

EMPLOYMENT COMMITTEE

THURSDAY 18 APRIL 2013
3.00 PM

Viersen Room - 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 24 January 2013** **1 - 4**
 - 3.2 13 March 2013** **5 - 6**
- 4. Senior Management Arrangements** **7 - 14**

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



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.

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

Members Present: Councillors Fitzgerald (Chairman), Holdich (Vice Chairman), 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

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**MINUTES OF A MEETING OF THE EMPLOYMENT COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 13 MARCH 2013**

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

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

Officers present: Sue Westcott, Executive Director Children's Services
Lyn Neely, Head of HR
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies were received from Councillor Sandford.

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 - Children's Services Safeguarding Families and Communities

Two candidates were interviewed for the post of Assistant Director - Children's Services Safeguarding Families and Communities.

RESOLVED: to appoint Ms Debbie Haith, who was previously employed as Deputy Director of Children's Services at the London Borough of Haringey.

Chairman
9.30am – 12.30pm

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EMPLOYMENT COMMITTEE	AGENDA ITEM No. 4
18 APRIL 2013	PUBLIC REPORT

Contact Officer(s):	Gillian Beasley, Chief Executive	01733 452390
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SENIOR MANAGEMENT ARRANGEMENTS

RECOMMENDATIONS	
FROM : Chief Executive	Deadline date : N/A
For the Committee:	
<ol style="list-style-type: none"> 1. To note the arrangements made to cover the role of the Director of Public Health pending recruitment to this role; and 2. To appoint Jana Burton as Director of Adult Social Care pending recruitment to this role. 	

1. ORIGIN OF REPORT

1.1 This report comes to Employment Committee under paragraph 2.3.1.1 of its Terms of Reference as follows:

“To appoint Directors and Heads of Service, and determine terms and conditions of employment.”

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to inform Employment Committee of the arrangements that have been made in relation to the Director of Public Health and to ask Employment Committee to appoint Jana Burton as Director of Adult Social Care pending recruitment to this role as set out below.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. BACKGROUND

4.1 In January 2012 Denise Radley, Director of Adult Social Care went on maternity leave and Terry Rich was appointed to cover her maternity leave for one year. Following that leave, Denise decided to leave the Council in December 2012 to move to another role. As it was not possible to appoint a new director following Denise’s resignation, Terry Rich’s contract was extended for three months to the end of March 2013 to allow time to consider arrangements to be put in place for this role. As members will be aware this role is a statutory role.

4.2 In addition to the above, Dr Andy Liggins left his role as Director of Public Health on Wednesday 27 March 2013, which requires the Council, to put in place arrangements for the recruitment of a new Director of Public Health, which is also a statutory role. The legislation governing the recruitment of a Director of Public Health requires that director to have certain qualifications which include being a member of the Faculty of Public Health and an accredited consultant in Public Health Medicine. At the point of Dr Liggins’

resignation, Dr Liggins' deputy Sue Mitchell, Associate Director of Public Health, did not have the requisite qualifications. However, it has been possible to put forward satisfactory arrangements to Public Health England, on a temporary basis, which allows Sue Mitchell to cover the role with the support of Dr Boika Rechel who is a medical doctor and consultant in public health medicine. Attached at **Appendix 1** is a summary of both Sue Mitchell and Dr Rechel's experience. Employment Committee is therefore not asked to make a temporary appointment to this role but to note the arrangements that have been made pending the recruitment to this statutory role.

- 4.3 The budget approved by Council in March 2013 identifies proposals to be brought forward for new arrangements for the commissioning of services. Commissioning is a word often used, but little understood. Commissioning is simply a process whereby a Council assesses the needs of its residents and communities and then decides the best ways to meet those needs, whether that be in-house Council services or services provided by the private and voluntary sector. Currently commissioning takes place in four different Council departments, Adult Social Care, Operations, Children's Services and Public Health. The proposals to be brought forward will change senior management arrangements to bring these commissioning activities together into one directorate. With these imminent changes and with the departure of Dr Andy Liggins and Terry Rich, it gives the Chief Executive the opportunity to look at senior management arrangements across the whole authority. The last senior management review was conducted in 2008 and there have been many changes in the Council since that time which provides another opportunity to relook at and ensure that the senior management structure properly serves the Council in its changed form.
- 4.4 As Terry Rich is about to leave the Council, and because consultation is ongoing on new senior management arrangements, a temporary solution also needs to be put in place to cover the role of Director of Adult Social Care. Unlike the position with the Director of Public Health, it is possible for Employment Committee to make a temporary appointment as there is an officer with the requisite experience to carry out this role. It is proposed to put forward to Employee Committee Jana Burton, Assistant Director of Care Services Delivery for appointment to this role on a temporary basis. Jana Burton's experience is set out in **Appendix 2** which makes her eminently suitable to take on this role on a temporary basis. Jana Burton will be attending Employment Committee with the Chief Executive so that the committee can address any questions to her. These arrangements have been discussed in the departmental management team of Adult Social Care.

