs), additional pension contribution contracts (APCs) and additional voluntary contribution contracts (AVCs) that you may have taken out.

⁹ Within lifetime allowance limits

Change Management Policy

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1. Introduction

- 1.1 The pace of change is now more rapid than ever. We are committed to the continuing transformation of our services and to ensuring the organisation can respond flexibly to the new challenges and opportunities we face. This means that we are often seeking new ways of working to make the best use of our employees and resources.
- 1.2 We are a large and varied organisation, and our needs inevitably change due to legislative, demographic, economic, technological advances and/or policy changes. We have to be flexible to respond to such changes and in order to provide the best value for money for all our stakeholders. As such it is necessary to bring about organisational change to achieve this.

2. Principles underlying the policy

2.1 We are committed to:

Ensuring this policy is adhered to in a way which is carried out fairly and equitably and promotes equality of opportunity and that this is line with our [Equal Opportunity in Employment policy](#) through:

- Appropriate and meaningful consultation with our employees and with our recognised trade unions regarding proposed organisational changes as early as possible.
- Supporting the wellbeing of our employees through periods of change and minimising any negative impact it may have.
- Avoiding the need for compulsory redundancies where possible through careful planning and exploration of existing and new ways to achieve it.
- Ensuring that redeployment is offered to our employees who are at risk of redundancy thereby retaining where possible valuable skills, experience and knowledge within the council and deliver excellent services to the residents of Surrey.

3. Scope

- 3.1 This policy applies to all employees of Surrey County Council except employees in locally managed education establishments, who have their policies and procedures determined by their governors or by national terms and conditions, and uniformed Surrey Fire & Rescue employees who follow standard operating procedures and national terms and conditions.

4. Planning

- 4.1 Good planning will ensure that as a consequence of implementing organisational change, you will have the right number of employees with the right skills and experience to deliver the future service and employees are as engaged as possible.
- 4.2 Please refer to the [Change Management guidelines](#) for a planning checklist relating specifically to Change Management. Advice is available from HR where a change process is planned.

5. Volunteers

- 5.1 Voluntary Redundancy may be offered to employees who are part of a restructuring exercise. Each request will be given careful consideration in line with the criteria as set out in the [Severance Policy](#).
- 5.2 Requests for voluntary redundancy may be refused for financial reasons or in the interest of retaining skills.

6. Consultation

- 6.1 Communicating openly and engaging effectively with employees and trade unions at an early stage of any change forms the foundation of successful engagement with all concerned parties throughout the change process.
- 6.2 In situations where there is the potential for deletion of posts as a result of a restructure, there is an obligation to carry out consultation with all affected employees including those on maternity leave, sick leave, sabbatical or secondment. This is the manager's responsibility.
- 6.3 'Affected' employees' means employees whose posts and ways of working may be directly affected as a result of the change proposal i.e. they are vulnerable or at risk of redundancy
- 6.4 Appropriate consultation should be undertaken for any restructure, no matter how small, even if there are no deletions or reductions are anticipated.
- 6.5 Communication methods should be appropriate to the information being presented and the employees involved and could include departmental briefings, team meetings or newsletters.
- 6.6 Relevant recognised Trade Unions should be made aware of the proposals for organisational change, and the reason, at the earliest opportunity prior to the start of the consultation. Before starting any change process, advice is available from HR.
- 6.7 We should allow the trade unions sufficient time to properly consider the proposals and to consult with their members so that they understand fully the matters about which they are being consulted on and the implications of the proposed changes (both personally and collectively).
- 6.8 Sharing the proposal and the timetable with employees and trade unions together will mark the beginning of the formal consultation process. Information should be shared with employees in groups - directorate / service / team as applicable and at an individual level as well.
- 6.9 An employee will be described as 'vulnerable' to redundancy where their post is proposed as deleted or where there is a proposed reduction in the number of employees required to perform that post at the consultation stage. 6.10 Ideally, vulnerable employees should be consulted individually before any collective meeting and managers, where possible, should be prepared for such meetings with information around potential redundancy pay, retirement options and pension benefits as is applicable to the employee in question.
- 6.11 During the consultation employees should receive the following information:
 - Details of the proposals including, in the case of potential deletion of posts and the proposed method of selecting the employees who may be redundant.
 - A clear communications strategy, with details of how feedback will be accepted.
 - Proposals for an implementation timetable, including dates of meetings and;
 - Information about what support is available to employees.
- 6.12 The number of individual and collective meetings throughout the formal consultation process should be appropriate to the change proposed. The purpose is to ensure that employees and Trade Unions are given sufficient opportunities to consider the proposals, ask questions and suggest alternative options.
- 6.13 All employees affected by the change must be given the opportunity to meet with management in order to understand the direct impact of the proposed change on them. In some circumstances it may be helpful to hold additional individual consultation meetings with employees where their posts have been identified as at risk to answer any outstanding questions that they may have or allay fears or concerns.

- 6.14 For those whose posts are proposed vulnerable during consultation, their line manager will meet with them on a 1-1 basis.
- 6.15 Employees whose posts are proposed as vulnerable at this stage will be given the opportunity to register themselves for redeployment.
- 6.16 Trade unions and employees will be given reasonable time to formulate and formally put forward any counter proposals for consideration if they wish and very careful deliberation will be given to any formal responses put forward.
- 6.17 Employees and trade unions should be provided with a response to any feedback that they have submitted on the proposals and should be provided with details of the proposed final structure.
- 6.18 Following the outcome of the consultation where posts which are confirmed as deleted, staff in these roles will be considered to be 'at risk' of redundancy.
- 6.19 Line managers will meet with those whose roles remain 'at risk' to formally confirm the outcome of the consultation and confirm next steps for them individually.
- 6.20 Employees are entitled to be accompanied by a Trade Union representative or a work colleague at individual consultation meetings.
- 6.21 Staff who are unsuccessful in securing another post within the change process will be issued with a notice of redundancy.

7. Redundancies

- 7.1 Where there is a possibility that not all employees will find a suitable post within the new structure, such employees must be informed that they are vulnerable to redundancy during the consultation phase. It is essential to discuss the actual probability of redundancy with employees in order to reduce unnecessary stress and worry.
- 7.2 To help employees plan, pension estimates / redundancy payment estimates as applicable could be shared with the employee as soon as possible.
- 7.3 Redundancy occurs where an employee is dismissed due to:
 - (a) The fact that his employer has stopped or intends to stop:
 - (i) To carry on delivering the service for the purposes of which the employee was employed by SCC, or
 - (ii) To carry on delivering that service in the place where the employee was so employed, or;
 - (b) The fact that the requirements of that service
 - (i) For employees to carry out work of a particular kind, or
 - (ii) For employees to carry out work of a particular kind in the place where the employee was employed by the employer,

Have stopped or lessened or are expected to stop or lessen.
- 7.4 Where the need arises, to avoid redundancy, consideration will be given specifically to the following alternative options, subject to the organisation's immediate business considerations:
 - Deletion of vacant posts.
 - Restriction or suspension of recruitment.
 - Reducing overtime.
 - Reducing the use of bank or agency staff.

- Seeking voluntary reduction in hours.
 - Seeking employees for voluntary redundancy and retirement.
 - Re-training.
 - Flexible Working.
 - Whether the service can be delivered in another way.
- 7.5 For a redundancy to be genuine, the job that the employee does must disappear, so whilst an employer can take on new employees they will not be to do the same job the redundant employee was doing. In this situation, eligible employees would be entitled to receive a statutory redundancy payment. For further details on redundancy compensation please see the [Severance Policy](#).
- 7.6 Where an employee's role is made smaller e.g. 5 days to 4 and the employee is offered this role as an alternative to redundancy and decides to accept this role, the employee will not be entitled to a redundancy payment for the other part of the role e.g. 1 day.
- 7.7 If an employee has two separate jobs, but each role has its own separate contract of employment, under which they receive two separate payments for the two roles, then being made redundant from one will not impact on the other. If one of these roles is made redundant the employee would be eligible for a redundancy payment for that specific role. The other role would continue as normal. For the purposes of clarity, the redundancy payment in this scenario would be based only on the period of service in the role which is redundant.
- 7.8 A collective redundancy situation arises where it is proposed that 20 or more employees may be made redundant at a particular establishment within a ninety day period.
- 7.9 'Proposed redundancies' mean possible termination of employment of an individual, and so would apply even where restructuring would cause no overall loss of total people employed because of new recruits. It also includes a situation where employees are to be redeployed on such radically different terms and conditions of employment that accepting those posts amounts to dismissal and re-engagement.
- 7.10 Consultation should begin in good time and be completed before any decision is made that results in an employee being made redundant. In this regard employees will be invited to a meeting at the outset of the process. In addition, where 20 or more redundancies are proposed, consultation must begin in line with the timescales given in the table below:

No. of proposed redundancies in any 90 day period	Consultation should commence
20-99 possible redundancies	At least 30 days before the first notice of dismissal takes effect.
100+	At least 45 days before the first notice of dismissal takes effect.

Notification to the Department for Business Innovation and Skills (BIS)

- 7.11 It is a legal requirement to notify the Department of Business Innovation and Skills in writing of a proposal that may result in 20 or more employees being made redundant. Notification must be made on form HR1. Advice should always be sought from HR.

Formal Notification of outcomes and Redundancy

- 7.12 Should the decision be to dismiss on the grounds of redundancy, notification of redundancy will be given to employees as soon as practicable and after SRG approval, outlining appropriate notice periods. Please refer to the S-Net for more information about [notice periods](#).
- 7.13 Any decision to extend the notice period over and above the contractual period will be made based on the circumstances of the restructuring program and the number of staff affected. E.g. where more time is needed to explore a suitable alternative role

Employees at risk of redundancy

- 7.14 In normal circumstances, employees at risk of redundancy will be considered for vacancies for the duration of their notice period. It is possible to offer a suitable alternative that begins up to 4 weeks after the potential dismissal date, but the job offer must be in place before the re-deployee's notice period has expired. Re-deployees will not be considered for redeployment after their last day of employment.
- 7.15 If there is more than one candidate for whom a vacancy represents a 'suitable alternative' to redundancy, a formal selection process may be required.

8. Implementation

- 8.1 No appointments will be made into the new structure until the proposals have been issued and consultation with those affected has taken place.
- 8.2 Appointments and selection for redundancy where possible will be made in hierarchical order, for example, management posts then non-management posts and it should be agreed during the consultation process whether this will happen simultaneously or consecutively.
- 8.3 Employees will be given consideration for all roles which they show a preference for. Where an employee is successful in gaining their first preference they will be withdrawn from the process of going for their second and third preferences.
- 8.4 As part of the consultation process, managers will consult their staff about the revised proposals for the new structure(s), identifying those posts which will be filled by:

Direct Appointment (Slotting)

- 8.5 Employees will be slotted in, in circumstances where:
- The number of new posts after the restructure is greater than or equal to the number of eligible employees; and
 - There is little or no change in the duties (i.e. they are 'similar' in that the duties match At least 80% between the current and the new post, in terms of grade and job content).
- 8.6 A directly appointed employee will be able to refuse such an appointment, in which case the post will be open to a competitive process, initially to others affected by the reorganisation. By excluding themselves at this stage it should be made clear that a substantive post might not be secured and any entitlement to a redundancy payment may be lost. If no appointment is made following the 'ring-fencing' exercise, the post will be advertised more widely.
- 8.7 Once an employee has been directly appointed to a post, they will not be permitted to apply for an alternative appointment during the rest of the restructuring process.
- 8.8 Managers will review the method of filling a refused direct appointment and will consult as appropriate.

Competitive Selection

- 8.9 A selection situation usually occurs where:
- Posts involve similar responsibilities but the number of employees in these posts exceeds the number of new posts in the team, in which case a selection pool and criteria will be involved (downsizing);
 - Where the new posts replacing the existing post differ either because they are of a different grade, or where the tasks and responsibilities of new posts are dissimilar and less than 80 per cent match with the original post(s).
- 8.10 Where employees have not been directly appointed into posts based in the new structure, any new posts that are at the same grade or a higher grade will be ring fenced for employees vulnerable to redundancy to apply for.
- 8.11 Employees eligible for competitive selection within similar job groups will be notified and asked to submit a preference where applicable stating which post(s) they are applying for.
- 8.12 Wherever possible, the selection method(s) will be outlined as part of the consultation process.
- 8.13 Each selection process will reflect the nature of the changes proposed. Criteria could include:
- Individual employees being measured against a specific role profile which reflects the requirements for skills, qualifications and experience in the new posts e.g. interview, letter of application or aptitude tests.
 - Attendance, disciplinary and/or capability/performance records.
 - Organisational behaviours required for the role and the team.
- 8.14 Wherever possible, one selection process will be used to consider the employees application for multiple roles. Managers may feel the need to conduct more than one selection process particularly if the posts require different skills, knowledge and experience, even within the same team. If multiple selection processes are to be held the employees will be notified before selection begins at the beginning of the process.
- 8.15 When using absence as a selection criteria and as a reasonable adjustment, absences relating directly to an employee's disability, may be discounted.
- 8.16 Any absence due to an employee's pregnancy or period of maternity leave will not be included in the selection process.
- 8.17 All steps should be taken to support employees who are absent at the time of the selection processes to ensure they are able to engage in the process in the same was as an employee who is not absent.
- 8.18 Required behaviours of the organisation can be used as criteria for selection. If these are to be used this will be outlined clearly at the beginning of the process.

Selection for Redundancy

- 8.19 Once the selection process has taken place and the individual has not been successful in gaining one of the roles they then become 'at risk' of redundancy.
- 8.20 The criteria used for redundancy selection must be clear and objective and be based on the future need of the service. It should be applied fairly and consistently and must not discriminate on the grounds of trade union membership (or non-membership) or activities, race, language, ethnic or national origins, religion and/ or beliefs, gender identity, marital or civil partnership status, sex or sexual orientation, disability, pregnancy or maternity leave, age, medical condition, including people living with HIV/Aids, political views or affiliation, full or part time employment.
- 8.21 Posts will not be advertised externally until internal candidates affected by the re-structure have been considered.
- 8.22 Should an individual disagree with their individual assessment or feel that selection criteria have been unfairly applied in their case, they should put this in writing to the manager leading the process or another Senior Manager as appropriate and any individual concerns in the decisions made will be reviewed.

Absence during organisational change

- 8.23 Employees who are absent during a redundancy/restructuring process, for example due to sickness absence or maternity leave, should be included, as far as reasonably practicable, in any consultation process which takes place. They should receive the same information as their colleagues.
- 8.24 Those that are absent should be contacted individually by their Manager, to discuss the most appropriate way of including them in the appointment process.
- 8.25 In principle, where an individual is unable to attend for interview they will be considered for posts in their absence. In these circumstances the individual may be asked to provide a written submission and arrangements put in place to accommodate their needs should they be successful in gaining an interview.

On Maternity leave during organisational change

- 8.26 Where an employee is on maternity leave at the time of any organisational change and their role is 'vulnerable' to redundancy they are entitled to be offered a suitable alternative role where one is available and have priority over others who are also vulnerable.
- 8.27 At the point it is clear that the employee on maternity leave is vulnerable to redundancy (this could be immediate and/or obvious or it could follow a selection process) the employee should be offered suitable alternative employment where such an alternative exists.
- 8.28 Where the employee is on Ordinary or Additional Maternity Leave and is confirmed as redundant, they will be entitled to receive the same amount of Maternity pay as if they had not been made redundant. This can be as a lump sum, in which case their employment would end at that point in time, or as a monthly payment up until the end of the maternity pay period, at which point their employment would end. Redeployment options should continue to be sought up to the employee's termination date.
- 8.29 If an employee on Ordinary or Additional Maternity Leave is confirmed as redundant they are entitled to their normal contractual notice period any outstanding annual leave and a redundancy payment, (where applicable).

On Secondment during organisational change

- 8.30 Where organisational change takes place an employee will always be considered in conjunction with their substantive post and not the post they have been seconded to.

On Unpaid leave (including Sabbaticals) during organisational change

- 8.31 Any employee on unpaid leave (including sabbaticals) during a restructure will be included in any restructure of the team their substantive post sits within.

On a fixed term contract during organisational change

- 8.32 Fixed-term employees cannot be selected for redundancy simply because of their employment status. Please refer to the [Severance Policy](#) for information on fixed term working and Redundancy pay.
- 8.33 Where a fixed term contract has come to an end because the substantive post holder has returned to work there is no entitlement to a redundancy payment or redeployment. This is because there is a continuing need for the work to be undertaken. So the end of the fixed term contract is not a dismissal on the grounds of redundancy but a dismissal for some other substantial reason.

Specific group of employees and advice from HR

- 8.34 Managers must seek advice from their allocated HR Advisor if any of their employees in the restructure are on maternity leave or may be covered by equalities legislation. Specific advice should also be sought for employees who have multiple employments /contracts with the council.

Withholding Redundancy Payments

- 7.16 Employees who are made redundant from the services of the council are entitled to a redundancy payment provided they don't:
- Accept an offer of employment with another local authority or an associated employer contained in the Redundancy Payments (Modification) Order 1999 and commence what may be considered as continuous employment within four weeks of leaving the employment of Surrey County Council.
 - Unreasonably refuse suitable alternative employment offered by the council prior to their last day of service.
 - Refuse to complete without good reason, a trial period for a job offered by the council.
 - Resign from the council during the trial period of a job offered by the council.
 - Refuse the offer of a job without good reason, after completion of their trial period.
- 7.17 To qualify for redundancy payment, employees must have at least two years continuous service - service before the age of 18 is not counted.

Redundancy Payments

- 7.18 Please refer to the [Severance Policy](#) for more information.

9. Appeals Procedure

- 9.1 Employees may wish to appeal against the decision of their being made redundant by lodging an appeal with the Head of the Service. Employees will need to file their appeal within 5 working days of being issued with a written notice of redundancy. Employees will have the right of representation for such appeal hearings.
- 9.2 The appeal will have to be typically heard within 5 working days of receipt of the appeal.

- 9.3 The Head of Service will need to delegate the responsibility of 'hearing' the appeal to an independent Senior Manager who has not been connected with the decision making process of the redundancy in question.
- 9.4 A written response, confirming the decision at the appeal hearing will be sent to the employees within 5 working days of the appeal hearing.
- 9.5 Any changes to the above mentioned timescales would have to be conveyed to and confirmed by both parties.

10. Redeployment

- 10.1 Throughout the course of their employment with the County Council, some employees may be affected by changing circumstances beyond their control, which results in them not being able to continue in their current role. This could be related to restructuring, the ending of a fixed term contract or the need for redeployment as a reasonable adjustment in accordance with the provisions of the Equality Act 2010.
- 10.2 The County Council invests heavily in recruitment and training to ensure that it maintains a highly skilled workforce capable of operating flexibly within the County Council's complex governance arrangements and political environment.
- 10.3 Consequently, the County Council is committed to retraining employees who are highly skilled and will make every reasonable effort to find alternative employment by exploring redeployment opportunities:
- Either as an alternative to redundancy;
 - Or as a reasonable adjustment in accordance with the provisions of the Equality Act 2010.
- 10.4 Whilst every effort will be made to secure a suitable alternative role this cannot be guaranteed and in such circumstances the outcome may be termination of employment.
- 10.5 The employee will know their own skills and experience better than anyone and while the County Council can monitor vacancies which arise, employees accepted for redeployment have the responsibility to monitor vacancies themselves and apply for those which they consider may be suitable.

Prior consideration for re-deployees

- 10.6 The County Council will give prior consideration for job vacancies, in advance of other candidates, to all employees accepted for redeployment, provided the following criteria are satisfied:
- The employee's skills, qualifications, abilities and experience must match the essential criteria of the post.
 - In cases of redeployment for reason of redundancy, priority will only be given where the alternative post is deemed a 'suitable alternative'.
 - An employee without specific experience, but with transferable skills will be considered provided the experience can be acquired within a short induction period in the job.
- 10.7 In order to protect the County Council's investment in its existing staff and employment stability, managers recruiting to vacancies could be asked at any point during the recruitment process to give prior consideration to an employee for whom redeployment is being sought and for which the vacant post is considered a suitable alternative.
- 10.8 Where staff are at risk of redundancy, a 'suitable alternative' vacancy must be offered to an 'at risk' employee on maternity leave in preference over others. Please refer to 8.26.

