

NOTICE OF MEETING

MEETING	EMPLOYMENT COMMITTEE
DATE:	WEDNESDAY 23 JUNE 2010
TIME:	3.00 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George Telephone: 01733 452268 e-mail address gemma.george@peterborough.gov.uk
Despatch date:	15 June 2010

AGENDA

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3. To Approve the Minutes of the Meetings held on:	
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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 Gemma George on 01733 452268.

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**Minutes of a Meeting of the Employment Committee
held at the Town Hall, Peterborough on 18 March 2010**

Members Present: Councillors Cereste (Chairman), Croft, Holdich, Fitzgerald and Swift.

Officers Present: Mike Kealey, Acting Head of HR
Karen Craig, Senior HR Consultant – Job Evaluation
Gemma George, Senior Governance Officer

1. Apologies

Apologies were received from Councillor Lamb (Vice Chair).

2. Declarations of Interest

There were no declarations of interest.

3. To Approve the Minutes of the Meeting held on 26 February 2010

The minutes of the meeting held on 26 February were approved as true and accurate record.

4. Local Government Pension Scheme – Discretionary Policy

The Committee received a report detailing the Local Government Pension Scheme (LGPS) Discretionary Policy. The report was submitted to ensure that the Council published its policy on the discretions within the LGPS in accordance with Regulation 66 of the LGPS (Administration) regulations 2008.

Each employer within the LGPS had to prepare a written statement of its policy in relation to the exercise of its functions under four regulations:-

- i) Regulation 12 - power of the employing authority to increase total membership of active members,
- ii) Regulation 13 - power of employing authority to award additional pension,
- iii) Regulation 18 - flexible retirement and
- iv) Regulation 30 - choice of early payment of pension

The statement had to be kept under review, published for one month before commencement, and revised as necessary. Members were advised that the Council was under statutory requirement to publish and review its pension discretionary statement.

When the statement was being revised the employer had to have regard to the extent to which the exercise of any of the discretions could lead to a serious loss of confidence in the public service.

Members were advised that the joint trade unions had been consulted and the statement had been agreed at the meeting of the Joint Consultative Forum on 8 February 2010. Directors had agreed the statement as had the Council's pension administrators at Cambridgeshire County Council.

RESOLVED: to agree to the Local Government Pension Scheme Discretionary Policy (Part A)

5. Conclusion of Business – Formal Record of Time

Business was concluded at 3.06pm.

3.00pm – 3.06pm
Chairman

**Minutes of a Meeting of the Employment Committee
held at the Town Hall, Peterborough on 22 March 2010**

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

Officers Present: John Harrison, Executive Director – Strategic Resources
Mike Kealey, Acting Head of HR
Helen Edwards, Solicitor to the Council
Gemma George, Senior Governance Officer

1. Apologies

Apologies were received from Councillors Lamb (Vice Chair) and Croft.

2. Declarations of Interest

There were no declarations of interest.

3. Culture Trust

A report was submitted to the Committee which sought its views on an executive proposal to transfer services to Peterborough Culture & Leisure Trust.

A decision had been taken by Cabinet on the 12 October 2009 to move forward a proposal to create a trust for the delivery of cultural services. The formal decisions taken by Cabinet were:

- To give authority to the Director of Operations to commence the process of establishing a not-for-profit distributing organisation (a 'trust') subject to the decision of cabinet and the appropriate TUPE consultation with staff.
- To approve the inclusion of the following services within the scope of this work: Arts (including the Key Theatre and Gallery), Heritage (including the Museum), Library (all existing services) and Sports Services (all existing services).
- To approve a detailed full options appraisal of bereavement services (including the crematorium), to identify the optimum way of delivering this service.
- To agree to the formation of a shadow board as part of the process of establishing a not-for-profit distributing organisation (a 'trust').

Members were advised that Cabinet had considered a number of ways that the Council could deliver and develop cultural services. The optimum delivery method for Peterborough had been the subject of consideration since the Council's Best Value review in 2004. Key to this review was a study by KPMG (2005) which was enhanced by a report produced by Deloitte in October 2006. This work had recently been refreshed by leading leisure trust solicitors Lawrence Graham.

These reviews considered, amongst other options, in-house delivery, tendering for a commercial operator, a mixed approach to delivery of services and the formation of a trust. The first two reports focused on key evaluation criteria including enhancing quality of service, promoting Peterborough, improving levels of participation and value for money. Their conclusion was that a trust would provide the best delivery option to meet the Council's

aspirations. The work of Lawrence Graham had re-confirmed the suitability and deliverability of this option.

