

EMPLOYMENT COMMITTEE

THURSDAY 22 NOVEMBER 2012
3.00 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Minutes of the Meetings Held on:**

3.1 **19 July 2012** 1 - 2

3.2 **19 September 2012** 3 - 4

4. **Changes to Employee Policies and Procedures** 5 - 38



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 Gemma George on 01733 452268 as soon as possible.

Committee Members:

Councillors: Fitzgerald (Chairman), Holdich (Vice Chairman), Cereste, Lamb, Khan, Swift and Sandford

Substitutes: Councillors: Walsh, Shearman and Fletcher

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

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**MINUTES OF A MEETING OF THE EMPLOYMENT COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 19 JULY 2012**

Members Present: Councillors Fitzgerald (Chairman), Walsh, Thacker, Lamb, Khan and Swift

Officers present: Lynn Neely, Head of Human Resources
Allison Sunley, Head of 8-19 Service
Amy Brown, Solicitor
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies were received from Councillors Cereste, Holdich and Sandford

Councillors Walsh was in attendance as a substitute and Councillor Thacker was in attendance as a nominated substitute for the duration of the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meetings Held on:

3.1 26 January 2012

The minutes of the meeting held on 26 January 2012 were agreed as a true and accurate record.

3.2 14 June 2012

The minutes of the meeting held on 14 June 2012 were agreed as a true and accurate record.

3.3 6 July 2012

The minutes of the meeting held on 6 July 2012 were agreed as a true and accurate record.

4. Changes to Employee and Procedures

The Committee received presentation of a report from the Head of 8 – 19 Services, on the Youth Work Grades and Responsibilities, following referral from the Joint Consultative Forum on 31 May 2012.

The report sought the agreement of the Committee to implement the employment policy to ensure the Council's policies remained up to date and legal.

The Employment Committee was requested to agree the following employment policy:

- i) Youth Work Grades and Responsibilities

Comments and responses to questions included:

- Youth Workers were on JNC pay arrangements and the level of work expected was set for the worker according to the level of qualifications they held;
- No back pay arrangements would be applicable to agreeing the Youth Worker pay grades and responsibilities;
- All Youth Workers were Criminal Records Bureau (CRB) checked prior to their appointment; and
- Salaries were set between eighteen thousand and thirty thousand and was dependant on what grade level the Youth Worker was at.

RESOLVED:

The Committee agreed to implement the following policy subject to the inclusion of the salary scales per grade within the policy document:

- i) Youth Work Grades and Responsibilities

5. Member Appointment to the Employee Appeals Sub-Committee

The Employment Committee received a report which outlined the requirements for the Committee to appoint three Members to the Employee Appeals Sub-Committee.

The report sought the appointment of three Members to the Employee Appeals Sub-Committee; these appointments were to be in accordance with political balance arrangements of the Council:

- i) Two Conservative Members; and
- ii) One minority Member.

Councillors Walsh, Thacker, Lamb and Swift were nominated.

Following a vote, Councillors Lamb, Thacker and Swift were duly elected as Members of the Employee Appeals Sub-Committee.

It was also agreed that Councillor Walsh would be appointed to the Employment Appeals Sub-Committee as a substitute.

RESOLVED:

The Committee appointed three Members to the Employee Appeals Sub-Committee, these appointments were in accordance with the political balance arrangements of the Council.

Chairman
3.00pm - 3.25pm

**MINUTES OF A MEETING OF THE EMPLOYMENT COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 19 SEPTEMBER 2012**

Members Present: Councillors Fitzgerald (Chairman), Cereste, Holdich, Swift, Sandford and Shearman

Also Present: Councillor Scott - Cabinet Member for Children's Services

Officers present: Gillian Beasley, Chief Executive
Mike Kealey, Advisor to HR
Gemma George, Senior Governance Officer

Also Present: Jon Houlihan, Gatenby Sanderson

1. Apologies for Absence

Apologies were received from Councillor Khan.

Councillor Shearman was in attendance as a Substitute.

2. Declarations of Interest

There were no declarations of interest.

3. Exclusion of Press and Public

In accordance with Standing Orders, Members agreed that agenda item 4 contained exempt information as defined by paragraphs 1, 2 and 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.

4. Interviews for the post of Director of Children's Services

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

RESOLVED: to appoint Ms Sue Westcott, who was currently employed as Assistant Director – Safeguarding Families and Communities at Peterborough City Council.

Chairman
9.30am – 12.30pm

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EMPLOYMENT COMMITTEE	AGENDA ITEM No. 4
22 NOVEMBER 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Cereste Leader of the Council and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital Cllr Walsh Cabinet Member for Community Cohesion and Safety	
Contact Officer(s):	Lyn Neely - Acting Head of Human Resources Diane Baker – Head of Governance	Tel. (01733) 384500 Tel. (01733) 452559

CHANGES TO EMPLOYEE POLICIES AND PROCEDURES

RECOMMENDATIONS	
FROM : Trade Union Representatives	Deadline date : N.A.
<p>It is recommended that Employment Committee agrees to implement the following employment policy and procedures:</p> <ul style="list-style-type: none"> i) Revision to the Redundancy Policy (Appendix A); ii) Revision to the Travel & Subsistence Policy (Appendix B); and iii) Data Incident Reporting Policy (Appendix C). 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Employment Committee following a referral from the Education Consultative Negotiating Forum and the Joint Consultative Forum on 11 October 2012.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to ensure that the Council maintains up to date and legal employment policies.

2.2 This report is for the Committee to consider under its Terms of Reference No. 2.3.1.2 'to determine employee procedures, including dismissal procedures' and 2.3.1.4 'to determine local terms and conditions of employment for employees'.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. BACKGROUND

4.1 Redundancy Policy

4.2 The existing redundancy policy has been revised to include those staff who are employed under teachers terms and conditions of service. This is to ensure that consistency applies to all directly employed staff across the council. It will also be shared with head teachers and recommended that it is applied to teachers in city council schools. The policy makes clear that the council will not agree to a release of pension on redundancy to teachers.

4.3 The revised draft (Appendix A) has only been amended to take account of the inclusion of the teachers. There are no further changes. An equality impact assessment was carried out which determined that this revision would not impact significantly on teachers.

4.4 Travel & Subsistence Policy

4.5 This policy has been slightly amended:

- To clearly specify the process to follow and forms to complete when an employee is making a claim for travel and / or subsistence. This is to ensure complete transparency and clarity for employees and their managers.
- To include the statement that those who are employed on a senior management scale may not apply for key user status.

