

**To: Members of the Special Sub-Group**

**Councillors Hayfield, Gosling, D Humphreys, Jenns,  
Parsons and Singh**

**For the information of the other Members of the Council**

## **SPECIAL SUB-GROUP**

**11 February 2020**

The Special Sub-Group will meet in the Committee Room, The Council House, South Street, Atherstone on Tuesday 11 February 2020 at 6.30 pm.

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**
- 4 Public Participation**

Up to twenty minutes will be set aside for members of the public to ask questions or to put their views to elected Members. Participants are restricted to five minutes each. If you wish to speak at the meeting please contact Democratic Services on 01827 719221 or email [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk).

5 **Update Report on Human Resources Issues** – Report of the Corporate Director - Resources

This report summarises work done by the Human Resources team in 2019/20 and highlights further work to be undertaken. It provides details of the sickness levels for the period of April 2019 to September 2019 and provides some further information on action taken in managing absence.

The Contact Officer for this report is Kerry Drakeley (719300).

6 **Recruitment & Employment of Ex-Offenders Policy & Procedure** - Report of the Corporate Director - Resources

This report advises members of the background to the revised policy on Recruitment & Employment of Ex-Offenders Policy and recommends the adoption of the revised policy for the Council. The policy has been consulted on with the trade unions.

The Contact Officer for this report is Kerry Drakeley (719300).

STEVE MAXEY  
Chief Executive

**For general enquiries please contact Democratic Services on 01827 719221 or via e-mail – [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk).**

**For enquiries about specific reports please contact the officer named in the report.**

## Agenda Item No 5

### Special Sub Group

11 February 2020

#### Report of the Corporate Director (Resources)

#### Update Report on Human Resources Issues

### 1 Summary

- 1.1 This report summarises work done by the Human Resources team in 2019/20 and highlights further work to be undertaken. It provides details of the sickness levels for the period of April 2019 to September 2019 and provides some further information on action taken in managing absence.

#### **Recommendation to the Board**

**That the report be noted.**

### 2 Introduction

- 2.1 This report provides an update on Human Resources issues and the position on sickness for 2019/20, and in addition, and highlights further work to be undertaken.

### 3 Health and Absence Management

#### 3.1 Summary of Sickness Absence 2019/20 (April 2019 – September 2019)

- 3.1.1 Absence Management is recorded for all employees, and is then analysed into short and long term absence. Comparing the same time period in 2018/19 to 2019/20 there is an increase, 0.46 days in short term sickness absence per full time equivalent (FTE), and a decrease, 0.27 days in long term sickness. The position is summarised in the table below, with additional detail given at Appendix A.

...

Type	2018/19	2019/20
Short Term	1.84 days per FTE	2.30 days per FTE
Long Term	3.79 days per FTE	3.52 days per FTE
<b>Total</b>	<b>5.64 days per FTE</b>	<b>5.83 days per FTE</b>

- 3.1.2 In line with the Attendance Management Policy sickness absence reports are sent to Corporate Directors/Directors on a monthly basis. HR also meets with the Corporate Directors/Directors/Section Heads on a bi-monthly basis to provide advice and to discuss what action they have taken within their Divisions. The aim of these reports and meetings is to increase managers' awareness of sickness absence within their Divisions, which should aid

proactive and consistent management of absence issues and will contribute to minimising short-term absence figures. Managers now take employees with habitual short-term absences to case management earlier.

3.1.3 The long-term sickness absence is being managed either by getting staff back to work or them exiting the organisation either on ill-health retirement, dismissal or by resignation. Those with significant long-term absence equates to 9 employees having lost a total of 623.43 days. 5 of these employees have successfully returned to work, 2 are still absent and 2 left the Council (1 death in service and 1 ill health retirement).

... 3.1.4 Appendix B shows the reasons for the number of days lost per FTE. The main reasons for absence relate to: Muscular-Skeletal, Mental Ill Health and Stomach.

3.1.5 As part of the continued management of sickness absence, the Council is currently reviewing its Occupational Health provision. Whilst the Council has been content with the services of the current provider for a numbers of years, it would be beneficial to review the available providers in the market to ensure that a cost effective, efficient service is delivered.

#### **4 Recruitment, Retention and Selection**

4.1 There were a number of starters and leavers between April 2019 to September 2019. There were 12 leavers, including 2 Ill Health Retirements, 1 Death in Service and 9 resignations. There were 21 starters. This equates to a labour turnover of 3.92% (2.62% voluntary leavers).

4.2 The Council has continued with the strategy of reviewing all posts that become vacant. Those posts that need to be filled are recruited to internally where possible. During the current year, 10 posts have been filled internally; this supports the Council's ability in succession planning.

#### **5 Employee Relations**

5.1 The HR team provides advice and support to managers on all HR issues. The HR Manager and the HR Officers provide support to managers and lead, where appropriate, on investigations, disciplinary, grievance, and capability relating to performance or attendance. There was 1 investigation undertaken from April 2019 – September 2019. In addition, there were 3 employee relations matters which involved an informal investigation to be undertaken, but did not proceed to formal action.

5.2 The HR Manager and HR Officers also provide considerable support in the actions up to and including hearing and appeals (if required). The disciplinary investigation resulted in dismissal.

5.3 Service restructures require staff consultations which the HR Manager and the HR Officers undertake with the line managers. These require HR to provide support to both managers and staff, with the queries and information they require during the process or following implementation. During 2019/20 this

has involved considerable support following the restructure within Leisure Facilities, which is due to be implemented in February 2020.

- 5.4 The HR team co-ordinated the 2019 Staff Survey, which was undertaken in November/December 2019. The HR team encouraged responses to the survey to facilitate a high response rate, which in turn, ensures a more representative result base.

## **6 Pay & Benefits**

- 6.1 The Pay Policy statement was updated for 2019/20 and published on the Council's website. The pay award for 2019/20 was agreed as part of the two year agreement reached for 2018/19 to 2019/20.

