

## NOTICE OF MEETING

MEETING	<b>EMPLOYMENT COMMITTEE</b>
DATE:	<b>THURSDAY 18 SEPTEMBER 2008</b>
TIME:	<b>3.00 pm</b>
VENUE:	<b>FORLI ROOM - TOWN HALL</b>
CONTACT:	Lindsay Tomlinson <b>Telephone: 01733 452238</b> <b>e-mail address <a href="mailto:Lindsay.tomlinson@peterborough.gov.uk">Lindsay.tomlinson@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>10 September 2008</i>

### AGENDA

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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Lindsay Tomlinson on 01733 452268.

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**Minutes of a meeting of the Employment Committee held on 19 June 2008**

**Present:**

Councillors Peach (Chairman)  
Councillor Croft  
Councillor Holdich  
Councillor Goldspink  
Councillor Lamb  
Councillor Miners  
Councillor Sandford

**Officers present:**

Gillian Beasley, Chief Executive  
Philip Evans, Principal Lawyer  
Ben Ticehurst, Interim Director of Children Services  
Carol Tilley, Senior Cabinet Officer  
Jason Wheatley, Human Resources

**1. Apologies**

Apologies for absence were received from Councillor Swift.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the previous Meetings**

The minutes of the meeting held on 13 March 2008 were approved and signed by the Chairman as an accurate record.

**4. Exclusion of the Press and Public**

In accordance with Standing Orders, **Members agreed** that agenda item 5 contained exempt information as defined by paragraphs 1, 2 & 3 of Schedule 12A of Part 1 of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, therefore the press and public were excluded from the meeting.

**5. Interviews for the post of Director of Children's Services**

Two candidates were interviewed for the position of Director of Children's Services.

**RESOLVED** to appoint Mr John Richards, currently Interim Head of Social Care Services at Peterborough City Council, to this post.

Chairman

14.00 to 16.00

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<b>EMPLOYMENT COMMITTEE</b>	AGENDA ITEM No. 4
<b>Thursday 18<sup>th</sup> September 2008</b>	<b>PUBLIC REPORT</b>

Contact Officer(s):	Jacquie McGeachie, Acting Head of HR Elizabeth Lacey, HR Manager: Organisational Development	Tel: 384500 Tel: 384513
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## HR POLICIES

### RECOMMENDATIONS

#### FROM: the Joint Consultative Forum

Members are asked to note the following policy changes as a result of recent legislative amendments to:

1. the Local Government Pension Scheme
  - 1.1. the Retirement policy paragraph 4.2 below
  - 1.2. the Grievance procedure paragraph 4.3 below
  - 1.3. the Attendance policy paragraph 4.4 below.
2. Changes to the Adoption and Maternity policies as a result of changes to the Sex Discrimination Act – see paragraph 5 below.
3. Changes to the Code of Conduct to ensure it is clear regarding the registered status of Qualified Social Workers and Qualified Teachers – see paragraph 6 below.

Members are asked to consider and agree:

4. Changes to the Criminal Records & Employment of Ex-Offenders Policy. This revision is the result of ongoing work to ensure the employment practices within the council follow best practice and legislation - see paragraph 7 below.
5. Changes to the Managing Change policy to include; additional statutory information as a result of the changes to the Local Government Pension Scheme, clarification on discretionary compensations.
6. To establish a sub committee of Employment Committee, to be known as the Discretions sub committee, to hear applications in relation to the discretions that can be exercised in relation to enhancements to redundancy pay, as set out in paragraph 8 below, and other cases where the Council is required to exercise its discretion based on the merits of the individual case.

#### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following the Joint Consultative Forum meetings on 8<sup>th</sup> May, 22<sup>nd</sup> July, and 4<sup>th</sup> September 2008 to consult, negotiate and inform the human resources policies contained within this report

## 2. PURPOSE AND REASON FOR REPORT

- 2.1 Employment Committee has delegated authority to agree terms and conditions of employment.
- 2.2 This report is for the Committee to consider under its Terms of Reference No 2.3.1.4.

## 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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## 4. CHANGES TO THE LOCAL GOVERNMENT PENSION SCHEME

- 4.1 A report was submitted to Employment Committee in March 2008 highlighting the changes made to the Local Government Pension Scheme which would be effective from April 2008. As a consequence of these legislative changes an audit of the council's employment policies was carried out resulting in changes to three policies.
- 4.2 **The Retirement policy** has been amended to state that the age at which flexible retirement benefits are payable changes to age 55 years from age 50 years (there is some protection in place for those in the scheme on 31<sup>st</sup> March 2008 which applies until 1<sup>st</sup> April 2010).
- 4.3 **The Grievance procedure** has been amended to state that it is not the relevant procedure to use for appeals against pension decisions. There is a separate pension appeals procedure in place within the council which must be followed to ensure compliance with the Internal Disputes Resolutions Procedures.
- 4.4 **The Attendance policy** has been amended to take account of the revised ill health retirement rules for those employees who are members of the local government pension scheme. The approach to ill health retirement has been changed significantly. The employee must now satisfy three criteria (i) that their ill health or infirmity renders them permanently incapable of discharging efficiently the duties of their current employment (ii) that there is a reduced likelihood of obtaining any gainful employment before the normal retirement age (65 years) and (iii) that they have a total scheme membership of at least three months or a credited transfer value. Further details are attached at Appendix A.

## 5. CHANGES TO THE SEX DISCRIMINATION ACT

- 5.1 The Adoption policy and the Maternity policy have been amended as a result of changes to the Sex Discrimination Act. The employee is now entitled to receive all the contractual benefits (excluding salary) throughout the entire Adoption leave and Maternity leave periods respectively.

## 6. CHANGES TO THE CODE OF CONDUCT

- 6.1 The amendment to the employee code of conduct reinforces the legal position whereby employees who are Qualified Social Workers must be registered with the General Social Care Council (Care Standards Act 2000) and that teachers / those with Qualified Teacher Status must be registered with the General Teaching Council for England (Teaching and Higher Education Act 1998). The code now states "Where an employee is a member of a professional body they must ensure that they adhere to any professional code/s of conduct in place, in addition to this corporate code of conduct."

## **7. CHANGES TO THE CRIMINAL RECORDS & EMPLOYMENT OF EX OFFENDERS POLICY**

7.1 Further work within HR and also at the corporate Safer Employment group has identified some areas where our process and practice when managing CRB disclosure checks could be improved even further. The policy has also been audited by the internal legal department. The main changes are:-

- 7.1.1 Introduction of a formal risk assessment process to be followed in the event that a person commences work pending return of their CRB disclosure results.
- 7.1.2 Further explanation regarding offences which are declared as high risk for employment with children and vulnerable adults.
- 7.1.3. Further confirmation of the role of the manager in ensuring the correct level of check is undertaken and the forms completed correctly.
- 7.1.4. Definition of volunteer stated to ensure compliance with the Police Act 1997 (Criminal Records) (Fees) Order 2004.

The revised policy document is attached at Appendix B.

## **8. CHANGES TO MANAGING CHANGE POLICY**

8.1 To state that the age at which redundancy benefits are payable changes to age 55 years from age 50 years (there is some protection in place for those in the scheme on 31<sup>st</sup> March 2008 which applies until 1<sup>st</sup> April 2010)

8.2 A review of the current discretionary compensation payments in place has resulted in the proposal that there should be no change to our existing position. However, an additional statement has been included to explain the statutory position explicitly where previously the policy is silent, ensuring compliance with the law.

The Council has an agreed policy position in relation to discretionary payments in the area of termination of employment on the grounds of efficiency (which was published on 27 March 2007) and states:-

*'PCC should be avoiding efficiency dismissals but where there is no alternative then each case should be considered on its own merits and the Council does have the discretion to award up to 104 weeks' pay in extreme circumstances'*

However, the policy was silent on the same discretionary powers in the case of redundancy where the law also allows an employee to submit a request for additional enhancements, up to a maximum of 104 weeks pay. Any statutory redundancy pay must be off set against the 104 weeks' pay and each case has to be decided on its own merits.

This change will allow clarity and consistency in the application of the policy and includes a robust process where approval of these discretions is either at director level for levels below heads of service and Employment Committee for Directors, Assistant Directors, and Heads of Service.

### **How this policy will be applied**

1. Redundancy is established as the reason for dismissal
2. Redundancy payment is due in accordance with the Council's Managing Change policy
3. The employee to submit a request for additional discretionary compensation to their line manager.
4. In the case of Directors, Assistant Directors and Heads of Service, the decision maker is the Discretions sub committee, a sub committee of Employment Committee. Below this level, the decision is delegated to the relevant Director in consultation with the Director of Strategic Resources (constitution para 2.3.3.8). Guidance and support can be sought from Heads of Legal, Finance, and HR.
5. Each application will be considered on its own merits and the Council does have the discretion to award up to 104 weeks' pay in extreme circumstances'

6. The decision will be made within 30 days of the request and may involve the sub committee meeting at short notice, however, where possible a minimum of 7 days will be given to the sub committee members
7. An appeal in the case of a Director, Assistant Director and Head of Service will be to the full Employment Committee (not to include any member who was part of the Discretions sub committee which heard the case). Below this level to the Assistant Chief Executive or the Chief Executive with support from the Head of HR.
8. This is the final decision within the Authority

## **9. CONSULTATION**

- 9.1 This report is presented as part of the council's consultation mechanism. It was discussed and agreed at the Joint Consultative Forum which is made up of representatives from the four main Trade Unions (Unison, Unite-AMICUS, Unite-T&G, and GMB) on 8<sup>th</sup> May, 22<sup>nd</sup> July, 4<sup>th</sup> September 2008 and at previous meetings.

## **10. ANTICIPATED OUTCOMES**

- 10.1 The statements contained within this report are to allow the council to maintain accurate and clear employment policies on issues which are of great importance to employees, and will allow the council to move forward with its efficiency agenda.

## **11. ALTERNATIVE OPTIONS CONSIDERED/FINANCIAL IMPLICATIONS**

- 11.1 None. These are predominantly statutory changes which the council is obliged to implement.

## **12. BACKGROUND DOCUMENTS**

- 12.1 Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)
  - Local Government Pension Scheme (Amendment) No 2. No 3 Regulations 2007
  - Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations 2007
  - Local Government Pension Scheme (Transitional Provisions) Regulations 2007
  - The Occupational Pension Schemes (Internal Dispute Resolution Procedure) Regulations 1996
  - The Local Government (Early Termination of Employment) Discretionary Compensation (England & Wales) Regulations 2006
  - Police Act 1997 (Criminal Records) (Fees) Order 2004.
  - Care Standards Act 2000
  - Teaching and Higher Education Act 1998



### Appendix A - What do the Ill Health tiers mean?

	Tier 1	Tier 2	Tier 3
<b>ELIGIBILITY Criteria One</b>	Employer must agree to:- Terminate employment on grounds that ill health or infirmity renders the employee permanently incapable of discharging efficiently the duties of their current employment		
<b>ELIGIBILITY Criteria Two</b>	The employee has:- A reduced likelihood of obtaining any gainful employment before his normal retirement age (65)		
<b>ELIGIBILITY Criteria Three</b>	Qualifying Service:- Total membership of at least 3 months or a credited transfer value		
<b>WHICH TIER WILL APPLY</b>	When it is determined that there is no reasonable prospect of obtaining gainful employment before age 65	When gainful employment would not be possible within 3 years of leaving but it is likely that it could be obtained before age 65	When gainful employment could be obtained within 3 years of leaving employment
<b>BENEFITS</b>	Benefits will be increased to take account of 100% of the further membership that would have counted up to age 65	Benefits will be increased to take account of 25% of the further membership that would have counted up to age 65	Temporary unenhanced benefits will be paid for a period of no more than 3 years
<b>ENHANCEMENT TO BENEFITS IS BASED ON</b>	The hours they were working on the last day of employment. The number of weeks they were working on last day of employment*		There is normally no enhancement (**see note below regarding transitional protection for those who leave before 1 <sup>st</sup> October 2008)
<b>BENEFITS ARE BASED ON</b>	The hours they were working on the last day of employment. The number of weeks they were working on the last day of employment		

	Tier 1	Tier 2	Tier 3
<b>DECISION REGARDING ILL HEALTH STATUS</b>	May only be taken by an independent Occupational Health Practitioner approved by the Pensions Administrator		
<b>DURATION</b>	Permanent – paid for life. However, the member would be subject to the re-employment earnings test if further employment which allows entry to the LGPS is obtained, i.e. if the total of their rate of annual pension and annual salary on commencement exceeds their pay on retirement (plus an uplift based on pensions increase between leaving and re-employment) the rate of annual pension would be reduced by the amount of the excess.		Paid for no more than three years. Reviewed after 18 months or Pension suspended if gainful employment is obtained. Employer and IOHP will review after 18 months or at the end of the 3 year period. Employer can be advised to stop payment at any point. Employer/IOHP has powers to determine that member should move to Tier 2 status. If following suspension of pension the deferred pension is put into payment before age 65 it may be at actuarially reduced rate.
<b>RESPONSIBILITY OF EX-EMPLOYEE</b>	Must notify Pensions of any change in circumstances		Must notify previous employer if any employment is found. Must attend meeting/s, and supply information as requested to previous employer.
<b>ADDITIONAL INFORMATION</b>	For those who were members, and aged 45 before 1 <sup>st</sup> April 2008, if the period of enhancement provided by the LGPS regulations 1997 would have been greater than that provided under the current regulations that greater period shall be used.  If leaving before 1 <sup>st</sup> October 2008 and the period of enhancement provided by the LGPS regulations 1997 would have been greater than that provided under the current regulations that greater period shall be used.		1. Once payments are suspended they will not be payable until the deferred pension becomes payable, either at age 65 or at an earlier date on election if permitted by the legislation. 2. Employer can recover payment if gainful employment is found but payments have continued. 3. **If leaving before 1 <sup>st</sup> October 2008 the pension will be permanent – paid for life. The benefits will be enhanced if a period of enhancement would have been provided by the LGPS regulations 1997.