4.6 The draft is attached at Appendix B.

4.7 Data Incident Reporting Policy

4.8 This policy has been introduced to outline the procedure to follow if a data protection breach occurs, and the potential employment implications of a breach.

4.9 The draft is attached at Appendix C.

5. CONSULTATION

5.1 The education and joint trade unions were consulted on the Redundancy policy at the Education Consultative Negotiating Forum on 27 September 2012. The joint trade unions were consulted on the Travel & Subsistence Policy and Data Incident Reporting Policy on 11 October 2012.

6. ANTICIPATED OUTCOMES

6.1 The proposed changes to the redundancy policy will ensure that all employees receive the same compensation arrangements in the event of redundancy. Teachers will not receive a pension in addition (unless they are able to claim an actuarially reduced pension due to their age and length of service).

6.2 The payroll department will reject claims that are not completed in line with the revised travel & subsistence policy. Managers will be clear that the key user status does not apply to senior management level posts.

6.3 Employees will have a reference point for understanding data protection issues and the process to follow in the event of a breach including the potential repercussions.

7. REASONS FOR RECOMMENDATIONS

7.1 These proposed changes are to ensure the council operates within frameworks that are lawful, best practice, transparent and consistent.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 The policies were considered against (a) those published by some other local government employers, plus (b) existing policies, to ensure a sensible, fair approach which took account of current legislation.

9. BACKGROUND DOCUMENTS

None

10. APPENDICES

- Appendix A - Redundancy Policy
- Appendix B - Travel & Subsistence Policy
- Appendix C - Data Incident Response Policy

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REDUNDANCY POLICY

1. Purpose of the Policy

It is the intention of Peterborough City Council to manage the organisation in a manner which results in secure employment for all employees.

The purpose of this policy is to ensure that, whenever reductions in employee numbers become necessary the council will:

- communicate clearly with all affected employees;
- consult with employees and recognised trade unions;
- try to find ways of avoiding compulsory redundancies; and
- ensure that any selection for compulsory redundancy is undertaken fairly and reasonably.

This policy does not form part of any employee's contract of employment. It may be amended from time to time.

2. Key Principles

The council will always try to avoid the need for compulsory redundancies but sometimes these may be necessary.

Where the council is unable to avoid reducing employee numbers the council will try to minimise the effect of redundancies through the steps set out in this policy.

The council will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

3. Avoiding Compulsory Redundancies

Where the council proposes to make redundancies, appropriate managers will enter into consultation with all affected employees on an individual basis and, where appropriate, also with recognised trade unions.

In the first instance the council will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies. Examples of such steps include:

- Reviewing the use of agency staff, self-employed contractors and consultants.
- Restricting recruitment in the affected categories of employee and in those areas into which affected employees might be redeployed.

- Reducing overtime to that needed to meet contractual commitments or provide essential services.
- Considering the introduction of flexible working arrangements, where these are practicable.
- Identifying suitable alternative work that might be offered to potentially redundant employees.
- Inviting applications for early retirement or voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter of our discretion and we reserve the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the council to do so.

4. Making Compulsory Redundancies

Where it is not possible to avoid making compulsory redundancies appropriate managers will be tasked with identifying which roles are at risk. The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet existing and anticipated business needs.

Where practicable, employees will be offered posts which are directly comparable with their present post without the need for formal selection processes. This is referred to as **slotting**.

If a post is available for slotting which is:

- of the same grade or of one grade difference and
- the accountabilities are similar to those of the redundant post and
- where there are more 'at risk' candidates than posts;

Employees will be placed into a **selection pool** (also referred to as **ring-fencing**). If other employees do jobs that are interchangeable, or do the same or similar work, line managers will consider widening the pool to include these employees.

Those employees who have been provisionally selected for redundancy will be consulted with individually and in accordance with the guidance set out in the following documents:

- Management Guidance on Redundancy Consultation Procedure - Non Pools
- Management Guidance on Redundancy Consultation Procedure - Pools
- Management Guidance on Redundancy Selection Criteria - Pools

Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contracts. Employees will be given the opportunity to appeal against this decision and further information can be found in the Council's [Appeals Policy](#) and [Appeals Procedure](#) available through InSite – Information Library/MyHR/Employee Policies.

Employees will also receive written confirmation of the payments that they will receive however the likely amount can also be calculated with reference to [Annex A](#).

Employees 'at risk' of redundancy will be advised of any recruitment opportunities until their termination dates. The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on

the circumstances existing at the time. Alternative employment may be offered subject to a trial period where appropriate.

Where an 'at risk' employee takes on a new or revised post as part of a re-structure, they may be entitled to a measure of protected basic pay if appointed to a post which carries a lower level of grade or remuneration. The protection will be:

- Full protection of contractual basic pay applicable to the previous redundant post for the first 12 months; followed by
- 50% of the difference between contractual basic pay applicable to the previous redundant post and the new posts for the next 6 months.
- Protection will cease after 18 months.

Pay protection excludes elements of variable pay. The level of protection given will be discussed prior to the employee accepting the new/revised post. Pay protection for teachers will be in accordance with the School Teachers Pay & Conditions document in force at the time.

Employees under notice of redundancy will be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

The council calculates redundancy based on an employee's actual week's pay multiplied by the number of statutory redundancy week's entitlement multiplied by an enhancement of 1.5.

Contractual pay is used to calculate an employee's actual week's pay i.e. no account will be taken of any salary sacrifice arrangements in place.

This policy will comply with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006, the Teachers Pensions Regulations 2010 and the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997.

5. Repayment of redundancy

Rejoining the council or joining another body listed under the Modification Order within 4 weeks of the date of redundancy:

If the Council gives the employee notice of redundancy and before the dismissal takes effect the employee receives an offer of employment from another body specified in Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, the individual will lose entitlement to a redundancy payment.

This only applies where the relevant body makes the offer of a new job before the end of the old contract and the employment starts within four weeks of the date of redundancy.

Where this situation arises, any redundancy payment received must be repaid in full by the employee/ex-employee. This includes both the statutory and enhancement element of the redundancy payment and any payment in respect of compensation for loss of office.

Re-engagement following redundancy more than 4 weeks following the date of redundancy:

It is council's policy that no employee who has been made redundant will be permitted to rejoin the council within 12 months of the effective date of termination without the specific approval of the Chief Executive. If permission is given then the amount equivalent to the enhanced redundancy portion of the redundancy payment must be repaid in full. Any repayment must be repaid in full prior to rejoining the council.