- 6.2 Gender pay reporting legislation requires employers with 250 or more employees to publish statutory calculations every year showing how large the pay gap is between their male and female employees. Employers in the public sector must base their pay data on staff employed on a "snapshot" date of 31 March each year and will have 12 months to publish the information on their own website and to upload it to a Government website. The Council's report for the snapshot date of 31 March 2018 was published in March 2019 and the results are as follows:

- The mean gender pay gap for the Council is 6%
- The median gender pay gap for the Council is -5%
- The Council does not pay bonus payments

For the reporting year 2019/20, the Council is due to report for the snapshot date of 31 March 2019 by 30 March 2020.

- 6.2.1 To date, the steps the Council has taken to promote gender diversity in all areas of its workforce include a Flexible Working Policy which is available to all employees regardless of their gender and applies in the majority of job roles / service areas. In the coming year, the Council will continue with its commitment to reviewing its recruitment practices; for example, are roles targeted at male candidates and is the literature equally attractive to male and female candidates, and whether flexible working is highlighted in job advertisements where appropriate.

## **7 Learning, Training and Development**

- 7.1 During the 2019/20 training year, Principal Officers received a 360-degree appraisal with the HR section managing the process and producing the analysis in house. An external consultant provided the feedback to the officers and produced a report of the overall findings. The consultant reported that managers remain loyal and committed to the organisation and the majority of reports demonstrated an improvement in the performance of managers.

- 7.2 Our E learning programme is currently covering Health & Safety, Fraud Awareness, Equality & Diversity, Customer Service, Data Protection, Freedom of Information, Bribery Act 2010, Staff Reviews (Appraisals). The HR Manager continues to work with the administrator to develop modules for NWBC.

Working in collaboration with the other Local Authorities in Staffordshire and Warwickshire, the Council benefits from cost effective or free training.

7.3 During the 2019/20 training year, the Council is running in house courses including Child Protection, Adult Safeguarding and Health and Safety courses (e.g. First Aid, Manual Handling, Legionella Awareness and Asbestos Awareness).

7.4 The apprenticeship levy came into effect from 6 April 2017. The Council has a target of 2.3%, for its workforce to be in apprenticeships from 2017/18 - 2020/21 inclusive. The HR team have assisted Divisions with the consideration of apprenticeships, where appropriate. During 2018/19, the Council appointed a Housing Management Apprentice (commenced September 2018) and an Apprentice Mechanic (commenced in January 2019). In 2019/20, the Council appointed an Apprentice Plumber.

## **8 Safety Management**

8.1 Managers undertake risk assessments, safe systems of work and safety audits in their work areas.

8.2 The Health and Safety Officer has continued to work with managers and Directors in all the service areas of the Council, to provide health and safety advice and support. Duties include accident investigations and a corporate audit of risk assessments.

## **9 Policies Procedures and Processes**

9.1 During 2018/19, a review of the Council's list of posts requiring Disclosure & Barring Service (DBS) checks commenced to ensure that they continue to meet the DBS eligibility requirement. The review has been completed in 2019/20 and some changes / improvements have been considered, and included, in the revision of the Policy. The revised policy is the subject of a separate report to Special Sub Group.

9.2 The new Alcohol Drugs and Substance Misuse Policy & Procedure was agreed at Special Sub Group in July 2019 and has now been implemented. All employees were informed of the new Policy and the HR Manager held policy briefings for managers.

9.3 The HR work plan for 2019/20 includes an updated timetable for policy review to ensure that progress is made in this area.

## **10 Further areas to be taken forward**

10.1 The pay award for 2019/20 was agreed as part of the two year agreement reached for 2018/19 to 2019/20. The National Employers met with the Unions on the 24 July to receive their pay claim for 2020. Officers from the Council attended a Pay Consultation event held by the Regional Employers Organisations (West Midlands Employers being one of these) to understand the potential impact and options around the pay claim(s) and to share views on the impact these may have on the organisation to influence these national

negotiations. In November 2019, the National Employers decided that they would not be in a position to respond to the Unions pay claim until the impact of the outcome of the general election was known. Negotiations will now proceed.

10.2 In order to utilise the apprenticeship levy allowance, the HR team will be working with national training provider(s), who can support and assist with the facilitation and delivery of the apprenticeship courses undertaken by staff and the associated administration of the levy allowance.

## 11 Report Implications

### 11.1 Finance and Value for Money Implications

11.1.1 These will depend on whether additional resources are used to cover periods of absence. Most short-term absence is absorbed within sections. However, if sickness is long term, and the service could potentially fail as a result of staff shortages, then there would be additional costs to maintain services, either through buying in extra resources or acting up arrangements.

### 11.2 Human Resources Implications

11.2.1 As detailed in the report.

### 11.3 Equality Implications

11.3.1 Under the Equality Act there are specific responsibilities specified under the public sector equality duty to ensure that local authorities meet the general equality duty. In terms of Human Resources there are specific codes of practice for employment and for equal pay.

### 11.4 Links to Council's Priorities

11.4.1 Effective recruitment and management of the workforce contributes to the Council's priority of making the best use of our resources.

