

GENERAL FUNCTIONS COMMITTEE

DATE AND TIME
WEDNESDAY 16 SEPTEMBER 2009 AT 7.00PM

VENUE
HENDON TOWN HALL, THE BURROUGHS, HENDON NW4 4BG

TO: MEMBERS OF THE COMMITTEE (Quorum 3)

Chairman: Councillor Joan Scannell (Chairman)
Vice Chairman: Councillor Mike Freer (Vice-Chairman)

Councillors:

Clare Farrier	Jeremy Davies	Lynne Hillan
Robert Rams	Ansuya Sodha	

Substitutes:

Councillors

Wayne Casey	Richard Cornelius	Anne Hutton
Monroe Palmer	Wendy Prentice	Agnes Slocombe

You are requested to attend the above meeting for which an Agenda is attached.

David Seabrooke: Democratic Services Manager

Democratic Services contact: Pauline Bagley 020 8359 2023

Press and Public Relations contact: 020 8359 7794

CORPORATE GOVERNANCE DIRECTORATE

To view Agenda papers on the website: <http://committeepapers.barnet.gov.uk/democracy>

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting please telephone **Pauline Bagley on 020 8359 2023**. People with hearing difficulties who have a text phone may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

Hendon Town Hall, NW4 4BG

ORDER OF BUSINESS

Item No.	Title of Report	Contributors	Pages
1.	MINUTES	-	-
2.	ABSENCE OF MEMBERS	-	-
3.	PUBLIC SPEAKING ARRANGEMENTS	-	-
4.	PUBLIC QUESTION TIME	-	-
5.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS	-	-
6.	ACKNOWLEDGEMENT OF PETITIONS (IF ANY)	-	-
7.	MEMBERS' ITEMS (If Any)	-	-
8.	APPOINTMENT TO OUTSIDE BODIES	DSM	1 - 4
9.	APPOINTMENT TO SCHOOL GOVERNING BODIES	DSM	5 - 15
10.	REPORT OF THE CORPORATE JOINT NEGOTIATION AND CONSULTATION COMMITTEE	DSM	16 - 18
11.	MARKET FORCES PAYMENTS: A MECHANISM FOR ADDRESSING RECRUITMENT AND RETENTION DIFFICULTIES	DR	19 - 27
12.	INDEPENDENT SAFEGUARDING AUTHORITY	DR	28 - 35
13.	TRANSFER OF A POST TO BARNET COMMUNITY SERVICES UNDER THE TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATION	DASS	36 - 39
14.	REVIEW OF THE EUROPEAN PARLIAMENTARY ELECTIONS AND BY ELECTIONS IN EDGWARE AND TOTTERIDGE WARDS HELD ON 4 JUNE 2009	DCExec	40 - 48
15.	HUMAN RESOURCES EMERGENCY CIVIL CONTINGENCY POLICY	DR	49 - 71
.	MOTION TO EXCLUDE THE PRESS AND PUBLIC:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act (as amended) shown in respect of each item:		

Item No.	Title of Report	Contributors	Pages
X1.	TRANSFER OF A POST TO BARNET COMMUNITY SERVICES UNDER THE TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATION	DASS	Pages X1 – X2

Fire/Emergency Evacuation Procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed porters. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lift. Do not stop to collect personal belongings. Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions. **Do not re-enter the building until told to do so.**

AGENDA ITEM:8

Page nos. 1 - 4

Meeting	General Functions Committee
Date	16 September 2009
Subject	Vacancies on Outside Bodies
Report of	Democratic Services Manager
Summary	The Committee are asked to consider making appointments to various Outside Bodies.

Officer Contributors	David Seabrooke – Democratic Services Manager Paul Frost – Democratic Services Officer
Status (public or exempt)	Public
Wards affected	Not Applicable
Enclosures	Appendix A – List of Vacancies on Outside Bodies
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not Applicable

Contact for further information: Paul Frost, Democratic Services, Tel: 020 8359 2205.

1 RECOMMENDATIONS

- 1.1 That the Committee make appointments to fill the vacancies shown in the attached appendix.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3 CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Corporate Plan 2009/10 – 2012/13 under More Choice, Better Value sets out the Council's commitment to "continually improving how we work to provide community Leadership, community choice and higher quality services...". Included in the key objectives:

- Improving outcomes for the community through effective partnerships.
- Enhancing and further developing corporate governance.
- Stimulating high quality democratic engagement.

4 RISK MANAGEMENT ISSUES

- 4.1 None in the context of this report.

5 EQUALITIES AND DIVERSITY ISSUES

- 5.1 All political parties have an obligation to promote equality of opportunity to our diverse communities and do so by encouraging nominations of representatives to the vacancies enclosed within the appendix. All sectors of the community are eligible for nomination to the vacancies. It is expected that all political parties promote equalities and diversities when making nominations to vacancies.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 None.