- 10.9 Priority will then be given to other employees at risk of redundancy, or those being redeployed as a reasonable adjustment in accordance with the provisions of the Equality Act 2010.
- 10.10 Prior consideration will not normally apply to a re-deployee applying for a vacancy that is not considered a 'suitable alternative'. In these circumstances, the re-deployee should apply in the normal way through the County Council's e-recruitment system.
- 10.11 Interview for a job will be guaranteed when employees satisfy the minimum requirements of that post as set out in the specific role profile. The onus will be on the recruiting manager/panel to justify why an individual could not be appointed following such an interview.
- 10.12 In line with Surrey's commitment to the two ticks scheme the council guarantees an interview to anyone with a disability who meets the minimum requirements of the role.
- 10.13 In order to comply with our legal duty to appoint on merit employees seeking a higher graded job due to a redundancy situation will normally have to apply competitively for the job. Advice should be sought from the HR teams for cases where the above criteria may have to be relaxed because of closely matching experience and qualifications.
- 10.14 Reasonable 'on the job' training will be provided to employees during the trial period to facilitate success in the trial period.
- 10.15 In small reorganisations employees who are informed of their vulnerability to redundancy are given the flexibility to register themselves for redeployment from the start of the consultation process even before the recruitment to the new structure is complete.
- 10.16 Redeployment status will continue until such time as employees are allocated to alternative employment or until their notice period expires - whichever is the sooner.

Suitable alternative vacancy

- 10.17 In determining whether a vacancy represents a 'suitable alternative', for an employee at risk of redundancy, a range of factors will be taken into consideration, including but not limited to:
 - Relevance of the employee's qualifications, skills and experience to the requirements of the post
 - Salary difference between the two roles will be required to be 'reasonable'
 - Location and other working arrangements
 - Comparability of conditions of service
 - Costs associated with retraining; and
 - The practicality of retraining the employee to function effectively within a reasonable period of time.
- 10.18 The determination of 'suitable alternative' employment for employees being redeployed as a reasonable adjustment in accordance with the provisions of the Equality Act 2010 will broadly follow the above criteria, but more flexibility may be necessary to ensure the full range of options have been explored.
- 10.19 An individual may be offered a role which is not considered to be a suitable alternative role. In such cases they should be provided with information to make an informed choice about whether to accept the offer and forgo a redundancy payment. The HR Advisory team will be able to provide support.

Pay protection

- 10.20 Pay protection may apply in some circumstances where redeployment is an alternative to redundancy and the salary of the new position is lower. Please refer to information relating to [protection of earnings](#) in the Reward Policy.

Trial period

- 10.21 Employees offered redeployment opportunities are subject to a statutory 4-week trial period for employees and employers to assess suitability to the role. In some circumstances it may be appropriate to extend a trial period to allow for relevant training; typically this might be for a further 4 weeks. Both management and employees will have the right to terminate the trial period during and at the end of four weeks. However any decision will need to be based on reasonable grounds and both parties will need to substantiate their decision in consultation with HR.

Supporting Employees

- 10.22 It is understood that going through a change process can be a very difficult time for employees. Managers are encouraged to have an 'open door' policy for communicating with and supporting employees during these times.
- 10.23 Managers will have the responsibility to raise awareness of the support that is available for employees to enhance their continuity of service. Managers are also responsible for ensuring that due attention is paid to wellbeing of staff in the new structure.
- 10.24 In addition to the supporting principles of redeployment, some of the other support mechanisms that are in place for employees at risk of redundancy include:
- Reasonable paid time off work to seek employment outside the county council or to arrange appropriate training.
 - Work base relocation grant, and pay protection (as applicable) to aid continuity of service.
 - Support with retraining and out placement opportunities in specific circumstances.
 - Support provided via external agencies e.g. the [Employee Assistance Programme](#) that provides support not only to the employees but also their families when going through a stressful period.

Reasonable Adjustments

- 10.25 Those employees with a disability as defined by the Equality Act 2010 should be given the opportunity to request reasonable adjustments at every stage of the process. All requests and subsequent action should be appropriately recorded.



People, Performance and Development Committee
22 March 2017

Policy on Safeguarding (Disclosure & Barring Service) Checks

Purpose of the report:

The People, Performance and Development Committee is asked to consider and approve the substitution of Council's Safer Staffing Policy with the proposed Policy on Safeguarding (Disclosure & Barring Service) Checks.

Recommendations:

It is recommended that the People, Performance and Development Committee agrees to substitute the Safer Recruitment Policy with the new Policy on Safeguarding (Disclosure & Barring Service) Checks.

Introduction:

Senior management within Adult Social Care have suggested an amendment to Surrey County Council's (SCC) 'Safer Recruitment' Policy in order to relax the requirement for existing employees who perform regulated activities to obtain a new Disclosure and Barring Service (DBS) clearance every three years. The rigid application of that requirement has resulted in disruption to service delivery and additional costs to the Council caused by delays in the checks to criminal records that are performed by the Metropolitan Police Service and other police forces, including Surrey Police.

The Council has arrangements in place in order to remind officers who undertake regulated activities, as well as their line managers, of the policy requirement for their DBS clearances to be renewed every three years. The Safer Staffing Team send e-mail reminders to employees and managers in order to encourage the timely renewal of clearances. This system worked reasonably well for a number of years, however 2016 saw serious delays in processing on the part of a number of the police forces responsible for clearance renewals (see Annex 3). The situation is thought to have improved in early 2017 (the Council is currently in the process of aggregating relevant statistics). The additional flexibility in the proposed new policy aims to ensure

business continuity and resilience in service delivery by minimising the potential for disruption to be caused by similar issues in the future. HR have taken the opportunity to undertake a more thorough review of the 'Safer Recruitment' Policy which revealed that the 'safer recruitment' model technically applies to recruitment and selection for every post within the Council and that practice is not always consistent with policy (e.g. there is a firm requirement for face-to-face interviews to take place, but the Council does conduct remote interviews through Skype).

Review of DBS Policy

Key Amendments

1. **Risk assessment** - The current policy contains an inflexible requirement for the Council to obtain DBS clearance for existing employees [in relevant roles] every three years. The lack of flexibility has caused problems by preventing long-serving, high-performing employees of the Council from carrying on working due to processing delays caused by external organisations. There is no legal requirement that stipulates the renewal of clearances at specified intervals. The proposed new policy (para. 5.4) enables the Head of Service/Area Director to allow an employee to continue working past the third anniversary of their last DBS check subject to a number of conditions including sign-off by the Payroll Manager.
2. **Exempted posts** - The current policy is worded in a way which seems to suggest that the applicability of its provisions is not confined to posts which require a DBS clearance but instead applies for recruitment to every post within the Council. The proposed new policy gives hiring managers the power, and associated responsibility, to assess the requirements of each role and design a selection process that is appropriate to those requirements.
3. **Distinction between policy and guidance** - The current policy contains detailed procedural guidance which carries the risk of the reader conflating policy with guidance. In the absence of separate documentation covering relevant guidance, the proposed new policy still contains an amount of it. The proposed new policy, however, incorporates wording which distinguishes between requirements and recommendations.
4. **Position on volunteers** - The current policy is inconsistent in its definitions of 'regulated activity' and seeks to exclude groups such as work placement students or volunteers by advising management to organise work in a way that precludes unsupervised contact with children or vulnerable adults. The proposed new policy takes the more inclusive approach of arrangements for volunteers 'mirroring' those in place for Council employees.
5. **Paper and electronic records**. The current policy makes multiple references to paper records and certificates etc, most of which are redundant as the majority of relevant information is kept electronically. It also refers to documentation that has to be physically held for audits by the Care Quality Committee (CQC) despite the CQC expecting to see electronic records rather than paper ones. The proposed new policy

addresses the issue by using phraseology that covers both paper-based and electronic records.

6. **Emphasis on residence, not nationality** - The current policy has a section on 'overseas workers', expecting them to produce documentation from their 'country of origin'. This provision does not reflect DBS requirements for British candidates who have been residing abroad or those from overseas who have been working in third countries (e.g. a Romanian social worker who has spent 10 years working in Denmark would need to obtain the appropriate information from the Danish authorities). The wording in the proposed new policy makes it clear that any requirements are based on residence as opposed to nationality.
7. **Safeguarding beyond recruitment** - The current policy is entitled 'Safer Recruitment' but its scope is not confined to recruitment matters as it incorporates renewal requirements for the clearances of existing employees. The title of the proposed new policy reinforces the importance of safeguarding for the Council while its informal subtitle ('for employees, volunteers, and job applicants') provides the reader with an indication of its scope.

Financial and value for money implications

8. The proposed new policy does not have any direct financial impact, however it is expected that its adoption will result in some savings for the Council by minimising the need to use agency workers to cover for employees whose DBS clearance is in the process of being renewed.
9. Moreover, the emphasis on keeping recruitment checks proportionate and appropriate to the needs of each vacancy is expected to enhance the efficiency and effectiveness of recruitment and selection for vacancies which do not require DBS clearances (e.g. by widening the pool of candidates for specialist roles through the abolition of the inflexible requirement for face-to-face interviews).

Equalities and Diversity Implications

10. There are no specific equality implications from the adoption of the proposed new policy.

Risk Management Implications

11. The proposed new policy does not materially change the approach of the Council to managing the risks associated with the performance of regulated activities. The process for new appointments remains unchanged and existing employees will only be allowed to continue working after the third anniversary of their DBS clearance if a number of conditions are met (timely renewal request, declaration of offences by the employee, request by the Head of Service/Area Director and counter-signature by the Payroll Manager).
12. There is some risk associated with giving managers the discretion to determine the selection process for posts which do not include regulated activity. That risk, however, is commensurate with, and appropriate for, the

level of trust placed by the Council on its officers who have responsibility for managing employees and managers will continue to be able to obtain relevant advice from HR.

Next steps:

- To communicate and engage with Trade Unions on the proposed changes through SCCTU. The Committee may wish to note that Trade Unions have not been consulted on the development of the proposed new policy due to time constraints. There is a strong likelihood that the new policy will be welcomed by the unions as it will give staff within social care the opportunity to continue working even if there are delays in the renewal of their DBS clearance.
- To communicate and engage with management on the proposed changes through CIPN HR.
- To publish the new policy on s-net.

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Annexes:

Annex 1 – Safer Recruitment Policy

Annex 2 – Policy on Safeguarding (DBS) Checks

Annex 3 - Report on DBS application processing times as at Sep 2016

Sources/background papers:

The proposed new policy essentially is a root-and-branch review of the Council's current 'Safer Recruitment' policy. Comments have been sought from the DBS Working Group and officers/managers within HR, Business Services (Safer Staffing, Recruitment) and Adult Social Care.

Safer Recruitment Policy

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Safer Recruitment

1 Our commitment

Surrey County Council (SCC) is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment.

SCC is committed to the fair treatment of its employees and potential employees, regardless of race, gender, religion, sexual orientation, and responsibilities for dependants, age, physical/mental disability or offending background. It undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against applicants on the basis of a conviction or other information revealed.

2 Our safer recruitment model

Our safer recruitment model is in four stages

- **Deter – unsuitable applicants:** with a clear commitment to safeguarding and an application process that includes face to face interviews, so that those who seek to harm children or vulnerable adults are deterred from applying for positions at Surrey;
- **Reject – unsuitable applicants:** as we scrutinise applications, reasons for leaving previous employment, and explore gaps in employment history, competence and motivation at interview
- **Prevent – unsuitable appointments:**
 - those who interview, and/or short list, are trained in safer recruitment and fair selection
 - informed judgements are made when an individual discloses unspent convictions
 - pre-employment checks:
 - verify identity documents and qualifications (where needed);
 - ensure suitable references are obtained
 - Criminal records checks are made from the Disclosure & Barring Service (DBS) and overseas equivalent..
 - New staff are given an appropriate induction.
- **Prevent and detect safeguarding issues**
 - risks are identified and managed through risk assessment and management.
 - that roles that include contact with children and vulnerable adults but are not “regulated activities” are adequately supervised
 - we develop and maintain a safe culture

Our arrangements ensure a fair process which fulfils our commitment to safeguarding and our commitment to complying with the Rehabilitation of Offenders Act. (ROA)

Records of recruitment process and decisions are kept for six months after the date the successful candidate is appointed and then those relating to unsuccessful candidates are shredded.

3 Key Responsibilities

The Recruitment team provide advice on how to deter unsuitable applicants, it will:

- Advise on the design and wording of advertisements so that these help deter those who may wish to harm the vulnerable. Adverts will include commitment to safeguarding is included in all recruitment and selection materials and make it clear appropriate checks will be made, marked with Rehabilitation of Offenders Act (ROA) exemption.
- Ensure application forms include required information
 - reiterate our commitment to safeguarding
 - include clear up to date job profiles (description and person specifications)
 - “Self – disclosure” forms for disclosing convictions
- Ensure application forms
 - Include reason for leaving
 - Note that failure to disclose will result in dismissal
 - Marked with ROA exemption where appropriate
 - e.g. whether the role is exempt for ROA, providing incorrect information and reason for leaving
- Ensure that information sent to applicants clearly states when an enhanced DBS (formerly CRB) disclosure is required
- Seek references on a manager's behalf, providing a copy of the job description to the referee. If the applicant is not currently working with children or vulnerable adults, but has done so in the past, a reference should be obtained from the relevant previous employer.
- Provide template letters used to ensure the correct information is provided to the candidate prior to interview and when an offer is made.

Managers will:

- Follow this guidance on recruitment to ensure safer recruitment whilst complying with the Rehabilitation of Offenders Act (ROA)
- Managers must ensure all employees and applicants for employment are aware of the recruitment of ex-offenders policy and apply it.
- Ensure that if the employee is on long term sick or maternity leave when their DBS (CRB) expires they start the re-checking process in advance of the employee's return to work.
- Where a professional qualification is mandatory for the post, managers must confirm professional registration with awarding bodies or professional registers and keep a record of that confirmation kept on file.

Chair of interview panel will:

- Check documentation as required to ensure that candidates are eligible to work. Only accept originals, take copies and sign to confirm the original was seen
- Keep records in accordance with this guidance
- Make candidates aware at interview that should they be successful, any offer of employment would be subject to satisfactory clearances including DBS disclosure and employment references.
- Explore gaps in employment history directly with the candidate
- Apply the recruitment of ex-offenders policy.

The safer staffing team will:

- Liaise with the Disclosure & Barring Service (DBS) to obtain DBS (CRB) clearances before appointment and at 3 yearly intervals
- Notify managers three months before DBS (CRB) is due to expire
- Maintain the e-CRB system
- Review DBS disclosures

Applicants, staff and volunteers will

- Disclose any unspent convictions where they are applying for, or occupying any position, that has exemption from the Rehabilitation of Offenders Act. Failure to disclose a relevant unspent conviction is grounds for dismissal.

The HR&OD team will:

- Provide appropriate recruitment and selection training
- Ensure recruitment and selection material and contracts include required information

Heads of Service will:

- Apply safer recruitment practice and procedures
- Decide which posts require disclosure, the level of disclosure required and actions to take when a positive disclosure is received
- Appoint counter signatories where needed
- Fund the required checks

Service or Designated counter signatories will

- Apply the procedures and make the final decisions on disclosures and their outcome. The role is to confirm the validity of an application for a DBS (CRB) disclosure and check relevant documents

The Deputy Head of HR and Organisational Development is the Lead Counter signatory for SCC (excluding school based staff, agency workers, and other contractors) and will:

- Ensure that our safer recruitment practice and procedures comply with national relevant protocols
- Promote good practice within SCC and with our partners and implement improvements where appropriate
- Develop quality assurance of systems and procedures to audit implementation

4 How to use the model

Review the job description to ensure that it is the most up to date and check whether any risk assessments required are in place. For example if the role requires

- Working in an regulated activity
- Working with confidential information
- Working with the opportunity for unsupervised access to children or adults

Then the risk assessment should set out what controls should be in place and provide topics to be explored in the interview.

All SCC employees are required to keep information that they have access to, or handle, as part of their work for SCC, confidential.

4.1 Checks before invitation to interview

- Scrutinise applications:
 - To check for gaps in employment
 - To review reasons for leaving
- Check eligibility to work in the UK
- For safeguarding roles it is preferable to obtain references prior to interview
- Encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process.

4.2 Interviews

4.2.1 Question design

Face to face interviews explore directly with the candidate

- Competence for the role
- Gaps in employment history
- Motivation and values
- Any convictions that the individual has shared - SCC is committed to only asking about “unspent” convictions, unless the nature of the position allows SCC to ask questions about their entire criminal record.

It is legitimate for an employer to ask directly about an employee’s previous convictions, the employee does not have to disclose any that are spent. Therefore make sure that you have an open and measured discussion on any offences that may be relevant to the position.

Although care must be taken not to ask discriminatory questions, do ask direct and probing questions at interview. It is important to investigate any areas that might be problematic, for example:

- any aspect of the applicant's background where there may be a weakness or lack of experience;
- to verify that qualifications have actually been obtained (this should never be assumed, but always checked); or
- where information appears incomplete (for example gaps between jobs).

It is important that satisfactory explanations for any gaps in employment are obtained. Questioning on this area must be completed sensitively and objectively, and be to raise any issues or inconsistencies for the purposes of safeguarding only.

If the reason for leaving, or a gap in employment given, relates to a health condition or disability this should not be explored at the interview, unless there is an inconsistency that raises safeguarding concerns. In line with the Equalities Act, further information regarding the health condition or disability can be checked after an offer is made, to find out about any adjustments needed for the candidate to perform at their best in the role.

“Warner style” questions are sometimes used to help check the suitability of applicants to work with children. This approach as well as assessing previous experience, skills and qualifications, explores each candidate’s attitudes and motives to work with children.

Warner style questions ask about: -

- Why someone wants to work with children
- How they deal with difficult issues in relation to work with children
- How individuals ensure they maintain a professional working relationship with children and do not overstep the boundaries of their role

Hypothetical questions should not be asked as candidates will only provide a hypothetical answer in return. This does not show their attitudes or motives to work with children.

For example ‘tell me what you would do if a child was aggressive?’ is a hypothetical question with which the candidate could provide a ‘text book’ answer. A Warner style question would be ‘tell me about a time when you have had to manage a child’s difficult behaviour?’ – this question draws on the candidate’s experiences, their attitudes, values and motives to work with children.

4.2.2 Document checks

At the interview check and verify

- Identity documents
- Eligibility to work in the UK

To check make sure that documents are valid, current and original. Photocopies or documents printed from the Internet are not acceptable. Look for evidence of tampering and refer any irregularities to the Service counter signatory to take up with the applicant.

To verify photocopy the original documents. The photocopy should be signed and kept with the interview file. When the successful applicant is verified in post, the ID information for the unsuccessful candidates must be kept in lockable safe storage for six months and then shredded.

If the role requires a DBS (CRB) check – follow e-DBS [guidance](#)

4.3 Checks before appointment

4.3.1 References

Two references covering the last three years which includes at least one from the most recent previous employer.

If the role is in social care and the applicant is not currently working with children or vulnerable adults, but has done so in the past, a reference should be obtained from the relevant previous employer.

References provide factual information to support appointment decisions, requests must include information on

- The candidate's suitability for the post
- The qualities and experience the candidate(s) have
- Details of any disciplinary offences against children or if there have been any child protection concerns (if the post involves working with vulnerable groups) and their outcomes.
- Reason for leaving their previous employer
- The referee's relationship to the candidate.
- Whether the referee is satisfied that the candidate is suitable to work with children, and, if not, the referees concerns and why they believe the candidate is not suitable

Check references

- are from a line manager not a colleague
- are signed and that all questions have been answered satisfactorily.
- against application forms to verify dates of employment.
- by telephone if you are concerned about a referee's authenticity or the content is ambiguous or unguarded, or where further information or clarification is needed.
- Note that testimonials are not acceptable as a reference to Surrey County Council (SCC).

