

# Public Document Pack

**Date of meeting**      **Wednesday, 13 March 2013**  
**Time**                      **7.00 pm**  
**Venue**                      **Committee Room 1, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG**  
**Contact**                      **Nick Lamper  
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## **Staffing Committee**

### **AGENDA**

#### **PART 1 – OPEN AGENDA**

- 1**      **Apologies**
- 2**      **Declarations of Interest**
- 3**      **MINUTES OF THE LAST MEETING**                      **(Pages 1 - 6)**  
Held on 7 November 2012, to be signed as a correct record.
- 4**      **MINUTES OF THE EMPLOYEES CONSULTATIVE COMMITTEE**      **(Pages 7 - 10)**  
Minutes of the meeting held on 18 February 2013 attached for information.
- 5**      **Night Working Rates**    **(Pages 11 - 14)**
- 6**      **Information Security Policies**    **(Pages 15 - 40)**
- 7**      **Recruitment, Selection and Induction Policy**                      **(Pages 41 - 92)**
- 8**      **Proposed Work Schedule**    **(Pages 93 - 96)**
- 9**      **Arrangements for Determining Employment Related Appeals**      **(Pages 97 - 100)**
- 10**     **Review of Terms and Conditions of Service**                      **(Pages 101 - 104)**
- 11**     **Urgent Business**

**Members:**      Councillors Mrs Hambleton, Howells, Olszewski, Miss Reddish, Stringer, Studd, Sweeney, Tagg, Taylor.J and Mrs Williams

**Members of the Council: If you identify any personal training/development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting.**

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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## **STAFFING COMMITTEE**

Wednesday, 7th November, 2012

**Present:-** Cllr Mrs Hambleton – in the Chair

Councillors                      Howells, Olszewski, Stringer, Studd, Sweeney, Tagg, Taylor.J  
and Mrs Williams

### **1. APPOINTMENT OF A CHAIR**

The Head of Central Services confirmed that Full Council had delegated authority to the Council Leader and Chair of the Transformation and Resources Overview and Scrutiny Committee to establish the details of this Committee. It had been agreed that the Chair of the Committee be from the party in administration.

A nomination for Chair had been received for Cllr Mrs Hambleton.

**Resolved:**     That Cllr Mrs Hambleton be appointed as Chair of the Committee.

### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **3. DECLARATIONS OF INTEREST**

Cllr Mrs Hambleton declared that she was a retired member of an active Trade Union.

### **4. TERMS OF REFERENCE**

A report was submitted to inform the Committee of its Terms of Reference as agreed by Full Council at its meeting held on 11 July 2012.

**Resolved:**     That the report be received.

### **5. TRAINING**

**A report was submitted to inform the Committee of arrangements for training. All members of the Staffing Committee would be expected to take part in related training as and when required, and refresher training would be made available at regular intervals.**

**Members queried whether there was a register of training that Members had already undertaken and as to whether future training would be recorded. It was confirmed that training was recorded for Elected Members and that a budget for this training was already allocated on an annual basis.**

**Resolved:**     That the report be received.

**6. PAY PROTECTION**

A report was submitted to enable the Committee to consider the current arrangements for protecting the pay of those employees whose pay grades were reduced as a result of restructuring. It was considered by the Executive Management Team that the current arrangements were fair, equitable and reasonable, taking into account the relevant factors, including mitigation of the loss of income of affected employees and the potential cost to the authority.

Some members considered that the current scheme was not overly generous but expressed concern that it could affect people differently depending upon where they were in their career. It was suggested that three years protection was too much but that a compromise position could be found as the current scheme did appear limiting and the Council still needed to be able to attract new employees.

Other Members however suggested that the current 12 month scheme was preferential as it would be Council Tax payers supporting it and that any additional cost incurred would be an additional burden to the tax payer.

Clarification was requested regarding section 9.1 of the report regarding the additional cost of £14,240 should the recommendation from the Employee Consultative Committee be implemented and the percentage of Council Tax that this would form. This information was not currently available.

Members agreed that a general principal needed to be established rather than focusing on the three staff referred to in the report and the questions was raised as to how the current practice fitted in with other organisations. It was stated that the recommendation from the Employee Consultative Committee had been based on figures received from other councils.

An amendment to the recommendation was put forward:

**That the recommendation of the Employee Consultative Committee at 1.3 in the report be the policy of this Council.**

It was confirmed that should the amended recommendation be implemented that the three employees currently under pay protection would be entitled to longer protection backdated at a cost of £14,240 as stated in section 9.1 of the report.

Members questioned where the money for this would come from. It was stated that if the money was not already in the budget then agreement for the extra amount would need to come from Cabinet (up to £50,000) or Full Council. It could not be confirmed whether there were resources to cover this in the budget as it currently existed.

It was confirmed that the amended recommendation would be implemented retrospectively:

**That the recommendation of the Employee Consultative Committee at 1.3 in the report be the policy of this Council and that this be backdated to include the three staff referred to in section 9.1 of the report.**

The Committee voted on the amended resolution with 5 in favour and 4 against.

**Resolved:** That the recommendation of the Employee Consultative Committee at 1.3 in the report be the policy of this Council and that this be backdated to include the three staff referred to in section 9.1 of the report.

7. **ARRANGEMENTS FOR EMPLOYEES ASSISTING WITH CIVIL EMERGENCY RESPONSE**

A report was submitted to obtain approval for a set of terms and conditions to apply to employees undertaking alternative roles during civil emergency situations and to facilitate the training of appropriate staff. The proposed arrangements would assist the council to meet its obligation in the provision of civil emergency response to the public and the council's partner organisations. The proposals would also ensure that employees who are assigned to specific roles were suitably trained and were treated fairly, consistently and without detriment and that the staffing costs associated with civil emergency response provision were reasonable and justifiable.

Section 2.3 of the report highlighted the recommendation of the Employee Consultative Committee:

The committee recommended that the following wording:

***'In the event that employees are required to work additional hours to their contracted hours, the usual arrangement regarding overtime payments will apply, based on the evaluated grade of the temporary position and in accordance with the relevant parts of Section 4 of the 2005 (Single Status) Collective Agreement (Overtime Working)'***

be replaced with:

***'In the event that employees are required to work additional hours to their contracted hours, the usual arrangements regarding overtime will apply.'***

The changes recommended by the Employee Consultative Committee were proposed and seconded and voted upon with 5 in favour and 4 against.

**Resolved:** (a) That the following wording:

***'In the event that employees are required to work additional hours to their contracted hours, the usual arrangement regarding overtime payments will apply, based on the evaluated grade of the temporary position and in accordance with the relevant parts of Section 4 of the 2005 (Single Status) Collective Agreement (Overtime Working)'***

be replaced with:

***'In the event that employees are required to work additional hours to their contracted hours, the usual arrangements regarding overtime will apply.'***

(b) That with the exception of the changes in (a) that the terms and conditions as proposed at Appendix A be adopted.

(c) That officers be authorised to roll out relevant training to appropriate staff in order to meet the needs of the Council during civil emergency situations.

## **Recommendations**

### **Reasons**

#### **8. REVIEW OF MARKET SUPPLEMENTS**

A report was submitted to confirm a future level of market supplement for a total of 4 posts in order to maintain the future continuity of service provision by ensuring the recruitment/retention of suitably qualified and experienced staff.

The proposed number and future level of market supplements was deemed by the Executive Management Team to be fair and reasonable both in relation to the employees who would receive them and those who would not and should be sufficient to enable the retention and recruitment of suitably qualified and experienced staff.

The matter was considered at the Employees Consultative Committee on 17 October 2012. The recommendation of the ECC was that consideration be given to extending the current level of supplement paid for a further 6 months (i.e. to 31 May 2013) due to the delay in confirming the future level of payments.

Member queried whether there were still recruitment problems regarding planning and development staff. Officers stated that this could not be confirmed as the Council had not attempted any recruitment in the last 12 months. It was however thought that staff would look elsewhere for employment should the supplement not be continued. Members agreed that it would not be desirable to return to the situation as it was in 2006 when officers were recruited but left soon afterwards.

Some members considered that more facts were required before an informed decision could be made such as performance outputs, condition of the market and budgetary implications. It was stated that this information was already in existence and had been considered by the Planning committee, Transformation and Resources Scrutiny Committee and Cabinet.

There were no alternative recommendations and the recommendation as stated on the report was voted upon with 7 in favour and 2 abstaining.

**Resolved:** That, having taken into account the detailed information contained in the report at Part II of the agenda, Market Forces Supplement payments equivalent to 4 spinal column points be applied to the four posts where this has been identified as necessary by appropriate benchmarking exercises, for the period 1 December 2012 to 30 June 2015.

**Chair**

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## EMPLOYEES CONSULTATIVE COMMITTEE

10.00 am, Monday 18 February, 2013

**Present:-** Councillor John Taylor – in the Chair

Councillors Mrs Hambleton, Plant, Sweeney and Turner

**Employee representatives:-** Paul Pickerill (GMB/Apex) (Employees' Side Chair), Andy Cowden (GMB/Apex), Kim Graham (Unison) and Gary Morgan (GMB/Apex)

**Officers:-** Richard Durrant (Head of Human Resources), Roger Tait (Head of Operations) (left after item 6), Paul Washington (Principal Solicitor), Sarah Taylor (Human Resources Officer (Workforce Development)) and Nick Lamper (Senior Member Services Officer)

### 1. DISCLOSURE OF EXEMPT INFORMATION

**Resolved:** That the press and public be excluded from the meeting during the consideration of items 5 to 10 inclusive as there would be likely to be a disclosure of exempt information as defined in paragraph 4 of Part I of Schedule 12A of the Local Government Act 1972.

### 2. APOLOGIES

Apologies for absence were submitted on behalf of Councillor Elizabeth Shenton, Jackie Cicatello (Unison) and Phil Bartels (GMB/Apex).

### 3. DECLARATIONS OF INTEREST

Paul Pickerill (GMB/Apex) declared a disclosable pecuniary interest in respect of item number 6 (Night Working Rates Proposal) by reason of his employment and withdrew from the meeting during the consideration of the item.

### 4. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 17 October 2012 were approved as a correct record and signed by the chairman.

### 5. ATTENDANCE MANAGEMENT

A report was submitted to update the committee on progress in relation to attendance management, along with an indicative breakdown of conditions resulting in long-term sickness absences of 20 working days or more.

Richard Durrant, Head of Human Resources, advised that a downward trend in absences in January had resulted in a new projected outturn for the year of 8.04 days per employee, and that it was possible if the trend continued that the figure may drop below 8.00 at year end.

**Resolved:** That the progress made be noted.

### 6. NIGHT WORKING RATES PROPOSAL

(Paul Pickerill (GMB/Apex) declared a disclosable pecuniary interest in respect of this item by reason of his employment and withdrew from the meeting during the consideration of the item.)

A report was submitted seeking the committee's views on the level of pay enhancements to be paid to employees working at night on an occasional voluntary basis.

Following a meeting between the chair, the Head of Human Resources and the trade unions to discuss officers' initial proposal of time-and-a-third on 28 January, the unions had put forward a proposal for payment of time-and-a-third plus time off in lieu for all-night working.

**Resolved:**

- (1) That acceptance of the trade unions' proposal as set out in the report be recommended to the Staffing Committee;
- (2) That a further report on the operation of any proposals implemented be submitted in due course, with particular reference to their application to A500 night work cleansing operations.

**7. INFORMATION SECURITY POLICIES**

A report was submitted to advise the committee of any employee-related issues arising from the annual review of the council's information security policies and a new Data Transfer Policy and Procedure, along with a summary of amendments made to the policy suite following a recent external review of Payment Card Industry compliance.

The amendments had been discussed with the trade unions, who had raised no objections.

The draft Data Transfer Policy and Procedure had also been the subject of consultation with the unions, who had requested some minor amendments, which were set out in the report. It was proposed that section 6.1 as drafted be amended to address the unions' concerns, and the proposed revised wording was set out in the report.

**Resolved:** That the proposed action be endorsed.

**8. RECRUITMENT, SELECTION AND INDUCTION POLICY**

A report was submitted seeking the committee's view on a Recruitment, Selection and Induction Policy to replace the current Recruitment, Selection and Induction Code of Practice.

The draft policy had been discussed with the trade unions at a meeting on 29 January, and the unions had been generally supportive of it, but would have preferred the reference to 'suitable' internal candidates to have been replaced with 'candidates who, although unable to undertake the full duties of a post applied for, may be able to do so following appropriate training'.

It was explained, however, that although there may be occasions when an appointment could be made where a candidate was not immediately capable of

carrying out the full range of duties but may be able to do so in time with sufficient training and support, there would also be occasions where it was essential for service continuity that the full range of duties were carried out from the first day of appointment and/or that the cost/time required for relevant training would be impracticable or uneconomic, and this would need to be taken into account when appointment decisions were being considered on a case by case basis.

Under the terms of the policy, internal candidates would have the right to challenge appointment decisions via the Grievance Procedure.

**Resolved:** That the proposed policy be endorsed.

## 9. **LIVING WAGE INITIATIVE**

A report was submitted in relation to progress on the implementation of the Living Wage Initiative. Cabinet had resolved at its meeting on 16 January 2013 that arrangements be made for the initiative to be implemented with effect from 1 April 2013.

The Living Wage would be applied to all employees whose current hourly wage rate (inclusive of any 'wrap around' payments) was less than £7.45 per hour. The additional amount payable would be shown as a separate 'Living Wage Supplement' so that the integrity of the council's pay and grading structure would not be compromised.

The estimated cost of implementation for council employees would be around £12,500 per year including employers' on-costs. A review of rates of pay of relevant staff would be undertaken as part of the work plan to calculate the financial implications of bringing contracted staff up to a living wage and establishing an achievable timeframe for doing so.

**Resolved:** That the progress made be noted.

## 10. **URGENT BUSINESS**

The chairman had agreed to this item of business being considered as one of urgency in accordance with section 100B(4) of the Local Government Act 1972 as it was important that the matter be resolved prior to the next meeting of the committee.

The trade unions raised concerns that it appeared that the new Staffing Committee had been set up with delegated powers which had previously been delegated to the Chief Executive, without relevant council policies and procedures having been amended to reflect this change.

The chairman undertook to raise and clarify the matter with the Chief Executive at a forthcoming meeting and report back.

**COUNCILLOR JOHN TAYLOR**  
**Chair**

The meeting concluded at 11.00 am.

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# Agenda Item 5

## 1. NIGHT WORKING RATES

**Submitted by:** Executive Management Team

**Portfolio:** Finance and Budget Management

### **Purpose of the Review**

To determine the level of pay enhancements to be paid to employees who volunteer to work at night on an occasional basis instead of their normal working hours.

### **Decision Required**

**Officers have proposed that an enhanced rate of time +  $\frac{1}{3}$ <sup>rd</sup> be paid for all hours volunteers work at night (ie, between 11.00pm and 6.00am) when this is not part of the normal working week.**

**The trade unions have proposed time +  $\frac{1}{3}$ <sup>rd</sup> plus the number of hours worked to be taken as time off in lieu.**

## 1. Background

1.1 The arrangements for staff who volunteer to work in specific civil contingency related roles were considered at the meeting of the Employees Consultative Committee on 17 October 2012. At the meeting it was suggested that discussions be held with the trade unions to establish a rate for night working that would apply in situations where employees work during the night when this is not part of their normal working week.

1.2 No employees currently work at night as part of their normal working week. However, there are occasions when employees may be requested to undertake night working for an occasional single night or a period of a few consecutive nights. The most recent occasion involving a significant number of employees was in September 2010 when Streetscene staff carried out cleansing works on the A500 for several consecutive nights. On this occasion, a 'one-off' payment based on double time for all hours worked was made on the basis that this would not be used as a precedent for future occasions (see Appendix A).