7 LEGAL ISSUES

7.1 None other than contained in the body of this report.

8 CONSTITUTIONAL POWERS

8.1 Constitution - Part 3 - 1- Allocation of Local Choice Functions - 19 - appointments will be made by the Council, with delegation to the General Functions Committee.

9 BACKGROUND INFORMATION

9.1 VACANCIES ON OUTSIDE BODIES

Appendix A lists in bold the vacancies in the Council's representation on Outside Bodies. The vacancies have arisen due to the expiration of the term of office of one of the representatives and a resignation which Appendix A outlines.

The Group Secretaries have been advised of the vacancies.

10. LIST OF BACKGROUND PAPERS

10.1 Correspondence confirming resignations from various appointments and requests for new appointments.

10.2 Anyone wishing to inspect the background papers should contact Paul Frost, Democratic Services Officer on 020 8359 2205

Legal: PL
CFO: PS

Register of Appointments and Nominations on Outside Bodies

Printed on: 19 August 2009

1. Organisation Eleanor Palmers Charity

Special Conditions:

(a) The person appointed may, but need not, be a Member of the Council and the fact that a trustee ceases to be a Member of the Council during a term of office as trustee does not affect the trusteeship.

(b) The person appointed shall through residence, occupation or employment or otherwise have special knowledge of the area of benefit, ie the former Urban Districts of Barnet and East Barnet

(c) Appointments are for four years, or for the remainder of the four year term if an appointee is replaced mid-term.

No. of Representatives: 4 (Nominative Trustees)

Current Representatives

Vac Ref

1 - Mr Joseph Messey	(Appointed 21/05/2008)	1054
<i>Period of Appointment:</i>	26/03/2009 to 26/03/2012 Member	
2 - Councillor Wendy Prentice	(Expired 08/06/2009)	1055
<i>Period of Appointment:</i>	09/11/2005 to 08/06/2009 Member	
3 - Ms Helena Davis	(Appointed 05/06/2007)	1056
<i>Period of Appointment:</i>	06/06/2007 to 06/06/2011 Member	
4 - Mr Stephen Lane	(Appointed 05/06/2011)	1057
<i>Period of Appointment:</i>	06/06/2007 to 06/06/2011 Member	

2. Organisation Fostering Approvals Panel

Special Conditions:

(a) Term of office is for three years. If a representative resigns or does not complete their term of office, the person appointed to replace that representative will serve the unexpired term of office.

(b) Representatives must be Members of the Council, one appointed from each of the main political parties.

No. of Representatives: 2

Current Representatives

Vac Ref

1 - Councillor John Hart	(Resigned 16/09/2009)	1062
<i>Period of Appointment:</i>	24/02/2009 to 24/02/2012 Member	
2 - Councillor Anne Hutton	(Appointed 24/02/2009)	1063
<i>Period of Appointment:</i>	24/02/2009 to 24/02/2012 Member	

AGENDA ITEM:9

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Meeting	General Functions Committee
Date	16 September 2009
Subject	Vacancies on School Governing Bodies
Report of Summary	Democratic Services Manager The Committee are asked to consider making appointments to various School Governing Bodies.
Officer Contributors	Chidilim Agada – Senior Democratic Services Officer Paul Frost – Democratic Services Officer
Status (public or exempt)	Public
Wards affected	Not Applicable
Enclosures	Appendix A - List of Ordinary Vacancies on School Governing Bodies
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not Applicable

Contact for further information: Paul Frost, Democratic Services, Tel: 020 8359 2205.

1. RECOMMENDATIONS

- 1.1 That the Committee make appointments to fill the vacancies shown in Appendix A.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 The report of the First Class Education and Children Overview and Scrutiny Committee on 9 March 2006, which was approved by Council on 11 April 2006, approved changes to the manner in which nominations are collected for School Governing Body vacancies. If vacancies on school governing bodies are not filled within three months, the field of candidates can be widened to incorporate applications from members of the local community, local groups and Council employees. These nominations are put forward by Governor Services according to the appointment criteria.

3 CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Corporate Plan 2009/10 – 2011/12 under More Choice, Better Value, sets out the Council's commitment to 'continually improving how we work to provide Community Leadership, Community Choice and Higher Quality Services.....'
- 3.2 Included in the key objectives:
- Improving outcomes for the community through effective partnerships.
 - Enhancing and further developing corporate governance.
 - Stimulating high quality democratic engagement.

4 RISK MANAGEMENT ISSUES

- 4.1 None in the context of this report.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 All sectors of the community are eligible for nomination to the vacancies. It is expected that all political parties promote equalities and diversities when making nominations to vacancies.

6 FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 None.

7. LEGAL ISSUES

- 7.1 None save for those contained within the body of the report.