Keep details of any contact with referees.

Consider information about past disciplinary action or allegations in the circumstances of the individual case.

The recruitment team has template letters which should be used to ensure the correct information is provided to the candidate prior to interview and when an offer is made.

4.3.2 Professional registration

Where a professional qualification is required for the role confirm with the awarding body or professional register and keep a record of that on file.

4.4 DBS (CRB) checks and regulated activities

Only staff who work in positions that meet the definitions of regulated activity as set out in the Safeguarding Vulnerable Groups Act and the Protection of Freedoms Act, are eligible for a criminal record check and periodic re-checks.

Below is a brief summary of the roles that are eligible for a Disclosure and Barring Service check. Please refer to [Appendix 1 \(working with adults\)](#) and [Appendix 2 \(working for children\)](#). The flow-charts will help you assess whether a position is eligible for a criminal record check and whether the check is an enhanced check or an enhanced check with children's or adults' barred list.

All staff who work in regulated activities, are subject to DBS checks before appointment and at a maximum of three yearly intervals throughout their employment with SCC.

4.4.1 Working with Children – regulated activities

- i. Unsupervised activities: teach, train, instruct, care for or supervise children or provide advice/guidance on wellbeing, or drive a vehicle only for children;
- ii. Work for a limited range of establishments (specified places") with opportunity for contact: for example schools, children's homes, child care premises. Not work by supervised volunteers.

Work under (i) or (ii) is regulated activity only if done regularly (at least once a week). The Department for Education has produced [statutory guidance on supervision](#) to describe the considerations an organisation should make when determining whether or not an individual is supervised to a reasonable level for the role.

- iii. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- iv. Registered childminding; and
- v. Foster-carers.

4.4.2 Working with Adults – regulated activities

- (i) Providing health care
- (ii) Providing personal care
- (iii) Providing social work
- (iv) Assistance with cash, bills and/or shopping
- (v) Assistance in the conduct of a person's own affairs
- (vi) Conveying - transport an adult because of their age, illness or disability either to or from their place of residence and a place where they receive health care, personal care or social care.

If the role requires a DBS (CRB) check – follow e-CRB [guidance](#)

4.4.3 Overseas workers

Applicants must obtain a disclosure from their country of origin. The relevant embassy should be approached for advice. It is the individual's responsibility to provide a certified translation and this should be checked by the hiring manager before appointment.

It is important to note that the DBS (CRB) checks will not establish the presence or currency of work permits. To check whether work permits are in place contact the Border and Immigration Agency Helpline and Employer Checking Service:
www.bia.homeoffice.gov.uk/employingmigrants.

4.4.4 Agency Staff:

- Roles that require which require DBS (CRB) checks are identified on the order.
- The supplying agency is required to follow safer recruitment procedures.
- Managers check that supplied workers have the requisite registration and clearance, which meets the requirements of the post. Manpower provide this using a care worker profile card. Evidence that the care worker profile card should be recorded and kept for 12 months for Ofsted and Care Commission inspections.
- The detailed records are held by Manpower.

4.4.5 Work Placement Students:

DBS (CRB) disclosures must be carried out on work placement students who will be carrying out regulated activities, unsupervised. Where possible, arrange work so that students do not carry out regulated activities, unsupervised, so that a DBS check is not needed.

4.4.6 Volunteers

Carry out a risk assessment to check that those who are volunteers or whose work brings them in contact with children and vulnerable adults are adequately supervised. Work must be arranged so that volunteers do not carry out regulated activities, unsupervised.

4.4.7 Positive disclosure

Having a criminal record will not necessarily bar someone from working with us. This will depend on the nature of the position and the circumstances and background of the offences. If in any doubt seek advice from your designated counter-signatory or HR Relationship adviser.

- If you receive a positive disclosure carry out a risk assessment to decide what controls needed to be in place.
- Discuss any matter revealed in a disclosure with the person seeking the position before withdrawing a conditional offer of employment or dismissal after appointment.

4.4.8 Handling disclosure information

- Keep disclosure information secure, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.
- Do not copy disclosure certificates and make sure that additional information supplied by the DBS (CRB) on disclosures is kept strictly confidential, not be stored nor revealed to the applicant.
- Use the information only for the purpose it was requested as the applicant will have given consent for that.
- Keep disclosure information for 6 months after appointment has been made and then delete unless it is required for Commission for Care annual inspections.

- For Commission for Care inspections keep disclosures for employees in relevant teams (e.g. residential establishments) up to the date of the notified annual inspection, i.e. for a maximum of 12 months. The disclosures should not be kept at the home but off site and available for inspection if needed.
- Keep a list of all disclosures carried out, showing the name of the applicant, the level of disclosure, disclosure reference number and date of issue, and whether the person was employed or not employed.
- Keep a record of all those who see the information
- Once the 6 or 12 month retention period has elapsed, destroy the disclosure information by shredding, pulping or burning.

4.5 Withdrawing an offer

In the event that the checks made following an offer are unsuitable then the procedure for withdrawing the offer should be followed. If the reason is because of a positive disclosure see 4.47 above.

4.6 Training

4.6.1 For those involved in recruitment

Those involved in the recruitment process are trained to identify and assess the relevance and circumstances of offences. The training provided includes the relevant legislation relating to the employment of ex-offenders.

- Recruitment and Selection STARS training
- E-learning for safer recruitment (currently available via CWDC – a SCC package aimed at all staff is being developed at the moment)

4.6.2 For all staff

There are [training courses](#) available for staff who work in Adults and Children's Directorates on the topic.

Other staff are invited to participate in training as part of our organisation's desire to become a "safe organisation".

5 When will criminal records be checked

All those who work in regulated activities, must have their criminal records checked before appointment and at a maximum of three yearly intervals throughout employment with SCC.

The safer staffing team will issue reminders to managers three months before expiry of the current DBS disclosure.

6 Induction to promote safeguarding

The introduction of a new member of staff to the organisation begins at the recruitment stage, when messages about being a 'Safe Organisation' are first given. This must be continued through the selection process and when the new person starts work as part of induction.

Staff need to feel confident that they can raise issues or concerns about the safety or welfare of children, young people and/ or vulnerable adults, and that they will be listened to and be taken seriously. That can be achieved by maintaining an ethos of safeguarding and promoting the welfare of children, young people and vulnerable adults.

All new staff, regardless of previous experience should have an [induction](#).

7 Reporting safeguarding concerns

All employees have a duty to disclose concerns about behaviour that might indicate that the safety or welfare of children, young people and/ or vulnerable adults is at risk. The council has experts who can provide advice on how to manage an allegation or concern.

Employees can raise a concern by speaking in confidence to their manager, HR, the SCC safeguarding teams or use [Expolink, the external whistleblowing service](#).

Appendices

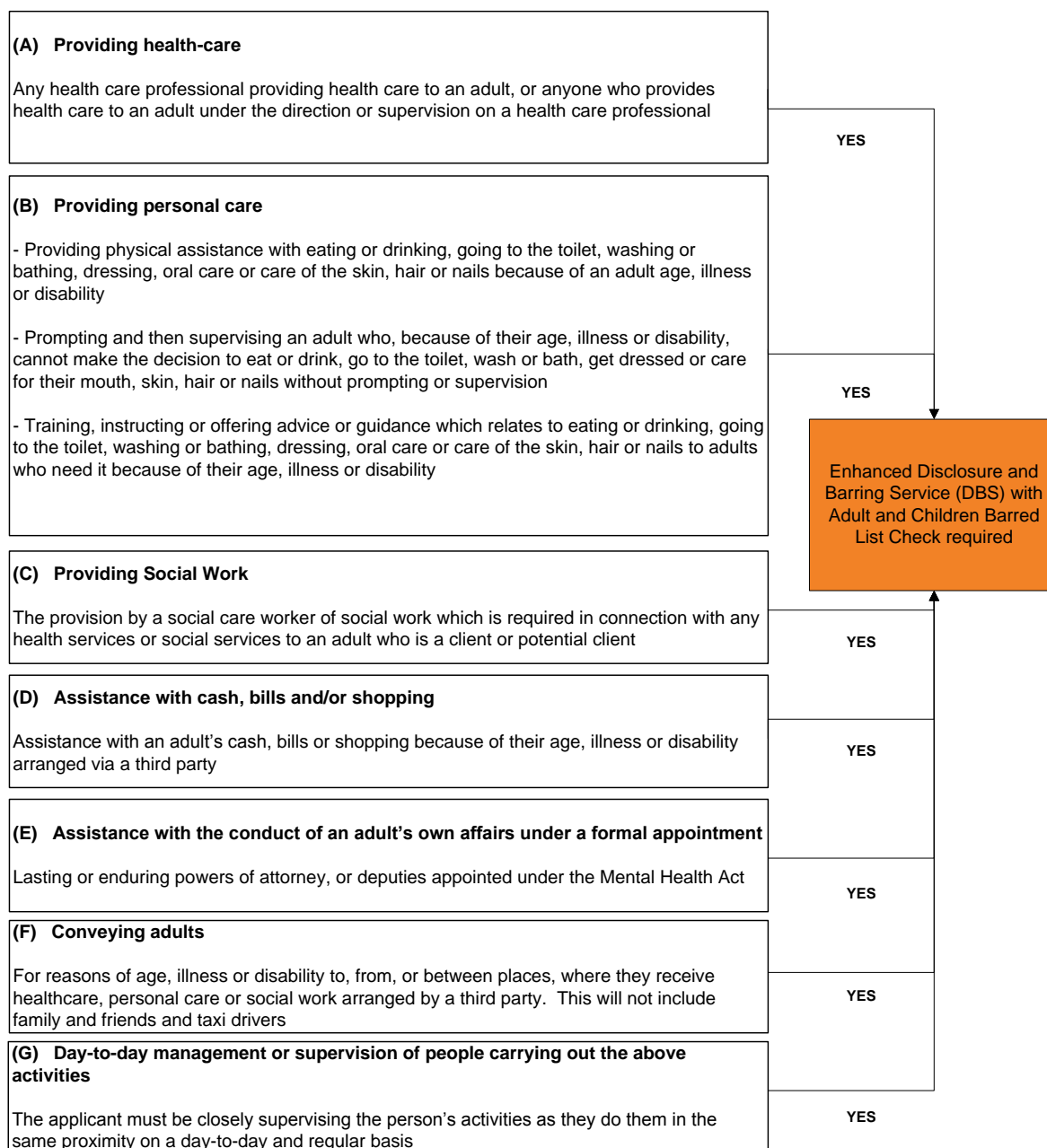
Appendix 1 - Flowchart on eligibility for DBS checks (working with Adults)

**Regulated activity relating to Adults
(Post September 2012 Definition)**

Regulated activity relating to adults identifies which, if any adult requires them, lead to that adult being considered vulnerable at that particular time.

There is not a requirement to do the activity a certain number of times before it is considered as engaging in regulated activity.

Only those positions that meet the seven definitions below, can be subject to an Enhanced DBS with Adult and Children Barred List checks, under the Protection of Freedoms Act.



1.1 Regulated activities eligible for an enhanced disclosure with Adult's barred list check (the flowchart explained):

There are now only six types of activity which can be classed as regulated activity relating to adults. These activities are eligible for an enhanced DBS check with the Adults' barred list. An individual only needs to engage in the activities listed below once to be carrying out regulated activity relating to adults

- healthcare for adults provided by, or under the direction or supervision of a regulated health care professional
- personal care for adults involving hand-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks
- social work - provision by a social care worker of social work which is required in connection with any health services or social services
- assistance with an adult's cash, bills or shopping because of their age, illness or disability arranged via a third party
- assisting in the conduct of an adult's own affairs under a formal appointment
- conveying adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work arranged via a third party
- a person whose role includes the day-to-day management or supervision of any person engaging in regulated activity, is also in regulated activity
- regulated activity relating to adults excludes any activity carried out in the course of family relationships, and personal, non-commercial relationships

The definition of an adult is a person aged 18 or over and regulated activity focuses on those activities which, should they be needed by any adult, mean that an adult is considered vulnerable at the point of receiving them.

1.2 Regulated activities eligible for an enhanced DBS check only

Any positions that meet the below criteria (from the Safeguarding Vulnerable Groups Act, 2006) are subject to an Enhanced DBS Check only.

They are not eligible for a Barred List check as they do not meet the terms of the Protection of Freedoms Act, as visually depicted above.

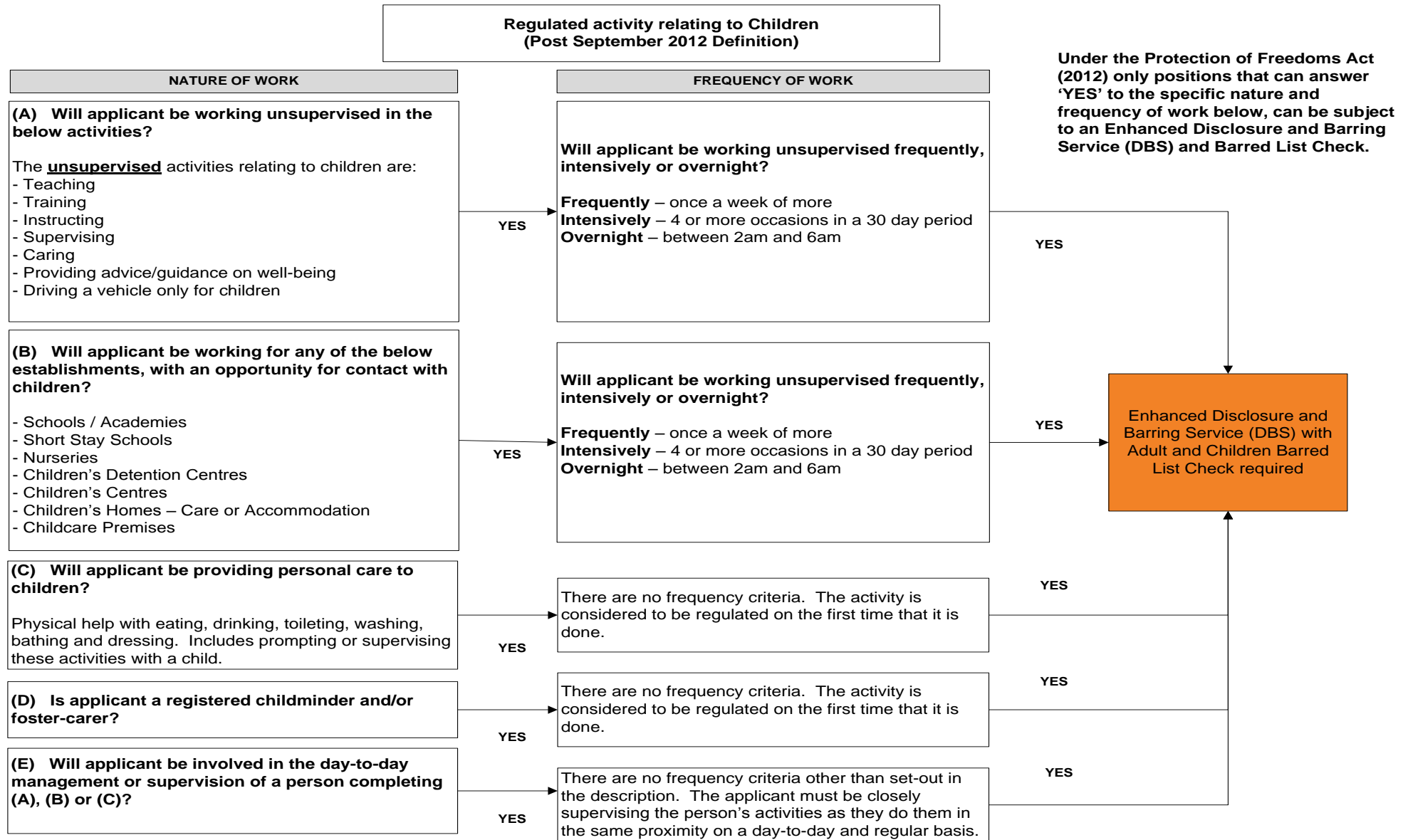
- Any form of assistance, advice or guidance provided wholly or mainly for vulnerable adults
- Moderating a public electronic interactive communication service which is likely to be used wholly or mainly by vulnerable adults
- An activity carried out in a care home which is exclusively or mainly for vulnerable adults. The establishment must be worked at frequently.

Please note that a vulnerable adult is defined by the Safeguarding Vulnerable Groups Act as a person who is aged 18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing

- is receiving domiciliary care in their own home
- is receiving any form of health care
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- is under the supervision of the probation services
- is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- requires assistance in the conduct of their own affairs.

Appendix 2 - Flowchart on eligibility for DBS checks (working with Children)



2 Regulated activity – children (the flowchart explained):

The new definition of regulated activity relating to children applies to individuals undertaking the following:

2.1 Unsupervised activities

These activities are teaching, training, instructing, caring for or supervising children or providing advice/guidance on wellbeing or driving a vehicle solely for children .

Supervision means day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.

The Department for Education has produced [statutory guidance on supervision](#) to describe the considerations an organisation should make when determining whether or not an individual is supervised to a reasonable level for the role.

2.2 Work for a limited range of establishments (specified places)

Work for a limited range of establishments (specified places”) with opportunity for contact with children as listed [below](#)

Work carried out by volunteers supervised to a reasonable level, in accordance with the statutory guidance on supervision, in these establishments is not regulated activity. However a supervised paid employee working for a specified establishment does come under regulated activity.

Work carried out involving either an unsupervised activity or in one of the listed establishments is only regulated activity relating to children if done regularly.

Regularly means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period (or in some cases overnight between 2am and 6am).

2.3 Health care

Health care for children provided by, or under the direction or supervision of a regulated health care professional

This is regulated activity even if the activity is only carried out once.

2.4 Personal care

Personal care for children involving hands-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising a child with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks

This is regulated activity even if the activity is only carried out once.

It also applies to:

- registered childminders

- registered foster carers
- the day-to-day management or supervision of any person engaging in regulated activity, is also in regulated activity

2.5 The frequency test

For an individual to be in regulated activity because of the activity they are carrying out, or the establishment they are working in, they must also meet the frequency test as described below:

- regularly – carried out by the same person at least once a week
- carried out four or more days in 30-day period
- overnight – carried out between 2am – 6am

When does the frequency test not apply?

- when someone is carrying out health care or personal care – the individual only needs to carry out the activity once to be in regulated activity

2.6 Establishments for regulated activity relating to children

The new list of establishments is:

- an educational institution which is exclusively or mainly for the provision of full-time education to children
- pupil referral units or short-stay schools providing education for children or compulsory school age who because of illness, exclusion or other reasons cannot attend a school
- academies which do not fall within the definition of a school
- nurseries exclusively or mainly providing full-time or part-time education for children who have not reached compulsory school age
- children's detention centres
- children's homes providing care and accommodation wholly or mainly for children
- children's centres managed by or on behalf of, or under arrangements made with an English local authority securing early childhood services for their area
- childcare premises

3 New minimum age for DBS (CRB) applicants

The minimum age for someone applying for a DBS (CRB) check will be 16 years old. This means that counter signatories should no longer sign application forms for applicants under the age of 16, even if the applicant will have reached 16 by the time they begin the role.

Appendix 3. Secure storage, handling, use, retention and disposal of DBS (CRB) disclosures and disclosure of information

1. General Principles:

SCC complies with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information

SCC complies with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information.

2. Storage, copying and access:

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Copying of disclosure certificates is strictly prohibited

Any 'additional information' supplied by the CRB on disclosures is strictly confidential and must not be stored nor revealed to the applicant.