The Contact Officer for this report is Kerry Drakeley (719300)

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

**ALL SICKNESS**

Division	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20
	Average FTE per Division	Average FTE per Division	Days Lost by FTE	Days Lost by FTE	Sickness per FTE	Sickness per FTE
Assistant Chief Exec	27.28	29.26	144.46	201.28	5.30	6.88
Corporate Services	24.80	24.56	52.87	99.91	2.13	4.07
Streetscape	63.70	70.22	527.70	451.50	8.28	6.43
Leisure & Comm Dev	51.66	46.54	210.72	323.98	4.08	6.96
Community Services	35.90	36.94	160.34	166.88	4.47	4.52
Finance,HR & Audit	17.76	17.66	109.97	75.10	6.19	4.25
Housing	77.32	74.20	454.02	461.52	5.87	6.22
Chief Exec	6.60	8.80	59.20	15.20	8.97	1.73
<b>Total</b>	<b>305.02</b>	<b>308.18</b>	<b>1,719.28</b>	<b>1,795.37</b>	<b>5.64</b>	<b>5.83</b>

**SHORT TERM SICKNESS**

Division	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20
	Average FTE per Division	Average FTE per Division	Days Lost by FTE	Days Lost by FTE	Sickness per FTE	Sickness per FTE
Assistant Chief Exec	27.28	29.26	34.46	39.53	1.26	1.35
Corporate Services	24.80	24.56	26.87	51.34	1.08	2.09
Streetscape	63.70	70.22	144.70	203.50	2.27	2.90
Leisure & Comm Dev	51.66	46.54	93.99	91.03	1.82	1.96
Community Services	35.90	36.94	87.34	100.42	2.43	2.72
Finance & HR	17.76	17.66	23.00	31.90	1.30	1.81
Housing	77.32	74.20	148.02	176.31	1.91	2.38
Chief Exec	6.60	8.80	4.00	15.20	0.61	1.73
<b>Total</b>	<b>305.02</b>	<b>308.18</b>	<b>562.38</b>	<b>709.23</b>	<b>1.84</b>	<b>2.30</b>

**LONG TERM SICKNESS**

Division	2018/19	2019/20	2018/19	2019/20	2018/19	2019/20
	Average FTE per Division	Average FTE per Division	Days Lost by FTE	Days Lost by FTE	Sickness per FTE	Sickness per FTE
Assistant Chief Exec	27.28	29.26	110.00	161.75	4.03	5.53
Corporate Services	24.80	24.56	26.00	48.57	1.05	1.98
Streetscape	63.70	70.22	383.00	248.00	6.01	3.53
Leisure & Comm Dev	51.66	46.54	116.73	232.95	2.26	5.01
Community Services	35.90	36.94	73.00	66.46	2.03	1.80
Finance & HR	17.76	17.66	86.97	43.20	4.90	2.45
Housing	77.32	74.20	306.00	285.21	3.96	3.84
Chief Exec	6.60	8.80	55.20	0.00	8.36	0.00
<b>Total</b>	<b>305.02</b>	<b>308.18</b>	<b>1,156.90</b>	<b>1,086.14</b>	<b>3.79</b>	<b>3.52</b>



**Reasons for Sickness**

Division	Accident At Work	Back / Neck	Chest	Cold / Flu / Infections	ENT / Mouth	Endocrine	Genital - Urinary	Heart	Mental Ill Health	Muscular - Skeletal	Neurological	Pregnancy	Skin Conditions	Stomach	Total
NWBC	0	53.22	120.40	76.75	129.93	14.39	26.81	93.49	406.93	650.01	46.93	5.38	18.78	152.34	1,795.37

**Sickness Code      Description**

<b>Accident At Work</b>	<b>Accident At Work</b>
<b>Back / Neck</b>	<b>Back &amp; Neck problems</b>
<b>Chest</b>	<b>Chest / Respiratory: to include Chest infections</b>
<b>Cold / Flu / Infections</b>	<b>Cold / Flu symptoms / Infections (not chest)</b>
<b>ENT / Mouth</b>	<b>Ear / Eye / Nose / Mouth including Dental and sinusitis</b>
<b>Endocrine</b>	<b>Thyroid / Diabetes and other Endocrine Related Conditions</b>
<b>Genital - Urinary</b>	<b>Genital- urinary; including menstrual conditions</b>
<b>Heart</b>	<b>Heart / Blood pressure &amp; Circulation</b>
<b>Mental Ill Health</b>	<b>Anxiety, Depression / Stress / Mental Fatigue</b>
<b>Muscular - Skeletal</b>	<b>Musculo-skeletal problems</b>
<b>Neurological</b>	<b>Neurological; to include headache and migraine</b>
<b>Pregnancy</b>	<b>Pregnancy Related</b>
<b>Skin Conditions</b>	<b>Skin Related Conditions</b>
<b>Stomach</b>	<b>Stomach / Liver / Kidney / Digestion: including Gastroenteritis</b>

**Agenda Item No 6**

**Special Sub Group**

**11 February 2020**

**Report of the Report of the Corporate Director (Resources)**

**Recruitment & Employment of Ex-Offenders Policy & Procedure**

**1 Summary**

- 1.1 This report advises members of the background to the revised policy on Recruitment & Employment of Ex-Offenders Policy and recommends the adoption of the revised policy for the Council. The policy has been consulted on with the trade unions.

**Recommendation to the Board**

**To adopt the revised Recruitment & Employment of Ex-Offenders Policy.**

**2 Introduction**

- 2.1 North Warwickshire Borough Council aims to ensure that the Council's arrangements in respect of criminal record checking comply with relevant legislation, guidance and good practice and to communicate clearly these arrangements to ensure consistent application across the Council.
- 2.2 The Council needs to comply fully with the Disclosure and Barring Service (DBS) Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

**3 Policy Revision**

- 3.1 During 2018/19, following further clarification on DBS eligibility guidance, a review of the Council's list of posts requiring a DBS check commenced to ensure that they continue to meet the DBS eligibility requirements. The review was completed in 2019/20 and some changes / improvements have been considered, and included, in the revision of the Policy. The revised Policy, with amendments highlighted, is detailed at Appendix A.
- 3.2 An "Authorisation for DBS check form" was created and all roles across the Council have been assessed, to determine, based on the nature of the job and the risk assessment criteria for the job, whether it is appropriate to request criminal record information and if so what level of Disclosure is

required. This highlighted that certain roles previously DBS checked, did not meet the DBS eligibility requirements, and therefore, would no longer be subject to a DBS check.

- 3.3 No national guidance exists in respect of rechecking employees; however the existing Council policy is to recheck employees on a 3 yearly basis. In this regard, the Council undertook some regional benchmarking and established that it was in the minority, as most other Local Authorities do not recheck. Therefore, the revised Council policy in respect of rechecking employees, is to recheck all employees in posts working with children, that require an enhanced with child barred list DBS check, on a 5 yearly basis. All other roles will only be DBS checked on appointment.

