



## **NOTICE OF MEETING**

### **Education Employment Sub Committee**

**Tuesday 21 April 2009, 5.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### **To: The Education Employment Sub Committee**

Councillor Edger (Chairman), Councillor Leake (Vice-Chairman), Councillors Mrs Beadsley and Mrs Ryder

#### **cc: Substitute Members of the Committee**

Councillors Mrs Ballin, Beadsley, Mrs Birch, Mrs Shillcock, Simonds, Turrell and Worrall.

ALISON SANDERS  
Director of Corporate Services

#### **EMERGENCY EVACUATION INSTRUCTIONS**

- 1 If you hear the alarm, leave the building immediately.
- 2 Follow the green signs.
- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

If you require further information, please contact: Priya Patel  
Telephone: (01344) 352281  
Email: [priya.patel@bracknell-forest.gov.uk](mailto:priya.patel@bracknell-forest.gov.uk)  
Published: 8 April 2009

**Education Employment Sub Committee  
Tuesday 21 April 2009, 5.30 pm  
Council Chamber, Fourth Floor, Easthampstead House,  
Bracknell**

**AGENDA**

Page No

1. **Apologies for Absence/Substitute Members**

To receive any apologies for absence and to note the attendance of any substitute members.

2. **Declarations of Interest**

Members are asked to declare any personal or prejudicial interest and the nature of that interest, in respect of any matter to be considered at this meeting.

3. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

4. **Minutes**

To approve as a correct record the minutes of the meeting of the Sub-Committee held on 16 January 2007.

1 - 2

5. **CRB Disclosures - 3 Year Rechecks**

The Sub-Committee's views are sought on 3 Year CRB rechecks.

3 - 8

# Agenda Item 4

**EDUCATION EMPLOYMENT SUB COMMITTEE  
16 JANUARY 2007  
(4.30pm - 4.45pm)**

Present: Councillors Edger (Chairman), Mrs Beadsley and Grayson

Also Present: Mr T Wheaton (NUT)  
Mrs E Bridges (ATL)  
Mrs M Lyne (ATL)

Apologies for absence were received from:

Graham Jackson, NASUWT and Jo Rayner, Recruitment Strategy  
Manager, BFBC.

**1. Declarations of Interest**

There were no declarations of personal or prejudicial interest at the commencement of the meeting.

**2. Minutes**

The note of the inquorate meeting of the Sub-Committee held on 18 July 2006 were agreed as a correct record.

**3. Review of the Council's Early Retirement and Severance Policies for Teachers**

The Human Resources Manager (Education, Children's Services and Libraries) presented the report updating the Sub-Committee on the arrangements for access to unreduced pension for teachers prior to the normal retirement date, as a result of the Age Discrimination Legislation introduced on 1 October 2006.

The Sub-Committee noted that the recommendations in the report fell in line with the Council's Pensions and Severance Policy which was agreed at the Employment Committee on 4 October 2006. The Human Resources Manager highlighted that the Early Retirement Policy allowing teachers to apply to be released under efficiency grounds from age 58 would cease to operate. This change had been discussed through teacher associations where there had been no objections.

**RESOLVED** that, with immediate effect

- (i) teachers who were made redundant and had unreduced access to their pension would have the redundancy calculated at the statutory (30 week maximum) redundancy calculator;
- (ii) teachers who were made redundant who did not have unreduced access to their pension would have the redundancy severance calculated at x2.5 statutory redundancy calculator up to a maximum of 104 weeks payment;
- (iii) actual weekly pay be used for all redundancy payments; and
- (iv) the Early Retirement Policy allowing teachers to apply to be released under efficiency grounds from age 58 ceased to operate.

#### 4. **Update on Recruitment and Retention in Schools**

The Human Resources Manager (Education, Children's Services and Libraries) presented the report from the Director of Education, Children's Services and Libraries updating the Sub-Committee on the initiatives underway and plans for the future to aid the recruitment and retention of teachers in the Borough.

Bracknell Forest was running its third Return to Teaching Course in the summer of 2007. The course required 15 attendees before the Training and Development Agency for schools would fund the course, with 12 applications already received it was expected that the course would be running in 2007. It was also being investigated with Oxford Brookes University whether the course could count towards an MA should teachers wish to study for this qualification at a later date.

Newly qualified teachers were invited to apply to Bracknell Forest's Primary Pool online and would be considered by all primary schools for suitable vacancies. In 2006, 18 teachers were appointed to positions in Bracknell Forest. In 2007 centralised applications would also be accepted for secondary newly qualified teachers.