Electronic data is stored in the online DBS (CRB) system which requires a unique username and password and has a full audit trail of activity by every user. Access to the system and disclosure information is governed by the Safer Staffing Team Manager who ensures through secure logins ensures that only those required to access any information held in the system, are authorised to do so as part of their professional duties.

3. Handling:

Disclosure information is only passed to those who are authorised to receive it. We maintain a record of all those to whom disclosures or disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

4. Usage:

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

5. Retention:

Once a recruitment (or other relevant) decision has been made, disclosure information is kept for 6 months, to allow for the consideration and resolution of any disputes or complaints. It will then be deleted unless it is subject to the exemption below..

6. Retention exemptions:

The Commission for Care allows organisations subject to their inspection to retain documents for more than the 6 months referred to above. This permits SCC to retain disclosures for employees in relevant teams (e.g. residential establishments) up to the date of the notified annual inspection, i.e. for a maximum of 12 months.

The DBS advice is that the establishments maintain a list of all disclosures carried out for that home, showing the name of the applicant, the level of disclosure, disclosure reference number and date of issue, and whether the person was employed or not employed. They should have this list signed off by the inspector to confirm that these disclosures were available during the inspection. They recommend that disclosures are not kept in the establishment, but off site (e.g. in the HR personnel files) – if the inspector insists on seeing

original documents arrangements will need to be made for them to be taken to the establishment at the time of the inspection.

7. Acting as an Umbrella Body:

Where a service offers to act as an Umbrella Body they must ensure that the organisation takes all reasonable steps to satisfy ourselves that they will handle, use, store, retain, and dispose of disclosure information in full compliance with the DBS Code of Practice and in full accordance with the policy and has a written policy to this effect.

8. Disposal:

Once the retention period has elapsed, we will ensure that any disclosure information is immediately suitably destroyed by secure means, ie by shredding, pulping or burning.

We will not keep any photocopy or other image of the disclosure of any copy or representation of the contents of a disclosure.

We will ensure that all electronic information is stored securely, on a FTPS server with robust unique username and password requirements, and secure deletion/disposal of data will take place.

However, notwithstanding the above, we may keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken. This same limited information will be held electronically on the online system, where the basic details of the disclosure only (as listed above) are held as an electronic data record.

SURREY COUNTY COUNCIL

Policy on Safeguarding (DBS) checks

for employees, volunteers, and job applicants

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1	Introduction and terms of reference	

Surrey County Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment.

The Council is committed to the fair treatment of its employees, potential employees, and volunteers, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. The Council will treat all applicants for employment fairly, and will not discriminate unfairly against job applicants on the basis of a conviction or other information revealed.

The Council will check the criminal records of job applicants for roles which involve working with children and/or vulnerable people prior to their appointment. Once an employee has been appointed into a relevant role, their record will be checked every 3 years in order to maintain the currency of the information. The Council will observe all relevant requirements set in legislation and, wherever possible, good practice recommendations made by the Disclosure and Barring Service (DBS).

References to 'convictions', 'offences' and 'positive disclosures' within this policy will include cautions, final warnings, reprimands, the inclusion in 'barred' lists, and any other information that the DBS considers to be pertinent to the selection/continued employment of staff and volunteers whose work includes relevant regulated activities.

2. Scope

This policy applies to Surrey County Council employees and applicants for vacancies within the Council, as well as the Surrey Fire and Rescue Service. This policy applies to directly-employed Council staff working in schools (commercial services), however it does not apply to teachers and school support staff working in schools under the direction of a Governing Body, nor to school Governors.

Relevant sections of this policy will apply to volunteers carrying out regulated activity on behalf of the Council. This policy will not ordinarily apply to elected Council Members as they do not normally undertake regulated activity.

It is important to note that this policy only applies to posts whose duties include 'regulated activities' as defined by relevant legislation¹. The Council will only perform DBS checks on employees in/applicants for job roles that require DBS clearance, and only to the level of clearance required for the safe and effective performance of the duties of each role. The recruitment and selection of candidates for positions which do not include regulated activities is covered by the Council's Resourcing/Recruitment Policy and associated guidance.

The Council expects hiring managers to assess the requirements of each vacancy and take appropriate steps to attract and select the best candidates. The Safer

¹ The appendices to this policy provide guidance on the process for determining whether a role requires a DBS clearance. The formal statutory definition of 'regulated activities' can be found in Schedule 4 of the Safeguarding Vulnerable Groups Regulations 2006, as amended by the Protection of Freedoms Act 2012.

Recruitment model has been designed around safeguarding needs- applying it comprehensively to posts that do not require a DBS clearance is likely to be disproportionate and counter-productive. However, a manager may decide that certain elements of the model may be relevant to the recruitment or selection process for a vacancy that does not require a DBS clearance.

In designing any selection process, managers need to be aware that certain posts/functions are subject to checks, restrictions, or other stipulations that are unrelated, or additional, to any DBS requirements. Examples of such stipulations would include politically restricted posts, functions that require an employee to access secure Government servers or databases, or activities that come with a statutory requirement for specific qualifications and/or professional registrations.

Appendices 1 and 2 provide more detail on the process that will be followed in order to determine whether a role requires post holders to obtain DBS clearance and determine the level of that clearance. Additional advice is available from the Safer Staffing Team, Recruitment Team, and HR.

3. Safer recruitment model

The Council's safer recruitment model revolves around four key themes.

- **Deterring unsuitable applicants** by using a clear commitment to safeguarding and a selection process that includes face to face interviews.
- **Rejecting unsuitable applicants** through scrutinising applications, reviewing reasons for leaving previous employment, exploring gaps in employment history, and assessing the competence and motivation of candidates at interview
- **Preventing unsuitable appointments** by ensuring that those involved in selection processes are appropriately trained, that informed judgments are made when a candidate discloses a conviction, and that pre-employment checks are carried out to a high standard.
- **Preventing and detecting safeguarding risks through appropriate risk assessment**, ensuring adequate supervision of non-regulated activities that include employee contact with children and vulnerable adults, and reinforcing a culture of safety and responsiveness to the needs of the Council's vulnerable residents and service users.

The arrangements in this policy aim to ensure fair selection and employment processes which ensure that the Council can meet its commitment to safeguarding the well-being of its service users as well as its legal and social obligations with regards to the rehabilitation of offenders.

Records of recruitment process and decisions will be kept for six months after the date of appointment of the successful candidate, at which point records relating to

unsuccessful candidates will be deleted from the Council's systems and/or physically destroyed.

4. Key Responsibilities

The Recruitment Team can provide advice on how to deter unsuitable applicants. Hiring managers can ask the Recruitment Team to:

- Advise on the design and wording of advertisements so that these help deter those who may wish to harm the vulnerable. Adverts and other recruitment materials will include references to the Council's commitment to safeguarding and state that appropriate checks will be made, marked with Rehabilitation of Offenders Act (ROA) exemption if applicable.
- Ensure the online application process and any paper-based forms include content that:
 - reiterates the commitment of the Council to safeguarding
 - includes clear up to date job profiles
 - includes a field for applicants to disclose any past convictions
- Ensure the online application process and any paper-based forms include content that:
 - Requires applicants to provide reasons for leaving past employment
 - Notes that failure to disclose convictions is likely to result in disciplinary action which may culminate to sanctions up to and including dismissal
 - Outlines any exemptions from the requirements of the Rehabilitation of Offenders Act where appropriate
- Ensure that information sent to applicants clearly states whether a basic or enhanced DBS disclosure is required
- Seek references on a manager's behalf, providing a copy of the job description to the referee. If the applicant is not currently working in regulated activities, but has done so in the past, a reference should be obtained from the relevant previous employer where possible.
- Provide template letters used to ensure the correct information is provided to the candidate prior to interview and when an offer of employment is made.

Managers will:

- Ensure appropriate checks are made on employees and job applicants whilst complying with the Rehabilitation of Offenders Act
- Make employees and applicants for employment aware of the recruitment of ex-offenders policy

- Take steps to encourage the timely renewal of the DBS clearance of employees, particularly those who are not at work when their current clearance requires renewal (e.g. someone absent on maternity leave, long-term sickness or a career break)
- Confirm professional qualifications/registration with relevant bodies and keep [paper and/or electronic] records of such confirmation.

Chairs of interview panels will:

- Check documentation as required to ensure that candidates are eligible to work. Only original documents will be accepted, with copies being taken and signed to confirm sight of the original.
- Maintain records in accordance with the provisions of this policy
- Make candidates aware at interview that any offer of employment would be subject to satisfactory clearances including DBS disclosure and employment references.
- Explore gaps in employment history directly with the candidate
- Apply the recruitment of ex-offenders policy when recruiting to posts that are not exempt from the Rehabilitation of Offenders Act requirements.

The safer staffing team will:

- Ensure that new appointees to roles that require a DBS clearance have obtained the appropriate level of clearance before commencing work
- Produce reminders to encourage the timely renewal of DBS clearances for employees in roles that require a DBS clearance and their line managers
- Maintain the relevant electronic databases.
- Review DBS disclosures

Applicants, staff and volunteers will

- Disclose any convictions, including unspent ones, when are applying for or occupying any position that has exemption from the Rehabilitation of Offenders Act. Any failure to disclose a relevant conviction will be dealt with under the provisions of the Council's Disciplinary policy and may result in the dismissal of the employee.

The HR&OD team will:

- Provide appropriate recruitment and selection training

- Ensure recruitment and selection material and contracts include required information

Heads of Service will:

- Apply safer recruitment practice and procedures
- In conjunction with the Safer Staffing Team, decide which posts require disclosure, the level of disclosure required and actions to take when a positive disclosure is received
- Appoint counter signatories where needed
- Arrange for funding of the required checks within their service area

Service or Designated counter signatories will

- Apply the procedures and make the final decisions on disclosures and their outcome. The role is to confirm the validity of an application for a DBS disclosure and check relevant documents

The Head of HR and Organisational Development is the Lead Counter signatory for SCC (excluding staff employed in schools under the direction of a Governing Body, agency workers, and other contractors) and will:

- Ensure that our safer recruitment practice and procedures comply with relevant legislation and national protocols
- Promote good practice within Surrey County Council and with our partners, and champion improvements where appropriate
- Lead on the continuous improvement of systems and processes around the recruitment and continued employment of staff undertaking regulated activities.

5. How to use the model

Job descriptions will be reviewed to ensure they are accurate and up-to-date and to check whether any risk assessments are required. For example, if the role involves working with confidential information, or potentially having unsupervised access to children or vulnerable adults, the risk assessment should set out what controls should be in place and provide topics to be explored in the interview.

Managers and employees participating in selection processes will take appropriate steps to maintain confidentiality as well as the security of sensitive personal information relating to candidates.

5.1 Checks before invitation to interview

Job applications for posts requiring DBS clearance will be scrutinised to:

- Check for gaps in employment
- Review reasons for leaving previous employment
- Ensure contact details for referees have been provided by the candidate. References will only be requested for candidates who have accepted a conditional offer of employment.

5.2 Interviews

5.2.1 Question design

Face to face interviews are mandatory for posts requiring a DBS clearance and will explore directly with the candidate

- Competence for the role
- Any gaps in their employment history
- Motivation and values
- Any convictions that the individual has shared – questions should only concern unspent convictions, unless the nature of the work and/or DBS clearance requirements warrant questions being asked about any kind of past convictions. It is legitimate for an employer to ask directly about an employee's previous convictions and, unless the position is exempt from the requirements of the Rehabilitation of Offenders Act, the employee does not have to disclose any convictions that are spent. Interview panels need to be prepared to have open and measured discussions on any offences that may be relevant to the position.

Direct and probing questions can be asked at interview, although care must be taken to avoid any questions that a candidate may view as discriminatory. Please contact the Recruitment Team if you are uncertain around the appropriateness of a proposed interview question. It is important to be diligent in ensuring that the right person is selected for the job and explore any areas where evidence and/or clarification needs to be provided, for example:

- any aspect of the applicant's background where there may be a weakness or lack of knowledge or experience;
- any qualifications that a candidate claims to have obtained should always be verified
- any information that appears to be incomplete (for example gaps between jobs).

It is important that satisfactory explanations for any gaps in employment are obtained. Interviewers must take care to ask any such questions in a tactful manner, and only seek to explore any potential issues from a safeguarding perspective.

“Warner style” questions may be used to help check the suitability of applicants to work with children. This approach, in addition to assessing previous experience, skills and qualifications, explores each candidate's attitudes and motives to work with children.

Warner style questions ask about: -

- Why someone wants to work with children
- How they deal with difficult issues in relation to work with children
- How individuals ensure they maintain a professional working relationship with children and do not overstep the boundaries of their role

5.2.2 Document checks

At the interview, hiring managers will check and verify

- Identity documents
- Eligibility to work in the UK

They will ensure that documents are valid, current and original. Photocopies or documents printed from the Internet are not acceptable. Look for evidence of tampering and refer any queries or irregularities for the Service counter signatory to take up with the applicant.

Original documents will be scanned or photocopied. Any information on unsuccessful candidates will be securely maintained for a period of six months from the date of their interview and subsequently deleted and/or physically destroyed.

5.3 Checks before appointment

5.3.1 References

Two references covering the last three years must be obtained, including at least one from the current/most recent previous employer.

If the role is in social care and the applicant is not currently working with children or vulnerable adults, but has done so within the last five years, a reference should be obtained from the relevant previous employer.

References provide factual information to support appointment decisions, requests must ask for information on

- The candidate's suitability for the post
- The qualities and experience the candidate has
- Details of any disciplinary offences or concerns around the safeguarding of vulnerable individuals. Care and discretion will be exercised in formulating questions around, and/or basing hiring decisions on, disciplinary sanctions for actions/ or omissions that have no safeguarding implications- any disciplinary sanctions (e.g. formal warnings) that have expired will normally be disregarded.
- The reasons for a candidate leaving their previous employer
- The referee's relationship with the candidate.
- Any concerns around the suitability of the candidate for working with vulnerable individuals.

References should:

- Ideally be obtained from a line manager

- Be as complete as possible. If previous employers are only willing to provide the Council with confirmation of dates of employment and job titles, additional references should be sought from organisations that had employed the candidate in the more distant past (i.e. more than three years before their application) and/or credible individuals who are able to provide a character reference for the candidate.
- Be checked against application forms to verify dates of employment.
- Be followed-up by e-mails or telephone calls to the referees if management are concerned about a referee's authenticity or if further information or clarification are needed. Managers need to be aware of the data protection implications of any such contact; further advice is available from the Recruitment Team and HR.
- Relate directly to the candidate's application for the specific vacancy; testimonials and open references are not normally acceptable, but may be followed up [with the candidate's permission] with reference requests to their authors.
- Where a candidate has been self-employed and/or doing work that is not subject to relevant reporting arrangements (e.g. freelance translation, equity/derivative trading on own account, management of a small business owned by their own family), the hiring manager should discuss referencing with the candidate and arrange to identify appropriate referees, potentially including clients and/or those who may be able to provide a character reference.

Managers should keep details of any contact with referees.

In deciding whether to proceed with an appointment, hiring managers should assess relevant risks in terms of incomplete information, details of any past disciplinary allegations/offences and/or other any other concerns raised within references. Particular care should be exercised if any information in a reference relates to sickness absence, disability and/or long-term health conditions. HR will be able to provide further advice on individual cases.

The recruitment team has template letters which should be used to ensure the correct information is provided to the candidate prior to interview and when an offer is made.

5.3.2 Professional registration

Where a professional qualification is required for the role, managers will seek to obtain formal confirmation from the awarding body or professional register, and will keep a record of that on the employee's file.

5.4 DBS checks and regulated activities

Below is a brief summary of the roles that require a Disclosure and Barring Service check. Please refer to [Appendix 1 \(working with adults\)](#) and [Appendix 2 \(working for children\)](#). The flow-charts will help you assess whether a position is eligible for a criminal record check and whether the check is an enhanced check or an enhanced check with children's or adults' barred list.

Every candidate for a role within Surrey County Council that includes the performance of regulated activities will be subject to a DBS check prior to their appointment. Once in post, employees will normally undergo further checks every three years, however managers may ask for checks to be carried out at shorter intervals.

When an employee submits a DBS renewal request 70 or more days before the third anniversary of their previous check but checks are still pending on that anniversary, their Head of Service/Area Director may authorise the employee to continue carrying out regulated activities even after three years have elapsed from the date of their previous check. The Head of Service/Area Director will need to carry out a risk assessment and obtain a formal declaration from the employee reporting any offences or other disclosable events that have occurred since the date of their last check. The Head of Service/Area Director will then submit a request for approval by the Payroll Manager. This arrangement can remain in place until the outcome of the DBS request is confirmed, and cannot exceed 12 months under any circumstances.

The Council does not require any of its employees to subscribe to the DBS Update Service, and will not ordinarily reimburse any subscription fees. However, Council employees who are registered with, and have a current subscription to, the DBS Update Service may liaise with their line manager and request to have their records checked through the Update Service.

5.4.1 Working with Children – regulated activities

- i. Unsupervised activities: teach, train, instruct, care for or supervise children or provide advice/guidance on wellbeing, or drive a vehicle only for children;
- ii. Work for a limited range of establishments (“specified places”) with opportunity for contact: for example schools, children’s homes, child care premises. Not work by supervised volunteers.

Work under (i) or (ii) is regulated activity only if done regularly (at least once a week). The Department for Education has produced statutory guidance on supervision to describe the considerations an organisation should make when determining whether or not an individual is supervised to a reasonable level for the role.

- iii. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- iv. Registered childminding; and
- v. Foster-carers.

5.4.2 Working with Adults – regulated activities

- (i) Providing health care
- (ii) Providing personal care
- (iii) Providing social work
- (iv) Assistance with cash, bills and/or shopping
- (v) Assistance in the conduct of a person’s own affairs

- (vi) Conveying - transport an adult because of their age, illness or disability either to or from their place of residence and a place where they receive health care, personal care or social care.

5.4.3 Candidates who have resided overseas

Applicants of any nationality who have been living outside of the United Kingdom must obtain relevant disclosures from the countries where they have been residing. The UK consulates (or embassies or High Commissions) of the countries in question should be approached for advice. It is the candidate's responsibility to provide the Council with appropriate documentation, including certified translations for official documents issued by countries outside of the EEA, and this should be checked by the hiring manager before appointment.

It is important to note that the DBS checks will not establish the presence or currency of work permits. To check whether work permits are in place contact the Border and Immigration Agency Helpline and Employer Checking Service:

www.bia.homeoffice.gov.uk/employingmigrants.

5.4.4 Volunteers

Volunteers who carry out regulated activities require the same level of DBS clearance as an employee undertaking those activities. Arrangements for obtaining and renewing clearance for volunteers will mirror those applicable to Council staff.

5.4.5 Positive disclosure

Having a criminal record will not automatically prevent anyone from working for the Council in a position that requires DBS clearance. Any risks should be assessed pragmatically, taking into account factors such as the nature of any disclosures/offences, the type of duties undertaken, and the amount of time that has passed since the offences/events in question took place.

Any concerns identified regarding disclosures/convictions identified as part of a DBS check should be discussed with the relevant candidate before management decide whether they wish to proceed with the appointment. Further advice is available from HR.

5.4.6 Handling disclosure information

- Information relating to disclosures must be kept securely regardless of whether it is in electronic or paper format.
- Disclosure information will only be kept for the purpose it was requested as the applicant will have given consent for that.

- For services and activities regulated by the Care Quality Commission, the CQC expects the Council to maintain records of certain types of information from DBS certificates. The CQC publishes relevant guidance- managers can refer to the CQC documents or speak with the Safer Staffing team for further advice.

5.5 Withdrawing an offer

Hiring managers will discuss directly with the candidate any concerns that they may have around the content of a candidate's references and/or DBS disclosures. If a manager decides not to proceed with the appointment of a candidate, they should liaise with the Recruitment and Safer Staffing Teams in order to formally notify the candidate of their decision as well as the rationale for it. Advice is also available from the HR Advisory Team.