As with all management options there were advantages and disadvantages in delivering services through trust status, and these were due to be considered in detail by Cabinet at its meeting on 22 March 2010.

Members were advised that extensive consultation had been taking place with staff and Trade Unions, including formal staff consultation over the potential transfer to a trust under The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). Members were further advised that there would be a financial implication in respect of the need to ensure that employees were provided with the same or broadly comparable pension rights prior to any TUPE transfer. An application for "Admitted Body Status" had been made and approved, subject to legal agreement sign off in respect of existing employees who were members of the Local Government Pension Scheme. It was intended that new employees joining the Trust would not be able to access the LGPS pension scheme, but would be able to access a Defined Contributions Scheme, with an "employer" contribution level of 6%.

Following on from the consultations which had taken place thus far, no objections had been received from the Trade Unions and the feedback which had been received from staff members had been positive.

Members were invited to comment on the report and the proposals contained within it and the following issues and observations were highlighted:

- Members queried how the Trade Unions would work alongside the trust. Members were advised that in the short term the situation would remain the same but going forward discussions would need to take place regarding the changes in working practices. A separate Trade Union recognition agreement would also need to be prepared.
- Concern was expressed at the transfer of the city's libraries over to a trust. What guarantee of medium to long term employment could employees of the libraries be offered. Members were informed that the employment prospects would be determined by the Council as the Council would ultimately be responsible for setting out the funding.
- Concern was also expressed regarding the pension proposals for current and future employees. It was queried why only the staff to be transferred and not future employees were to be protected. Members were further informed that the pension proposals which had been outlined were not unusual for these schemes. Future employees would not be employees of Peterborough City Council and would therefore not be for the Council to take into consideration.
- Members commented that Peterborough City Council would be one of the only Conservative Councils in the UK to transfer these services over to a trust. It was highlighted in response to this comment that the services to be transferred needed to be protected and the only method of achieving this would be to reduce the cost of delivery, hence the transfer to a trust. Risk management would be monitored closely and the reasons behind the failure of other Council's transferring similar services over to a trust would be examined.
- Members questioned what would happen to employees and their pensions if the trust failed, would they transfer back to the Local Government Pension Scheme (LGPS) and would new employees have the right to also join the LGPS. Members were advised that if for any reason the trust failed, the Council would take back responsibility for all of the services and employees would TUPE back to the Council. All employees would be entitled to transfer back to the LGPS and this entitlement would also be extended to new employees.

After further discussion, Councillor Sandford wished for it to be noted in the minutes that he would be abstaining from making any recommendations on the proposals to transfer the specified services to Peterborough Culture & Leisure Trust (PCLT).

RESOLVED:

1. to consider the executive proposals to transfer the delivery of the following services to Peterborough Culture & Leisure Trust (PCLT):
 - Arts Services (to include the Key Theatre and the Gallery)
 - Heritage Services (to include Peterborough Museum)
 - Library Services (all services)
 - Sports Services (all services)
2. to note that the transfer would take place on a future date to be determined, anticipated to be 1 May 2010 and would involve the transfer of all staff in those services under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). This would include second tier posts and therefore must be considered by Employment Committee under its delegation at Part 3, section 2.3.1.5 of the Constitution.

4. Conclusion of Business – Formal Record of Time

Business was concluded at 7.25pm.

7.00pm – 7.25pm
Chairman

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**Minutes of a Meeting of the Employment Committee
held at the Town Hall, Peterborough on 29 March 2010**

Members Present: Councillors Lamb (Vice Chair), Croft, Fitzgerald, Holdich and Sandford

Officers present: Gillian Beasley, Chief Executive
Christine Taylor, Senior HR Business Partner - Strategic Services, Chief Executives and Legal Services
Gemma George, Senior Governance Officer

1. Apologies

Apologies were received from Councillors Cereste (Chairman) and Swift.

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.

Members questioned why the job description for the post had not been published with the agenda papers. Members were advised that going forward, job descriptions would be published and would be available to the public.

Councillor Sandford wished for it to be noted in the minutes that he was unhappy with the consultant aspect of the job role.

Members were advised that the Council employed staff to fit the skills, responsibilities and expertise required for each individual role.