#### **4 Report Implications**

##### **4.1 Finance and Value for Money Implications**

- 4.1.1 There is a charge to undertake a DBS check, £23 or £40 dependant on the level of check.

##### **4.2 Human Resources Implications**

- 4.2.1 As detailed in the report.

##### **4.3 Equality Implications**

- 4.3.1 As detailed in the report.

##### **4.4 Links to Council's Priorities**

- 4.4.1 Effective management of the workforce contributes to the Council's priority of making the best use of our resources.

The Contact Officer for this report is Kerry Drakeley (719300)

#### **Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>



# North Warwickshire Borough Council

## Recruitment and Employment of Ex-Offenders Policy

**January 2020**

# Contents

<b>Section</b>	<b>Title</b>
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6	Confidentiality of Information
7	Monitoring and Review of Policy
8	Communication and Training

## Appendices

1	Authorisation for DBS check form
2	Letter for Recruitment Pack – enhanced check
3	Letter for Recruitment pack – standard check
4	Letter for Recruitment pack– basic check
5	Shortened Version of Policy

## **1. Aims**

- 1.1 North Warwickshire Borough Council ('the Council') aims to ensure that the Council's arrangements in respect of criminal record checking comply with relevant legislation, guidance and good practice and to communicate clearly these arrangements to ensure consistent application across the Council. The Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure and Barring Service (DBS) check on the basis of a conviction or other information revealed.
- 1.2 The Council is committed to the protection and safeguarding of children, young people and adults at risk to whom it provides a service, by ensuring the highest integrity of those appointed to positions of trust. It is also committed to emphasising this integrity of those appointed to positions of trust by undertaking the appropriate level of criminal record check, i.e. basic, standard or enhanced.
- 1.3 The Council aims to promote equality of opportunity for all its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. The Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The Council selects all candidates for interview on their skills, qualifications and experience.
- 1.4 A policy statement on the recruitment of ex-offenders is made available to all DBS applicants at the outset of the recruitment process.

## **2. Introduction**

- 2.1 The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions that prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).
- 2.2 DBS introduced the new Update Service in line with a change in the law, which made a significant change in that Registered Bodies such as the Council, no longer receive a copy of the applicant's DBS Certificate unless the applicant subscribes to the Update Service as explained at 2.7 below. This provides the applicant with the opportunity to review and challenge any of the certificate's content before they show it to / or it is released to a registered body, the Council.
- 2.3 The Council will be able to track an application on line and will therefore know when a certificate has been posted to the applicant. The onus will be on the applicant to let the Council see the certificate before they can start work. The Council can take a copy but must not keep it longer than 6 months.
- 2.4 As the Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, candidates offered employment in a certain range of posts will be subject to a criminal record check undertaken by the DBS. This will include details of cautions, reprimands or final warnings, as well as convictions.

- 2.5 The Council will approve an appropriate number of individual officers, on behalf of the rest of the Authority, and as such they can access the Disclosure Service. The Council may in the future act as an Umbrella Organisation to assist other organisations in obtaining criminal record information.
- 2.6 The Lead Signatory for the Council will be the Corporate Director Resources and Human Resources Manager, with other officers nominated as Counter Signatories. All are able to obtain Disclosures from the DBS.
- 2.7 As a registered body the Council will be able to obtain three levels of Disclosure from the DBS and where appropriate a Status Check:

*Basic Disclosure*

- Contains information about convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.

*Standard Disclosure*

- Contains information about both spent and unspent convictions, as well as cautions, warnings and reprimands
- Relates to positions that are exempted under the Rehabilitation of Offenders Act 1974.

*Enhanced Disclosure*

- Contains the same information as the Standard Disclosure but may also contain any non-conviction information from local police records that is considered relevant.
- Relates to particularly sensitive areas of work, for example those with unsupervised contact with children and other vulnerable groups

*DBS Update Service*

- For a small annual subscription (current cost £13) applicants can have their DBS certificate kept up-to-date and take it with them from role to role, within the same workforce, where the same type and level of check is required.
  - DBS will search for criminal conviction and barring information and will update weekly.
  - When recruiting if the successful applicant is a member of the Update Service, with their permission the Council can use their current DBS certificate to carry out a free, instant online Status Check to see if any new information has come to light since its issue. This can be printed and kept for no more than 6 months. Provided the criterion laid down by the DBS are all met the Council can at this stage request a copy of the DBS certificate
- 2.8 The current cost of each Disclosure is £23 for a standard check and £40 for an enhanced check (the fee is waived for volunteers), which may be increased from time to time, and where Disclosure is a requirement of the post, the Council will bear the cost.
- 2.9 Applications must be made with the express agreement of the individual concerned and signed by both the applicant and the registered body.

### **3. Scope of the Policy**

- 3.1 This policy covers all posts within the Council that have been assessed using the "Authorisation for DBS check form" in Appendix 1, to determine, based on the nature of the job and the risk assessment criteria for the job, whether it is appropriate to request criminal record information and if so what level of Disclosure is required.

The policy covers permanent staff; temporary, agency, casual, contract and voluntary workers. **Only the successful applicants will be subject to Disclosure, not all applicants invited for interview.**

- 3.2 The policy will also be applied to staff engaged in contracted positions and to contract/partnership staff where the contract/partnership agreement with the Council specifies the requirement for a DBS disclosure for all personnel providing the contracted service/partnership activity. For the purpose of this policy all these individuals are hereafter referred to as "applicants".

