

To: Councillor Lovelock (Chair);  
Councillors Gavin, Page, Skeats and Terry.

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3 December 2014

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### NOTICE OF MEETING - PERSONNEL COMMITTEE - 11 DECEMBER 2014

A meeting of the Personnel Committee will be held on **Thursday 11 December 2014** at **6.30pm** in **Committee Room 1**, Civic Offices, Reading.

#### AGENDA

|   | ACTION      | WARDS AFFECTED | PAGE NO |
|---|-------------|----------------|---------|
| 1. DECLARATIONS OF INTEREST   |             |                |         |
| 2. MINUTES OF MEETING HELD ON 2 OCTOBER 2014  | INFORMATION | BOROUGHWIDE    | 1       |
| 3. REVISIONS TO RECRUITMENT & SELECTION POLICY AND PROCEDURE AND PRE-EMPLOYMENT CHECKS GUIDANCE | DECISION    | BOROUGHWIDE    | 8       |
| 4. REVIEW OF HARASSMENT POLICY  | DECISION    | BOROUGHWIDE    | 43      |
| 5. CAPACITY AND RESILIENCE REVIEW   | DECISION    | BOROUGHWIDE    | 74      |

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At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant Paragraphs of Part 1 of Schedule 12A (as amended) of that Act”

|    |                                       |          |             |    |
|----|---------------------------------------|----------|-------------|----|
| 6. | EARLY RETIREMENTS AND<br>REDUNDANCIES | DECISION | BOROUGHWIDE | 90 |
|----|---------------------------------------|----------|-------------|----|

## PERSONNEL COMMITTEE MINUTES -2 OCTOBER 2014

**Present:** Councillor Lovelock (Chair);  
Councillors Gavin, Page, Skeats and Terry.

**Also Present:** J Boyd and K Magee (for items 11-18), A Barker (for item 18)  
I Wardle, J Hoggart and S Poole.

### RESOLVED ITEMS

#### 11. MINUTES

The Minutes of the meeting held on 17 July 2014 were confirmed as a correct record and signed by the Chair.

#### 12. PROCEEDINGS OF THE LOCAL JOINT FORUM

The Managing Director submitted the proceedings of the Local Joint Forum meeting held on 16 September 2014.

**Resolved - That the proceedings of the Local Joint Forum meeting be received.**

#### 13. WHISTLEBLOWING POLICY - IMPLEMENTATION PLAN

The HR/Payroll Services Manager submitted a report updating the Committee on the proposals to promote the Whistleblowing Policy.

The revised policy had been circulated to all staff and managers by email, summarised and promoted in 'Inside Reading' and highlighted to managers. Input on future actions to promote the policy had been sought from a variety of stakeholders, including the Joint Trade Union Committee (JTUC) and an automated, dedicated whistleblowing 'hot line' would be set up and managed by Internal Audit.

The report stated that the feedback to date had been sensitive to the need to ensure that all staff and workers (including contractors and agency staff) were aware of the policy and the range of routes available to highlight concerns, including the planned hotline.

Suggested promotional routes for the updated policy included the Employee Handbook, Corporate Induction, the Induction Check-list, a dedicated Whistleblowing web page on the Council's internet site, regular publicity via newsletters and bulletins and the production and circulation of cards and posters to staff, contractors and agency workers which detailed the policy and 'hotline' number.

**Resolved - That the Whistleblowing Policy Implementation Plan be approved.**

#### 14. CHANGE PROGRAMME - REVIEW OF MANAGEMENT AND SUPPORT FOR STAFF

Annette Paterson, HR Partner, and Ashley Burton and Tyler O'Sullivan, National Management Trainees (NMTs), submitted a report updating the Committee on the

## PERSONNEL COMMITTEE MINUTES -2 OCTOBER 2014

outcomes of two reviews into the management and leadership of change and the support offered to staff affected by change.

A previous report reviewing organisational change programmes had been conducted by HR and presented to this Committee on 3 October 2013 (Minute 12 refers) and a summary of progress on the action plan that arose from this review was attached to the report at Appendix 1.

The NMTs and HR had subsequently conducted distinct but complementary investigations and their findings and recommendations were attached to the report at Appendices 2 and 3.

The NMTs had conducted an enquiry, through research, surveys and interviews, into the leadership and management of organisational change in the context of the programme to reshape the Council and their findings and recommendations for improvement had been endorsed by the Reshape Project Board. Their findings stated that the main strengths were communication about the Reshaping programme and communication prior to and during the formal staff consultation, but it was felt that communication following the closure of consultation lacked the clarity, consistency and detail of earlier stages and not all staff felt that their feedback had been seriously considered.

The HR review had also looked at whether the support that was available to staff was sufficient and appropriate and had had ascertained that there was a significant amount of support available to staff, and that there was a high level of awareness of the ability to seek support from the Employee Assistance Programme, but that awareness was low about some of the other support available. As a consequence, HR had consolidated guidance documents into one leaflet and this was attached to the report at Appendix 4. Workshops had been developed and run for managers to provide them with support and to give information about processes and procedures as well as dealing with the emotional aspects of change.

### Resolved -

- (1) That the results of the reviews into Management and Support for Staff be noted;
- (2) That the Action Plan for managers leading organisational change projects (attached to the report at Appendix 2) and the Communications Plan (attached to the report at Appendix 3) be approved.

### 15. ORGANISATIONAL DEVELOPMENT PLAN - PROPOSED OVERARCHING THEMES AND OBJECTIVES

Russell Gabbini, Organisational and Workforce Development Manager submitted a report updating the Committee on the proposals for the implementation of an Organisational Development Plan (ODP). The ODP was intended to support the objectives of the Corporate Plan and to embed principles that would achieve a whole systems approach across the Council, as there were currently historical differences in

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work cultures and practices across the directorates that were not all consistent with the objectives of the Corporate Plan or of the Council. A copy of the plan was attached to the report at Appendix A.

The development of the ODP had been based on a whole systems approach which aimed to set out guiding principles to be followed in carrying out the Council's functions and provided an overarching framework for services to work to, which provided some flexibility to adapt to the changing circumstances.

The draft plan had been developed in consultation with Heads of Service and the JTUC and had been reported to the Local Joint Forum (LJF).

It was proposed that the framework for the ODP be divided into five themes that had been developed to represent the Council's aims and objectives. The themes were:

- Community and stakeholder participation and engagement;
- Learning Organisation;
- Quality, performance and standards;
- Contribution of staff to achieving the Council's aims and objectives;
- Digitalisation.

The first stage would be to identify and develop the actions required to implement the plan with the Directorate Management Teams (DMTs) and would be followed by wider staff participation and engagement to contribute to the final detailed plan, which would be implemented over the following three years.

**Resolved - That the themes, objectives and framework for the Organisational Development Plan be approved.**

### 16. REVISED GUIDANCE ON SAFEGUARDING

The HR/Payroll Services Manager submitted a report updating the Committee on the development of further guidance relating to safeguarding vulnerable groups.

Following the decision by this Committee on 17 July 2014 (Minute 7 refers) to end the practice of 3-yearly rechecks of Disclosure Barring Service (DBS) records, further work had been undertaken to provide additional guidance for managers and staff to accompany the revised policy. This guidance restated the range of other monitoring and interventions that should be applied to ensure that vulnerable groups were safeguarded and stressed that a re-check could be undertaken should the circumstances justify a further check and that the relevant Head of Service should be involved in such decisions.

The guidance had been produced in consultation with JTUC, Corporate Management Team (CMT) and LJF and a copy was tabled at the meeting. An adapted guide had been prepared for consultation with schools.

**Resolved - That the revised guidance on Safeguarding & Disclosure and Barring Service (DBS) Checks, August 2014, be approved.**

**17. DISABILITY IN EMPLOYMENT PROGRAMME - GENERAL UPDATE AND PROJECT SEARCH**

Roger Morris, HR Partner, submitted a report updating the Committee on the progress of the Disability in Employment Programme. The Committee had previously endorsed a programme to review and update the Council's policies and procedures and practical support to employees and prospective employees with a disability. The work was being undertaken by a working group with the support and engagement of the JTUC and the report outlined progress on agreed work areas.

In addition, the Council's recruitment and selection procedures had been amended to ensure that managers who were recruiting established the minimum requirements of the post prior to advertisement. This would conform to the Council's '2 Tick' commitment by ensuring that all candidates with a disability were interviewed if they met the minimum requirements, as well as ensuring that appropriate consideration was given to redeployees affected by the restructuring of the Council.

The report also outlined the proposal for a partnership between the Council, Project SEARCH, the Royal Berkshire NHS Trust and Reading College to offer students with a learning disability a work placement within the Council.

Project SEARCH was available to students aged 18 and above from Brookfields School and Reading College who were in their last year of education and who had expressed a desire to work. The programme was based at the Royal Berkshire NHS Trust and students were given tailored support, job development and placement opportunities and then further support once they moved into a full time job at the hospital or in another business.

HR had been in discussions with the Royal Berkshire Hospital and Project SEARCH in relation to working in partnership so that the Council offered placements for students and they were also liaising with DMTs to identify possible roles that might be suitable for a Project SEARCH student. As job coaching was essential for students to be taught the role, work culture and work ethics, it would be necessary to either appoint a part time coach or to train an existing member of staff to work alongside Project SEARCH and to support students within the Council.

The Council's Disability Service was also exploring options to provide a supported employment service, to increase the number of people with disabilities (particularly learning disabilities) in paid employment and to support the 'Learning and Working' priority of Reading's Learning Disability Partnership Board. The service would be funded jointly with Reading UK Community Interest Company (CIC) as part of the Reading 'spoke' of the Thames Valley Berkshire City Deal.

The report explained that aligning the supported employment service with the wider work in City Deals offered the opportunity to appoint an organisation with experience of providing supported employment to deliver a service to all people with a disability in Reading. It was proposed that this service offered in-work support and so could also provide the job coach required for the Project SEARCH placement.

**Resolved -**

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- (1) That the update on the Disability in Employment Programme be noted;
- (2) That the proposal to enter into partnership with Project SEARCH be agreed.

That, pursuant to Section 100B(4)(b) of the Local Government Act 1972 (as amended), the Chair agreed that the following item of business be considered at the meeting as a matter of urgency for the following reason:

- Under the arrangements for consultation set out by the former Equal Opportunities Sub-Committee when it set up the nursery in 1987 the Kennet Day Nursery (KDN) Association needed to have ratified the proposed fee increase. Due to extenuating circumstances the original Nursery Users committee date had had to be changed, meaning that the consultation with the full KDN Association had not been fully concluded until 24 September 2014, which was after the deadline date for committee papers for this meeting.

### 18. KENNET DAY NURSERY FEE INCREASE

Andy Barker, Reading Play Manager, submitted a report that made recommendations for an increase in the fees at Kennet Day Nursery from October 2014.

The report stated that the last fee proposal, for a 5% increase, had been agreed by this Committee on 7 March 2013 (Minute 23 refers) and had required the nursery to be run on a self funding basis with a zero budget build, which necessitated a consistent 85% occupancy level throughout the year. Fees had not been increased in 2013-14, but now required a 2% increase to continue to maintain a zero based budget. The report explained that the average occupancy level had been 87% and that the nursery remained good value for money in comparison to other local nurseries.

Resolved -

- (1) That the fee structure be increased by 2% from October 2014 as follows:  
£209.20 per week (Reading Borough Council Users)  
£229.50 per week (Other Users);
- (2) That the current supplement of £2 per day for children aged under 2 years and the current discount of £2 per day for siblings, remain unchanged.

### 19. EXCLUSION OF THE PRESS AND PUBLIC

Resolved -

That pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following item, as it was likely that there would be disclosure of exempt

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information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A (as amended) to that Act.

### 20. EARLY RETIREMENTS AND REDUNDANCIES (INCLUDING VOLUNTARY RELEASE SCHEME APPLICATIONS)

The HR and Payroll Services Manager, the Monitoring Officer and the Head of Finance submitted a joint report, which set out eleven requests for termination of employment on the grounds of redundancy and four requests for early retirement on the grounds of redundancy.

Proposals, together with the financial implications were set out in a schedule appended to the report on the following basis:

- Financial cases were given which represented the highest cost to the Council. In most cases this included discretionary added years on pension (where payable), as this represented a direct and ongoing cost to the Council. This was in accordance with the Council's current practice of considering redundancy and retirement terms up to the maximum limit of discretion, where applicable. The Committee was asked to approve individual proposals subject to a maximum ceiling on the exercise of discretion;
- Financial implications were costed on the basis of the estimated figures, which were subject to final confirmation. The figures might be affected by changes to final salary, pensionable service, age or date of leaving. The Committee was asked to approve the proposals on the basis of the estimated figures, subject to any individual proposal being brought back to Committee if the confirmed costs were more than 10% in excess of those reported;
- The costs of early retirement on the grounds of ill health were met by the Local Government Pension Scheme or the Teachers' Pension Scheme.

The report sought approval for the payment of a compensation package in the case of proposed termination of employment or early retirement on grounds of redundancy, efficiency of the service or ill health subject to the conclusion of all outstanding matters in each case, including ongoing consultation with employees and their representatives, and efforts to secure alternative employment, where appropriate.

**Resolved -**

- (1) That the early retirement on the grounds of redundancy of employees K, L and O, and the termination of employment on the grounds of redundancy of employees H, I, J, M and N, be approved on the terms set out in the schedules appended to the report subject to the conclusion of all outstanding matters in each case, including ongoing consultation with the employees and their representatives and efforts to secure alternative employment, where appropriate;
- (2) That approval of the early retirement on the grounds of redundancy of employee E and the termination of employment on the grounds of



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redundancy of employees A, B, C, F and G, on the terms set out in the schedules appended to the report, along with any others from this service area not included in the agenda papers, subject to the conclusion of all outstanding matters in each case, including ongoing consultation with the employees and their representatives and efforts to secure alternative employment, where appropriate, be delegated to the HR and Payroll Services Manager in consultation with the Chair of Personnel Committee and the outcome reported to the Committee at the meeting on 11 December 2014;

- (3) That the proposals set out in (1) and (2) above be approved on the basis of the financial implications set out in the report, and that authority to conclude the proposal be delegated to the Head of Finance, Monitoring Officer and HR and Payroll Services Manager (acting jointly) within that framework, and subject to the maximum ceiling identified for the proposal.
- (4) That the current terms for agreeing compensation packages in specific cases of early retirement or termination of employment on the grounds of redundancy or efficiency be confirmed.

(Exempt information as defined in Paragraphs 1 and 2).

(The meeting commenced at 6.30 pm and closed at 7.05 pm).

READING BOROUGH COUNCIL  
REPORT BY MANAGING DIRECTOR

|                  |  |              |  |
|------------------|--|--------------|--|
| TO:              | PERSONNEL COMMITTEE  |              |  |
| DATE:            | 11 DECEMBER 2014   | AGENDA ITEM: | 3  |
| TITLE:           | REVISIONS TO RECRUITMENT & SELECTION POLICY AND PROCEDURE / PRE-EMPLOYMENT CHECKS GUIDANCE |              |  |
| LEAD COUNCILLOR: | COUNCILLOR LOVELOCK  | PORTFOLIO:   | LEADERSHIP   |
| SERVICE:         | HUMAN RESOURCES  | WARDS:       | BOROUGH-WIDE   |
| LEAD OFFICER:    | JIM HOGGART  | TEL:         | 0118 9372215 / 72215   |
| JOB TITLE:       | HR & PAYROLL MANAGER   | E-MAIL:      | <a href="mailto:Jim.hoggart@reading.gov.uk">Jim.hoggart@reading.gov.uk</a> |

### 1.0 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report (and its attachments) sets out amendments to the Council's Recruitment & Selection Policy and Pre-Employment Check Guidance to bring them up to date with various safeguarding and other policy changes.
- 1.2 The following documents are attached:

**Appendix A:** Revised Recruitment and Selection Policy  
**Appendix B:** Revised Recruitment and Pre-Employment Checks - Guidance

### 2.0 RECOMMENDED ACTION

- 2.1 That the changes set out in Appendices A and B be agreed, and both the revised Recruitment and Selection Policy and the revised Recruitment and Pre-Employment Checks Guidance be adopted by the authority.

### 3.0 POLICY CONTEXT

- 3.1 The Council's Recruitment & Selection Policy and Procedure contains the key policy structure that determines the Council's resourcing activities and processes. It is cross-referred to in the Council's constitution. As such it requires to be updated from time to time to keep abreast of key changes to the Council's resourcing options and / or related policies such as safeguarding.
- 3.2 The policy was the subject of a major review, following consultation with the joint trades unions, by this Committee on 7 October 2008 (Minute 11 refers). It was subsequently amended by the Committee on 2 November 2010 (Minute 23 refers) to incorporate new provisions relating to safer recruitment and a framework for vulnerable groups.

3.3 The associated guide to pre-employment checks relates specifically to the safeguarding of vulnerable groups and is intended to provide further, detailed advice to managers when recruiting to roles that require checks with the Disclosure and Barring Service (DBS).