After further discussion, an amendment to a paragraph contained within the job description for the post of Head of Peterborough Delivery Partnership was suggested and agreed by all. The amendment would read:

“Two permanent direct reports, plus other resource required as within the budget for this area”

RESOLVED: to implement the suggested amendment to the job description for the post of Head of Peterborough Delivery Partnership.

4. Interviews for the Post of Head of Peterborough Delivery Partnership

One candidate was interviewed for the position of Head of Peterborough Delivery Partnership.

RESOLVED: to appoint Mr Andrew Edwards, who was currently employed as Head of Strategic Property at Peterborough City Council.

5. Conclusion of Business – Formal Record of Time

Business was concluded at 3.14pm.

Chairman
2.00pm to 3.14pm

**Minutes of a Meeting of the Employment Committee
held at the Town Hall, Peterborough on 16 April 2010**

- Members Present:** Councillors Holdich, Croft and Sandford
- Also Present:** Councillor Scott – Cabinet Member for Children’s Services
- Officers present:** John Richards, Executive Director – Children’s Services
Gemma George, Senior Governance Officer
- Also Present:** Tony Hunter, Amicus
Cat Ainsley, Amicus

Appointment of Chairman

RESOLVED: to appoint Councillor Holdich as Chairman to the Committee for the duration of the meeting.

1. Apologies

Apologies were received from Councillors Cereste (Chairman), Lamb (Vice Chair), Fitzgerald and Swift.

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 Assistant Director – Safeguarding Families and Communities

Three candidates were interviewed for the post of Assistant Director – Safeguarding Families and Communities.

RESOLVED: to appoint Mr Andrew Brunt, who was currently employed as an Assistant Director at Staffordshire County Council.

5. Conclusion of Business – Formal Record of Time

Business was concluded at 1.30pm.

Chairman
9.15am to 1.30pm

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EMPLOYMENT COMMITTEE	AGENDA ITEM No. 4
23 JUNE 2010	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Gr Uff Marco Cereste	
Contact Officer(s):	Mike Kealey - Acting Head of Human Resources	Tel. (01733) 384500

VETTING & BARRING SCHEME POLICIES

RECOMMENDATIONS	
FROM : Directors, Trade Union representatives	Deadline date : N.A.
1. It is recommended that members of Employment Committee agree to implementation of the four policies attached.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following a referral from the trade unions at the Joint Consultative Forum on 13th May 2010 and Corporate Management Team on 18th May 2010.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to ensure that the council has in place the relevant policies to ensure compliance with the statutory requirements of the Safeguarding Vulnerable Groups Act 2006. The policies presented are as follows:-
- Revision of the existing CRB policy which will now be referred to as the Vetting & Barring scheme/CRB disclosure policy (Attachment One)
 - A new Self Disclosure policy (Attachment Two)
 - Revision of the Employment of ex-offenders policy (Attachment Three)
 - Revision of the Policy statement on the secure storage, handling, use, retention and disposal of disclosures and disclosure information (Attachment Four)
- 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
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4. BACKGROUND

- 4.1 Following the Soham murders the inquiry led by Sir Micheal Bichard recommended the introduction of a new scheme to ensure that everyone working in regulated activity with children and vulnerable adults was checked and registered within a single process. The Independent Safeguarding Authority has been set up by the government to maintain two separate lists of those who are registered to work with

children, and those who are registered to work with vulnerable adults. The ISA will decide who should be barred from working with children and vulnerable adults. The scheme will be known as the national 'Vetting and Barring Scheme' (VBS). This report deals with the policy issues arising from the introduction of this scheme which applies to employees and volunteers.

- 4.2 The new VBS **does not replace** the Criminal Records Bureau (CRB) checking process. It enhances the vetting of those who work in specific activities, by ensuring that the ISA constantly monitors any fresh information regarding the individual, and informs the registering body directly should the ISA decide to bar (or is minded to bar) the individual. An Enhanced CRB check continues to provide a picture of a person's criminal history and allows employers to make informed decisions as to whether that person is suitable for a particular role or position. An individual's initial registration with the ISA will include both an ISA check and an enhanced CRB check.
- 4.3 The vetting and barring scheme is being introduced in stages and will not be fully implemented until July 2015. However since 12 October 2009 there has been a statutory requirement for local authority's to refer individuals to ISA if there is a belief that they have harmed or pose a risk of harm to children or vulnerable adults. From July 2010 registration with ISA may commence and from November 2010 it will be mandatory for all new entrants to regulated activity, to register. Existing staff may register from April 2011 and all those working in regulated activity must be registered by 31 July 2015.
- 4.4 Although this report concerns issues with employees and volunteers, clearly registration will also affect many other business areas of the council including taxi registration, councillors, adoption and fostering etc.