### 1.3 **National Conditions of Service (NJC)**

The National Conditions of Service provide for time +  $\frac{1}{3}$ <sup>rd</sup> to be paid for all hours worked at night between the hours of 11pm and 6am when this is part of the normal working week. There is no provision for enhanced rates to be paid when night work is carried out when it is not part of the normal working week and this therefore needs to be agreed locally.

### 1.4 **Local Conditions of Service**

There is no local collective agreement on enhanced rates payable for night working when this is not part of an employee's normal working week.

### **Proposal**

Officers have proposed that an enhanced rate of time +  $\frac{1}{3}$ <sup>rd</sup> be paid for all hours worked by volunteers at night (ie, between 11.00pm and 6.00am) when this is not part of the normal working week. Following a meeting with the Chair of the Employees Consultative Committee and the Head of Human Resources on 28 January 2013, the trade unions submitted an alternative proposal as follows:

We the Joint Trade Unions would like to make it known to Chief Officers and Elected members alike, that we understand and sympathise with them over the current financial difficulties that we as a Local Authority face.

But we would also like to make it known that currently we have had no pay rise for what is entering the fourth year now, and cannot agree a payment of time +  $\frac{1}{3}$  for night time working, also after doing a consultation with streetscene staff late last year confirming our belief that no volunteers would come forward and agree to work nights on that basis.

However we do appreciate the need to have commitments and procedures in place to overcome any emergency situations such as the Emergency Civil Contingency Procedures and once or twice a year one off requirements such as the A500 Night Work Cleansing.

We believe that we could take to our members a proposal of payment of time+ $\frac{1}{3}$  plus time off in lieu for all night working, on the assumption that the work required would be for a full day comprising of more than half their normal working hours.

Anything below half of the normal working hours we would ask that the current overtime agreements apply.

We would also ask that no Employee be financially worse off than they would have been had they continued to perform their current employed hours of work. The reasoning to this proposal would mean that there would be no financial burden to the employer up and above the agreed time+ $\frac{1}{3}$  and the Employers recognise the commitment of those employees by awarding them time in lieu.

- 1.5 At its meeting on 18 February 2013 the Employees Consultative Committee resolved:
- (i) That acceptance of the trade unions' proposal as set out in the report be recommended to the Staffing Committee;
  - (ii) That a further report on the operation of any proposals implemented be submitted in due course, with particular reference to their applications to A500 night working cleansing operations.

2. **Issues**

2.1 Other than several Streetscene employees being asked to volunteer to work at night for approximately one week per year, to undertake cleansing works on the A500, the need for volunteers to work at night on an occasional basis is extremely rare.

2.2 It is necessary to ensure that any enhancements/arrangements made to compensate employees who volunteer to change their hours of work on an occasional basis are fair and operationally viable and the associated staffing costs are reasonable and justifiable.

3. **Options Considered**

3.1 Depending on both budget and operational commitments, it may on occasion be appropriate for night work to be carried out by non-council staff as an alternative to use of volunteers.

4. **Legal and Statutory Implications**

4.1 As employees would be volunteering to change their working hours, there would be no contractual issues.

4.2 It would be necessary to ensure that the number of consecutive nights worked, the pattern of hours worked at night and associated rest breaks are in accordance with the requirements of the European Working Time Directive.

5. **Equality Impact Assessment**

5.1 Any enhancements/arrangements approved will be applied equally to all employees.

6. **Financial and Resource Implications**

6.1 The cost of any enhanced payments would need to be financed either from within existing approved salary budgets or from income generated by undertaking the work.

7. **Major Risks**

7.1 The authority is required to undertake cleansing of verges and the central reservation of the A500 on average, on an annual basis.

8. **List of Appendices**

Appendix A            Details of agreements on enhanced payments paid to Streetscene employees who volunteered to change their working hours re A500 cleansing works in September 2010

**Re: Night Working, A500**

In conjunction with partners from Stoke-on-Trent City Council and Stafford Borough Council, an agreement was reached to carry out cleansing works on the A500 from Junction 15 to 16.

Employees were to be invited to participate in the cleansing operations from Streetscene Services at Newcastle Borough Council. Selection would be carried out by a fair and equitable process agreed with employees who volunteered.

Newcastle Borough Council does not have a night working agreement and discussions have taken place between the Human Resources and Streetscene Management sections of the council.

The sections accept that the employees who have taken part have done so as a good will gesture, knowing that there was no agreement in place at the time of carrying out the cleansing operation of the carriageway indicated.

The Management have made an offer to the Trade Unions, on a one off basis, of double time of the hourly rate received at the time the duties were carried out. Payment would be made for all hours employed, inclusive of any breaks taken.

This would effectively identify that the calculation would be as follows:

Hours of Work x Hourly Rate

e.g.	Monday night start time	8.30 pm
	Tuesday morning finish time	6.00 am
	Rate of pay per hour (taking into consideration season)	45 <sup>th</sup> rate per hour x 9.5

This calculation would follow through the week.

There would be no payment for the normal working day as this would not be worked and would be classed as rest time.

This agreement is accepted as a one off payment and both the Management and the Trade Unions accept the spirit of the agreement.



# Agenda Item 6

## 1. INFORMATION SECURITY POLICIES

**Submitted by: Executive Management Team**

**Portfolio: Finance and Budget Management**

### **Purpose of the Review**

To advise the Committee of any staffing matters arising from the annual review of the council's current information security policies and also in relation to a new 'Data Transfer Policy and Procedure'.

### **Recommendations**

- (a) That the summary of amendments made to existing policies (Appendix A) be noted.**
- (b) That the draft Data Transfer Policy and Procedure (Appendix B) be endorsed, subject to the minor amendments set out in the report below being incorporated.**

## 1. Background

- 1.1 As part of the annual review process of the council's Information Security Policies, recommendations made following a recent external review regarding PCI (Payment Card Industry) compliance were considered and have been subsequently incorporated, where appropriate, to enhance the policy suite.

A summary of the amendments made is attached at Appendix A.

The amendments were discussed at a meeting of the Chair of the Employees Consultative Committee, the Head of Human Resources and the trade unions on 29 January 2013. The trade unions did not indicate that they had any concerns or issues regarding the amendments but they have requested that, in future, any proposed changes to existing policies be highlighted when circulated for discussion.

The suggestion has been noted and will be acted on by your officers.

- 1.2 A draft 'Data Transfer Policy and Procedure' is attached at Appendix B. This was also discussed with the trade unions on 29 January 2013. At the meeting, the trade unions raised the following points:

- Section 6.1, paragraph 3 (highlighted in bold)
  - The words '*or by post/courier*' should be deleted
- Appendix A – Media in transit section, – bullet point 8 (highlighted in bold)
  - The words '*post should not be used*' to be replaced with '*post will not be used*'
- Relevant employees should receive briefings to ensure they understand their roles and responsibilities

- 1.3 Section 6.1 relates to the failure to apply adequate controls. The intention is not for employees to be disciplined for errors/omissions made by third parties. It is therefore suggested that the last sentence should read:

*'This includes the loss of devices holding personal data, or the loss of personal data transmitted electronically, or the loss of data by post or courier where a more secure method of transferring the personal data should have been selected.'*

- 1.4 The amendments made to the existing policies and the draft Data Transfer Policy and Procedure were considered at the Employees Consultative Committee at its meeting on 18 February 2013. The Committee resolved to endorse the action proposed in relation to Section 6.1 of the Data Transfer Policy and Procedure.

2. **Issues**

- 2.1 In order to ensure the council's information security policies remain effective and fit for purpose, it is essential that they are reviewed regularly and additional policies and procedures developed as appropriate.
- 2.2 It is also essential that relevant staff understand their responsibilities and obligations when handling data and are aware of the potential consequences for both the council and themselves of lapses in data security.

3. **Legal and Statutory Implications**

- 3.1 The council is required to comply with The Data Protection Act 1998.

4. **Equality Impact Assessment**

- 4.1 The council's information security policies apply equally to all employees.

5. **Financial and Resource Implications**

- 5.1 Breaches of the Data Protection Act can result in local authorities incurring significant fines from the Information Commissioner's Office.

6. **Major Risks**

- 6.1 See 5.1 (above).

7. **List of Appendices**

Appendix A Annual Review of Information Security Policies – November 2012  
Summary of Amendments

Appendix B Draft Data Transfer Policy and Procedure

## Annual Review of Information Security Policies – November 2012

### SUMMARY OF AMENDMENTS

#### Computer, Telephone and Clear Desk Policy

- Now called the Computer, Telephone and Password Policy;
- Addition of Council's required password default requirements i.e. Change every forty two days, **minimum of** eight alpha-numeric characters in length and not one of twenty previous passwords;
- Shared user IDs should not be used;
- Only when a business need and **with** prior advice from ICT should business calls be made and received **using council issued equipment**, whilst abroad; and
- Screens will automatically lock, however this should not be relied upon and staff should ensure they do this manually.

#### Remote Working Policy

- **PCs or Laptops** and software must only be provided by the Council, *unless the method of remote access requires users to utilize their own personal computer. In this instance, ICT will provide secure access devices (currently Bcrypt sticks);*
- Where any fault in the equipment has been caused by the user, in breach of the above paragraphs, the Council may recover the costs of repair *calculated at a rate predetermined during an annual review;*
- As with screens based within Council buildings, it should also be ensured that casual 'shoulder surfing' or people overlooking the data on screen does not occur whilst working remotely;
- Approval should be obtained from the relevant Head of Service for the use of the Council's remote access service as well as removable and portable media. Access to these require authentication using a user ID and password; and
- Any remote access that has remained inactive for 30 minutes should automatically sign out to ensure the security of information.

#### Software Policy

- Before installing a new system onto the network it must be ensured that the defaults provided by the vendor are changed. This includes passwords, SNMP, community strings and unnecessary accounts. This is also applicable in respect of any wireless environment;
- Software passwords should be in line with the Corporate Policy;
- Access to all systems should be restricted, and only where a job role requires access in order to perform the role should this be granted. This need for access should be formally granted by an appropriate senior employee such as Head of Service or Business Manager. It should be ensured that this access is documented;
- All user IDs should initially be set to 'deny all' access, with only certain elements activated based upon the job role and formal approval. This ensures that only necessary access is granted; and
- Access can be granted to vendors where necessary. It should however be ensured that this access is disabled when no longer necessary. Whilst enabled it should be ensured that monitoring of the access is undertaken. It

may also be appropriate that vendors may access our systems remotely, but again it should be ensured that this is disabled when not required.

### **Information Protection Policy**

- It should be ensured that unprotected Primary Account Numbers (PANs) are not sent to recipients by end-user messaging technologies (for example, e-mail, instant messaging, chat, etc.);
- In addition, for those users who have access to individual cardholder data the individual departments challenge procedure should be complied with in full to ensure the security of both the card data and account details.
- Any technology connected to card payments must be stored in a secure environment;
- Compliance with the Council's External Data Transfer policy; and
- At a minimum the risks in respect of PCI compliance should be considered on an annual basis in line with the Council's Risk Management policies and procedures.

### **Email Policy**

- Incorporated Government Protective Marking Scheme guidance.

### **Human Resources Information Security Standards**

- No amendments.

### **Legal Responsibilities Policy**

- No amendments.

### **Internet Acceptable Usage Policy**

- No amendments.

### **Removable Media Policy**

- No amendments.

### **Information Security Incident Management Policy and Procedure**

- No amendments.



**Policy Document**

**DRAFT - Data Transfer  
Policy and Procedure**

**November 2012**

## Document Control

<b>Organisation</b>	Newcastle-under-Lyme Borough Council
<b>Title</b>	Data Transfer Policy and Procedure
<b>Author</b>	Stephen Heppell
<b>Filename</b>	X:\NULBC Policy Pack\Data Transfer Policy and Procedure.doc
<b>Owner</b>	Audit Manager / Head of Customer and ICT Services
<b>Subject</b>	Information Security Policy
<b>Protective Marking</b>	Unclassified
<b>Review date</b>	November 2013

## Revision History

<b>Version</b>	<b>Revision Date</b>	<b>Reviser</b>	<b>Previous Version</b>	<b>Description of Revision</b>
1.0	01/12	S Heppell	-	Initial NuLBC draft
1.1	09/12	S Heppell	1.0	Draft Comments Update
1.2	11/12	S Heppell	1.1	Final Comments

## Document Approvals

This document requires the following approvals:

<b>Sponsor Approval</b>	<b>Name</b>	<b>Date</b>
Information Security Group		
Executive Management Team		
Cabinet		

## Document Distribution

This document will be distributed to:

Information Security Group
Executive Management Team
Cabinet
All Employees
All Members

## Contributors

Development of this policy was assisted through information provided by the following organisations:

- Cannock Chase Council
- FIT Business Solutions

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## **1 Policy Statement**

Newcastle-under-Lyme Borough Council will ensure that every user is aware of, and understands, the acceptable use of information held by the Council and the need to transfer this information securely.

## **2 Purpose**

The protection of information that the Council holds, particularly that which is personal and sensitive to those who use our services is vital. Elected members and employees must take all necessary steps to prevent unauthorised access to it.

The Council is regularly approached to share data it holds with others either for partnership working, external processing or for data matching exercises. We must ensure the security of this data whilst it is being transferred. We must take great care to ensure public confidence is maintained regarding any information we hold, process or share with other partner organisations e.g. other public bodies. Elected members and employees also have individual legal responsibilities under the Data Protection Act 1998.

In addition more and more use is being made of portable equipment or media devices to work on information off site and as such individuals need to take steps to ensure the security of information stored and access to it.

This policy aims to establish and maintain the security and confidentiality of information shared with external partners of the Council.

## **3 Scope**

All Transfers of data in and out of the Council are subject to this policy and the Data Protection Act 1998, excluding:

- Any information that is generally available to the public.
- Any information that would be required to be disclosed under the Freedom of Information Act 2000.
- Any information that would be required to be disclosed by the Environmental Information Regulations 2004

The Information Security Policies should be referenced alongside this policy.

## **4 Definition**

The objective of this policy is to establish and maintain the security and confidentiality of information shared with external partners of the Council inclusive of:

- Ensuring that all members and staff are aware of external data transfer procedures.
- Describing the principles of security and explaining how they will be implemented.
- Introducing a consistent approach to transfers, ensuring that all members and staff understand their own responsibilities.
- Supporting a level of awareness of the need for Information Security as an integral part of day to day business.

Council managers are responsible for ensuring that their permanent, temporary staff and contractors are aware of this policy, the Data Protection Act, the Information Security Policies and for ensuring that:

- Personal responsibilities for information security are communicated, ensuring that all staff receive appropriate levels of education and training in this area; and
- They are aware of how to access advice on information security matters and how to report incidents using the correct procedures.

## 5 Risk

The Council recognises that there are risks associated with users accessing and handling information in order to conduct official Council business.

Non-compliance with this policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

## 6 Applying the Policy

For information on how to apply this policy, readers are advised to refer to Appendix A.

### 6.1 Roles and Responsibilities

The policy aims to ensure that all Members, employees and those whom we transfer data to, are aware of their information security responsibilities. Information security is a shared responsibility. Confidentiality, integrity and availability of information could be compromised due to a breach of security (which could be accidental or malicious).

Each Member and employee should be reminded that they are personally responsible for ensuring that no breaches of information security result from their actions.

**Failure by individuals to apply controls particularly in handling personal data that does lead to a breach could amount to gross misconduct depending on the circumstances. This includes the loss of devices holding personal data or the loss of personal data transmitted electronically or by post/courier.**

Personal Data should always be encrypted and transmitted electronically wherever possible as this is a more secure method.