#### 4.0 SUMMARY OF CHANGES

##### 4.1 Recruitment & Selection Policy

4.1.1 This has been updated to take account of:

- Changes to reflect changes to the national DBS & Right to Work framework/s since 2012;
- The 'two tick' accreditation requirement to consider disabled job applicants if they meet the minimum requirements for a post;
- The Council's policy on appointing redeployees if they meet the minimum requirements for a post;
- Streamlining the reference request process so that references are sought for the successful candidate only (except in where the postholder is working with vulnerable groups where other, safeguarding arrangements will apply).
- Changing / updating references to other legislation where appropriate.
- Bringing appeals under the Policy and Procedure within the Council's Corporate Complaints Procedure.

4.1.2 The revised policy (with tracked changes) is attached at **Appendix A**.

4.1.3 This review is without prejudice to any further review of the Council's recruitment & selection strategy and systems which will commence in early 2015.

##### 4.2 Recruitment and Pre-Employment Checks

4.2.1 The Guidance was last updated in 2007. It has also been updated in the light of legal, policy and DBS system changes since then. The revised Guide is attached at **Appendix B**.

#### 5. CONTRIBUTION TO STRATEGIC AIMS

5.1 Securing the most effective use of the Council's human (staff) resource is fundamental to the effective delivery of all of the Council's strategic aims.

#### 6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 The proposed revisions to the recruitment and selection policy and pre-employment checks guidance have been the subject of consultation with the joint trades unions.

#### 7. EQUALITY IMPACT ASSESSMENT

7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 In this regard you **must** consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

7.3 The proposed revisions to both documents are being made to bring the documents in line with national and local good practice. In this respect, it is not considered that an equality impact assessment is necessary.

## 8. LEGAL IMPLICATIONS

8.1 The authority has the power to appoint staff and to determine their terms and conditions of service under Section 12 of the Local Government Act 1972.

## 9. FINANCIAL IMPLICATIONS

9.1 None direct.

## 10. BACKGROUND PAPERS

10.1 Recruitment and Selection Policy (adopted 2008 and modified 2010)  
Recruitment and Pre-Employment Checks Guidance (adopted 2007)



**RECRUITMENT AND SELECTION  
POLICY AND PROCEDURE**

APPROVED BY PERSONNEL COMMITTEE  
October 2008 Updated August 2014  
IMPLEMENTATION DATE 1<sup>ST</sup> JANUARY 2009

## Section 1: Purpose, Scope and Policy Principles.

### 1.1. Purpose

- 1.1.1 To provide a fair and objective method of recruiting employees who have the skills, knowledge and experience to do their jobs
- 1.1.2 To ensure that we adhere to our Equal Opportunity in Employment Policy in recruiting employees
- 1.1.3 To provide a method of recruitment suited to the Council's needs within its workforce planning framework
- 1.1.4 To meet our legal obligations, including a commitment to safeguarding the welfare of children and vulnerable adults when recruiting to posts with access to these groups ('vulnerable groups').

### 1.2. Scope

1.2.1 The principles set out below will apply to ALL Reading Borough Council recruitment, whether internal or external. In addition, more specific **mandatory** guidance exists as follows -

- Recruitment and pre-employment Checks for Community Schools
- Recruitment and pre-employment Checks for Posts dealing with Vulnerable Groups outside of Schools
- Guide to the Procurement of Supply Teachers
- Corporate Policy on -
  - the engagement of [Casual workers](#),
  - the engagement of [Interim Managers and Consultants](#)
  - the use of volunteers

1.2.2 The processes set out in the Recruitment and Selection procedure may be adapted to meet particular circumstances providing that all the key policy principles in 1.3 are observed.

1.2.3 Posts, which are part of jointly agreed career, trainee or succession planning frameworks, are also subject to the principles set out below unless they contain specific provisions to the contrary. Likewise, some jointly agreed Council Policy and Procedures may contain variations to the principles below to meet specific circumstances (eg Employment Stability Agreement)

### 1.3 Policy Principles

1.3.1 The following important principles are encompassed within this procedure:

#### [Recruitment to Posts Dealing with Vulnerable Groups](#)

A key element of the Council's recruitment and selection policy is its commitment to the protection of vulnerable groups.

In order to comply with statutory requirements and best practice, the Council's recruitment and selection procedure contains requirements to protect vulnerable groups as well as detailed guidance for particular occupational groups (see Section 1 above). This Policy and Procedure sets out the minimum processes and principles that must be applied in all cases to ensure that people in vulnerable groups are protected. Failure to do so not only exposes vulnerable groups to unnecessary risk, but also leaves the Council at risk of prosecution.

- Equality of opportunity in recruitment is a cornerstone of the Council's [Equal Opportunities in Employment Policy](#)
- Applicants with a declared disability will be assessed against the minimum criteria for the post when shortlisting
- 1. Redeployees will be given prior consideration if the minimum criteria are met
- 2. The Council is committed to 'simultaneous advertising' where all posts will be advertised internally and externally at the same time except where Council Policies, procedures and agreements with the Trades Unions provide otherwise.
- 3. The complexity and sophistication of the recruitment process applied for each vacancy must be proportionate to the level of post to be filled - it must be fair but not overly bureaucratic or daunting to potential applicants
- 4. Recruitment for posts with access to children or vulnerable adults will be safe and promote the welfare of these groups.
- 5. All applicants can expect fair treatment and high quality of service
- 6. Employees are selected only on the knowledge, experience, skills and competencies needed for the job - as a minimum this should involve an application, shortlisting and interview.
- 7. A job description, person specification and/or competences are essential benchmarks against which candidates can be assessed and should be used throughout the process
- 8. Selection-Shortlisting and interviewing will be carried out by more than one person
- 9. Training in this policy and procedure is an essential requirement for all those involved in the selection and appointment processes
- 10. Monitoring is essential to assessing the effectiveness of the process
- 11. Each new employee shall receive a full induction to their workplace and the Council
- 12. Each new employee shall undertake a probationary period of employment

### Dissatisfaction and Complaints

The Council operates a right of complaint for applicants who feel their applications have not been fairly considered. Applicants may complain in writing to the ~~Lead Head of HR Service Manager~~ at any stage in the recruitment process. This must be within 5 working days of the alleged act complained of. ~~The Head of HR will arrange an investigation. A complaint about the Head of HR will be referred to the Chief Executive. All complaints will be dealt with through the Council's Corporate Complaints Procedure.~~

The recruitment process will normally be halted at the point that the complaint is received.

Each new employee will be included in the regular programme of one to ones and appraisals.

## SECTION 2 - ROLES AND RESPONSIBILITIES

### 2.1 MANAGERIAL RESPONSIBILITIES

#### 2.1.1 The Corporate Director

The Corporate Director is responsible for ensuring that recruitment and selection is carried out in accordance with the policy and procedure, is consistent, fair, objective and meets statutory requirements.

Each Directorate is responsible for making its own detailed arrangements for recruitment and selection, ensuring it recruits staff with the necessary skills and experience to do their jobs, and who are suitable for the role to which they are appointed.

Once the recruitment process starts these arrangements become the responsibility of the appropriate Lead Officer for the individual recruitment exercise. The Lead Officer's responsibilities are set out in the Recruitment and Selection Procedure.

### 2.1.2 The Manager

Managers have the responsibility to ensure that:

- Recruitment and selection is carried out in their service areas consistently, fairly, objectively and in accordance with Council Policy and statutory requirements so that those appointed are suitable for and have the necessary skills and experience to do their jobs.
- They understand the Council's policy and procedure on recruitment and selection
- Both they and their staff have had adequate training before taking part in selecting candidates for jobs.
- That staff receive appropriate guidance and training in the systems and principles that exist to protect people in vulnerable groups - not just with regard to the recruitment to posts that deal with vulnerable groups.

## 2.2 HR RESPONSIBILITIES

2.2.1 The role of the HR Service is to act as a key partner to directorates in the assessment, organisation and delivery of the recruitment process. In particular -

- Ensure all required pre-employment and other suitability checks are carried out.
- Provide day-to-day advice to managers.
- Ensure that monitoring is carried out and that it is used to good effect.
- Review the quality of the process, look for improvements to make it more effective and provide briefings for managers as necessary.
- Review how well the procedure is achieving its aim and to recommend any improvements that may be necessary.
- Provide briefings and corporate training for staff involved in the process according to their needs.
- Work with managers and trades unions to implement any changes to the policy/procedure.
- To provide guidance and advice on statutory requirements and best practice in the protection of people in vulnerable groups - not just restricted to recruitment
- Investigate any complaints from applicants, managers or trades union representatives.

## SECTION 3 - RECRUITMENT AND SELECTION PROCEDURE - THE MAIN STAGES

3.1 The Lead Officer is responsible for making the appointment and has the key role of ensuring that the process runs smoothly, fairly and effectively. HR, particularly the Recruitment Payroll and Employment Services Team (RESTPEST) will provide advice and support throughout the process. There is also other supplementary guidance shown at the end of this document.



## 3.2 Pre-Planning

### 3.2.1 When a vacancy arises, consider:

- The job and team structure:

- ☐ Arrange an [exit interview](#) with the departing member of staff to provide useful information about the job.
- ☐ Is the team structure still appropriate?
- ☐ Do you need to fill the post?
- ☐ Are the team's skills being used effectively?
- ☐ Is the balance of skills in the team right?
- ☐ Do the members of your team have the skills they need?
- ☐ Review the **job description and person specification** and / or competencies. Does it still accurately reflect the role and skills that you need? **Does it contain accurate information about the postholder's responsibility to protect vulnerable people, the appropriate level of pre-employment checks and the postholders responsibilities for Health and Safety, business continuity etc?**
- ☐ Any reasonable adjustments that could be made to make both jobs and the process accessible to disabled people under The Disability Discrimination Act (see the Council's [Guide to the Disability Discrimination Act](#)).

For further information see [Manager's Guide to Job Descriptions, Person Specifications and Competencies](#).

If you identify changes to your structure, you will want to refer to the Council's [Employment Stability Agreement](#).

- The methods of filling the vacancy:

- ☐ Is this part of a career structure or pathway? Are there any employees ready to move into the post? See [Guide to Career Grades](#)
- ☐ Is this an opportunity to provide development through secondment or job swaps? See [Guide to Secondments](#)
- ~~☐ Does HR have suitable candidates in a pool of interested applicants?~~
- ☐ Are there any suitable employees seeking redeployment who should be given prior consideration? (Speak to HR adviser about the current redeployee list)
- ☐ Is this suitable as a development opportunity for your apprentice/trainee? Are there any suitable apprentices/trainees elsewhere in the Council? (Speak to HR, L&D)

#### ~~4.~~ Advertising and preparing for selection

- ☐ Decide how and where to advertise the post. ~~REST-PEST~~ will advise on writing and placing advertisements (See [Manager's Guide to the Recruitment Process](#)).
- ☐ Decide who will form the shortlisting / interview panel.
- ☐ Check whether the post is:
  - Subject to Elected Member involvement, see [Member Involvement in Recruitment](#)

- Politically restricted under the provisions of the Local Government and Housing Act 1989
- Exempt from the Rehabilitation of Offenders Act and therefore subject to an Enhanced DBS check.
- Any statutory or best practice requirements relating to the protection of vulnerable groups

- Decide which of the person specification's criteria (if not all) will be assessed at shortlisting and which will need to be assessed at interview.
- Decide whether using tests would provide a more informed assessment of any of the person specification's criteria.
- If you need to recruit someone quickly on a short-term, interim basis, you may want to use ~~one of~~ the recruitment agencies ~~used by~~ ~~in~~ the Council's ~~Agency Agreement~~ or the Council's [Policy on the Use of Consultants and Interim Managers](#)
- If you need a pool of staff to cover fluctuating operational needs, such as casual workers, or where you have recurring vacancies, recruitment should be carried out at regular intervals to maintain the pool at an appropriate level (see [Guide to the Recruitment of Casual Staff](#))

### 3.3 Dealing with Applications

3.3.1 The HR ~~REST-PEST~~ team will handle the application stage. This may include the dispatch and receipt of all application forms or whatever form of application process you agree

### 3.4 Shortlisting

3.4.1 Shortlisting may not be necessary in all cases. For instance, where you are recruiting to a pool or you have few applicants and want to see them all. The Lead Officer will normally lead the shortlisting and ensure that before starting the Shortlisting process that the panel is clear about:

- The person specification criteria being used for shortlisting
- The information applicants should provide in order to demonstrate that they meet these criteria and to ensure consistency of selection.
- The minimum requirements of the post (see **applications from candidates with a disability and from redeployees** below)

3.4.2 The panel should assess each application against the person specification criteria or competences to agree the shortlist. The Lead Officer has discretion to decide how this will be done depending on the circumstances. See **Manager's Guide to Recruitment and Selection**. Whichever process the Lead Officer decides upon, the principles of fairness, legal compliance, and selection based on objective relevant criteria must be applied. The Lead Officer must record and sign off the panel's decisions and reasons for rejection. The record must include:

- ☐▪ The criteria used for assessment, **and which were agreed as minimum criteria**
- ☐▪ The evidence required from applicants to demonstrate that they meet the criteria
- ☐▪ A simple matrix showing how each applicant did against the criteria
- A brief note of the discussions, decisions and reasons for rejection
- ☐▪ **If a disabled candidate or a redeployee is not shortlisted, an explanation of why they did not meet the minimum criteria**

3.4.3 To meet our commitment to candidates with a disability, those who meet the **minimum criteria** for a job vacancy **must** be shortlisted and interviewed. You will be told which candidates have a disability at the Shortlisting stage and you will be provided with a copy of [Brief Guide to Shortlisting and Interviewing Disabled Candidates](#). The HR Service will assist you in dealing with questions or issues arising from these requirements.

3.4.4 In accordance with the Council's Employment Stability Agreement and other employment policies, a member of staff designated as a redeployee must be given prior consideration for the post provided they meet the minimum criteria for the post.

3.4.4-5 **All papers** used during the Shortlisting stage **must be** sent back to HR for recording and audit purposes.

3.4.56 This is also a good time to agree the questions that you will ask at the interview.

## 3.5 Employee References

3.5.1 It is important to note here that there are two methods of handling and using references depending on the type of post being recruited to.

### 3.5.2 Posts with Access to Vulnerable Groups

Where a new recruit will be taking up a post with access to vulnerable groups references for **all candidates must** be available to the Chair of the selection panel **prior to interview**. The purpose of this is to give the panel the opportunity to review the contents of the references, and discuss any aspects of them with the candidate. The details of this policy can be found in ['Recruitment and Pre Employment Checks' for schools or non school based staff working with vulnerable groups](#) (see above). This policy guidance also contains guidance on verbal references as does the Council's ['Managers' Guide to Employment References'](#).

### 3.5.3 Other Posts

Where a post does not give the post holder access to vulnerable groups, the references will be sought **for the preferred candidate once identified by the panel. They will therefore be viewed after the interview and are before the interview (where the employee gives their consent) and must be viewed after the interview for the preferred candidate only. The references are a final check once you have selected the preferred candidate (see below 'Interview Process and Assessment'.) to confirm the panel's decision. Any concerns raised by the references must be explored with the referee and candidate before a decision is made.**

## 3.6 Interviewing and Assessment

### 3.6.1 Preparing for Interview

HR can advise you in preparing for interview in, among others, the following areas:

- ☐      Information sent to candidates and dealing with their queries
- ☐      Location of the interviews
- ☐      Reception of the candidates
- ☐      Interview room layout
- ☐      Interview schedule
- ☐      Structure of the interview

- ☒ Interview questions (if not already agreed)
- ☒ Evidence required from the candidates
- ☒ When you will make a decision

3.6.2 If a candidate has a disability and has identified a specific need for assistance, you will have to make the appropriate arrangements as part of your preparations; we are obliged to make such necessary adjustments by law (see '[A Brief Guide to Shortlisting and Interviewing Disabled Candidates](#)')

### 3.6.3 Planning the Interview

3.6.3.1 For consistency, the interview panel must have the same membership as for shortlisting. The panel must agree a list of standard question areas to test the person specification criteria, which must be asked of each candidate. Use probing or follow up questions to test the candidate's experience and explore vague responses.

3.6.3.2 You must agree what evidence you expect candidates to provide in order to demonstrate that they meet the criteria. You should also consider what other documentation you want candidates to bring with them to the interview (eg identify checks, work permits, qualifications etc). **You must take copies of these documents for the file record.**

For further details on question design and interviewing technique, see [Guide to Selection: Shortlisting and Interviewing](#).

### 3.6.4 Interview Process and Assessment

3.6.4.1 The Lead Officer normally opens, directs and closes the interview to make sure the interview flows smoothly, professionally and fairly. See [Guide to Selection: Shortlisting and Interviewing](#).