5. CONSULTATION

- 5.1 The joint Trade Unions have been consulted and the policies attached were agreed at the meeting of the Joint Consultative Forum on 13th May 2010. Directors agreed to the policies on 18th May 2010.

6. ANTICIPATED OUTCOMES

- 6.1 The new and revised policies will ensure that the council is able to fulfil the statutory obligations which are imposed by the implementation of the vetting and barring scheme. It is proposed that there is no change to the way the scheme is financed currently. The council will recommend that the policy is adopted in Peterborough schools.

7. REASONS FOR RECOMMENDATIONS

- 7.1 This is a statutory obligation. The vetting & barring scheme/CRB policy aims to ensure the council does not act unlawfully by (a) employing or using any individual in regulated activity who is barred and (b) putting processes in place to ensure that the council refers to ISA any individual who has harmed or may pose a risk of harm to children or vulnerable adults.
- 7.2 The self disclosure policy is to be added to employment contracts to support the council's safeguarding agenda. The requirement to self disclose information has not been explicit within employment contracts to date.

7.3 The employment of ex offenders policy and the policy statement on the secure storage, handling, use, retention and disposal of disclosures, and disclosure information have been reviewed to ensure they are fit for purpose.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 The vetting and barring scheme/CRB policy was considered against those being introduced in other local councils and takes account of advice from the ISA and CRB. There are various issues being discussed nationally which may result in some changes in the future but the policy represents the scheme as it currently stands.

9. IMPLICATIONS

9.1 The vetting and barring scheme/CRB policy has been shared with a wide range of interested parties in the council to ensure it is fit for purpose. This policy will be reviewed continuously.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Vetting & Barring Scheme guidance March 2010

Safeguarding Vulnerable Groups Act 2006

Safeguarding Children and Safer Recruitment in Education 2007

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VETTING & BARRING SCHEME/ CRIMINAL RECORDS BUREAU DISCLOSURE POLICY - POST JULY 2010

1. Purpose and scope

Peterborough City Council is committed to protecting the well being of the public and those individuals in its care who are considered to be especially vulnerable or at risk - children, older people and those with disabilities. We will undertake:

- not to knowingly employ in regulated activity or use as a volunteer a barred person
- to refer individuals who have been dismissed, or we cease to use, to the Independent Safeguarding Authority if we believe they have harmed or pose a risk of harm to children or vulnerable adults

The principles of this policy apply to all employees, volunteers, applicants, and others engaged in council service provision with children or vulnerable adults including foster carers and adopters.

The council has a statutory duty of care to vulnerable members of society; this duty will be carried out with due regard to all other relevant legislation, and the council undertakes to treat all individuals fairly.

2. Responsibilities

The Vetting and Barring scheme (VBS) will be delivered by the Independent Safeguarding Authority (ISA). ISA registration does not replace the role of the Criminal Records Bureau (CRB) check. It enhances the safeguarding process. CRB checks will continue to be a very important part of safeguarding alongside robust recruitment procedures which include checking identity, qualifications, references, medical and career history. The city council will check the status of each employee, volunteer, and applicant working or applying to work in regulated or controlled* activity against the ISA database; it will also undertake an enhanced CRB check. ISA registration is portable, CRB check results are not.

Activities involving working with children or vulnerable adults are defined as either controlled or regulated. It is the responsibility of each manager to confirm which of the posts in their team are controlled, regulated, or neither, and to maintain this information. A definition of controlled and regulated activity is given in the 'How to' Guides.

*A review of controlled activity is ongoing and the government will announce the outcome during 2010

3. CRB Checks

- The council will carry out its own CRB check on all applicants to regulated activity whether they are registered with ISA or not.
- Standard checks no longer reveal information held on the old or new barred lists, therefore the council will always request an enhanced CRB check when recruiting someone to work or volunteer in a regulated or controlled activity.
- The council will follow guidance from the relevant authorities regarding re-checks and portability of checks and may undertake re-checks to strike a balance between the appropriate level of safeguarding and the efficient management of risk or if a concern arises.
- Where an enhanced CRB check indicates a caution, conviction, charge or other record (positive trace), managers must undertake the Positive Trace Risk Assessment process and convene a panel that will reach a decision on whether or not the individual can be offered employment or continue in their post. There will be a right of appeal against decisions made at this panel.
- Where local police records contain additional information that might be relevant to the post an applicant is being considered for/is doing, then the chief police officer may release information for inclusion in an enhanced disclosure. This will be sent under separate cover to the counter-signatory and the applicant should **not be alerted to its existence under any circumstances**. The council should never reveal or discuss the information with the applicant or any other person without the permission of the chief police officer.
- A Standard CRB check will continue to be available for positions covered by the Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974 that are not defined as regulated or controlled posts under the Vetting and Barring Scheme.
- CRB disclosures will not generally show offences committed by people whilst living overseas. The council insists on additional checks as outlined in point 11 below.