In exceptional circumstances the Chief Executive can agree for this to be paid in instalments and a repayment schedule will be agreed or for the repayment requirement to be waived.

For the avoidance of doubt, re-employment/re-engagement includes those rejoining the council regardless of their employment/contractual status i.e. rejoining as agency/temporary workers, casual/relief workers, fixed term contract workers, consultants or interims etc.

Recruiting managers who rehire a redundant employee without seeking approval in line with this policy will face disciplinary action which could result in dismissal for a first offence.

6. Pension

If you are aged 55 or over you may be entitled to receive early payment of your pension benefits but this will be in accordance with the LGPS/TPS scheme rules.

The city council will not normally agree to release retirement benefits to teachers who retire prematurely by reasons of redundancy below the age of 60 years.

Please follow the links below for comprehensive information:-

[Local Government Pension Scheme - Home Page](#)

[Teachers Pensions - Home Page](#)

Any individual who has previously retired on permanent ill-health, redundancy, or efficiency grounds from Peterborough City Council or an organisation falling with Schedule 1 of the Redundancy Payments (Continuity of Employment in local government etc) (Modification Order 1999 (regardless of whether with Peterborough City Council), is advised to contact the pensions administrators before accepting employment to ensure that they are fully aware of any implications regarding their pension.

7. Monitoring and review of the policy

This policy will be reviewed from time to time to ensure that it reflects our legal obligations and our organisational and business needs.

8. Further information

This Policy should be read in conjunction with the council's:-

- [Equality and Diversity Policy](#)

Available through InSite – Information Library/MyHR/Manager Guidance/Equalities and Employment

- [Management Guidance on Redundancy Consultation Procedures for Non Pools](#)

- [Management Guidance on Redundancy Consultation Procedures for Pools](#)
 - [Management Guidance on Compulsory Redundancy Selection Criteria for Pools](#)
- Available through InSite – Information Library/MyHR/Manager Guidance

REDUNDANCY READY RECKONER

		Service in years																		
Age in years	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17	1.5																			
18	1.5	2.25																		
19	1.5	2.25	3																	
20	1.5	2.25	3	3.75																
21	1.5	2.25	3	3.75	4.5															
22	1.5	2.25	3	3.75	4.5	5.25														
23	2.25	3	3.75	4.5	5.25	6	6.75													
24	3	3.75	4.5	5.25	6	6.75	7.5	8.25												
25	3	4.5	5.25	6	6.75	7.5	8.25	9	9.75											
26	3	4.5	6	6.75	7.5	8.25	9	9.75	10.5	11.25										
27	3	4.5	6	7.5	8.25	9	9.75	10.5	11.25	12	12.75									
28	3	4.5	6	7.5	9	9.75	10.5	11.25	12	12.75	13.5	14.25								
29	3	4.5	6	7.5	9	10.5	11.25	12	12.75	13.5	14.25	15	15.75							
30	3	4.5	6	7.5	9	10.5	12	12.75	13.5	14.25	15	15.75	16.5	17.25						
31	3	4.5	6	7.5	9	10.5	12	13.5	14.25	15	15.75	16.5	17.25	18	18.75					
32	3	4.5	6	7.5	9	10.5	12	13.5	15	15.75	16.5	17.25	18	18.75	19.5	20.25				
33	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.25	18	18.75	19.5	20.25	21	21.75			
34	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	18.75	19.5	20.25	21	21.75	22.5	23.25		
35	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.25	21	21.75	22.5	23.25	24	24.75	
36	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	21.75	22.5	23.25	24	24.75	25.5	
37	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.25	24	24.75	25.5	26.25	
38	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	24.75	25.5	26.25	27	
39	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.25	27	27.75	
40	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	27.75	28.5	
41	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.25	
42	3.75	5.25	6.75	8.25	9.75	11.25	12.75	14.25	15.75	17.25	18.75	20.25	21.75	23.25	24.75	26.25	27.75	29.25	30.75	
43	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	31.5	

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		Service in years																	
Age in years	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
44	4.5	6.75	8.25	9.75	11.25	12.75	14.25	15.75	17.25	18.75	20.25	21.75	23.25	24.75	26.25	27.75	29.25	30.75	32.25
45	4.5	6.75	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	31.5	33
46	4.5	6.75	9	11.25	12.75	14.25	15.75	17.25	18.75	20.25	21.75	23.25	24.75	26.25	27.75	29.25	30.75	32.25	33.75
47	4.5	6.75	9	11.25	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	31.5	33	34.5
48	4.5	6.75	9	11.25	13.5	15.75	17.25	18.75	20.25	21.75	23.25	24.75	26.25	27.75	29.25	30.75	32.25	33.75	35.25
49	4.5	6.75	9	11.25	13.5	15.75	18	19.5	21	22.5	24	25.5	27	28.5	30	31.5	33	34.5	36
50	4.5	6.75	9	11.25	13.5	15.75	18	20.25	21.75	23.25	24.75	26.25	27.75	29.25	30.75	32.25	33.75	35.25	36.75
51	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24	25.5	27	28.5	30	31.5	33	34.5	36	37.5
52	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	26.25	27.75	29.25	30.75	32.25	33.75	35.25	36.75	38.25
53	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	28.5	30	31.5	33	34.5	36	37.5	39
54	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	30.75	32.25	33.75	35.25	36.75	38.25	39.75
55	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33	34.5	36	37.5	39	40.5
56	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	35.25	36.75	38.25	39.75	41.25
57	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	37.5	39	40.5	42
58	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	39.75	41.25	42.75
59	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42	43.5
60	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	44.25
61	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45
62	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45
63	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45
64	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45
65	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45
66	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45
67	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45
68	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45
69	4.5	6.75	9	11.25	13.5	15.75	18	20.25	22.5	24.75	27	29.25	31.5	33.75	36	38.25	40.5	42.75	45

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Equality Impact Assessment:

Initial assessment – Redundancy Policy

What are the proposed outcomes of the policy?

The proposed outcomes of the redundancy policy were set out in an equality impact assessment which was undertaken the last time this policy was reviewed (June 2011). The proposed change currently being considered is to specifically include those who are employed under teacher's terms and conditions. There are no further changes. The only update to this EIA is to remove the data which was used initially. Data in this version relates to teachers who were made redundant in year 2011/12 who were (a) direct employees of the city council or (b) employed in schools on the city council payroll.