3.6.4.2 The panel should assess each candidate against the job criteria with the aim of achieving a joint agreement on the successful candidate. Each member of the panel should be satisfied that the successful candidate has demonstrated that her/his knowledge, experience and skills meets those required for the job.

3.6.4.3 The Lead Officer must record the interview process. It must include:

- The list of the questions and which of the criteria they are designed to assess
- The evidence you expected the candidates to include in their answers to those questions
- Any tests and the results
- Notes on the answers from each candidate and whether they met, part met or did not meet the criteria
- A simple matrix showing how each candidate fared, including a clear indication of who was appointed
- A brief note of any discussions

3.6.4.4 All papers (including copies of identity/work permit checks and qualifications etc) **must** be sent to HR, where they will be kept in case of complaint, audit or a request for feedback.

3.6.4.5 Two satisfactory references must be received before making a formal offer of employment. A **qualified** offer of employment **may** be made where the circumstances warrant it. However, this should not be the norm and the preferred candidate must be told verbally and in writing that the offer is conditional upon receipt of 2 satisfactory references and that **they should not terminate their existing employment until the Council makes a firm offer** (see the [Manager's Guide To Employment References](#)).

3.6.4.6 Except for posts in contact with vulnerable groups where there is separate guidance, the panel will also consider any declaration of criminal convictions or cautions made by the preferred candidate.

### 3.6.5 Tests in Selection

3.6.5.1 A range of tests can be used in selection, from tests of manual dexterity through simple clerical tasks, language and numeracy to higher order reasoning. Tests must assess criteria on the person specification if they are to be of any use. You may need to consider adjustment to these tests if one of the candidates has a disability.

3.6.5.2 If you would like to know more about tests in selection, please see **Guide to Tests in Selection**. If you wish to use one of these tests, you must discuss this initially with HR.

### 3.6.6 Unsuccessful Interviewees

3.6.6.1 Inform unsuccessful interviewees, preferably by letter, confirming the panel's decision, thanking them for attending and offering advice/feedback from a member of the interview panel. The candidate(s) should be informed as quickly as possible.

~~3.6.6.2 If an unsuccessful candidate is also a Council employee, the Lead Officer should speak personally to him/her to explain why it was not possible to offer the position.~~

### 3.6.7 Medical Questionnaires

3.6.7.1 The successful candidate must have a medical assessment carried out by the Council's Occupational Health Provider.

## 3.7 Appointment

### 3.7.1 Offer of Employment

3.7.1.1 There are a series of checks, which HR must carry out before ~~an offer can be made~~ a new recruit can start work. These are:

- Satisfactory references,
- Medical clearance,
- ID and work permit/nationality right to work checks.
- ~~CRB-DBS~~ checks in appropriate cases, for example where jobs have regular contact with vulnerable groups.
- Service specific checks, e.g. qualifications, professional memberships

References must be completed before a final offer is made, and all clearances completed before the person starts work. These checks will be requested by and returned to HR, who will keep you informed of any delays.

3.7.1.2 It is possible to make an offer subject to receipt of satisfactory references (see above in the case of references). This **must be discussed with HR** before contacting the candidate.

### Conditional Offers of Employment to Staff Working with Vulnerable Groups and/or Prior to the Receipt of Immigration/Identify Checks

Where it is necessary to make a formal offer of employment before receipt of ~~CRB-DBS~~ or identity/~~immigration-right to work~~ checks, this should be carefully considered and a **written risk assessment** carried out and retained by the manager (with a copy sent to HR). The offer of conditional employment **must be approved by a Head of Service or above**. Suitable controls should be put in place to eliminate risk to vulnerable groups before the employee commences work and any offer of employment must be made conditional upon the receipt of satisfactory checks. Such 'conditional offers' must not be for an indefinite period and the risk assessment and practical arrangements must be reviewed by the line manager on a regular basis.

3.7.1.3 HR will send out the letter offering employment, including the main terms and conditions of employment documents and any other conditions and controls relating to the commencement of employment.

3.7.1.4 Once a start date has been agreed, you must ~~reserve-ensure~~ a place with the Learning & Development Team **is booked** on the next available Corporate Induction **and on the Health and Safety training**, normally within three months. Each new starter must also receive an induction to their workplace, service and directorate to ensure that the Council's values, culture, expectations, rules and conditions are explained at this stage. REST will advise on induction.

### 3.7.2 Monitoring Recruitment

3.7.2.1 HR will monitor recruitment and selection for improvement in the following areas:

- ~~1.~~ **1.** Access to council jobs (~~sex, ethnic origin, disability and age~~ **Protected Characteristics Equality Act 2010**)
- ~~2.~~ **2.** Applicant satisfaction
- ~~3.~~ **3.** The efficiency of the process, whether it meets client requirements and standards, through random sampling of parts of the process
- ~~4.~~ **4.** The effectiveness of recruitment, i.e. whether we are recruiting suitable candidates, through random sampling of parts of the process
- ~~5.~~ **5.** Whether panel members have received appropriate training
- ~~6.~~ **6.** The quality of recruitment and selection, through observing a random sample of shortlist sessions and interviews, by HR Officers and trained Trade Union Representatives.

## 3.8 Training

3.8.1 All members of shortlisting and interview panels must have appropriate training, either the Council's course in recruitment and selection or equivalent training in previous employment. HR will discuss previous training with employees to decide whether further training is necessary.

3.8.2 Managers should arrange for those without appropriate training, to attend the next available course. It is also useful for prospective interviewers to attend shortlisting and interviews as a non decision-making observer before their training.

- 3.8.3 Newly trained staff should interview alongside those with some experience until they have enough confidence to chair or assist other recently trained staff. In times of low recruitment, they can use these newly acquired skills to assist managers in other sections or directorates short of interviewers. Please contact HR for details.
- 3.8.4 Workshops can be arranged to cover the different stages of recruitment and selection, depending on the nature of and the demand for the particular need. Please contact Learning and Development for details.

## 3.9 Supporting Documents and Guides to Assist Managers

### Mandatory Policies/Procedures

- Recruitment and pre-employment Checks for Community Schools
- Recruitment and pre-employment Checks for Posts dealing with Vulnerable Groups outside of Schools
- Guide to the Procurement of Supply Teachers
- Corporate Policy on the engagement of Casual employees, Agency Workers and Consultants
- Corporate Policy on the use of volunteers
- Shortlisting & Interviewing Candidates with a Disability
- Probation Procedure
- Induction Checklists
- Trade Union Observer Agreement
- Manager's Guide To Employment References
- Employment Stability Agreement
- Member Involvement in Recruitment

### Guidance

- Guide to Selection: Shortlisting and Interviewing
- Disability Discrimination Act Guide
- Guides to Succession and Career Planning, Secondment, Acting-Up
- Guide to Tests in Selection
- Managers' Guide to Probation
- Managers' Guide to Job Descriptions, Person Specifications and Competencies
- Managers' Guide to the Recruitment Process



# Recruitment and Pre-Employment Checks Guide - for Posts with Access to Children and Vulnerable Adults

## All Posts Excluding Schools

March 2007 Updated August~~NOV~~ 2014

(Approved at Personnel Committee ~~6<sup>th</sup> March 2007~~DEC 2014)



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## Part 1 - Introduction

This guide provides a consistent recruitment process when recruiting to posts with access to children or vulnerable adults, including pre-employment checks, and should be viewed as supplementary to the "Recruitment and Selection Policy", which can be found on [Public Folders\IRIS](#). This guide does not replace any more specific advice you may require from HR.

This guide is split into three further parts - background, legislative requirements, and then a detailed recruitment and selection procedure.

This guide lays out the recruitment and selection process required when filling posts with access to children or vulnerable adults. **This does not include school based posts, for which separate guidance has been produced.**

[Please also refer to the Recruitment and Selection Policy and Procedure which gives the over-arching Council policy on Recruitment and Selection.](#)

## Part 2 - Background

Reading Borough Council has a duty to ensure the safety and welfare of all staff and client users, and this includes vulnerable adults and children either in our educational establishments or in our care.

To ensure this duty is carried out, Reading Borough Council has produced this ~~new~~ guidance to define the recruitment process for staff, to ensure that those recruited are suitable to work for the council, and with vulnerable groups.

The Council must satisfy itself that each new recruit is suitable for the job for which they have applied, and this applies equally to paid staff and workers, and volunteers. This manifests itself through a number of pre-employment checks carried out on new staff, workers, and volunteers.

The focus is to ensure that all staff working in locations or establishments where there is access to children or vulnerable adults, have been given criminal clearances via a disclosure from the [Criminal Records Bureau Disclosure and Barring Service](#) before they commence work.

Of particular note is the ~~change to the~~ use of references when recruiting to a post with access to children or vulnerable adults. ~~It will now be procedurally correct for references~~ References to will be made available to the Chair of the interviewing panel prior to interview, so that any appropriate and relevant issues contained in them can be shared with the interview panel and explored with the candidate.

It should be noted that Ofsted inspections look at safeguarding and this includes recruitment and selection procedures. The DfE produced updated guidance in April 2014 called Keeping Children Safe in Education - Statutory Guidance for Schools and Colleges, which includes a section on safer recruitment., ~~as contained in "Safeguarding Children: Safer Recruitment and Selection in Education Settings", issued by the DfES in June 2005, future Ofsted inspections will evaluate recruitment and selection procedures.~~ The Commission for Social Care Inspectorate (CSCI) ~~already carry~~ also carries out this evaluation.

## Part 3 - Legislative Requirements and Key Points

### Vulnerable Adults

The Protection of Vulnerable Adults (POVA) scheme, as set out in the Care Standards Act 2000, was implemented on a phased basis from 26 July 2004. The work settings covered are defined (see the Guidance Document for the latest list) and the phasing in of all settings will take a few years. The POVA list is at the heart of the scheme. The list is held by the Secretary of State, and is of people considered unsuitable to work with vulnerable adults in England and Wales.

Through referrals to and checks against the list, care workers who have harmed a vulnerable adult, or placed a vulnerable adult at risk of harm, will be banned from working in a care position with vulnerable adults. This will increase the level of protection for these clients

The Secretary of State may also consider that a referral to the POCA list is appropriate (see page 6).

A POVA check will be made prior to the appointment of a care worker to a care position. Employers must not offer employment to someone who is confirmed as being on the POVA list.

From 26 July 2004 a POVA check must be carried out for new staff and for transferees from non-care to care positions, or from children's to adult's services.

POVA cannot be checked for other workers other than as defined. (i.e. it is not "permissive" in the way the POCA list is). Therefore care is needed in determining which posts require a POVA check. There are examples in the "Practical Guide" of working practices in these work settings which determine whether a worker is covered or not. Within RBC, all staff working in care homes and domiciliary care will be checked against the POVA list, and this will be extended to other work settings when permitted.

In England, in exceptional cases when absolutely necessary, i.e. service users would be at risk due to the difficulty of recruiting, employers may appoint subject to the full results of the CRB being received. BUT employers MUST have:

- \* Carried out rigorous pre-employment checks
- \* Applied for a CRB disclosure, with POVA check, on the CRB disclosure application form
- \* Applied for, AND received a satisfactory result from a *POVAfirst* check (see below)

Put in place stringent arrangements for the training and supervision of the employee in the interim

- \* The RBC Risk Assessment form must also be complete and authorised

*POVAfirst* is a facility to access the result of the POVA check ahead of receiving the rest of the CRB disclosure. The *POVAfirst* can only be

requested if the CRB disclosure application form has been received by the CRB, and the check is requested by HR.

If the POVA<sup>first</sup> check is clear, employment can start pending the remaining parts of the disclosure coming through, and provided a risk assessment has been completed, references are in place, and medical clearance has been received. The POVA<sup>first</sup> check incurs an additional charge from the CRB.

## Children

~~The Disclosure and Barring Service maintains a list of people barred from working with children. The Protection of Children Act 1999 came into force in October 2000, and introduced the Protection of Children Act (POCA) List. This list records people considered unsuitable to work with children, and all regulated childcare organisations have a statutory duty to refer the names of individuals for possible inclusion. Voluntary bodies are also permitted to do so.~~

~~The List 99 is a Department for Education and Skills (DfES) maintained list, containing the names of teachers barred or restricted on the grounds of misconduct or health. It provides on-line access to registered employers to check names against the list of people barred from working with children.~~

Under the Criminal Justice and Court Services Act 2000 it is an offence to knowingly offer work to or to employ in a “regulated” (including child care) post, any person who is disqualified from working with children, through inclusion on either of the above lists, or who has a disqualification order from a court. It is also an offence for that barred person to seek, or remain in, such work.

It is therefore vital that these checks are carried out, either directly or through the [CRB DBS](#), before anyone takes up a post with access to vulnerable groups with RBC.

~~Safeguarding Children: Safer Recruitment and Selection in Education Settings, June 2005. Keeping Children Safe in Education - Statutory Guidance for Schools and Colleges was issued by the DfE in 2014 to update previous guidance issued in 2007.~~ Whilst this guidance is not always applicable to all the settings in which RBC employees have access to children, a number of the recommendations contained within it have been adopted for use across all RBC posts that have access to vulnerable groups, both adult and children. The ~~changes to the~~ use of references when appointing to a post with access to vulnerable groups is the key principle taken from this guidance.

## Background checks on recent residents

As part of the [CRB DBS](#) check, applicants are required to provide a continuous address history covering the five years leading up to the present date.

| However, the [CRB-DBS](#) check cannot cover addresses and police records held in parts of Scotland and Ireland, or any overseas country. In these cases the [CRB-DBS](#) check itself may not be worthwhile or will only provide limited information. This will need to be supplemented by other checks, including asking for certificates of good conduct from the police force in the applicant's original country, or seeking references from those forces.

If any preferred candidate falls into this category, please be aware that you should seek further advice from HR, and that the timescale to achieve full clearance could be significantly increased.

## Part 4 - Procedure

### 1. Job Description and Person Specification

1.1 A vacancy will occur where a member of staff leaves and needs to be replaced, or where a new post is created within a team/service.

1.2 Where a vacancy occurs through a member of staff leaving, the opportunity should be taken to determine whether the post needs to be refilled, whether it should remain the same, or whether changes should be made before advertising it. Where changes are made consideration should be given to the effect this may have on the duties of other team members. If radical changes are made the revised job description and person specification should be sent to HR for evaluation.

1.3 In any event, the job description and person specification should always be reviewed before advertising to fill a vacancy to ensure they are up to date and an accurate reflection of the duties, skills and abilities needed in the role.

1.4 Where a new post is created the job description and person specification must be drawn up to again ensure that the job role is reflected accurately. These must be sent to HR for evaluation.

1.5 If a job description is newly created, or significantly changed, consideration will need to be given as to whether a [CRB-DBS](#) and other pre-employment checks are needed, and this information must be included on the job description and person specification. It is important to remember that if a job role evolves over time, it may become necessary to carry out checks that had not previously been needed for the post holder.

1.6 The person specification should not take an "essential" and "desirable" approach. However the Lead Officer and panel should be clear about what the minimum criteria for the job are, i.e. the skills/attributes the post holder must have to be able to carry out the duties of the post. This is important for shortlisting and interviewing generally, but is particularly important for disabled applicants [and redeployees](#). Disabled applicants are guaranteed an interview if they meet the minimum criteria of the post, as required under the Two Ticks scheme, to which the Council is committed. Please see the Disability and Recruitment – A Good Practice Guide, for more details. [Redeployees should be given prior consideration for a post if they meet the minimum criteria in accordance with the Council's Employment Stability Agreement and other employment policies.](#)

1.7 In all cases the person specification will be your guide to writing the advert, producing your interview questions and devising any tests. After appointment it should be used as the starting point for a

learning needs analysis during probation and on into the employment relationship, and used to inform appraisals.

1.8 In all cases the job description must make clear the responsibility the jobholder will have for child protection or the protection of vulnerable adults. The person specification must specifically state that the job holder is required to be suitable to work with children or vulnerable adults, and must contain details of the level of [CRB-DBS](#) check required for the post, if applicable, along with any other checks such as [POVA](#) whether a barring list check is required.

1.81.9 The minimum criteria are those skills, abilities, competencies or qualifications that the post holder must possess to be able to start in the role. These must be identified and agreed before advertising the post to help inform the wording of the advert and to support later shortlisting and interviewing

## 2. Advertising

- 2.1 Once the job description and person specification ~~is~~ are up to date, accurate and evaluated as necessary, the next step is to draw up the advert. HR staff are available to advise managers on writing adverts, as ~~are~~ is the advertising agency, but there are a few simple guidelines to be followed.
- 2.2 Adverts need to be clear about what the job entails, concise but not to the point of including too little information, should show details of salary including any pro rata arrangements, and the hours of the post including any flexibility such as job share or flexibility over days worked.
- 2.3 The advert must also contain reference to the fact that a [CRB-DBS](#) check will be required, and the level of check required. The closing date should be clearly stated, and where possible the shortlist and interview dates should be included. Contact details will be the HR team who will handle the administration. If you have a contact for potential applicants wishing to have an informal discussion these details should be included in your advert.
- 2.4 The advert must contain the following, or a similar, statement: "This authority/service is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults, and expects all staff and volunteers to share this commitment".
- 2.5 The advert (and Job Description and Person Specification) must not include any text or images that could directly or indirectly discriminate against ~~certain groups, e.g. ethnicity, gender, disability, age, sexual orientations~~ someone with a Protected Characteristic as set out in the Equality Act 2010. However there are circumstances where



it is appropriate to be specific about the person needed for the job, if this is the case please contact HR.