8 CONSTITUTIONAL POWERS

- 8.1 Constitution - Part 3 - 1- Allocation of Local Choice Functions - 11 - appointments will be made by the Council, with delegation to the General Functions Committee.

9 BACKGROUND INFORMATION

9.1 VACANCIES ON SCHOOL GOVERNING BODIES

Appendix A lists (in bold) all current vacancies now needing to be filled in the Council's representation on school governing bodies. There remain a few school governing bodies, which have not yet advised us of their reconstitution plans, which may lead to a reduction in the number of Local Authority (LA) governors on those bodies. It is not proposed to fill vacancies on these bodies until the position at each school is clarified.

The table at 9.2 shows the numbers of LA governors, including those vacancies which are not presently being filled. All persons appointed will hold office for four years from the date of appointment. The Group Secretaries have been informed of the vacancies.

- 9.2 In order to reflect the political balance of the Council (as at 16 September 2009), the political balance on school governing bodies should be: -

Conservative	149
Labour	81
Liberal Democrat	24
Total	254

The current balance on school governing bodies is:-

Conservative	141
Labour	73
Liberal Democrat	16
Other (inc Education Appointments)	7
Vacancies	17
Total	254

10. LIST OF BACKGROUND PAPERS

- 10.1 Correspondence confirming resignations/disqualifications from various appointments.
- 10.2 Any person wishing to inspect the background papers should telephone Paul Frost on 020 8359 2205.

Legal: PL
CFO: PS

Register of Appointments and Nominations on School Governors
 Printed on: 07 August 2009

1. Organisation Akiva School		
No. of Representatives: 1		
Current Representatives		Vac Ref
1 - Councillor Andrew Harper	(Resigned 13/07/2009)	VP34.1
Period of Appointment:	22/11/2007 to 21/11/2010	
Conservative		

2. Organisation Annunciation RC Junior School		
No. of Representatives: 1		
Current Representatives		Vac Ref
1 - Mr Steven Blomer	(Resigned 02/10/2007)	VP.18.1
Period of Appointment:	11/01/2007 to 10/01/2011	Labour

3. Organisation Barnet Hill JMI and Nursery School		
No. of Representatives: 2		
Current Representatives		Vac Ref
1 - Mr Gordon Massey	(Expiring 17/10/2009)	P2.1
Period of Appointment:	18/10/2005 to 17/10/2009	Labour
2 - Mr Michael Ehioze-Ediae	(Appointed 16/05/2008)	P2.3
Period of Appointment:	26/03/2009 to 25/03/2013	Conservative

4. Organisation Bell Lane Primary School		
No. of Representatives: 3		
Current Representatives		Vac Ref
1 - Ms Jane Harris	(Appointed 12/06/2009)	P.26.1
Period of Appointment:	12/07/2009 to 12/07/2013	Conservative
2 - Vacant		P.26.3
Period of Appointment:		Liberal Democrat
3 - Mr J Hickman	(Appointed 12/06/2009)	P.26.4
Period of Appointment:	12/07/2009 to 12/07/2013	Conservative

5. Organisation Brunswick Park Primary School

No. of Representatives: 3

Current Representatives

Vac Ref

1 - Mr Barry Evangeli (Appointed 26/03/2009) P.10.1
Period of Appointment: 26 March 2009 to 26/03/2013
Conservative

2 - Mr Robert Pavitt (Appointed 21/06/2006) P.10.2
Period of Appointment: 01/09/2006 to 31/08/2010
Conservative

3 - **Councillor Lisa Rutter** (Expiring 08/11/2009) P.10.3
Period of Appointment: 09/11/2005 to 08/11/2009
Conservative

6. Organisation Childs Hill School

No. of Representatives: 2

Current Representatives

Vac Ref

1 - Mr Michael Angel (Appointed 26/09/2007) P.29.2
Period of Appointment: 26/09/2007 to 25/09/2011 Conservative

2 - **Mr Simon Kovar** (Expiring 30/10/2009) P.29.3
Period of Appointment: 31/10/2005 to 30/10/2009
Liberal Democrat

7. Organisation Colindale JMI School

No. of Representatives: 4

Current Representatives

Vac Ref

1 - Cllr Zakia Zubairi (Appointed 08/03/2007) P.32.1
Period of Appointment: 09/03/2007 to 08/03/2011 Labour

2 - Mr R Hubbard (Appointed 21/06/2006) P.32.2
Period of Appointment: 01/09/2006 to 31/08/2010 Conservative

3 - **Mr Nitin Parekh** (Expiring 01/11/2009) P.32.3
Period of Appointment: 02/11/2005 to 01/11/2009 Labour

4 - **Mr Christopher Randall** (Expiring 01/11/2009) P.32.4
Period of Appointment: 02/11/2005 to 01/11/2009 Labour