5.6 Training

5.6.1 For hiring managers and participants in selection processes

Council officers involved in the recruitment process will participate in training to assist them with identifying and assess the relevance and circumstances of offences and other positive disclosures. The training will also cover relevant legislation relating to the employment and rehabilitation of ex-offenders.

5.6.2 For all staff

Safeguarding and associated training is available for all Council employees, and matters around the rehabilitation of offenders form part of the Council's diversity, inclusion and well-being offer.

6 Induction

New employees are introduced to the culture and working practices of the organisation at every step of the recruitment and selection process, and this continues throughout their 'onboarding' and settling into their new role. Participation in formal induction events can be very useful, but it is only a small part of the overall hiring/induction experience.

Throughout the hiring and onboarding process, managers and team colleagues should make every effort to highlight and reinforce the commitment of the Council to safeguarding vulnerable individuals. Managers will support newly-appointed employees in developing an understanding of relevant policies and procedures, as well as the confidence to report any concerns that they may have around inappropriate behaviour and/or safeguarding implications of working practices within and beyond the Council.

7 Reporting safeguarding concerns

All employees have a duty to disclose concerns about behaviour that might indicate that the safety or welfare of children, young people and/ or vulnerable adults is at risk. Advice on the management of allegations or concerns is available from safeguarding specialists (such as the 'Local Authority Designated Officer' and Safeguarding Advisors) within the Council.

Employees can raise a concern by speaking in confidence to their manager, HR, the SCC safeguarding teams, or through [Expolink, the external whistleblowing service](#).

Appendices

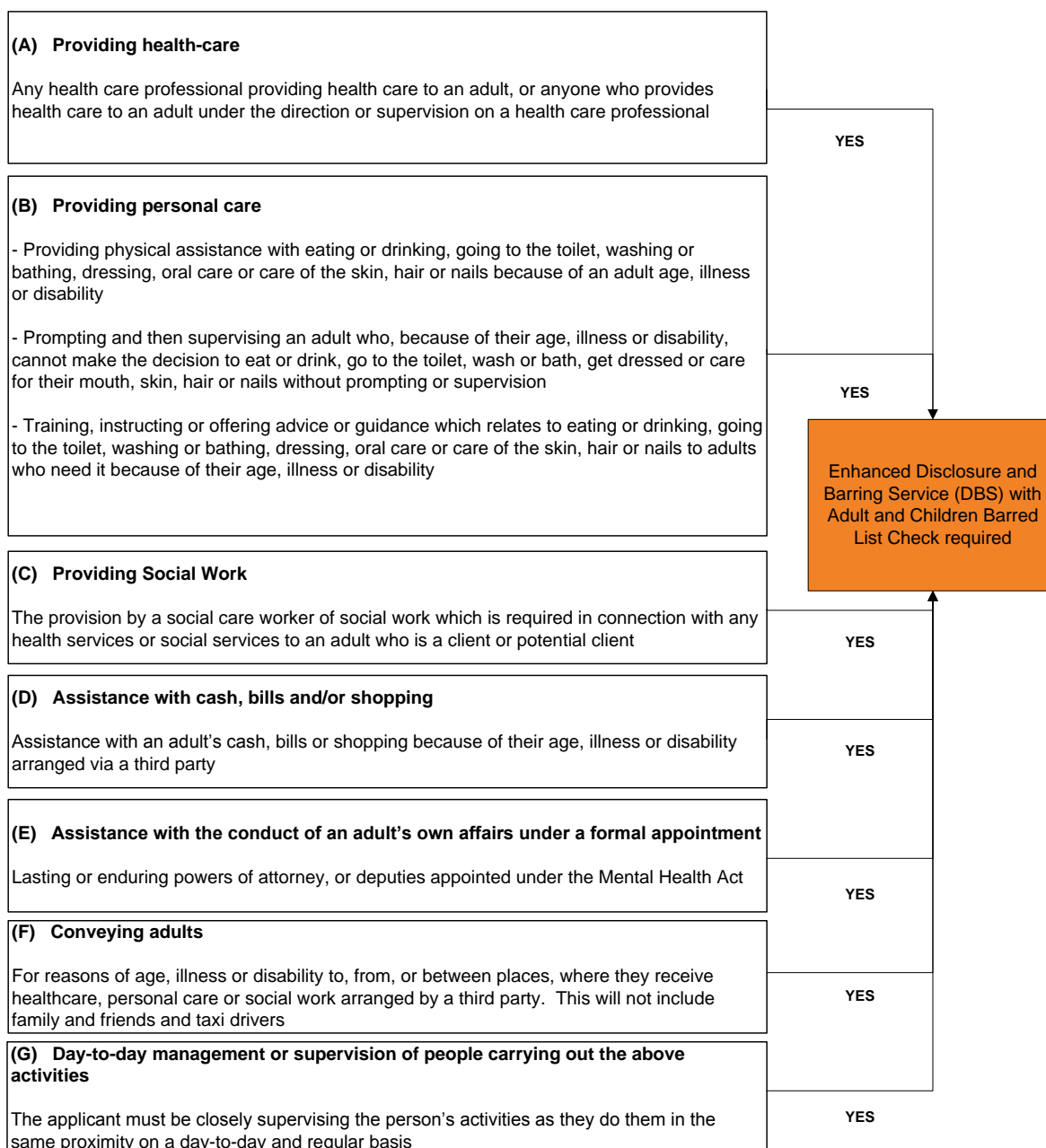
Appendix 1 - Flowchart on eligibility for DBS checks (working with Adults)

**Regulated activity relating to Adults
(Post September 2012 Definition)**

Regulated activity relating to adults identifies which, if any adult requires them, lead to that adult being considered vulnerable at that particular time.

There is not a requirement to do the activity a certain number of times before it is considered as engaging in regulated activity.

Only those positions that meet the seven definitions below, can be subject to an Enhanced DBS with Adult and Children Barred List checks, under the Protection of Freedoms Act.



1.1 Regulated activities eligible for an enhanced disclosure with Adult's barred list check (the flowchart explained):

There are now only six types of activity which can be classed as regulated activity relating to adults. These activities are eligible for an enhanced DBS check with the Adults' barred list. An individual only needs to engage in the activities listed below once to be carrying out regulated activity relating to adults

- healthcare for adults provided by, or under the direction or supervision of a regulated health care professional
- personal care for adults involving hand-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks
- social work - provision by a social care worker of social work which is required in connection with any health services or social services
- assistance with an adult's cash, bills or shopping because of their age, illness or disability arranged via a third party
- assisting in the conduct of an adult's own affairs under a formal appointment
- conveying adults for reasons of age, illness or disability to, from, or between places, where they receive healthcare, personal care or social work arranged via a third party
- a person whose role includes the day-to-day management or supervision of any person engaging in regulated activity, is also in regulated activity
- regulated activity relating to adults excludes any activity carried out in the course of family relationships, and personal, non-commercial relationships

The definition of an adult is a person aged 18 or over and regulated activity focuses on those activities which, should they be needed by any adult, mean that an adult is considered vulnerable at the point of receiving them.

1.2 Regulated activities eligible for an enhanced DBS check only

Any positions that meet the below criteria (from the Safeguarding Vulnerable Groups Act, 2006) are subject to an Enhanced DBS Check only.

They are not eligible for a Barred List check as they do not meet the terms of the Protection of Freedoms Act, as visually depicted above.

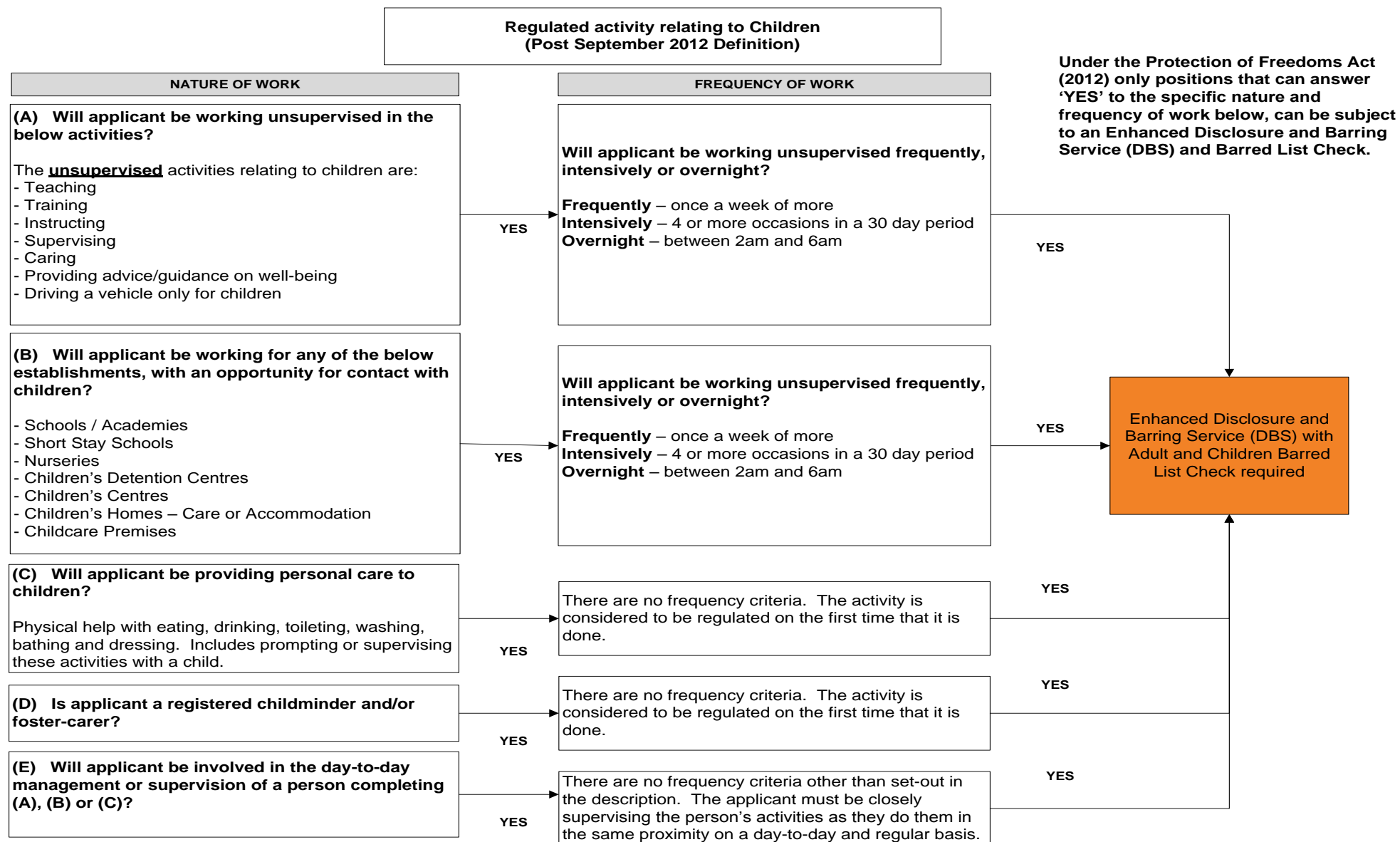
- Any form of assistance, advice or guidance provided wholly or mainly for vulnerable adults
- Moderating a public electronic interactive communication service which is likely to be used wholly or mainly by vulnerable adults
- An activity carried out in a care home which is exclusively or mainly for vulnerable adults. The establishment must be worked at frequently.

Please note that a vulnerable adult is defined by the Safeguarding Vulnerable Groups Act as a person who is aged 18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing

- is receiving domiciliary care in their own home
- is receiving any form of health care
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- is under the supervision of the probation services
- is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- requires assistance in the conduct of their own affairs.

Appendix 2 - Flowchart on eligibility for DBS checks (working with Children)



2 Regulated activity – children (the flowchart explained):

The new definition of regulated activity relating to children applies to individuals undertaking the following:

2.1 Unsupervised activities

These activities are teaching, training, instructing, caring for or supervising children or providing advice/guidance on wellbeing or driving a vehicle solely for children .

Supervision means day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.

The Department for Education has produced [statutory guidance on supervision](#) to describe the considerations an organisation should make when determining whether or not an individual is supervised to a reasonable level for the role.

2.2 Work for a limited range of establishments (specified places)

Work for a limited range of establishments (specified places”) with opportunity for contact with children as listed [below](#)

Work carried out by volunteers supervised to a reasonable level, in accordance with the statutory guidance on supervision, in these establishments is not regulated activity. However a supervised paid employee working for a specified establishment does come under regulated activity.

Work carried out involving either an unsupervised activity or in one of the listed establishments is only regulated activity relating to children if done regularly.

Regularly means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period (or in some cases overnight between 2am and 6am).

2.3 Health care

Health care for children provided by, or under the direction or supervision of a regulated health care professional

This is regulated activity even if the activity is only carried out once.

2.4 Personal care

Personal care for children involving hands-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising a child with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks

This is regulated activity even if the activity is only carried out once.

It also applies to:

- registered childminders

- registered foster carers
- the day-to-day management or supervision of any person engaging in regulated activity, is also in regulated activity

2.5 The frequency test

For an individual to be in regulated activity because of the activity they are carrying out, or the establishment they are working in, they must also meet the frequency test as described below:

- regularly – carried out by the same person at least once a week
- carried out four or more days in 30-day period
- overnight – carried out between 2am – 6am

When does the frequency test not apply?

- when someone is carrying out health care or personal care – the individual only needs to carry out the activity once to be in regulated activity

2.6 Establishments for regulated activity relating to children

The new list of establishments is:

- an educational institution which is exclusively or mainly for the provision of full-time education to children
- pupil referral units or short-stay schools providing education for children or compulsory school age who because of illness, exclusion or other reasons cannot attend a school
- academies which do not fall within the definition of a school
- nurseries exclusively or mainly providing full-time or part-time education for children who have not reached compulsory school age
- children's detention centres
- children's homes providing care and accommodation wholly or mainly for children
- children's centres managed by or on behalf of, or under arrangements made with an English local authority securing early childhood services for their area
- childcare premises

3 New minimum age for DBS applicants

The minimum age for someone applying for a DBS check will be 16 years old. This means that counter signatories should no longer sign application forms for applicants under the age of 16, even if the applicant will have reached 16 by the time they begin the role.

Appendix 3. Secure storage, handling, use, retention and disposal of DBS disclosures and disclosure of information

1. General Principles:

SCC complies with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information

SCC complies with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information.

2. Storage, copying and access:

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Copying of disclosure certificates is strictly prohibited

Any 'additional information' supplied by DBS on disclosures is strictly confidential and must not be stored nor revealed to the applicant.

Electronic data is stored in the online DBS system which requires a unique username and password and has a full audit trail of activity by every user. Access to the system and disclosure information is governed by the Safer Staffing Team Manager who ensures through secure logins ensures that only those required to access any information held in the system, are authorised to do so as part of their professional duties.

3. Handling:

Disclosure information is only passed to those who are authorised to receive it. We maintain a record of all those to whom disclosures or disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

4. Usage:

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

5. Retention:

Once a recruitment (or other relevant) decision has been made, disclosure information is kept for 6 months, to allow for the consideration and resolution of any disputes or complaints. It will then be deleted unless it is subject to the exemption below..

6. Retention exemptions:

The Commission for Care allows organisations subject to their inspection to retain documents for more than the 6 months referred to above. This permits SCC to retain disclosures for employees in relevant teams (e.g. residential establishments) up to the date of the notified annual inspection, i.e. for a maximum of 12 months.

The DBS advice is that the establishments maintain a list of all disclosures carried out for that home, showing the name of the applicant, the level of disclosure, disclosure reference number and date of issue, and whether the person was employed or not employed. They should have this list signed off by the inspector to confirm that these disclosures were available during the inspection. They recommend that disclosures are not kept in the establishment, but off site (e.g. in the HR personnel files) – if the inspector insists on seeing

original documents arrangements will need to be made for them to be taken to the establishment at the time of the inspection.

7. Acting as an Umbrella Body:

Where a service offers to act as an Umbrella Body they must ensure that the organisation takes all reasonable steps to satisfy ourselves that they will handle, use, store, retain, and dispose of disclosure information in full compliance with the DBS Code of Practice and in full accordance with the policy and has a written policy to this effect.

8. Disposal:

Once the retention period has elapsed, we will ensure that any disclosure information is immediately suitably destroyed by secure means, ie by shredding, pulping or burning.

We will not keep any photocopy or other image of the disclosure of any copy or representation of the contents of a disclosure.

We will ensure that all electronic information is stored securely, on a FTPS server with robust unique username and password requirements, and secure deletion/disposal of data will take place.

However, notwithstanding the above, we may keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken. This same limited information will be held electronically on the online system, where the basic details of the disclosure only (as listed above) are held as an electronic data record.

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Report on DBS application processing times as at Sep 2016

Preface: Readers may wish to note that, until recently, the Council did not formally monitor trends in DBS application turnaround times. This document is an adaptation of an internal report that had been commissioned by the Head of HR & OD and completed in October 2016. The report does not contain confidential or commercially-sensitive information.

Surrey County Council DBS applications in progress

Surrey County Council is currently experiencing very long delays with the DBS process, due to a backlog with some Police Forces.

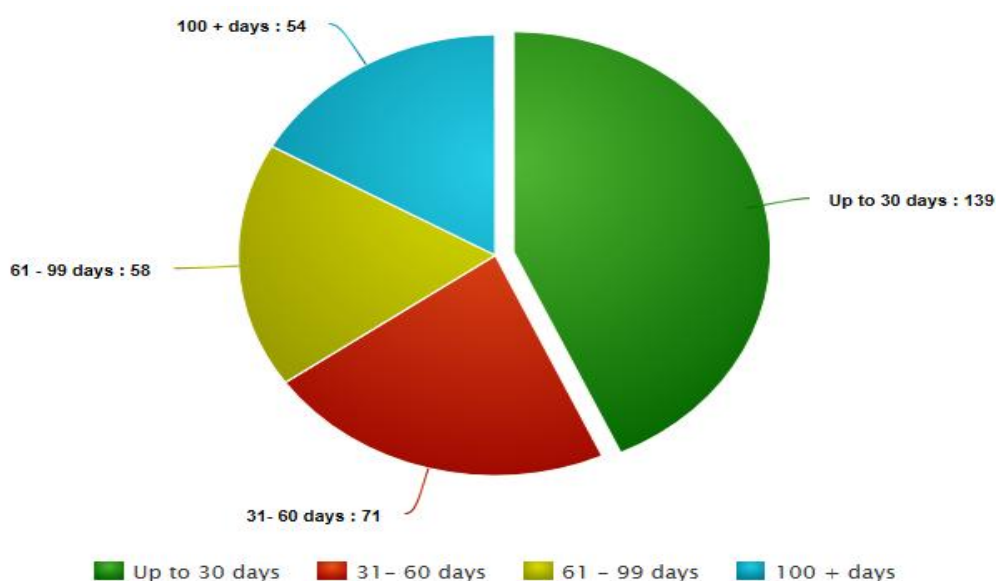
Many of our applications have to go through Thames Valley, Surrey and the Met Police. The aforementioned three forces have been responsible for pronounced delays in application turnaround, and at present some have a backlog of 18 weeks (136 days).

The charts below reflect the timescales of our applications and the services that are being affected by the delays.