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### Definitions

Gainful Employment - employment for not less than 30 hours in each week for a period of not less than 12 months

Normal Retirement date - Date one day before the 65<sup>th</sup> birthday

Normal Retirement age - 65 years

Accrued Pension rights - The pension built up by a member based on salary level, working hours and service, plus any funds accepted into the LGPS at an earlier point.

\*If the member was wholly or mainly in part time service as a result of the condition that has rendered him incapable of discharging efficiently the duties of their current employment, the hours/weeks worked before the reduction will be used.

The payments and rules referred to in this section do not confer any legal rights and may be subject to variation in the future arising from changes to statute, to pension regulations or to council policy.

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**CRIMINAL RECORDS AND  
EMPLOYMENT OF EX-OFFENDERS  
POLICY**

**JULY 2008**

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**PETERBOROUGH CITY COUNCIL**  
**CRIMINAL RECORDS POLICY**

## **1. Introduction \ Scope**

- 1.1. The purpose of this policy is to facilitate the protection of the public and service users, especially children and vulnerable adults as well as council property / assets / staff etc. by defining the use of criminal record information in the selection of persons involved in service delivery. All Managers must read and familiarise themselves with the contents of this document.
- 1.2. This policy covers information whether obtained from the CRB or other checks or when disclosed by an Individual.
- 1.3. The policy includes recruitment and other decisions taken using crime related information in respect of: -
  - existing employees who work with children and/or vulnerable adults
  - prospective employees who would be employed to work with children and/or vulnerable adults
  - the re-checking of previously checked relevant employees
  - volunteers working with children and/or vulnerable adults
  - licensed taxi-drivers
  - foster-carers
  - contractors working with children and/or vulnerable adults
  - agency workers working with children and/or vulnerable adults
  - school transport providers
  - others involved in council service provision where children and/or vulnerable adults are involved.
- 1.4. Where the term employee/applicant is used, the principles of this policy may also apply to others engaged in services provided by or for the council.
- 1.5. This policy applies to all Peterborough City Council services as far as possible. However a different procedure may be necessary for certain areas, e.g. those roles based in schools and who are subject to procedures involving governing bodies. In these circumstances, governing bodies are recommended to adopt the principles of this procedure into their individual school policies.
- 1.6. Peterborough City Council is a registered body for carrying out Criminal Records Bureau [CRB] disclosures and operates some limited services to external bodies. Some checks related to council services are undertaken by other registered bodies, such as Educational Personnel Management [EPM].
- 1.7. As a result of Part V of the Police Act 1997, the CRB acts as a central access point not only to criminal records information, but also to the Department for Children, Schools and Families (DCFS) List 99 and the Department of Health (POCA) List (Protection of Children Act List Service), which lists people considered unsuitable to work with children. Following the Care Standards Act 2000, it also checks against the Protection of Vulnerable Adults list (POVA) all those considered unsuitable to work with vulnerable adults.
- 1.8. The authority has a statutory duty of care towards vulnerable members of society. However, this duty must be carried out with due regard to all other relevant legislation including the Rehabilitation of Offenders Act (1974), the Data Protection Act (1998), and the Human Rights Act (1998).
- 1.9. Under the Human Rights Act anyone who believes their rights as set out in the European Convention on Human Rights have been violated by a public authority is able to raise their complaint before a UK court. Managers should therefore be aware of the possibility of legal challenge from ex-offenders who believe their rights have been violated under article 14 of the Act, which guarantees freedom from discrimination. Equally, they should be aware that victims of physical/verbal/sexual abuse caused by employees known to have a criminal record might also seek legal challenge on the grounds that the organisation failed to protect them sufficiently. In order to avoid prosecution by the courts the Council needs

to apply policies that ensure vulnerable people are protected but at the same time treat ex-offenders fairly.

- 1.10. Failure to disclose convictions on an application form may result in disciplinary action – para 2.1.5 of the Disciplinary Procedure applies.
- 1.11. The council must be particularly careful to enquire into the character and background of applicants for appointment to posts involving contact with children aged less than 18 years. It is therefore essential that in making an application, applicants disclose whether they have ever been convicted of a criminal offence or cautioned and if so for what offence(s). The manager should make clear via the job description and job pack if the post is exempt from the provisions of section 4(2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders (1074) (exceptions) order 1975 and the Rehabilitation of Offenders Act 1974 (exceptions) (Amendment) Order 1986 the Police Act 1997 as amended by part V of the Protection of Children Act 1999.

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## 2. Types of Disclosure

There are three types of disclosures. Only line managers will have sufficient in-depth knowledge of their own posts to allow them to decide which the appropriate level of check to apply is. HR are able to provide advice on the criteria and will proactively advise managers if they are checking posts that do not appear to meet the criteria, and/or are being checked at the wrong level. Some roles may also be ruled inadmissible by the CRB or there may be a suggested level, which will generally need to be followed.

This must be carefully managed. If an inappropriately high level of check for the role is requested, there could be a breach of the Data Protection Act and the terms of the Rehabilitation of Offenders Act. However if an inappropriately low level of check is requested the council could be failing in its duty of care for the protection of children and/or vulnerable adults. If a manager is unsure of which check to request they should always consult HR for further advice.

Applications for Standard and/or Enhanced Disclosures can only be made by the employer (PCC). Applications to the CRB must be made with the express agreement of the individual concerned, and signed by both the applicant and the registered body. Applicants receive their own copy of the disclosure, though this does not include any additional police information.

Managers should be cautious about relying on checks on those with little if any residence in the UK and should also exercise caution in respect of those with any gaps in their career record. The CRB may be able to offer advice about criminal record checking systems based outside the United Kingdom if required. Further details regarding this are outlined at paragraph 18.

In general, the assessment of which type of disclosure is relevant should have regard to:

- job descriptions and person specifications
- the level of supervision the post receives
- the degree of contact with children and/or vulnerable adults.

### 2.1. The Basic Disclosure

- 2.1.1. Basic Disclosures **are not currently available**, but are intended to be introduced at some future point. The Basic Disclosure will show all convictions held at national level which are not “spent” as defined under the terms of the Rehabilitation of Offenders Act (ROA) 1974. All employers, including Peterborough City Council, will be entitled to ask prospective employees/volunteers to obtain a Basic Disclosure. The Disclosure will be available to all members of the public, and be obtainable directly from the CRB without the need to go through an employer or a voluntary organisation.
- 2.1.2. Potentially Basic Disclosures could be used to confirm the unspent convictions declared on applications for any job. This is most likely to be applicable for posts involving significant trust or responsibility e.g. for equipment or financial resources.



## **2.2. The Standard Disclosure**

- 2.2.1. Standard Disclosures are primarily for positions that involve **WORKING WITH CHILDREN UNDER THE AGE OF 18 OR REGULAR CONTACT WITH VULNERABLE ADULTS**. This includes applicants and current post holders seeking paid or voluntary work, and trainees. There are certain other categories as outlined in the Rehabilitation of Offenders Act (ROA) 1974. Further details are available from HR on request, and it is important that clarification is sought if the manager is unsure about the requirement for and/or status of the check. The full list of posts exempt from the Rehabilitation Offenders Act is available on the CRB website. <http://www.crb.gov.uk/Default.aspx?page=1855>
- 2.2.2. Standard Disclosures contain details of all convictions on record. This includes spent convictions (i.e. those that happened some time ago and normally no longer need to be revealed as specified in the Rehabilitation of Offenders Act (ROA) 1974). It also includes details of any cautions, reprimands or warnings.
- 2.2.3. If the disclosure request states that the work includes working with children or vulnerable adults the standard disclosure also includes a check against standard government department lists as detailed in para 1.7.

## **2.3. The Enhanced Disclosure**

- 2.3.1. Enhanced Disclosures are principally available to people seeking paid work or voluntary work or training in a position whose normal duties involve a far greater degree of contact with children or vulnerable adults. Duties would need to include **REGULARLY CARING FOR, TRAINING, SUPERVISING**, or being **IN SOLE CHARGE** of children under 18 years of age or vulnerable adults, to qualify for an enhanced level check. Examples where this will apply include provision of social services, medical services, for certain statutory licensing purposes such as taxi licences, and foster carers. If the manager believes that an enhanced check is justified and the person does not fit the criteria detailed above then advice should be sought from the HR Business Partner. This requirement applies to anyone newly appointed in a school setting under the School Staffing (England) (Amendment) (No 2) regulations 2006.
- 2.3.2. The Enhanced Disclosure shows spent and unspent convictions and cautions. The police may also provide details of acquittals or other non-conviction information held on local police records, which are relevant to the job or voluntary position being sought. For this reason it is important when applying for the disclosure to specify the nature of the post in the job title given. For example this should be 'School Secretary' and not just 'Secretary', or 'Actor running workshops for young people' and not just 'Actor', or 'Sports Centre Receptionist with first aid responsibility' and not just Receptionist.
- 2.3.3. Enhanced Disclosures involve an extra level of checking with local police force records in addition to checks with the Police National Computer (PNC) and the government department lists held by the DCSF and DoH where appropriate. Where local police records contain additional information that might be relevant to the post the applicant is being considered for, the Chief Police Officer may release information for inclusion in an Enhanced Disclosure. Exceptionally, and in a very small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the Counter signatory. Where this is the case, the applicant should not be alerted to the existence of the information under any circumstances. The Council should never reveal or discuss the information with the applicant. The recipient is not allowed to pass the information to anyone without the permission of the Chief Police Officer.
- 2.3.3. Where local police records contain additional information that might be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced Disclosure. Exceptionally, and in a very

small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the counter signatory. In this case, it should be noted the council is not at liberty to reveal or discuss the information to the applicant.

- 2.3.4. The Disclosure will not generally show offences committed by people whilst living overseas, although the CRB will draw on data held on the Police National Computer. Further checks are required for all those who have been resident overseas during the past five years and these are outlined at paragraph 18.

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### 3. Criminal Records and the Recruitment Procedure

- 3.1. Posts working with Children or Vulnerable Adults or meeting other exemptions are defined within the Rehabilitation of Offenders Act, and are described as 'exempted', which means disclosure applications can be made.
- 3.2. When seeking to recruit people for posts that are **exempted** under the Rehabilitation of Offenders Act, the advertisement and / or job information available for all candidates must make it clear that the post requires the disclosure of all criminal record information, including details and dates of 'spent' convictions, cautions, reprimands and final warnings. Where the post is subject to Enhanced Disclosure, other relevant non-conviction information such as police enquiries and pending prosecutions should also be asked for.
- 3.3. When seeking to recruit people for posts that are **not exempted** under the Rehabilitation of Offenders act the advertisement and / or job information must make it clear that criminal convictions will be taken into account only when they are relevant to the post. It should be explained that applicants are not required to disclose convictions that are 'spent' under the Rehabilitation of Offenders Act. Cautions, reprimands and final warnings are considered 'spent' immediately they are given.
- 3.4. The procedures in points 3.2 & 3.3 provide a basis for the applicant to decide whether or not to apply for the post. It should be emphasised during the recruitment process that this information will be used only to assess the applicant's suitability for employment, in so far as it is relevant, and that they will be considered on merit and ability and not discriminated against unfairly.
- 3.5. Short listing and interviewing of candidates must focus on the assessment of the applicant's relevant skills, experience, qualifications and ability to do the job. All applicants should be judged on merit. Only after a full assessment of the applicant has been completed and a decision made about the person's ability to do the job should criminal conviction and, if relevant, other criminal record information be checked and verified using the Disclosure service.
- 3.6. The recruitment interview provides an opportunity for managers to raise issues concerning declared offences with applicants in open discussion.
- 3.7. Information regarding offences must be kept confidential. Applicants need to feel confident that information about his or her convictions will not be disclosed to anyone unless there is a specific reason for doing so. Generally, only the counter-signatory, recruitment panel and/or the HR Adviser should be informed of an employee's criminal record. The individual's line manager should only be informed if the offence is directly connected with the job. Offence information should be kept securely in lockable filing cabinets. Access to keys should be restricted to individuals responsible for recruitment and personnel. Further details of data handling arrangements are specified in Appendix 3. These are required to comply with the CRB's code of practice.
- 3.8. It may be possible for some recruitment exercises to devise a list before recruitment begins of the types of offences that may need to be taken into account. This can be good practice, because it can help ensure consistency and equal treatment of individuals There could be some ex-offenders who CANNOT be employed by statute or regulation in a particular role, especially where the post involves working with children or vulnerable adults [e.g. see para 5]. Additionally, this will take into account any specific regulations

and guidance available, common practice among authorities etc. However, except with clear legal restrictions, such criteria must not be used to disregard applications without discussion of the disclosed information with the applicant. This is to ensure the details are correct, and so that consideration of personal circumstances is made as outlined in this policy. Managers should beware of mechanically applying pre-determined criteria. For example an offence may have occurred which is relevant but was not on the list [it is unlikely that lists will be fully comprehensive]. Or it may be that there is a combination of convictions, which while individually not of concern, reveal a pattern, which needs to be questioned. Also, not all offences of theft, for example, will have the same degree of relevance or seriousness.

- 3.9. All applicants must be made aware that copies of the CRB Code of Practice and the Council Policy on CRB are available on request.

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#### **4. Completion and checking of Disclosure requests**

- 4.1. The disclosure applicant will be required to submit the completed CRB Disclosure Application Form and relevant original documentation to the verifier. The verifier will check the CRB Disclosure Application Form and check the original documentation and then forward the CRB Disclosure Application Form to a currently approved Peterborough City Council CRB signatory for counter signing before submission to the CRB.
- 4.2. **It is the responsibility of the appointing manager to ensure that the appropriate check is obtained and the form is completed correctly.** The **government lists** will be checked as part of a standard or enhanced disclosure check provided the correct options have been ticked on the form. Managers should be vigilant in ensuring that there has been no oversight in the completion of the form.

