



NOTICE OF MEETING

Employment Committee

Wednesday 16 March 2016, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: Employment Committee

Councillor McLean (Chairman), Councillor Allen (Vice-Chairman), Councillors Mrs Angell, Mrs Birch, Leake, Ms Miller, Mrs Temperton, Virgo and Worrall

Non-Voting Co-optee

Councillor Heydon

cc: Substitute Members of the Committee

Councillors Angell, Brossard, Dudley, Mrs Hamilton and Mrs McCracken

ALISON SANDERS

Director of Corporate Services

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Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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AGENDA

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|--|---------|
| <p>1. Apologies</p> <p>To receive apologies for absence and to note the attendance of any substitute members.</p> | |
| <p>2. Declarations of Interest</p> <p>Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> | |
| <p>3. Minutes from previous meeting</p> <p>To approve as a correct record the minutes of the meeting of the Committee held on 10 February 2016.</p> | 5 - 8 |
| <p>4. Urgent Items of Business</p> <p>Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.</p> | |
| <p>5. Employees Code of Conduct Amendment</p> <p>This report seeks the endorsement of the Committee to an amendment to the Employees Code of Conduct introducing a requirement for all Council employees to declare the existence of criminal charges, cautions and convictions to their line manager.</p> | 9 - 12 |
| <p>6. Minutes of Sub Groups</p> <p>The Committee is asked to note the minutes of the Local Joint Committee held on 10 February 2016.</p> | 13 - 14 |
| <p>7. Exclusion of Public and Press</p> <p>To consider the following motion:</p> | |

That pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

(1) Information relating to any individual (Item 8).

8. **Environment, Culture & Communities - Reorganisation in Environmental Services**

This report seeks the Committee's approval of an organisational restructuring of the Environmental Services team.

15 - 28

9. **Date of Next Meeting**

10 May 2016 (Special Employment Committee)

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EMPLOYMENT COMMITTEE
10 FEBRUARY 2016
7.30 - 8.10 PM



Present:

Councillors McLean (Chairman), Allen (Vice-Chairman), Mrs Angell, Mrs Birch, Leake, Ms Miller, Mrs Temperton and Virgo

Also Present:

Councillor Birch, Executive Member for Adult Social Care, Health & Housing
Councillor Heydon, Executive Member for Transformation & Finance

Apologies for absence were received from:

Councillor Worrall

In Attendance:

Nikki Gibbons, Chief Officer Human Resources
Mira Haynes, Chief Officer Older People & Long Term Conditions
Alison Sanders, Director of Corporate Services

41. Declarations of Interest

Councillor Mrs Birch declared a personal interest in Item 8: Future Provision of Services: Heathlands Residential Care Home and Day Centre for People with Dementia, as the spouse of the Executive Member for Adult Social Care, Health and Housing.

42. Minutes from previous meeting

RESOLVED: that the minutes of the meeting held on 16 December 2015 be approved as a correct record and signed by the Chairman.

43. Urgent Items of Business

There were no urgent items of business.

44. Update from the Chairman of the Local Joint Committee

The Chairman of the Local Joint Committee reported that the trade unions had shown understanding and sympathy for the difficult budget year that lay ahead for the Council and the employment implications that would arise from this.

Trade unions had appreciated the way in which consultation had been undertaken and hoped that these good lines of communication would continue as further savings were made by the Council.

The Director of Corporate Services gave an overview of the work of the Transformation Board. Trade unions asked that they be kept informed of this work.

45. **Minutes of the Local Joint Committee**

The minutes of the Local Joint Committee on 16 December 2016 were noted. It was noted that the trade unions had chaired this meeting.

46. **Exclusion of Public and Press**

RESOLVED that pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involved the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (1) Information relating to any individual (Minute 47 and 48).

47. **Future Provision of Services - Heathlands Residential Care Home and Day Centre for People with Dementia**

The Chief Officer: Older People and Long Term Conditions reported that the public consultation which had included staff involvement had closed on 21 January 2016. The Executive on 9 February 2016 had decided that the care home should be closed and the that services be recommissioned. It was reported that residents and families had been informed and further detailed work with the residents and their families would continue with a view to securing alternative residential, nursing or day care provision.

All staff had been consulted and invited to make an appointment with the Human Resources team to explore redeployment opportunities.

The Executive Member for Adult Social Care, Health & Housing reported that it was important to recognise that the quality of care at Heathlands was not in question; the fabric of the building had meant that provision could no longer continue in that setting. He was confident that private sector providers would respond to demand in the Borough adequately.

In response to Members' queries it was reported that officers would work with residents and their families to find alternative care and that all residents would be monitored for 12 months after they were moved to ensure that they were well settled.

The Chief Officer Human Resources reported that initial estimate calculations for redundancies had been based on the care home closing on 31 March 2016 as was originally proposed. The Executive on 9 February 2016 had agreed that Heathlands be closed on 30 April 2016 and this would mean that redundancy payments would need to be recalculated. She stated that these recalculations would be circulated to Committee Members.