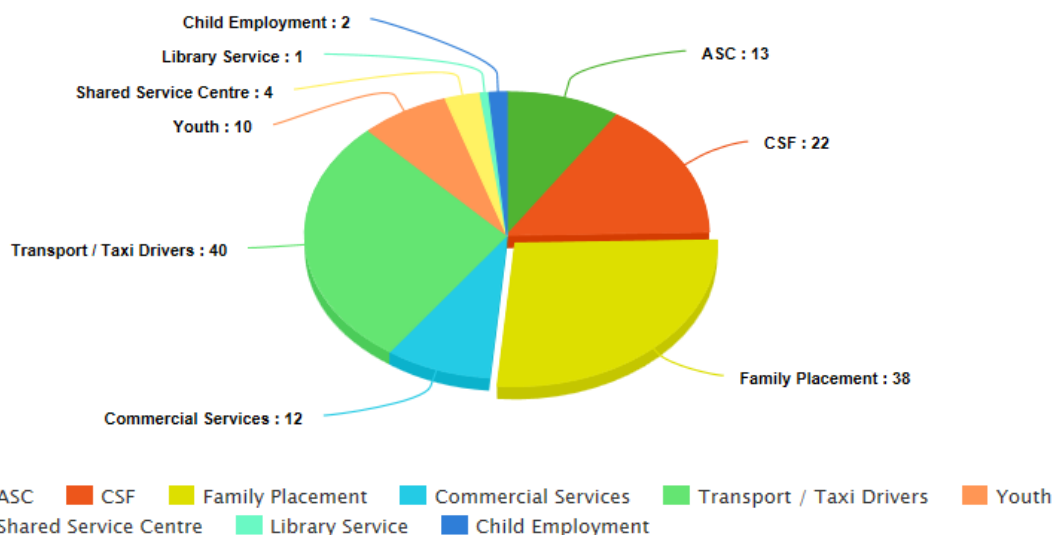
We currently have 322 applications in progress with Police.

This chart shows the breakdown of Surrey County Council applications currently being processed by police forces. The majority of applications are taking over 30 days to process.

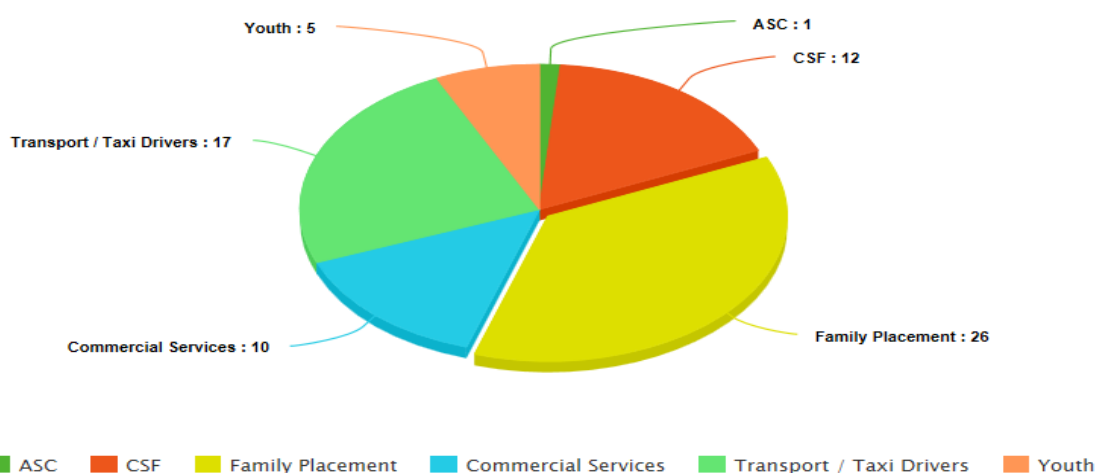
We previously had an average turnaround time of 3 days. In the last year, that average has increased sevenfold to 21 days.



Current applications in process from 0-30 days by Service (139 applications). 84 of the 139 applications have already taken more than 10 days to process.

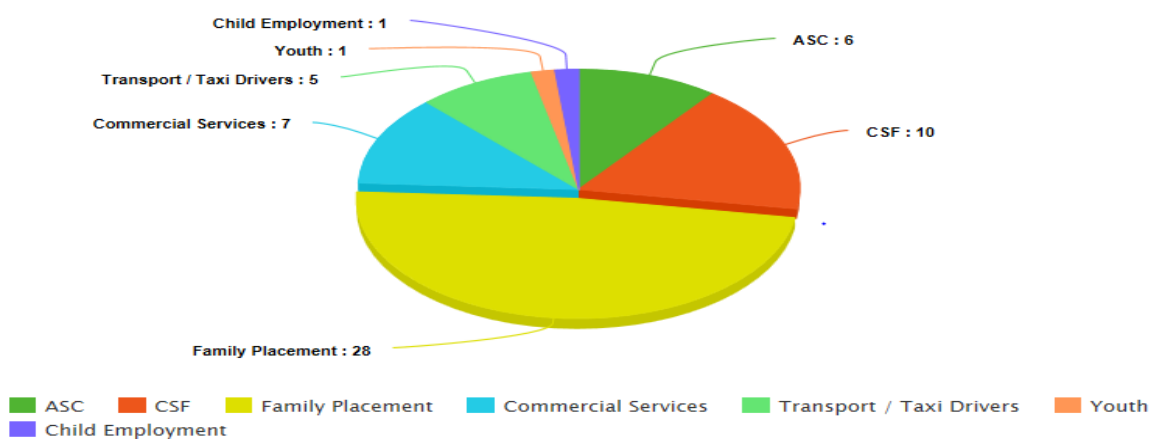


The below chart shows a breakdown of applications that have been in process for 31- 60 days. (71 applications)

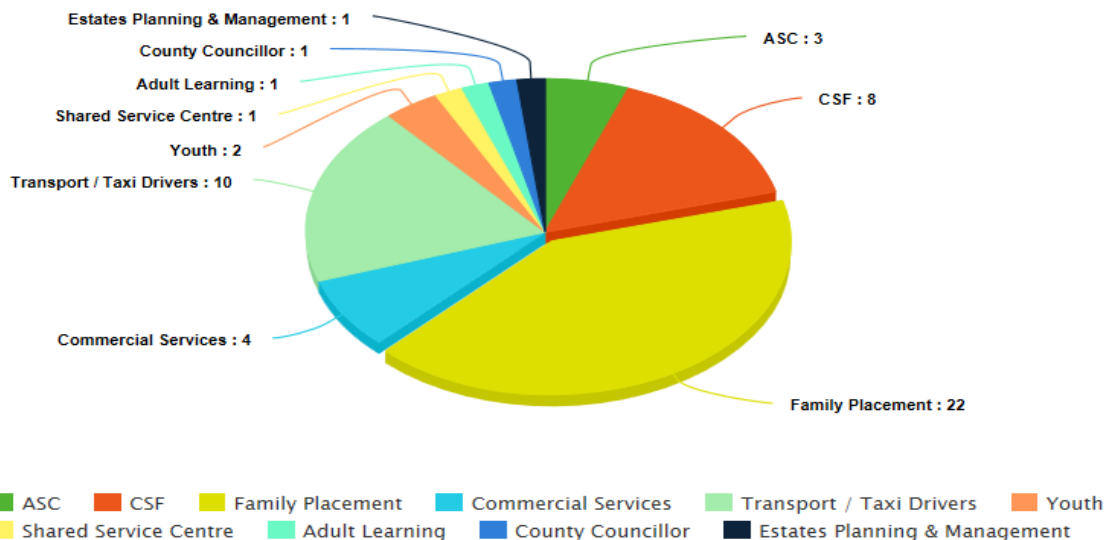


After a delay of 60 days we can “put a chaser” on the DBS application. However, in practice this does not normally speed the process up.

The below chart shows the breakdown of applications that have been in processing for 61 – 99 days (58 applications)



The below chart shows the breakdown of applications that have been in processing for 100 or more days (54 applications)



These applications (100+ days) fall well outside the requirements of the SLA set by the DBS and have all had many chasers put on them by countersignatories as well as the applicants.

On some cases we have made official complaints.

The DBS have informed us that they are sending alerts daily for all application over 60 days.

Family Placement applications do take longer as these are mainly foster carers and as they work from home back ground checks are carried out on all people living at the same address but they do not normally take this long. These used to take on average two weeks.

Summary: In some instances the delay in DBS check means a corresponding delay in a new employee joining Surrey County Council. This can mean we lose this applicant. In other cases the delay means the employee starts under a Risk Assessment. The nature of the risk assessment means the new employee must work under supervision or be office based – and cannot fulfil the full role for which they have been recruited.

The backlogs at these Police Forces have existed for approx. 14 months now. Unfortunately the situation seems to be getting worse rather than better – despite the Police forces suggesting they are committing more resource to clear the backlogs.



People, Performance and Development Committee
22 March 2017

Surrey County Council Smokefree Policy

Purpose of the report:

To gain endorsement and support from the People, Performance and Development Committee regarding proposed changes to Surrey County Council's existing smokefree workplace policy to reflect recent Public Health England guidance. The changes would result in smokefree grounds and the removal of designated smoking areas on Surrey County Council premises unless specific exceptions apply.

Recommendations:

It is recommended that the People, Performance and Development Committee considers and approves the proposed changes to Surrey County Council's Smokefree policy.

Introduction:

1. Smoking is currently prohibited on any Surrey County Council (SCC) premises or sites, except in designated external smoking areas. This also applies to the use of e-cigarettes.
2. The aim of the changes to the Smokefree workplace policy is to implement smoke free grounds and remove designated smoking areas on all SCC sites. The policy change would differentiate between the use of e-cigarettes and tobacco use, permitting the use of e-cigarettes externally on SCC sites.
3. Smoke free grounds would reflect the current arrangement in all school settings, apart from schools having no differentiated e-cigarette use.

4. Why do we need a change in policy?

- 4.1 SCC has a responsibility for the health and wellbeing of its community and wants to take a proactive approach to the biggest cause of preventable death in the County. Many SCC sites are already completely smoke free.
- 4.2 The Council is committed to the health and wellbeing of all its employees and supports the development of a healthy environment for all employees, contractors and visitors, showing its commitment to the Workplace Wellbeing Charter.
- 4.3 As an employer, the Council wants to create outside spaces that are conducive to nurturing wellbeing as part of adopting the Wheel of Wellbeing. If employees are seen smoking on or outside Council premises, it suggests that the Council condones smoking.
- 4.4 The 2016-2021 Surrey Tobacco Control Strategy includes a priority on establishing smoke free places and an action to explore ways of supporting smokers who are using nicotine containing devices.
- 4.5 Partner organisations in the NHS have taken steps to become smoke free and the Council would like to support these partners and set a positive example. The change in policy will support boroughs and districts councils and commercial businesses to undertake the same steps.
- 4.6 Applying smoking restrictions is one of the most effective ways of reducing the general visibility of smoking, de-normalising tobacco use and protecting non-smokers from the harms of environmental tobacco smoke.
- 4.7 In July 2016, Public Health England (PHE) produced guidance to support workplaces to consider use of e-cigarettes in public places and workplace. In 2015, PHE found that based on international peer-reviewed evidence, vaping is around 95% safer for users than smoking. Based on these recent publications, it is an appropriate time to review the policy on e-cigarette use.
- 4.8 Cigarette butts are the single most littered items in England. 20 tonnes of cigarette waste is discarded as street litter in Surrey (ASH Ready Reckoner). Removing smoking from Surrey County Council sites will reduce smoking related litter on site.

5. Proposed revisions to Smoke Free Policy and Practice

- 5.1 As stated above, the aim of this policy revision is to implement smokefree grounds (outside) and remove designated smoking areas on all SCC sites (See Annex 1 for changes to policy) to encourage and support a healthier workforce.

- 5.2 Following initial discussions and consultation it is recognised that there may be certain circumstances where this may not be fully achievable and, as such, the following exceptions are proposed within the policy which will be kept under regular review:
- a) Every Council site will comply with the policy unless a risk assessment has been undertaken to prove the need of exceptions to the policy due to safeguarding or safety issues within the service. An example of this could be a residential home where staff or residents physically leaving the site would present a real safeguarding or safety issue.
 - b) As is currently the case, and in line with legislation, residential homes may have designated rooms in care homes (for permanent residents, but not staff) and designated external smoking areas.
 - c) Vaping (use of e-cigarettes) will not be permitted anywhere inside Council owned or leased buildings. Vaping will be permitted in outdoor areas of Council owned or leased land (with specific signage) except for where there are children or young people using the site such as schools, youth centres and sites where children regularly visit.
- 5.3 This policy does not seek to alter the arrangements which apply to the time management of smoking at work (i.e. employees can take breaks, including cigarette breaks, and they may be asked to make up any time lost to such breaks).

Consultation and implementation

6. Feedback from initial consultation

- 6.1 Following support for the SCC smoke free Grounds proposal at the Central Joint Health and Safety Committee, during December 2016, the smoke free grounds proposal was circulated and discussed with the Directorate Health and Safety Committees and additional residential home staff within ASC and CYP specifically.
- 6.2 The main themes from the feedback received from committees that included service managers from each area included litter, staff visibility whilst smoking, additional time taken to smoke, enforcement, smoking in vehicles and vaping on site. Another key issue highlighted was the ability to implement the policy at residential homes, shared sites and implementation issues for Surrey Fire and Rescue sites. See FAQs in appendix 1.
- 6.3 The issues above have already been addressed initially through the exceptions proposed and will be further addressed on this basis throughout the one year count down.

7. Proposed implementation

7.1 Table 1

October 2016 – March 2017:	Planning, discussion and approval with relevant stakeholders and committees
April 2017:	Internal Comms launch: One year countdown to smoke free grounds begins
April 2017 onwards:	<p>Raising the agenda</p> <ul style="list-style-type: none"> • Address issues and FAQs • Internal comms • Promote local stop smoking support • Reminder and countdown throughout the year <p>Individual site reviews</p> <ul style="list-style-type: none"> • Each site responsible for implementing smokefree grounds – removal of designated smoking areas and installation on new signage • Risk assessments undertaken at sites where exceptions are required
April 2018:	Smokefree grounds implemented at SCC sites

Conclusions:

8. This report outlines the justification for making changes to the smokefree policy and how this would be implemented across all SCC sites. Changes to the policy will result in the removal of designated smoking areas, creating totally smoke free grounds (subject to exceptions) and allowing vaping externally on SCC sites.

9. Financial and value for money implications

- 9.1 According to research, smokers take almost eight days more sick leave every year than non-smokers causing financial implications for employers (ASH, 2007).
- 9.2 Every year in Surrey, tobacco use costs the local economy £252 million. This includes £31 million every year to the NHS and £19.2 million every year to adult social care (ASH Ready Reckoner, 2016). Reducing smoking prevalence and helping smokers to quit has short, medium and long term health and financial benefits to the individual, communities and contribute to local Sustainability & Transformation Plans for the NHS. The economic and health costs of smoking are so great, that even modest reductions produce substantial gains.
- 9.3 Funding may be required for:
- a) removal of designated smoking areas; and
 - b) installation of new signage

10. Equalities Implications

10.1 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.

10.2 Smoking rates vary across Surrey and are higher in certain socio-economic groups. Smoking is the single biggest cause of health inequalities, resulting in people who are the worst off experiencing poorer health and shorter lives.

10.3 Electronic cigarettes are used by all socio-economic groups, but disproportionality by higher socio-economic groups. Increasing their use generally in more disadvantaged groups will have a positive impact on health inequalities and benefit those who are unable or unwilling to quit smoking using other methods. Heavier and more addicted smokers, including smokers with mental health problems and long-term conditions, will benefit from these policy changes

11. Risk Management Implications

11.1 Regarding financial implications, discussions are planned to identify the ability to manage within existing budgets.

11.2 Following consultation with directorate Health and Safety Committees, potential implementation issues have been addressed within the FAQs section of appendix 1.

11.3 E-cigarettes: The very small risks associated with electronic Cigarettes is acknowledged. The one year count down period will ensure that partners, key stakeholders, health care professionals, vapers and the public are aware of these risks while emphasising that:

- a) the benefits overwhelmingly outweigh the risks;
- b) advances in technology are reducing those risks; and
- c) electronic cigarettes are less harmful than tobacco smoking.

12. Implications for the Council's Priorities or Community Strategy

12.1 SCC Corporate Strategy 2015-20: strategic goals:

a) **Wellbeing:**

Smoking is the primary cause of preventable illness and premature death and main reason for the gap in healthy life expectancy between the rich and poor.

b) **Economic prosperity:**

As discussed in section 8, smoking has a negative impact on the local economy, costing an estimate £252 million. There are also costs due to smoking related litter and smoking related fires.

c) **Resident Experience:**

As discussed in section 3, SCC has a responsibility for the health and wellbeing of its community and wants to take a proactive approach to the biggest cause of preventable death in the County. Partner organisations in the NHS have taken steps to become smoke free and the Council would like to support these partners and set a positive example. Applying smoking restrictions is one of the most effective ways of reducing the general visibility of smoking, de-normalising tobacco use and protecting non-smokers from the harms of environmental tobacco smoke.

Next steps:

- Take forward steps as outlined in implementation plan referred to in 7.1.
- Conversations are being planned with Directorate Portfolio Members in Adult Social Care and Children, Schools and Families to discuss the approach towards smoke free workplaces which are also residential home settings.

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Sources/background papers:

ASH (Action on Smoking & Health), 2007. *Press Release: Smokers take more sick leave: more evidence of the benefits of going smokefree early.* Available from: <http://ash.org.uk/media-and-news/press-releases-media-and-news/smokers-take-more-sick-leave-more-evidence-of-the-benefits-of-going-smokefree-early/>

ASH (Action on Smoking & Health), 2016. *ASH Ready Reckoner.* Available from: <http://ash.org.uk/category/information-and-resources/local-resources/>

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People, Performance and Development Committee
Thursday 22 March 2017

My Benefits Salary Sacrifice Schemes

Purpose of the Report:

The purpose of this paper is to provide Members with an update on changes required to comply with measures being introduced under the Finance Bill, 2017. The result will be to reduce to the range of Salary Sacrifice options offered to staff under the My Benefits Scheme, with effect from 6 April 2017. However there will be no retrospective changes to Salary Sacrifice Arrangements that are already in place before 5 April 2017.

In autumn 2016 the Council had made representations to HMRC arguing that staff already participating in such schemes should not suffer any detriment and that proposals to remove salary sacrifice status from schemes designed to promote wellbeing; upgrade skills; and to off-set the high cost of commuting, should be reconsidered. As the latter was unsuccessful Officers will be seeking alternative ways to achieve the same objectives and will provide the Committee with options to consider for implementation before April 2018.

Recommendation

It is recommended that the People, Performance and Development Committee Members note changes to the My Benefits Salary Sacrifice Schemes arising from the Finance Bill 2017 and the steps being taken by Surrey County Council to avoid detriment to staff members already taking part in a salary sacrifice scheme.

Context

1. On 10 August 2016 HMRC published a Consultation Paper that anticipated a change in the treatment of Tax and National Insurance (NI) for Salary Sacrifice Schemes which would effectively limit salary sacrifice to the provision of Childcare Vouchers and Cycle to Work Schemes. Consultation was completed just ahead of the 2016 Autumn Statement.
2. Following Consultation the Government agreed to modify its proposals so that:
 - a) the current Tax and NI advantages will continue for Arrangements in place before the 5 April 2017 until April 2018 and until April 2021 in the case of lease cars. As a

consequence no staff with Arrangements already in place should be disadvantaged; and

- b) salary sacrifice schemes for lease cars attracting current Tax and NI advantages will be allowed to continue for leases entered into for Ultra Low Emissions Vehicles (ULEVs). ULEVs are defined as vehicles that have CO₂ emissions below 75 grams per kilometre.

Current Position

3. At present, some 1,900 staff participate in one of the seven Salary Sacrifice Schemes provided under the Council's My Benefits Scheme.
4. The advantage of Salary Sacrifice is that the amount which staff pay from their gross salary for a particular item / service is exempt from Tax and NI. At the same time the Council as Employer also makes savings depending upon the specifics of the scheme.
5. The Arrangements currently in place can be split into three categories:
 - 1,600 staff have arrangements in place for Childcare Vouchers; Cycle to Work; or Mobile Phones. These Schemes are currently provided by P & MM, a company specialising in employee benefits, under a contract that is about to be retendered.
 - 70 staff have arrangements in place covering Health Assessments; Training and Qualification Loans; or Workplace Parking. These schemes are managed in-house.
 - 220 staff have mycar lease car contracts in place. The provider contract is with a leading lease car company, Zenith; this can run until January 2019, assuming that the Council triggers a one year extension clause in July 2017.
6. As noted above the changes from the 6 April will not affect any current arrangements so that the cost effectiveness of the My Benefits Scheme should not be compromised.