#### **5. Consideration of Conviction information**

- 5.1. When considering any disclosure or declared conviction information received consideration should be given to: -
- identified job requirements and safeguards against offending at work.
  - what level of supervision the post holder will receive.
  - possible safeguards and precautions.
  - the employer's duties in law
  - whether the post involves any direct responsibility for finance or items of value
  - whether the post involves direct contact with the public
  - whether the nature of the job presents any opportunities for the post holder to re-offend in the place of work
  - the nature of the crime, when it happened, the circumstances involved, the sentence,
  - patterns of offending, efforts to avoid re-offending,
  - the availability of assessments and reports from those Agencies involved in the applicant's process of rehabilitation. For example, Probation Service, Specialists working in prison, other Agencies.
  - the seriousness of the offence/s and relevance to the safety of other employees, customers, service users and property. Generally speaking, the longer the sentence the more seriously the Courts viewed the offence at the time. Custodial sentences are usually more serious than non-custodial sentences.
  - the length of time since the offence occurred. (e.g. how effective has rehabilitation been?)
  - any relevant information offered by the applicant about the circumstances that led to the offence being committed, for example the influence of domestic or financial difficulties.
  - was the offence a one-off, or part of a history of offending. (e.g. is the offence likely to re-occur?)

- whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy, etc.).
- the country in which the offence was committed; for example, some activities are offences in Scotland and not in England and/or Wales, and visa versa.
- whether the offence has since been decriminalised by Parliament.
- the degree of remorse, or otherwise, expressed by the applicant and their motivation to change.

This will help managers to decide whether the risk of employing a person can be taken and what precautions and safeguards would be needed to manage and minimise that risk. Managers must be aware of the dangers of personal prejudices that might cloud judgement and good practice.

- 5.2. In considering the relevance of offences, most offences involving violence, drink, or drugs would be relevant to positions involving unsupervised contact with the public. Sexual or child pornography offences would disqualify any person required to work with children. It should be remembered that no two offences are exactly alike. For example, a premeditated burglary that involves extensive damage to property and the physical intimidation of the occupants is different from someone convicted of an opportunistic crime such as reaching in through an open window and stealing a purse.
- 5.3. It could be illegal to employ people with certain convictions in specific jobs. Managers need to be aware of their legal duties. There may be other legal constraints, for example, those with motoring convictions employed as drivers may result in implications for the Council's insurance policy etc. Managers might need to check that insurance policies do not exclude employment of some ex-offenders in specific occupations. Most do not, but fidelity bond insurance might be necessary if there is a problem.
- 5.4. **Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, it is an offence for any organisation to offer employment that involves regular contact with young people under the age of 18 and/or vulnerable adults to anyone who has been convicted of certain specified offences, or included on lists of people considered unsuitable for such work held by the Department for Children, Schools and Families and the Department of Health. It is also an offence for an individual who is disqualified from working with children or vulnerable adults to knowingly apply for, offer to do, accept or undertake work with children or vulnerable adults.**
- 5.5. A process to follow to ensure that every positive trace is dealt with in a consistent manner has been devised and must be followed to ensure key decisions are taken correctly and in accordance with the council policy and the Rehabilitation of Offenders Act. A record needs to be kept of the decision relating to all applicants for whom a disclosure application is made and not just those where any conviction information is disclosed.

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## 6. Appointing subject to Disclosure results

- 6.1. A job offer can be made subject to checks such as references, medical information, and disclosure details. It is at this point when the job offer is made that the CRB disclosure should be requested. Disclosure information must not be requested for all short-listed applicants. Disclosure results must be received by the council prior to the employee commencing employment, except in extenuating circumstances as outlined in para 7.
- 6.2. If a disclosure subsequently reveals details of convictions, the manager should undergo the Positive Trace Assessment Process and if the record renders the applicant unsuitable for the applied post, the appointing manager will discuss the situation with the applicant in line with the CRB Code of Practice. The council may decide, following confirmation of the convictions, that there is no alternative but to withdraw the offer of employment.
- 6.3. Where a Chief Officer of Police releases information from local police records relevant to the post following an enhanced disclosure this will not be revealed or discussed with the applicant but will be taken into account when the decision regarding employment is taken.

- 6.4. A flowchart (*see Appendix 1*) is attached to this document, which outlines the exact procedure to be followed.
- 6.5. It should be noted that failure to give further consideration to anyone who has failed to disclose an offence may be considered unreasonable. Applicants should not be rejected outright but full consideration given to the circumstances before a decision is reached.

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## 7. Commencement of work pending Disclosure results

- 7.1. It is recognised that where delays occur in the processing of CRB checks, this may place additional pressures on services in terms of meeting client needs and overall service objectives. However, the paramount consideration must always be the safety of the service users. **No person who requires a check should be allowed to commence work until the risk assessment has been undertaken using the standard council template and signed off by a Director/Head of HR/Lead CRB Counter signatory as detailed.**
- 7.2. If a new employee commences work, subject to checks, they must be allocated other work-related duties, which do not involve close or sole contact with children and/or vulnerable adults until the results of the disclosure and/or other checks have been received.
- 7.3. Buddying / Supervision of Unchecked Employees
  - 7.3.1. Checked (cleared) employees should be the only ones in sole charge of children and vulnerable adults. Special attention should be given in circumstances where employees are supervising games/sports and out of hour's activities, such as after school clubs, or working within a residential setting, and only checked employees should supervise these activities.
  - 7.3.2. In this instance, the Director of Service may authorise the use of a 'buddy system', to enable new employees, under strictly supervised conditions, to commence working in posts that bring them into contact with children and/or vulnerable adults pending the results of a disclosure.
  - 7.3.3. Managers are required to keep records of frequency and reasons for the buddying system being used. This should be monitored by the departmental management team who must satisfy themselves that the arrangements are satisfactory.
  - 7.3.4. The normal requirement of checking references and undergoing medical checks must still be undertaken prior to any commencement of employment and the process of requesting a CRB Disclosure check must have been completed and be in the process of awaiting a reply.
  - 7.3.5. If the applicant has put an "X" on Section H – "Do you have any unspent criminal convictions?" on the CRB Disclosure Application Form – (the 'X' signifies that they do have a conviction) – then ***under no circumstances are they to commence employment.***
  - 7.3.6. Managers must ensure that the prospective employee is fully aware and totally understands the conditions of commencing their duties whilst awaiting the clearance of the CRB Disclosure.

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## 8. Adverse Disclosure Results – following commencement

- 8.1. It is possible that commencement of work pending disclosure results will result in checks being sent back stating previously undisclosed information.
- 8.2. If the disclosure results render the newly appointed employee unsuitable for the applied post, the appointing manager will discuss the situation with the applicant in line with the CRB Code of Practice. They will be removed immediately from their duties.
- 8.3. Where a Chief Officer of Police releases information from local police records relevant to the post following an enhanced disclosure this will not be revealed or discussed with the

employee but will be taken into account when the decision regarding future employment options is taken.

- 8.4. After investigation, and depending on the disclosure results, the line manager may decide on one of the following options:
- To terminate employment, OR
  - To look for alternative employment within the council, subject to an appropriate vacancy being available
- 8.5. The newly appointed employee will have a right of appeal to a Head of Service against the decision to terminate their employment.
- 8.6. A flowchart (see *Appendix 2*) is attached to this document, which outlines the procedure to be followed.

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## 9. CRB Checks for Employees in Children's Services

The following additional information applies to those employed within positions in Children's Services (education settings) where CRB disclosure checks are required.

Further information and guidance on the issues regarding employment of those in children's services can be found in the DCSF document [Safeguarding Children and Safer Recruitment in Education](#).

Under the requirements of the School Staffing (England) (Amendment) (No.2) Regulations 2006 it is a statutory requirement for all new appointments to schools to have an enhanced CRB check. This includes those who work in a school but do not work directly with children.

In a school setting List 99 checks must be carried out as a statutory requirement and no person should be employed in a school setting without a List 99 check being completed.

The CRB disclosure should be obtained before an individual begins work. The request for a CRB disclosure must be submitted in advance of the individual starting work. However, in extenuating circumstances, Head Teachers or senior managers have discretion to allow work to commence pending receipt of the disclosure providing the individual is properly supervised, a risk assessment has been carried out, the list 99 checks, and all other checks have been completed. These staff should then be subject to additional supervision until the disclosure is returned. **The template to be used is attached at Appendix 6.**

Employees who are **starting a new school with the same employer, who have not had a break in service** may continue to work in advance of receiving a disclosure, with a further check of List 99.

Schools, FE colleges or LA's are not required to ask **existing staff, in post, who were not previously eligible** for criminal background checks to apply for Disclosure, unless they have concerns about the person's suitability to work with children, or they move to a different post which satisfies the criteria for a disclosure, or they have lived overseas in the previous five years. Council policy states that all employees should have a disclosure if they satisfy the criteria for the standard or enhanced disclosure.

### 9.1. Frequency of disclosure

A further disclosure should be undertaken in the following cases: -

- When appointing a new employee from another employer,
- On re-appointment or re-election as a school governor,
- If there is a break in service of three months or more,
- If there is a move to a post with significantly greater responsibility for children,

- No later than three years from any previous check providing the person remains in a post which is subject to disclosure checks
  - or if the employer, school, further education institution or LEA has grounds for concern about an employee's/applicants suitability to work with children.
- 9.2. Before taking on an individual from an employment agency or employment business the school or FE college must obtain written confirmation from the agency that the checks that the school or FE college are required to carry out on their employees have been carried out by the agency. See paragraph 17 for further details regarding temporary staff.
- 9.3. Teachers seeking positions in further education, where they will be dealing only with students over 18 years of age, (unless they fall within the definition of a vulnerable adult) will not be entitled to a Standard or Enhanced Disclosure check, as such positions are not covered by the exceptions to the Rehabilitation of Offenders Act 1974. However, List 99 checks must still be obtained.

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## **10. Existing Employees who have not previously required a disclosure check**

- 10.1. Existing employees may as a result of changes to regulations or working practices be required to undertake CRB disclosure checks during the course of their employment with the council. All employees will be expected to comply.
- 10.2. Line managers, in conjunction with HR Advisers will identify employees who require disclosure checks, and the relevant level of check, against the criteria.
- 10.3. Employees will have no right to refuse to comply with this request, as Peterborough City Council is under a duty to adhere to the statutory requirements of e.g. the National Care Standards Commission.
- 10.4. Any existing employee refusing to comply with the request for a full CRB disclosure check will be advised that their deliberate and unreasonable refusal to carry out, lawful and safe instructions issued by an appropriate manager/supervisor, and/or to comply with a contractual agreement, as per item 2.1.8 under Section 2.0 "Gross Misconduct" will lead to the employee being instructed to attend a disciplinary hearing.
- 10.5. Any existing employee – not already checked - who is working in a role where checks are required will generally have a full CRB disclosure check every three years. However, this will vary according to circumstances and re-checks will be carried out more frequently than three years in some service areas.

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## **11. Existing Employees re-checks**

- 11.1. Existing employees who have been checked and who continue in a role where checks are required will generally have a full CRB disclosure check every three years. However, this will vary according to circumstances and re-checks will be carried out more frequently than three years in some service areas. Whilst there are no published timescales within which CRB disclosures should be renewed best practice suggests that renewal should take place at least every three years to strike a balance between the appropriate level of safeguarding and the efficient management of risk.
- 11.2. Employees will have no right to refuse to comply with this request, as Peterborough City Council is under a duty to adhere to the statutory requirements of e.g. the National Care Standards Commission.
- 11.3. Any existing employee refusing to comply with the request for a full CRB disclosure check will be advised that their deliberate and/or unreasonable refusal to carry out lawful and safe instructions issued by an appropriate manager/supervisor, and/or to comply with a contractual agreement, as per item 2.1.8 under Section 2.0 "Gross Misconduct" will lead to the employee being instructed to attend a disciplinary hearing.

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## 12. Existing Employees - Adverse Disclosure Results

- 12.1. It is acknowledged that disclosures may reveal unspent convictions for existing employees, which the council was unaware of.
- 12.2. The line manager and the employee should be advised immediately that the CRB check has revealed information about a criminal record.
- 12.3. The employee may confirm or refute the information provided by the CRB. A range of options may be pursued by the HR Adviser in conjunction with the employee's line manager. This may include further checking with the CRB. It may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable adults, property / information / resources etc pending the outcome of a full investigation.
- 12.4. Only after a full appraisal of the situation, including the risks involved, and other alternatives should dismissal be considered. It should be considered whether the conviction is relevant to the post. Evidence of previous convictions should not be used to dismiss a person for poor job performance. The track record of the individual should be carefully assessed. If it is satisfactory, this should be considered positively.
- 12.5. If the Disclosure results are considered to be not serious, and do not impinge upon an employee's ability to work in their existing role, the line manager should inform the employee accordingly in writing. Failure to give full consideration to the circumstances of the conviction may be considered unreasonable.
- 12.6. If the Disclosure results are considered to be of a serious nature and proved to be correct the manager may consider various options. Paragraph 5 provides further information. Options include: -
  - Termination of employment
  - redeployment pending the availability of a suitable vacancy,
  - the introduction of safeguards, or
  - moving the employee to a more suitable job,
- 12.7. If the manager decides to consider termination of employment then the employee must be informed in writing and a hearing held in line with the disciplinary procedure. It may be that there are no suitable duties the employee could undertake during this period, which do not bring them into contact with children/vulnerable adults. If this is the case, the manager must give serious consideration to placing the employee on paid leave pending the outcome of the disciplinary hearing.
- 12.8. Where a Chief Officer of Police releases information from local police records relevant to the post following an enhanced disclosure this will not be revealed or discussed with the employee but will be taken into account when the decision regarding the future of the employment is taken.
- 12.9. It should be noted that failure to give further consideration to anyone who has failed to disclose an offence might be considered unreasonable.
- 12.10. Failure to disclose convictions on an application form may also result in disciplinary action – para 2.1.5 of the Disciplinary Procedure applies.