It was **RESOLVED** that;

- i) the proposed changes to provision of services outlined in the report be noted
- ii) following the decision of the Executive on 9 February 2016 to close Heathlands, that the redundancies arising from this closure be delegated to the Director of Adult Social Care, Health & Housing in consultation with the Chairman of the Committee and be reported back to the Employment Committee.

48. **Revenue Budget 2016/17 - Employment Implications**

The Committee considered a report that identified the staffing implications arising from the budget proposals for 2016/17. The budget proposals would subsequently be subject to Council approval on 24 February 2016.

It was **RESOLVED** that the Employment Committee;

- i) delegate if necessary, to the Chief Executive, in consultation with the Chairman, the authority to approve the deletion of the posts identified in Exempt Appendix B of the agenda papers with effect from the dates indicated subject to approval of the budget at Executive on 23 February and Council on 24 February 2016.
- ii) delegate if necessary, to the Chief Executive, in consultation with the Chairman the authority to agree that the post holders be declared redundant in accordance with the terms set out in Exempt Appendix B of the agenda papers, with the costs being met from the Structural Changes Fund (subject to any redeployment opportunities offered to those affected) and subject to Executive agreeing the budget on 23 February and Council 24 February 2016.

49. **Date of Next Meeting**

16 March 2016.

CHAIRMAN

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TO: EMPLOYMENT COMMITTEE
16 March 2016

EMPLOYEES CODE OF CONDUCT AMENDMENT
Director of Corporate Services – Legal/Human Resources

1 PURPOSE OF DECISION

- 1.1 This report seeks the endorsement of the Council to an amendment to the Employees Code of Conduct (“the Code”) introducing a requirement for all Council employees to declare the existence of criminal charges, cautions and convictions to their line manager

2 RECOMMENDATION

- 2.1 **That the provision outlined in paragraph 5.5 is added to the Employees Code of Conduct**
- 2.2 **As a consequence to the proposed changes above, an additional offence as detailed in 5.6 is added to the Disciplinary Procedure as an instance of serious misconduct.**

3 REASONS FOR RECOMMENDATION

- 3.1 The recommendation follows a decision by Corporate Management Team in July 2015 to review and amend the practice of carrying out three yearly Disclosure and Barring Service (“DBS”) rechecks in respect of posts where there is no statutory duty to do so. The proposal of a requirement on employees to disclose new convictions is expected to mitigate any risks thereby arising from discontinuing DBS rechecks on the wider number of staff who previously were subject to these.

4 ALTERNATIVE OPTION CONSIDERED

- 4.1 None

5 SUPPORTING INFORMATION

- 5.1 Currently, DBS checks are carried out on prescribed categories of employees whose duties require contact with young people and vulnerable adults either directly or via access to sensitive personal data. The checks take place upon an individual commencing employment with the Council and where s/he moves to a new and different role within the organisation.
- 5.2 The Council’s position on which posts required DBS checks was reviewed by Corporate Management Team in July 2015 at which point they considered their current approach to rechecks.
- 5.3 Whilst there is no statutory requirement to re-check in the majority of cases, it does exist for some non-employment cases ie taxi licensing and fostering/adoption and there is no suggestion that the rechecks should stop for those areas. There is no expiry date on a DBS Disclosure if the person remains in the same type of employment with the same employer.

Increasingly Councils are redefining their position on rechecking because the landscape has changed over the last few years and the CQC and Ofsted no longer require it. The majority of the Berkshire Authorities do not perform automatic rechecks. There is a budgetary saving resulting from not undertaking rechecks which has been included in the 2016/17 budget.

- 5.4 In deciding whether to continue with re-checks one of the issues for consideration by CMT was the Council's appetite for risk; it was clear that the risk to vulnerable adults and children would be very low were rechecks to be discontinued. It is true to say that there is an excellent network of information sources available to the Council which have, in the past, readily identified any occasion when an employee has fallen foul of the law. These include the local press, local police contacts, work colleagues, social networks, the Magistrates Court system etc. Therefore if an employee did commit any offence, particularly one which might prove problematic to their continued employment in a Regulated Activity, it is clear the Council would find out very quickly and be able to act accordingly.

During the time the Council has performed regular rechecks, there is no record of there having been any employee whose employment has been terminated due to new offences being detected through this process. This must inevitably lead to the conclusion that whilst the current approach is extremely risk-averse, it is committing the Council to significant expense at a time of restricted budgets with little evidence that it makes any material impact.