5. CONSULTATION

- 5.1 Consultation on the new senior management structure will comply with employment legislation. The results of that consultation will be reported back to Employment Committee under its delegation 2.3.1.5 which is "to consider and recommend appropriate actions where necessary in response to, executive proposals relating to: a) changes within a departments/division structure which involve substantial changes and responsibilities of first and second tier posts; b) request for trade union facilities, including budget and establishment; c) other executive human resource matters."

6. IMPLICATIONS

- 6.1 There will be minor financial implications arising from these proposals, in that both Jana Burton and Sue Mitchell will be paid at a higher rate than their current salaries to reflect their additional responsibilities. However, these payments can be covered within existing budgets and in fact savings will be made overall resulting from the vacancies at director level in both departments (the extent of which will depend on the amount of time taken to recruit to new posts, and recruitment costs).
- 6.2 Legal and HR advice has been taken on the proposals, and confirmation received that they comply with all legal and HR requirements.

7. CONCLUSION

- 7.1 The Council needs to make temporary arrangements for the covering of two director roles, namely the Director of Adult Social Care and Director of Public Health. As the Council is about to embark on a senior management restructure as a result of proposals in the budget to bring commissioning arrangements together, the arrangements for covering those two roles will be temporary as it is timely to not only review the commissioning arrangements but the whole of the senior management structure since the previous change in 2008. This paper requests Employment Committee to note the arrangements for the Director of Public Health and to make a temporary appointment to the Director of Adult Social Care whilst the restructuring proposals are consulted upon and then reported back to Employment Committee before implementation.

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Sue Mitchell

Sue Mitchell is currently Associate Director Public Health for NHS Peterborough. Over the last ten years Sue has built up and managed the public health/health improvement team, leading the commissioning and delivery of public health services. During her time in Peterborough, Sue has twice covered the Director of Public Health role for prolonged periods. In the last two years Sue has driven the work to transfer Public Health staff, functions and resources into the city council which took place on 1 April 2013.

Sue started her career in the civil service prior to joining South East Thames Regional Health Authority and subsequently working in the field of public health for 25 years at national, regional and local level. Before moving to Peterborough in 2003, she was Head of the Specialist Health Promotion Service for East and Central Cheshire, and before this Assistant Director of Health Promotion for Bexley and Greenwich. Sue is a strong supporter and contributor to local partnerships, working with colleagues across both the statutory and non-statutory sectors. Sue has also been a board member and chair of a local charity and spent two years as a Fellow of the University of Essex during her time in Peterborough.

Sue gained her Post Graduate Diploma and MSc at Southbank University and is a Fellow of the Royal Society of Public Health (FRPH).

Dr Boika Rechel



Dr Boika Rechel is a medical doctor and specialist in public health medicine. She completed her training on the East of England Deanery public health training programme in 2010. She holds a PhD in Health and Social Studies from the University of Warwick and is a Fellow of the UK Faculty of Public Health (FFPH). Prior to joining NHS Peterborough, Dr Rechel was Clinical Lecturer at Norwich Medical School, University of East Anglia, and Honorary Consultant in Public Health

Medicine at NHS Norfolk and Waveney. Previously she has worked for the London School of Hygiene & Tropical Medicine and the World Health Organisation Stop TB Department. Dr Rechel has extensive experience in public health practice and health services research, and has particular interests in health inequalities and access to care.

Jana Burton



Jana is an experienced leader and manager. Prior to being appointed Assistant Director for Care Services Delivery at Peterborough City Council, Jana spent nine years working as an interim in a number of health and social care settings, including an acute hospital and inpatient mental health. During that time Jana held two interim Director of Adult Social Care roles.

Jana is experienced in organisational transformation whilst also ensuring effective performance and budget management.

Collaboration and empowerment best describe Jana's leadership style, along with valuing and acknowledging the input and expertise of others.

Prior to 2003, Jana worked in different management roles in social services departments in the London Boroughs of Tower Hamlets and Camden and Suffolk County Council, until 1997 when she led the establishment of one of the first primary care trusts in the region and became its first chief executive.

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