Recipients of our data should give us assurances that they will handle our data to or above our standards. We should also ensure that recipients have the right to receive and process our data. The roles and responsibilities should be documented fully.

Any reference and guidance within this policy to 'Employees' is also applicable to any of the Council's contractors.

Data received should not be used for any purpose other than specified.

The Information Assurance Officer must always be notified of any new instances whereby data is to be transferred outside the organisation (where covered by this policy; see Scope) - Particularly in cases where the transfer is to be on a regular basis, even if, for example, this is only once a year. This is to allow us to add your transfer type to the corporate data transfers register.

## 7 Policy Compliance

If any user is found to have breached this policy, they may be subject to the Council's disciplinary procedure. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, seek advice from Human Resources.

## 8 Policy Governance

The following table identifies who within the Council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

<b>Responsible</b>	Head of Customer and ICT Services
<b>Accountable</b>	Executive Director (Resources and Support Services)
<b>Consulted</b>	Information Security Group Executive Management Team Heads of Service Employees Consultative Cabinet Union
<b>Informed</b>	All Council Employees, All Councillors, relevant contractual third parties, partners and agents

## 9 Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 12 months.

Policy review will be undertaken by the Audit Manager.

## 10 References

The following Council policy documents are directly relevant to this policy, and are referenced within this document:

- Email Policy;
- Internet Acceptable Usage Policy;
- Software Policy;
- GCSx Acceptable Usage Policy and Personal Commitment Statement;

- Computer, Telephone and Desk Use Policy;
- Remote Working Policy;
- Removable Media Policy;
- Information Retention / Disposal Policies; and
- Legal Responsibilities Policy.

The following Council policy documents are indirectly relevant to this policy:

- IT Access Policy;
- Human Resources Information Security Standards;
- Information Security Incident Management Policy;
- Communications and Operation Management Policy; and
- IT Infrastructure Policy.

## **11 Key Messages**

- Members and employees should remember that they are personally responsible for ensuring that no breaches of information security result from their actions;
- Failure by individuals to apply controls particularly in handling personal data that does lead to a breach could amount to gross misconduct depending on the circumstances;
- Personal Data should always be encrypted and transmitted electronically wherever possible as this is a more secure method;
- Recipients of our data should give us assurances that they will handle our data to or above our standards;
- Data received should not be used for any purpose other than specified; and
- The Information Assurance Officer must always be notified of any new instances whereby data is to be transferred outside the organisation.

## **Appendix A**

### ***Electronic Data Transfer Guidance***

Information sharing across Council and non-Council environments is becoming a more and more common requirement. Transmitting information by electronic means exposes that information to a risk of unauthorised access and corruption during transmission.

**All** transfers of electronic data transmitted externally that is protectively marked as PROTECT, RESTRICTED, CONFIDENTIAL, SECRET or TOP SECRET, as per the Council's adopted Government Protective Marking Scheme, must be subject to encryption, password protection and be at least compliant with current Information Security Policies. For further information on passwords to ensure adequate security, the Removable Media policy should be consulted. Should any employee require file encryption and password protection Customer and ICT services will assist or carry out this function on your behalf. Recipients of our data should be contacted by us to arrange password transfer and decryption of sent data. We should never accept a call requesting the password. The relevant member of staff should always be completely satisfied that the recipient of the data is the intended and authorised recipient.

Data transferred should be the minimum amount necessary for associated work to be completed; as per the Data Protection Act 1998.

Those responsible for transferring data should also be reminded that extracts from systems should be held securely before / after transfer. For example a dedicated folder / storage area should be used with limited permissions.

Consider using .pdf converting software if data is to be sent to external parties as this shall ensure the data is not re-processed. The same can apply to data received.

Information / Data should **only** be sent:

- After the approval by a relevant manager;
- When the Information Assurance Officer is aware of the transfer (notification by Data Transfer Log, Appendix D); and
- Assurances that the recipient will handle the data in accordance with our security guidelines have been received. The Data Transfer Log (Appendix D) must be used.

### ***Sending Information via Email***

All information covered by this policy, electronically transmitted externally via email, must be subject to encryption, password protection and be at least compliant with current Information Security Policies.

The Councils standard email and internet system on its own **does not** meet this requirement and **must not** be used to transmit personal information externally. In order to transmit this form of data, a GCSx email account shall be required. Please contact the Customer and ICT Services if you require assistance in transmitting sensitive information.

Where it is not possible to use a GCSx email account, contact with Customer and ICT Services should be made, who will be able to provide a suitable encryption method, i.e WinZip or Secure File Transfer Protocol (SFTP).

In addition, when sending information / data via email:

- Always use the Council email disclaimer, this is automatically added to outgoing email (if in doubt contact Customer and ICT Services for guidance);
- Use minimum amounts of information in email, if individuals can be referred to by reference numbers (such as complaints or information requests) this should be the preferred option;
- Ask the recipient to confirm receipt and record this on the data transfer log (Appendix D); and
- Follow up any none-response within one working day.

The exception to this rule is where the recipient is the data subject and has requested that we send their data via email. An example of this is where a resident has requested that we send their Council tax bill via email.

Any email containing personal information should be deleted as soon as it is no longer required. This may be as soon as an email has been sent.

Refer to the Council's Email Policy or contact Customer and ICT Services for further information on this subject.

## ***Media in Transit***

All personal information sent out externally via electronic media must:

- Be subject to encryption, password protection and be at least compliant with current Information Security Policies;
- Follow guidance in the sections below relating to Removable media / Removable Media policy;
- Confirm the name, department and address of the recipient;
- Seal the information in a robust envelope;
- Add details of the sender and data content – security information must **not** be included;
- Mark the envelope 'Private and Confidential – to be opened by Addressee Only';
- When not transporting the data personally, trusted Couriers should be used;
- **Post should not be used as a method for transferring sensitive or personal data; it may be possible to provide more secure electronic transfer methods such as SFTP. The Customer and ICT Services can offer advice and support in relation this;**
- Ask the recipient to confirm receipt and record this on the data transfer log (Appendix D)
- Follow up any no response within one working day.

### **Removable Media - USB Memory Sticks & Drives (including mobile phones with data storage)**

When Transferring data via an encrypted memory stick - all information covered by this policy must be subject to encryption, password protection and be at least compliant with current Information Security Policies.

These are useful devices as they are of high capacity, small, transfer data quickly and are easily used in machines with compatible connectors. However they present a high risk. Therefore special care is required to reduce the risks associated with memory sticks.

Any memory stick used in connection with council equipment or the network must be supplied by and registered with Customer and ICT Services. These devices have security features that must be used.

Many memory sticks cannot be password protected and may bypass the virus and malware checking software. Such devices must not be used. Memory sticks brought in from home must never be used.

In addition:

- Memory sticks from other organisations should be checked by Customer and ICT Services before being used on any Council equipment;
- As a large amount of data can be stored on a memory stick care should be taken over what data is transferred onto such devices. Only the data that is authorised and necessary to be transferred should be saved on to the device;
- Due to their small size there is a higher risk of the memory stick being mislaid or lost and a risk of the memory stick being damaged. Therefore special care is required to physically protect the memory stick and the data;
- Anyone using a memory stick to transfer data must consider the most appropriate way to transport the device and be able to demonstrate that they took reasonable care to avoid damage or loss;
- Virus and malware checking software must be used when the memory stick is connected to a machine;
- Memory sticks are not to be used for archiving or storing records as an alternative to other storage equipment. Data of this nature should be held on secure Council network areas apart from where authorised by Customer and ICT Services;
- Data on memory sticks must be completely removed as soon as its storage on the stick becomes no longer absolutely necessary;
- Data that has been deleted can still be retrieved. Formatting the memory stick is the only way to remove data. Contact Customer and ICT Services for advice; and
- If a USB memory device has been sent to an external recipient, the member of staff responsible for the transfer must ensure the data has been received by the correct person. Any non response should be followed up within one working day.

## **Removable Media – Recordable Compact Disks/DVD's/Floppy Disks**

When Transferring data via Removable media - all information covered by this policy must be subject to encryption, password protection and be at least compliant with current Information Security Policies.

Disks are of high capacity, small and are easily used. Unfortunately they present a high risk. Therefore special care is required to reduce the associated risks. Only data that is authorised and necessary to be transferred should be saved on to the media. The files should be password protected and encrypted if they are taken outside of council buildings. Additionally:

- Anyone using a CD, DVD or diskette to transfer data must consider the most appropriate way to transport the media and be able to demonstrate that they took reasonable care to avoid damage or loss;
- Storage of data on a CD, DVD or diskette is a snapshot of the data at the time it was saved to the media. When using this method to store data, adequate labelling must be undertaken facilitating easy identification of the version of the data as well as its content;
- Appropriate security and storage methods should be applied to the media so that this business asset is protected;

- Disks from any external source should be checked by Customer and ICT Services before being used on any Council equipment;
- As a large amount of data can be stored on a disk, care should be taken over what data is transferred onto such devices. Only the data that is authorised and necessary to be transferred should be saved on to the device;
- Due to their small size there is a high risk of a CD / DVD / diskette being mislaid or lost and a risk of damage. Therefore special care is required to physically protect the disk and the data;
- These types of device should not be used, by business users, for archiving or storing records as an alternative to other storage equipment. Data of this nature should be held within the network areas provided; and
- Virus and malware checking software must be used when the disk is placed in a Council machine.

For Further information please refer to the Information Security Policies.

### **Sending Information via Facsimile**

No personal information should be sent via fax. Fax is a very insecure method of transferring data and has no associated method of security. For example, it is not possible to guarantee that the intended recipient has actually received the information.

### **FTP Transfer / http:// or uploading to a 3rd party website**

File Transfer Protocol allows a user to 'upload' or transfer data from one computer to another but is not a secure method of data transfer. In the Council's context this usually involves uploading a file directly from a workstation to a remote site, usually accessed via a web browser or FTP software. If this method is to be used the file being sent should be encrypted, password protected and its security be at least compliant with current Information Security Policies. Customer and ICT Services should also be consulted on the use of such systems.

### ***Requests for Information over the Telephone – Guidance***

Information conveyed over the phone should generally only occur as one off pieces of data or information, perhaps to confirm an identity for example. Any greater amount should always be sent via another secure form of transfer method, such as those mentioned in the above sections.

Information should only be given over the telephone where a current agreed procedure is in place and / or authorisation from a relevant manager has been sought. As a minimum requirement for this procedure the following must be observed:

- Confirm the details of the requester – e.g. name, job title, department and organisation of the person requesting the information;
- Confirm the reason for the information request if appropriate;
- Take a contact telephone number (never a direct line or mobile telephone number);
- Check whether the information can be provided;
- Check with your manager if you can disclose this information;
- Call the requester back with the information and ensure that you are talking to the person entitled to receive that information;



- Provide the Information only to the person who has requested it (do not leave messages either with a person or answer machine); and
- Ensure that you record your name, date and the time of the disclosure, the reason for it and who authorised it. Also record the recipient's name, and where appropriate; job title, organisation and telephone number. Use the data transfer log to assist (Appendix D).

### ***Transfer of Data Held in Manual Form***

For all personal information / data that is held in manual form, i.e. data held on hard-copy / paper based / non electronic format that is to be sent out externally the following must be undertaken:

- Confirm the name, department and address of the recipient;
- Seal the information in a robust envelope;
- Add details of the sender and data content;
- Mark the envelope 'Private and Confidential – to be opened by Addressee Only';
- When not transporting the data personally, trusted Couriers should be used particularly for large amounts of information. A list of approved couriers can be obtained from Support Services;
- In cases where just one or two sheets of information are to be sent about one or two data subjects, recorded or special delivery can be considered. As usual please contact the Information Asset Owner (the relevant Head of Service) before sending the information;
- Post should not usually be used as a method for transferring sensitive or personal data;
- Ask the recipient to confirm receipt and record this on the data transfer log (Appendix D); and
- Follow up any no response within one working day.

### ***Data being Collected from Council Premises***

The above procedures mostly assume that data is being sent off site by us. Where suppliers or other recipients of data are visiting Council premises to collect data, the data must be signed for by the recipient only after the member of staff handing over the data is entirely satisfied that that person is the authorised recipient. This must be confirmed by proof of ID on the recipient's part.

**In cases where data is being transferred externally by other means not mentioned above, please contact the Audit Manager for advice.**

### ***Incoming Data Transfers***

Just as it is important that data transfers outwards should be strictly controlled and accounted for, incoming data should also be monitored.

On acceptance of the data it is necessary that the member of staff responsible for the system on which the data is being held, and who is receiving the data will:

- Take full responsibility for the security of the information which we receive;
- Ensure that only the relevant members/staff have access to the data. For example Customer and ICT Services may be able to provide a restricted folder on the network;
- Ensure that the data is not copied / duplicated for any reason other than stated;
- Avoid forwarding data onwards through the internal mail system –folders / restricted user permissions should be employed to minimise risk of data being passed to unauthorised members of staff;
- Ensure that any data that is provided is destroyed when the specified work has been completed; and
- Inform the Information Assurance Officer via the Data Transfer Log (Appendix E).

Upon receiving data, a 'Data Transfer Log – Incoming Data' form must be completed and forwarded to the Information Assurance Officer (Appendix E).

These forms may be used for one-off data transfers or for a series of regular transfers.

### ***Individual User Roles and Responsibilities for Data Transfers***

Each department responsible for the transfer of personal data in or out of the Council should have a formal documented procedure in place which can be referred to in the event of absence of the members of staff responsible for the data transfer. Such procedures will be ideally held by the Head of Service / Business Manager.

The procedure should include at a minimum, all of the elements contained in either:

- for **outgoing** data;  
Appendix D;  
'Departmental Personal Data Transfer Procedures – Outgoing Personal Data'

**Or**

- for **incoming** data;  
Appendix E;  
'Departmental Personal Data Transfer Procedures – Incoming Personal Data'

The procedure should be completed and retained by the relevant service manager for the duration of the actual transfer of data plus 3 years for audit trail purposes.

### ***In the event of loss, or suspected loss of data or unauthorised access***

#### ***Incident Reporting***

Council staff have a responsibility to ensure the security and confidentiality of **all** information.

In the event of a security incident or suspected incident, these must be reported to the Council's Information Assurance Officer / Audit Manager immediately. If the Information Assurance Officer / Audit Manager are not available the Council's Head of Customer and ICT Services must be notified immediately.

A security incident is an event that may result in:

- Disclosure of confidential data
- Data degradation/corruption
- Loss of data or equipment
- Unauthorised access
- Financial loss
- Legal action

Incidents will be investigated and resolved with appropriate assistance from Customer and ICT Services and Internal Audit.

### ***Escalation procedure***

On discovery or being notified that a loss or assumed loss of data has occurred, particularly in the case of an individual's personal information, the Information Manager must be notified immediately.

- 1) The Information Assurance Officer will notify:
  - The relevant Executive Director and Head of Service from who's remit the loss or potential loss originated;
  - The Data Protection Officer;
  - The Head of Customer and ICT Services; and
  - The Audit Manager.
- 2) The Information Assurance Officer along with the original member of staff responsible for the data will assess the potential implications of the loss. In the case of personal data, for the individual(s) whose information has been compromised the relevant Line Manager / Information Assurance Officer will, if necessary:-
  - Notify the individual concerned;
  - Advise the individual of their rights;
  - Provide the individual with appropriate support; and
  - Complete a Police incident report.

If the Information Assurance Officer is not available, the Audit Manager must be notified.

### ***Data held on the Council's Email system***

Data, particularly personal data, should not be held on the Council's email system longer than totally necessary. Data should be downloaded to a secure folder (or forwarded where appropriate) and deleted from the email system. For full guidance see the Council's Email Policy.