*The principles of this policy will also apply in respect of the additional criminal record checking role of the Council – checking applicants to become taxi drivers.*

### **4. Application of the Policy**

#### **4.1 General**

- 4.1.1 North Warwickshire Borough Council will not discriminate on the grounds of previous criminal convictions that have no relevant bearing on the post. However, in order to protect vulnerable client groups from possible harm or abuse, North Warwickshire Borough Council will undertake specific measures to check the suitability of employees working with these groups.
- 4.1.2 As a public service charged with the responsibility for the welfare of a variety of groups within society, the Council needs to be particularly careful about the character and background of its employees and voluntary workers, whose work will bring them into contact with society in general and more specifically, children and other vulnerable groups.

#### **4.2 Existing Employees**

- 4.2.1 When an employee commits an offence resulting in a caution, reprimand, warning or conviction, the employee must notify their Line Manager of the offence. The requirement to do so is in the contracts of employment for all employees and failure to do so may result in disciplinary action being taken. It may also constitute a criminal offence.
- 4.2.2 On occasions the Police notify the Council when an employee commits an offence. In such cases the matter will be referred to the Corporate Director to determine what action to take.
- 4.2.3 Careful consideration will be given before any action is taken, with particular reference to the relevance of the conviction to the post the employee undertakes.
- 4.2.4 Where it is considered that there is a significant risk, e.g. some violent offences would be relevant to posts involving unsupervised contact with the public, the Council may consider appropriate safeguards, moving the employee to a more suitable post or, in serious instances, disciplinary action which may lead to dismissal.



- 4.2.5 In cases where a person has been employed and it is subsequently discovered that they have failed to disclose an 'unspent' conviction, a full assessment of the situation is required to determine the appropriate action that should be taken. This will include the risks involved, the relevance of the conviction to the post, the reasons for non disclosure and the probable breach to the contract of employment as a result of dishonesty.
- 4.2.6 If an employee has deliberately withheld cautions, reprimands, final warnings or conviction information, in order to gain employment, appropriate criminal and disciplinary action should be considered.
- 4.2.7 Evidence of previous convictions will not be used as an excuse to discipline or dismiss an employee for poor performance. The track record of the individual in their job role should be carefully assessed and, if it is satisfactory, this should be considered positively.
- 4.2.8 No national guidance exists in respect of rechecking employees. The Council, however, will recheck all employees in posts working with children, that require an enhanced with child barred list DBS check, every five years, unless otherwise stipulated by future guidance/legislation. Arrangements for rechecking other applicants (e.g. agency staff, those employed by partner organisations) will be built into agreements with such organisations.
- 4.2.9 Where an employee subscribes to the DBS Update Service the Council, with the employee's permission, will carry out a Status Check at the appropriate time.

### 4.3 Recruitment

- 4.3.1 At the outset of the recruitment process, the appropriate Manager, in consultation with Human Resources (HR), will use the "Authorisation for DBS check form" in Appendix 1, to determine, based on the nature of the job and the risk assessment criteria for the job, whether it is appropriate to request criminal record information and if so what level of Disclosure is required. This form should be used in conjunction with the gov.uk online DBS assessment tool.
- 4.3.2 For those positions where a DBS check is required, all job descriptions, person specifications, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position. For a standard or enhanced DBS check, the following statement should be included in adverts:

***"This post is exempted under the Rehabilitation of Offenders Act 1974 and, as such, appointment will be conditional upon receipt of a satisfactory response to a check of criminal records via the Disclosure and Barring Service, before the appointment is confirmed. This will include details of cautions, reprimands or final warnings, as well as convictions."***

For a basic DBS check, the following statement should be included in adverts:

***"Appointment to this post will be conditional upon receipt of a satisfactory response to a check of criminal records via the Disclosure and Barring Service, before the appointment is confirmed. A Basic check will be required. This will contain details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974."***

The covering letter that is issued with the recruitment pack should contain the statements outlined in either Appendix 2, 3 or 4, whichever is appropriate.

- 4.3.3 The recruitment pack should contain the policy statement. See Appendix 5.
- 4.3.4 When external recruitment agencies are used, recruiting officers must ensure that such statements are included with the job information sent to applicants if relevant to the post.
- 4.3.5 The process of requesting completion of a Declaration of Criminal Convictions and a Disclosure Application Form should be applied equally to internal and external applicants applying/being appointed to posts that have been assessed as requiring a criminal record check.
- 4.3.6 The Council will only seek criminal record information through the Disclosure process for those posts which involve access to children and vulnerable adults or are listed as Exceptions under the Rehabilitation of Offender, 1974 (Exceptions) (Amendment) Order 2001. A list of potential posts within the Council is outlined in Appendix 1, although this is not intended to be an exhaustive list.
- 4.3.7 When an applicant (even when a DBS check is not required for the post applied for) is shortlisted, and the applicant has declared an unspent conviction on the recruitment monitoring form, the HR Manager/HR Officer and the Line Manager will discuss the conviction with the applicant and risk assess against the job applied for prior to being invited to interview. The fact that a person has a criminal record is frequently irrelevant to the job they are applying for.
- 4.3.8 North Warwickshire Borough Council encourages applicants to be open and honest with regard to their criminal record information. Information provided about an individual's criminal record will be used only to assess the applicant's suitability for the job. The Council makes sure that an open and measured discussion takes place on the subject of any offences. A thorough risk assessment that is both proportionate and relevant to the position is carried out by the appropriate recruiting Line Manager and the HR Manager/HR Officer. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- 4.3.9 The Council undertakes to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.
- 4.3.10 The Council makes every subject of a DBS check aware of the DBS Code of Practice and make a copy available on request.
- 4.3.11 At interview, for roles that require a standard or enhanced DBS check, recruiters must confirm that the post is exempted under the Rehabilitation of Offenders Act 1974 and that, if successful, the candidate will be required to disclose all criminal information, including details of any 'spent' convictions, cautions, reprimands or final warnings. For roles that require a basic DBS check, recruiters must confirm that, if successful, the candidate will be required to undertake a basic DBS check, which will contain details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.
- 4.3.12 When an offer of employment is made subject to Disclosure, the person must not commence employment with the Authority until a satisfactory disclosure report has been received from the applicant or:

- The applicant has an existing Disclosure, the disclosure is at the appropriate level as required for the post in question, the applicant subscribes to the DBS Update Service and gives the Council permission to carry out a Status Check;
- The applicant is an employee of an agency worker/contractor/partner where the contract or agreement stipulates the requirement of staff to have a Disclosure, the Disclosure is at an appropriate level as required for the post in question and it is no more than 3 months from the issue date.