The policy aims to set out the formal steps that must be followed to ensure employees selected for redundancy are managed in a fair and equitable manner. To ensure that the process is used consistently. To help the council ensure that their approach to dealing with issues is compliant with legislation and best practice.

Managers and employees benefit by having a clear, consistent framework within which to manage redundancy situations. The procedure provides a framework which ensures fair treatment and consideration of alternatives to redundancy i.e.

- **Reviewing the use of agency staff, self-employed contractors and consultants.**
- **Restricting recruitment in the affected categories of employee and in those areas into which affected employees might be redeployed.**
- **Reducing overtime to that needed to meet contractual commitments or provide essential services.**
- **Considering the introduction of flexible working arrangements, where these are practicable.**
- **Identifying suitable alternative work that might be offered to potentially redundant employees.**
- Inviting applications for early retirement or voluntary redundancy.

Factors or forces which could contribute to or detract from delivery of the outcomes and success measures: Standard of day to day management within the organisation – managers need to be aware of the policy, their responsibilities and how to use it correctly.

The number of redundancies and their outcomes can be monitored through data from the council's payroll system. Training in the new policy has been incorporated into current redundancy training programmes and delivered to all managers when the council has been running voluntary redundancy programmes. Training entitled 'Investing in your future' was also offered to those individuals taking voluntary redundancy. Delegate's evaluation of these sessions was either good or excellent with very positive feedback including how the delegate's confidence was boosted, how it had inspired them and made them feel more positive.

It is likely that this or a similar programme would be organised if the council were to run another large scale redundancy exercise.

Which individuals or groups are most likely to be affected?

The main stakeholders in relation to the procedure are council employees, managers and trade unions.

Now consider whether any of the following groups will be disproportionately affected:

Equality Group	Note any positive or negative effects
Particular age groups	The HR Resource Link system is used to monitor and identify where any such trends may be occurring. Of the 10 leavers by reason of redundancy in the last financial year there is marginal evidence to suggest that those aged between 35-44, 45-54 and 55+ are disproportionately affected, however the majority of these were voluntary which doesn't allow for a clear judgement to be made. The procedure focuses on consistent and fair treatment irrespective of age. An emphasis on raising equality awareness through the training has been implemented with support provided for those who require it.
Disabled people	The HR Resource Link system is used to monitor and identify where any such trends may be occurring. Of the 10 leavers by reason of redundancy in the last financial year none were recorded as having a disability. The procedure focuses on consistent and fair treatment. An emphasis on raising equality awareness through the training has been implemented.
Married couples or those entered into a civil partnership	The procedure focuses on consistent and fair treatment irrespective of status. We are not currently collecting data on civil partnership but there are plans to extend our monitoring to this group at a later date.

Pregnant women or women on maternity leave	Data not available, however the procedure focuses on consistent and fair treatment irrespective of whether a woman is pregnant or on maternity leave.
Particular ethnic groups	The HR Resource Link system is used to monitor and identify where any such trends may be occurring. Of the 10 leavers by reason of redundancy in the last financial year none declared themselves to be from a minority or mixed ethnic group, however 4 of the 10 chose not to provide their ethnicity. Again this does appear to indicate that ethnicity is not an issue when redundancies are being decided. The procedure focuses on consistent and fair treatment irrespective of ethnicity.
Those of a particular religion or who hold a particular belief	The procedure focuses on consistent and fair treatment irrespective of religion or belief. We are not currently collecting data on religion or belief but the council is currently looking at whether to extend our monitoring to this group at a later date.
Male/Female	The HR Resource Link system is used to monitor and identify where any such trends may be occurring. Of the 10 redundancies in the last financial year 8 were female and 2 were males. Compared to the workforce composition of 70% female there is a marginally disproportional effect on females. However as the majority of the redundancies were voluntary this doesn't allow for a clear judgement to be made. The procedure focuses on consistent and fair treatment irrespective of gender.
Those proposing to undergo, currently undergoing or who have undergone gender reassignment	The procedure focuses on consistent and fair treatment irrespective of gender reassignment. We are not currently collecting data on gender reassignment but the council is currently looking at whether to extend our monitoring to this group at a later date.
Sexual orientation	The procedure focuses on consistent and fair treatment irrespective of sexual orientation. We are not currently collecting data on sexual orientation but the council is currently looking at whether to extend our monitoring to this group at a later date.

What information is available to help you understand the effect this will have on the groups identified above?

Most recent data from the HR Resource Link system indicates no differential impact on good relations between PCC and any of the stakeholders, or between any of the groups. It is very important however that where ever possible there is equity across the various terms and conditions of council employees.

Who will be the beneficiaries of the policy?

Council employees, managers and trade unions will benefit from the clear policy.

Has the policy been explained to those it might affect directly or indirectly?

When the update to this policy is agreed various communications will be sent to the affected employees. It will also be shared with those who provide HR and Payroll services to schools.

Can any differences be justified as appropriate or necessary?

N/A

Are any remedial actions required?

There is no clear evidence that the policy is or could be disproportionately applied to a particular group and therefore progression to a Full Equality Impact Assessment is not required.

Once implemented, how will you monitor the actual impact?

Monitoring will take place through the HR Resource Link System, redundancy database and through feedback from the teachers, their managers and HR team members.

Policy review date	31/08/2013
Assessment completed by	Karen Craig
Date Initial EqIA completed	31/08/2012
Signed by Head of Service	

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APPENDIX B **TRAVEL & SUBSISTENCE POLICY**

1. Purpose

This guidance is to cover entitlements and obligations in respect of working hours, travel, and subsistence allowances whilst undertaking council business.

2. Scope

This policy applies to all employees as far as possible. A different procedure may be necessary for certain employees, e.g. those based in schools, who are subject to procedures involving governing bodies.

3. Key Principles

Council business is any essential travel which is not to the employee's normal place of work whether for business or training reasons.

If the duties of the post require the employee to have a vehicle available for council business visits then a mileage allowance will be paid. The car must be insured for business use.

Workers with a business address:

Travel to and from the employee's normal place of work from the home address is not council business.

Workers without a business address:

The normal place of work for a permanent home worker will be their home address. Full details are given in the home working policy.

Any additional hours above the contracted hours per day must be approved before they are worked.

Every employee must take a 30 minute unpaid break and deduct this from their working hours where six hours or more have been worked.

Claims for payment (travel and hours) which are not regarded as appropriate, and/or for which prior approval has not been gained may be refused for payment.