8. Organisation Courtland JMI School

No. of Representatives: 3

Current Representatives

Vac Ref

1 - Mr David Michael Rose <i>Period of Appointment:</i> Conservative	(Expiring 08/11/2009) 09/11/2005 to 08/11/2009	P.39.1
2 - Mr K Dyll <i>Period of Appointment:</i>	(Appointed 16/06/2008) 08/07/2008 to 07/07/2012	P.39.2 Conservative
3 - Mrs A Pottinger <i>Period of Appointment:</i>	(Appointed 11/09/2008) 11/9/08 to 10/9/2012	P.39.3 Labour

9. Organisation Danegrove Primary School

No. of Representatives: 4

Current Representatives

Vac Ref

1 - Mr John Ireton <i>Period of Appointment:</i> Democrat	(Appointed 20/09/2006) 06/06/2007 to 05/06/2011	P.07.1 Liberal
2 - Councillor Robert Rams <i>Period of Appointment:</i> Conservative	(Expiring 08/11/2009) 09/11/2005 to 08/11/2009	P.07.2
3 - Mrs Pauline Coakley-Webb <i>Period of Appointment:</i>	(Appointed 21/06/2006) 01/09/2006 to 31/08/2010	P.07.3 Labour
4 - Mr Andrew Summers <i>Period of Appointment:</i>	(Appointed 21/06/2006) 01/09/2006 to 31/08/2010	P.07.4 Labour

10. Organisation East Barnet School**No. of Representatives:** 4**Current Representatives****Vac Ref**

1 - Mr Christopher Costigan <i>Period of Appointment:</i>	(Appointed 07/12/2006) 08/12/2006 to 7/12/2010	S.04.1 Conservative
2 - Mr James Holden <i>Period of Appointment:</i>	(Appointed 08/04/2008) 07/04/2008 to 06/04/2012	S.04.2 Conservative
3 - Ms Cathy Glasman <i>Period of Appointment:</i>	(Expiring 08/11/2009) 09/11/2005 to 08/11/2009	S.04.3 Labour
4 - Councillor Fiona Bulmer <i>Period of Appointment:</i> Conservative	(Expiring 27/11/2009) 28/11/2005 to 27/11/2009	S.04.4

11. Organisation Fairway Primary School and Childrens Centre**No. of Representatives:** 4**Current Representatives****Vac Ref**

1 - Mrs Gwen Brandon <i>Period of Appointment:</i>	(Expiring 08/11/2009) 09/11/2005 to 08/11/2009	P.40.1 Labour
2 - Mr Chris Potter <i>Period of Appointment:</i> Conservative	(Resigned 14/04/2009) 26/09/2007 to 25/09/2011	P.40.2
3 - Ms Jackie Irvén <i>Period of Appointment:</i>	(Resigned 18/05/2009) 09/11/2005 to 08/11/2009	P.40.3 Labour
4 - Vacant <i>Period of Appointment:</i> Reconstituted and requires a fourth Governor	(Vacancy)	P.40.4

12. Organisation Holy Trinity CE School**No. of Representatives:** 1**Current Representatives****Vac Ref**

1 - Mr Roderick Tella <i>Period of Appointment:</i>	(Expiring 23/10/2009) 24/10/2005 to 23/10/2009	VP.06.2 Labour
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13. Organisation Livingstone Primary School**No. of Representatives:** 3**Current Representatives****Vac Ref**

- | | | |
|--|---|--------------------------|
| 1 - Mrs Sally Childs
<i>Period of Appointment:</i> | (Appointed 11/09/2008)
11/9/08 to 10/9/2012 | P.06.1
Conservative |
| 2 - Ms Rosalind Maira
<i>Period of Appointment:</i> | (Appointed 21/06/2006)
01/09/2006 to 31/08/2010 | P.06.2
Conservative |
| 3 - Mrs Elizabeth Pearson
<i>Period of Appointment:</i> | (Expiring 07/11/2009)
08/11/2005 to 07/11/2009 | P.06.4
Labour |

14. Organisation Manorside JMI School**No. of Representatives:** 3**Current Representatives****Vac Ref**

- | | | |
|--|---|--------------------------|
| 1 - Ms I Westbrook
<i>Period of Appointment:</i>
Conservative | (Expired 13/09/2009)
04/11/2005 to 13/09/2009 | P.21.1 |
| 2 - Ms Jane Moore
<i>Period of Appointment:</i> | (Appointed 12/06/2009)
12/06/2009 to 12/06/2013 | P.21.2
Labour |
| 3 - Mr K Turner
<i>Period of Appointment:</i> | (Expiring 23/10/2009)
24/10/2005 to 23/10/2009 | P.21.3
Labour |

15. Organisation Mapledown School**No. of Representatives:** 2**Current Representatives****Vac Ref**

- | | | |
|---|---|-------------------|
| 1 - Mr Suraj Sehgal
<i>Period of Appointment:</i>
Conservative | (Expiring 11/09/2009)
12/09/2005 to 11/09/2009 | SP.01.1 |
| 2 - Councillor Ansuya Sodha
<i>Period of Appointment:</i> | (Appointed 21/06/2006)
01/09/2006 to 31/08/2010 | SP.01.3
Labour |