### ***Data sharing / Transfer contracts / Agreements***

Data sharing contracts and agreements are the responsibility of the department owning / transmitting the data, and before any data is shared:

- A contract / agreement should be drawn up between the department responsible for the data and the recipient;
- Appendix C should be referred to, observing the inclusion of standard clauses stated therein;

- The Council's Legal team should also be consulted to ensure the final contract is correct.

An example of a data sharing agreement / contract can be found in Appendix C.

All data sharing contracts should be copied to the Information Assurance Officer for reference.

### **Corporate Standard for External data transfer**

The corporate standard for external data transfer can be found in Appendix B.

### **Using data to test new systems or system upgrades**

Any data used for testing new software systems or systems must not be identifiable personal data. Any data used for these purposes must be completely anonymised. This would involve such as removing real names and if possible NI Numbers and dates of birth.

The Information Assurance Officer should be made aware of all systems being used to store personal data within the Council. Any new systems holding personal data should also be registered with the Information Assurance Officer including systems in the testing phase.

For additional guidance on this matter please contact Customer and ICT Services.

## Appendix B

### Corporate Standard for External Data Transfer

This entire Data Transfer Policy and Procedure constitutes our data transfer standard and therefore must be taken into consideration before the transfer of any data from the Council. In particular, the following pointers must be observed and used as a minimum standard for the transfer of Council Data:

- All who transfer data must remember that they are responsible for information security and may be held personally responsible for loss of data;
- Notify the Information Assurance Officer of any new instances whereby data is to be transferred outside the organisation - Particularly in cases where the transfer is to be on a regular basis, even if, for example, this is only once a year;
- In the case of personal data transfer, a *'receipt'* for data transmitted must be obtained by the member of staff responsible for sending the data. This can be in the form of an email, which will provide proof of receipt for the sender. A record must be made of the receipt on the Outgoing data transfer Log (Appendix D);
- Where a receipt is not received the recipient must be contacted immediately. In the case of a courier, they should be contacted to attempt to discover the location of the data. In any case where a loss, or suspected loss of data has occurred, the Incident Reporting procedure in this policy must be observed immediately;
- A contract / agreement must exist between Newcastle-under-Lyme Borough Council and any recipient of personal or sensitive data. An example of such a contract / agreement can be found in Appendix C;
- Protect "personal" information or confidential business data that needs to be transmitted to external organisations or individuals by, for example, 'zipping' the contents and applying an appropriate password. Encryption techniques and password protection must be used and be at least compliant with current Information Security and ICT Policies. (Customer and ICT Services can advise on the appropriate methods of encryption);
- Record sensitive data transfers made with reasons, security applied, recipients, dates and acknowledgements. This information must be provided to the Information Assurance Officer at the time of the transfer to be logged centrally;
- Always use an approved courier service when physically transferring data. Post should not be used as a method for transferring sensitive or personal data. It may be possible to provide more secure electronic transfer methods such as SFTP. The Customer and ICT Services can offer advice and support in relation this;
- Protect any sensitive data extracts to memory sticks appropriately. Encryption techniques and password protection must be used and be at least compliant with current Information Security and ICT Policies. Management approval must be obtained;
- Keep any equipment or storage media containing data safe in transit (PCs, PDAs, memory sticks CDs) - Personally carry equipment when on board public transport and again Encryption techniques and password protection must be used and be at least compliant with current Information Security and ICT Policies;
- Immediately report any loss or theft of computer equipment e.g. laptops, PDAs CDs/memory sticks containing Council Data to your Head of Service, the Audit Manager / the Information Assurance Officer, Customer and ICT Services, the Insurance Section and the appropriate authorities (e.g. British transport police, local police, hotel security, etc.)

## **Appendix C**

### **Example Data Sharing Agreement**

All instances of data sharing whereby the Council intends to transfer personal or business sensitive data out of the organisation to another organisation / individual / recipient should include the wording below. The legal team should also be consulted before any such contract / agreement is in place or finalised.

Please note that all references to “partner” in the below sections relate to a recipient of Council data.

#### **Data Protection**

- 1.1 *Where appropriate the Recipient of data (the ‘Recipient’) shall register and maintain registration under the Data Protection Act 1998 as may be amended from time to time and treat any relevant data in accordance with the said Act.*
- 1.2 *Without prejudice to the above clause the partner shall at all times comply with the requirements of the Data Protection Act 1998.*
- 1.3 *The Partner shall indemnify the Council in respect of any losses claims actions damages or costs arising from the Partner’s breach of clauses 1.1 or 1.2 above.*

#### **Confidential Information**

- 2.1 *The Recipient agrees at all times to treat all Confidential Information as secret and confidential to the Council.*
- 2.2 *The Recipient shall not, save for in consequence of clause 2.3, at any time, for any reason, disclose or permit to be disclosed to any person any Confidential Information and the Recipient shall not otherwise make use of or permit any use to be made of any Confidential Information by any third party.*
- 2.3 *Confidential information may be released pursuant to the requirements of access to information legislation which includes but is not limited to the Freedom of Information Act 2000 and the Audit Commission Act 1998. Though any such information must only be released through Newcastle-under-Lyme Borough Council.*
- 2.4 *Where required the Recipient shall offer all reasonable assistance to the Council in the Council’s compliance with the various requirements of access to information legislation.*
- 2.5 *Both parties acknowledge the duties and obligations placed upon the Council by access to information legislation and the Council agrees as far as practicable to exercise its reasonable endeavours in affording the Recipient the opportunity to comment in advance of any disclosure(s) of information as a consequence.*
- 2.6 *Should the Council receive a Freedom of Information Act 2000 request requesting disclosure of information relating to this Agreement the Council agrees as far as is practicable to refer to items identified by the Provider as being commercially sensitive.*

- 2.7 *The Council also, as far as practicable and without fettering its discretion, will notify the Provider of any information it intends to disclose. The Provider may make an application to a court of competent jurisdiction for an injunction to prevent disclosure.*
- 2.8 *Save in respect of a timely and appropriate application to a court of competent jurisdiction to prevent disclosure of information by the Council, the Provider agrees to indemnify the Council in respect of all claims which may directly arise as a consequence of any act of omission or commission by the Provider, which prohibits or delays the Council complying with its legal obligations pursuant to access to information legislation.*
- 2.9 *On termination of this Agreement (however such termination may arise) the Provider shall deliver up if so required to the Council all working papers, computer disks and tapes or other material and copies provided or prepared by it pursuant either to this Agreement or to any previous obligation owed to the Council regarding the Project.*

**Data Security**

*All personal information sent out by us via electronic methods will be subject to encryption, password protection and be at least compliant with current Information Security and ICT Policies. The recipient will have in place resources to access this encrypted data.*

*The recipient will also have in place systems ensuring that data supplied by us is held securely and is only accessible by personnel who are required to access or process this data.*

**Retention**

*A reasonable period for retention of data must be agreed – individual discussion should take place between the recipient and Newcastle-under-Lyme Borough Council to determine the appropriate retention period for all / any data transferred. After this time the data will be securely destroyed by the recipient, who will then inform Newcastle-under-Lyme Borough Council that this has been carried out.*

Signed (Council) \_\_\_\_\_

Date \_\_\_\_\_

Signed (Third Party) \_\_\_\_\_

Date \_\_\_\_\_

## Appendix D Data Transfer Log – Outgoing Personal Data

To be used in instances of Personal Data Transfer **from Newcastle-under-Lyme Borough Council to an external destination**. No files are to be sent off site unless it can meet all of the following criteria:

- Abide by Newcastle-under-Lyme Borough Council Information Security and ICT Policies;
- All aspects of the Data Protection Act are complied with;
- All aspects of the Copyright and Patents Act are complied with;
- The recipient of the information is entitled to hold/view/process the information;
- The files only contain the data that is required – fields that are not required must be removed;
- Any sensitive or non essential data should be redacted / deleted prior to encryption;
- If data is being used for testing purposes **no** live data should be used.
- The data is encrypted with a strong password. Minimum of 8 characters long and must include an uppercase, lowercase, number and an unusual character (one of: !£\$%^&#[]{} ).
- Passwords are communicated verbally with the authorised recipient of the data.
- If the filenames contain sensitive information then these need to be compressed into a single file prior to encrypting.

If you have any queries regarding Data Security, please contact the Audit Manager on ext. 2122 or Information Security Officer on ext. 2691.

**Fully complete the following log, and once completed forward to the Information Security Officer:**

Send To (Name and Company):	
Data Requested to be sent: (and Location of data requested – in case of need to re-send)	
Reason for Sending:	
Method Used to Send:	
Date sent : Frequency (if applicable)	First sent:     /     /                      Received:     /     / Data is sent every :                      (e.g. 1 <sup>st</sup> of each month) Last transmission :                      /     /
Files Encrypted & by what method?	Yes / No    Method:
Retention period; When will data be destroyed?	
Proof of destruction; What proof will be sent.	
Authorised (Signed, Head of Service):	Print Name:                                      Date:     /     / Signed:
Receipt received from recipient	Date:     /     /                                      Format : (e.g. email acknowledgement)
Signed (Audit Manager or Information Assurance Officer):	Signed:    Date:     /     /



**Appendix E**  
**Data Transfer Log – Incoming Personal Data**

To be used in instances of Data Transfer **from an external Source to Newcastle-under-Lyme Borough Council**. By signing this form you agree to:

- Take full responsibility for the security of the information;
- To ensure that only the people named below have access to the data;
- To ensure that the data is not copied/duplicated for any reason other than stated below;
- To ensure that any data that is provided is destroyed when the specified work has been completed;
- That you agree to inform the Information Security Officer and/or Audit Manager; and
- Abide by the Council's Information Security and ICT Policies and the Data Protection Act.

If you have any queries regarding Data Security, please contact the Audit Manager on ext. 2122 or Information Security Officer on ext. 2691.

**Fully complete the following log, and once completed forward to the Information Security Officer:**

Sent From (Name and Company):	
Data Received, Description:	
Method sent by: (e.g. email)	
Date Received : Frequency (if applicable)	First sent:     /     /                      Received:     /     / Data is sent every :                      (e.g. 1 <sup>st</sup> of each month)
How / where will the data be stored:	
Who will be accessing the data:	
Retention period; When will data be destroyed?	
Proof of destruction; What proof will be sent.	
Authorised (Signed, Head of Service):	Print Name:                                      Date:     /     / Signed:
Receipt sent to sender	Date:     /     /                      Format : (e.g. email acknowledgement)
Signed (Audit Manager or Information Security Officer):	Signed:                                      Date:     /     /

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# Agenda Item 7

## 1. RECRUITMENT, SELECTION AND INDUCTION POLICY

**Submitted by:** Executive Management Team

**Portfolio:** Finance and Budget Management

### **Purpose of the Review**

To obtain the Committee's endorsement of a Recruitment, Selection and Induction Policy for the council, to replace the current Recruitment, Selection and Induction Code of Practice.

### **Recommendation**

**That the Recruitment, Selection and Induction Policy attached at Appendix A be endorsed.**

## 1. **Background**

1.1 The council's Recruitment, Selection and Induction Code of Practice was issued in March 1998 as a comprehensive guide for employees involved in the recruitment and induction process. Recent changes in employment legislation have meant that it has become necessary to review the Code of Practice and the opportunity has been taken to also update the format.

1.2 The resultant draft Recruitment, Selection and Induction Policy is less prescriptive and significantly shorter than the current Code of Practice, however, the council's commitment to ensuring that our recruitment procedures provide effective ways of assessing and appointing the most capable employees, whilst maintaining our commitment to equality in employment remains unchanged. The aim of the policy is, therefore, to ensure that a fair, consistent, non-discriminatory and effective practice is maintained in all areas and at all stages of the council's recruitment and selection process and that our procedures are consistent with relevant employment legislation and best practice. A copy is attached at Appendix A.

## 2. **Issues**

2.1 There are two main areas where the draft policy is different from the current Code of Practice. These are in relation to 'vacancy approval' (Section 10.3.1, page 8) and 'advertising' (Section 10.4.1 – 10.4.3). For some time it has been the practice that all requests for vacant posts to be recruited to have to be approved by the Executive Management Team and the relevant Portfolio Holder (10.3.1). Posts that have been approved for filling are now generally advertised internally in the first instance and are only advertised externally if no suitable internal candidate has been identified (10.4.1 and 10.4.3).

2.2 The draft policy was discussed on 29 January 2013 by the Chair of the Employees Consultative Committee, the Head of Human Resources and the trade unions. The trade unions are supportive but suggested that the reference in the policy to 'suitable' internal candidates should incorporate 'candidates who, although unable to undertake the full duties of a post applied for, may be able to do so following appropriate training.'

- 2.3 Advertising posts internally in the first instance will provide employees with opportunities for career development. Candidates will only be selected for interview where they meet the essential requirements for the post set out in the Person Specification. Candidates who are interviewed but whose assessment score is below the minimum score considered to be appropriate for a post will not be considered for appointment.
- 2.4 Although there may be occasions when an appointment can be made where a candidate is not immediately capable of carrying out the full range of duties but may be able to do so in time with sufficient training and support, there will also be occasions where it is essential for service continuity that the full range of duties are carried out from the first day of appointment and/or that the cost/time required for relevant training is impracticable or uneconomic and this will need to be taken into account when appointment decisions are being considered on a case by case basis.
- 2.5 Under the terms of the policy, internal candidates will have the right to challenge appointment decisions via the Grievance Procedure.
- 2.6 The Policy was considered at the Employees Consultative Committee on 18 February 2013. At the meeting it was accepted that although there may be occasions when an appointment could be made where a candidate was not immediately capable of carrying out the full range of duties (but may be able to do so in time with sufficient training and support), there would also be occasions where it was essential for service continuity that the full range of duties were carried out from the first day of appointment and/or that the cost/time required for relevant training would need to be taken into account when appointment decisions were being considered on a case by case basis.

### 3. **Legal and Statutory Implications**

- 3.1 It is essential that the council's recruitment, selection and induction policy and procedures reflect current best practice and are compliant with related employment legislation.
- 3.2 The policy is underpinned by and compliant with the following:
- Equality Act 2010
  - Employment Rights Act 1996
  - Employment Act 2002
  - Fixed Term Employee Regulations 2002
  - Part-time Workers Regulations 2000 (Amendment) 2002
  - Agency Workers Regulations 2010
  - Asylum & Immigration Act 2006
  - Data Protection Act 1998

4. **Equality Impact Assessment**

4.1 An Equality Impact Assessment has been completed.

4.2 The Policy will be applied consistently to all candidates for vacant posts.

4.3 The process of advertising vacancies that have been approved for filling internally in the first instance is considered to be appropriate and justifiable in view of the current economic/budget challenges facing local authorities.

5. **Financial and Resource Implications**

5.1 None.

6. **Major Risks**

6.1 There can be a risk of challenge in the event that recruitment and selection processes are found to be unfair or discriminate either directly or indirectly against applicants with 'protected characteristics'.