My Benefits Salary Sacrifice Options for 2017 – 2018

7. In order to comply with the Finance Bill 2017 the range of options that will continue to be made available will be as follows:

- Childcare Vouchers and Cycle to Work Schemes

No changes will be required to the existing Childcare and Cycle to Work Schemes both remain eligible for Salary Sacrifice and will continue to enjoy the same Tax and NI advantages as before.

- mycar Leasecar Scheme

The terms of the Scheme will be modified to restrict the range of vehicles available to Ultra Low Emissions Vehicles (ULEVs). These are cars with CO₂ emissions at or below 75 grams/kilometre and will continue to enjoy the same Tax and NI advantages as before. Please also see Fact Sheet attached to this report as Annex 1.

Limiting access to ULEVs will accord with the objectives set out in the Council's policy statement on "Smarter Working for the Environment" and a key indicator as to the success of the policy will be the number of hybrid and electric engine cars leased.

8. However at the same time the following Salary Sacrifice options will be withdrawn:

- Health Care Assessments
- Mobile Phones
- Training & Qualification Loans
- Workplace Parking Loans

Future Developments

9. Last autumn the Council made representations to HMRC arguing the case for retaining existing Tax and NI benefits in respect of the four options listed at 3.2 above. That was because provision of those Schemes complemented the Council's Total Reward Policy and objectives to promote wellbeing, upgrade skills and off-set the high cost of commuting within the Surrey catchment area.

10. Consequently, it is proposed that the Reward Team should explore new ways in which these objectives can be achieved in the future. In particular:

- (a) whether it is feasible to link the funding of Training and Qualifications to the management of the new Apprenticeships' Levy; and
- (b) whether alternative ways can be found to assist staff with meeting the cost of parking as part of the review that is being conducted into Workplace Parking under the on-going Pay and Reward Strategy Review.

Once alternative options have been developed a further report will be provided with recommendations for PPDC to consider for implementation before April 2018.

11. Meanwhile, it is anticipated that demand for lease cars will fall, at least in the short-term, once choice is limited to ULEVs – at present ULEVs only make up some 3% of the mycar fleet. However, a growing number of manufacturers are producing a wider choice of ULEVs in response to the changing tax regime and a new marketing strategy is being developed with Zenith to promote the range available through the mycar scheme. A review will be undertaken to assess the impact of the change to ULEVs once take-up figures for the six months to end-September 2017 become available.

Contact:	Ken Akers, Head of HR&OD
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Annexes:	Annex 1- Fact Sheet: Ultra Low Emissioners Vehicles (ULEVs)
Backgrounds Papers:	None

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Fact Sheet : Ultra Low Emissions Vehicles (ULEVs)

Eligibility for Salary Sacrifice

From 6 April 2017 a car must be a ULEV with CO₂ emissions of 75 gm/km or less.

A list of suitable vehicles may be found on the Zenith mycar online web-site pages.

Types of Engines

- Hybrid

Plug-in hybrid vehicles combine both a plug-in battery pack and an electric motor with a traditional internal combustion engine. Both the electric motor and the internal combustion engine can drive the wheels.

- E-R EV

Extended-range electric vehicles have a plug-in battery pack and electric motor, as well as an internal combustion engine.

- Hydrogen Fuel Cells

Hydrogen fuel cell vehicles, also known as Fuel Cell Electric Vehicles (FCEVs), have a fuel cell stack which uses hydrogen to produce electricity which then powers the wheels of the vehicle car.

- Zero Emission Electric

100% electric vehicles, otherwise known as “battery electric vehicles” or “pure electric vehicles”, are wholly driven by an electric motor, powered by a battery that can be plugged into the mains. There is no combustion engine.

Makes / Models

Leading manufacturers who making electric and hybrid cars include Audi, BMW, Kia, Mercedes, Mitsubishi, Nissan, Renault, Toyota and Volkswagen.

Surrey mycar Lease Car Scheme

The current SCC mycar fleet includes cars, ranging from small hatchbacks to SUVs, manufactured by Mitsubishi, Nissan and Toyota with emissions ranging from 39 – 75 gm/km.

Surrey Pay Business Mileage Re-imbursement Rates

To accord with HMRC Guidance and to avoid payment of additional tax :-

- the rates paid to staff for miles driven in Hybrid Vehicles are the same as those paid to staff who claim for miles driven in conventional diesel or petrol engined cars.
- HMRC do not regard electricity as a fuel. However the Surrey Pay re-imbursement rate for business miles driven up to 10,000 miles a year in electric cars is a flat rate of 35p a mile and 15p per mile for additional miles driven above 10,000 a year.

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People, Performance and Development Committee
22 March 2017

Off-payroll Working in the Public Sector: Reform of Intermediaries Legislation (IR35)

Purpose of the report:

This report is brought to the People, Performance and Development Committee to inform them of a new duty on Surrey County Council to ensure correct tax deductions are being paid to HMRC where a worker is engaged through an intermediary as well as to provide information on how the Council is responding to this new duty.

Recommendations:

It is recommended that the People, Performance and Development Committee note the new duty on the Council in relation to tax deductions for individuals providing their services to the council through an intermediary and the Council's response to this.

Introduction:

1. IR35 is a piece of tax legislation which applies to people who supply their services to a client through their own company. They are often known as a 'personal service company' (PSC), a limited company (LTD) or a limited liability partnership (LLP). The IR35 rules affect the requirements for such workers in relation to tax payments and National Insurance Contributions (NICs).
2. With effect from 6 April 2017, the responsibility for ensuring that the correct amount of tax is being paid is changing from the individual to the organisation the person is engaged to work for.
3. Surrey County Council (SCC) has to ensure all workers engaged through an intermediary who are, for all intents and purposes, working in the same way as an employee, pay the correct amount of tax and National Insurance.

4. The county council are taking the approach that all agency workers and contractors operating in this way are in scope of the intermediaries legislation and are working with colleagues in other authorities, Adecco and service representatives to identify and manage the Council's response to this new duty.
5. Workers have been organised into three groups and the total number of workers or vendors in each group as at March 2017 are identified below:
 - i. workers appointed through the Adecco supply chain – 149;
 - ii. agencies not part of the Adecco supply chain – 62 (these agencies and the number of individual workers are being reviewed with services); and
 - iii. contractors and consultants not engaged via an agency – 173
6. This work is also reviewing the arrangements in place for any agencies not engaged as part of the Adecco supply chain to verify and ensure that the appropriate framework or contract arrangements are in place.

Determining if IR35 applies:

7. Public sector bodies are responsible for determining which roles are out of scope of IR35 and this can only be confirmed using an online HMRC tool.
8. HR are compiling a list via service representatives of any workers who believe they are out of scope of IR35. These workers have been advised to review the information provided by the Council and on the HMRC website to consider the factors that support this assertion. The individual will complete the assessment with their hiring manager and forward it onto their service rep and HR to validate. Additional resource has been identified to enable swift completion of the tool and a prompt decision.
9. Where the tool confirms a worker is in scope, their agency will be informed and will assume responsibility for making the appropriate deductions. Where the appointment has been made by a service via Procurement or Buying Solutions, these deductions will be managed through Payroll.
10. Any worker deemed in scope of IR35 by the tool, who refuses to have these deductions made by their agency or the Council will have their assignment concluded. Should this be required, HR will liaise with the service representative, the hiring manager, the agency (where there is one) and the worker to address the impact of this and manage the situation appropriately. This will be completed as quickly as possible to mitigate any impact to service delivery.

Conversion rates

11. Along with London councils, SCC is adopting the position that bill rates will not be increased as a result of this legislation. Workers operating through an intermediary will have a conversion calculation applied to

their hourly bill rate to reflect the additional costs to the agency and Council of the worker moving to PAYE. This includes an annual leave allowance, (which is provided to the worker as annual leave) and the employer's NICs.

12. For a social worker being paid £28 per hour through their intermediary, this would equate to a PAYE rate of £21.90, equivalent to an annual salary of £41,115 and grade PS10SC point 2. An employed social worker at the same level (PS9SC) would have an annual salary of £32,839 - £38,312.
13. An Approved Mental Health Professional being paid £40 per hour through their intermediary would convert to a PAYE rate of £31.29, equivalent to an annual salary of £58,736 which is above the top point on the career pay band of PS12SC. An employed Approved Mental Health Professional at the same level (PS10SC) would have an annual salary of £39,270 - £43,150.

Pension costs

14. As a result of an individual moving onto PAYE in response to IR35, they are able to enrol in the pension scheme provided by their agency. A portion of the agency cost of this is charged to the council as per the contractual arrangements with Adecco. For those individuals currently on PAYE through the Adecco supply chain who are enrolled in the agency pension scheme, the council is charged an additional 0.8% of the workers' pay rate. The take up of this is low (approximately 12%) which equates currently to £320 per month. An increased number of workers eligible to enrol in the agency pension scheme will potentially increase the cost to the council.
15. It is not possible to determine the actual additional pension costs as it is dependent on the number of workers converting to PAYE who enrol in their pension scheme and their hourly rate.
16. Applying the current enrolment rate of 12% to the group 1 workers (149) means that approximately 18 additional workers might choose to enrol in the agency pension scheme. Using an average hourly PAYE rate of £20 for this group equates to an additional cost to the council of £4,811 per annum.

Apprentice Levy

17. On 6 April 2017 the new Apprentice Levy to be applied to employers with a pay bill of £3m or more will come into effect. This applies to the temporary workforce as well as the employed workforce.
18. Discussions have been held with Adecco, Legal and ESPO (the Eastern Shires Purchasing Organisation who own the MSTAR framework through which we contract with Adecco) regarding the liability for the new Apprentice Levy. Whilst this is not as a result of IR35, the timing of the Apprentice Levy is such that this is being considered by the same project team and Adecco have confirmed their intention to pass this levy onto

SCC as a statutory cost which will incur a 0.5% cost of the agency worker pay bill.

19. Based on the Adecco spend for January 2017 of approximately £1.1m, the Apprentice Levy would equate to an annual levy of £66,000.
20. Adecco have expressed a view that they will charge the Council for the Apprentice Levy for all assignments without discounting those where the 3rd party supplier has a pay bill of less than £3m, however this is being challenged since no additional cost will be incurred by Adecco or the supply chain. Discussions are also ongoing regarding the system and process by which the money paid into the levy might be utilised by the Council.

South East Region arrangements for locum social workers

South East Regional Children's Services Memorandum of Cooperation

21. The Memorandum of Cooperation provides for a maximum pay cap that local authorities signed up to the Agreement will pay for each level of Social Work role. Without agreement from the group, the Council would not increase pay rates over the existing maximum social workers receive.
22. The Governance Group discussed IR35 in January 2017 and all those present confirmed that their organisations will be taking a strong stance on this in relation to which roles are in scope of IR35 and which are not and no one wished to discuss raising pay rates in response to this.

Association of Directors of Social Services (ADASS) South East Region Memorandum of Understanding (MoU)

23. The ADASS MoU provides for a maximum pay cap that the South East Region member authorities will pay for each level of Locum Social Work, Occupational Therapy and Approved Mental Health Professional role in Adult Social Care. No request has been presented from within the (ADASS) South East Region authorities to review rates in response to IR35 and this is being monitored through the ADASS network.

Orbis

24. SCC, ESCC and BHCC have been working together to develop common understanding of the challenges and, as much as is possible, to align our organisational responses to this issue.

Risk of workers ending their assignment early

25. This duty is only coming into effect for public sector bodies. Workers in social work roles are expected to be in scope of IR35 and therefore will be required to have PAYE deductions. As many councils have confirmed their position not to increase bill rates in response to IR35, there is limited benefit for locums to move councils.

26. Workers engaged in roles that are transferrable to the private sector may choose to end their assignment early and endeavour to continue working through their intermediary. This risk is present in specialist roles such as Procurement and IMT as well as senior interim workers. HR and Procurement are working with service representatives to identify and manage these risks.

Conclusions:

27. The new duty on public sector bodies presents a challenge to SCC of identifying all workers in scope of IR35, assessing them and ensuring the correct deductions are being made. This is being managed through close working with services and colleagues across the public sector.
28. The impact of IR35 and the limited tax benefits for locums, supported by recruitment controls as a result of the number of social workers due to graduate from the Social Worker Academy, have placed a time limited opportunity for locums to convert to permanent. These opportunities are being optimised through targeted conversion conversations.

Financial and value for money implications

29. As bill rates are not being increased in response to IR35, additional costs are limited to pension costs (0.8% of the worker's pay) and the Apprentice Levy (0.5% of the agency pay bill for applicable workers).
30. Administering this new duty places a burden on the Council which is shared between Procurement, HR, Buying Solutions and Payroll. The impact of this is being mitigated through close working and utilising existing systems where possible.

Equalities and Diversity Implications

31. None

Risk Management Implications

32. This new duty places a financial risk on the Council of incorrectly assessing a workers tax liability. To mitigate this, all workers are deemed in scope, subject to the HMRC assessment confirming otherwise, and the responses validated by the service representative and HR. Once the decision has been confirmed by the Council, the liability for making the deductions passes onto the agency where there is one or remains with the Council where deductions are being made through payroll.

Next steps:

33. HR will coordinate the completion of assessments for individuals and maintain a central audit point of all assessments and validations.
34. Business operations colleagues will review the associated systems and processes to facilitate the effective ongoing management of IR35.

Report contact: Ken Akers, Head of HR&OD

Contact details: 0208 541 8614

Background papers:

1. SCC position statement



IR35 position
statement SCC FINAL



People, Performance and Development Committee
22 March 2017

Pay Exceptions Analysis 2016/17 Quarters 1 – 3

Purpose of the report:

This report provides data and analysis on pay progression for staff which falls outside of Surrey County Council's established policy on pay up to Quarter 3 for the financial year 2016/17 for review and comment by the Committee.

Recommendations:

It is recommended that the People, Performance and Development Committee review and comment on the analysis of pay exceptions for the period April 2016 to December 2016.

Introduction:

Members agreed that the People, Performance and Development Committee would receive a report providing analysis of exceptions to Surrey County Council's Pay Policy.

This report covers the following areas:

- all pay exceptions for staff on grades above and below PS13 for each directorate;
- for 2016/17 data only for Quarter 1 – Quarter 3;
- starting salary where an employee commences employment above the minimum of the pay band;
- permanent pay progression where an employee receives a permanent increase in pay within the pay band or to another pay band through a promotion; and
- temporary pay progression including honoraria payments, extensions to honoraria payments and recognition awards above the amounts stated in the Reward Policy.

Pay Exceptions Analysis for Starting Salary

1. This section includes details of pay exceptions above the pay band minimum.

Table 1 – Summary trend Starting Salary by Directorate – PS12 and below

Directorate	PS12 and below							
	2013/14		2014/15		2015/16		2016/17 (Q1 - Q3)	
	No. Starting Salary Pay Exceptions	Average Pay Exception	No. Starting Salary Pay Exceptions	Average Pay Exception	No. Starting Salary Pay Exceptions	Average Pay Exception	No. Starting Salary Pay Exceptions	Average Pay Exception
ASC	23	£2,303	22	£2,899	6	£3,856	5	£2,045
BUS	2	£2,264	26	£2,599	39	£2,941	6	£2,691
C&C	0	£0	4	£2,638	1	£1,185	1	£2,687
CEO	0	£0	14	£1,521	18	£3,109	0	£0
CSF	24	£3,064	21	£2,378	75	£3,636	74	£3,053
E&I	1	£1,210	7	£1,173	23	£1,887	0	£0
LDC	0	£0	0	£0	0	£0	7	£3,155
TOTAL	50	£2,210	94	£2,201	162	£2,769	93	£2,726

2. Table 1 shows the number of pay exceptions that are being paid above the pay band minimum for PS12 and below, along with the average pay increase for each financial year beginning from 2013/14. The data shows an overall increase per financial year for starting salary pay exceptions. It is to be noted that the number of starting salary pay exceptions in the Children, Schools and Families Directorate (CSF) is quite high, this is because they are mostly experienced social workers commanding a higher salary and needed to fill vacancies covered by locums. There is a reduction in the number of pay exceptions which reflects the slowing of recruitment activity in line with savings and preparation for service rationalisation.

Table 2 – Summary trend Starting Salary by Directorate – PS13 and above

Directorate	PS13 and above							
	2013/14		2014/15		2015/16		2016/17 (Q1 - Q3)	
	No. Starting Salary Pay Exceptions	Average Pay Exception	No. Starting Salary Pay Exceptions	Average Pay Exception	No. Starting Salary Pay Exceptions	Average Pay Exception	No. Starting Salary Pay Exceptions	Average Pay Exception
ASC	3	£664	1	£1,405	1	£3,082	1	£500
BUS	4	£10,044	3	£4,570	0	£0	2	£8,635
C&C	0	£0	0	£0	1	£3,002	1	£4,515
CEO	4	£6,705	0	£0	2	£7,579	0	£0
CSF	0	£0	0	£0	2	£4,612	1	£2,479
E&I	0	£0	0	£0	1	£8,107	0	£0
LDC	0	£0	0	£0	0	£0	0	£0
TOTAL	11	£5,804	4	£2,987	7	£5,276	5	£4,032

3. Table 2 shows the number of pay exceptions that are being paid above the pay band minimum for PS13 and above, along with the average pay increase for each financial year beginning 2013/14. The data shows that in 2013/14, 11 starting salary pay exceptions were approved and in 2015/16, seven starting salary pay exceptions were approved. In the current financial year (Q1 – Q3), five have so far been approved.

Pay Exceptions Analysis for Permanent Pay Progression
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4. This section includes details of pay exceptions for permanent movement within pay band or into another pay band. The number of permanent salary progressions approved has been consistently low over the last five years.

Table 3 – Summary trend Permanent Pay Progression by Directorate – PS12 and below

Directorate	PS12 and below							
	2013/14		2014/15		2015/16		2016/17 (Q1 - Q3)	
	No. Perm Pay Progression Pay Exceptions	Average Pay Exception	No. Perm Pay Progression Pay Exceptions	Average Pay Exception	No. Perm Pay Progression Pay Exceptions	Average Pay Exception	No. Perm Pay Progression Pay Exceptions	Average Pay Exception
ASC	2	£604	2	£972	0	£0	3	£1,781
BUS	4	£866	6	£3,858	9	£1,506	0	£0
C&C	3	£2,554	1	£800	2	£643	0	£0
CEO	1	£2,599	4	£975	0	£0	1	£9,204
CSF	10	£1,618	7	£1,611	5	£1,647	3	£1,813
E&I	1	£1,325	0	£0	4	£2,548	0	£0
LDC	0	£0	0	£0	0	£0	1	£1,555
TOTAL	21	£1,594	20	£1,643	20	£1,586	8	£3,588

5. Table 3 shows the number of pay exceptions that are being moved within the pay band or to another pay band for PS12 and below, along with the average pay increase for each financial year beginning from 2013/14. The data shows that the total number of permanent pay progressions has been 21 in 2013/14 and then 20 in 2014/15 and 2015/16. It shows that currently in 2016/17 (Q1 – Q3), there has only been eight permanent pay progressions. A decline in the number of pay exceptions may be seen due to the introduction of pay progression.