## **5. Relevance of Convictions**

- 5.1 Whether a person with a criminal record is suitable for employment will depend on the nature of the job and the nature and relevance of any convictions to that job.
- 5.2 Determining the relevance of convictions is not an exact science. An assessment of an applicant's skills, experience and the circumstances of the conviction(s) should be weighed against the risk assessment criteria for the job. However, it should be noted that employing people based on an application form and an interview is never risk free, irrespective of whether they have a criminal record.
- 5.3 Therefore if an applicant has a criminal record, this should be assessed in relation to the tasks he/she will be required to perform and the circumstances in which the work will be carried out.
- 5.4 The following should be considered when deciding on the relevance of an offence to a particular position (this list is not meant to be exhaustive)
- Does the post involve one to one contact with children or other vulnerable groups such as employees, customers and clients?
  - What level of supervision is the post subject to?
  - Does the post involve any direct responsibility for finance or items of value?
  - Does the post involve direct contact with the public?
  - Will the nature of the job present any opportunities for the post holder to re-offend in the place of work?
  - The seriousness of the offence and its relevance to the safety of other employees, customers, clients and property.
  - The length of time since the offence occurred.
  - Any relevant information offered by the applicant about the circumstances that led to the offence being committed, for example the influence of domestic or financial difficulties.
  - Whether the offence was a one off, or part of a history of offending
  - Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely.
- 5.5 In some cases, the relationship of the offence to the post will be clear enough for a decision to be made easily on the suitability of the applicant to the job.
- 5.6 The decision regarding a person's criminal record and their suitability for employment will rest with the **Corporate Director** and the Human Resources Manager.

## **6. Confidentiality of Information**

- 6.1 All information relating to offences must remain confidential on a need to know basis. Applicants and employees need to feel confident that details about their convictions will not be disclosed to colleagues, unless there is a specific reason for doing so.
- 6.2 The only people who should have access to the Disclosure information are the applicant; the Human Resources Section, the officers responsible for any recruitment decision (usually the Line Manager) and the relevant Counter Signatory.
- 6.3 Disclosure information is only used for the specific purpose for which it was requested and for no other purpose, as that is the only purpose for which the applicant's full consent has been given.
- 6.4 In accordance with section 124 of the Police Act 1997, Disclosure information must only be passed to those who are authorised to receive it in the course of their duties. The Human Resources Section will maintain a record of all those to whom Disclosures or Disclosure information has been revealed and the Council recognises that it is a criminal offence to convey this information to anyone who is not entitled to receive it.
- 6.5 The Human Resources Section is responsible for ensuring the safe and confidential storage of the Disclosure information received.
- 6.6 The Human Resources Section will have due regard to data protection legislation, when handling Disclosure information.
- 6.7 A Disclosure cannot be kept for more than six months. However, notwithstanding this, the Council may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique DBS certificate number of the Disclosure and the details of the recruitment decision taken. This will be retained on the employee's file with the above details added to it, but it will be treated as confidential information.
- 6.8 The actual Disclosure information must be destroyed by shredding; pulping or burning and no photocopies or other information can be kept. Again, it is the responsibility of the Human Resources section to ensure that Disclosure information is disposed of in an appropriate manner.
- 6.9 All Disclosure information must be kept securely in lockable filing cabinets, including any material awaiting destruction. Access to the stored information must be strictly controlled and limited to those who are entitled to see it as part of their duties.
- 6.10 Action may be taken against the Council should the DBS's Code of Practice not be adhered to.
- 6.11 If the Council opts in the future to act as an Umbrella organisation, it will be responsible for ensuring that organisations it acts on behalf of comply with the DBS's Code of Practice.

## **7. Monitoring and Review of Policy**

- 7.1 The provisions of this policy will be subject to regular review and as required by changes in legislation and guidance. The policy will be monitored by the Human Resources Section.