7. **List of Appendices**

Appendix A      Proposed Recruitment, Selection and Induction Policy



## RECRUITMENT, SELECTION AND INDUCTION POLICY

*Originated: March 1998*

*Revised: November 2003  
July 2006  
April 2007  
August 2009  
June 2010  
July 2011  
December 2012*

*Equality Impact Assessed: September 2009*



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## **RECRUITMENT, SELECTION AND INDUCTION POLICY**

### **1. Introduction and Scope of the Policy**

- 1.1 Newcastle-under-Lyme Borough Council is committed to delivering excellent quality services and recognises that the success of these services is greatly dependent upon the quality of the people that the Council employs. Therefore the Council seeks to attract and recruit people with the necessary skills, competencies, expertise, qualifications and vision to deliver our service objectives. Our recruitment and selection procedures have been designed to provide effective ways to assess and appoint the most capable employees.
- 1.2 The Council is committed to equality in employment and recognises the value of diversity in its employees. It will not discriminate on grounds of gender, marital status, ethnic origin, colour, nationality, disability, sexual orientation, religion, age, spent offences or any other reason that cannot be shown to be justified. Therefore, the aim of this policy is to ensure that a fair, consistent, non-discriminatory and effective practice is adopted in all areas and at all stages of the Council's recruitment and selection process.
- 1.3 This policy has been drawn up in consultation with the Council's recognised trade unions, to ensure that the Council's recruitment and selection procedures are clear, fair and in line with current employment legislation, best practice and relevant codes of practice.
- 1.4 This policy applies to the recruitment of permanent, temporary, and casual employees.
- 1.5 This policy does not apply to the upgrading of a post as a result of job re-evaluation, or to temporary promotion or acting up in a more senior role to provide cover for a key vacancy or long-term absence.

### **2. Objectives**

- 2.1 To establish corporate standards in relation to recruitment advertising, use of agencies, recruitment interviewing, assessment, appointment and candidate feedback.
- 2.2 To enable recruitment and selection processes to be accessible to all sections of the community through advertising external job opportunities in the widest possible arena. Therefore, to increase the number of applications and appointments from minority and under represented sections of the community.

- 2.3 To ensure a consistent, corporate approach to recruitment and selection, ensuring that all applicants are treated professionally, consistently and fairly when applying to the Council and attending an interview.
- 2.4 To promote equalities and diversity in employment through our recruitment and selection practices.
- 2.5 To ensure that all selection decisions are based on objective criteria, can be justified and meet equality and diversity legislation.
- 2.6 To ensure that recruiting managers are aware of the legal and regulatory obligations they need to observe when recruiting staff.
- 2.7 To ensure all appointments are consistent with the Council's obligations as an employer under the current legislation framework. This Policy is underpinned by:
- Employment Rights Act 1996
  - Data Protection Act 1998
  - Employment Act 2002
  - Fixed Term Employee Regulations 2002
  - Part-time Workers Regulations 2000 (Amendment) 2002
  - Asylum & Immigration Act 2006
  - Equality Act 2010
  - Agency Workers Regulations 2010
- 2.8 To ensure we take certain steps to encourage applications from individuals from particular under represented groups and harder to reach communities for certain vacancies, for example women, people with disabilities or members of a particular ethnic minority groups, when it has been demonstrated that they are under represented in the existing workforce. Encouragement may be by targeting publications read by the group in question or by including wording in the advertisement making it known that applications are particularly welcome from a certain group.
- 2.9 It is the Council's policy that we offer a guaranteed job interview for disabled candidates provided they can meet the essential criteria on the person specification.
- 2.10 The Council is also committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and we expect all employees, workers and volunteers to share this commitment.

### **3. Equality Legislation**

- 3.1 Equality legislation covers all aspects of the recruitment and employment process and protects applicants with "protected

characteristics” against discrimination. “Protected characteristics” are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

3.2 The Equality legislation applies to everyone, including:

- employees;
- workers who are not employees but who work under a contract for services;
- applicants for jobs;
- volunteers;
- agency workers;
- contract workers;
- trainees undertaking or seeking vocational training;
- students.

3.3 The Equality Act is supported by a Code of Practice which sets out good employment practice and guidance on how to ensure compliance with legal requirements. Although not legally binding, the Code will be taken into account by Employment Tribunals as evidence of good employment practice.

3.4 In addition to the other forms of discrimination set out in the Equality Act, people with a disability are protected from:

3.4.1 Unfavourable treatment due to something connected with their disability – this differs from direct/indirect discrimination because there does not have to be anyone to compare the treatment of the disabled person with;

3.4.2 Failure to make “reasonable adjustments” – these must be made if a disabled candidate is placed at a substantial disadvantage, ie anything that is not minor or trivial, by any aspect of the recruitment process. What is reasonable will depend on the effectiveness of the adjustment in overcoming the disadvantage and the ability of the employer to make the required changes. Changes may have to be made to the recruitment process, duties, working practices and terms and conditions of employment, even when that involves treating disabled people more favourably.

3.5 It is also unlawful to discriminate against employees, job applicants and trainees because of their age.

#### **4. Responsibilities**

It is the responsibility of every member of staff involved in the recruitment and selection process to adhere to this policy.

- 4.1 The Executive Management Team and Heads of Service will be responsible and accountable for recruitment and selection in their Service Areas, ensuring that all recruitment and selection activities are carried out in line with the policy.
- 4.2 Human Resources are responsible for advising the Executive Management Team, Heads of Service, Service Managers and Business Managers on all matters relating to recruitment and selection.
- 4.3 Human Resources are responsible for establishing the criteria for monitoring and evaluating the application of the policy across all Directorates.
- 4.4 Human Resources will periodically review or revise this policy to reflect changes in recruitment practices, employment legislation, the labour market and working patterns.
- 4.5 All staff involved in the recruitment and selection process must handle all applications, and associated data, sensitively, fairly and confidentially.
- 4.6 The Recruiting Manager will be responsible for co-ordinating and organising recruitment and selection activity in association with Human Resources if required.
- 4.7 Staff involved in the selection process will understand their responsibility to make decisions that are free from stereotyping and comply with equality and diversity legislation in relation to gender, marital status, ethnic origin, colour, nationality, disability, sexual orientation, religion, age, spent offences or any other reason that cannot be shown to be justified.
- 4.8 Where an applicant has indicated under the Conflict of Interest section in their application form, that they know or are related to an existing employee or Councillor, it is the responsibility of the Recruiting Manager to ensure that this known person is not involved in the appointment, or the decision behind such appointment.
- 4.9 All staff involved in the recruitment and selection process are required to attend the relevant training course and to receive guidance on applying equal opportunities.

- 4.10 Failure to comply with the policy, where this will or may result in acts of discrimination, will be regarded as a disciplinary offence.

## **5. Procedures**

A detailed process together with a full explanation of all stages, template forms and documents are provided in the Managers Toolkit pages of the intranet. Recruiting Managers, and all staff involved are required to have an understanding of their role and responsibilities during each stage of the recruitment and selection process, and to seek support and guidance from Human Resources where necessary.

## **6. Appointments exempt from selection procedures**

- 6.1 There are a number of occasions where direct appointments can be made without the full selection process. These include:

- Redeployments – employees requiring redeployment are given the opportunity to apply for jobs before they are advertised in line with the Council’s Restructuring and Redundancy Policy and Procedure. This includes employees who are subject to a notice of redundancy. Redeployment is also considered for those who have become disabled during the course of their employment and those who for health reasons require alternative employment. If successful, the post will not be advertised externally. However where more than one suitable candidate requires redeployment a selection process will be necessary.
- Temporary to permanent contracts – people on temporary contracts can be made permanent as long as the appointment to the temporary post had been subject to a competitive process.

## **7. Politically Restricted Posts**

- 7.1 In 1989 the Local Government and Housing Act 1989, introduced the principle of “politically restricted posts” and of restricting the political activities of local authority employees who hold certain categories of posts.

- 7.2 Politically restricted employees will automatically be disqualified from standing for or holding elected office, and these restrictions are incorporated into the contracts of employment of politically restricted post-holders, and therefore any breach of restrictions will be deemed to be an offence which will be dealt with in accordance with the Council’s disciplinary procedure.

- 7.3 The posts affected by the restrictions are as follows:

- Chief Executive
- Executive Directors.

- Employees in receipt of an annual salary equivalent to or above spinal column point 44 (on the NJC Local Government Services pay scale) or full time post and the equivalent pro-rata rate for part time posts.
- Employees who regularly advise the Council or its committees or sub-committees.
- Employees who regularly speak on behalf of the Council to journalists or broadcasters.
- Assistants to Political Groups.

It is the Council's duty to prepare and maintain a list of politically restricted posts. This comprehensive schedule of politically restricted posts for each Directorate can be found in **Appendix A**. The Executive Director (Resources and Support Services) determines which posts are politically restricted.

- 7.4 When an appointment is made to such a post, the person appointed must be informed in writing of the political restriction which applies to the appointment.

## **8. Career Graded Posts**

- 8.1 Career Graded Posts are posts which cover a range of grades. Employees will be required to meet the specific criteria set for the post before they progress to the next grade. The Line Manager and Human Resources will look to support and develop staff in these posts to progress through the grades with competency-based training and support in studying for professional qualifications.
- 8.2 When the individual demonstrates that they meet the criteria for the next grade, the individuals pay will be reviewed in accordance with the career grade and with the availability of suitable work as specified in their contract of employment.

## **9. Recruitment Agencies**

- 9.1 The Council aims to fill all vacant posts with directly employed staff wherever practical. The use of agency workers are only to provide additional resources and to allow for flexibility on a short-term basis from time to time.
- 9.2 The Agency Workers Regulations 2010, highlight that once an agency worker has completed 12 weeks with the organisation in the same role, then they will be entitled to the same basic working and employment conditions that would apply to employees or workers who have been directly recruited to the same job. This includes pay, duration of working time, rest periods, breaks and annual leave.

- 9.3 Further guidance on the use of recruitment agencies is available in the Council's Agency Worker Procedure.

## **10. The Recruitment and Selection Process**

### **10.1 Vacancy Review**

10.1.1 A vacancy can exist as a result of an employee temporarily or permanently leaving an established post. It can also exist by the creation of a new post to provide a new service, to extend a service, or to support current employees.

10.1.2 A vacancy provides the opportunity to examine the needs of the Service Area and to redefine the duties of the vacant post to enable objectives to be achieved more effectively. The filling of a vacancy should be in line with the Councils Workforce Plan, and relevant Service/Business Plans.

10.1.3 Consideration should be given to options other than recruitment (eg redistribution/reallocation of duties). Where a post does need to be filled consideration should be given to whether it can be advertised as a part-time, job share, a career graded or temporary post if appropriate.

The duties and responsibilities of the post should also be reviewed and if significant changes are identified, the post should be re-evaluated using the council's scheme and a revised job description and person specification produced.

### **10.2 The Job Description and Person Specification**

10.2.1 The Job Description and Person Specification are essential pre-requisites for effective recruitment and selection. Without these documents the process would be unable to continue to the advertising or short listing stages.

10.2.2 All posts that are to be advertised must have an up to date Job Description, which is an accurate reflection of the post the Service Area is seeking to fill. It summarises the overall function and key responsibilities of the post holder. The job should be described in terms of its purposes and the specific results that job sets out to achieve.

10.2.3 The Person Specification should be developed detailing the Essential and Desirable requirements/criteria to enable the post holder to successfully undertake the duties and responsibilities detailed in the Job Description. In order to be appointed a candidate must meet the Essential requirements/criteria whilst

Desirable requirements are those that it would be advantageous for a candidate to possess.

- 10.2.4 It is critical to ensure the Person Specification, in particular, is accurate and includes the relevant competencies. The key competencies should be assessed against the Competency Framework.

### 10.3 **Vacancy Approval**

- 10.3.1 Where it is identified that a replacement is required or new post created, the Recruiting Manager must complete a Recruitment Requisition Form. This form must be authorised by the Head of Service, and Finance for budgetary provision. Insufficient information supplied on this form may delay Executive Management Team/Portfolio Holder approval which will delay the recruitment process.

### 10.4 **Advertising**

- 10.4.1 All vacant posts will be advertised internally initially for a minimum of **5** working days. This will help maximise equality of opportunity and provide employees with opportunities for career development, therefore maintaining the skills and expertise of existing employees.
- 10.4.2 In extenuating circumstances the need to advertise may be waived. For example, where positions may provide suitable alternative employment for existing staff whose posts have been identified for redundancy or following a restructuring exercise.
- 10.4.3 Where a suitable member of staff is not identified internally then posts will be advertised externally. All posts must be advertised externally normally for a minimum of **10** working days to attract the best pool of applicants.
- 10.4.4 Agreed external advertising costs shall be financed from the recruiting service and/or corporate recruitment budget.
- 10.4.5 All positions will be advertised using the most appropriate and cost effective medium to maximise the number of suitably qualified candidates. All advertising must be agreed in advance with Finance, the Executive Management Team and the Finance and Budget Management Portfolio Holder.
- 10.4.6 When a post becomes vacant which is similar to a post which has been advertised externally within the previous six months, the vacant post can either be advertised again, or the appropriate Head of Service can appoint one of the former applicants.



- 10.4.7 The six month period runs from the closing date for the initial applications. This approach is permitted only for the posts where the majority of the duties and responsibilities and the grade of the post are the same as those of the post previously advertised.
- 10.4.8 Where a post has been identified as a secondment opportunity the Recruiting Manager will complete the Recruitment Requisition Form in the normal way. The post will be advertised as an internal vacancy for a fixed term period. The recruitment process will be in line with this policy.
- 10.4.9 The Council may use an agency or external consultancy to assist in recruiting staff to senior management posts or where the vacancy is hard to fill.

## 10.5 Shortlisting

- 10.5.1 Shortlisting is the stage in the selection process during which all applicants for an appointment are considered against the requirements of the post which are detailed in the Person Specification.
- 10.5.2 Candidates for interview must be shortlisted against the criteria set out in the Person Specification for the vacancy. Shortlisting must be made by reference to the essential, and if necessary, the desirable criteria detailed in the person specification. No other criteria may be used.
- 10.5.3.1 It is unlawful to eliminate applicants from the shortlist on the grounds of:
- disability;
  - gender;
  - pregnancy;
  - sexual orientation;
  - race;
  - marital status;
  - religion or belief;
  - age; or
  - 'spent convictions' unrelated to the job.
- 10.5.4 Disabled candidates who meet the essential criteria of a Person Specification are guaranteed an interview in line with the "Two Ticks" Disability Symbol Scheme. Disabled candidates will be invited to inform the Council prior to interview whether they require any reasonable adjustments.
- 10.5.5 Short-listing should be carried out by at least two members of the interview panel who will agree the shortlisting criteria and weightings. Decisions about shortlisting should be entered onto a short-listing matrix.
- 10.5.6 Normally, no more than 5-7 candidates will be shortlisted for interviews. If the number of suitable candidates exceeds this

number the desirable criteria in the Person Specification can also be considered.

10.5.7 If a member of staff involved in the recruitment process has a close personal or familiar relationship with an applicant they must declare this as soon as they are aware of the individual's application. Under these circumstances it would be necessary for the member of staff to avoid any involvement in the recruitment and selection process.

## 10.6 Interview, Selection and Appointment

10.6.1 The interview panel must agree the methods by which it will assess and select candidates. There are a variety of methods available to help in the selection process which may include interviews, tests (practical or psychometric), assessment centres, role plays in-tray and team exercises. Candidates must be notified of the details of any test when they are invited for interview.

10.6.2 The process at each stage should be the same for each candidate. In addition marking criteria must be objective, and the assessment forms should be retained by the employing service in accordance with the Data Protection legislation for a period of 12 months. All methods of assessment will relate to the criteria in the Person Specification. A 'minimum score' should be identified with only candidates achieving the minimum score or above being considered for appointment.

10.6.3 Interview questions can address key competencies, skills or job outcomes and need not cover all elements of the Person Specification (many of which will have been considered already met at the shortlisting stage).

10.6.4 Assessment and selection methods will be designed to be free from unnecessary barriers or unjustifiable bias. The Council will endeavour to accommodate any special requirements of candidates with disabilities, and to make arrangements that facilitate accessibility.

