

**MINUTES OF A MEETING OF THE EMPLOYMENT COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 24 JANUARY 2013**

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

Officers present: Mike Kealey, Acting Head of HR
Karen Craig, Senior HR Consultant – Policy Development
Amy Brown, Solicitor
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies were received from Councillor Cereste and Councillor Walsh as substitute Member.

Councillor Thacker was in attendance as a nominated substitute.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meetings Held on:

3.1 22 November 2012

The minutes of the meeting held on 22 November 2012 were agreed as a true and accurate record.

3.2 7 December 2012

The minutes of the meeting held on 7 December 2012 were agreed as a true and accurate record subject to the inclusion of the following wording:

“The Committee wished for it to be noted that it had requested an overview explanation from the Chief Executives Office in relation to the recruitment process which had been undertaken for the post of Head of Strategic Client Services. The Committee was satisfied with the information it had received”.

4. Changes to Employee Policy and Procedures

The Committee received a report from the Senior HR Consultant outlining a number of updates to employee policies and procedures. The report was submitted for consideration following a referral from the Joint Consultative Forum held on 10 January 2013.

The Committee was requested to agree the following employment policies:

- i) Revision to the Criminal Records Bureau Policy;
- ii) Revision to the Access to HR Files Policy; and

iii) Change to notice period for qualified social workers in Children's Services.

The Committee was also advised that the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) had been amalgamated to form the Disclosure and Barring Service (DBS).

The Acting Head of HR and Senior HR Consultant responded to comments and questions raised by Members regarding the changes to the CRB Policy, now known as the DBS Policy. In summary, responses included:

- The availability of online DBS checks had speeded up the application process, which had resulted in a definite improvement of the system;
- The current portability rules for DBS would remain the same as for CRB checks. However, the portability rules were due to be reviewed by the Government by spring 2013;
- The wording with regards to the DBS policy, which referred to an individual that had been dismissed or would cease to be employed if the Council believed they had harmed or posed a risk of harm towards children or vulnerable adults was developed using the DBS guidance;
- There was a risk assessment process in place to investigate all the evidence regarding referrals to the DBS, in respect of PCC employees, followed by high level discussions, which would involve Senior Officers before a decision was taken over the appropriate action required;
- Cases of 'soft information' would be flagged up at the DBS checking stage. Soft information was information which could only be released by the Chief Police Officer, which would highlight if an individual was under investigation;
- It was rare for the Chief Police Officer to contact PCC in order to provide notification of 'soft information' regarding a potential candidate for employment. Any information released by the Chief Police Officer would have to be kept strictly confidential and not shared with the individual. The police would expect an organisation to consider the information and take any necessary action without releasing the information.
- The trade unions had been consulted over the changes in the DBS policy;
- DBS checks were conducted by Serco. If there was a trace this would be followed by a high level management risk assessment and sign off by Senior Managers;
- There was an escalation process in place in order to refer incidents where a DBS concern had been highlighted which required more information to allow a decision to be made. If necessary, the case could be directed to a panel made up of the respective Head of Service, the senior manager, HR and legal if required for a final overall decision to be made; and
- It was important for Members to note that in November 2012, the Police had reviewed and changed their approach regarding investigations of an individual that had been highlighted as DBS risk.

The Acting Head of HR and Senior HR Consultant responded to comments and questions raised by Members regarding access to HR file requests. In summary, responses included:

- The exemptions that would apply where an employee was not entitled to access information stored within their HR file would relate to data protection legislative exemptions; and
- Employees would not be charged if they requested access to their HR file. All requests would need to be made via a subject data access request.

The Acting Head of HR and Senior HR Consultant responded to comments and questions raised by Members regarding the proposed change to the notice period for Children's Services qualified social workers on grade 11 and below to three months from one month. In summary, responses included:

- Social Workers that were on grade 12 were subject to a three month notice period if they submitted their resignation. Statutory notice over rides contractual notice if the employer is terminating the contract. It was important to note that the change in notice period from one to three months was necessary in order to retain the level of service, and reduce risk due to the critical work undertaken by children's Social Workers;
- If the proposed notice period was agreed by Employment Committee, the criteria would apply to all new social workers with a voluntary sign up for existing social workers;
- There was a process to follow if social workers had become unsuited to a post, which would involve placing the employee on garden leave; and
- HR would review the PCC probation timescale for social workers in due course in order to align the level of probation to notice required.

Following comments, it was agreed that the Acting Head of HR and Senior HR Consultant would:

- Revise the wording for Disclosure & Barring Service referrals of individuals who had been dismissed, or ceased to be employed by PCC, if PCC believed they had harmed or posed a risk of harm to children or vulnerable adults;
- Confirm whether Employment Committee Members would be consulted over PCC receiving soft information and the subsequent processes;
- Include within the Access to HR Files Policy, the relevant data protection legislation. This related to exemptions that would apply to the refusal of an employee's access to their HR files; and
- Confirm exactly what the data protection exemptions were to all Members.

RESOLVED:

The Employment Committee agreed to implement the following policies subject to the inclusion of relevant re-wording for the Disclosure & Barring Service Policy and Access to HR Files Policy:

- i) Revision to the Disclosure & Barring Service Policy;
- ii) Revision to the Access to HR Files Policy; and
- iii) Change to notice period for qualified social workers in Children's Services.

Reasons for the decision

The agreed changes would ensure that the Council operated within frameworks that were lawful, best practice, transparent and consistent.

Chairman
3.00pm - 3.55pm