4. CRB Checks - Consideration of Conviction information

When a CRB check is returned showing a positive trace, then managers must follow the Positive Trace Risk Assessment process. All employees, volunteers and applicants will be treated fairly and consistently in accordance with council policy.

5. Registration with the Independent Safeguarding Authority

From November 2010 anyone applying to work in Regulated activity (either external or internal applicants) or, from 2015 in Controlled Activities, will be expected to be ISA registered prior to starting work in these roles. The council will not allow an external or internal applicant to commence their duties without first confirming and checking their registration status.

6. Barred Individuals

It will be a criminal offence to employ an individual who is barred to engage in regulated activity.

Individuals who are barred from regulated activity with either children or vulnerable adults must not work, or seek to work in regulated activity with that group. Automatic barring arises where a person has been convicted of, or cautioned, in relation to a serious offence (as defined by law).

Individuals who are barred from regulated activity with either children or vulnerable adults who apply to work in controlled activity must only be considered for employment following a comprehensive risk assessment and decision by the panel before a decision is made. All appropriate safeguards must then be in place prior to the individuals start date.

7. Referral to the Independent Safeguarding Authority

The council will refer any employee, volunteer, or applicant who we believe has harmed or may pose a risk of harm to children or vulnerable adults to the Independent Safeguarding Authority (ISA). This will include if the individual resigns, a short term contract expires, if they cease to be used, or if they are absent. This may precede the conclusion of any internal disciplinary process.

8. Data handling

The council will comply fully with the CRB code of practice, the Data Protection Act, and other relevant legislation regarding the correct handling, use, storage, retention and disposal of CRB disclosures and disclosure information.

9. Existing employment

Failure to disclose warnings/cautions or convictions to the employer may result in disciplinary action. Employees and volunteers have a responsibility to report any relevant changes of circumstance to their employer. These include any criminal investigations, convictions or warnings they may become the subject of, or any other relevant information which a reasonable employer might consider to impact on their employment. All employees in regulated and controlled activity must comply with the council's Self Disclosure Policy.

Any failure to comply with the council's policy on Vetting and Barring, CRB disclosure, and Self Disclosure, including employees or volunteers refusing to undertake a CRB check or to register with the ISA will usually amount to gross misconduct and be dealt with under the council's disciplinary procedures.

Any employee or volunteer engaged in regulated or controlled activity who becomes barred by the ISA is likely to be dismissed under section 98(2) (d) of the Employment Rights Act and will be removed from this activity as soon as the council is aware of the position.

10. Recruitment

This section applies to employees, volunteers and applicants.

In **exceptional circumstances** an internal or external applicant may start work without the results of their CRB check provided (a) they are ISA registered and (b) a risk assessment has been completed and the panel have agreed to their commencement. The process which must be followed is detailed on the manager's guide. Supervisory measures will be introduced which must be followed and failure to adhere to the controls will constitute gross misconduct.

The council undertakes to treat all candidates for positions fairly and not to discriminate unfairly against any candidate subject to a disclosure on the basis of conviction or other information revealed.

All information sent to applicants for relevant posts will include information regarding ISA registration and where a post is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 both spent and unspent convictions must be declared on application forms.

The council's Employment of Ex-Offenders policy statement will be sent out with job application packs. Having a criminal record will not necessarily bar an individual from working with the council.

Failure to disclose convictions on an application form will usually result in the withdrawal of an offer of employment as outlined in the Employment of Ex-Offenders policy.

Recruiting managers must ensure that there is a screen print of the ISA registration, CRB check, qualifications, references, identity, right to work and medical checks in place before an applicant commences employment.

Managers must exercise caution in relying on checks of those with little residence in the UK and/or those where there is any gap in their career record.

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

All applicants for regulated activity must be ISA registered. In addition to each of the standard recruitment requirements, including ISA registration, and CRB check, a Statement of Good Conduct to cover the time period spent in a country/ies outside of the UK must also be provided by the applicant.