10.6.5 The Equality Act 2010 limits the circumstances when an employer can ask general health related questions **before** a job offer has been made. Prior to making an offer of employment to an applicant, health related questions must only be asked to help the employer to:

- decide whether there is a duty to make any reasonable adjustments for the person to undertake any part of the assessment/selection process;

- decide whether an applicant can carry out a function that is essential (“intrinsic”) to the job once reasonable adjustments are in place;
  - monitor diversity among people making applications for jobs;
  - take positive action to assist people with disabilities;
  - be assured that a candidate has the disability where the job genuinely requires the jobholder to have a disability.
- 10.6.6 This means that applicants must not be asked, as a matter of course, to complete generic health questionnaires as part of the application process.
- 10.6.7 When assessing candidates with disabilities, it is a requirement to consider their suitability on the basis that any reasonable adjustments that may be required have been made. Similarly, if special equipment is required the candidate’s suitability must be evaluated on the basis that the equipment is in place.
- 10.6.8 Each member of the selection panel should score each candidate at the end of each interview privately before the overall scores are agreed collectively and the best candidate chosen. If additional selection methods are used, these should be fed into the decision making process at the end and the candidate who best meets the selection criteria chosen.
- 10.6.9 The selection panel should agree feedback for each candidate and record whether or not each candidate is suitable for appointment, even if not the first choice candidate.
- 10.6.10 Offers of employment should not be made at interview.
- 10.6.11 All candidates should be notified of the outcome of the interview as soon as possible. However, the selection panel should wait until the successful candidate has accepted the offer before informing unsuccessful candidates, unless they are clearly unsuitable for the post (ie they have not met the minimum assessment score).
- 10.6.12 All candidates must be offered feedback on their performance during the selection process and an explanation of the decision, if requested.
- 10.6.13 The initial job offer to the successful candidate will normally be made verbally and followed up in writing within seven working days stipulating that appointment is subject to satisfactory employment checks of:
- Two references
  - Medical fitness
  - Qualifications
  - An enhanced Criminal Record Bureau check (if relevant for the post)

- Proof of identity and eligibility to work in the UK
- Membership of any appropriate professional body

Original documents should be produced and a copy of these should be taken marked 'original seen', dated and initialled and kept on the successful candidate's personal file.

- 10.6.14 Further advice and guidance regarding any stage of the recruitment and selection process may be obtained from Human Resources.

## 10.7 Recruitment Documentation

- 10.7.1 Documentation relating to applicants will be treated confidentially and in accordance to the requirements of the Data Protection Act 1998.

- 10.7.2 Under the Data Protection Act, individuals have the right to access any documentation held relating to them in accordance with legislative requirements.

This includes assessment scores and notes made by staff involved in the selection process/interviews.

- 10.7.3 The Council has a responsibility to maintain a record for the complete recruitment process for a minimum of 12 months. The following should be recorded and retained by the employing service:

- assessments and selection criteria used (person specification);
- application of assessment and selection criteria (eg application form);
- interview and other selection method notes (eg question forms, test results);
- reasons for decisions made;
- any additional information such as copies of qualifications.

- 10.7.4 All recruitment paperwork relating to the successful candidate must be retained and placed on their personnel file.

## 11. Asylum and Immigration Act 2006

- 11.1 To comply with Asylum and Immigration Legislation any successful candidates will be required (if appointed), to provide one or more documents from the Immigration Act 2006. They must provide proof of current and valid permission to be in the United Kingdom, and valid permission to do the type of work offered.

- 11.2 Such action is applied to all successful candidates to avoid discrimination and is made on the basis that the Council will be

liable to a fine or prosecution for employing somebody who does not have permission to work in the United Kingdom.

## **12. Rehabilitation of Offenders Act 1974**

12.1 All shortlisted job applicants are required to disclose criminal convictions unless the conviction can be regarded as 'spent' under the terms of the Rehabilitation of Offenders Act 1974. If, due to the nature of the duties associated with the position applied for, the post is classed as a 'regulated post' ie it is excluded from the provisions of the Rehabilitation of Offenders Act, all applicants selected for interview are required to disclose *all* criminal convictions regardless of when they occurred.

## **13. Disclosure of Criminal Convictions**

13.1 For all posts considered to be regulated posts (**Appendix B**), including posts where employees (including casual employees) or volunteers have substantial opportunity for access to children/young people up to the age of 16 or vulnerable adults, an application will be made to the Criminal Records Bureau for an 'enhanced' disclosure.

13.2 This must be explained to the successful candidate when offering the appointment. The candidate should be informed why clearance is necessary and given an assurance that the process will be treated confidentially.

13.3 Any cautions/convictions disclosed will be checked against the CRB disclosure. A risk assessment will be undertaken in relation to the job related risk and a decision to appoint or not will be made based on the outcome of the risk assessment. Should candidates fail to disclose a caution or conviction which is recorded on the CRB disclosure, the offer of employment would be withdrawn.

## **14. References**

14.1 The purpose of seeking references is to obtain objective and factual information to support the selection panel's decisions. References should always be sought and obtained directly from the referee, not via the candidate themselves.

14.2 Ideally, references should be obtained for all shortlisted candidates, including internal ones, and should be obtained before interview so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview. In exceptional circumstances, it might not be possible to obtain

references prior to interview, either because of delay on the part of the referee or because a candidate strongly objects to their current employer being approached at that stage, however that should be the aim in all cases.

- 14.3 A satisfactory reference should be obtained from the candidate's current or most recent employer and second reference which may be a character reference.

## **15. The Induction Process**

- 15.1 The Council recognises the importance of ensuring that all employees begin their employment with us in a positive and supportive environment. An Induction is the process of familiarisation with the organisation and settling into the job. It also ensures that all employees obtain a good understanding of how the Council works including our principles, values and objectives and that all employees have the knowledge and skills necessary to perform their role in a safe working environment.
- 15.2 Through the use of an effective induction programme and formal assessment of the employee during a six month probationary period, prior to confirmation in the post the likelihood of capability issues arising as a result of poor performance are diminished.
- 15.3 Use of the Induction Checklist (**Appendix C**) should commence before the new employee arrives and should be used throughout the six-month probationary period.
- 15.4 The Induction process often begins before the person has actually started, in that the Council will supply material as part of an initial information pack with the contract of employment.
- 15.5 It is also important where existing employees take on new roles that they are given additional support to settle in and understand their new responsibilities. Induction is essential to a successful probationary period.

## **16. The Complaints Procedure**

- 16.1 Any external applicants who wish to complain about their experience of the recruitment process where they believe they have been unfairly treated or discriminated against should use the council's complaints procedure.
- 16.2 Any existing employees who wish to complain about their treatment during the recruitment process should in the first instance raise the matter informally with the Recruiting Manager. If the issue cannot

be resolved satisfactory, the employee should use the council's Grievance Procedure.

## **17. Monitoring and Review**

- 17.1 Monitoring is an integral part of the council's policies and plans for equal opportunities, which seek to tackle any negative issues relating to equality and diversity. It is essential to monitor the recruitment and selection process to assist in the identification of any trends that indicate bias or unlawful or unfair treatment of individuals or groups of people at any stage.
- 17.2 Recruitment procedures and practices should be kept under review so as to ensure that this policy is being adhered to and to ensure that they do not include requirements or conditions that constitute, or may lead to, unlawful discrimination.
- 17.3 This policy will be reviewed on an annual basis and the content updated as necessary.

### **A SCHEDULE OF POLITICALLY RESTRICTED POSTS**

All posts of Grade 12 or above plus specific posts restricted due to nature of duties.

#### **Chief Executive Directorate**

AA1	Chief Executive
BB4	Head of Business Improvement & Partnerships
BB13	Procurement Officer*
BB111	Community Safety Manager
BB47	Head of Communications
CC3	Head of Central Services
CC5	Principal Solicitor
CC6	Principal Solicitor
CC264	Solicitor*

#### **Resources & Support Services Directorate**

CC1	Executive Director – Resources & Support Services
CC136	Head of Finance
CC141	Finance Manager
CC147	Head of Human Resources
BB14	Audit Manager
CC164	Head of Revenues & Benefits
BB21	Head of Customer & ICT Services
BB120	ICT Operations & Development Manager
BB123	Customer & ICT Business Manager

#### **Operational Services Directorate**

DD1	Executive Director – Operational Services
DD60	Head of Leisure & Cultural Services
DD362	Leisure Strategy Manager
DD363	Sport & Active Lifestyle Manager
EE52	Head of Operations
EE82	Community Manager
EE76	Landscape Manager



EE138 Streetscene Manager (Operations & Performance)  
EE295 Head of Recycling Strategy & Fleet Services  
EE202 Recycling Strategy & Commissioning Manager

**Regeneration & Development Directorate**

BB1 Executive Director – Regeneration & Development  
DD361 Head of Planning & Development  
BB70 Planning Policy Manager  
DD312 Development Management Team Manager  
DD313 Urban Design/Conservation Officer\*  
EE10 Head of Assets  
EE67 Engineering Manager  
EE11 Property Manager\*  
EE12 Temporary Property Manager\*  
EE21 Facilities Manager  
DD20 Head of Environmental Health Services  
DD22 Environmental Health Team Manager  
DD30 Environmental Health Team Manager  
DD35 Environmental Health Team Manager  
DD51 Team Leader (Community)  
BB62 Head of Housing and Regeneration Services  
BB75 Regeneration & Economic Development Manager  
BB76 Principal Regeneration Officer  
DD42 Housing Manager  
DD43 Team Leader (Housing)

**\* Restricted due to nature of duties**

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**Criminal Record Bureau and Independent Safeguarding Authority**

**Designated posts requiring criminal records checks**

CRB checks are required where the post or duties carried out are covered by the Exceptions Order to the Rehabilitation of Offenders Act 1974 or deemed to be a 'Regulated Activity' as defined within the Safeguarding Vulnerable Groups Act 2006 (parts 1 and 2 of Schedule 4 – Regulated Activity).

There are 2 levels of CRB disclosure – Standard and Enhanced.

An Enhanced disclosure is required if the post or duties involve contact with children or vulnerable adults and conform to the following conditions:-

A Regulated Activity, i.e. categorised as being –

- Activities of a specified nature, such as teaching, training, care, supervision, advice, treatment or transport of children or vulnerable adults

Or

- Activities in a specified place, such as schools, children's or adult care homes

AND the duties occur -

- Frequently: once a month, or
- Intensively: likely to occur on 3 or more occasions in a 30 day period, or
- Overnight: between 2.00am and 6.00am

The CRB Disclosure Access Category Code list shows the code allocated to the professions, employments, work and occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974 or the Regulated Activity relating to children or vulnerable adults as defined in the Safeguarding Vulnerable Groups Act 2006.

The Council can only apply for a CRB check if the position is included in this list.

Occupations/Professions within the Council which fall into the above categories and the appropriate disclosure access category code are shown below

Category Type	Code
Any work which is defined as regulated activity relating to children within the meaning of <b>Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006</b>	01
Any work which is defined as regulated activity relating to vulnerable adults within the meaning of <b>Part 2 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006</b>	02
Solicitor	12
Chartered Accountant, Certified Accountant	13
Traffic Warden (Civil Enforcement Officer)	35

Posts within the Council which are regarded as exempt from the Rehabilitation of Offenders Act 1974 and for which a STANDARD CRB disclosure is required:

<b>Chief Executive's</b>		Code
CC3	Head of Central Services	12
CC5/CC6	Principal Solicitor	12
CC264	Solicitor	12

<b>Resources and Support Services</b>		Code
CC1	Executive Director (Resources and Support Services)	13
CC136	Head of Finance	13
CC139	Finance Manager	13
All	Principal Accountant	13
BB14	Audit Manager	13

<b>Regeneration and Development</b>		Code
EE70	Civil Enforcement Supervisor	35
All	Senior/Civil Enforcement Officer	35

Posts within the Council which are regarded as regulated activity as defined within the Safeguarding Vulnerable Groups Act 2006 and satisfy the conditions set for which an ENHANCED CRB disclosure is required:

<b>Operational Services</b>		Code
<b>Leisure &amp; Cultural</b>		
DD60	Head of Leisure & Cultural Services	01
DD362	Leisure Strategy Manager	01
DD374	Business Development Officer	01
All Sports	Sport and Active Lifestyles Manager	01

& Active Lifestyles staff	Community Development Manager (Sport)	01
	Sports and Events Manager	01
	Football Development Officer	01
	Community Sports Leader	01
All Sports Centre staff	Operations Manager	01
	Aquatics Manager	01
	Aquatics Officer	01
	Sports Centre Manager	01
	Community Sports Officer	01
	Health and Fitness Manager	01
	Health & Fitness Officer	01
	Youth and Children's Officer	01
	Receptionist	01
	Centre Assistant	01
	Fitness Studio Instructor	01
All	Casuals/Volunteers	01
Museum	Culture & Arts Manager	01
	Museum Assistant	01
	Heritage and Learning Officer	01
	Visual Arts Officer	01
	Museum Assistant (Collections & Interpretation)	01
	Museum Attendant	01
All	Casual Museum Attendant/Learning Assistant/Volunteers	01
<b>Operations - Community</b>		
		Code
EE132/133	Technical Assistant	01
EE136	Environmental Officer	01
EE84	Parks Project Officer	01
EE105	Community Development Officer	01
All	Senior Ranger	01
All	Park Attendant (including Temporary and Casual)	01
<b>Operations - Streetscene (Operations &amp; Performance)</b>		
		Code
EE152	Streetscene Operative (Playground Engineer)	01
<b>Waste Strategy</b>		
		Code
EE252	Environmental Officer	01
EE280	Recycling Officer	01
<b>Chief Executive</b>		
<b>Business Improvement &amp; Partnerships</b>		
		Code
BB111	Community Safety Manager	01

BB86 & BB143	Community Safety Officer	01
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<b>Regeneration and Development</b>		
Environmental Health Services		
		Code
All	Environmental Health Officers/Technical Assistants	01/02
DD51	Team Leader (Community)	01
DD27	Health Promotion Officer	01
DD28	Food and Safety Assistant	01
DD52/53	Dog Warden	01
DD57/58	Community Warden	01
All	Environmental Warden (Pest Control)	01

Reviewed: September 2009  
January 2010 (to confirm category of post in relation to definition of exempted post/regulated activity/frequency etc  
April 2011 (EHO/Technical Assistants – frequently visiting vulnerable groups)  
Sept 2011 (Sport & Active Lifestyles structure)  
Sept 2012 (Job titles updated and posts re-ordered to reflect current departmental structures)



**INDUCTION CHECKLIST – New Starter**

**NOTE:** This checklist indicates the minimum requirements for induction of all new employees. Completion is the responsibility of the Supervisor/Line Manager who should ensure they are familiar with the Manager's Guidelines.