2.6 Decide and specify whether the advert should appear in a paper publication and/or on-line, and where necessary if it should be in colour or black and white. ~~and decide if the advert can appear as part of a Reading Borough Council composite advert where possible, or if you would prefer it to appear alone.~~

2.7 If you wish the RBC logo to appear in the advert you must specify this. The Two Ticks symbol will be included in the advert to communicate a commitment to supporting disabled applicants.

~~2.8 Composite adverts are dependant on more than one advert being placed in the same publication in the given week. Where they do appear the main advantages are a much bigger advert covering RBC as a whole, and an associated cost saving.~~

~~2.9~~ 2.8 The wording, appearance, and the choice of media can all influence how popular the vacancy will be, as well as affecting how attractive it will be to all groups in the community.

### 3. Advert Approval

3.1 HR will send the advert to the advertising agency, at which point the space in the chosen publication will be booked. The agency will set the advert into its final copy and send it back to HR for approval, along with the cost.

3.2 The advert will need to be approved, and this will be carried out by the Lead Officer for the vacancy. Any problems with the advert must be fed back immediately so they can be rectified.

3.3 Once approved the advert will be placed and the administrative process flowing from this will be handled by HR.

### 4. Timescales

4.1 Consideration will need to be given to when and where the advert should appear. Guidance on the best places to advertise can be obtained from HR, in liaison with the advertising agency. All adverts placed via Ambleglow will automatically be placed in the Job News bulletin and on the Jobsgopublic/[RBC](#) website, unless it is specified that this should not happen.

4.2 The closing date by which applications should be returned should be at least two weeks after the first appearance of the advert to allow

enough time for potential candidates to complete and return the forms.

- 4.3 The names of the three panel members must be agreed early on. Please note that both the shortlist and interview panels must have the same membership. All members of the panel must have attended RBC's Recruitment and Selection training course, or have been assessed as having suitable previous knowledge and experience in recruitment and selection. This assessment is available via HR.
- 4.4 Where shortlisting and interviewing involves people from other agencies or interim managers, these participants must be briefed by the Lead Officer and can take an active part in interviewing, but should not be part of the decision making process.
- 4.5 The panel should meet in advance of shortlisting to agree the criteria to be used for shortlisting, and to determine the standards required. The panel should also meet before the interviews to finalise the questions to be asked and who will be asking them, and to confirm the standards being sought during the interview.
- 4.6 The shortlisting date should be at least two working days after the closing date to allow time for shortlisting packs to be prepared for the panel.

## 5. Application Pack

- 5.1 The application pack should be informative and act as a first impression of the job and service. The pack must contain the job description, person specification, application form, and guidance on completing the application form, and the convictions and cautions declaration form.
- 5.2 In addition the pack should contain a copy of the Council's Equal Opportunities statement, and the Child Protection Policy Statement where applicable. [For certain posts in H&CC and DECS the GSCC Code of Practice for Social Care Workers and Employers must be included.](#)
- 5.3 The covering letter to the applicant must state that the criteria in the person specification will be tested during the interview process, and that relevant issues raised in references will also be discussed at interview. The letter should also make it clear whether or not those applicants not shortlisted will receive communication telling them they have been unsuccessful. HR use a standard letter to cover this, but specific additions can be made to suit the vacancy.
- 5.4 The standard RBC application form should always be used to give consistency in the type of information being collected from each

applicant. CVs are not acceptable. However, there may be a need to vary the approach if a disabled person wishes to apply for a post.

- 5.5 Additional information can be added to the pack about the service and post available in order to appeal to the intended audience.

## 6. Shortlisting

6.1 Once the closing date is reached, a shortlisting pack will be ~~produced and available for collection by~~ made available to the panel, ~~unless other arrangements are agreed. Unless more copies are requested, one pack will be provided for the panel to copy themselves.~~ At this stage ~~copy~~ application forms will be ~~produced~~ provided without the front page, thereby removing personal information that could lead to subjective judgements being made ~~based on age, ethnicity, gender, etc~~ Protected Characteristics. The equal opportunities monitoring details will not be included with the forms in the shortlisting pack.

6.2 If there is a disabled applicant, ~~a covering note will be included in~~ the shortlisting pack will contain details of stating which candidate(s) are disabled. A copy of the "Shortlisting and Interviewing Disabled Candidates - A Brief Guide" will be included. No other personal information about that applicant will be made available. This will enable the panel to assess the applicant against the minimum criteria for the post, and consider them for interview. Please see the Disability and Recruitment - A Good Practice Guide, for more details.

~~6.26.3~~ If there is a redeployee, the shortlisting pack will contain details of which candidates are redeployees. This will enable the panel to assess the applicant against the minimum criteria for the post, and consider them for interview.

~~6.36.4~~ Every candidate should be assessed against all the criteria from the person specification using a grid, indicating Met, Part Met, or Not Met against each criteria to ensure consistency and fairness.

~~6.46.5~~ Once shortlisting has been carried out all packs must be returned to HR, with the shortlisting grids completed by all three panel members, a completed consensus grid, and an Interview Pro Forma completed. If not already agreed the interview date should be agreed and communicated to HR on the pro forma, as well as where the interviews will take place, and whether there are any tests. The panel is responsible for room bookings, refreshments, meeting and greeting candidates, checking and copying ID, qualification, etc. documents, etc.

~~6.56.6~~ For example, if candidates are to give a presentation the subject of this, expected duration, and availability of equipment such as OHPs or PowerPoint a laptop and projector, must be decided so this information can be passed to the candidates. Applicants selected for shortlisting by the panel must be clearly identified when the packs are ~~handed sent~~ back to HR.

6.66.7 The interview date should be a reasonable time after shortlisting to allow enough time for candidates to be invited for interview, and for the references to be obtained. A suggested timescale is two weeks.

6.76.8 At this point interview questions can be finalised using the person specification. Specific and relevant questions you may wish to ask candidates relating to their application or references can be added later.

6.86.9 If any disabled applicants [or redeployees](#) have not been shortlisted, the panel must make it clear why this is the case. [In the case of redeployees, the panel will need to arrange to feedback to the redeployee on why they were not successful.](#)

## 7. Inviting for Interview

7.1 Candidates will now be contacted to invite them for interview. Candidates will be asked if they have any special requirements for the interview day, such as access requirements, HR will alert the panel of these in advance.

7.2 The letter will state that the interview will be used to explore the candidate's suitability to work with children or vulnerable adults, will outline the need for a [CRB-DBS](#) check, and will give details of the ID documentation and qualification certificates the candidate is required to bring with them. The ID documents are for the [CRB DBS](#) check and to check eligibility to work [in the country as required by](#) ~~under~~ the Asylum and Immigration Act 1996.

## 8. References

8.1 Reference requests will be sent out at the same time as the invite for interview letters to ensure all references are returned in time for the interviews. References will be chased if timely responses are not received.

8.2 The only exception is where the candidate has indicated on their application form that their referee cannot be approached. ~~If this is the case the candidate will be asked to reconsider this. If permission is still not given~~ [In these cases](#) the panel should explain at interview that if they are successful, references will still need to be sought and may need to be discussed prior to any offer of employment being made.

- 8.3 Please note that an offer of employment can only be made when there are two satisfactory references available for the preferred candidate.
- 8.4 References will be from the most recent / current employers. One reference will be from the most recent employer where the candidate worked with children or vulnerable adults (as appropriate), and from one other source so that there are two references. References are not acceptable from partners/spouses, family or friends, and verbal/open references and testimonials will not be accepted.
- 8.5 The references will address the candidate's suitability to work with children or vulnerable adults (as appropriate). The most recent / current referee will be asked to comment on any disciplinary offences (not unproven allegations) relating to children or vulnerable adults, and any child/adult protection concerns including the outcomes of any enquiries and disciplinary proceedings. The referee will be informed that information they give in this respect may be discussed with the candidate at interview.
- 8.6 The references will be made available to the Chair of the panel prior to interview as any relevant issues raised in the references must be shared with the interview panel and explored with the candidate during the interview. Relevant issues are legitimate areas of concern related to the nature of the work with children and/or vulnerable adults. The panel should also cross check the references with the application form to satisfy themselves they have the appropriate referees responses, and that there is no mismatch of information.
- 8.7 Any other queries arising from the references should be followed up with the referees.
- 8.8 If references are obtained after the interview because the candidate did not wish for them to be taken up beforehand, or if they had not been received before the interview, any issues raised in the references must still be pursued if necessary.

## 9. Interviewing

- 9.1 Interviews must take place long enough after the shortlisting to allow time for references to be requested and received back. The interview pack will be ~~ready for collection~~available two to three days before the interview date to allow the panel to read through the applications. ~~One pack will be provided unless more are requested.~~ At this stage the front page is re-attached to the

application form, but the equal opportunities monitoring form is still not included.

9.2 If any candidate has a disability, the panel will be made aware of the nature of this, in advance, so that any reasonable adjustments can be made to the room, access, tests, etc.

~~9.29.3~~ If any candidate is a redeployee the panel will be made aware of this, and will need to consider the redeployee against the minimum criteria for the post, with a view to giving the redeployee prior consideration for the post.

~~9.39.4~~ If a declaration has been made by any candidate on their criminal convictions declaration form that reveals they have any convictions or cautions, that candidate's declaration will be copied to go with the application form in the interview pack given to the panel. This will allow for discussion around this declaration at interview, and advice can be sought from HR in this area.

~~9.49.5~~ Because a CRB-DBS check is required for the post, copies of original identity documents must be taken for each candidate at the start or end of the interview, and a checklist completed. The original documents should also be examined to check as far as possible that they are genuine. The ID must also cover the required check under the Asylum and Immigration Act 1996. The information from these documents will be used to support the DBS transferred to the CRB disclosure application form for the preferred candidate.

~~9.59.6~~ Candidates should be told what the checking process entails, the likely timescales involved, as well as the fact that clearances are needed before the Council can confirm any appointment.

~~9.69.7~~ Copies of any relevant qualifications certificates must also be taken as appropriate, having checked they appear genuine.

~~9.79.8~~ The interview questions and any tests must be designed to test whether the applicant is suitable for the role, and this will include their motivations and suitability to work with children or vulnerable adults.

~~9.89.9~~ Any apparent gaps in employment history, education, qualifications, etc. should be identified by the Chair of the panel and explored with the candidate at interview, as should any anomalies in the information provided on the application form. Frequent or sudden job changes should be questioned.

~~9.99.10~~ The content of references should be explored, particularly if there are any causes for concern in the references relating to the

nature of the work with children and/or vulnerable adults. If references are not available, the candidate must be asked if there is anything likely to come up in their reference that they feel should be discussed.

~~9.109.11~~ Each panel member must complete interview grids so there is a clear record of the chosen candidate and how they met the criteria, and the consensus grid must be completed. Every candidate for all posts should be assessed against all the criteria from the person specification using a grid, indicating Met, Part Met, or Not Met, to ensure consistency and fairness.

~~9.119.12~~ At the end of the interview, the successful candidate will become the preferred candidate. If the preferred candidate had not given permission for referees to be contacted prior to interview, s/he should now be told they are the preferred candidate (this is not an offer of employment) and asked if the references can be taken up. References will then be requested by HR as soon as possible. An offer cannot be made unless both references are returned and satisfactory.

~~9.129.13~~ If the references provided are not adequate, or if there is a need to check back further, the panel can request that HR follow up other references pulled from the employment history provided on the candidate's application form.

## 10. Tests

10.1 If it is intended to ask candidates to undergo a test it is important that the test is based on the criteria of the person specification. For example, if typing is a requirement of the job a typing test would be appropriate, but you must decide if you need to test accuracy, speed, presentation, or a combination of these, and design the test accordingly.

10.2 If you intend to use a test please let your HR contact have a copy of it at the earliest opportunity, preferably along with your Advert Request form. This allows time for the test to be checked against the criteria in the person specification, and also to determine if there are any biases that would breach equal opportunities.

~~10.210.3~~ Tests may need to be adjusted to meet the needs of disabled applicants. HR can offer advice in these circumstances.

## 11. Preferred Candidate - Good References and Declaration

11.1 If the references and convictions declaration for the preferred candidate are satisfactory, all interview packs should be returned



to HR, with interview and consensus grids completed by all three panel members, signed, and clearly indicating the preferred candidate, along with the ID document copies, the checklist, any copies of qualification certificates, and a completed New Starter Form. *(not yet launched)*

- 11.2 The preferred candidate can be contacted to tell them they are the preferred candidate, but no offer can be made at this stage.

## 12. Preferred Candidate - Poor References or Declaration

- 12.1 If one or both references for the preferred candidate are unsatisfactory, refer back to HR for advice. In most cases further investigation is required before a candidate can be accepted or rejected. All interview packs and grids should be returned to HR.
- 12.2 If the declaration for the preferred candidate contains information about convictions or cautions the matter must be discussed with HR and referred to the appropriate Head of service, using a standard form held by HR. The Head of Service will discuss the case with the Lead Officer and decide whether or not the person is suitable to appoint. All interview packs and grids should be returned to HR.
- 12.3 In some cases it may not be possible to appoint the preferred candidate due to unsatisfactory references or declaration. In such cases it may be possible to appoint the second placed candidate, subject to the same reference and disclosure checks already outlined. If the second placed candidate is not suitable a re-advertisement may be required.

## 13. Unsuccessful Candidates

- 13.1 Candidates who have been unsuccessful at interview should be notified of this as soon as possible, either by the Chair of the panel, another panel member, or HR. Candidates should be offered the opportunity for feedback from either the Chair or a member of the panel.
- 13.2 All papers relating to the recruitment exercise will be kept confidentially and securely for six months, in case of query, and then confidentially destroyed. This includes the [CRB-DBS/right to work](#) ID papers copied from candidates at interview.
- 13.3 In some cases there may be a preferred candidate plus a candidate in a close second place. It may then be prudent that the second placed candidate isn't immediately rejected in case the preferred candidate cannot be appointed for any reason, or

rejects the offer. The second placed candidate may then become the preferred candidate, at which point references and the declaration must be checked.

#### 14. Appointment Process

- 14.1 Once a preferred candidate has been selected, the New Starter paperwork must be sent to HR as soon as possible.
- 14.2 HR will then carry out the background checks required. A medical questionnaire and [CRB-DBS](#) disclosure application form will be sent to the preferred candidate, with an offer of employment letter, for completion as soon as possible. Once returned the medical form will be sent to the Occupational Health provider for [vettingreview](#).
- 14.3 Once the [CRB-DBS](#) application has been returned and checked, it will be sent off to the CRB and HR will carry out a List 99 or [POVA Adultfirst](#) check, as applicable. Please note, [CRB-DBS](#) disclosures from other employers are not transferable and so cannot be used as evidence of clearance by RBC.
- 14.4 At this stage a **Risk Assessment** can be carried out if there is a [critical](#) need for the new recruit to start in post before the [CRB DBS](#) disclosure has been received, and clearance given. The considerations are: How much is known about the individual? Have they declared any cautions or convictions and have these been explored with the individual? If allowed to work prior to clearance, can s/he be given full supervision during work time? HR will issue a form for this purpose to the manager, a completed copy of which must be sent back to HR.
- 14.5 For a Risk Assessment to be valid, the declaration of convictions form must have been reviewed, the [CRB-DBS](#) application form correctly completed by the candidate and sent off to the [CRBDBS](#), List 99/[POVA-Adultfirst](#) checked, both references received [and considered satisfactory](#), and medical clearance given.
- 14.6 Once the [CRB-DBS](#) certificate is returned if something is revealed on the disclosure certificate, HR will contact the appropriate Head of Service. S/he will liaise with HR and the manager to come to a decision over whether the applicant is suitable to work with children/vulnerable adults.
- 14.7 If medical clearance is not given, or health based recommendations are made over the employment of that person, HR will contact the relevant manager to discuss this.

- 14.8 Once clearance is given on medical and [CRB-DBS](#) grounds, a start date can now be agreed with the individual, if they haven't already started under a risk assessment.
- 14.9 On appointment it is the line manager's responsibility to ensure a first day induction is carried out, directorate and corporate inductions are attended, [Health and Safety training is attended](#) and that the probation process is established and followed if applicable. The new recruit must also now be included in the regular round of [Staff staff Appraisal appraisal](#).
- 14.10 The induction process at team level must include general orientation, relevant policies and procedures, expectations in the area of conduct, and any safeguarding policies, procedures, and practices in place relating to vulnerable groups.