Employees should report any errors to their line manager in respect of under or over payment of expenses or mileage payments at the point the error occurs.

4. Working hours – business visits

Where the council business visit starts from and ends at the normal place of employment within the standard working day then the working hours are claimed as worked. Travel may be claimed from the start point to the return point.

Where the most reasonable place for the council business visit to start and end from is the home address then the working hours may be claimed from the time of leaving and returning home. Travel may be claimed from the start point to the return point LESS the normal home to work return mileage.

Where the most reasonable place for the council business visit to start from is the home address but the visit ends at the normal place of employment then the working hours may be

claimed from the time of leaving home. Travel may be claimed from the start point to the end point LESS the normal home to work single mileage.

Where the council business visit starts from the normal place of employment but it is not reasonable to return there at the end of working day but to return to the home address then the working hours may be claimed until the time of returning home. Travel may be claimed from the normal place of employment as the start point to the return point LESS the normal home to work single mileage.

5. Learning & Development

When attending any type of learning and development opportunity for one or more days then the maximum hours which may be claimed are the contractual hours for that day or 7 hours 24 minutes. Additional hours may not be claimed. This includes training at or away from the normal place of employment, and where appropriate will include travelling time.

Where the training occurs for just half a day, e.g. a whole morning or afternoon (and/or the evening/night), then the maximum hours which may be claimed are half the contractual hours for that day or 3 hours 42 minutes. The other half day at work should be recorded as the number of hours actually worked.

6. Planning Travel

Council business visits must be planned sensibly taking account of safety, cost, convenience, distance, destination, time of day, the number of employees travelling and the place(s) at which the journey commences and ends. Wherever practicable, public transport at the lowest fare should be used.

The council encourages the use of sustainable methods of transport. Those employees who use a bicycle will receive a cycle allowance for approved council visits. The rates are given on the rate table. Alternatively a number of pool bikes are available in each department.

Where pool cars are supplied then a pool car must be used before an employee's private vehicle.

7. Travel by car

Employees travelling to the same place should travel together. The claim for mileage should be made only by the driver of the vehicle and never by the passengers.

Employees are responsible for ensuring that their vehicle is fully insured for council business visits, for carrying passengers, and for third party claims. Employees may be asked to produce their driving licence.

Any employee who is undertaking training to obtain qualifications that are necessary in the performance of their job must refer to their individual training agreement. Particular HMRC rules apply.

8. Expenses claims - mileage

Employees who claim mileage allowances must:

- Produce at least one VAT receipt to cover the fuel consumed on the council journeys for which the car mileage allowance is paid. The receipt must be dated on or before the earliest journey for which the mileage allowance is claimed.
- Record the milometer readings for each separate claim
- Provide a full explanation of each journey including names of passengers.
(If the passenger is a child or young person their identity must not be revealed.
e.g. The form should refer to the child as Child A, Children A,B).

- Clearly rule off the form after the last claim with a single line
- Submit the claim in the month following the journey

Claims not supported by a receipt, and/or not following these criteria will not be paid.

Claims over three months old must be authorised by the departmental Director.

It is the responsibility of every manager who signs a claim form to ensure that:

- The claim covers a valid journey
- Any expenses claimed were a valid expense
- The claim was for valid business reasons
- The claim complies with all relevant council policies
- The claim is accurate, complete and signed

Managers may check milometer readings in order to verify claims. Formal action will be taken against any claimant or manager who completes or signs an invalid claim.

9. Travel by train, plane, ferry & hotel bookings

All bookings **must only be made** via the corporate policy in place for procurement of travel and hotel accommodation. Only in extenuating circumstances (i.e. unavoidable emergencies) should employees make their own arrangements and claim back the costs via a travel and subsistence claim.

Where ever possible employees should avoid travelling when major events are occurring which result in increased costs for travel and hotel accommodation.

Hire cars are outside of the corporate policy. Employees may hire cars independently taking full account of cost, safety and fuel efficiency.

10. Subsistence (Meals & Accommodation)

Employees who incur additional expenditure as a result of council business that takes them away from their normal place of employment and/or home will be reimbursed – the maximum amounts are given on the rate table. Claims cannot be made where food and accommodation are supplied as part of a training opportunity.

Claims may only be made where a receipt supports the expenditure

Claims over three months old must be authorised by the departmental Director.

11. Expenses claims - subsistence

Employees who claim subsistence allowances must:

- Produce a VAT receipt to support each separate part of the expenditure.
- Provide a full explanation for each claim
- Clearly rule off the form after the last claim with a single line
- Submit the claim in the month following the expenditure

Claims not supported by a receipt, and/or not following these criteria will not be paid.

Claims over three months old must be authorised by the departmental Director.

It is the responsibility of every manager who signs a claim form to ensure that:

- Any expenses claimed were a valid expense
- The claim was for valid business reasons
- The claim complies with all relevant council policies
- The claim is accurate, complete and signed

Formal action will be taken against any claimant or manager who completes or signs an invalid claim.

12. Key User posts

Where a private vehicle is a vital requirement then the post will be classified as a 'key user' post. However, Key User status will not apply to those on a senior management pay scale or equivalent (as detailed on rate table).

Posts below senior manager will be assessed against set criteria for key user status and a decision taken in line with the key user process.

The status will sit with the post and not the person and may be removed if the requirements of the job change. Posts will be reviewed annually and the key user status removed if the post no longer qualifies. Key User status will be withdrawn if the post holder moves to a role that does not qualify.

13. Car Parking

Employees who travel to work by car will have the opportunity of purchasing a car parking permit under a salary sacrifice scheme. Salary sacrifice is not compulsory but personal choice. Eligibility is based on HMRC rules. The benefits of the scheme will be dependent upon each employee's personal circumstances.

There will be no charge for key user posts. However a permit will be issued.

Permit cost

The cost of the permit will be determined by the salary tiers outlined on the rate table. The tier will be reviewed annually. The permit cost for each employee will be based on the pensionable pay elements. Basic salary is assessed at the full time equivalent rate, in each post an employee holds at 1 April. The permit rate will be re-assessed annually on implementation/application (regardless of when the award is made) of the annual pay award. Re-assessment will take place at any point in the year in the following circumstances:-

Promotion	Demotion	Incremental progression	Pay Award	Acting up starts
Acting up ceases	Contractual allowance starts	Contractual allowance ceases	Increase in hours	Decrease in hours

Part time staff

The actual cost of the permit will be determined by the weekly contracted hours and reduced pro-rata to the hours worked.