<b>New Employee's Name:</b>		<b>Job Title:</b>	
<b>Directorate:</b>	<b>Service:</b>	<b>Post No.:</b>	<b>Payroll No:</b>
<b>Commencement Date:</b>		<b>Name of employee co-ordinating induction:</b>	

		Action taken by	Date completed
1.	<b><i>PRIOR TO COMMENCEMENT</i></b>		
1.1	Member of staff designated to meet new arrival		

1.2	Members of staff involved in induction process informed of actions required by them and when action is to be undertaken. (See Sections 2 - 8 below)		
-----	---	--	--

		Action taken by	Date completed
1.3	<p>New employee informed - where to report to</p> <ul style="list-style-type: none"> <li>- arrival time for first day</li> <li>- who to ask for</li> <li>- car parking arrangements</li> <li>- to bring emergency contact details</li> <li>- to bring original certificates for qualifications claimed (if not already received)</li> <li>- driving licence ( and HGV licence if appropriate)</li> </ul>		
1.4	<b>Any other issues specific to employing service</b>		
2.	<b><i>FIRST DAY OF EMPLOYMENT</i></b>		
2.1	Introduced to manager, immediate supervisor & work colleagues		
2.2	Checked Contract of Employment received		
2.3	Checked Health and Safety Policy and Health and Safety Handbook received. Refer new starter to the Human Resources pages of the Intranet for all employee policies & procedures		



2.4	Shown office layout - offices, toilets, drinks machine, printer/photocopier		
2.5	Emergency evacuation arrangements explained (what to do if you discover a fire/location of nearest fire alarm call point/sound of fire alarm/location of fire exits/evacuation guidance/assembly area)		
2.6	Car parking arrangements explained/permit issued		
2.7	Attention drawn/guidance given re all immediate health and safety hazards specific to employment. (Eg use of Personal Protective Equipment, display screen equipment, manual handling, accident reporting procedure, relevant health & safety signs etc)		
2.8	Any restricted areas indicated together with any processes/machines/equipment the employee is not allowed to use		
2.9	Security/pass card issued and door entry system explained		
2.10	Stationery, equipment, protective clothing etc issued		
2.11	Internal postal system explained		
2.12	Given names/telephone extension numbers of appropriate registered first aiders		
2.13	Given name/extension number of person to contact if absent from work		

2.14	Mitrefinch - Time & Attendance System explained		
2.15	Procedure for booking Annual Leave explained/booking this on Mitrefinch For further guidance refer New Starter to the Time Management System/Human Resources pages of the Intranet		
2.16	Procedure for booking car mileage explained/claim forms issued		
2.17	Made aware of Council Tax deduction facilities if resident in the Borough		
2.18	Computer login/PIN organised and information system access authorisations issued		
2.19	E-mail and Internet users - access authorisations issued		
2.20	Pay system - direct to bank explained - monthly pay date		
2.21	Explained that ID photo will also be placed on the Intranet and confirmed employee does not object to this		
2.22	Any other issues specific to Employing Service		

3.	<b>WITHIN ONE WEEK OF COMMENCEMENT</b>		
3.1	Relevant corporate aims, objectives and priorities outlined Departmental functions, objectives, organisation, structure and responsibilities explained Job role clarified		
3.2	Individual objectives clarified - probationary programme clarified, one, three and five month review meetings diarised, action plan agreed, training plan (formal and informal) devised, expectations with regard to general conduct explained		
3.3	Team Briefing arrangements explained		
3.4	Employee Performance Appraisal Interviews - arrangements explained		
3.5	Confirm employee has read and understood contents of the Health and Safety Policy, Health and Safety Handbook and Code of Conduct for Employees (each section should be covered to ensure that the employee has understood the contents and is also aware of their own responsibilities/obligations). Clarify if New Starter is familiar with the Human Resources Policies & Procedures located on the Intranet		
3.6	Attention drawn to/guidance given on the Council's Standing Orders, Financial Regulations, rules etc relevant to post		
3.7	Confirm the employee has read and understood the Anti Fraud and Corruption Strategy and knows what action to take if they identify potential fraud or corruption		

3.8	Confirm the employee has read and understood the Whistleblowing Policy and the action they can take if required		
3.9	Attention drawn to any safe systems of work relevant to appointment and guidance given/training initiated re any other health and safety policies and procedures relevant to employment		
3.10	Given names and contact details of all appropriate trade union representatives. This information is also located on the Intranet under Human Resources/Employee Benefits/Collective Bargaining		
3.11	Specific Performance Indicators explained (response times etc)		
3.12	Customer Complaints Policy explained		
3.13	Telephone facilities explained (call transfers, call backs etc) and departmental telephone answering style explained		
3.14	MFD location/operation explained		
3.15	Section/departmental filing system explained including Information @ Work if relevant		
3.16	Any other issues specific to Employing Service		

4.	<b>CORPORATE INDUCTION (To be attended within one month of commencement)</b>		
4.1	Corporate induction and health and safety induction session attended and Employees Information pack received		
4.2	Corporate use of e-mail/internet course attended		
4.3	Welcome meeting with Executive Director/Chief Executive* attended. * Chief Exec's Dept		

5.	ONE MONTH REVIEW MEETING
----	--------------------------

Employee's name:		Job Title:	
Directorate/Service:		Post No:	Payroll No:
Commencement Date:		Line Manager:	

Objectives	How will this be measured?	Progress to date	Target date

Please assess how identified training needs are being met:

Development Activity/Required Outcome	Learning Activity	Progress to date

Please comment on the following:

Working relationships (team work/ interpersonal skills/communication skills)	
Quality and accuracy of work	
Time keeping	
Attendance	
General conduct/attitude	

31

Please discuss the following:

Areas for improvement	
Areas of particular achievement	

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Notes (Agreed actions/date/time of three - month review)

Notes -

Employee Comments:

Comments -

Line Manager Name:	Signature:	Date:
Employee Name:	Signature:	Date

Please forward original to Human Resources (Payroll) for monitoring.



6.	THREE MONTH REVIEW
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Employee's name:		Job Title:	
Directorate/Service:		Post No:	Payroll No:
Commencement Date:		Line Manager:	

Please refer to the one-month review record when undertaking this meeting.

Objectives	How will this be measured?	Progress to date	Target date

Please assess how identified training needs are being met:

Development Activity/Required Outcome	Learning Activity	Progress to date

Please comment on the following, noting any improvement or deterioration from last meeting:

Working relationships (team work/ interpersonal skills/communication skills)	
Quality and accuracy of work	
Time keeping	
Attendance	
General conduct/attitude	

Please discuss the following:

Has progress been made towards improving performance? (If no, set objectives for improvement/ agree timescales)	
Areas of particular achievement	

Notes (Agreed actions/date/time of five month review)

Notes -

Employee Comments

Comments -

35

Line Manager Name:	Signature:	Date:
Employee Name:	Signature:	Date

Please forward original to Human Resources (Payroll) for monitoring.

7.	FIVE MONTH REVIEW
----	-------------------

Employee's name:		Job Title:	
Directorate/Service:		Post No:	Payroll No:
Commencement Date:		Line Manager:	

Please refer to the completed one-month and three-month reviews record when undertaking this five-month review.

Objectives	How measured	Objectives achieved? (If no, please specify why)

Please assess how identified training needs have been met:

Development Activity / Required Outcome	Learning Activity	Outcomes achieved? (If no, please specify why)

Please comment on the following factors, confirming whether or not performance has been satisfactory over the period of probationary service

Working relationships (team work/interpersonal skills/communication skills)	
Quality and accuracy of work	
Time keeping	
Attendance	
General conduct/attitude	

Please discuss the following:

Areas of concern (Please note any areas in which the employee has not yet achieved satisfactory performance)	
Areas of particular achievement (Please note any areas in which the employee has excelled during the probationary period)	

Notes (Agreed actions/date/time of six month review)

Notes -

Empty rectangular box for notes.

Employee Comments

Comments -

Empty rectangular box for employee comments.

Line Manager Name:	Signature:	Date:
Employee Name:	Signature:	Date:

Please forward original to Human Resources (Payroll) for monitoring.

<b>8.</b>	<b>SIX MONTH REVIEW</b>
-----------	-------------------------

Employee's name:		Job Title:	
Directorate/Service:		Post No:	Payroll No:
Commencement Date:		Line Manager:	

Please refer to the completed one-month, three-month and five-month reviews record when undertaking this final review.

Objectives	How measured	Objectives achieved? (If no, please specify why)

Please assess how identified training needs have been met:

Development Activity/Required Outcome	Learning Activity	Outcomes achieved? (If no, please specify why)

Please comment on the following factors, confirming whether or not performance has been satisfactory over the period of probationary service

Working relationships (team work/interpersonal skills/communication skills)	
Quality and accuracy of work	
Time keeping	
Attendance	
General conduct/attitude	

Please discuss the following:

Areas of concern. (Please note any areas in which the employee has not yet achieved satisfactory performance)	
Areas of particular achievement. (Please note any areas in which the employee has excelled during the probationary period)	



Summary of employee's overall performance:

--

Employee Comments:

(Overall view of the job, work environment, working relationships etc)

--

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Is the employee's appointment to be confirmed?	Yes/No (Please delete as necessary)
--	-------------------------------------

Where performance is unsatisfactory, further meetings/correspondence will confirm the outcome of the probationary period.

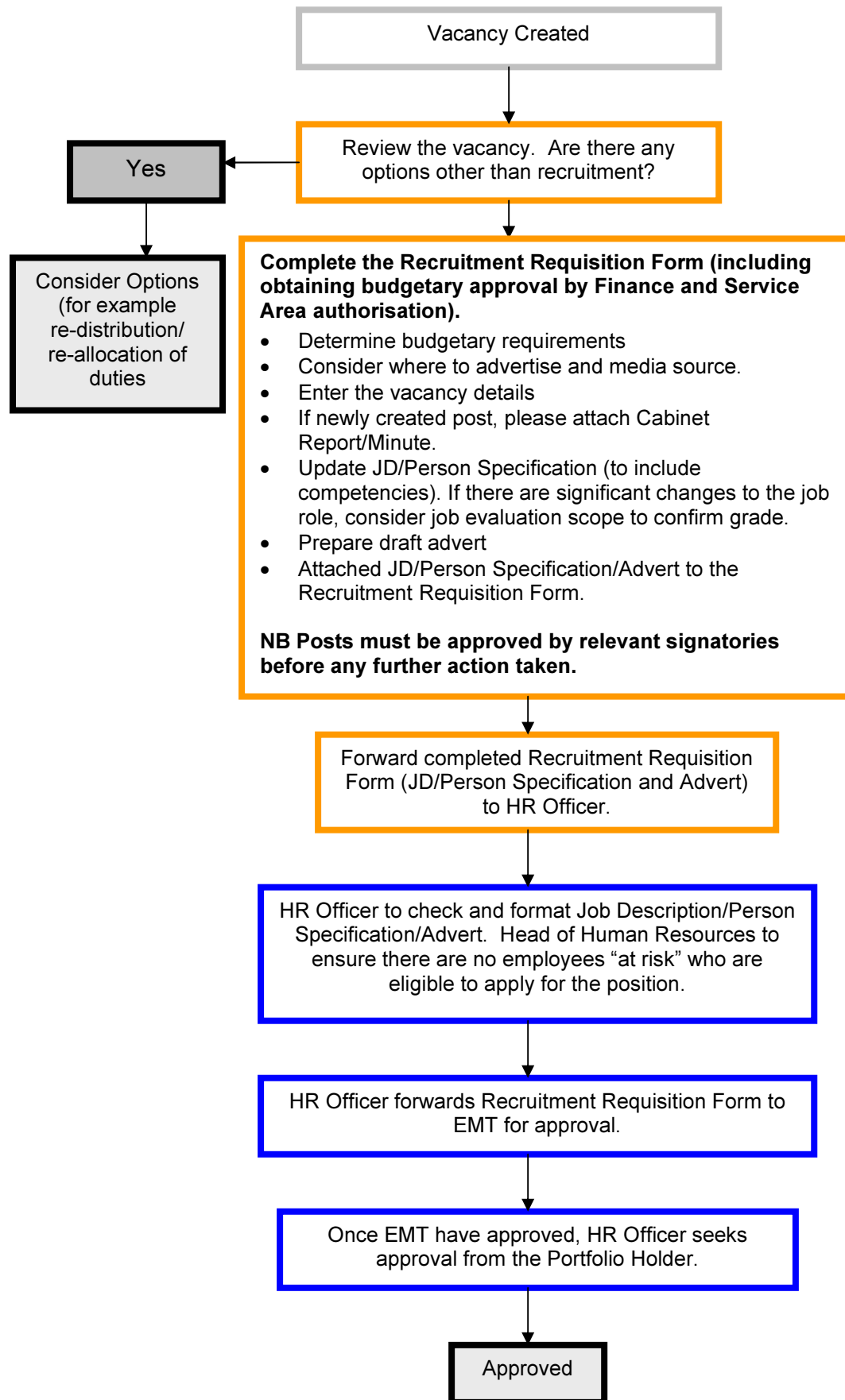
Induction process completed:

Line Manager Name:	Signature:	Date:
Employee Name:	Signature:	Date:

Please forward original to Human Resources (Payroll) for monitoring and to enable an appointment confirmation to be issued.  
January 2012



**RECRUITMENT AND SELECTION PROCEDURE**  
**FLOWCHART**



If the Council is going through a redundancy process, this vacancy will need to be primarily ring-fenced for those employees identified as being "at risk"

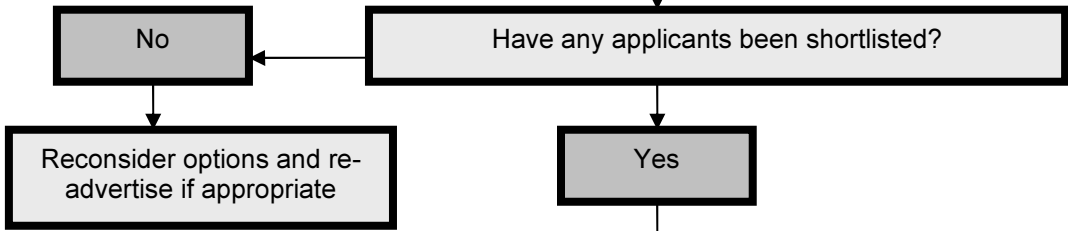
Human Resources will automatically advertise the vacancy internally on staff notice-boards/Intranet for **5** working days. The vacancy will also be issued to employees on long term sick and maternity or paternity leave. Where a suitable member of staff is not suitable internally, the post will be advertised externally for a minimum of 10 working days.

Recruiting Manager to arrange the dates for shortlisting and interviews with all panel members to avoid unnecessary delays and start to prepare for interview process.