16. Organisation Moss Hall Infant School

No. of Representatives: 3

Current Representatives

Vac Ref

- | | | |
|--|--|-------------------|
| 1 - Miss Farima Hasan
<i>Period of Appointment:</i>
Labour | (Resigned 22/05/2009)
19/05/2008 to 18/05/2012 | P.18a.1 |
| 2 - Ms Kim Zeital
<i>Period of Appointment:</i> | (Expired 28/06/2009)
29/06/2005 to 28/06/2009 | P.18a.2
Labour |
| 3 - Mr Nat Dawbarn
<i>Period of Appointment:</i> | (Appointed 07/12/2006)
08/12/2006 to 07/12/2010 | P.18a.3
Labour |

17. Organisation Northside Primary School

No. of Representatives: 3

Current Representatives

Vac Ref

- | | | |
|--|--|------------------------|
| 1 - Councillor Ross Houston
<i>Period of Appointment:</i> | (Appointed 08/03/2007)
09/03/2007 to 08/03/2011 | P.17.1
Labour |
| 2 - Ms M Lawson
<i>Period of Appointment:</i> | (Expiring 13/09/2009)
24/10/2005 to 13/09/2009 | P.17.2
Labour |
| 3 - Ms Margaret Pond
<i>Period of Appointment:</i> | (Appointed 12/06/2013)
12/06/2009 to 12/06/2013 | P.17.4
Conservative |

18. Organisation Oak Lodge School

No. of Representatives: 3

Current Representatives

Vac Ref

- | | | |
|---|--|-------------------|
| 1 - Mr G Kirby
<i>Period of Appointment:</i>
Conservative | (Appointed 20/12/2005)
03/01/2006 to 02/01/2010 | SP.04.1 |
| 2 - Councillor Alison Moore
<i>Period of Appointment:</i> | (Resigned 14/08/2009)
03/01/2006 to 02/01/2010 | SP.04.2
Labour |
| 3 - Ms Mary Phillips
<i>Period of Appointment:</i>
Conservative | (Resigned 14/04/2009)
09/07/2006 to 08/07/2010 | SP.04.3 |

19. Organisation Queen Elizabeths Girls School**No. of Representatives:** 4**Current Representatives****Vac Ref**

- | | | |
|---|--|-------------------------|
| 1 - Mr Stephen Sowerby
<i>Period of Appointment:</i> | (Expiring 08/11/2009)
09/11/2005 to 08/11/2009 | S11.1
Conservative |
| 2 - Ms Kathy Levine
<i>Period of Appointment:</i> | (Expiring 08/11/2009)
09/11/2005 to 08/11/2009 | S11.3
Labour |
| 3 - Ms Val Duschinsky
<i>Period of Appointment:</i> | (Appointed 13/06/2009)
12/06/2009 to 12/06/2013 | S11.4
Not applicable |
| 4 - Councillor Bridget Perry
<i>Period of Appointment:</i> | (Appointed 07/12/2006)
08/12/2006 to 07/12/2010 | S11.5
Conservative |

20. Organisation The Martin Primary School**No. of Representatives:** 4**Current Representatives****Vac Ref**

- | | | |
|--|--|-------------------------|
| 1 - Miss Pamela Walker
<i>Period of Appointment:</i> | (Appointed 25/09/2007)
15/10/2007 to 14/10/2011 | P.20d.1
Conservative |
| 2 - Mr Graham Bird
<i>Period of Appointment:</i> | (Resigned 04/12/2008)
15/10/2007 to 14/10/2011 | P.20d.2
Conservative |
| 3 - Ms Catrin Dillon
<i>Period of Appointment:</i> | (Appointed 25/09/2007)
15/10.2007 to 14/10/2011 | P.20d.3
Labour |
| 4 - Ms Victoria Louise Langer
<i>Period of Appointment:</i> | (Appointed 11/09/2008)
11 September 08 to 10/9/2012 | P.20d.4
Labour |

21. Organisation St Johns CE Primary N11 - Amlagamated with St Marys CE Junior**No. of Representatives:** 2**Current Representatives****Vac Ref**

- | | | |
|--|---|-------------------------|
| 1 - Mrs Eileen Botham
<i>Period of Appointment:</i> | (Resigned 25/06/2009)
17/02/2008 to 16/02/2012 | VP.32.1
Conservative |
| 2 - Mr Gareth Knight
<i>Period of Appointment:</i> | (Resigned 25/06/2009)
09/11/2005 to 08/11/2009 | VP.32.2
Conservative |