Example – Miss A works 18.5 hours on Grade 5, Point 18. Her full time salary (for 37 hours) of £17161 puts her into permit band 3. The full cost of a band 3 permit is £320 per year. The cost to Miss A per year is £160 as she only pays for the hours she is contracted to work.

Salary Sacrifice

A salary sacrifice happens when an employee gives up the right to receive part of the pay due under the contract of employment. The sacrifice is made in return for the employer's agreement to provide the employee with a non-cash benefit. The terms and conditions of employment relating to pay would be varied. Where an employee agrees to a salary sacrifice in return for a non-cash benefit, they give up their contractual right to future cash remuneration.

The HMRC rules will apply to those who have taken up the salary sacrifice option. To comply with these regulations employees must intend to commit to be in the scheme for a minimum of 12 months. During this time it is not possible to leave the scheme unless as the result of a

significant change in personal circumstances (major 'lifestyle change'). Full details regarding the implications of salary sacrifice are outlined in the Salary Sacrifice document.

Change of circumstances

In normal circumstances the charges for each permit will be effective from 1st April – 31st March each year providing payment continues. Lifestyle choice or a change to financial circumstances, home address, work address, use of public transport etc will allow employees to opt in/out of the permit scheme once in any twelve month period, or more than once in extenuating circumstances. A minimum of one month's notice must be given to leave the scheme.

Occasional User permits

For those who only need parking for their car on an occasional basis then it will be possible to purchase a daily permit at a reduced rate. Salary Sacrifice will not be an option with these permits.

Special Permits

There may be circumstances where special permits are issued for specific locations. This will only be where there are extenuating short term circumstances regarding an employee's health and well being, as a requirement of a risk assessment or a reasonable adjustment.

Use of permits

The permit will in no circumstances be valid on days when the employee is not at work for the city council. The permit must be returned when payment ceases. Only those who have opted to pay the premium rate will be allowed to park their car in Car Haven or Riverside car park.

Abuse of permits

Breach of the use of the permit will result in disciplinary action and the withdrawal of the permit.

Absence from work

Where an employee is aware that they will be absent from work for three months or more then they may apply for a temporary deferment of their car park permit during their absence. Where an employee is in receipt of no pay then no deduction will be made for car parking. Fuller details regarding the maternity arrangements are outlined in the Salary Sacrifice Scheme details. This will result in no payment during their time away.

Employees who are suspended from work will continue with their valid permit throughout the period of their suspension as they are in receipt of full pay.

Starters

In the first year the permit charge will commence on the first day at work and run until the end of March. This may result in a part month charge. The charge will be calculated in accordance with the calculation of a days pay.

Leavers

The permit will be charged until the last day of service. This may result in a part month charge. The charge will be calculated in accordance with the calculation of a days pay.

Employees on a temporary contract

Temporary employees may join the permit scheme from their first day of employment.

All Interim, Contract, Consultant workers and Agency Workers

Workers who are working at the council as an interim, consultant, agency worker, or contract worker, or on a 'no mutuality of obligation' basis may purchase occasional user permits if they choose to do so.

Car Sharing

The council recognises that staff currently car share and may want to continue in such informal arrangements. To that end the following option will be available to facilitate a formal sharing of the costs.

It may be possible for two, three or four car sharers to 'share' the cost of a permit. One permit will be issued displaying all the registration numbers. When the occupants do not car share then those without the permit will need to purchase an occasional user permit and display accordingly. The cost of the permit will be dependent on the car sharer's tier and so may differ.

Example – Miss A works 37 hours on Grade 5, Point 18. Her salary of £17161 puts her into permit band 3. The full cost of a band 3 permit is £320 per year. She car shares with Mr B who also works 37 hours on Grade 3, Point 11. His full time salary of £14733 puts him into permit band 2. The full cost of a band 2 permit is £210 per year. As Mr B is sharing a permit with Miss A he only has to pay for a 50% permit which would reduce his cost to £105 per year. The cost to Miss A per year will also be 50% and she will pay £160.

Multiple Cars

A maximum of four registration numbers may be printed on a permit to assist those employees who drive more than one vehicle.

Motorcycle & Bicycle permit

There will be no parking permit charge for employees who use their motorcycle or their bicycle for travel to work. Parking must be in properly designated parking spaces.

RATE TABLE

1. Car Park Permit charges

Band	Bands (2012/13)	Parking Permit Price per month	Parking Permit Price per year	Salary Sacrifice Rate (approximate) per year
7	More than £85,301	£69.59	£835.08	£501
6	£45,501 to £85,300	£60.84	£730.08	£438
5	£34,001 to £45,500	£45.42	£545.04	£436
4	£20,401 to £34,000	£37.50	£450.00	£360
3	£15,801 to £20,400	£26.67	£320.04	£256
2	£13,501 to £15,800	£17.50	£210.00	£168
1	£0-£13,500	£17.50	£210.00	£168

Permit to park in Car Haven or Riverside car park	Additional £75 per year
Occasional User Permit	£2.30 per day to be purchased in batches

(Rates effective 1 April 2012)

2. Limit on Key User status

Key User status does not apply to senior staff once their basic, full time equivalent salary reaches £55,375 or above.

3. Mileage rates

Vehicle	Capacity (cc)	Mileage	Rate
Car	All	All	45p for all business miles
Motorcycle	0-125cc	0-4000 miles	20.36p per mile
	0-125cc	> 4000 miles	07.77p per mile
	> 125cc	0-4000 miles	31.86p per mile
	> 125cc	> 4000 miles	11.36p per mile
Bicycle	n/a	All	15p for all business miles

4. Subsistence rates

Breakfast	£5.73
Lunch	£7.92
Tea	£3.13
Evening Meal	£9.80

5. Out of pocket expenses

Per night	£4.00
Per week	£16.00

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DATA INCIDENT RESPONSE POLICY

1.1. Policy Statement

Peterborough City Council holds large amounts of personal and sensitive data. Every care is taken to protect personal data and to avoid a data protection breach. In the unlikely event of data being lost or shared inappropriately, it is vital that appropriate action is taken to minimise any associated risk as soon as possible.

1.2. Purpose

This policy sets out the procedure to be followed by all Peterborough City Council Officers and Members if a data protection, including credit card/debit card, breach takes place.

1.3. Scope

This policy applies to all personal and sensitive data, including credit card/debit card details, held by Peterborough City Council.