## 15 Confidentiality

~~15.16~~

- 15.1 During the recruitment and selection process Managers and Lead Officers will find themselves in possession of a great deal of personal information about candidates. While the panel are in possession of this data it must be stored securely, released only to authorised persons and, when no longer needed, returned to the HR team in full.

## 16.17 Volunteers

16.1 Whilst it is recognised that volunteers may not be recruited in the same way as staff on permanent or temporary contracts of employment, it remains important that safe engagement practices are followed. In particular a decision will need to be made about whether a [CRB-DBS](#) check is required for the individual who is volunteering. This decision will be based around whether the volunteer will have direct and unsupervised access to vulnerable groups, and how often they will be in that environment. Where the volunteer is working regularly it is advisable that a [CRB-DBS](#) check is made. For any volunteer the List 99/[POCA/POVA](#) check must be requested via HR, as appropriate

## 17 Further Reading / Reference

[Safeguarding Children: Safer Recruitment and Selection in Education Settings, DfES June 2005. Ref. DfES/1568/2005](#)

[Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service, DfES May 2002. Ref. DfES/0278/2002](#)

~~Criminal Records Bureau: Managing the Demand for Disclosures, DfES  
December 2002. Ref. DfES/0780/2002~~

~~Care Standards Act 2000~~

~~POVA Scheme Guidance [www.dh.gov.uk](http://www.dh.gov.uk)~~

~~Criminal Justice and Court Services Act 2000~~

~~Protection of Children Act 1999~~

~~Education Act 2002~~

~~Education (School Staffing)(England) Regulations 2003~~

~~'Enough is Enough' by Mike Boyle and Mike Leadbetter 1998.  
Summarises the findings of national reviews including 'Choosing with  
Care', the Warner Report and 'People Like Us', the Utting report.~~

KAB/HR

March 2007

[Updated August 2015](#)

**READING BOROUGH COUNCIL  
REPORT BY MANAGING DIRECTOR**

|                  |                               |              |  |
|------------------|-------------------------------|--------------|--|
| TO:              | PERSONNEL COMMITTEE           |              |  |
| DATE:            | 11 DECEMBER 2014              | AGENDA ITEM: | 4  |
| TITLE:           | HARASSMENT POLICY & PROCEDURE |              |  |
| LEAD COUNCILLOR: | COUNCILLOR<br>LOVELOCK        | PORTFOLIO:   | LEADERSHIP   |
| SERVICE:         | HUMAN RESOURCES               | WARDS:       | BOROUGH-WIDE   |
| LEAD OFFICER:    | JIM HOGGART                   | TEL:         | 0118 9372215 / 72215   |
| JOB TITLE:       | HR & PAYROLL<br>MANAGER       | E-MAIL:      | <a href="mailto:Jim.hoggart@reading.gov.uk">Jim.hoggart@reading.gov.uk</a> |

### 1.0 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out amendments to the Council's Harassment Policy & Procedure. The revised procedure is attached at **Appendix A**.

### 2.0 RECOMMENDED ACTION

- 2.1 That the revised Bullying and Harassment Policy and Procedure be agreed and adopted.

### 3.0 POLICY CONTEXT

- 3.1 The current Harassment Policy & Procedure was adopted by this Committee on 27 March 2002 (Minute 20 refers), this being a revision of an earlier policy adopted in September 1995. It provides a framework within which complaints or concerns about harassment can be investigated and resolved. It is modelled on the corporate Grievance Procedure and is designed to deal with harassment concerns in a structured, systematic and sympathetic manner. Guidance is provided on the forms that harassment can take as well as the various ways in which concerns can be channelled.
- 3.2 The Policy is a high level statement of the Council's rejection of harassment in all its forms and the procedure forms an important element of the practical support offered to staff to resolve such disputes.
- 3.3 The current Harassment Policy was 12 years ago and is overdue for review.

### 4.0 BACKGROUND AND SUMMARY OF CHANGES

- 4.1 The current harassment policy and procedure has been reviewed by the HR Change Consultant with a particular regard to:
- Current best practice;
  - Language and accessibility;

- Range of issues addressed within the Policy/Procedure.
- 4.2 These changes have been consulted upon with CMT and the JTUC.
- 4.3 The initial conclusion is that the structure and format of the policy and procedure does not require significant amendment, particularly in relation to the procedure/s and procedure expressly to include reference to bullying which was not a significant element of the original document. In addition, the opportunity has been taken to shorten some sections and add some newer and crisper definitions of harassment and bullying into the text.
- 4.4 A copy of the revised Procedure (with tracked changes) is attached to this report as **Appendix A**.
- 5. CONTRIBUTION TO STRATEGIC AIMS**
- 5.1 Securing the most effective use of the Council's human (staff) resource is fundamental to the effective delivery of all of the Council's strategic aims.
- 6. COMMUNITY ENGAGEMENT AND INFORMATION**
- 6.1 The proposed revisions to the recruitment and selection policy and pre-employment checks guidance have been the subject of consultation with the joint trades unions.
- 7. EQUALITY IMPACT ASSESSMENT**
- 7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 In this regard you **must** consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.
- 7.3 The proposed revisions to the policy and procedure are being made to bring the document in line with good practice and specifically to incorporate provisions relating to bullying. In this respect, it is not considered that an equality impact assessment is necessary.
- 8. LEGAL IMPLICATIONS**
- 8.1 The authority has the power to appoint staff and to determine their terms and conditions of service under Section 12 of the Local Government Act 1972.
- 9. FINANCIAL IMPLICATIONS**
- 9.1 None direct.
- 10. BACKGROUND PAPERS**
- 10.1 Harassment Policy & Procedure (adopted 2002)



~~HARASSMENT~~ BULLYING AND HARASSMENT  
POLICY  
AND PROCEDURE

Approved by Personnel Committee - March 2002

READING BOROUGH COUNCIL

HARASSMENTBULLYING AND HARASSMENT POLICY AND PROCEDURE

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This document has five main sections:

Section 1: The purpose, scope and principles of the document

This section outlines the purpose of the document, the employees covered by it and the principles contained within it.

Section 2: Preamble - General Principles

| Section 3: ~~Harassment~~Bullying and harassment Policy

| Section 4: ~~Harassment~~Bullying and harassment Procedure

Section 5: Harassment by customers of the Council or members of the public

## SECTION 1: PURPOSE, SCOPE AND PRINCIPLES

### PURPOSE

- To ensure that employees are aware that the Council is committed to eliminating [harassmentbullying and harassment](#) and will not tolerate any form of it
- To inform managers and supervisors of their legal responsibilities to manage any [harassmentbullying and harassment](#) problems of employees at work
- To provide a framework for dealing with any allegation of [harassmentbullying and harassment](#)
- To give examples of unacceptable behaviour
- To meet statutory requirements

### SCOPE

#### Employees covered by the procedure:

This procedure addresses allegations of [harassmentbullying and harassment](#) by or of members of staff of the Council. Employees should also familiarise themselves with the provisions of the Council's Equal Opportunity Statement / Fair Treatment at Work Policy, Racist Incident Monitoring procedure and Facing Aggression at Work procedure.

All employees of Reading Borough Council are covered by this procedure whilst they remain in employment with the Council. The procedure for school-based teachers and staff will be based on the principles contained within this corporate procedure, with appropriate amendments to terminology.

[Complaints of bullying and / or harassment by elected members shall be dealt with using the Member Code of Conduct.](#)

### PRINCIPLES

The following important principles are encompassed within this procedure:

- it is based on the ACAS advice: bullying and harassment at work, and it has been agreed between the Council and the recognised trade unions;
- all employees have a right to a working environment free from [harassmentbullying and harassment](#) and to be treated with dignity and respect;
- allegations of [harassmentbullying and harassment](#) will be dealt with seriously and confidentially;

- any allegation will be investigated as quickly as possible;
- the alleged offender will know the nature of the allegations made against them;
- employees will be given an opportunity to state their case;
- an employee may be accompanied by a trade union representative or a representative of his / her choice at any stage in this procedure;
- where management believe there is a case of ~~harassment~~bullying and harassment to answer, the Council's disciplinary procedure will be invoked;
  - where an allegation has been made in good faith and a case cannot be proved, no action will be taken against the employee and he/she will not suffer detriment as a result of raising a concern. Employees who make malicious allegations will be subject to the Council's disciplinary procedure.
  - those in the Council with identified responsibilities (e.g. managers, designated officers, trade union representatives) will receive appropriate and sufficient advice and training.

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The contents and operation of this procedure will be reviewed by management and the joint trade unions, every 3 years following its introduction, or at some other time as circumstances may require. The first review will be due in ~~2005~~.

## SECTION 2: PREAMBLE - GENERAL PRINCIPLES

### 1. Links with the Grievance Procedure

This procedure provides for a complaint of harassmentbullying and harassment to be registered as a formal grievance using that procedure's pro-forma (as amended for complaints of workplace harassmentbullying and harassment, and attached as an appendix to this document). It is recognised, however, that alleged harassmentbullying and harassment or bullying complaints often need to be handled differently. For example, it is particularly important that this form is treated as a confidential document. Also it may not be appropriate to record every individual example of alleged harassing or bullying behaviour on the form as a complainant may find this distressing.

The procedure details the particular actions to be taken at each stage of the Grievance Procedure. If the HarassmentBullying and harassment Procedure has been followed, therefore, a further formal grievance may not be registered on the same matter.

### 2. Time Limits

The time limits referred to in the Grievance Procedure should generally be followed for harassmentbullying and harassment cases. Time limits may be varied by agreement between the parties involved. A 'working day' shall mean Monday to Friday (inclusive), irrespective of operating practices and excluding public/bank holidays.

### 3. Disciplinary Action

Where disciplinary action is proposed, the matter will be dealt with at a disciplinary hearing in accordance with the Council's disciplinary procedure.

### 4. Role of HR Adviser

Human Resources help is available at all times and managers are encouraged to seek it, especially in more complex cases. Directorate HR TeamsHuman Reasources will also ensure that application of this policy is monitored. Where disciplinary action is proposed, Designated Officers will decide whether they wish to be accompanied at a hearing by an HR Adviser.

### 5. Confidentiality

Managers may find themselves in a position where they are unable to offer unconditional confidentiality to a complainant, because they have a duty to take management action, and may have to act on information given to them "in confidence". If this is the case then the manager should discuss this with the complainant before taking the action.

### 6. Records

Written records relating to this procedure should be retained by ~~the Directorate HR Teams~~ [Human Resources](#) separately and under confidential conditions. The record should not be included on the employee's personal file. Employees can examine their own records on request. Anonymous information will be retained by HR for monitoring purposes.

## 7. How to get help

It is recognised that anyone who feels that they are being harassed or bullied may be nervous and apprehensive about discussing their feelings with their manager. This may be because the manager is the cause of the feelings, or just that it is such a sensitive matter.

Advice can be sought from directorate HR teams or trades union representatives.

## 8. Mediation

It is in everyone's interest that problems are resolved quickly and, wherever possible, informally. One option available is mediation. It provides for an additional route to assist employees who are unsure about pursuing formal procedures, but who do not have the confidence in the matter being resolved at an informal stage. Anyone wishing for mediation support should contact his or her manager. An independent manager may be approached or the Council's [Employee Assistance Programme \(EAP\)](#) could offer this service.

An employee who uses this service does not prejudice their right to have a complaint investigated should the issue not be resolved and the alleged harassment or bullying continues.

## 9. Counselling

The Council has a confidential counselling service provided by the [Employee Assistance Programme \(EAP\)](#), which is available to offer support to individuals and discuss how to pursue a complaint of ~~harassment~~ [bullying and harassment](#). More information can be found by calling 0800 282193.

Alternatively, they may be able to mediate between parties in an allegation of ~~harassment~~ [bullying and harassment](#), in order to resolve problems outside of the formal procedure.

## 10. Supervisors and Section Managers

In some cases the supervisor and section manager will be the same. It is difficult to give a precise definition of who the 'manager' will be since who tackles the problem may depend on the seriousness and sensitivity of the complaint, the stage it had reached and whether both parties are in the same service area.

The supervisor may be the person who oversees an individual's work on a day to day basis, whereas the section manager may be responsible for organising the work of the team on a long-term basis.

Managers have a vital role in this procedure, through recognising and dealing with harassment and bullying, and ensuring their own behaviour is of the highest standards.

#### 11. Nominees

Managers may nominate an alternative person to deal with matters under this procedure. However, to show the Council's and management's commitment to the elimination of ~~harassment~~bullying and harassment, a nominee should only be used in exceptional circumstances. If at any time an individual feels that his/her complaint is being dealt with at the wrong level, due to the seriousness of the complaint, these concerns must be raised so that they can be discussed.

#### 12. False Accusations

People who feel that they have been falsely accused can pursue their complaint through the Council's [Grievance procedure](#).

#### 13. Managing Performance

The Council has agreed recognised methods of performance management. These methods must be applied equally, consistently and fairly to all staff.

## SECTION 3: HARASSMENTBULLYING AND HARASSMENT POLICY

This is a general statement on harassmentbullying and harassment. It is intended to reinforce the message to employees that they have the right not to be harassed on any grounds.

### STATEMENT

The Council is committed to eliminating harassmentbullying and harassment, and as an equal opportunity employer will not tolerate any form of it. By introducing an effective policy, we aim for a climate of greater confidence, where people can challenge harassmentbullying and harassment. The goal is to develop a productive working environment, where employees are treated with dignity and respect, in which harassmentbullying and harassment is known to be unacceptable and where individuals are confident enough to bring complaints without fear of ridicule or reprisal.

Any allegations of harassmentbullying and harassment will be dealt with seriously and confidentially. They will be investigated, following the procedure set out within the HarassmentBullying and harassment Procedure in [section 4](#), which may result in action being taken under the Council's disciplinary procedure.

This policy and supporting procedure seeks to promote the Council's core values of equality and making our services open and accessible, by ensuring all staff are treated fairly, listened to and treated with respect. It seeks to work in partnership with staff, in dealing effectively with alleged cases of harassment and/or bullying.

### What is workplace bullying and harassment?

We define this as unwanted and unwelcomed behaviour which makes the recipient feel unpleasant or uncomfortable. It can take many forms, for example:

- Physical contact ranging from touching to serious assault, including that of a sexual nature.
- Verbal and written harassment through jokes, offensive language, gossip or slander.
- Visual displays of posters, graffiti or obscene gestures.
- Displaying or circulating offensive material or comments by email, mobile phone or social media sites from Council equipment during work or personal equipment in your own time.
- Isolation or non co-operation at work and exclusion from social events.
- Intrusion by pestering, spying or following another employee.

### Definition of bullying

We define bullying as unwarranted offensive, intimidating, malicious or insulting behaviour towards an individual or group of employees. It's an abuse or misuse of power intended to undermine, humiliate, insult or injure the recipient. It's usually persistent and repetitive behaviour however; some bullying can be serious enough to be recognised even if the behaviour was a one off incident. It can range from extreme forms such as violence and intimidation to less obvious actions, such as deliberately ignoring someone.

### **Definition of harassment**

We define harassment as unwanted conduct affecting the dignity of others. Unlike bullying, it's related specifically to age, sex, gender reassignment, race, religion or belief, sexual orientation, disability or any personal characteristic of an individual. It's unwanted conduct that:

- Violates another person's dignity; or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.



It takes many forms including physical, verbal or non-verbal conduct. It can include comments, actions, jokes or suggestions that may be viewed as demeaning and unacceptable to the recipient. It may be an isolated incident or repeated actions that may create a stressful working environment.

## WHAT IS HARASSMENT?

Harassment can take many forms, and may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence. It can cause the recipient to feel threatened, humiliated or patronised and it creates an intimidating work environment.

People can be subject to harassment on a wide variety of grounds including:

- race, ethnic origin or nationality
- gender or sexual orientation
- religious or political convictions
- willingness to challenge harassment, leading to victimisation
- membership, or non-membership of a trade union
- disability or learning difficulty
- status as an ex-offender
- age
- real or suspected infection with HIV/AIDS.

This list is not exhaustive or in order of importance.

Anyone who is perceived as different, or who is perceived to be in a minority, or who lacks status or confidence, may run the risk of being harassed. Therefore, health, physical characteristics, personal beliefs and numerous other factors may lead to harassment, which can occur between people of the same sex or the opposite sex.

Methods of harassment range from extreme forms such as violence and bullying to less obvious actions. Examples are set out below:

- Spreading malicious rumours;
- Ridiculing or demeaning someone—picking on them or setting them up to fail
- Overbearing supervision or other misuse of power or position
- Deliberately undermining a competent worker by overloading and constant criticism
- Verbal and written harassment through jokes, offensive language or gossip
- Intrusion by pestering, spying or following
- Isolation or non-cooperation at work, or a perceived lack of career progression different from everyone else within a team.