The Chairman thanked Jo Rayner, Recruitment Strategy Manager for her hard work and the success achieved in the recruitment of teachers in Bracknell Forest.

**RESOLVED** that the actions being taken to assist with the recruitment and retention of teaching and other school staff in the Borough be noted.

**CHAIRMAN**

## EDUCATION EMPLOYMENT SUB-COMMITTEE 21 APRIL 2009

---

### CRB DISCLOSURES – 3 YEAR RECHECKS (Director of Social Care and Learning)

#### **1 PURPOSE OF DECISION**

- 1.1 A review has been carried out on the CRB recheck position of neighbouring authorities. This showed that only 2 out of the 13 councils surveyed did not carry out regular rechecks in Childrens Services; 5 of the 13 carried out rechecks in schools, whilst in Adult Social Care 5 have introduced rechecks, 1 checks a random group annually. 3 other Councils (2 of which are in Berkshire), do not undertake rechecks.
- 1.2 CMT has considered the need for a recheck programme across the Council, whether to upgrade all Standard CRB checks to Enhanced level and the Council's retention policy on CRB certificates. Initially this concentrated on posts in Education and Children's Social Care, but the Council's wider position was then also considered.
- 1.3 CMT's decision was to support a rolling programme of rechecks for SC&L social care staff working with children and those in schools although it was made clear that the schools issue was a matter for headteachers and governing bodies.
- 1.4 The purpose of this report is to seek the Committee's views on this issue and recommend changes to the Council's current approach to CRB rechecks and document storage and retention.

#### **2 RECOMMENDATIONS**

- 2.1 **That all schools are advised to undertake a CRB recheck for all staff on a three year rolling programme.**
- 2.2 **That Disclosure Certificates be retained securely, but indefinitely whilst the individual remains in employment.**
- 2.3 **That the amended policies in Appendices A and B be approved in line with recommendation 2.2 above.**

#### **3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

##### Borough Solicitor

- 3.1 The relevant legal provisions are contained in the main body of the report.

##### Borough Treasurer

- 3.2 As part of the budget setting process for 2009-10, the Schools Forum agreed that new funding of £33,000 be added to school budgets for this purpose, to be financed from the Dedicated Schools Grant.

### Equalities Impact Assessment

- 3.3 There is the potential for discrimination against ex-offenders. However the Council's policy is in line with the CRB Code of Conduct and the Rehabilitation of Offenders Act. This means that it will disregard convictions and cautions for the purpose of employment and holding elected office in accordance with the statutory timescales, except where the nature of the conviction and context indicate that any offences revealed impact on suitability to work with children or vulnerable adults. Convictions which do not impact on this will be treated in confidence and will not lead to any adverse outcomes for the individual.

### Strategic Risk Management Issues

- 3.4 A recognised restriction to the CRB process is that a check is only up to date on the day on which it is issued. Therefore the risks associated with the 3 yearly rechecks are primarily focused on the non introduction of the process. Should this not be introduced the Council is relying on individual intervention from workforce partners in dealing with any cases as they arise which could potentially place children and young people at risk. Also, as this is recognised as accepted good practice by the inspectorates, the non compliance may impact on future inspection outcomes for the Council and its schools.
- 3.5 In cases where an employee has been suspected by the local police of involvement in any kind of activity which would pose a potential risk to children, the police are very likely to have informed the Council. The result of this has been that the Council is made aware of all stages of any police investigation and, with the police, carry out an assessment of the issues which arise when balancing the internal disciplinary investigation and the potential criminal prosecution. The child protection procedures would usually rely on very prompt information from the local police resulting in further action through strategy meetings. Although there is an expectation that this system will identify individuals who have committed offences, or are known to the police, it is reliant on individual intervention.
- 3.6 Incorporating a system of rechecks will show the Council as an "aware" organisation that should further prevent individuals from working in the workforce who should not be.
- 3.7 Trade Unions may have some concern about the impact of rechecking on its members. It was therefore agreed that the matter is put through the recognised official consultation process ie the Local Joint Committee and the Teachers Association to seek their views on a rechecking programme. However no objections have been received from the local trade unions.
- 3.8 The initial consideration of posts in schools and children's social care looked at the third joint Chief Inspector's report on arrangements to safeguard children 2008 which stated that three year rechecks, although not mandatory, were accepted good practice. Given that this body includes eight inspectorates, including Ofsted and CSCI, their recommendation of good practice was considered as necessary to incorporate into safeguarding systems in these most sensitive areas. The expectations of these inspection bodies have clearly developed since the matter of rechecks was last considered by the Council in 2003. Non-compliance could impact on future inspection outcomes for the local authority and schools.