22. Organisation St Josephs RC Infant School			
No. of Representatives: 1			
Current Representatives			Vac Ref
1 - Mr Peter Greenhill	(Resigned 07/08/2009)	VP.17.1	
Period of Appointment:	08/12/2006 to 07/12/2010	Liberal Democrat	

23. Organisation Summerside Primary School			
No. of Representatives: 2			
Current Representatives			Vac Ref
1 - Mr Reuben Thompstone	(Expiring 08/11/2009)	P.16.1	
Period of Appointment:	09/11/2005 to 08/11/2009	Conservative	
2 - Councillor Geoffrey Cooke	(Appointed 25/04/2006)	P.16.2	
Period of Appointment:	25/04/2006 to 24/04/2010	Labour	

24. Organisation Underhill Infant School			
No. of Representatives: 2			
Current Representatives			Vac Ref
1 - Councillor Anita Campbell	(Expiring 28/09/2009)	P.1a.1	
Period of Appointment:	29/09/2005 to 28/09/2009	Labour	
2 - Cllr Duncan Macdonald	(Expiring 13/09/2009)	P.1a.2	
Period of Appointment:	29/09/2005 to 13/09/2009	Liberal Democrat	

25. Organisation Woodridge Primary School			
No. of Representatives: 2			
Current Representatives			Vac Ref
1 - <i>Maria Paschali</i>	(Resigned 07/03/2009)	P.19.1a	
Period of Appointment:	08/03/2006 to 26/03/2010	Conservative	
2 - <i>Ex Councillor Caroline Margo</i>	(Resigned 21/03/2009)	P.19.3	
Period of Appointment:	01/09/2006 to 31/08	Conservative	

**REPORT OF THE CORPORATE JOINT NEGOTIATION
AND CONSULTATION COMMITTEE**

2 JUNE 2009

Committee:

- *Councillor Lynne Hillan (Chairman)
- *Paul Coles (Vice-Chairman)

<u>Employer's Side</u>	<u>Employees' Side</u>	
Councillors		
* Fiona Bulmer	Daniel O'Connell	} GMB
* Jack Cohen	* Colin Petrie	
* Geof Cooke	Chris Ward	
* Jeremy Davies		} UNISON
* Anthony Finn	* John Burgess	
* Mike Freer	Helen Davies	
* Andrew Harper	Adam Elkington	
Linda McFadyen	* Alloysius Frederick	
* Brian Salinger	Tracey Lowe	
* Joan Scannell	* Angus Mackay	
* Alan Schneiderman	* Maggi Myland	
* Ansuya Sodha	* Susan Timthong	} NUT NASUWT ATL NAHT ASCL VOICE
* Daniel Thomas	* Anne Brown	
* Jim Tierney	* Keith Nason	
	* Alan Homes	
	* Liz Bridges	
	Dee Oelman	
	Geoffrey Thompson	
	* Michael Saddler	

Advisers in accordance with paragraph 4.1 of the Constitution

Jacque McGeachie (Human Resources)

*denotes Member present

\$denotes Member absent on Council business

1. APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Chris Ward, Helen Davies, Adam Elkington and Tracey Lowe, Dee Oelman and Geoffrey Thompson.

2. DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS (Agenda Item 2)

Councillor Jack Cohen declared a personal interest as he was both a member and a national representative of a Union, but one which had no involvement with the any items of business for the meeting.

3. MINUTES OF THE CORPORATE JOINT NEGOTIATION AND CONSULTATION COMMITTEE MEETING HELD ON 23 MARCH 2009 (Agenda Item 3.1)

RESOLVED – That the minutes of the meeting of the Corporate Joint Negotiation and Consultation Committee held on 23 March 2009 be approved.

ITEM 10

4. MATTERS ARISING FROM THE MINUTES OF THE CORPORATE JOINT NEGOTIATION AND CONSULTATION COMMITTEE MEETING HELD ON 23 MARCH 2009 (Agenda Item 4)

There were no matters arising from the minutes.

5. REPORT OF THE EMPLOYER'S SIDE (Agenda Item 5)

5.1 UPDATE REPORT (Agenda Item 5.1)

The Secretary to the Employer's Side informed the Committee that there were a number of typographical errors on the report. The errors were as follows:

- ❖ 9.3 a) of the report should state that the dates of all future JNCC meetings are now on the Council's HR intranet page;
- ❖ 9.4 heading should state managing change process with the play team configuration; and
- ❖ 9.6 should state HR and the Trade Unions have met and agreed the need to review the Job Evaluation Policy in order to try and address the level in the job evaluation scheme for the use of laptops and other portable devices.

RESOLVED – That the report as amended be noted.

6. REPORT OF THE EMPLOYEES' SIDE (Agenda Item 6)

Consultancy / Agency data

The Secretary to UNISON requested that the collated data be more accurate and consistent and that the new management information data be provided at local JNCCs and the next meeting of the Corporate JNCC.