Bullying is a form of harassment that may be characterised as:

- offensive, intimidating, malicious or insulting behaviour,
- abuse or misuse of power through means **intended to** undermine, humiliate, denigrate or injure the recipient. This may include the setting of impossible deadlines, or changing instructions without notice, in a way that puts intolerable pressure on an individual and where failure seems inevitable. This may also be

~~manifested in continually refusing reasonable requests without good reason, or blocking of promotion or career progression.~~

It is important to remember that harassmentbullying and harassment cannot really be defined 'out of context', and very much depends on the perception of individuals. For example, what may be regarded as acceptable or tolerable by one person may be regarded as harassmentbullying and harassment by another. Behaviour that might be acceptable to a person in one context is not necessarily tolerable in another.

People may be genuinely unaware that their behaviour causes offence. It is the responsibility of everyone to be sensitive towards the feelings of others, taking responsibility for their own remarks and actions.

## EFFECTS OF HARASSMENTBULLYING AND HARASSMENT

HarassmentBullying and harassment can have an adverse effect on a person's working life and general health, and can prevent them from doing their job effectively. It can lead to ill health, absenteeism, lack of commitment and poor performance.

~~One characteristic of harassment is that employees may be vulnerable and are as a result reluctant to complain. They may be too embarrassed or unsure about making a complaint, for fear that it will not be taken seriously. They may react badly to something that was the "last straw" following a series of incidents.~~

~~If unchecked or badly handled, harassment and /or bullying can create serious problems for an organisation including:~~

- ~~• poor morale and poor employee relations~~
- ~~• loss of respect for managers and supervisors~~
- ~~• lost productivity, lower efficiency and divided teams~~
- ~~• damage to the Council's reputation as a fair employer~~
- ~~• reduced job satisfaction, loss of confidence and damaged career prospects for employees~~
- ~~• problems recruiting and retaining quality staff~~

## HARASSMENT AND THE LAW

~~Certain types of harassment are regarded as unfair discrimination and are covered by statute. The Sex Discrimination Act 1975 (as amended) and the Race Relations Act 1976 (as amended) cover sexual and racial harassment. The Disability Discrimination Act 1995 (as amended) protects people with disabilities against unfavourable treatment. Under the Criminal Justice and Public Order Act 1995, the use of threatening, abusive or insulting words or disorderly behaviour intended to cause harassment, alarm or distress is a criminal offence.~~

~~General harassment, such as bullying, is not currently protected by statute, but employers may be liable for failure to deal effectively with such behaviour. Liability~~

~~may arise from the duty at common law to provide a safe place of work and maintain mutual trust and confidence or by virtue of a claim of constructive dismissal in the event of inadequate protection from the employer.~~

~~The Trade Union and Labour Relations (Consolidation) Act 1992 contains the right not to be dismissed on the basis of trade union membership or activities, or non-trade union membership.~~

~~The Health and Safety Executive has recognised that “bullying and harassment are a major cause of workplace stress and that employers need to have effective systems in place for dealing with it”.~~

### ~~COUNCIL RESPONSIBILITIES~~

- ~~• be committed to eliminating harassment, creating a climate of greater confidence, where people can challenge harassment;~~
- ~~• the Council is responsible for working within the legal context and framework identified above, and to ensure that appropriate measures are properly communicated to managers to enable them to do their jobs properly;~~
- ~~• those with responsibilities under this procedure (designated officers, managers and trade union representatives) should have appropriate support through training and corporate guidance to help them deal with staff suffering from harassment, and to deal with complainants as well as alleged harassers;~~
- ~~• to ensure that appropriate counselling arrangements are in place to allow employees to pursue informal support;~~
- ~~• to ensure that the policy and both informal and formal procedures are monitored and reviewed regularly to ensure they meet the requirements of the law and good practice.~~

### ~~MANAGERS' RESPONSIBILITIES~~

~~Managers and supervisors have a vital role to play in implementing the Council's harassment policy and procedure. They must:~~

- ~~• ensure that their employees are aware of the Council's policy and their rights under that policy;~~
- ~~• through team meetings, make it clear that harassment is unacceptable and will not be tolerated;~~
- ~~• lead by example, through recognising and dealing with harassment and bullying and ensuring their behaviour is of the highest standards;~~
- ~~• develop a productive working environment where employees are treated with dignity and respect;~~
- ~~• be sensitive and receptive to staff who may be suffering from harassment;~~
- ~~• respond to complaints that may arise in line with the procedure outlined in section 4, and ensure that their own behaviour is consistent with the aims and objectives of the policy;~~
- ~~• be aware of the Council's disciplinary procedure and its relationship with the harassment procedure;~~

- ~~be aware of the role of the Employee Assistance Programme (EAP);~~
- ~~note that all matters, notes and conversations relating to harassment matters are to be kept confidential.~~

## MONITORING

It is important to monitor the operation of this policy in order to ensure its effectiveness, and to provide the Council with invaluable information on the nature and extent of any problem.

Records of complaints and where, why and how they occurred should be monitored by ~~directorates HR teams~~ Human Resources, to identify any problem areas, and reported (without identifying individuals) to ~~DMTs and DJFs~~ CMT. Monitoring can help to ensure that complaints are resolved and that no reprisals occur.

An important aim of this policy is to eliminate harassment and bullying from the workplace, not just provide a mechanism for dealing with individual actions or omissions.

## SECTION 4: HARASSMENTBULLYING AND HARASSMENT PROCEDURE

### PROCEDURE FOR DEALING WITH COMPLAINTS OF BULLYING, DISCRIMINATION OR HARASSMENT

It may be difficult for an individual to discuss a complaint directly with their manager, although managers should recognise the problems faced by employees who feel they are being harassed, and be sensitive to the fact that making a complaint of harassmentbullying and harassment is likely to be a traumatic experience for the employee.

Individuals may seek the confidential support, advice and assistance of a work colleague or trade union representative, who if requested, will try to resolve the matter informally, consulting management or Directorate HR Teams as appropriate, on the employee's behalf.

Individuals may also wish to seek the confidential support of the Employee Assistance Programme (information on [IRIS](#)).

When complaints are brought to the attention of a manager, either informally or by formal complaint using the harassmentbullying and harassment procedure, the manager will deal with the matter immediately, thoroughly and fairly to all parties.

It should be remembered that participation in any investigation is likely to prove stressful for all parties involved, so it is essential that the matter is dealt with quickly and in a sensitive manner. All formal complaints of harassmentbullying and harassment will be investigated.

Depending on the circumstances and facts of the complaint, the initial emphasis should be on dealing with the matter informally and, if considered helpful, by discussion between the parties themselves. It is to the advantage of all parties involved with a complaint of harassmentbullying and harassment if the matter can be dealt with informally, as this will hopefully reduce unnecessary stress to all concerned. It is important that confidentiality is always maintained, so that neither complainant nor alleged offender suffers any subsequent repercussions.

Managers and others involved in complaints, will respect confidentiality and not make pre-judgements. Care should be taken by all managers to ensure employees feel confident to bring forward and progress any complaint or allegation which they feel requires investigation.

#### How to deal with a complaint

1. As a first step the complainant should ask the alleged offender to stop, and/or make it clear that the action is unwelcome.

In circumstances where this is too difficult for the complainant to do, the approach may be by his/her supervisor, a work colleague, trade union representative, or a representative from the Directorate HR Teams.

If going to the supervisor is not possible because he/she is the alleged offender, then the complainant should take the matter to his/her section manager (in some cases this may be the Service Head).

If the complainant believes that the complaint is too serious to just tell someone to stop, then he/she should tell the supervisor/section manager as soon as possible.

2. It is advisable that the complainant keeps a note of the details of this initial approach. This could be done in the form of a diary of events with names of witnesses, times, dates and place clearly recorded.
3. In the event of the alleged offender being a 2nd tier officer, Service Head, Corporate Director or Councillor the matter should be reported to the [Chief Managing Director Executive](#) at the beginning of the process. In the event of the alleged offender being the [Chief Executive Managing Director](#), the matter should be reported to the [Head of HR Head of Legal and Democratic Services](#) who will notify the Leader of the Council. (Further guidance on dealing with complaints against the [Chief Executive Managing Director](#) or Councillors, can be obtained from [the Head of HR](#)).

## STAGE 1

4. If this initial informal approach does not cause the alleged offender to stop the action, or the complaint was considered to be too serious, the complainant and/or the person who made the initial approach should inform his/her section manager of the situation. **At this stage, the complainant should register the complaint as a formal grievance at Stage 1 of the Grievance Procedure.** The complainant's section manager will then approach the alleged offender's section manager and ask for the problem to be dealt with, and/or decide whether the problem needs to be investigated under the Council's disciplinary procedure. The alleged offender's manager should quickly examine the facts and investigate the problem, referring to the Service Head for guidance if necessary. It may be necessary to refer the matter to the Service Head for him/her to discuss the matter with the individuals in order to achieve objectivity. The complainant and the alleged offender may, of course, have the same section manager, in which case this manager should take responsibility for investigating the problem at this early stage.
5. In order to commence an investigation the manager will need to discuss the complaint with the complainant and the alleged offender. The aim is that the matter can be dealt with at this stage and a verbal warning may be all that is needed. The complainant and the alleged offender may have a trade union representative or other representative of choice through this investigatory stage.

The result of this stage should be recorded as the response to Stage 1 of the Grievance Procedure.

## STAGE 2

6. If this has not resolved the matter, or the allegation is a serious one the complainant's section manager should discuss the matter with the alleged offender's senior manager or Service Head. **Moving to this stage should be recorded at Stage 2 of the Grievance Procedure.** If the matter is unresolved then it will be referred to this more senior manager / Service Head and investigated formally. The complainant and the alleged offender will be told of this; the alleged offender will have an early opportunity to know the complaint and to respond to it; in addition, he/she should be told that the outcome of the investigation could lead to action being taken under the Council's disciplinary procedure.
7. It is the responsibility of the person dealing with the case (the senior manager or Service Head) to appoint an investigating officer (see 10 below) and ensure that the investigation is carried out. The manager may need to consider the possibility of rearranging working times to avoid contact between the alleged offender and the complainant, give special leave to the complainant or even suspend the alleged offender. If the manager does not have the authority to suspend the employee, the case should be passed on to the appropriate designated officer (refer to the Council's agreed disciplinary procedure).

### The Formal Investigation

8. The object of the investigation is to establish clearly the facts which have led to the complaint. It must be emphasised that participation in an investigation can prove traumatic and stressful to all parties, and it is therefore essential that this is recognised and the matter is dealt with quickly and in a sensitive manner.
9. The object of the investigation is not to prove that **harassmentbullying and harassment** has occurred, but to collect relevant facts and any background information regarding the complaint.
10. The investigation will be carried out by a manager, but not someone who has been connected with the allegation.

Care must be taken to ensure that the investigation does not cause unnecessary distress to either party. It may, however, be difficult to avoid this in some circumstances. If either party is unhappy with the choice of the person responsible for the investigation, management will then consider any request for change.

11. It is essential that investigations are conducted swiftly. The investigation stage should therefore take no longer than 15 working days.



12. This should be time to conduct a thorough and full investigation. If additional time is required this can be varied by mutual agreement, however due to the sensitive and possibly distressing nature of the complaint this should be avoided wherever possible.
13. As part of the investigation both the complainant and the alleged offender will be interviewed, as well as any witnesses required to speak on behalf of either party. Written statements will need to be taken to support these interviews. All persons interviewed will have the right to be accompanied by a trade union representative, or other representative of their choice.
14. Following the investigation the findings will be presented to the alleged offender's manager or Service Head dealing with the case, including all the relevant facts and statements from witnesses, together with any recommendations.

### The Decision

15. The alleged offender's manager / Service Head must now decide whether there is a case to answer or not. As any time delay can result in stress for all parties, the person dealing with the case should make a decision on what action he/she will take within 3 working days and seek appropriate advice where necessary. **The result should be recorded as the outcome at Stage 2 of the Grievance Procedure.**
16. If after consideration of the findings there is found no case to answer, the manager should ensure as far as possible by discussion with both parties involved that future working relationships are harmed as little as possible. The situation needs to be monitored to ensure that any further problems do not develop.
17. If the manager considers there is a case to answer he/she will have to decide what action to take. The decision should be based on all the relevant facts and circumstances involved in the case. This will include ensuring that action is not detrimental to the complainant, for example an unwelcome transfer to other work.
18. If both parties work in the same section, the manager must consider carefully the working relationship between them. In serious cases it may be necessary to consider a transfer of the alleged offender to another section or service area. The practicalities of this may prove difficult. The complainant should not be transferred unless this is his/her specific wish.
19. In common with other complaints made under the grievance procedure, the manager must decide whether action should be taken under the Council's disciplinary procedure, for example in serious cases or where, despite earlier warnings, the behaviour is persistent. At this point if the manager is not a

designated officer for disciplinary matters, then the case and any subsequent disciplinary action should be passed to the appropriate designated officer.

20. In such cases, at this point, the individual will be subject to the formal disciplinary procedure, and the steps under the disciplinary procedure will be followed. The ~~harassment~~bullying and harassment investigation findings should be used in the disciplinary process, as another investigation of the same matter will be distressing for all parties. However, if additional information is disclosed then this will need to be considered and investigated quickly.
21. The manager will inform both parties of his/her decision. The letter to the complainant should include the investigating officer's recommendations and the manager's decision on these.

It is important that other employees, who may have been involved in any investigation, are made aware of the outcome and any recommended action, within the bounds of confidentiality. This should not include any disciplinary penalty arising from a proven case. This will ensure that confidentiality is maintained, particularly with regard to any mitigating circumstances that may have influenced the outcome. This is important, as without this contact employees are left not knowing, and are therefore inclined not to draw attention to any future unacceptable behaviour.

It is important to remember that information received in confidence should remain in confidence. Staff who fail to observe this may be subject to the disciplinary procedure.

### STAGE 3

22. If the complainant feels that the complaint has not been resolved, he/she has the right to refer the matter in writing to the Corporate Director (including the ~~Chief Executive~~Managing Director) within 5 working days of the manager's decision. **This represents Stage 3 of the Grievance Procedure.**
23. The Corporate Director will, within 5 working days, notify the complainant of the date and arrangements for the meeting to consider the complaint. The meeting will be held as soon as possible. The decision will be confirmed within 5 working days of the meeting.

### STAGE 4

24. The complainant has the right to refer the complaint to a Panel of Members selected from the Personnel Committee (**Stage 4 of the Grievance procedure**), if the complainant feels that it has still not been resolved. The complainant should make this request in writing, within 5 working days of receipt of the Corporate Director's decision.

25. The Member Panel meeting will be held as soon as possible. The decision of the Panel will be confirmed within 5 working days of the meeting.
26. This decision of the Panel will be final.

## SECTION 5: HARASSMENT BY CUSTOMERS OF THE COUNCIL OR MEMBERS OF THE PUBLIC

*Do we need this section within this Policy or is there another document that this is covered in?*

The Council's ~~Harassment~~Bullying and harassment Policy and Procedure focuses on alleged bullying, harassment or discrimination by work colleagues. It is also recognised, however, that employees of the Council may face harassment from customers of the Council or members of the public on any of the grounds detailed in the policy. The purpose of this section is to reinforce the message to employees that they have the right not to be harassed, abused or threatened in this way, and to set out the means by which the Council will seek to support employees faced with such harassment.