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## 13. Countersignatories & Verifiers

Before any verification of documents or CRB disclosures is undertaken, verification of document training must be carried out. This training is mandatory. A central record of trained employees is held in the HR Support team. All countersignatories will also receive verification training.

## 14. Volunteers

Applicants for voluntary posts that involve contact with children and/or vulnerable adults will need to have a CRB Disclosure check at the appropriate level. **The definition of volunteer taken from the 1997 Police Act (Criminal Records) Regulations 2002 is 'a person who performs any activity which involves spending time, unpaid (except for travelling and other out-of-pocket expenses), doing**



something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.

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## 15. Acting as an Umbrella Body

- 15.1. An umbrella body is one, which countersigns applications and receives disclosure information on behalf of other employers or recruiting organisations.
- 15.2. The Council is registered with the CRB as a 'limited umbrella body.' The Council does not openly provide a commercial service to external bodies but can conduct checks on behalf of other organisations to whom the council provides HR and/or Payroll services, or other partner organisations it may from time to time chose to support (e.g. sports clubs, children's services provided by voluntary organisations etc).
- 15.3. Before acting as an Umbrella Body the council will take all reasonable steps to ensure that the client organisation can comply fully with the CRB Code of Practice and has adopted appropriate policies and procedures. The council will enter into a written agreement with the organisation outlining its duties and responsibilities.

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## 16. Portability

Portability refers to the re-use of a CRB Disclosure, obtained for a position in one organisation and later used for another position in another organisation. With effect from 1 April 2006 this practice is no longer endorsed by the CRB due to the risk factors involved. It is also council policy that CRB checks are non-transferable in any circumstances.

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## 17. Agency workers, Contractors

- 17.1. Heads of Service must ensure that where agency or contractor workers are supplied to carry out duties within the council the manager obtains written confirmation from the agency that the relevant CRB disclosure check has been carried out and is satisfactory before the individual commences work with the council.
- 17.2. Where there is disclosed information on the CRB check then the manager must obtain a copy of the CRB disclosure from the agency before the individual commences work with the council to allow a proper assessment to be undertaken.
- 17.3. Where there is 'soft information' provided by the Chief Police Officer then the agency cannot provide the council with a copy of that information. The Head of Service would need to carry out a repeat disclosure if they still wanted to use that person.
- 17.4. Heads of Service must ensure that the contract with the agency imposes an obligation on the agency to carry out the same checks as the council would for its own staff in advance of the work starting. **It is essential that these checks are up to date and renewed in accordance with this policy (Para 9.5 and 10.5 refers).**

## 18. Applicants who have worked overseas or been resident overseas in the past five years

- 18.1 The CRB can only access criminal records held on the Police National Computer. The Police National Computer does not hold details of convictions, cautions, reprimands or warnings made outside of the United Kingdom. A CRB check will not provide details of an overseas criminal record that may or may not exist.
- 18.2 All persons who are appointed to a post requiring a CRB check must still undergo a CRB check regardless of their length of stay in the UK.
- 18.3 However, for those new arrivals to the UK they must provide in addition to all documentation in relation to the Immigration requirements, and the CRB requirements, a STATEMENT OF GOOD CONDUCT to cover the time period in their own country. This

Statement of Good Conduct is usually provided by the relevant embassy or police force and is arranged by the applicant. This document should be considered along with the internal risk assessment process and all other employment checks before taking a decision regarding appointment. Particular care must be taken with the other required checks – especially those of identity and qualifications – and references must be obtained from previous employers.

- 18.4 The definition of new arrival is applicants who have worked or been resident overseas in the previous five years. This includes citizens of the UK who have worked or lived overseas.
- 18.5 There are a limited number of countries where it is possible for the council to make its own enquiries to overseas authorities. Details of these countries are held by the CRB or from your HR support team. However, the CRB is not responsible for the information provided or the length of time it takes for it to be returned.
- 18.6 Where the applicant is:-
- unable to provide all the documentation listed within this paragraph,
  - or the information contained within the documentation gives cause for concern
  - or the risk assessment identifies any risk
- Then the decision must be taken not to appoint.

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## **19. Statement of main terms and conditions of employment**

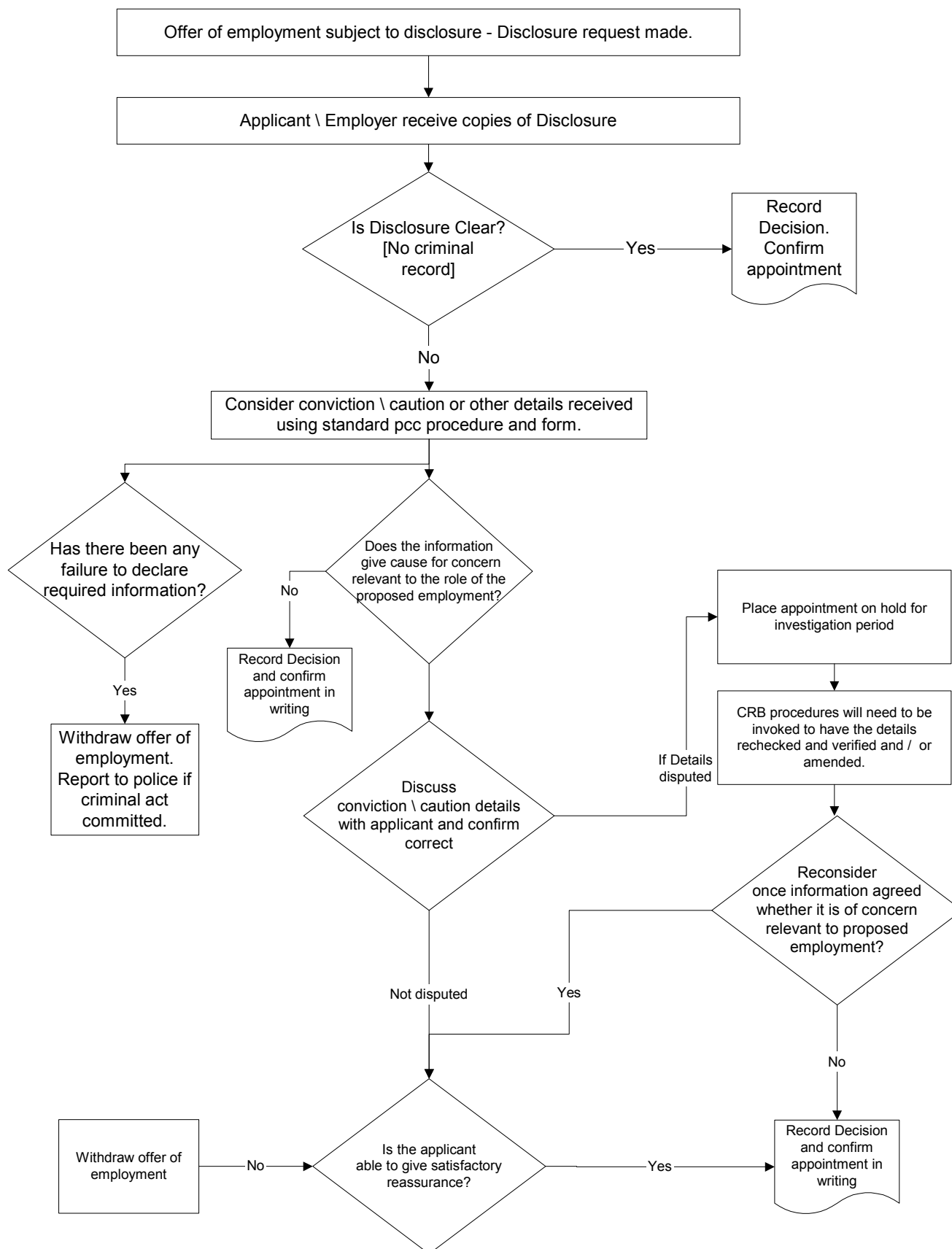
The following paragraph will be placed in the statement of main terms and conditions of employment for all employees: -

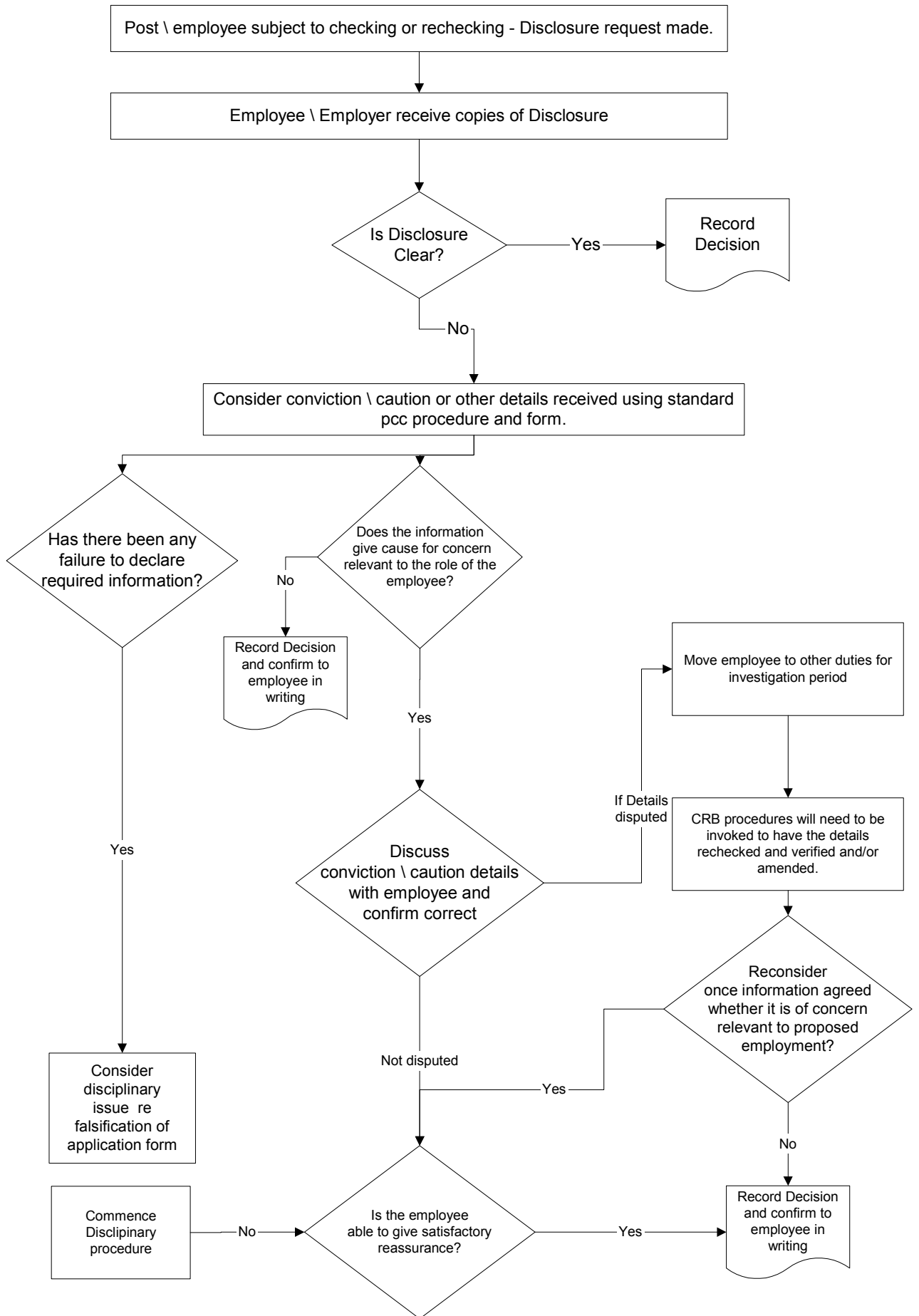
‘Certain posts are, or may become subject to checks through the Criminal Records Bureau or other official agencies. This will involve both initial checks and re-checks at an interval appropriate to the position. These checks may either be to meet a statutory requirement, or at the Council's discretion in order to protect service users, staff or council assets. Employees are required to comply with the checking process where it is or becomes applicable. The Council will operate these checks to the CRB Code of Practice or other relevant standards and policies, copies of which are available on request’.

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## **20. Protection of Vulnerable Adults**

The Care Standards Act sets out obligations in relation to individuals in care positions involving regular contact with vulnerable adults. There is a statutory requirement on providers of care to check if an individual is included on the POVA list prior to appointment to a care position.





**Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures & Disclosure information**

**1. General principles**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, Peterborough City Council complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act (1998) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

**2. Storage & Access**

Disclosure information is never kept on an applicant's personal 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.

**3. Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. 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 has been requested and for which the applicant's full consent has been given.

**5. Retention**

Once a recruitment (or other relevant) decision has been made, the council does not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six-months, we will consult the CRB about this and will give full consideration to the Data Protection and Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Where a unit is subject to an inspection by the Care Standards Inspectorate disclosures will be retained until the next annual inspection, and no longer.

**6. Disposal**

Once the retention period has elapsed, the council will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The council will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, the council may keep a record of the date of the issue of the Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference of the Disclosure and the details of the recruitment decision taken.

**Policy statement on the recruitment of ex-offenders**

1. As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Peterborough City Council complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
2. Peterborough City Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
3. We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
4. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, (which may include those with criminal records). We select all candidates for interview and appointment based on their skills, qualifications and experience and their ability to meet the requirements listed in the person specification attached to the job description.
5. A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all job adverts and person specifications will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
6. Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Peterborough City Council and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.
7. Unless the nature of the position allows Peterborough City Council to ask questions about the entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act (ROA) 1974. All posts where work is with children or vulnerable adults is classed as an exemption and therefore the applicant for the check must declare any reprimands, cautions, warnings, bind-overs, or convictions on the application (including those regarded as 'spent') if they are applying for a post working with children or vulnerable adults.
8. We ensure that all those in Peterborough City Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act (ROA) 1974.
9. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
10. We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.
11. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

**Having a criminal record will not necessarily bar you from working with us.** This will depend on the nature of the position and the circumstances and background of your offences.