- 5.5 However CMT did agree that in order to mitigate any potential risks the Employee Code of Conduct should be amended to require employees to declare any criminal charges, cautions and convictions imposed upon them subsequent to their appointment. It is considered that whilst the original DSB recheck procedure applied specifically to those staff previously subject to pre employment checks, the recommendation should extend to all Council employees as it would be difficult to legally justify limiting the application of any provisions within the Employee Code to discrete categories of staff. The suggested wording is as follows:

Reporting of Criminal Charges and Convictions

Where an employee is charged by the Police for any offence or convicted in a court of law or issued with a caution on any matter that occurs during or outside of their work then they must report this immediately to the Chief Officer of their Service

A charge, conviction or caution for any offence may result in disciplinary proceedings being taken against the employee where, in the opinion of the Council, it;

- affects, or is likely to affect, the suitability of the employee for the position in which he/she is employed, or
- brings the Council into disrepute, or
- could, in the opinion of the Council, otherwise seriously undermine the trust and confidence that the Council has in the employee.

NB. There is no requirement for an employee to report to the Chief Officer HR where they have received a fixed penalty notice for any offence, eg speeding offences, parking offences etc.

- 5.6 In order to underpin this approach, it is intended this is added to the list of Serious Misconduct outlined in the Council's Disciplinary Procedure specifying "the failure to disclose to line manager any charge, caution or conviction (not including fixed penalty notices) which affects or is likely to affect the employee's suitability for the position in which they are employed" as recommended in 2.2

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 6.2 Nothing to add to the report.

Other Officers

- 6.3 The Chief Officer: Human Resources comments are included in the report.

Equalities Impact Assessment

- 6.4 Not relevant

Strategic Risk Management Issues

- 6.5 Implementation of the proposal will serve to mitigate any risk arising from the fact that the Council no longer undertakes DBS rechecks except in those limited cases where there is a statutory requirement to do so.

7 CONSULTATION

Principal Group Consulted

- 7.1 The recommendation in this report will be considered by the Local Joint Committee and both the Employment Committee and Governance and Audit Committee

Method of Consultation

- 7.2 Through this report.

Background Papers

None

Contact For Further Information

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**LOCAL JOINT COMMITTEE
10 FEBRUARY 2016
4.00 - 4.25 PM**



Present:

Councillors Leake (Chairman) and Mrs Angell
David Allais, UNISON
Lorna Cameron, UNISON

Apologies for absence were received from:

Councillors Allen and Worrall

Also Present:

Nikki Gibbons, Chief Officer: Human Resources
Mira Haynes: Chief Officer: Older People & Long Term Conditions
Alison Sanders, Director of Corporate Services

38. Declarations of Interests

There were no declarations of interest.

39. Minutes from Previous Meeting

The minutes of the meeting held on 16 December 2015 were approved as a correct record, subject to noting the amendment that the trade unions had chaired the last meeting.

40. Urgent Items of Business

There were no items of urgent business.

41. Employment Committee: Agenda and Related Matters

1) Future Provision of Services – Heathlands Residential Care Home and Day Centre for People with Dementia

The Chief Officer: Older People and Long Term Conditions reported that the public consultation which had included staff involvement had closed on 21 January 2016. The Executive on 9 February 2016 had decided that the care home should be closed and the that services be recommissioned. It was reported that residents and families had been informed and further detailed work with the residents and their families would continue with a view to securing alternative residential, nursing or day care provision.

There had been a meeting with staff and trade union representatives earlier in the day and the Head of Human Resources had attended to answer any questions. Staff would be supported and redeployment opportunities be considered wherever possible.

Trade unions reported that they would work with the management team through this process and support staff members. Trade union representatives recognised that this process had been dealt with very effectively and with great sensitivity throughout by the management team.

The Chairman reported that he would report the comments of the Committee to the Employment Committee. He stated that it had been a difficult process and thanked trade union representatives for their recognition of this.

2) Revenue Budget 2016/17 – Employment Implications

The Chief Officer: Human Resources stated that the report set out proposals in order to make the necessary budget savings. Proposals had already been discussed with staff and trade unions had been consulted.

It was reported that redeployment opportunities would be explored for any staff that were put at risk and staff would be supported throughout the process.

The Director of Corporate Services was invited to speak about the Council's Transformation Programme and she made the following points:

- She reported that it had been a very difficult budget year, the Council had been expecting a 25 – 30% cut in their financial settlement, and the actual cut had been closer to 80%. A £12.5m budget gap was now faced.
- The Council would continue to prioritise through the narrative of the Council Plan and would consider how services could be delivered differently to reduce costs. Further redundancies would be necessary to address the budget gap.
- The Council would also be considering how additional income may be generated as well as considering early intervention and prevention as a means of reducing costs.
- There would be a review of library provision, leisure and arts. The council would also be considering its citizen and customer contact provision across the Council.

The Director was keen that if trade unions had any concerns as the process progressed that they should contact her or the Chief Officer: Human Resources so that any issues could be addressed in a timely way.

42. Matters to be Raised by Trade Unions

No matters were raised.

CHAIRMAN

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 8

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