As a general rule, the principles of the Harassment Procedure will equally apply to situations where the alleged offender is a customer of the Council, or a member of the public. However, the following additional provisions should be included:

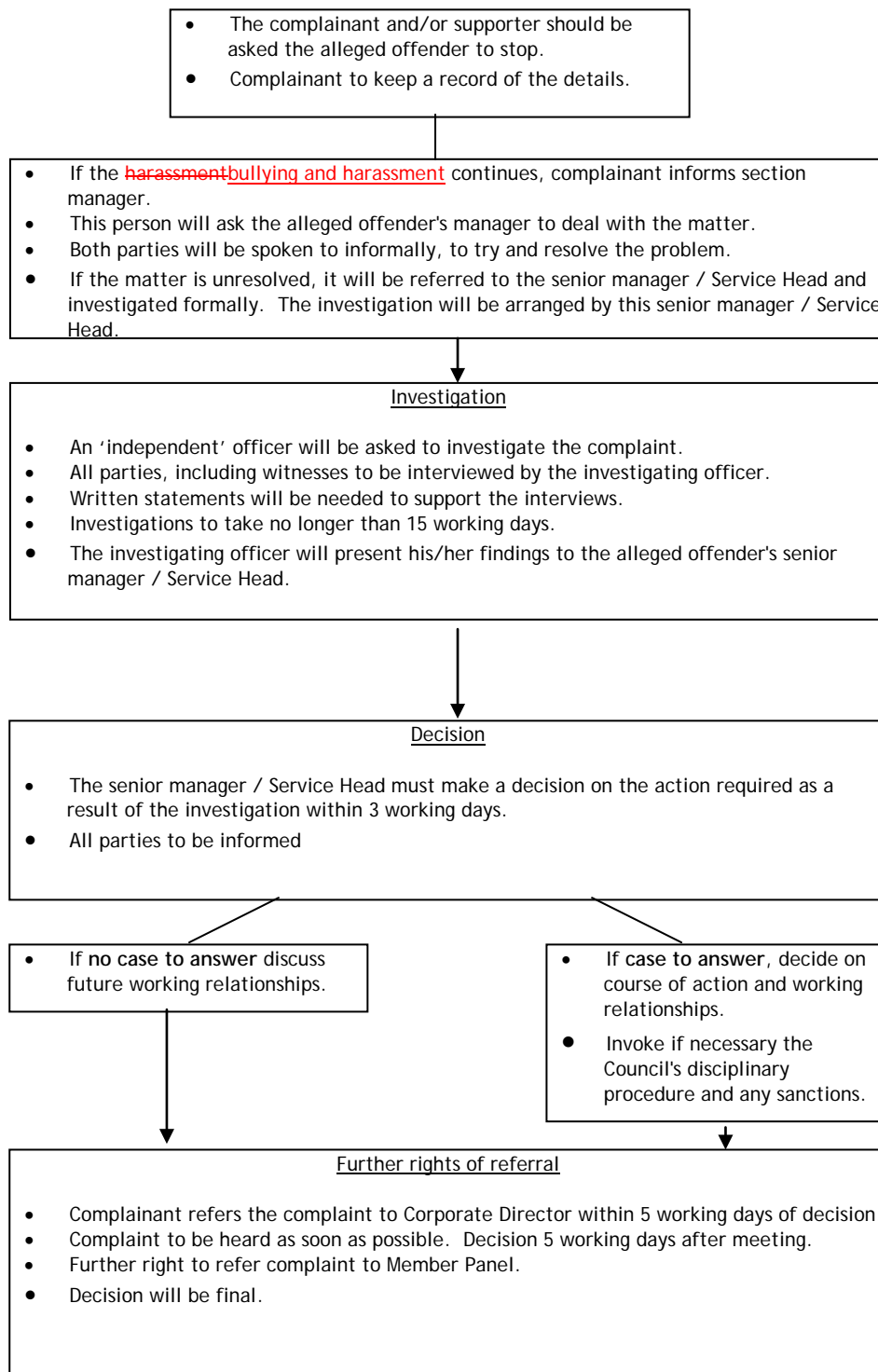
- a) If an employee is or feels harassed, abused or threatened by a customer of the Council or a member of the public, in the course of their work for the Council, he/she should bring the matter to the attention of his/her section manager as quickly as possible, unless the situation can be safely and effectively resolved through discussion with the individual concerned. An accident/incident form should be completed and copies circulated to those detailed on the form.
- b) In cases of serious or persistent harassment, where the individual has been identified, section managers should ensure that the customer or member of the public receives prompt written advice making it clear that such behaviour is unacceptable.
- c) Section managers should seek the advice of more senior managers and the Council's legal section if it is believed that sanctions against the customer / member of the public may be warranted (e.g. withdrawal of Council services; civil or criminal action; bans or injunctions). Such action should follow a reasonable process whereby the individual would be informed of the consequences of his/her behaviour and given adequate warning.
- d) Where harassment is anticipated, employees and their managers should assess the risks involved in contact with the customer and make adequate provision for the personal safety of the employee to be safeguarded e.g. physical environment, accompanied visits only etc.
- e) Where customers object to contact with an employee on prejudiced grounds, section managers should ensure that these customers receive prompt written advice firmly rejecting their attempt to influence the choice of officer.

In addition, if individuals find themselves in an unwelcome situation with a customer or member of the public, reference should be made to the Council's Fair Treatment Policy and Facing Aggression at Work Procedure.

## Appendix A

### HarassmentBullying and harassment Procedure

This chart should be read in conjunction with the HarassmentBullying and harassment Procedure detailed in [Section 4](#) of this document. It is not an exhaustive list, but a quick reference guide.



**GRIEVANCE FORM - for Complaints of Workplace ~~Harassment~~ Bullying and harassment**

This form should be used in order to proceed with a formal grievance relating to workplace ~~harassment~~ bullying and harassment.

You or your trade union representative should complete this form and hand it to the section manager as indicated at Stage 1 of the procedure for dealing with ~~harassment~~ bullying and harassment grievances. Attach any supporting information to this form.

You should contact your Directorate HR Team if you need advice.

|                   |  |                     |  |
|-------------------|--|---------------------|--|
| <b>NAME:</b>      |  | <b>DIRECTORATE:</b> |  |
| <b>JOB TITLE:</b> |  | <b>SECTION:</b>     |  |

**STAGE 1 GRIEVANCE - TO SUPERVISOR / SECTION MANAGER**

Please state the nature of your grievance. Please give only as much information as you feel able to record:

Have you tried to resolve your grievance informally? YES / NO If YES, please state what happened:

Why are you unhappy with the response?

What resolution are you seeking?

|  |
|--|
|  |
|--|

Please list any witnesses or statements / documents that may be referred to should it come to a hearing:

|                    |       |
|--------------------|-------|
| Signed (employee): | Date: |
|--------------------|-------|

**DECISION AT STAGE 1**

Outcome of meeting held at Stage 1, and reason(s) for decision *(to be completed by Supervisor / Section Manager)*:

Employee's view / comments:



Has anything changed since the original grievance form was completed (*to be answered by Supervisor / Section Manager*)? If so, this grievance should be submitted separately.

Name of Supervisor / Section Manager:

Signed (*Supervisor/Section Manager*):

Date:

**STAGE 2 GRIEVANCE - REFERRAL TO SENIOR MANAGER / HEAD OF SERVICE**

This pro-forma and supporting information should be forwarded to the appropriate Senior Manager / Head of Service within 5 working days of receipt of the written decision at Stage 1.

**DECISION AT STAGE 2**

Outcome of investigation held at Stage 2, and reason(s) for decision (*to be completed by Senior Manager / Head of Service*):

Employee's view / comments:

|  |
|--|
|  |
|--|

Name of Senior Manager / Head of Service:

|   |       |
|---|-------|
| Signed ( <i>Senior Manager / Head of Service</i> ): | Date: |
|---|-------|

**STAGE 3 GRIEVANCE - REFERRAL TO CORPORATE DIRECTOR (INCLUDING ~~CHIEF EXECUTIVE MANAGING DIRECTOR~~)**

This pro-forma and supporting information should be forwarded to the appropriate Corporate Director within 5 working days of receipt of the written decision at Stage 2.

**DECISION AT STAGE 3**

Outcome of meeting held at Stage 3, and reason(s) for decision (*to be completed by Corporate Director*):

Employee's view / comments:

Name of Corporate Director:

|                                       |       |
|---------------------------------------|-------|
| Signed ( <i>Corporate Director</i> ): | Date: |
|---------------------------------------|-------|

**STAGE 4 GRIEVANCE - REFERRAL TO PERSONNEL PANEL**

This pro-forma and supporting information should be forwarded to the appropriate Corporate Director who heard the grievance at Stage 3, asking for the grievance to be heard by the Personnel Panel. This request should be made within 5 working days of receipt of the written decision at Stage 3.

**DECISION AT STAGE 4**

Outcome of Personnel Panel hearing at Stage 4, and reason(s) for decision:

Signed (*on behalf of Personnel Panel*):

Date:

**READING BOROUGH COUNCIL**  
**REPORT BY MANAGING DIRECTOR**

|                         |  |                     |   |
|-------------------------|--|---------------------|---|
| <b>TO:</b>              | <b>PERSONNEL COMMITTEE</b>   |                     |   |
| <b>DATE:</b>            | <b>1 DECEMBER, 2014</b>  | <b>AGENDA ITEM:</b> | <b>5</b>                                  |
| <b>TITLE:</b>           | <b>CAPACITY AND RESILIENCE REVIEW - ENSURING WE HAVE THE RIGHT RESOURCES TO DELIVER OUR DUTIES</b> |                     |   |
| <b>LEAD COUNCILLOR:</b> | <b>COUNCILLOR JO LOVELOCK</b>  | <b>PORTFOLIO:</b>   | <b>PERSONNEL, BUDGET AND POLICY</b>       |
| <b>LEAD COUNCILLOR:</b> | <b>COUNCILLOR JAN GAVIN</b>  | <b>PORTFOLIO:</b>   | <b>CHILDREN'S SERVICES &amp; FAMILIES</b> |
| <b>LEAD COUNCILLOR:</b> | <b>COUNCILLOR RACHEL EDEN</b>  | <b>PORTFOLIO:</b>   | <b>ADULT SOCIAL CARE</b>                  |
| <b>LEAD COUNCILLOR:</b> | <b>COUNCILLOR JOHN ENNIS</b>   | <b>PORTFOLIO:</b>   | <b>EDUCATION</b>                          |
| <b>LEAD COUNCILLOR:</b> | <b>COUNCILLOR GRAEME HOSKIN</b>  | <b>PORTFOLIO:</b>   | <b>HEALTH</b>                             |
| <b>LEAD OFFICER:</b>    | <b>IAN WARDLE</b>  | <b>TEL:</b>         | <b>0118 937 2067</b>                      |
| <b>JOB TITLE:</b>       | <b>MANAGING DIRECTOR</b>   | <b>E-MAIL:</b>      | <b>ian.wardle@reading.gov.uk</b>          |

**1. PURPOSE AND SUMMARY OF REPORT**

1.1 To continue to survive and thrive as a council in a time of considerable change, we need to continually adapt the way we work to deal with the challenges we face in terms of our:

- Reduced funding;
- Additional responsibilities;
- Changing inspection regimes; and
- Increasing demands for some services.

1.2 We currently deliver approximately 700 services. The government sets statutory duties for us to provide certain services, ranging from adult social care to waste collection. We also provide discretionary services, according to local priorities such as leisure facilities.

- 1.3 The government will reduce its funding to local authorities by 37% in real terms between 2010-11 and 2015-16. This equates to 25% of local authorities' total income when taking into account council tax receipts (National Audit Office). To remain financially sustainable, we must be able to meet our statutory service obligations.
- 1.4 Delivering the range of services in a town that is growing is putting increased pressure on us whilst at the same time regulators are changing their inspection regimes which means that what we do is becoming extremely challenging in the current financial context.
- 1.5 Over recent months Officers have been assessing whether the organisation has the right skills and resources to deliver our service priorities for residents and businesses because of the changing landscape. We have been reviewing whether the way we are organised remains 'safe' and robust to deal with these many and varied challenges that this report will outline.
- 1.6 The purpose of this report is to seek your views for the Council to move to a new operating model that would restructure the Council to ensure that we have additional capacity and resilience to meet service needs and opportunities. These proposals are about ensuring we remain fit-for-purpose to deliver our duties.
- 1.7 This reports outlines:
- The current context for delivering council services;
  - Proposals to increase our capacity and resilience for service delivery;
  - Proposed approach to consultation and involvement;
  - The proposed timelines and next steps; and
  - The financial and legal implications.

## 2. RECOMMENDED ACTIONS

### 2. RECOMMENDED ACTIONS

2.1 To approve the proposed changes in senior management outlined in the report following the capacity and resilience review and in particular approve the creation of the following posts:

- i. Director of Children, Education & Early Help Services; and
- ii. Director of Adult Care & Health Services.

### 3. CONTEXT FOR DELIVERING COUNCIL SERVICES

3.1 With the funding reductions imposed on the Council and service pressures we have some specific issues that impact on the way we deliver services for residents. The scale of change will require us to continue to develop new ways of working to be able to respond effectively to our changing environment.

#### A growing population

3.2 Reading's population continues to grow. The number of residents has increased by 9% since 2001 to 159,200 people. This comprises around 63,000 households. The population is forecast to increase by a further 24% by 2050 to 193,056 residents.

3.3 This growth, whilst welcome to continue to create a vibrant and thriving town, impacts on our services. For example:

- We are seeing some significant pressures on our services and as a result some overspends are materialising because of demands e.g. there is more refuse to collect and there are higher disposal costs;
- There has been significant growth in residents aged 0 to 18 representing 20% of our total population. There is significant pressure for school places in the 0-5 age range but in time this pressure will move through to older age groups. We have had to commit to borrow money to expand primary schools places because we did not get enough funding from the Government. This growth in the younger population is putting pressures on our Education and Children's services.

#### A reducing budget

3.4 As reported to Policy Committee in September 2014, we have struggled to deal with the Government budget cuts that we have faced since 2010 (see table below). On the whole, we have carefully managed the reduction in our income from Government in ways that have not impacted on frontline services by concentrating on changing the way we work and by delivering efficiencies. This won't be the case in coming years.

| Forecast 2014-18 |                            |                     |
|------------------|----------------------------|---------------------|
| Year             | Amount of Government Grant | Amount of Reduction |
| 2014/15          | £33.179m                   | -                   |
| 2015/16          | £23.968m                   | £9.211m             |
| 2016/17          | £18.587m                   | £5.381m             |
| 2017/18          | £13.200m                   | £5.387m             |

- 3.5 We have responded to the significant funding cuts and new service responsibilities by:
- Making £44.8m of savings over the period 2011/12 to 2013/14;
  - A further £15.4m of savings and income proposals were agreed in February 2014 for implementation over the 2014-17 period; and
  - An additional £8.6m of savings and income proposals were agreed by Committee in September 2014 to be delivered between 2015-18.

### Funding outlook

- 3.6 Further planned cuts to local government will bring the total reduction to 37% by 2015-16, excluding the Better Care Fund and public health grant.
- 3.7 HM Treasury forecasts that government resource budgets (less depreciation) will fall by £10.9 billion (3.8%) from 2015-16 to 2016-17, and by a further £11.4 billion (4.1%) by 2017-18. If the government continues to protect funding for education and health, local authorities will need to deliver savings well above these rates (National Audit Office).
- 3.8 We estimate that we will need to find additional significant savings between 2015-18.
- 3.9 We are now finding it harder to find further efficiencies of sufficient scale to meet the forecast loss in income from Government considering the savings that have already been achieved and the number of staff lost.
- 3.10 We will continue to find efficiencies where we can to protect services, but in the context of prioritising our service delivery to ensure residents and businesses get what they need, we still have to make savings and generate additional income. Additional proposals to reduce our spending or increase income where we can will be brought forward for councillors to consider through the course of 2015.

### A changing inspection regime

- 3.11 Over the last 12 months there have been changes to the inspection regimes for a number of regulators. Of note are:
- The Ofsted framework and evaluation schedule for the inspection of services for children in need of help and protection, children looked after and care leavers (single inspection framework) and reviews of Local Safeguarding Children Boards was released in June 2014;

- The Ofsted framework for inspecting local authority arrangements for supporting school improvement in England under section 135 and section 136(1)(b) of the Education and Inspections Act 2006CQC has been updated and released in November 2014; and
  - The Care Quality Commission announced a new approach for health and social care sectors in October 2014 for inspection. They will carry out a mixture of announced and unannounced inspections with the aim of the new inspections to get to the heart of patients' experiences.
- 3.12 While on the whole, we do not question the intent of these new approaches, they are without doubt creating additional pressure on local authorities as the remit and approaches of these has wider implications and for Ofsted inspections this include partners - but it is the local authority that is held to account. This means that our improvement plans need to be sufficiently and adequately resourced to ensure we do justice to our residents and that our practice and service delivery is meeting professional expectations.

### Reshaping and restructuring the Council

- 3.13 Over the years the Council has undertaken management restructures to create capacity and focus while making efficiency savings.
- 3.14 In 2011, Committee approved the merger of the Directorates of Education and Children's Services and Housing and Community Care. The key objective of the proposal was the continued improvement of both children's and adult services, in particular the Council's continuing top priority of safeguarding children and vulnerable adults. A newly formed Directorate encompassed all those services which are directed towards individuals' and communities' needs and aspirations. Bringing together adults and children's services and social care was done to enable more joined up work to be done across services and increasingly with health, without artificial 'age-related' barriers.
- 3.15 Through 2013 and into this year, the senior management structure of the Council was further reviewed to reflect that the organisation is becoming smaller with fewer people to manage, and to free up money that could be used for the delivery of important Council services. This 'Reshaping' was also to ensure that the council could meet future needs and opportunities.
- 3.16 These changes moved some services into different areas. Key changes were:
- Moving the Housing Service into the Directorate of Environment & Neighbourhoods to align our 'patch' approach to neighbourhood working;



- Moving some corporate services into service areas such as Emergency Planning, Health & Safety and Organisational Development;
  - Putting Children's Social Care and Early Help in the same service area; and
  - Creating a dedicated post for Commissioning and procurement.
- 3.17 A series of service reviews as part of this Reshaping Programme has followed and introduced new staffing structures and a decentralised and flatter structure. We are now in the final phase of Reshaping and the last few reviews will launch in January 2015. This programme alone has saved the Council approximately £2 million over the last 12 months and removed 58 manager's posts.
- 3.18 We have reduced our workforce by 622 posts over the period since 2010. We now employ approximately 2,500 people - 2000 FTE - excluding schools. In September 2014, committee agreed further budget saving proposals that, subject to consultation, would reduce our establishment by a further 90 posts (60 FTE).
- 3.19 Our need to make budget reductions and lose staff has put a lot of pressure on the remaining staff at the council and capacity and resilience in some parts of the council has become stretched.