## **8. Communication and Training**

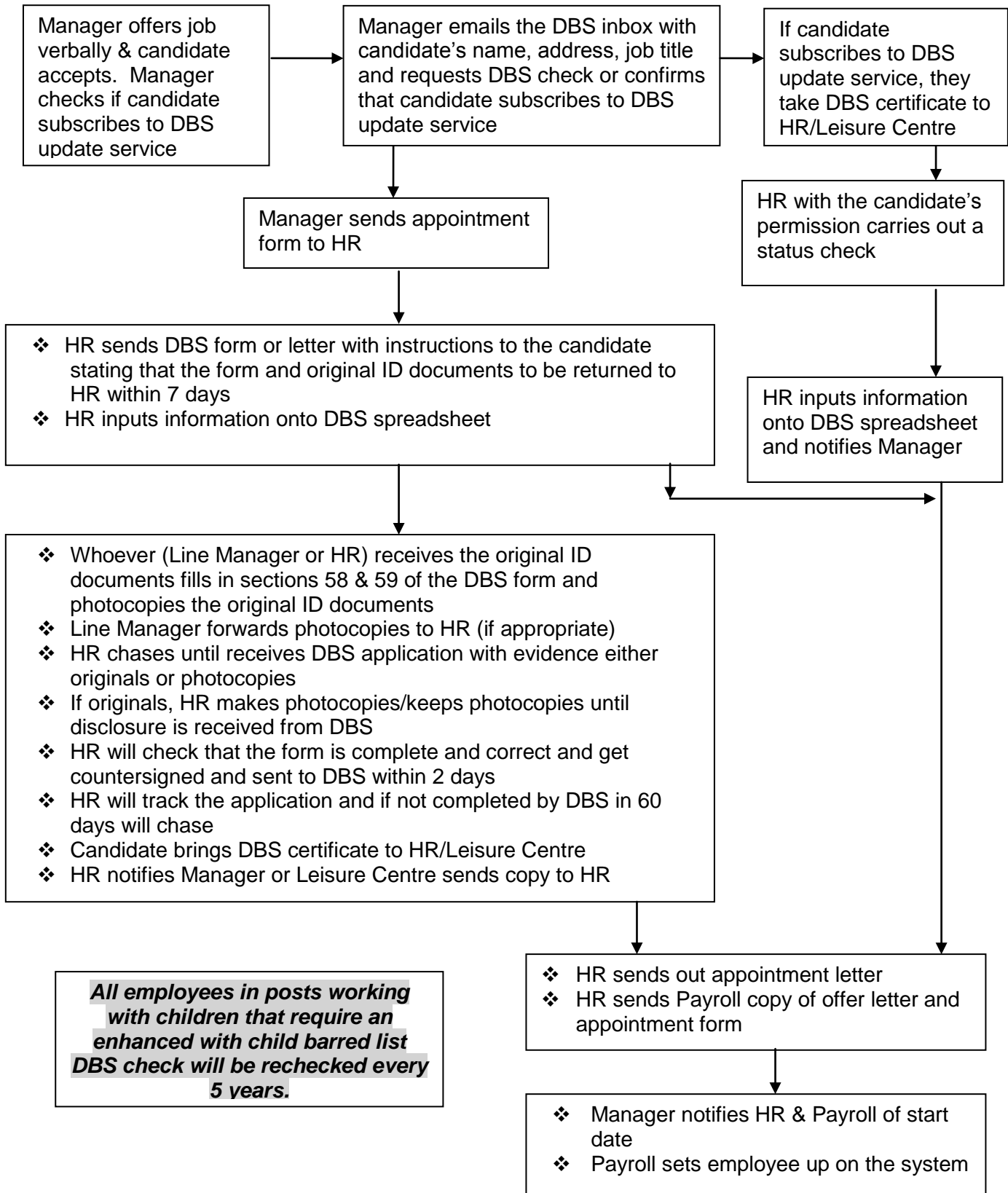
- 8.1 The provisions of this policy will be communicated to all employees of the Council, Elected Members, agency staff engaged in such positions and to contract/partnership staff where the contract/partnership agreement with the Council specifies the requirement for a DBS disclosure for all personnel providing the contracted service/partnership activity.

- 8.2 Applicants for posts subject to a criminal record check will be made aware of this policy along with criminal record check requirements at the advertisement or application stage.
- 8.3 Appropriate training or briefing will be made available to those managers involved in recruiting to posts requiring a criminal record check, Counter Signatories and to those involved in completing Disclosure Application forms.
- 8.4 Any updates will also be communicated to relevant members of staff.

## DBS Process in Recruitment for Standard or Enhanced checks

### NB

*At every stage Human Resources (HR) updates the DBS spreadsheet*



***All employees in posts working with children that require an enhanced with child barred list DBS check will be rechecked every 5 years.***

**Authorisation for post to be subject to a Disclosure and Barring check**

<b>Post:</b>	
<b>Section:</b>	
<b>Division:</b>	

	<b>Criteria:</b>	<b>Yes</b>	<b>No</b>
<b>1.</b>	Does the above post come into contact with children as part of the duties of the role?		
<b>2.</b>	If yes to question 1, is this contact on a regular basis (on more than 3 days in a 30 day period)		
<b>3.</b>	Does the post involve day to day management or supervision of a person who has regular contact with children (on more than 3 days in a 30 day period)		
<b>4.</b>	Does the above post come into contact with adults as part of the duties of the role?		
<b>5.</b>	If yes to question 4, would the post holder be carrying out any of the following duties:		
	Healthcare for adults provided by, or under the direction or supervision of a regulated health care professional.		
	Personal care for adults involving hands-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks.		
	Assistance with an adults cash, bills or shopping because of their age, illness or disability arranged via a third party		
	Assisting in the conduct of an adults own affairs under a formal appointment.		
	Conveying adults for reasons of age, illness or disability to, from, or between places where they receive health care, personal care or social work arranged via a third party.		
<b>6.</b>	Is there any other substantive reason that this post should be subject to a DBS check?		
	If yes to question 6, please use the space below to justify why a DBS is required for this role:		

<b>Post subject to a DBS check? (please circle)</b>	<b>Yes</b>	<b>No</b>
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<b>Level of DBS check required (please circle)</b>				
<b>BASIC</b>	<b>STANDARD</b>	<b>ENHANCED</b>	<b>ENHANCED &amp; BARRED CHILD</b>	<b>ENHANCED &amp; BARRED ADULT</b>

<b>Authorised by:</b>	<b>Manager</b>	<b>HR Manager/ HR Officer</b>
<b>Name:</b>		
<b>Signature:</b>		
<b>Date:</b>		

## **APPENDIX 2**

Please note that if you are offered this position, the appointment process requires you to apply for an **Enhanced level** of Disclosure with the Disclosure and Barring Service (DBS).

In applying for a Disclosure, we usually ask to see your passport and driving licence (where issued) together with one proof of address, such as a recent utility bill, a credit card statement or bank statement. If, in addition, you can provide your Birth Certificate, Marriage Certificate (where applicable) or a reference to your National Insurance Number i.e. from a P45 or P60, this will assist with the process. Additionally, you will be required to complete a Disclosure application, which will then be forwarded to the DBS.

The DBS will then check the Police National Computer records for all convictions, (including spent convictions) listed, plus details of any cautions or warnings issued. Additionally, the DBS will check information contained on a Governmental list of people on the barred list to work with children and/or adults, as well as information held by the Police.