1.4. Legal Context

The Data Protection Act 1998 makes provision for the regulation of the processing (use) of information relating to individuals, including the obtaining, holding, use or disclosure of such information.

Principle 7 of the Data Protection Act 1998 states that organisations which process personal data must take “appropriate technical and organisational measures against the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data”.

1.4.1. Data

Data means information which –

- (a) is being processed by means of equipment operating automatically in response to instructions given for that purpose,
- (b) is recorded with the intention that it should be processed by means of such equipment,
- (c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system,
- (d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68 of the Data Protection Act 1998, or
- (e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d).

1.4.2. Personal Data

Personal data means data which relates to a living individual who can be identified –

- (a) from that data, or
- (b) from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

1.4.3. Sensitive Personal Data

Sensitive personal data means personal data consisting of information as to -

- (a) the racial or ethnic origin of the data subject,
- (b) his/her political opinions,
- (c) his/her religious beliefs or other beliefs of a similar nature,
- (d) whether he/she is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- (e) his/her physical or mental health or condition,
- (f) his/her sexual life,
- (g) the commission or alleged commission by him/her of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him/her, the disposal of such proceedings or the sentence of any court in such proceedings.
- (i) Credit card/debit card details pertaining to the data subject

1.5. Types of Breach

Data protection breaches could be caused by a number of factors. Some examples are (this list is not definitive):

- Loss or theft of data or equipment on which data is stored
- Inappropriate access controls allowing unauthorised use
- Equipment failure
- Human error
- Unforeseen circumstances such as fire or flood
- Hacking
- 'Blagging' offences where information is obtained by deception

2. Breach Management

As soon as the data breach occurs or is discovered, it should be reported by whoever has committed or discovered the breach to their manager and the Head of Governance. The Head of Governance will then launch an investigation into the data breach including appointing a designated Investigation Lead Officer (ILO) who will be responsible for all aspects of the breach management process.

2.1. Containment and Recovery

The ILO will:

- Establish if the breach is ongoing and take immediate action to stop the breach and to minimise the impact and effect of the breach;
- Establish who needs to be made aware of the breach and inform them of what they are expected to do to assist in the containment exercise;
- Establish whether there is anything the Council can do to recover any losses and limit the damage the breach can cause;
- Instigate the recovery of physical equipment, where appropriate;
- As far as is practically possible, ensure that Council staff recognise when someone tries to use the lost or stolen data to access accounts;
- Inform the police, where appropriate;
- Inform the banks/building societies and card providers if appropriate: and
- Inform the Head of Communications so that a press statement can be prepared in the event of a media enquiry; depending on the extent and nature of the breach.

If the breach occurs or is discovered outside normal working hours, the investigation and notification of relevant officers should begin as soon as is practicable.

Records must be kept of all actions taken. The ILO is responsible for collating all records.

2.2. Assessment of an Ongoing Breach

The nature of the breach will determine what steps are necessary in addition to immediate containment. This will be done by an assessment of the risks associated with the breach. This risk assessment will be undertaken by the ILO.

The most important aspect is an assessment of potential adverse consequences for the individuals, how serious or substantial these are and how likely they are to happen. This will be based on:

- What type of data is involved?
- How sensitive is the data?
- If data has been lost or stolen, are there any protections in place such as encryption?
- What has happened to the data?
- Regardless of what has happened to the data, what could the data tell a third party about the individual?
- How many individuals' personal data are affected by the breach?
- Who are the individuals whose data has been breached?
- What harm can come to those individuals and/or to the Council?

2.3. Notification of the Breach

The ILO shall determine who will be notified, the information the notification will contain and how they will be notified. In determining the extent of the notification the following should be considered (this is not an exhaustive list and each breach must be assessed on its own circumstances):

- Which individuals and/or groups, including Council staff, need to be notified?
- What are the dangers of 'over notifying'?
- Any contractual or operational requirements?
- Which regulatory bodies require notification?
- Can notification help the Council to meet its security obligations with regard to the seventh data protection principle?
- Can notification help the individual? Bearing in mind the potential effects of the breach, could individuals act on the notification to mitigate risks to themselves?
- How many people are affected?
- How serious are the consequences?
- How the notification can be made appropriate for particular groups of individuals.

2.3.1 Determining Serious Breaches

The presumption is that all breaches are 'serious' breaches unless the facts of the breach indicate otherwise.

The ILO must determine if the breach is a serious breach that needs to be notified to the Information Commissioner's Office (ICO). Where necessary the ILO should work with the Regulation Team to determine if the breach is 'serious' for the purposes of notifying the ICO.

In order to establish the seriousness of a breach the following must be considered:

- The potential harm to the data subject as a result of the breach, including any distress the data subject may suffer as a result of the breach, which is dependent on the volume and the sensitivity of the data involved.
- The volume of the data involved - this must be determined by the facts and extent of the breach.
- The sensitivity of the data involved - where the data is classed as sensitive personal data as defined by section 2 of the Data Protection Act 1998 and the release of that data can lead to the data subject suffering substantial harm.

Serious breaches should be notified to the ICO and the notification should include details of:

- The type of information and number of records
- The circumstances of the loss / release / corruption
- Actions taken to minimise / mitigate effect on individuals involved including whether they have been informed
- Details of how the breach is being investigated
- Whether any other regulatory body has been informed and their response
- Remedial action taken to prevent future occurrence
- Any other information that may assist the ICO in making an assessment

2.4. Evaluation and Response

Once the breach has been dealt with the ILO should evaluate and report to the Senior Information Risk Owner and Head of Governance on the effectiveness of the Council's response to the breach.

Where the breach was caused, even in part, by systemic and ongoing problems, then simply containing the breach and continuing 'business as usual' is not acceptable; similarly, if the Council's response to the breach was hampered by inadequate policies or a lack of a clear allocation of responsibility then any response must review and update these policies and lines responsibility accordingly.

The evaluation must consider, although not limited to:

- Ensuring those who need to be aware know what personal data is held and where and how it is stored.
- Establishing where the biggest risks lie.
- Ensuring that where data is shared, either internally to the Council or externally, the method of transmission is secure and that only relevant data is shared or disclosed.
- Identifying weak points in existing security measures.
- Monitoring staff awareness of security issues and looking to fill any gaps through training or tailored advice

2.5 Employment Considerations

This policy should be read in conjunction with the ICT Policy and the Employee Code of Conduct: <http://insite/sites/intranet/InformationLibrary/Files/ICT%20Policy.pdf>
<http://insite/sites/intranet/InformationLibrary/Files/Code%20of%20Conduct%20for%20Employees.pdf>

Where a breach of this policy has occurred it may result in action being taken in accordance with the council's disciplinary policy.