**POSITIVE TRACE ASSESSMENT (CRB DISCLOSURES)**

Where a CRB certificate indicates a caution, conviction, charge or other record, the manager should undertake an assessment of whether or not the prospective employee can be offered appointment, or, if an offer has already been made, whether the employee can be confirmed in post. Managers are strongly advised to seek the advice of their HR Business Partner/Business Relations Manager if they receive a positive trace on a CRB disclosure.

A Positive Trace Assessment must be completed in every case, in order to ensure that the decision-making process is clear and consistent. Once completed, if the appointment is confirmed, the form should be kept in a sealed envelope in the employee's personal file. If the decision is taken to withdraw the offer of employment, or not to proceed with the appointment, the Positive Trace Assessment should be retained in a sealed envelope with the recruitment papers.

*SECTION 1: To be completed by the HR Recruitment Team*

Job Title	
Post Reference (if applicable)	
Name of Applicant	
Date interviewed	
CRB Certificate No.	
Date CRB returned	
Name of Appointing Manager	

*SECTION 2: To be completed by the Appointing Manager*

Does the applicant meet all the essential criteria for the post i.e. skills, knowledge and ability?	Yes	No
Is the type/nature of offence(s) directly relevant to the post? (see <a href="#">Guidance Notes</a> at the end of this form)	Yes	No
Please provide details:		

<b>When did the relevant offence(s) occur?</b>	Less than 2 years ago	More than 2 years ago
<b>Is there a pattern of related offences?</b>	Yes	No
<b>Is there a pattern of unrelated offences?</b>	Yes	No
<b>In what context/ circumstances did the relevant offence(s) occur?</b>		
<b>Is this still relevant today?</b>	Yes	No
<b>Please provide details:</b>		
<b>Was the relevant offence(s) committed at work (paid &amp; unpaid employment)</b>	Yes	No
<b>What level of independence will the post holder have?</b>	Close Supervision	Minimal Supervision
<b>Does the applicant demonstrate a determination not to re-offend?</b>	Yes	No
<b>Did the applicant declare the relevant offence(s) on his/her application form?</b>	Yes	No
<b>What response did the applicant give when questioned about the offence(s) revealed by the CRB?</b>		
<b>Have references been received? (written/verbal)</b>	Yes	No
<b>What do the references say about the applicant's suitability for the post?</b>		
<b>In light of the above does the applicant constitute an unacceptable 'risk'?</b>	Yes	No
<b>SECTION 3: <i>Managers assessment</i></b>		
<b>Name:</b>		





## Guidance Notes for Positive Trace Assessments process

### Recruitment of Ex-Offenders

These guidance notes are taken from Peterborough City Council Criminal Records and Employment of Ex-Offenders Policy and are provided as a reminder of the types of offences that the Council considers high risk when employing an individual to work with children or vulnerable adults.

### Work with Children

Under the Protection of Children Act 1999 and the Criminal Justice and Courts Services Act 2000, **it is unlawful** for the Council to employ persons, regardless of any mitigating circumstances, who may have regular contact with children who are either:

- included on the list maintained by the Secretary of State for Health of people judged to be unsuitable to work with children. Unsuitability includes but is not limited to previous convictions. Referral to the list must be made by a "childcare organisation" if the person concerned was employed in a post involving the care of children and commits misconduct (whether or not within the course of his/her employment) which has harmed a child or put a child at risk of harm;

OR

- **subject to a disqualification order**

Under part 2 of the Criminal Justice and Court Services Act 2000 individuals convicted of one of a list of specified sexual and violent offences against a child or of supplying Class A drugs to a child are liable to disqualification from working with children. There is a qualifying threshold for a disqualification order – the offender must have received a sentence of 12 months or more imprisonment or detention or the court believes the offender is likely to commit a further offence against a child.

Offenders given a disqualification order are prevented from applying for, offering to do, accepting, or doing any work in a regulated position. This includes working with children in paid or unpaid positions whose normal duties involve caring for, training, supervising, or being in sole charge of children, and positions whose normal duties involve unsupervised contact with children under arrangements made by a responsible person, for example a parent.

Examples of 'working with children' extend from babysitting to working as a school teacher and from working in a local authority education or social services department to voluntary work at a boys football club. They also include positions whose normal duties include the supervision or management of another individual who works directly with children, for example a member of a school governing body.

A person who is given a disqualification order commits an offence if he or she knowingly applies for, offers to do, accepts, or does any work with children. It is also an offence for an individual knowingly to offer work with children to, or procure work with children for, an individual who is disqualified from working with children or to allow such an individual to continue in such work. Both offences have a maximum penalty of five years imprisonment and/or a fine.

The Council will not employ persons to work with children who are banned from working with children for the reasons detailed above. Similarly, the Council will not employ persons who appear on the Department for Children, Schools & Families List 99.

## High Risk Offences

It is the Council's normal policy to consider it a high risk to employ persons, who may have regular contact with children **if they have been convicted at any time, with** the following offences:

- Murder;
- Manslaughter;
- Rape;
- Other serious sexual offences;
- Grievous bodily harm;
- Other serious acts of violence
- **Serious Class A drug related offences**
- **Robbery/Burglary/Theft; and/or**
- **Deception/Fraud**

**(please note this section applies to those persons not subject to a disqualification order)**

## Work with Vulnerable Adults

It is the Council's normal policy to consider it a high risk to employ persons, who may have regular contact with vulnerable adults **if they are subject to a disqualification order or have been convicted at any time, with** the following offences:

- Murder;
- Manslaughter;
- Rape;
- Other serious sexual offences;
- Grievous bodily harm;
- Other serious acts of violence;
- Serious class A drug related offences;
- Robbery/burglary/theft; and/or
- Deception/Fraud.

APPENDIX 6

<p><b><u>RISK ASSESSMENT FOR COMPLETION IF HEAD OF SERVICE IS CONSIDERING ALLOWING A NEWLY APPOINTED EMPLOYEE TO COMMENCE WORK BEFORE THEIR CRB RESULTS ARE RECEIVED.</u></b></p> <p><b><u>New employees should not commence work pending CRB results. This should only be considered in exceptional circumstances. UNDER NO CIRCUMSTANCE MUST ANY INDIVIDUAL COMMENCE WORK BEFORE (A) LIST 99 HAS BEEN CHECKED AND/OR (B) IF THEY HAVE DECLARED THAT THERE ARE CAUTIONS/CONVICTIONS ON THE RECORD.</u></b></p> <p><b>A Risk Assessment must be completed in every case, in order to ensure that the decision-making process is clear and consistent. Once completed, if the appointment is confirmed, the form should be kept in a sealed envelope in the employee's personal file. If the decision is taken to withdraw the offer of employment, the risk assessment should be retained in a sealed envelope with the recruitment papers/leaver file.</b></p>		
<p><b><i>SECTION 1: To be completed by the Line/Appointing Manager /Head of Service</i></b></p>		
<b>Post to be filled</b>		
<b>Date post became/becomes vacant</b>		
<b>Name of Applicant</b>		
<b>Date interviewed</b>		
<b>Type of Check</b>	Enhanced	Standard
<b>CRB Certificate No. (taken from the completed CRB form, which must have been sent to CRB prior to commencement)</b>		
<b>Date disclosure form sent to CRB</b>		
<b>Has the candidate declared any previous cautions/convictions?</b>	<p>If the applicant has put an "X" on Section H – "Do you have any unspent criminal convictions?" on the CRB Disclosure Application Form – (the 'X' signifies that they do have a conviction) – then <b><i>under no circumstances are they to commence employment.</i></b></p> <p><b>TAKE NO FURTHER ACTION UNTIL FORM RETURNED.</b></p>	
<b>Does the person have List 99 &amp; Medical Clearance?</b>	Yes	No
<b>Name of Current/Last employer. Details of post held:</b>		
<b>Length of service with current/last employer</b>		
<b>Has there been a break in employment since last employed?</b>		

<b>Has this been satisfactorily explained by the candidate?</b>		
<b>Has advice been sought on any matter from the HR Business Partner? If so provide details</b>		
<b>Is the post essential to the provision of a statutory service?</b>	Yes	No
<b>Does the Appointing Manager have references from a recent work related referee which contain no reservations regarding suitability to work with children/young people/vulnerable adults. Provide information.</b>		
<b>Is the line manager confident that it will be possible to supervise the person at all times?</b>	Yes	No
<b>Is the line manager confident that the person will not be given any responsibility for high risk activities (i.e. overnight stays, sports activities etc)</b>	Yes	No
<b>Will it be possible to offer work for a period of time which does not involve sole or close contact with children?</b>	Yes	No
<b>In light of the above does the applicant constitute an unacceptable 'risk'?</b>	Yes	No

**SECTION 2: To be completed by the department Director or equivalent**

**Name:**

**Declaration:**

I understand the City Council's policy on appointment pending CRB disclosure results. I have discussed this with the Head of Service and HR Business Partner and having considered the above assessment, I believe the applicant does / does not\* constitute a risk for the following reasons:

Therefore, the applicant should / should not\* be offered this post.

<b>Signed</b>	
<b>Date</b>	
<b>SECTION 3: To be completed by the Head of Human Resources or Lead Signatory for the Council</b>	
<b>Head of HR or Lead Signatory</b>	I agree / disagree* with the decision to appoint /not appoint* the applicant for the following reason(s):
<b>Signed</b>	
<b>Date</b>	
	<p><b>To be completed by the Appointing Manager</b></p> <p>I confirm that this appointment is essential to the safe operation of my service. I confirm that I have obtained references from at least one referee with recent and relevant knowledge of the employee and am satisfied that the referee has no reservations re. the applicant's suitability to work with children/young people/vulnerable adults.</p> <p>I confirm that a list 99 check has been carried out and I have written confirmation of a satisfactory outcome.</p> <p>I confirm that I will follow the councils CRB policy in respect of supervision, activities undertaken etc.</p>
<b>Signed</b>	
<b>Date</b>	
<b>Name of buddy assigned</b>	
<b>Date of first review</b>	No more than one month after commencement

Please ensure that this form is retained for future reference

<b>Employment Committee</b>	<b>Agenda Item No. 5</b>
<b>18<sup>th</sup> September 2008</b>	<b>PUBLIC REPORT</b>

Contact Officer(s):	Gillian Beasley, Chief Executive	Tel. 452390
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### **Delivering the City's Ambitions – Proposed Senior Management Structure**

R E C O M M E N D A T I O N S	
<b>FROM : Chief Executive</b>	
It is recommended that the Employment Committee:	
<ol style="list-style-type: none"> <li>1. Considers the changes to the senior management structure proposed by the Chief Executive.</li> <li>2. Recommends any appropriate actions in response to the proposals prior to implementation by the Chief Executive under her delegated powers.</li> </ol>	

#### **1. PURPOSE AND REASON FOR REPORT**

- 1.1 The purpose of this report is to inform Employment Committee of the outcome of the consultation held in respect of proposals for a new senior management structure and to advise the Employment Committee of the action the Chief Executive intends to take as a result of that consultation in taking the new senior management structure forward. The Chief Executive has the delegation at 3.17.2 g to determine such changes, subject to the employment committee's delegation at 2.3.1.5.a to consider and recommend appropriate actions where necessary in response to such executive proposals.

#### **2. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
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#### **3. BACKGROUND**

- 3.1 Attached at Annex 1 is the consultation document which was published on 6 August 2008 and explains the background to the proposal for changes in the Council's senior management structure. In essence, the city as a whole as well as the City Council have many challenges to meet, not least the growth and regeneration agenda but also the need to ensure that services and the quality of life improve for all our communities and neighbourhoods. In the light of those challenges, the Leader and Deputy Leader of the Council asked the Chief Executive to review the fitness for purpose of

the current management arrangements, giving due consideration to the Council's ambitions for the city and the areas where the Council needs to focus its improvement efforts in service provision.

- 3.2 The consultation document was sent to all directors, heads of service and assistant directors, as well as other managers who were affected by the proposals. Before the consultation document was published, the Chief Executive saw all senior managers affected by the proposals personally so that they were aware of the changes proposed and the reasons for them. The consultation document was also sent the trade unions in accordance with the requirement to consult with them, and to the Cabinet and Group Leaders. The Chief Executive saw each of the group leaders before the consultation document was published to outline the proposals going forward.

#### 4. Consultation Responses

- 4.1 22 consultation responses have been received from directors and heads of service. The level and detail of the consultation responses reflects the strong engagement and commitment of the directors and heads of service to this review. Both directors and heads of service have used this opportunity to look at the proposals broadly from an organisational perspective but also at their individual roles and how they might better deliver services within them. The level of engagement in this review is particularly encouraging for the future of the organisation and each director and head of service will receive an individual response to what they have proposed explaining how their ideas will be taken forward in the future.
- 4.2 For the purpose of this paper, the consultation responses are summarised in Annex 2 and this paper comments on the broad areas which emerged from the consultation and proposes how the Chief Executive's proposals will respond to those consultation responses.

#### 5. Our challenges - where we are now

- 5.1 The original consultation document identified a number of challenges which are facing the city and the council. The focus that the consultation paper gave to those challenges generally fitted with the view of the directors and heads of service. Most senior managers recognise the need to focus on customer management, service and care and the need to further break down silos within departments to ensure good customer service. There was also strong support for the case made to move away from an operational focus at the corporate management team, allowing heads of service to focus not only on their own service area but also to work across functions using their capabilities more effectively within the organisation. Finally, there was strong support for the case made that members should be better supported. One member response advocated that in the emerging neighbourhood management structure the council should nominate officers as key contacts for local councillors on service issues. The Chief Executive thinks this is a sensible idea and it will be followed up through the implementation of the new arrangements.