After all checks have been carried out, the DBS will send a Disclosure to you, which will list any details obtained from those checks. You will need to bring this to the HR department at the Council before you can start work. Staff starting work at the Leisure Centres can take their certificate to the Centre Manager who will photocopy it, sign and date the photocopy stating that they have seen the original documentation and forward to HR. In the event of the DBS check highlighting information held on any of the databases accessed, HR will discuss the details with you in order to make an informed decision as to whether this affects the offer of appointment. The final decision as to whether your appointment can proceed will be made by the relevant **Corporate Director** and the HR Manager/HR Officer.

If you already hold a DBS certificate and subscribe to the DBS Update Service you will be required to bring this to the HR department at the Council and, with your permission, they will carry out a Status Check. Provided that this is satisfactory you will then be able to arrange to start work. As with a new DBS check, in the event of the Status Check highlighting information held on any of the databases accessed, HR will discuss the details with you in order to make an informed decision as to whether this affects the offer of appointment. The final decision as to whether your appointment can proceed will be made by the relevant **Corporate Director** and the HR Manager/HR Officer.



### **APPENDIX 3**

Please note that if you are offered this position, the appointment process requires you to apply for a **Standard level** of Disclosure with the Disclosure and Barring Service (DBS).

In applying for a Disclosure we usually ask to see your passport and driving licence (where issued) together with two proofs of address, such as a recent utility bill, a credit card statement or bank statement. If, in addition, you can provide your Birth Certificate, Marriage Certificate (where applicable) or a reference to your National Insurance Number ie from a P45 or P60, this will assist with the process. Additionally, you will be required to complete a Disclosure application, which will then be forwarded to the DBS.

The DBS will then check the Police National Computer records for all convictions, (including spent convictions) listed, plus details of any cautions or warnings issued.

After all checks have been carried out, the DBS will send a Disclosure to you, which will list any details obtained from those checks. You will need to bring this to the HR department at the Council before you can start work. Staff starting work in Leisure at the centres can take their certificate to the Centre Manager or the Assistant Manager who will photocopy it, sign and date the photocopy stating that they have seen the original documentation and forward to HR. In the event of the DBS check highlighting information held on any of the databases accessed, HR will discuss the details with you in order to make an informed decision as to whether or not this affects the offer of appointment. The final decision as to whether your appointment can proceed will be made by the relevant Corporate Director and the HR Manager/HR Officer.

If you already hold a DBS certificate and subscribe to the DBS Update Service you will be required to bring this to the HR department at the Council and with your permission they will carry out a Status Check. Provided that this is satisfactory you will be able to arrange to start work. As with a new DBS check, in the event of the Status Check highlighting information held on any of the databases accessed, HR will discuss the details with you in order to make an informed decision as to whether or not this affects the offer of appointment. The final decision as to whether your appointment can proceed will be made by the relevant Corporate Director and the HR Manager/HR Officer.

### **APPENDIX 3**

Please note that if you are offered this position, the appointment process requires you to apply for a **Basic level** of Disclosure with the Disclosure and Barring Service (DBS).

A basic check will contain details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974. You will need to request this for yourself and the Council will reimburse the cost following submission of the appropriate required documents.

The DBS will send a Disclosure to you, which you will need to bring to the HR department at the Council before you can start work. Staff starting work at the Leisure Centres can take their certificate to the Centre Manager who will photocopy it, sign and date the photocopy stating that they have seen the original documentation and forward to HR. In the event of the DBS check highlighting information held on 'unspent' convictions, HR will discuss the details with you in order to make an informed decision as to whether this affects the offer of appointment. The final decision as to whether your appointment can proceed will be made by the relevant Corporate Director and the HR Manager/HR Officer.

## **POLICY STATEMENT ON THE EMPLOYMENT OF EX-OFFENDERS**

### **INTRODUCTION**

North Warwickshire Borough Council has an agreed policy on the recruitment of ex-offenders which seeks to avoid discrimination against them, whilst taking the necessary checks and precautions to safeguard the welfare of our clients and service users. A copy of the full policy is available upon request.

### **SCOPE OF THE POLICY**

This policy covers all relevant posts within the Council exempted under the Rehabilitation of Offenders Act 1974. This includes permanent employees; temporary; agency; casual; contract and voluntary workers. Only the successful applicants will be subject to checks of criminal records via the Disclosure and Barring Service (DBS). However, all applicants will be required to declare whether they have any convictions on their application form.

### **APPLICATION OF THE POLICY**

The Council undertakes to treat all applicants who have a criminal record fairly and will not discriminate unfairly against job applicants on the grounds of a previous conviction or other information which is not relevant to the post applied for.

Criminal records will be taken into account for recruitment purposes only where the conviction is relevant. Therefore, unless the nature of the work demands it, candidates will not be asked to disclose convictions which are 'spent' under the Rehabilitation of Offenders act 1974. Having an 'unspent' conviction will not necessarily bar a candidate from employment. This will depend on the circumstances; relevance and background to the offence(s).

However, the Council has a duty to protect vulnerable client groups from potential harm or abuse, and to that end the Council will undertake specific measures to check the suitability of prospective employees who would work with these groups. Such measures include undertaking criminal record checks, known as Disclosures, which will be carried out by the Disclosure and Barring Service (DBS) for candidates selected to work in a certain range of posts involving contact with children, young people and adults at risk.

If a Disclosure reveals a criminal history, this will be discussed with the candidate concerned before the decision regarding appointment is made. Where there is perceived to be a reasonable risk of future misconduct, based on the relevance of past events, the selected candidate will **not** be appointed, and will be given written reasons for the decision. Where the criminal history is irrelevant and/or the risk is deemed to be minimal or manageable, the selected candidate will be appointed, subject to the approval of the Corporate Director or their delegated representative.

When an applicant (even when a DBS check is not required for the post applied for) is shortlisted, and the applicant has declared an unspent conviction on the recruitment monitoring form, the conviction will be discussed with the applicant and risk assessed against the job applied for prior to being invited to interview.

The Council undertakes to adhere to the Code of Practice issued by the Disclosure and Barring Service and all relevant legislation; a copy is available on request.