Reply / Action:

The Secretary to the Employers Side agreed to table the new management information data at local JNCCs and the next meeting of the Corporate JNCC.

Employability Course

The Secretary to UNISON requested that the free employability course offered by the Employee's Side at the last Corporate JNCC be offered to staff facing redundancy.

Reply / Action:

The Secretary to the Employers Side replied that the employability course will be discussed at a meeting with the Trade Unions on 8 June. It was hoped that following this meeting a joint paper will be produced and brought to the next meeting of the Corporate JNCC.

Trade Union reports to Committees

The Secretary to UNISON requested that the Trade Unions be consulted within the report clearance structure of all committee reports that have staffing implications as some of their reports had not been accepted by Chairman at Committee. The Trade Unions felt that this was possible as they were consulted on all delegated powers reports that had staffing implications.

The Employers Side felt that Democratic Services Manager should investigate whether it was possible to include the Trade Unions in the report clearance process for those reports that had staffing implications.

ITEM 10

Reply / Action:

The Secretary to the Employers Side replied that the Trade Unions should meet the Democratic Services Manager to discuss their concerns.

The Future Shape of the Council

The Secretary to UNISON felt that Trade Unions needed to be fully positively involved in the process and consultation on the Future Shape. The Trade Unions as stakeholders in the process were unaware of what was happening and that there had been no discussions about staffing issues.

Reply / Action:

The Executive Director of Organisational Development and Change responded by stating that:

- most of the work of the working groups and the Future Shape generally was on the internet;
- the Trade Unions were aware that if they had any queries that he was available to meet with them;
- the Trade Unions could attend working groups to put forward their views; and
- discussions on staffing issues such as TUPE and pensions was premature as nothing had been agreed.

The Employers Side said that the Trade Unions would have access to the report going to Cabinet after it had been signed off by the individual Cabinet Members.

Nursery Nurse re-grading

The Secretary to UNISON stated that the Unions had recommended to their members to accept the re-grading in the ballot that closes on 5 June.

Code of Practice on workforce matters

The Secretary to UNISON was concerned that the agreed TUPE arrangements for those cleaning and meals at home staff was not being adhered to.

Reply / Action:

The Secretary to the Employers Side replied that the relevant Officer who monitors the contract would investigate whether the agreed TUPE arrangements were being followed. It was also agreed to see whether the Council were able to do anything about the rates of pay for those staff who were not under the TUPE arrangement.

RESOLVED – That the action taken in respect of the issues detailed in the report be noted.

7. ANY OTHER URGENT ITEMS AGREED BY BOTH SIDES (Agenda Item 7)

There were no urgent items agreed by both sides other than the Employee's Side reports that had been tabled and taken in conjunction with earlier items of business.

The meeting ended at 7:53pm

AGENDA ITEM: 11

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Meeting	General Functions Committee
Date	16 September 2009
Subject	Market Forces Payments: A Mechanism for Addressing Recruitment and Retention Difficulties
Report of	Director Of Resources
Summary	This report seeks approval for the use of Market Forces Payments as a means of targeting additional salary at those job families and roles which have fallen behind the relevant market.

Officer Contributors	Jacque McGeachie, Belinda Adams, Tony Lampert
Status (public or exempt)	Public
Wards affected	Not applicable
Enclosures	Appendix A
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable

Contact for further information: 020 8359 7952

1. RECOMMENDATIONS

- 1.1 That a system of Market Forces Payments be introduced to enable Barnet Council to remain competitive in those areas where salaries lag behind the labour market.
- 1.2 That Market Forces Payment system is piloted for a period of up to 12 months within Safeguarding and Social Care Division, and for other Social Work professionals in the Children's Service, where rates have fallen behind the London labour market.
- 1.3 That any costs arising from Market Forces Payments must be contained within existing Service budgetary provision
- 1.4 That the Director of Resources is instructed to report back to this committee following this pilot with a recommendation on how to take forward this initiative.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 One of our key priorities is to offer the residents "More Choice, Better Value". This priority will only be delivered if we are able to recruit and retain employees with the skills needed to deliver high quality service to our customers. The proposal to introduce a system of Market Forces Payments is designed to ensure that the Council has available a mechanism for addressing particular labour market difficulties in a fair and consistent manner.
- 3.2 Another of our key priorities is "A Bright Future for Children and Young People". The recommendation that the Market Forces Payments system is piloted in Safeguarding and Social Care Division is intended to ensure that we are able to compete in the labour market for the social workers and social work managers needed to ensure that we deliver on this priority.

4. RISK MANAGEMENT ISSUES

- 4.1 The proposed Market Forces Payments system is intended to remove the risk of not being able to recruit suitably qualified and experienced employees, needed to deliver high-quality services to the people of Barnet.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Market Forces Payments system would be available to all departments within the Council and therefore, provided it is consistently applied, such payments would not be subject to challenge on Equal Pay/Equal Value grounds.