3.1. Monitoring and Review

This policy shall be reviewed every 12 months after implementation.

3.2. Implementation

This policy was implemented on 8 June 2012.

4.1. Contacts

Helen Edwards	Solicitor to the Council and Senior Information Risk Owner
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	01733 452539
Diane Baker	Head of Governance 01733 452559
Steve Crabtree	Chief Internal Auditor 01733 384577
Louise Tyers	Compliance Manager (Regulation) 01733 452284
Alana Diffey	Information Specialist 01733 452276

Appendix 1

Data Protection Breach - Record of Actions Taken - Confidential

Date of breach:	
Description of the data involved:	
Summary of incident:	
Staff/Team involved:	
Investigation Lead Officer: (name & job title)	
Outcome of investigation:	
Date resolved:	

Who to inform

✓		Date completed
	Manager of officer that discovered the breach	
	Head of Governance (who will appoint an Investigation Lead Officer)	
	Senior Information Risk Owner (Solicitor to the Council)	
	Head of Communications	
	Chief Internal Auditor	
	Director(s) (where necessary)	
	All relevant staff	
	Police (where necessary)	
	Data Subject(s) (where necessary)	
	Regulatory Body (where necessary)	
	Information Commissioner's Office ('Serious' breaches only)	

Stolen data or equipment

✓		Date completed
	Inform the police	
	Get a crime reference number Ref. no:	
	Inform ICT Service Desk	
	Inform PCC Insurance	

The Investigation

The investigation should cover the following, and records must be kept of any searches and actions undertaken. All of this information must be retained as evidence of the investigation.

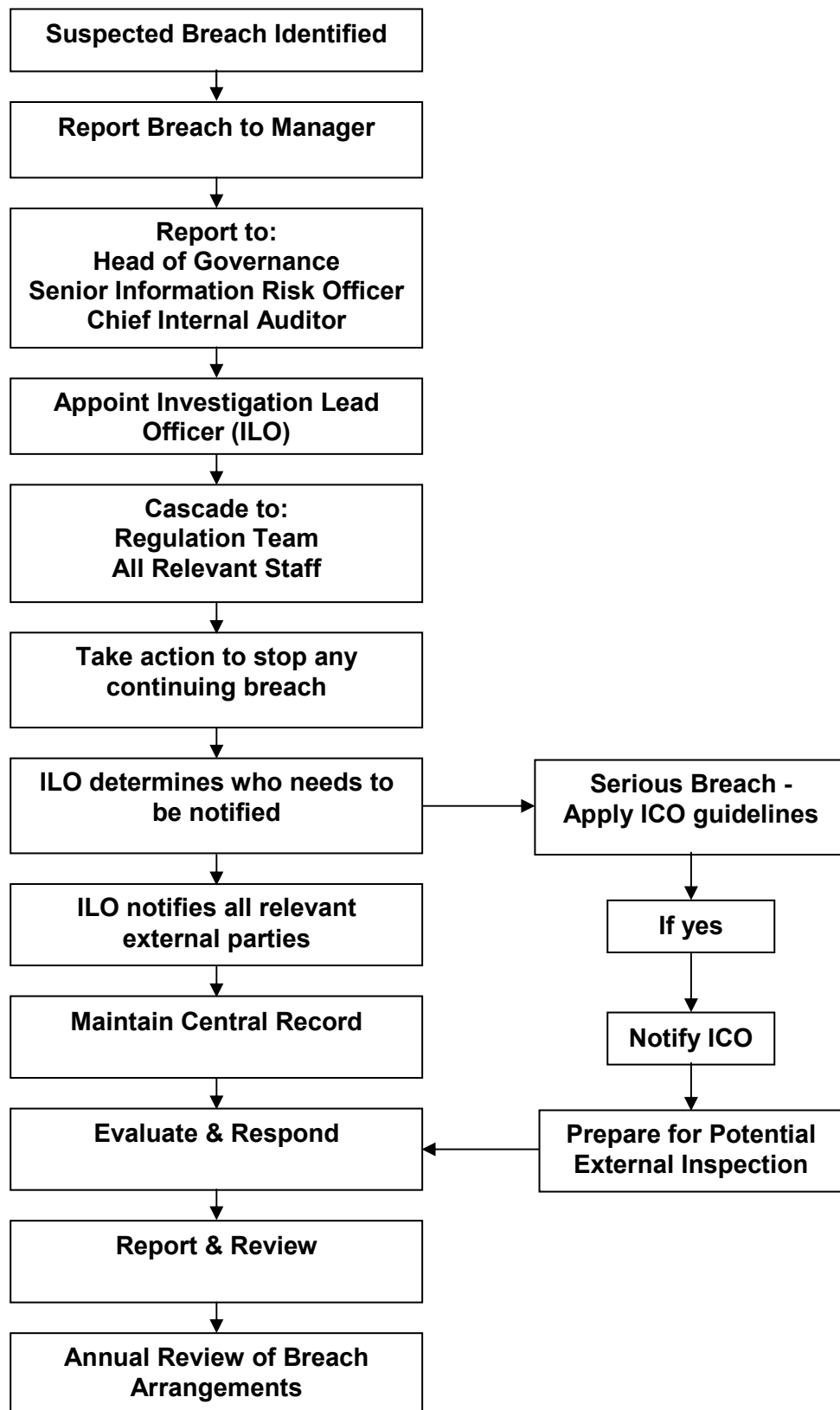
✓		Date completed
	Undertake extensive searches for any physical loss	
	If the data has been lost, and is in paper form only, consider reporting this to the police	
	Assess whether the data subject(s) should be informed of the breach	
	Assess whether the Information Commissioner's Office (ICO) should be informed of the breach	
	Report on the reason(s) for the data breach. If this was due to a lack of operational policy or procedure, this should form part of the report into the breach and be fed back to the relevant senior management team and the Regulation Team	

If the decision is made to inform the data subject

✓		Date completed
	All details necessary to be able to take mitigating actions	
	Include their right to complain to the Council and the ICO	
	Provide details of what the Council has already done to respond to the risks posed by the breach	
	Provide details of the Investigation Lead Officer if they need to contact the Council for further information, or if they have any questions regarding the investigation	

Appendix 2

Data Protection Breach Process Flow Chart



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