#### 6. The solutions - where we need to be

- 6.1 The consultation document identified a number of changes to the management structure as well as ways of working which the consultees were asked to comment on. There was good support and general welcoming of the proposals, with massive support for the Leadership Programme and Workforce Development initiative. Many senior managers recognise the need for them to develop their skills and capabilities in leadership and the Chief Executive has had further discussions with Stanton Marris, the organisation working with the council, to develop a specific programme to be rolled out in autumn to address leadership issues within tiers one and two of the organisation.
- 6.2 There was strong support for the proposals on senior management arrangements and the redefinition of the roles between the corporate management team and the broader senior management teams of heads of service and assistant directors. There is a real appetite from this tier to develop their capabilities and tackle the corporate challenges we face. There is a real feeling that the heads of service and assistant directors' skills are under-utilised as a cohesive tier



of management, and a welcoming of the case for senior managers to account through more robust performance management arrangements for the success or otherwise of their services.

- 6.3 In relation to specific changes in posts, there is general recognition of and support for the need for a new role of Deputy Chief Executive and for the repositioning of Human Resources within that division. The strong focus on growth and regeneration within that role was also welcomed, as well as the additional capacity that this role will give in supporting the Chief Executive.
- 6.4 The role of Executive Director Operations was widely supported but consultees quite rightly agree that further discussions are required as to how services from other departments, and particularly from those from Strategic Growth and Development, are migrated into the Operations Directorate. The heads of service particularly affected by these changes are actively in discussion with each other as well as directors affected about how this can successfully be managed. The Chief Executive expects those discussions to continue during the transition of those services into the new Operations Directorate. The contribution that the consultees have made to this discussion has been enormously helpful in ensuring that all matters are properly considered.
- 6.5 The new title of Commercial Services Director is welcomed, as is our planned migration away from the perception that City Services is uncompetitive or poor quality to a sharper, more commercial, focus in the future. Concern has been expressed that the Commercial Services Director does not appear as a member of the corporate management team and the concerns are accepted by the Chief Executive so that, for the time being, the Commercial Services Director will have a place on CMT to enable that director to engage with the broader strategic issues which affect his service, whilst the council considers a move to an arms length management organisational arrangement.
- 6.6 Some consultees commented on the proposal to create an Environmental Partnerships Director within Opportunity Peterborough, endorsing the city's aspirations to be an environmental capital and supporting this new focused leadership role.
- 6.7 In relation to the heads of service roles, there was broad support for the changes being proposed to the Head of Strategic Growth and Development and a positive indication that the heads of service that will inherit the operational remit will work effectively to ensure that those services are properly integrated into their own services. There was strong support for merging the operational neighbourhood services with the Head of Culture and Recreation which more effectively brings together service provision in neighbourhoods to allow us to plan for neighbourhoods and their services in a more effective and focused way.
- 6.8 Some responses to the consultation document made a case for the integration into one function of a greater number of "street pride" services – for example, the maintenance of street signs, street furniture and bus shelters could be better integrated with other street cleansing and litter management activity. The Chief Executive intends to deal with this as one of the issues to be addressed by the project that is considering migrating City Services into an ALMO, and do not consider it to be of such a size that it will trigger changes to senior management roles.

Moving on to regulation, some responses to the consultation document explained changes taking place nationally with respect to an agenda the government calls "the simplification of business regulation". Under this banner, efforts are being made to reduce the number and frequency of contacts made with businesses by different organisations with a regulatory mandate.

This agenda is intended to drive changes to local government's interface with business. It will involve a mixture of better information management and information technology; simplified and more coherent account management; more skilled utilisation of risk-based models to determine the lightness (or heaviness) of touch to be used with different businesses and sectors; and better planning and delivery of the front-line service operations themselves.

The structure proposed as an outcome of this review can facilitate these developments – they will principally affect the services within the new Operations directorate - but it is sensible to note now that there will be a number of further phases of change to be worked through as a consequence.

- 6.9 The Head of Planning and Development is a role which was the subject of a separate review, and it is supported in moving forward our planning and building control service to respond to the demands of our growth and regeneration agenda.
- 6.10 Head of Business Transformation – the retention of this role and the configuration of services within its remit has been the subject of some comment by the consultees. Those heads of service who come within Business Transformation, which will include the Head of Customer Service and the Head of Integrated Waste Strategy, will work in that configuration for a time-limited period whilst the rapid transformation of their services is achieved. So, for example, in Customer Services there will be a planned programme led by the Head of Customer Services for the migration of more frontline services into the One Stop Shop and Call Centre and at an appropriate time agreed between the Head of Customer Services and Business Transformation, that service will be transferred to the Operations Directorate where it will eventually rest. Those heads of services affected by this model broadly support this approach but have commented that they would want clear timelines and goals to be established whilst under the Head of Business Transformation. The Chief Executive fully accepts the need to have project plans in place and dates agreed for when these services will migrate into their appropriate directorate in the council.
- 6.11 The potential role of Chief Information Officer (CIO) is being considered as part of the ICT transformation programme rather than as an outcome of this review. The programme sets out a series of business outcomes and outputs to be delivered by an ICT managed service partner with a likely commencement date of next summer.

A tender process is under way, and the exact scope of work will be informed by this competitive process. The role of Head of ICT is principally an operational role at present managing the team and running specific work programmes whereas any new role of CIO would be more strategic, acting as the commissioner of services and as the principal architect to enable ICT to better deliver business benefit.

It was accepted that given the nature of the change programme currently underway in this area bringing ICT under the business transformation banner was a sensible interim step.

- 6.12 The role of Head of Strategic Finance and Performance Improvement is supported although certain comments have been made about the wide remit of this post. These comments are legitimate and it is proposed to address this through adding some more business support capacity to this team.

## 7. Other issues raised in the consultation

- 7.1 During the course of this consultation other issues have been raised by heads of service which merit some comment in this report to Employment Committee. Having said this, as previously stated, the Chief Executive will respond personally to all the points made by the heads of service in taking this review forward.
- 7.2 Chief Internal Auditor – A number of consultation responses have made a legitimate point about the need for the Chief Internal Auditor to have direct access to the three statutory officers i.e. the Head of Paid Service, the Section 151 Officer and the Monitoring Officer. The proposed senior management arrangements do not take away the ability for the Chief Internal Auditor to have access to those statutory roles. The management review positions the Chief Internal Auditor for day to day management purposes under the Head of Strategic Finance and Performance Improvement, but for his statutory audit role we will preserve that direct access to the statutory officers.
- 7.3 Strategic Growth and Development – some consultees have made a legitimate point that they have direct input into the growth agenda of the city. Some like the City Centre Director have a strong strategic contribution to make to the development of the city centre as well as an operational role in managing various aspects of it. It is clear that there needs to be a strategic group of heads of service whose roles directly input into the growth agenda to come together with the Deputy Chief Executive to ensure that their input into this agenda is properly captured, and so the Chief

Executive will task the Deputy Chief Executive with ensuring that these heads of services are better engaged with the growth and regeneration agenda.

- 7.4 A number of consultation responses looked at the role of the Resilience Team Manager and made the case for this role to include health and safety as well as operational risk management. The Chief Executive believes that this is a sensible extension to this role and will task the Executive Director Operations in looking at how this can be achieved.
- 7.5 The new structures show a change in the title of the Director of Adult Social Services and Performance. Through the consultation it has become clear that the new title ascribed to this role is incorrect and the role should be entitled Executive Director – Adult Social Services and Performance. This reflects the statutory role that this postholder has as well as the joint appointment and responsibilities to the Primary Care Trust.

## 8. Changes to be made as a result of the consultation

8.1 Having considered all of the consultation, the Chief Executive plans to make the following changes to the proposals set out in Annex 1 as follows:-

- (a) that the proposed change of title in the consultation paper “Executive Director – Adult Social Care” be changed to “Executive Director – Adult Social Services and Performance”.
- (b) that for the time being the Commercial Services Director is a member of the corporate management team with the understanding that this role is a full director role within the organisation.
- (c) that the new roles set out within the consultation document at paragraphs 4.1 are created and that the summary of proposed changes to posts at paragraph 4.3 are also implemented.
- (d) that Stanton Marris extends their leadership programme to the corporate management team and the senior management team consisting of heads of service and assistant directors and this will form part of the learning and development strategy within the council to enable the changes that the consultation paper envisages in senior management leadership to be realised.
- (e) that the proposals for moving operational services into the Operations Directorate and into Customer Services are further pursued as part of a transition plan and in discussion with the relevant heads of service whose roles are affected by the removal or addition of services to their roles.
- (f) that each consultation response submitted by the consultees is responded to and that ideas whose scope extends beyond the review are discussed in directorates and taken forward if appropriate.
- (g) that further work be done to ensure that members have proper support and points of contact within services under the new neighbourhood management arrangements. The Head of Customer Services and the new role of Head of Culture and Neighbourhood Services will be tasked with the responsibility to achieve this objective.
- (h) all members of council, through their political groups, will be briefed on the changes to the senior management structure.

## 9. ALTERNATIVE OPTIONS CONSIDERED

The Senior Management Structure could have been left in its current state. This option has not been pursued as the Chief Executive does not believe that the current structure enables the Council to meet its current challenges. Similarly, no alternative revised structure is being recommended, since after appropriate consideration and consultation, it is the Chief Executive's view that the proposed structure is the most suitable to enable the challenges to be met.

## 10. IMPLICATIONS

a) **Legal** – the Chief Executive has appropriate delegations to enable her to determine these changes having regard to the proposals of the relevant Cabinet Members for the services affected, and the Leader of the Council. Proper consultation processes have been followed, and where the proposals have an impact on specific individuals, appropriate legal advice has been followed. The actions taken by the Chief Executive in respect of the proposals are legally sound, and decisions have been taken in accordance with the City Council's HR policies and procedures.

b) **Financial**

The costs have been based upon the likely outcome of the review, and are in accordance with the Council's policies on Redundancy and Pensions. In addition it includes short term and one-off costs relating to the transition to the new structure.

Year	£k	To be financed:
2008/09	304	Savings in existing cash limits
2009/10	278	2009/10 MTFS
2010/11 – 2013/14	56 p.a.	Future MTFS
2014/15	Nil	

c) **Human Resources**

The review has been conducted in line with Council policies. Consultation was for a period of 30 days and the Trade Unions were formally notified. During consultation Directors and Heads of Services were given the opportunity to feedback their comments and questions. Responses to the review have shaped the Chief Executives conclusions which are captured within this report. Impacts on individuals will be managed in line with Council policy.

## 11. BACKGROUND DOCUMENTS

In accordance with the Local Government (Access to Information) Act 1985, background papers used in the preparation of this report were:-

None.

The individual consultation responses referred to in this report are the result of personal and confidential correspondence between Directors, Heads of Service, and the Chief Executive.

There is no obligation to disclose those responses in this section as they disclose exempt information, that is, information relating to, or likely to reveal the identity of an individual. As these are background documents, and not a part of the report, there is no obligation to include them in an exempt report – paragraph 8.1.2 of the Constitution – Access to Information rules – applies.

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## **DELIVERING THE CITY'S AMBITIONS – CONSULTATION ON PROPOSED SENIOR MANAGEMENT STRUCTURE**

### **1. Introduction**

The Sustainable Community Strategy states:-

“Peterborough is a place of both great opportunities, building on considerable existing strengths, and major challenges, reflecting a variety of historic and more recent developments to the built and social structure of our city and its surrounding area”.

No city can deliver those opportunities and meet those challenges unless the Council has the right people delivering the right things in the right place at the right time with the right tools.

In that light, the Leader and Deputy Leader asked me to review the fitness for purpose of the current management arrangements, giving due consideration to the Council's ambitions for the city and the areas where the Council needs to focus its improvement efforts in service provision. This paper is for consultation and I am therefore open to feedback and ideas from all those involved in this review on my proposals.

### **2. Context**

The city's ambition is often couched in terms of its growth agenda, 25,000 new homes and 20,000 new jobs by 2021. The growth agenda is certainly ambitious, but our attention must also be on delivering good quality services and improving the lives of all of our diverse communities in Peterborough.

The Sustainable Community Strategy 2008-21 sets out 4 key priorities:-

- Creating Opportunities – Tackling Inequalities
- Creating strong and supportive communities
- Creating the country's environment capital
- Delivering substantial and sustainable growth

The Council has approved this strategy which blends the ambition of growth with the need to improve the lives of all our citizens and in particular those suffering inequality for whatever reason.

To a great extent, delivering our growth ambitions and building a stronger economy will impact positively on those inequalities; however that will come in time and the Council and its partners recognise that they must act now to improve service provision and tackle inequality. The Council has also approved a strong local area agreement which acts as a delivery tool for the Sustainable Community Strategy.

In today's world, councils have to respond to factors and influences outside their direct control. The challenge of migration is one example as too is the well named “credit crunch”. How well this Council responds to these challenges and innovates will be vital to ensuring we manage impacts from these external forces well.

Against this context, this paper now examines the main internal and external challenges which must be immediately addressed.

### **3. Our Challenges – Where we are now**

#### **3.1 Service Transformation and Operations Management**

Peterborough has a traditional structure for managing service operations which is based on placing those services within a departmental structure. This creates a patchwork of service operations, which at the moment produces some excellent, some good, some satisfactory but also some poor services. The time for tolerating mediocrity and failure is gone. We have demonstrable success for some of our services in using modern management techniques and up-to-date IT. These techniques need to be rolled out to all our services. We also need to use the experience of those services who have succeeded in service transformation to help those who must now embrace transformation.