Where the applicant is:-

- (a) unable to provide all the documentation requested
- OR
- (b) the information contained within the documentation gives cause for concern
- AND
- (c) a risk assessment identifies any risk

Then the decision must be taken not to appoint.

12. Commissioning services

All commissioning judgements will refer to and incorporate the Key Safe Employment Standards adopted by the Children's Trust.

13. Agency, Contract, Interim or other workers

Heads of Service must ensure that where agency, contract or interim workers are supplied to carry out duties within the council the manager obtains written confirmation from their employer (an agency, employment business, or contractor) that the relevant CRB disclosure check has been carried out and is satisfactory before the individual commences work with the council.

Where there is disclosed information on the CRB check then the manager must obtain a copy of the CRB disclosure from the employer before the individual commences work with the council to allow a proper assessment to be undertaken.

Where there is 'soft information' provided by the Chief Police Officer then the employer 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.

Managers must also check themselves that the individual is ISA registered using the online service before the individual commences work with the council. The manager must also register an interest in the person and carry out a screen print as proof.

Heads of Service must ensure that the contract with the agency/employment business or contractor imposes an obligation on them to carry out the same checks as the council would for its own employees in advance of the work starting. It is essential that these checks are up to date and renewed in accordance with this policy.

Identity checks should be carried out by the manager to confirm that the individual who arrives for work is the individual that they were expecting and have already checked.

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SELF DISCLOSURE POLICY

1. Purpose of the Policy

Peterborough City Council has a duty of care to protect the well being of the public and service users and in particular children and vulnerable adults in its care who are considered to be especially vulnerable or at risk. Pre employment checks and other safe employment practices are a requirement to ensure that people who may pose a threat to children and vulnerable adults are not given positions of trust where they could exploit those entrusted to their care.

2. Principles

- Where a post is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (for example, posts involving work with children or vulnerable adults) both spent and unspent convictions must be declared on application forms.
- Failure to disclose convictions on application forms and/or with the line manager may result in disciplinary action.
- Following appointment, employees have a responsibility to report any relevant changes of circumstance to their employer. These include any criminal investigations, convictions or warnings they may become the subject of, or any other relevant information which a reasonable employer might consider to impact on their employment
- Any existing employee may be asked to undertake a CRB re-check in line with council policy. Refusing to comply with such a request may result in the employee being subject to formal disciplinary action for '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.
- Confidentiality cannot be guaranteed where concerns arise about the welfare or safety of children or vulnerable adults but any information sharing will be in accordance with relevant legislation and policy and only as is necessary in the circumstances.
- Employees should always discuss with their line manager any difficulties or problems that may impact on their suitability to work with children and vulnerable adults, so that appropriate support can be provided or action taken.

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EMPLOYMENT OF EX-OFFENDERS POLICY

1. Purpose of the Policy

The aim of this policy is to state Peterborough City Council's approach towards employing people who have criminal convictions.

The council is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The council will therefore consider ex-offenders for employment on their individual merits. The council's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

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.

2. Principles

Jobs covered by the Rehabilitation of Offenders Act 1974

The council will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the council will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

If the job into which the council is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2009, the council will require the applicant to disclose all convictions, whether spent or unspent. Even in these circumstances, however, the council will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Furthermore, if the job is exempt, the council will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions.

The council is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

3.Key Principles

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. This policy statement will be 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. Any posts defined by the Safeguarding Vulnerable Groups Act 2006 as falling into regulated activity will be exempt and therefore applicants for these posts must declare any reprimands, cautions, warnings, bind-over's, or convictions on their application forms (including those regarded as 'spent).
8. All those in Peterborough City Council who are involved in the recruitment process will have an understanding and an awareness of the relevant legislation relating to the employment of ex-offenders.
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.

POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

1. Purpose of the Policy

Peterborough City Council will comply fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. We also comply fully with our obligations under the Data Protection Act (1998) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. The key principles below outline how this will be achieved.

2. Key Principles

- Disclosure information is always kept separate from personal files 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.
- 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.
- 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.
- 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. 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.
- Units that are subject to inspections by either Ofsted or the Care Quality Commission (CQC) can retain disclosures until the next annual inspection. Once the inspection has taken place the disclosures should be destroyed.
- Once the retention period has elapsed, the Council will ensure that any Disclosure information is immediately destroyed by secure means. 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.

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