Applicants will complete and return both the Application Form and Equal Opportunity Monitoring Form and return to Human Resources by 5pm on the closing date

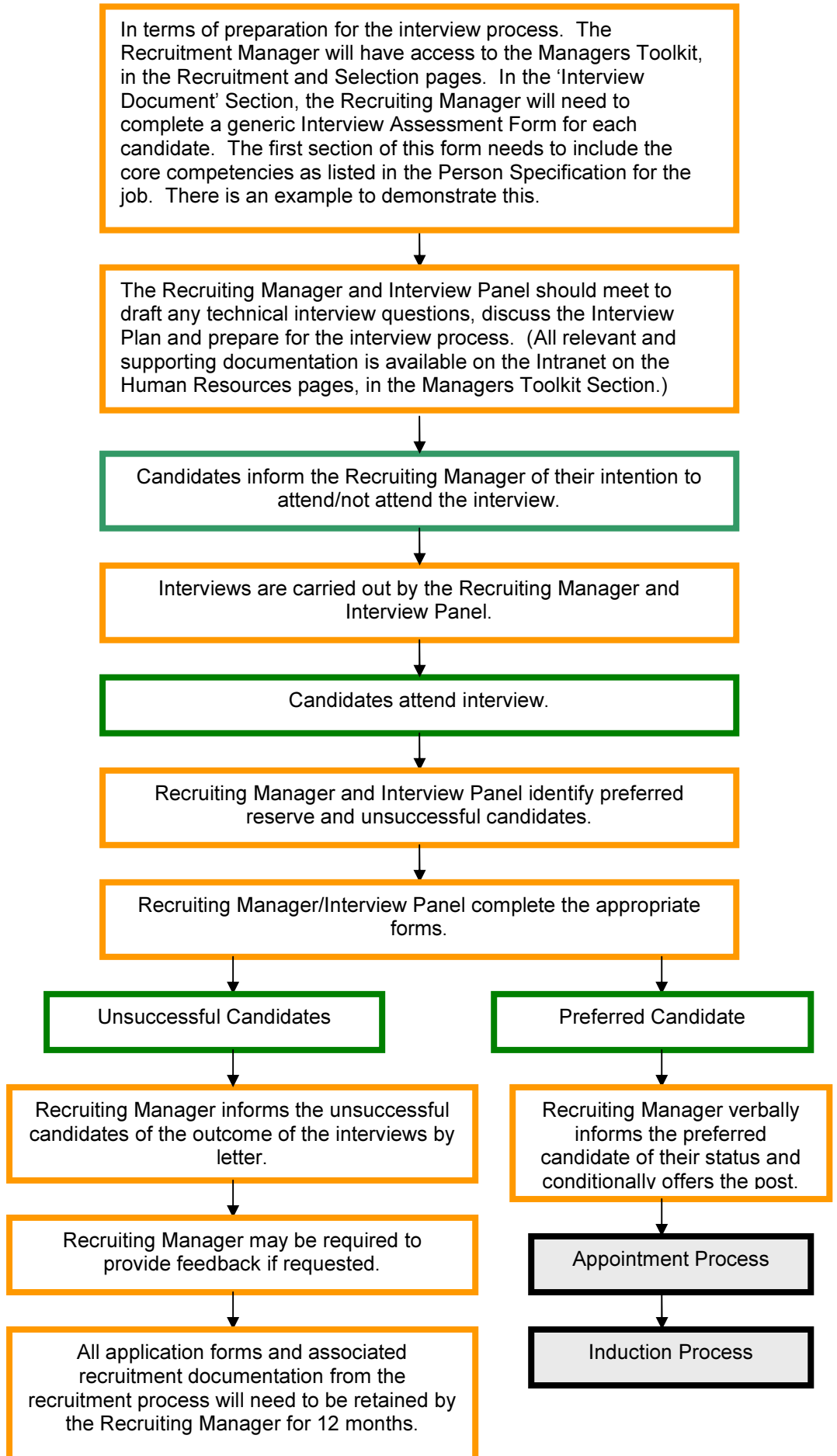
After the closing date the Application Forms are issued to the Recruiting Manager/Interview Panel. (Equal Opportunity Monitoring Forms are detached). All relevant recruitment and selection documents can be located in the HR pages of e-Voice, Managers Toolkits, Recruitment and Selection.

The Recruiting Manager will complete a Short Listing Matrix. This form must be completed in conjunction with the Person Specification. At least one other member of the Interview Panel should be involved in the shortlisting process indicating who has been shortlisted and reasons why other applicants have not. The Recruiting Manager also needs to inform Human Resources of the interview date, names of the interview panel members and interview assessment methodology.



The Recruiting Manager notifies the shortlisted candidates of the interview arrangements by letter (and includes any necessary documentation ie Disclosure of Criminal Declaration Form 11a, and Map of Newcastle-under-Lyme Town Centre).

The Recruiting Manager will arrange a room to conduct the interview. (For test/in-tray purposes the Recruiting Manager will need to if applicable, contact ICT Services for any equipment required on the day).





## 1. PROPOSED WORK SCHEDULE

**Submitted by:** Executive Management Team

**Portfolio:** Finance and Budget Management

### **Purpose of the Review**

To enable the Committee to consider and prioritise a schedule of work for the next 12 to 18 months.

### **Decision Required**

**To confirm an order of priority in relation to the employment policies listed at Appendix B**

## 1. Background

1.1 Under its Terms of Reference, the Staffing Committee has responsibility for the adoption and amendment of all employment policies, including the following as they relate to staffing matters:

- Adoption leave policy
- Agency staff procedure
- Alcohol, drugs, substance misuse policy
- Attendance management policy
- Bullying and harassment policy
- Capability procedure
- Officers' Code of Conduct
- Compensatory leave policy
- Computer, telephone and clear desk policy
- Equal opportunities and diversity in employment
- Disciplinary procedure
- Discretionary powers
- Driving at work
- Early retirement
- Email
- Employee recognition policy
- Employees' handbook
- Flexible retirement
- Flexible working hours
- Grievance procedure
- Health and safety
- Home working
- Information policies – internet, email
- Job evaluation
- Job sharing
- Local Government Pension Scheme
- Maternity and paternity
- National agreement on pay and conditions of service
- Smoking
- Recruitment
- Redundancy

Restructuring  
Remote working Staff communications and consultation  
Stress at work  
Time off for trade union duties  
Working time

2. **Issues**

- 2.1 It is important that the council's employment policies and procedures are regularly viewed in conjunction with the trade unions and the Employees Consultative Committee to ensure that changes in employment legislation are taken into account and the policies remain effective and fit for purpose. A suggested list of policies that it would be appropriate to review over the next 12 to 18 months and a priority order for review is attached at Appendix A.



**Work Schedule for Staffing Committee – March 2013**

Suggested work programme for the next 12-18 months in priority order.

- **Flexible Retirement Policy**
  - Review is required due to recent changes in employment legislation and Local Government Pension Scheme Regulations
- **Employee Recognition Scheme**
  - Recommended for review by ECC
  - Needs to be reviewed before Autumn 2013
- **Overtime Working**
  - Review has been agreed as part of Terms and Conditions review
- **Code of Conduct for Employees**
  - Review is an audit recommendation
  - Further clarification required re Gifts and Hospitality guidance
- **Redundancy Scheme**
  - Approved by Cabinet in March 2009
  - Last reviewed April 2010
- **Attendance Management and Capability Policies and Procedures**
  - A need has been identified to separate the current policies so that absence is dealt with separately from performance issues
  - If dismissal is being considered for attendance, then management currently transfers to the formal stage of Capability Procedure.
- **Workplace Bullying and Harassment Policy**
  - Work is currently underway to replace this with a 'Dignity at Work Policy', which incorporates good practice recommendations recently received from an employment law advisor.
- **Parental Leave Policy and Procedure**
  - Already drafted
  - Reflects statutory requirements/good practice
- **Time off for Dependants Policy and Procedure**
  - Already drafted
  - Reflects statutory requirements/good practice

- **Policy on Religious Observance During Working Hours**
  - New policy
  - Already drafted pending confirmation of 'Quiet Room' provision
- **Disciplinary Procedure**
- **Grievance Procedure**
- **Driving at Work Policy/Good Practice Guide**
  - Not reviewed since implementation in 2006

# Agenda Item 9

## 1. ARRANGEMENTS FOR DETERMINING EMPLOYMENT RELATED APPEALS

**Submitted by:** Chief Executive

**Portfolio:** Finance and Budget Management

### **Purpose of the Report**

To confirm the arrangements for the involvement of elected Members in employment-related appeals.

### **Recommendations:**

- (a) That a sub-committee of this Committee comprised of 5 members be established to deal with employee appeals in respect of Bullying and Harassment, Capability Policy, Disciplinary Procedure, Grievance Procedure, Restructuring and Redundancy Policy and Procedure (Unfair Selection for Redundancy) in accordance with the appropriate policies.
- (b) That each of the named policies be amended to provide for appeals to be dealt with by the sub-committee.
- (c) All of the sub-Committee shall have completed the relevant training before serving in that capacity.

### **Reasons**

It is considered that there are significant benefits in accountability, democratic authority and separation from the initial decisions for the democratically elected Members of the authority to make the appeal determination in respect of these policies.

## 1. **Background**

1.1 The following policies and procedures incorporate provision of an appeal process for employees who are dissatisfied with decisions made in connection with their employment:

- Bullying and Harassment Policy
- Capability Policy
- Disciplinary Procedure
- Early Retirement Scheme
- Flexible Retirement Scheme
- Grievance Procedure
- Job Evaluation Scheme
- Restructuring and Redundancy Policy and Procedure.

1.2 The majority of these policies and procedures currently provide for appeals to be determined either by the Chief Executive or Executive Directors, although Members are involved in appeals in connection with capability, and also job evaluation.

1.3 The Terms of Reference of the Staffing Committee include:

'To make arrangements for members of the Committee to determine appeals of employees in accordance with the appropriate policies.'

## 2. **Issues**

2.1 It is recommended that in relation to the following policies and procedures, appeals be determined by a sub-committee of this Committee. As is normal, the Chair of the sub-committee will have a casting vote. The sub-committee would be required to be politically proportionate and accordingly it is recommended that there be 5 members of the sub-committee. The members would be supported by an officer from Human Resources and an officer from Legal Services.

- Bullying and Harassment
- Capability Policy
- Disciplinary Procedure
- Grievance Procedure
- Restructuring and Redundancy Policy and Procedure (Unfair selection for redundancy).

2.2 It is recommended that the current decision making process remains unchanged (Executive Director – Resources and Support Services in consultation with the relevant Portfolio Holder) in relation to applications for early retirement and flexible retirement.

2.3 It is recommended that appeals relating to Job Evaluation continue to be determined by the Job Evaluation Appeal Panel which comprises:

- |              |   |   |
|--------------|---|---|
| Chair        | - | Chair of the Employees' Consultative Committee (Chair has casting vote) |
| Trade Unions | - | Two representatives   |
| Officers     | - | Head of HR and one member of Executive Management Team (or nominees)    |
| Facilitator  | - | Director, West Midlands Council (or nominee)                            |

## 2.4 **Training**

It is recommended that all members of the Staffing Committee should receive appropriate training relating to the relevant appeal processes before participating in determining any appeal.

## 3. **Options Considered**

To retain the role of officers as it is now which has benefits of professionalism, operational experience and potentially speed of arrangements

## 4. **Proposal**

- (a) That a sub-committee of this Committee comprised of 5 members be established to deal with employee appeals in respect of Bullying and Harassment, Capability Policy, Disciplinary Procedure, Grievance Procedure,

Restructuring and Redundancy Policy and Procedure (Unfair Selection for Redundancy) in accordance with the appropriate policies.

- (b) That each of the named policies be amended to provide for appeals to be dealt with by the sub-committee.
- (c) All of the sub-Committee shall have completed the relevant training before serving in that capacity.

5. **Reasons for Preferred Solution**

It is considered that there are significant benefits in accountability, democratic authority and separation from the initial decisions for the democratically elected Members of the authority to make the appeal determination in respect of these policies.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

Good employment policies and procedures will assist in promoting a Co-operative Council delivering high quality community driven services.

7. **Legal and Statutory Implications**

The Council is empowered to discharge its functions through officers or committees and is bound by the general and local government employment framework.

8. **Equality Impact Assessment**

No differential impact has been identified.

9. **Financial and Resource Implications**

The processes will be delivered within existing budgets.

10. **Major Risks**

The Council requires fair and effective employment policies and procedures to ensure the effective use of human resources, to maintain morale and to avoid the financial and reputational damage of failing to properly address employment issues.

11. **Earlier Cabinet/Committee Resolutions**

Council, 12<sup>th</sup> July 2012 minute 13.

12. **Background Papers**

Human Resources policies and procedures.

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## 1. REVIEW OF TERMS AND CONDITIONS OF SERVICE

**Submitted by:** Chief Executive

**Portfolio:** Finance and Budget Management

### **Purpose of the Report**

To update the Committee on the current position regarding the above and to obtain the Committee's endorsement of the Council's proposals.

### **Recommendations:**

- (a) That the Committee endorse the proposals attached at Appendix A.
- (b) That the Chief Executive be given the authority to approve revised proposals in consultation with the Leader of the Council, the Portfolio Holder for Finance and Budget Management and the Chair of the Employees' Consultative Committee.

### **Reasons**

To provide the framework for a mutually beneficial agreement.

### 1. **Background**

- 1.1 Following the recent consultation with the trade unions and employees, entered into with a view to reviewing employees' terms and conditions to achieve a saving of £100,000 in 2013/14 budgets, the proposals at Appendix A are recommended to the Committee for endorsement.

### 2. **Issues/Options**

- 2.1 The Council is seeking to save £100,000 as part of the efficiency savings it is required to make as part of the 2014/15 budget. The proposals in Appendix A seek to strike a balance between the costs and benefits of the current terms and conditions of the Council and new terms. The recommendation makes provision for other options in the form of revised proposals.

### 3. **Proposal**

- (a) That the Committee endorse the proposals attached at Appendix A.
- (b) That the Chief Executive be given the authority to approve the revised proposals in consultation with the Leader of the Council, the Portfolio Holder for Finance and Budget Management and the Chair of the Employees' Consultative Committee.

### 4. **Reasons for Preferred Solution**

To provide the framework for a mutually beneficial agreement.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**  
The appropriate terms and conditions will enable the Council to provide a Co-operative Council delivering high quality community driven services.
6. **Legal and Statutory Implications**  
Contracts of employment are legally binding agreements. However, they can be lawfully varied in a number of ways including by mutual agreement of the parties by way of collective bargaining which is provided for at this Council. The Council may delegate the discharge of its functions to officers.
7. **Equality Impact Assessment**  
No differential impact has been identified.
8. **Financial and Resource Implications**  
The potential savings are set out above.
9. **Major Risks**  
The major risks are detriment to reputation and financial loss and impairment to service in relation to potential industrial and contractual disputes and compliance with the budget framework. Such risks are mitigated through consultation and the collective bargaining process and adherence to legal requirements and process.
10. **Earlier Cabinet/Committee Resolutions**  
Council, 27<sup>th</sup> February 2013.
11. **Background Papers**  
Terms and conditions of employment.



## Proposed Changes to Terms and Conditions

The proposed changes to terms and conditions cover the following areas:

- Public holiday arrangements/leave
- Telephone allowances
- Professional subscriptions – payment of annual fees
- Car leases.

### Public Holiday Arrangements/Leave

The two 'extra statutory' holidays (taken immediately after the Spring and August Bank Holidays) to be treated as normal working days (i.e. no enhancements to basic pay payable to employees who work on these days as part of their normal working week).

Any overtime worked on these days to be paid at rates applicable to a normal working day.

Two days to be added to employees' existing annual leave entitlements (pro rata for part-time employees).

### Telephone Allowances

Telephone allowances no longer to be paid.

### Professional Subscriptions – Payment of Annual Fees

Professional subscriptions listed below to continue to be paid in relation to the following but only for employees who are in post at the date of implementation of the review.

- Law Society Practising Certificate
- CIPFA
- RTPI
- CIWM
- CIEH
- RICS

Membership of a relevant professional body will continue to be an essential requirement for the holders of specific posts but with the exception of the above fees reimbursed to existing employees, annual fees will no longer be paid by the Council.

### Car Leases

Existing car leases that are current on the date of implementation of the review will continue to their stated expiry dates.

No requests to extend existing leases will be approved.

The Council's subsidy payment in relation to existing leases to be reduced from the date of implementation as follows:

<u>Employee Grade</u>	<u>% Subsidy Reduction</u>
Executive Directors	50
JNC 1 & 2	40
NJC 11-14*	30
(* includes NJC 9 with market supplements)	
NJC 10	25
NJC 8-9	20
NJC 5-7	10

The subsidy payment paid by the Council in relation to the Council's car lease scheme to be withdrawn on the expiry of the existing leases but the scheme to continue and the Council to continue to meet the cost of the vehicle insurance.

Where employees opt to terminate existing car leases early, the Council will pay any early termination penalty costs. Leases terminated early will not be available for reassignment.

Employees who have existing car leases that are due for renewal prior to the implementation date of the review, but who have had their order for a vehicle either put on hold or cancelled, will be permitted to extend their current lease on a month by month basis up to the day before the implementation date of the change.

Employees who have not previously had car leases and who have submitted applications for car leases and have had their orders for vehicles either put on hold or cancelled, will not be eligible for any subsidy in relation to a car lease.

No new applications for car leases received prior to the implementation date of the change will be eligible for subsidy.

Arrangements will be put in place for employees who currently receive a pensionable benefit in relation to their existing car leases, to be able to continue to receive pensionable remuneration benefit on the same basis as at present.