Table 4 – Summary trend Permanent Pay Progression by Directorate – PS13 and above

Directorate	PS13 and above							
	2013/14		2014/15		2015/16		2016/17 (Q1 - Q3)	
	No. Perm Pay Progression Pay Exceptions	Average Pay Exception	No. Perm Pay Progression Pay Exceptions	Average Pay Exception	No. Perm Pay Progression Pay Exceptions	Average Pay Exception	No. Perm Pay Progression Pay Exceptions	Average Pay Exception
ASC	3	£9,030	1	£10,250	1	£22,423	0	£0
BUS	4	£3,213	9	£5,315	1	£9,065	1	£6,597
C&C	3	£7,230	1	£7,067	0	£0	0	£0
CEO	2	£6,862	2	£7,708	4	£7,594	1	£10,483
CSF	5	£3,304	1	£3,401	0	£0	4	£3,135
E&I	1	£4,390	4	£6,241	1	£5,000	1	£10,000
LDC	0	£0	0	£0	0	£0	0	£0
TOTAL	18	£5,671	18	£6,664	7	£11,021	7	£7,554

6. Table 4 shows the number of pay exceptions that are being moved within the pay band or to another pay band for PS13 and above, along with the average pay increase for each financial year beginning from 2013/14. The data shows that the total number of permanent pay progressions has stayed steady at 18 and decreased in 2015/16 to seven. This financial year currently has seven permanent pay progressions. The current average pay exception is lower than the last financial year 2015/16.

Pay Exceptions Analysis for Temporary Pay Progression

7. This section includes details of pay exceptions for temporary pay progressions like honoraria, extensions to honoraria and recognition awards.

Table 5 – Summary trend Temporary Pay Progression by Directorate – PS12 and below

Directorate	PS12 and below							
	2013/14		2014/15		2015/16		2016/17 (Q1 - Q3)	
	No. Temp Pay Progression Pay Exceptions	Average Pay Exception	No. Temp Pay Progression Pay Exceptions	Average Pay Exception	No. Temp Pay Progression Pay Exceptions	Average Pay Exception	No. Temp Pay Progression Pay Exceptions	Average Pay Exception
ASC	1	£550	4	£836	0	£0	1	£4,200
BUS	0	£0	5	£1,762	4	£1,636	1	£2,458
C&C	1	£2,600	0	£0	0	£0	0	£0
CEO	2	£2,400	5	£2,318	1	£1,496	0	£0
CSF	3	£1,667	3	£472	9	£1,560	1	£2,688
E&I	0	£0	0	£0	0	£0	4	£3,161
LDC	0	£0	0	£0	0	£0	0	£0
Total	7	£1,804	17	£1,347	14	£1,564	7	£3,127

8. Table 5 shows the number of pay exceptions that are receiving a temporary pay progressions, along with the average pay increase for each financial year beginning from 2013/14. The data shows that the total number of temporary pay progressions has been seven in 2013/14 and then 17 in 2014/15 and 14 in 2015/16. It shows that currently in 2016/17(Q1 – Q3), there has only been seven temporary pay progressions. The average pay exception has been highest this year with £3,127 compared to previous financial years.

Table 6 – Summary trend Temporary Pay Progression by Directorate – PS13 and above

Directorate	PS13 and above							
	2013/14		2014/15		2015/16		2016/17 (Q1 - Q3)	
	No. Temp Pay Progression Pay Exceptions	Average Pay Exception	No. Temp Pay Progression Pay Exceptions	Average Pay Exception	No. Temp Pay Progression Pay Exceptions	Average Pay Exception	No. Temp Pay Progression Pay Exceptions	Average Pay Exception
ASC	2	£5,000	2	£9,344	1	£9,750	2	£2,700
BUS	0	£0	1	£12,000	1	£1,398	0	£0
C&C	0	£0	0	£0	0	£0	0	£0
CEO	5	£1,596	2	£1,020	0	£0	0	£0
CSF	0	£0	0	£0	0	£0	0	£0
E&I	0	£0	0	£0	3	£3,592	0	£0
LDC	0	£0	0	£0	0	£0	0	£0
Total	7	£3,298	5	£7,455	5	£4,913	2	£2,700

9. Table 6 shows the number of temporary pay progressions for PS13 and above, along with the average pay increase for each financial year beginning from 2013/14. The data shows that the total number of temporary pay progressions in 2013/14 is 7 and in 2014/15 and 2015/16 have had five temporary pay progressions. This financial year currently has two temporary pay progressions and the average pay exception is at its lowest. The average increase this financial year is £2,700 compared to 2015/16 which was £4,913.

Percentage of Pay Exceptions by Directorate
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10. This section is the percentage of expenditure on pay exceptions according to the directorates in each financial year.

Table 7 – Percentage Pay Exceptions by Directorate

Directorate	2013/14	2014/15	2015/16	2016/17 (Q1 - Q3)	Total Percentage
ASC	30%	20%	4%	10%	14%
BUS	12%	32%	25%	8%	21%
C&C	6%	4%	2%	2%	3%
CEO	12%	17%	12%	2%	11%
CSF	37%	20%	42%	68%	41%
E&I	3%	7%	15%	4%	8%
LDC	0%	0%	0%	7%	1%
Total	100%	100%	100%	100%	100%

11. Table 7 indicates that the Children, Schools and Families (CSF) and Adult Social Care (ASC) directorates have had the most pay exceptions in 2013/14 whilst Environment & Infrastructure (E&I) had 3%. In 2014/15, Business Services (BUS) had the most pay exceptions with 32%. 2015/16 had CSF had the highest with 42% and BUS with 25%. Customers & Communities (C&C) had the least that year with only 2% of pay exceptions. In the current year, Quarter 1 – 3, CSF have had 68% of pay exceptions and the Chief Executive's Office (CEO) had the least with 2% of pay exceptions. It is to be noted that Legal, Democratic and Cultural Services (LDC) had its first pay exceptions in 2016/17. The breakdown of pay exceptions by directorate since the beginning of the financial year 2013/14 is as follows: CSF - 41%, BUS - 21%, ASC - 14%, CEO - 11% E&I - 8%, C&C - 3% and LDC - 1%.

Total Additional Pay Awarded – 2016/17 (Q1 – Q3)

12. This section is the total cost of the additional pay awarded in Quarter 1 – 3 of 2016/17, according to Directorate and pay exception type.

Table 8 – Total additional pay awarded by Starting Salary – PS12 and below

Directorate	Total Additional Pay Awarded - 2016/17 (Q1 - Q3)			
	Starting Salary - PS12 and Below			
	Q1	Q2	Q3	Total
ASC	£0	£6,035	£4,188	£10,223
BUS	£5,863	£0	£10,283	£16,146
C&C	£0	£2,687	£0	£2,687
CEO	£0	£0	£0	£0
CSF	£98,028	£62,323	£65,563	£225,914
E&I	£0	£0	£0	£0
LDC	£4,031	£14,366	£3,690	£22,087
No.	33	29	31	93
Average Cost	£3,270	£2,945	£2,701	£2,979
Total	£107,922	£85,411	£83,724	£277,057

13. Table 8 shows that CSF has the highest total additional pay awarded for PS12 and below. This is because of the recruitment of social workers for which the demand is high. The total for 2016/17 Q1 is £108K, in 2016/17 Q2 is £85K and for 2016/17 Q3 is £84K and the total for three quarters is £277K.

Table 9 – Total additional pay awarded by Pay Progression – PS12 and below

Directorate	Total Additional Pay Awarded - 2016/17 (Q1 - Q3)						Total
	Permanent Pay Progression - PS12 and Below			Temporary Pay Progression - PS12 and Below			
	Q1	Q2	Q3	Q1	Q2	Q3	
ASC	£0	£0	£5,342	£0	£4,200	£0	£9,542
BU S	£0	£0	£0	£2,458	£0	£0	£2,458
C&C	£0	£0	£0	£0	£0	£0	£0
CEO	£0	£9,204	£0	£0	£0	£0	£9,204
CSF	£3,305	£2,133	£0	£0	£2,688	£0	£8,126
E&I	£0	£0	£0	£12,143	£500	£0	£12,643
LDC	£0	£1,555	£0	£0	£0	£0	£1,555
No.	1	4	3	4	3	0	15
Average Cost	£3,305	£3,223	£1,781	£3,650	£2,463	£0	£2,902
Total	£3,305	£12,892	£5,342	£14,601	£7,388	£0	£43,528

14. Table 9 shows that E&I has the highest total additional pay awarded for PS12 and below for pay exceptions both permanent and temporary. The total for 2016/17 Q1 is £18K, in 2016/17 Q2 is £20K and for 2016/17 Q3 is £7K and the total for three quarters is £44K.

Table 10 – Total additional pay awarded – PS12 and below

Directorate	Total Additional Pay Awarded - 2016/17 (Q1 - Q3)			
	Total per Directorate - PS12 and Below			
	Q1	Q2	Q3	Total
ASC	£0	£10,235	£9,530	£19,765
BUS	£8,321	£0	£10,283	£18,604
C&C	£0	£2,687	£0	£2,687
CEO	£0	£9,204	£0	£9,204
CSF	£101,333	£67,144	£65,563	£234,040
E&I	£12,143	£500	£0	£12,643
LDC	£4,031	£15,921	£3,690	£23,642
No.	38	36	34	108
Average Cost	£3,311	£2,936	£2,620	£2,968
Total	£125,828	£105,691	£89,066	£320,585

15. Table 10 shows that CSF has the highest total additional pay awarded for PS12 and below with £234K and this is followed by LDC with £24K. The total for 2016/17 Q1 is £126K, in 2016/17 Q2 is £105K and for 2016/17 Q3 is £89K. The total across the three quarters is £321K.

Table 11 – Total additional pay awarded by Starting Salary – PS13 and above

Directorate	Total Additional Pay Awarded - 2016/17			
	Starting Salary - PS13 and above			
	Q1	Q2	Q3	Total
ASC	£500	£0	£0	£500
BUS	£17,269	£0	£0	£17,269
C&C	£4,515	£0	£0	£4,515
CEO	£0	£0	£0	£0
CSF	£0	£2,479	£0	£2,479
E&I	£0	£0	£0	£0
LDC	£0	£0	£0	£0
No.	4	1	0	5
Average Cost	£5,571	£2,479	£0	£4,953
Total	£22,284	£2,479	£0	£24,763

16. Table 11 shows that BUS has the highest total additional pay awarded for PS13 and above with £17K. The total for 2016/17 Q1 is £23K, in 2016/17 Q2 is £2K and for 2016/17 Q3 is £0K. The total across the three quarters is £25K.

Table 12 – Total additional pay awarded by Pay Progression – PS13 and above

Directorate	Total Additional Pay Awarded - 2016/17						Total
	Permanent Pay Progression - PS13 and above			Temporary Pay Progression - PS13 and above			
	Q1	Q2	Q3	Q1	Q2	Q3	
ASC	£0	£0	£0	£5,400	£0	£0	£5,400
BUS	£0	£6,597	£0	£0	£0	£0	£6,597
C&C	£0	£0	£0	£0	£0	£0	£0
CEO	£0	£0	£10,483	£0	£0	£0	£10,483
CSF	£10,860	£0	£1,678	£0	£0	£0	£12,538
E&I	£0	£0	£10,000	£0	£0	£0	£10,000
LDC	£0	£0	£0	£0	£0	£0	£0
No.	3	1	3	2	0	0	9
Average Cost	£3,620	£6,597	£7,387	£2,700	£0	£0	£5,002
Total	£10,860	£6,597	£22,161	£5,400	£0	£0	£45,018

17. Table 12 shows that CSF has the highest total additional pay awarded for PS13 and above with £13K for pay progression. The total for 2016/17 Q1 is £15K, in 2016/17 Q2 is £7K and for 2016/17 Q3 is £22K and the total for three quarters is £45K.

Table 13 – Total additional pay awarded – PS13 and above

Directorate	Total Additional Pay Awarded - 2016/17			
	Total per Directorate - PS13 and above			Total
	Q1	Q2	Q3	
ASC	£5,900	£0	£0	£5,900
BUS	£17,269	£6,597	£0	£23,866
C&C	£4,515	£0	£0	£4,515
CEO	£0	£0	£10,483	£10,483
CSF	£10,860	£2,479	£1,678	£15,017
E&I	£0	£0	£10,000	£10,000
LDC	£0	£0	£0	£0
No.	9	2	3	14
Average Cost	£4,283	£4,538	£7,387	£4,984
Total	£38,544	£9,076	£22,161	£69,781

18. Table 13 shows that BUS has the highest total additional pay awarded for PS13 and above with £24K. The total for 2016/17 Q1 is £39K, in 2016/17 Q2 is £9K and for 2016/17 Q3 is £22k. The total across the three quarters is £70K.

Comparison of Pay Exceptions 2016/17 (Q1 – Q3)

- Annex 1 breaks down each type of pay exception type by governance, directorate and quarter with the number of pay exceptions, the average cost of each pay exception, the sub-total of pay exceptions cost by governance and then the total of the sub-totals added together.
- Annex 1 shows that the number of starting salaries has decreased from 37 in Q1 to 30 in Q2 and 31 in Q3. However, the total cost per quarter was the least in Q3 with £84K whilst Q2 had £88K and Q1 had £130K. There has been an increase in permanent pay progressions every quarter. From four permanent pay progressions in Q1 and six in Q2.

3. Overall, the number of pay exceptions in 2016/17 in the first three quarters has been 122 with a total cost of £390K.

Conclusion

4. Analysis of data related to pay policy exceptions has shown the following:
- a. CSF have the highest amount of pay exceptions, this is due to social workers being hard to recruit;
 - b. temporary pay progressions seem to be decreasing in number; and
 - c. The financial year 2016/17 has so far shown that pay exceptions are decreasing which will be confirmed or otherwise by a review of pay policy exceptions across the whole year.

Financial and value for money implications

5. There are no financial or value for money implications arising from the report.

Equalities and Diversity Implications

6. There are no equality and diversity implications arising from this report.

Risk Management Implications

7. None

Contact: Ken Akers, Head of HR and OD.

Contact details: Tel 07792 511083

Annexes:

Annex 1 - Summary comparison of type of pay exception, governance, directorate by quarter.

Background Papers: None

Annex 1 - Summary comparison of type of pay exception, governance, directorate by quarter.

Directorate	Grade	Analysis	2016/17								
			Starting Salary			Permanent Pay Progression			Temporary Pay Progression		
			Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3
ASC	PS 12 and below	No.	0	3	2	0	0	3	0	1	0
		Average Cost	£0	£2,012	£2,094	£0	£0	£1,781	£0	£4,200	£0
		Subtotal	£0	£6,035	£4,188	£0	£0	£5,342	£0	£4,200	£0
	PS 13 and above	No.	1	0	0	0	0	0	2	0	0
		Average Cost	£500	£0	£0	£0	£0	£0	£2,700	£0	£0
		Subtotal	£500	£0	£0	£0	£0	£0	£5,400	£0	£0
Total		£500	£6,035	£4,188	£0	£0	£5,342	£5,400	£4,200	£0	
BUS	PS 12 and below	No.	3	0	3	0	0	0	1	0	0
		Average Cost	£1,954	£0	£3,428	£0	£0	£0	£2,458	£0	£0
		Subtotal	£5,863	£0	£10,283	£0	£0	£0	£2,458	£0	£0
	PS 13 and above	No.	2	0	0	0	1	0	0	0	0
		Average Cost	£8,635	£0	£0	£0	£6,597	£0	£0	£0	£0
		Subtotal	£17,269	£0	£0	£0	£6,597	£0	£0	£0	£0
Total		£23,132	£0	£10,283	£0	£6,597	£0	£2,458	£0	£0	
C&C	PS 12 and below	No.	0	1	0	0	0	0	0	0	0
		Average Cost	£0	£2,687	£0	£0	£0	£0	£0	£0	£0
		Subtotal	£0	£2,687	£0	£0	£0	£0	£0	£0	£0
	PS 13 and above	No.	1	0	0	0	0	0	0	0	0
		Average Cost	£4,515	£0	£0	£0	£0	£0	£0	£0	£0
		Subtotal	£4,515	£0	£0	£0	£0	£0	£0	£0	£0
Total		£4,515	£2,687	£0	£0	£0	£0	£0	£0	£0	
CEO	PS 12 and below	No.	0	0	0	0	1	0	0	0	0
		Average Cost	£0	£0	£0	£0	£9,204	£0	£0	£0	£0
		Subtotal	£0	£0	£0	£0	£9,204	£0	£0	£0	£0
	PS 13 and above	No.	0	0	0	0	0	1	0	0	0
		Average Cost	£0	£0	£0	£0	£0	£10,483	£0	£0	£0
		Subtotal	£0	£0	£0	£0	£0	£10,483	£0	£0	£0
Total		£0	£0	£0	£0	£9,204	£10,483	£0	£0	£0	
CSF	PS 12 and below	No.	29	21	24	1	2	0	0	1	0
		Average Cost	£3,380	£2,968	£2,732	£3,305	£1,067	£0	£0	£2,688	£0
		Subtotal	£98,028	£62,323	£65,563	£3,305	£2,133	£0	£0	£2,688	£0
	PS 13 and above	No.	0	1	0	3	0	1	0	0	0
		Average Cost	£0	£2,479	£0	£3,620	£0	£1,678	£0	£0	£0
		Subtotal	£0	£2,479	£0	£10,860	£0	£1,678	£0	£0	£0
Total		£98,028	£64,802	£65,563	£14,165	£2,133	£1,678	£0	£2,688	£0	
E&I	PS 12 and below	No.	0	0	0	0	0	0	3	1	0
		Average Cost	£0	£0	£0	£0	£0	£0	£4,048	£500	£0
		Subtotal	£0	£0	£0	£0	£0	£0	£12,143	£500	£0
	PS 13 and above	No.	0	0	0	0	0	1	0	0	0
		Average Cost	£0	£0	£0	£0	£0	£10,000	£0	£0	£0
		Subtotal	£0	£0	£0	£0	£0	£10,000	£0	£0	£0
Total		£0	£0	£0	£0	£0	£10,000	£12,143	£500	£0	
LDC	PS 12 and below	No.	1	4	2	0	1	0	0	0	0
		Average Cost	£4,031	£3,592	£1,845	£0	£1,555	£0	£0	£0	£0
		Subtotal	£4,031	£14,366	£3,690	£0	£1,555	£0	£0	£0	£0
	PS 13 and above	No.	0	0	0	0	0	0	0	0	0
		Average Cost	£0	£0	£0	£0	£0	£0	£0	£0	£0
		Subtotal	£0	£0	£0	£0	£0	£0	£0	£0	£0
Total		£4,031	£14,366	£3,690	£0	£1,555	£0	£0	£0	£0	

STARTING SALARY			
TOTAL NO. PER QUARTER	37	30	31
TOTAL COST PER QUARTER - PS12 BELOW	£107,922	£85,411	£83,724
TOTAL COST PER QUARTER - PS13 ABOVE	£22,284	£2,479	£0
TOTAL COST PER QUARTER	£130,206	£87,890	£83,724

PERMANENT PAY PROGRESSION			
TOTAL NO. PER QUARTER	4	5	6
TOTAL COST PER QUARTER - PS12 BELOW	£3,305	£12,892	£5,342
TOTAL COST PER QUARTER - PS13 ABOVE	£10,860	£6,597	£22,161
TOTAL COST PER QUARTER	£14,165	£19,489	£27,503

TEMPORARY PAY PROGRESSION			
TOTAL NO. PER QUARTER	6	3	0
TOTAL COST PER QUARTER - PS12 BELOW	£14,601	£7,388	£0
TOTAL COST PER QUARTER - PS13 ABOVE	£5,400	£0	£0
TOTAL COST PER QUARTER	£20,001	£7,388	£0

ALL PAY PROGRESSION			
TOTAL NO. PER QUARTER	10	8	6
TOTAL COST PER QUARTER - PS12 BELOW	£17,906	£20,280	£5,342
TOTAL COST PER QUARTER - PS13 ABOVE	£16,260	£6,597	£22,161
TOTAL COST PER QUARTER	£34,166	£26,877	£27,503

GRAND TOTAL NO. - 2016/17 (Q1-Q3)	122
GRAND TOTAL COST - PS12 BELOW - 2016/17 (Q1-Q3)	£320,585
GRAND TOTAL COST - PS13 ABOVE - 2016/17 (Q1-Q3)	£69,781
GRAND TOTAL COST - 2016/17 (Q1-Q3)	£390,366

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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