In local government, professional qualifications are highly valued but operations management capabilities are mostly unrecognised. Typically, direct labour organisations (DLOs) such as City Services and other functions such as leisure that experienced competition under the Compulsory Competitive Tendering (CCT) regime display an understanding of operations management – but the Council runs many more service operations that are essentially using approaches designed by professionals with sometimes limited understanding of good operational management disciplines. We need an operations management framework that assures a certain consistency of quality across all service operations, and management development processes to sustain this framework.

There are also trading operations in the Council that are severely hampered by regulation. We have recognised that City Services needs to be allowed to operate with greater commercial freedom if its offer is to remain competitive – and also so that it can provide a stronger income stream by serving new customers by migrating to an arms length management organisation (ALMO). We have also begun to generate income through selling on our successful approach to business transformation. But the Council contains a number of other trading operations, most of which have not had their potential for growth properly examined. If these services were developed further under an ALMO then the Council could gain substantially over the longer term.

### **3.2 Migration and Community Cohesion**

Peterborough has always been immensely proud of its diversity and the way, over decades, it has successfully integrated new communities into the city.

The diversity of the city has increased substantially since the A8 countries joined the European Union in 2004 and this has brought economic benefits to many of our businesses and public sector organisations but has also brought many challenges to our settled communities and to the ability of public services to respond, mainly because of the scale and pace of this migration. The Council has risen to this challenge through its award winning services like New Link and the strategy for cohesion crafted by the Cohesion Board (a partnership body sitting under our Local Strategic Partnership). The government has recently published its Migration Action Plan, which pledges to provide a better way for areas, like Peterborough, to officially record its population on which its funding settlement from government is based. There is a two year time lag on this, so we must continue to build on our cohesion work to ensure we manage the impacts on our city in a positive way, both economically but also for those citizens who, day to day, are affected by the changes in their communities.

### **3.3 The Environment**

The global challenge of climate change is now well known. The Council has approved a climate change strategy which it is currently implementing. The Sustainable Community Strategy has as one of its priorities “creating the country’s environmental capital”. The challenge for the Council is how we respond dynamically to this agenda in delivering growth, managing our service operations, managing our buildings and procuring services. Great strides have been made, because there is a serious commitment in the council to this agenda.

This commitment now needs to be backed up by further resource and at a senior level. In discussions with key partners it is clear Peterborough has many of the component parts to be ‘the environmental capital’ but lacks the necessary resource to link the many plans, projects and programmes together.

### **3.4 The Economy and Growth**

The credit crunch will force slippage in the growth programme and economic realities may make some of the vision unaffordable for some time. We need to examine whether the Council could utilise its and others resources to keep the flow of investment to ensure key projects continue to run.

The growth agenda is highly visible within the council and across our partnerships, and there is lots of activity associated with its promotion. But fundamentally, as the current slowdown in local development shows, the Council’s and Opportunity Peterborough’s (OP) role is an enabling one. If developers and the investors who finance new investment don’t believe market conditions are right for them to proceed with a scheme, then most schemes will have to await more advantageous market conditions.



Of course, we can't affect global, national or even regional economic trends. But we have been working hard with OP to explore the feasibility of using our balance-sheet strength and the quality of our revenue streams to introduce some new capabilities into the growth arena locally. These approaches might position the council as a stakeholder/investor itself in some schemes, providing the kick-start needed to get development going that otherwise would be paused. And, of course, the Council has valuable assets and income streams which can assist in this situation.

On the same theme, we follow the crowd in our approach to borrowing and to money management. Our borrowing is about to rise significantly as we invest more in infrastructure and capital assets over the coming years. Our approach to financing such investment is accordingly being actively reviewed at present, because we have come to understand how we may be limiting ourselves to sub-optimal financial arrangements. Yet within our sphere of operation – think of the housing stock transfer or the PFI financing arrangements for our new schools – we know that just as projects and operations are actively managed, so are the finances enabling those projects and operations to take place. There is a reason for that active management: it achieves a financial return for investors. This has meant that we have left the “upside” to private investors and so we need to explore ways in which some of that “upside” comes back to the public purse for reinvestment in the city.

### **3.5 Council's Finances**

The Council has two years left of a three year financial settlement from government, but against a backdrop of increased inflation which will put pressures on the Council finances. The Council's medium-term financial strategy (MTFS), which delivers the pledge for continued low council tax increases will require continual active management. In the longer term, the administration wishes to explore the feasibility of reducing the burden it places on local taxpayers by generating more significant income streams through trading and business ownership.

We have every right to be proud of what has been achieved financially over the last few years. We are managing our adult social care budgets effectively with the PCT, we manage our corporate finances well, and now, very rapidly we are moving to better manage finances in children's social care. But fundamentally, we remain utterly dependent on taxes to function. If we can develop sustainable sources of income from trading and business ownership these can replace some of the income we raise through local taxation, reducing the burden we place on local communities without affecting services.

### **3.6 Other service challenges**

Three service areas require particular mention and they are Development Control and Human Resources.

#### Development Control

We have recognised the need to significantly improve our development control operation and Scrutiny Committee have helped identify key areas for improvement. The service needs to adjust to its new environment which is one where there will be significant investment over the next 20 years or so in the city.

Good work is under way, but to date we have struggled to find the right leadership in this area of business. We are now close to implementing a sensible new set of management and operational arrangements for the development control service. Finding senior people with the right skill sets to lead the new service will be a challenge, but once achieved, there are good prospects for building an exceptional service which generates above-average contributions to its costs via fee income from key business accounts.

#### Human Resources and workforce

Service transformation and good operations is as much about having high calibre staff, skilled and motivated staff as having good processes and systems. Our HR function is, like development control, undergoing major transformation, adopting modern HR management approaches and implementing business systems. There is still a distance to travel, and there is still far too much emphasis on paper-based systems and reporting and permission-gathering for insignificant issues while big problems remain untouched. We need to make more extensive use of our HR software platform. Having said this, considerable work and now success is being achieved by a strong focus on leadership development of all our managers.

In addition, HR and business transformation have lead the launch of the Leadership Academy for over a hundred of our key tier three managers.

The leadership programme has evolved from our staff survey which strongly identified the need to develop managers so that they could lead effectively and tackle poor capability and misconduct in the workforce. Our long term future must be in developing our talent locally, within Peterborough City Council and within our partners. We can then effectively use the skills of the private sector to add value, capacity, capability and to take risk as appropriate to drive, and deliver, our key priorities. Feedback from the Leadership Academy cohort of tier three managers indicate that there is a leadership deficit and challenge for Tier 1 (Directors) and Tier 2 (Heads of Service) senior managers. My proposals must address this.

A powerful, effective, HR function has to operate within the heart of any organisation and have the authority to do the things required to build a talented and capable workforce for the future.

### Children's Services

In the last six months, under the leadership of an interim Director, considerable transformation has taken place in this service. Some of the transformation has focussed on business process re-engineering to support improved outcomes in childrens' social care and educational attainment. Realignment of Assistant Children's Director and Director roles to support these improved outcomes has also taken place.

A new Director has been appointed who will continue with this transformation process supported by the Business Transformation team and the Council strives for a three star service. At this stage, due to the progress made, I will be making no proposed changes to the structures in the Children's Services.

## **3.7 Customer Management, Service and Care**

Businesses selling to customers would be delighted to enjoy access to customer data in the volumes and of the quality we have; they would also dearly love to enjoy customers' trust at the levels we achieve. Local Government has traditionally not maximised this resource to ensure its business better meets customer need. In Peterborough, whilst we have had success in building a customer service centre, we must accelerate our efforts to build a fully integrated customer-focused service desk that uses information management modern IT to "remember" who customers are: to access their transactions; or to enable them to use self-service methods over the web or by phone.

Linked to this point, there is only one part of the Council (Children's Services) that has begun fundamentally to re-engineer its approach to customer management. In Children's Services, the task is being progressed as it would be in a business: demand is being analysed to identify patterns that will enable customers to be segmented according to their needs and preferences. In other parts of the Council, we still expect our customers to organise themselves to fit in with our departmental silos. We know that people seeking help with housing needs will probably need assistance with benefits and are more likely than most people to have circumstances that require support from social care teams. We know that many people progressing planning applications for small extensions will need help from a building control service. Therefore, looking forward, we need to be proactive on using this type of knowledge, saving us and our customer's time and reducing the cost of handling separate enquiries in separate departments at different times.

## **3.8 Senior Management**

Turning now to the senior management arrangements. Our Corporate Management Team (CMT) which consists of myself, the Directors and Solicitor to the Council, is still too operational and "hands on" managing the organisation. CMT needs to move towards operating like a board of a large business, focusing sharply on performance and handling strategy. The operational focus of CMT crowds out the capabilities of our Heads of Service who should be managing their own operations. We also constrain our Heads of Service by asking them only to work inside their narrow silos. Further, there are considerable variances in job size within the Head of Service tier which needs to be resolved.

Finally, reviewing the impact of some of the challenges on my role, I know it is evident to many officers and members that too much of my time is taken up with handling complaints, and fire-fighting which should have been competently handled elsewhere in the organisation. This impacts on my working hours and my ability to deliver against my targets and goals. Any proposals I put forward must address these issues.

### 3.9 Performance Focus and Inspection

Knowledge of how to deploy performance management effectively in the Council is common place. We are steadily developing the knowledge and ability to use performance management techniques to improve areas of our services which are not performing well e.g. performance clinics, solutions centre. We need to mature and accelerate these techniques so that people are focusing their efforts on the right things. This focus needs to be extended to the partnership arena to enable the Council and its partners to respond to our new inspection regime, Comprehensive Area Assessment (CAA) and the extension of Ofsted's mandate and culture into Children's Social Care.

### 3.10 Value for Money

Moving away from traditional management approach Directors and Heads of Service will be tasked to drive further cost savings from outdated structures and working practices. This approach has served us well in Children's Services and in our Benefit Service.

### 3.11 Member Services

During the course of the last year some members from all groups have approached me with a number of criticisms as to how the Council works. The criticisms can be categorised as follows:

- Not knowing who to go to for information
- Not receiving information asked for in a timely fashion
- Officers not understanding the member's role
- Being passed from one Officer to another without resolution

I think these criticisms are legitimate and need to be addressed in the context of this review.

The proposed structure set out in paragraph four will bring clarity in addressing these issues, by improving service operations and by bringing them together into one place. In addition, I plan to publish a directory to all members that clearly signposts them to key contacts that will be able to help and answer their enquiries without being passed around the organisation.

## 4. The Solutions – where we need to be

I am conscious that the Council has undergone significant change in the recent past and so I have adopted the strategy that "if it's not broke don't fix it". Having assessed the challenges, I do not believe that this Council needs to go through major structural change, as much has been achieved already by the organisation responding positively to the business transformation agenda. However, there are some changes that I propose which, taken together, address many of the challenges set out above.

In addition, I take the strong view that developing the capability and skills of our workforce must be a priority and so the continued and long term investment in the Leadership Academy as well as addressing all our workforce must be a funded part of the Council's agenda going forward.

### 4.1 Proposed senior manager roles and secondment

The proposal introduces three new senior manager roles and a secondment:

**Commercial Services Director** – a new title for the Director of City Services, who would focus on preparing the ALMO, with the portfolio holder likewise preparing to work through a management board. The Commercial Services Director would in the interim be part of the partnership structure (comparable to Opportunity Peterborough) in the Deputy Chief Executive's division.

**Executive Director - Operations** – leading on service delivery, the Executive Director - Operations will drive service re-design, customer service improvement and the introduction of a consistent service management framework. This post is intended to deliver a step change in the performance of those service operations not clustered within Children's Services or the ALMO. Service operations from the Chief Executive's Department, such as neighbourhood services, community safety and housing options would be migrated to be managed under this new role. The new director role will work extensively with business transformation to complete the

step change in our approach to service improvement, introducing a customer-centre desk and over time removing duplication, multiple case handling and thereby cost.

The post requires an extensive public service background in operational efficiency, front-line customer service delivery and a passion for process improvement. Understanding our neighbourhoods and organising our services around delivery to the citizens will be paramount.

**Deputy Chief Executive** – My focus is, and will be on, leading the Council and Peterborough externally as we increasingly need to drive and deliver growth. To enable this to function effectively there needs to be a more senior role than the current Assistant Chief Executive position with explicit deputy responsibilities.

In addition the deputy role will assist in reducing the management time which I currently have to spend on operational and organisational issues. The new role will take our people resource into the heart of our organisation and lead a more sharply focused growth function. The rationale for moving HR to this role is set out below. The removal of operational responsibilities from the Head of Strategic Growth and Development, as set out below, will allow concentration and effort on the key strategic aspects of the growth agenda and its delivery alongside Opportunity Peterborough.

One key activity the Deputy Chief Executive will carry out is the management of the council's performance management framework as it applies to directors. This will not replace my one-to-ones, but it will enable me in those meetings to focus on the bigger picture and take a wider view, confident that the delivery agenda is dealt with effectively in other settings. This approach also allows the Deputy Chief Executive to progress some of the strong initiatives that have been commenced over the last year that are enabling us to pinpoint, diagnose and take actions to address performance issues, ensuring that the performance management of the most senior employees is coherently nested within the wider performance management framework .

**Environment Partnerships Director** – If we are serious about our commitment as a City to becoming 'environmental capital' resource is required at the most senior level to drive the joint programme through Opportunity Peterborough. Opportunity Peterborough is keen to ensure that existing expertise within the partnership drives forward their programme of change. I am in discussions with their Chief Executive regarding a possible secondment post to lead not just the individual workstream within Opportunity Peterborough but the partnership's commitment more generally to 'environment capital' status. Details of the draft Opportunity Peterborough job description are appended to this paper.

Opportunity Peterborough intend this post to be the voice of the City on environmental matters working closely with the Council and its partners to ensure we seek out, act on and deliver opportunities consistent with the priority we have committed to.