### Children's Services

- 3.20 Reading's Children's Service is responsible for supporting and caring for the most vulnerable children and young people in the borough. This is an area of significant media and public interest.
- 3.21 Reading handles a significant volume and complexity of referrals and at the moment is having recruitment and retention issues. A priority is to resolve this and deliver the improvement plan that was put in place over the summer.
- 3.22 The regulatory regime via Ofsted is ever more challenging from early years through to children's social care. Ofsted's single inspection framework is now in effect on a universal, three-year cycle. It brings together into one inspection: child protection; services for looked after children and care leavers; and local authority fostering and adoption services. It will also review the effectiveness of the Local Safeguarding Children's Board.
- 3.23 We also know that we need to complete the wider review of universal services and how this relates to our Early Help offer and neighbourhood assets. This will focus on where there are opportunities to take a whole family approach, improving early intervention and working holistically at neighbourhood level. There is also the opportunity to include a greater focus on the wider

demographic needs of the community including a greater ability to tackle poverty as well as Health Visitors transferring to the council next year.

## Adult Care

- 3.24 More people are living longer and are likely to need additional care and support. We want to ensure they get the best care they can within their neighbourhood.
- 3.25 Older people are the largest single group receiving services from our Adult Social Care services. Currently our services help over 4,100 residents. We do not have the same demographic pressures for adult social care as some other boroughs but we have had an increase in the over 65s (about 8%) and people are living longer with long term health conditions. The over 65 population is expected to rise steadily in Reading, with a notable rise in the over 85 population. The chances of residents aged over 80 needing a service rises massively. By 2020, we predict that approximately 25% of people who pay for their own care are likely to have run out of funds and will therefore be eligible to have their care paid for by the Council.
- 3.26 In September 2014, Policy Committee approved a 3 year Adult Social Care Strategy. The aim of this strategy is to balance rising demographic demand and spending reductions with a commitment to provide the highest quality of care for people who need it. This strategic shift focuses on promoting wellbeing at whole population level, promoting independent living at home (with a corresponding shift away from residential and nursing care unless required) and developing neighbourhood based services - working alongside local GPs.
- 3.27 There have also been significant changes in legislation like the Care Act that means the Council has to respond very differently to wellbeing issues.
- 3.28 The world of health and adult social care has changed dramatically and it is now clear that there will be much greater integration of these two public services - which needs considerable strategic systems leadership. The £3.8bn Better Care Fund (formerly the Integration Transformation Fund) was announced by the Government in the June 2013 spending round, to ensure a transformation in integrated health and social care. The Better Care Fund (BCF) is viewed by some as one of the most ambitious ever programmes across the NHS and Local Government. It creates a local single pooled budget to incentivise the NHS and local government to work more closely together around people, placing their well-being as the focus of health and care services. The BCF is a critical part of the NHS 2 year operational plans and the 5 year strategic plans as well as local

government planning. The programme can also be seen as being very risky in terms of delivery and needs to be resourced accordingly.

- 3.29 There are also a number of resilience issues in the health economy and we have had higher number of Delayed Discharges from the Royal Berkshire Hospital than we would like meaning that residents have been judged clinically ready for discharge from hospital but continue to occupy a bed as we cannot find them suitable accommodation for their needs.

## Health

- 3.30 We assumed responsibility for Public Health functions in April 2013 and the initial priority was for a safe landing of these services. The aim now is to ensure that Public Health is more embedded within our way of working and has more emphasis on early intervention, prevention and community development. We said when we were Reshaping the Council in summer 2013 that the location of this team would be reviewed over time so that it gets the support it needs and to take advantage of the opportunities the public health responsibilities bring to the council.

## Education Services

- 3.31 In September 2014, the Policy Committee were advised of the Education Service proposals outlining the changing education landscape that requires the Local Authority to focus on the achievement, both academically and personally, of every young person attending a publicly funded school or early years setting in the Reading while recognising the professional expertise of schools and their leadership teams. The Committee approved a 3 year strategy focussing on engaging local authority resources with projects that build sustainable activity within schools; develop further the capacity for good schools to support others to raise standards; and to challenge all schools to ensure that every child is making good progress in school.
- 3.32 We had previously thought that many more schools would have wanted to become Academies - this hasn't happened so there remains a significant role for Council leadership of the education system which has a bearing on our capacity.
- 3.33 Committee has also committed to delivering an ambitious £64m Primary School Places Expansion Programme to create 2,500 extra school places through 2015-16.
- 3.34 There remain issues with narrowing the gap and increasing educational attainment that we need to continue to pursue with vigour.

#### **4.0 PROPOSALS TO INCREASE OUR CAPACITY AND RESILIENCE**

4.1 While there are clearly significant challenges for the Council to address, it also brings with it opportunities to redesign the way we operate, deliver services and continue to work with people to achieve better outcomes.

4.2 When the Directorate of Education, Social Services and Housing was created some 18 months ago the merger enabled much better delivery of services from a whole family perspective. We need to build on this work.

4.3 Because of the challenges outlined in section 3 above, we need to address these and ensure we have sufficient capacity. It has become clear in recent months that because of the volume of changes over the last 12 months, the senior management team in the Directorate of Education, Adult & Children's Services, whilst making progress, is struggling at times to enable people to focus on day-to-day service delivery, service improvement and deliver budget savings through efficiency and the transformation programme. In addition, the current Director of Education, Adult and Children's Services has recently resigned from the Council for a larger post in a County Council. It is clear that we need to increase our capacity in this area.

4.4 It is therefore necessary that some changes are made to the Council's structure to increase capacity.

4.5 It is proposed we do not replace the role of Director of Education, Adult & Children's Services but instead create two new roles to ensure we have additional resources and focus. The two new roles would be:

- Director of Children, Education & Early Help Services; and
- Director of Adult Care & Health Services.

A current senior management family tree is included at appendix 1 and a proposed senior management family tree is included at appendix 2.

#### **Director of Children, Education & Early Help Services**

4.6 This Director would hold the role of Statutory Director of Children's services (DCS) as defined in the Children Act 2004 and set out in statutory guidance in 2009. The focus on this role would be:

- Ensuring our services remain safe;
- Implementing our children's services improvement plan to 'get us to good';

- Ensure we deliver our plans with schools to narrow educational gaps and improve attainment;
- Deliver additional school places as part of the Primary School Expansion Programme;
- Being the lead for delivery of all services from a whole family perspective no matter what service areas they reside in; and
- Review and implement a comprehensive approach across all our services to ensure we have a new service offer for universal and targeted services in Early Help and our neighbourhoods.

4.7 It is also proposed to create some new roles in this area to ensure we have the capacity to discharge our duties and also to make service improvements and savings such as support for school expansion.

### **Director of Adult Care & Health Services**

4.8 This Director would hold the position of Director of Adult Social Services (DASS) as defined in statute and guidance. This role would include both Adult Services and the Public Health Team. The Public Health Team would move from Corporate Support Services.

4.9 The focus on this role would be:

- Ensuring we deliver our 3 year Adult Social Care Strategy;
- Ensuring we deliver the Better Care Fund Programme;
- Lead on health integration;
- Reducing our Delayed Discharges; and
- Being the lead for quality assurance across all social care services.

It is proposed to create some new roles in this area to ensure we have the capacity to discharge our duties and also to make service improvements and savings.

### **Corporate Support Services**

4.10 Our support services are supposed to provide the 'backbone' to our organisation supporting delivery of services. Some of the services have reshaped their service offer and made real progress over the last 12 months. We need to ensure that the 'service offer' remains fit-for-purpose considering the changes in the council. We will continue to ensure that these support services reflect the needs of the organisation so staff have the tools for their roles and also support services have the right input and support from service areas. We will be checking in the New Year that we have the right professional capacity and management direction of our support functions.

## Environment & Neighbourhood Services

4.11 Following the formation of this new directorate in September 2013 and the reshaping of teams within it that will be concluded in the Spring, there are no proposals to make any further structural changes to this area of the Council in the short term. We have highlighted some capacity issues so some roles will be recruited to such as specialist skills to deliver the Council Housebuilding programme that has been agreed.

In addition, we will be recruiting to the post of Head of Transportation & Streetcare due to the current post holder leaving the Council in the New Year and putting in place appropriate interim arrangements.

### Recruitment support

4.12 Because of the specialist nature of the some of the senior roles, simply advertising these posts will not be enough to ensure that Members have a high quality shortlist to consider.

4.13 It is clear from the market testing that has been undertaken that hiring to adult, children's and project management roles are extremely challenging. There is a finite pool of social care professionals with the right level of experience and credibility operating within local government. Finding the right candidates for us will not be straight forward and as councillors will be aware we were recently unable to recruit a Head of Children's Services despite a national recruitment exercise. Good candidates are in high demand and short supply.

4.14 Alongside an advertising and attraction campaign both in the professional press and online, we would need to use executive search which is a specialist and time-consuming process to ensure that any approaches are sensitive to confidentiality.

4.15 We would also need to screen potential candidates before being considered even for a shortlist for Members.

## 5.0 CONSULTATION

### Involvement in preparing these proposals

5.1 Over the last two weeks, several discussions, team meetings, 1-2-1's have been held to help inform these proposals including sessions with:

- The Leader and Deputy Leader;
- Relevant Lead Councillors;

- Director's;
- Heads of Services within the Directorate of Education, Adult & Children's Services; and
- Other members of the Corporate Management Team.

### **Consultation and involvement next steps**

5.2 Subject to further views, and Committee approval, it is proposed that a period of formal consultation on the proposals would be launched in December for two weeks.

5.3 Because of the urgency for having cover arrangements for both the statutory roles an interim recruitment process has already commenced. Interims would be sought both internally and externally.

### **6.0 TIMELINES**

6.1 Subject to Committee approval and the consultation process, the closing date for the permanent posts would be the end of January. The shortlisting and selection process would happen through February with offers made, subject to suitable candidates, by the end of February. Based on a 3 month notice period the new posts holders would commence with the Council in May.

6.2 Because of the statutory and important nature of the posts, interim cover is already being sought with the aim of having people in post in January to allow a handover with the current director.

### **7.0 FINANCIAL IMPLICATIONS**

7.1 Our financial situation is challenging as outlined. However, if we do not have the resources in place to deliver our statutory duties and key service priorities it will threaten the viability of the Council.

7.2 The financial implications of these proposals are estimated to be £113,000 in staffing costs (not including on-costs) which is the cost of the new director's role. This budget requirement is being built into the budget setting process. There will be one-off recruitment costs which are currently being negotiated.

### **8.0. LEGAL IMPLICATIONS**

8.1 Legislation underpinning the Council's Constitution is contained within section 4 of the Local Government and Housing Act 1989 as follows:

(2) It shall be the duty of the head of a relevant authority's paid service, where he considers it appropriate to do so in respect of any

proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out his proposals.

(3) Those matters are—

- (a) the manner in which the discharge by the authority of their different functions is co-ordinated;
- (b) the number and grades of staff required by the authority for the discharge of their functions;
- (c) the organisation of the authority's staff; and
- (d) the appointment and proper management of the authority's staff.

(4) It shall be the duty of the head of a relevant authority's paid service, as soon as practicable after he has prepared a report under this section, to arrange for a copy of it to be sent to each member of the authority.

(5) It shall be the duty of a relevant authority to consider any report under this section by the head of their paid service at a meeting held not more than three months after copies of the report are first sent to members of the authority; and nothing in section 101 of the Local Government Act 1972 or in section 56 of [or Schedule 10 or 20 to,] the Local Government (Scotland) Act 1973 (delegation) shall apply to the duty imposed by virtue of this subsection.)

## 9. RISK MANAGEMENT

- 9.1 The key risk to the Council is our statutory responsibilities and having the resources to ensure that our services remain safe. The aim of these proposals is to mitigate the risks presented to the Council as a result of the significant changes in the external environment over the last 12 months.

## 10.0. CONTRIBUTION TO STRATEGIC AIMS

- 10.1 Our service priorities are supported by the four key priorities within the Council's Corporate Plan 2014-17. These proposals contribute to ensuring we have the right knowledge, experience and skills to meet the council's priorities.

|                    |   |
|--------------------|---|
| <b>Priority 1:</b> | Creating and sharing prosperity   |
| <b>Priority 2:</b> | People are supported and protected when they need to be<br>People are healthy and can thrive in their community |
| <b>Priority 3:</b> | An attractive, safe and well kept town  |
| <b>Priority 4:</b> | Good quality public services  |



## 11.0 EQUALITY IMPACT ASSESSMENT

11.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

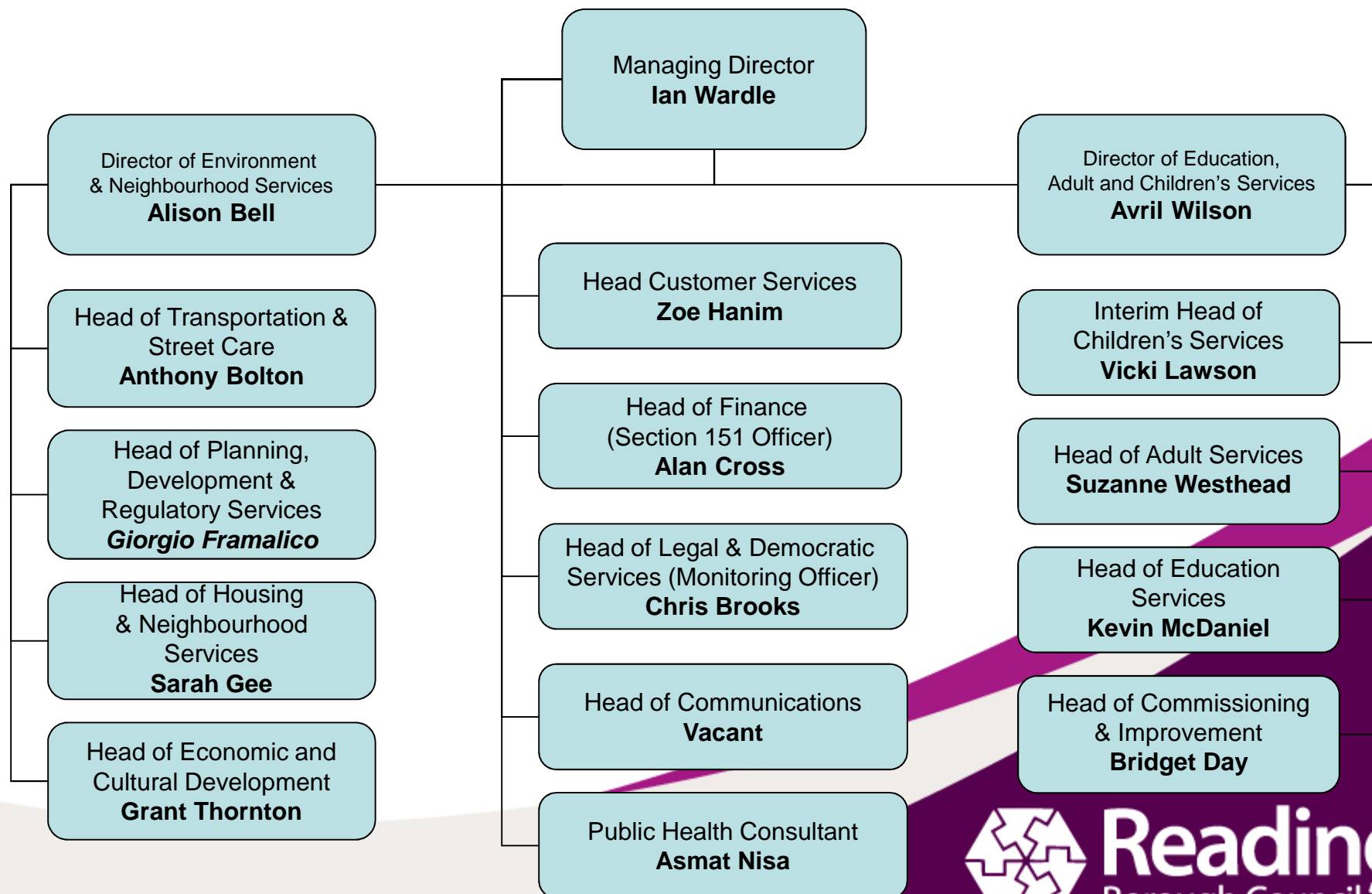
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 The proposals outlined in this report will not have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

# Senior Management Family Tree

(as at October, 2014)

Appendix 1



**Reading**  
Borough Council

Working better with you

PROPOSED SENIOR MANAGEMENT FAMILY TREE FOLLOWING THE CAPACITY & RESILIENCE REVIEW