## 4 SUPPORTING INFORMATION

- 4.1 In 2003, CMT considered whether to hold regular rechecks of those employees who were given a CRB Disclosure check on appointment. Issues of cost and risk were considered. The decision made at that time was to perform a one-off recheck, conducted over a three year period, of all those who had not been checked since 1998 and once that had been completed it was decided not to then re-check any more frequently.
- 4.2 In late 2006 the DCSF required all schools to recheck their staff in order for the single record of checks to be accurately completed. As the Council had already undertaken this exercise, and all new staff were checked on appointment, Bracknell schools had already complied with this.
- 4.3 The DCSF document 'Safeguarding Children and Safer Recruitment in Education' states that there is no requirement to undertake a recheck. The exception to this is where the individual takes on work which involves greater contact with children or where there are concerns about the persons suitability. As these are minimum standards, some local authorities have decided to incorporate a programme of rechecks. CMT supported this approach in respect of Children's Social Care and schools where their judgement is that the greater contact criteria has been met.
- 4.4 The impact of the Vetting and Barring Board/ISA

The Vetting and Barring Scheme, scheduled to be introduced in October 2009, has been delayed until July 2010. The Independent Safeguarding Authority is taking on the Protection of Vulnerable Adults register and List 99 (schools register) duties from 20 January. This will see the introduction of a new live system for safeguarding children and vulnerable adults. The scheme will require all existing school based staff to become registered. The earliest this process will commence is July 2010 and It is anticipated that it will take 5 years to complete. As from November 1020 any new appointments will be required to be registered before commencing duties.

- 4.5 As part of the scheme an Independent Barring Board will be formed which will make decisions on whether individuals should be formally barred from working with children and vulnerable adults. These decisions will be continually monitored in the light of new evidence from the police and from employers – the employer should therefore be informed if an individual employed by them and being monitored by the IBB becomes barred in the light of new information. There is no indication from the Vetting and Barring Scheme if the IBB will inform employers if an individual is being investigated for child/vulnerable adult related crimes. At present, this information is only provided if an Enhanced CRB check is applied for.
- 4.6 The Independent Safeguarding Authority has made it clear that a fresh CRB disclosure will need to be done at the same time as the registration with the Vetting and Barring Scheme which explains the initial £64 fee - £28 to register and £36 to cover the cost of a new CRB check. As the rechecking programme will be underway, the process to register with the ISA can be incorporated into the rechecking programme.
- 4.7 The Council currently adopts the CRBs recommended practice on record retention, which is to destroy CRB Disclosure certificates after an initial period of 6 months. CMT acknowledged that the expectation of the various Inspectorates is increasingly that such certificates should be indefinitely retained. It is therefore proposed to adapt

the policy on retention and destruction of records, and the policy statement on the recruitment of ex offenders, accordingly. They are attached as Appendices A and B.

Background Papers

None

Contact for further information

Paul Young : 01344 354060

paul.young@bracknell-forest.gov.uk

Doc. Ref

## POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

- As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Bracknell Forest 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.
- Bracknell Forest Council is committed to ensuring its services are responsive to the different needs of all individuals and sections of that community and to the fair treatment of its staff and potential staff so that no individual or group is disadvantaged.
- 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, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- 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 application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- 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.
- Unless the nature of the position allows Bracknell Forest Council to ask questions about your entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Bracknell Forest Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, eg the Rehabilitation of Offenders Act 1974.
- 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.
- 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.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

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.

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

**General principles**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, Bracknell Forest Council complies with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and this written policy on these matters is available to those who wish to see it on request.

**Storage and Access**

Disclosure information is never kept on an applicant's personnel file and is always kept separately 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.

**Handling**

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.

**Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

**Disposal**

We will ensure that any Disclosure information disposed of is immediately suitably destroyed by secure means, ie by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (eg waste bin or confidential waste sack).

However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken. Disclosures will be retained securely in accordance with the expectations of the Inspectorates.

If the decision is made not to employ the individual, the Disclosure will be destroyed. All Disclosures will be destroyed once the employee has left the Council.

**Acting as an Umbrella Body**

Before acting as an Umbrella Body (one which countersigns applications and receives Disclosure information on behalf of other employers or recruiting organisations), we will take all reasonable steps to ensure that they can comply fully with the CRB Code of Practice. We will also take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of Disclosure information in full compliance with the CRB Code and in full accordance with this policy. We will also ensure that any body or individual, at whose request applications for Disclosure are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.