**Members of the current CMT** - There are no proposals to change the role of Director\* of Adult Social Care and Performance, Director\* of Children's Services and Director of Public Health. There are proposed changes to the title and Heads of Service reporting to the Director of Strategic Resources. The proposed new title of Executive Director - Resources is as set out below and it is proposed to remove HR from that Directorate, It is proposed that the roles of Assistant Chief Executive and Director of Environment and Community Services are deleted and the roles of Deputy Chief Executive and Executive Director – Operations created as above.

\*There are job title changes to 'Executive Director – ' in the proposed structure documentation

### Human Resources

It is absolutely plain to me that poor people management leads to poor morale, lost productivity and inefficiency. I want a workforce where everyone knows exactly what they have to do; why they are doing it; where problems are recognised and the workplace culture means they are fixed on the spot; where people are stretched, challenged, and supported to succeed; where future workforce requirements are understood, planned for, and proactively managed; within which future leaders are identified and developed, building a great "bench" for senior posts; and where you don't have to be a hero and sacrifice your personal life to do a great job because the business and management systems support and enable your work. I propose to bring HR into my department to the heart of the Council, so that we can accelerate the HR transformation which is not yet delivering the outcomes required.

### Head of Service roles

The proposal will not just strengthen the tier itself, but will make it much more capable of working as a “bench” for Director positions, and make the roles more attractive to high-calibre managers.

The realignment of the Heads of Service roles go hand in hand with a strong emphasis on shared responsibilities and objectives, and performance management as a team.

The main changes are:-

- **Head of Strategic Growth and Development** – I have set out the ambitious agenda for growth in the city and to better facilitate the Peterborough City Council lead role in this. I propose that a more strategic Head of Strategic Growth and Development post focuses specifically on growth, economic development and infrastructure. The post will also be responsible for our critical external partnerships, especially with Opportunity Peterborough, and will drive bids for enhanced infrastructure funding.
- **Head of Cultural and Neighbourhood Services** – To effectively deliver the Council's cultural and community strategies we need a more effective service which brings culture, community and neighbourhood services together. The new role builds on existing post of Head of Cultural Services by adding the operational services including neighbourhood teams, community safety and New Link which are taken from the current role of the Head of Strategic Growth and Development, enabling that role to concentrate on the strategic growth agenda.
- **Head of Environment, Transport and Engineering** – Joining together the front line operational services within the transport, engineering and environment services provides the linkages we have been looking for both as part of the planning transformation and to deliver an integrated transport plan.

This new role builds on the existing post of the Head of Transport and Engineering by adding environmental and trading standards services, pest control and licensing.

- **Head of Planning and Development** - As a key role in delivering the growth of the City, this post will take responsibility for integrating the new planning and building control service together with responsibility for planning obligation agreements, their structure, resourcing and delivery with key partners.

This is a new role which requires a detailed operational focus on the customer together with a commercial approach to key accounts with developers, agents and the private sector in general.

- **Head of Business Transformation** – Business Transformation is the place where major step change happens. For this purpose the role is augmented, temporarily to manage, alongside the efficiency programme, three key corporate programmes, all currently at different stages of transformation; Customer Service, ICT and the Waste programme. These areas have been identified as needing some short to medium term challenge and are critical to the strategic business transformation of the Council and particularly to significantly improve customer service both internally and externally. Moving whole services into one place further evolves the business transformation operating model. It will create fit for purpose services which maybe repositioned within the organisations structures when exiting from its transformation, plus leave a legacy of skills, knowledge and experience which will be valuable in the continuation of delivering the overall change agenda. It is proposed that the Head of Customer Services will move into this area and report to the Head of Business Transformation. The emphasis and focus for the role will be to lead the project to deliver efficient and accessible services. The ICT service is in the process of moving to a managed service environment which will change the nature of the service significantly both in operational terms and in the requirements placed on the service going forward. A new role of Chief Information Officer is proposed to lead the Council in terms of overall ICT policy direction, business analysis, service oriented architecture and information management and governance. Pending the creation of this new role, and while these proposals are being developed, the Head of ICT will be managed by the Head of Business Transformation. A new role of Head of Integrated Waste Strategy is proposed to deliver the outcomes from within the Waste Strategy and as with the other two roles will also report to the Head of Business Transformation.

- **Head of Strategic Finance and Performance Improvement** – The Council is rightly proud of its financial prudence and use of resources score, being the most improved council this year. To further enhance our joined up approach to financial governance this role builds on the existing post of Head of Strategic Finance and Corporate Performance by the addition of audit and revenues and benefits which sit better in a group finance function. The posts of Chief Internal Auditor and Revenues and Benefits Manager to report to the Head of Strategic Finance and Performance Improvement

#### 4.2 Finances

The restructure proposals are about building capacity at senior level within the Council. The proposals contain some one-off costs which will be funded from the Capacity Reserve. It is expected that the efficiencies demanded of the new team will drive out further cost savings from the structures

#### 4.3 Summary of proposed changes to post

##### **Posts proposed for deletion**

Assistant Chief Executive  
 Director of Environment and Community  
 Head of Environment and Public Protection  
 Head of Planning Services

##### **New posts proposed**

Deputy Chief Executive  
 Executive Director – Operations  
 Head of Planning and Development  
 Head of Integrated Waste Strategy

##### **Post with proposed content change**

Director of Strategic Resources (New Title: Executive Director – Resources)  
 Head of Strategic Growth and Development  
 Head of Cultural Services (New Title: Head of Cultural and Neighbourhood Services)  
 Head of Transport and Engineering (New Title: Head of Environment, Transport and Engineering)  
 Head of Strategic Finance (New Title: Head of Strategic Finance and Performance Improvement)

##### **Posts with no proposed change to job content or reporting line**

Solicitor to the Council  
 Director of Children's Services  
 Director of Adult Social Care and Performance  
 Children's Services Assistant Directors: Commissioning and Performance; Families and Communities; Learning and Skills, and Resources  
 Head of Business Transformation (temporary post)  
 Head of Strategic Property  
 Head of Legal Services

##### **Posts with proposed reporting line changes**

Director of City Services and a proposed job title change to Commercial Services Director City Services;  
 Head of Operations; Property Design and Maintenance, and Business Support Finance  
 Head of Human Resources  
 Chief Internal Auditor  
 Head of Customer Services  
 Head of ICT  
 Head of Corporate Communications  
 Strategic Planning Executive  
 Head of Business Support (2)  
 Revenue and Benefits Manager  
 City Services Director  
 Resilience Team Manager

### Senior Management Arrangements (CMT & SMT)

I want to move towards a broader senior management team (SMT) that links Heads of Service and Directors together – both would meet separately to handle different groups of issues, but also meet quarterly on a shared improvement agenda. The traditional second tier will be reclassified to represent a range of specific roles and the removal of the unwritten rule – ‘the role must report to a director’. This broader tier will give the organisation the breadth it needs at this level, a healthy mix of skills and expertise whilst increasing flexibility rather than embedded roles in silos. This will boost the attractiveness of the jobs to high-calibre managers, but also add capacity and capability, enabling the reconfigured CMT, with its more sharply-focused roles, to drive strategy. I want to engender a real culture of active management in which performance culture is not just about target-chasing but a source of strength that helps the business continually improve delivery – building better services for the people of Peterborough.

### Workforce Development

I have already described the leadership development programme the Council is investing in its managers and in particular tier three managers. This is vital to the success of the Council in delivering this agenda and will continue over the next few years. The programme is fully funded. Strong capable tier three and other managers are vital if we are to increase the size of some of the Head of Service roles. However, with the new CMT and SMT roles and responsibilities there will be a need to develop tier one (Directors) and tier two (Heads of Service/Assistant Directors) officers to match the new leadership capabilities of their direct reports, but also to plug the current leadership deficit identified at tier one and tier two at the moment.

To support this I propose a comprehensive programme post the restructure of individual and collective development for Tier 1 and Tier 2 leaders. The leadership capability of the organisation is critical to delivery of all our strategic goals, and, building on the Tier 3-focused Leadership Academy programme and the new management structure outlined here, it is timely and critical to introduce tailored development for the senior teams to help them deliver on their new roles.

I have commissioned Stanton Marris who will be introducing individual development support, including psychometric assessments and coaching by need, as well as more skills based training. We will also invest time and support now and over the next year in team development – for the Board and Heads of Service separately and as a group, as well as increasing the dialogue between this group and Tier 3 managers to embed effective leadership behaviours. In addition, we will work to understand the motivation and energy of staff more broadly to engage them and create a high performing culture across the organisation.

The investment in our employees, managers and senior managers has to sit firmly alongside any changes to structures or responsibilities as ultimately it is only well trained, motivated and skilled people that deliver.

## **5. Consultation process**

The Council hopes to minimise the risk of compulsory redundancies, as far as possible, by assimilating staff, where appropriate, into the new structures and by ring fencing appropriate other posts, in the new structure, to potentially redundant staff. Affected staff will be offered the opportunity of assimilation (where job match exists). It is possible that staff not accepting a change will be in a redundancy/termination situation as a result of the proposed changes. The Council will comply with its re-organisation procedure in connection with the proposed re-organisation.

## TIMETABLE FOR THE ORGANISATIONAL CHANGE PROCESS

2008: WEEK COMMENCING	WHAT
6th August 2008	Briefing of recognised unions/section 188
6th August 2008	Start of Consultation meetings
	Consultation and ongoing management review (30 days)
5th September 2008	End of Consultation
On or before 29th September 2008	Confirmation of outcomes, assimilation, ring fencing and offer/acceptance of change – where there is no impact on any appeals
	Appeals and selection process – ring fenced and external

### 6. Conclusion

- 6.1 Our plans are ambitious and our expectations high. The plans need delivering by the Council in partnership with our other public, private and third sector partners.
- 6.2 My proposals argue for changes to some senior management roles as well as continuing to support leadership training and development in the Council.
- 6.3 These proposals build a cohesive senior team, clear on its remit and focused on delivery. That delivery itself needs to focus on not only our growth and regeneration agenda but also improving outcomes for all of the communities this Council services through more effective service provision. Our culture must be demonstrably one of effective performance and resource management, efficiency, achievement and management of risk and this culture must be driven throughout our organisation.
- 6.4 I welcome feedback on my proposals as I want any changes I make to be robust and enduring. Feedback on alternative proposals would also be welcome as I appreciate the challenge that other views will bring to my thinking on this matter.



## Summary of consultees responses

During the consultation period consultees were invited to respond to the 'Delivering the City's Ambitions – Proposed Senior Management Structure' paper. Summarised below are the common themes to support the conclusion of the consultation.

Personal responses will be made to all those who provided feedback to this review especially where specific questions and suggestion have been made and the need for further clarification.

### 1. Acknowledgements

- a. Genuine open process.
- b. Confidence that the structure will resolve many frustrations and anomalies that currently exist.
- c. Potential to improve services to customers.
- d. Repositioning of CMT and the strengthening of its role to a board of executive directors.
- e. Pleased to see the 'growth of the city' has a pivotal profile in the organisation and central to the delivery of the Council's strategic goals.
- f. Structure reflects the direction the Council is going.
- g. Massive support for the leadership programme which will underpin this change.
- h. The approach to the continuing transformation journey whereby whole services are moved into this area.
- i. Performance management; organisationally close to achieving this and further focus to improve commitment.

### 2. Operational realignment

- a. Many of the consultees took the opportunity to explore their own areas in terms of realigning smaller functions, and by doing so have identified potential efficiencies in line with the overall context set out in the consultation paper. Examples of some of the areas now being considered are:
  - (i) Risk Management
  - (ii) Health & Safety
  - (iii) Regulatory services
  - (iv) Street scene (street pride)
  - (v) Movement of frontline operational teams to like minded areas
- b. Where functions were not proposed to move but have been identified by the consultees as potential changes they are keen to be involved in the decision making process and ownership.
- c. Further efficiencies can now be seen, the review has acted as a catalyst.
- d. Operations Directorate will be large and diverse and as it takes shape it is suggested this is regularly reviewed.
- e. Comments on the rationale for HR moving to the Chief Executives office and to report to the Deputy Chief Executive as this is traditionally seen as a support function and the impact on 'Manor Drive PLC'.
- f. Concerns about additional workload for some Heads of Service and the capability/capacity of their teams.

### 3. Structures and ways of working

- a. Recognition that CMT and SMT currently does not work effectively as a senior management team and the need for both groups to operate differently.
- b. Challenges for CMT and SMT in establishing accountabilities.
- c. Leadership of this senior management team is critical and comments on how behaviours need to change across these two tiers is the key to its success.

- d. Concerns that the Head of Service tier is too large making it challenging to develop a 'board style' concept.
- e. The review has highlighted the need to look at interfaces between tier 2 and tier 3. Further clarity is asked for in terms of accountabilities and the variance in job size.
- f. Suggestion that consultees are invited to refresh their job descriptions as part of the implementation / transition plan.

#### **4. Governance**

- a. Recognition that line management arrangements will not restrict access to key people.
- b. Constitution changes to empower Heads of Service to deliver.

#### **5. Members**

- a. Support for the need to clarify for members which officer is accountable for what and where nobody is currently accountable decide who this should be.
- b. Members supported so they understand the changes.

#### **6. Strategic Partners**

- a. Alignment of partners to the new structure needs to be considered and further clarity provided

In summary, the feedback has focused on Heads of Service considering the implications for their structures and how they can best bring their plans forward for discussion. A transition plan will be developed to capture ideas, including engagement with Heads of Service, so these suggestions can be worked through and made a reality.

Shaping and developing CMT and SMT as a senior management team is seen as a positive challenge and an important one.

Concerns in relation to how tiers 1,2 and 3 interact and clarity around what the broad accountabilities for each tier include and how this aligns to succession planning and personal development.

Other questions and points of clarity raised by individuals are not covered in this summary as these are confidential and specific to them as consultees, personal responses are being prepared to cover this.