- 5.2 The Reward Manager within HR would ensure that equality considerations are taken into account before approving any awards of Market Forces Payments.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

Finance

- 6.1 Agreement of proposals for Market Forces Payments will be on the basis that each Department can contain the payments within Service or Department budgets. Proposals submitted will need to outline in detail how the overall recruitment and pay costs will be met. Where it is deemed additional resources will be required to support Service challenges and release sufficient funds to enable the Service to proceed; a subsequent growth bid will need to be submitted via the appropriate channels. Final agreement of the proposals will be subject to formal approval of the bid.

Staffing

- 6.2 It is proposed that this scheme is piloted in Safeguarding and Social Care and for other Social Work professionals within the Children's Service where the recruitment and retention pressures have intensified over the recent months. Despite the scheme being piloted in Safeguarding and Social Care, it is intended that this should be form the basis of a corporate scheme, subject Committee approval.
- 6.3 The full staffing implications and scheme details are set out in Section 9 below.
- 6.4 Initial exploratory discussions have taken place with the trade unions. Full consultation with staff and unions on the scheme and its implementation will take place, subject to agreement of this report.

7. LEGAL ISSUES

- 7.1 As an employer and a public body, the Council has a duty to work towards the elimination of discrimination of all forms. It is critical that the application of this policy is achieved mindful of this obligation and the proposal for the Rewards Manager to have consideration to equality is will be key in the event the Council is required to objectively justify pay inequalities.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution Part 3 -Responsibility for Functions – 2 – Responsibility for Council Functions - General Functions Committee discharges Council functions not reserved to Council including staff matters.

9 BACKGROUND INFORMATION

- 9.1 The use of Market Forces Payments is widespread in Local Government and reflects the fact that while the job evaluation systems in place perform a useful task in capturing the hierarchy and assigning workable salary ranges for the majority of roles, in some cases labour markets dictate rates of pay with which job evaluation systems and subsequent assignment to pay ranges cannot match.
- 9.2 Short of adopting a job family approach to assigning pay ranges – which would enable a common grading system with pay ranges assigned individually to job families, a major endeavour and one which may prove unmanageable in an organisation with our level of complexity – the use of Market Forces Payments is a means of maintaining the integrity of a common grading structure, and yet targeting additional salary at those job families and roles which have fallen behind the relevant market.
- 9.3 The chief advantages of Market Forces Payments are that they enable an employer, quickly and efficiently, to make “top-up” payments to roles which demonstrably lag behind the relevant labour market. The award of such payments does not distort the job evaluation systems in place, but merely recognises that “at this point in time” the pay of a particular group of employees requires a degree of enhancement in order to remain competitive.
- 9.4 Such payments are, by their very nature, intended to be temporary and subject to regular review. It is not uncommon for labour markets to regularise – temporary fluctuations in supply and demand may create pressures which ease over time (as demand falls and/or supply increases, or employers take medium to long term actions to combat such pressures, for example by altering the supply side of the labour market equation by introducing fast-track development initiatives, etc.).
- 9.5 However, one of the biggest disadvantages of introducing Market Forces Payments is that they may contribute to the overheating of the labour market and therefore exacerbate the ratcheting-up effect. This may “embed” such payments for longer than originally intended, particularly if longer-term efforts to increase supply do not have the desired effect.
- 9.6 Notwithstanding the above, it is also difficult for employers to remove such payments on the grounds that employees come to expect these as continuing additions to pay. Hence the draft policy (attached at Appendix A), makes very clear that the addition would be temporary and could be increased, reduced or removed at any point after three months’ notice by Barnet Council.
- 9.7 Appendix A suggests a policy and associated procedures to enable the Council to operate Market Forces Payments with a degree of control over the risks highlighted above. The key points to note are:

- The proposal suggests the need for strict evidence requirements to support managers' claims that posts are lagging behind a particular labour market(s).
- The Reward Manager within HR would assume responsibility for managing the Market Forces Payments process
- Market Forces Payments would only be awarded following a Job Evaluation exercise, which would determine whether posts are assigned to the correct Barnet 4-point scale
- Market Forces Payments would be awarded for a maximum of one year, and would be reviewed prior to the end of the award period
- That review could result in no change, an increase, a decrease or the removal in its entirety of the Market Forces Payment (subject to serving three months' written notice)
- The award of a Market Forces Payment would be treated as a contractual variation; a suggested form of words is included in the proposed policy

9.8 Management in Safeguarding and Social Care Division have recently voiced their concerns that pay levels in Barnet have fallen behind the London market. Research findings from London Councils would appear to back this up.

9.9 A number of roles within the service are being reviewed under the job evaluation scheme which indicates some scope for regrading.

9.10 The proposals will see some improvement in market position.

9.11 For certain posts, such as Service Managers, the scope for regrading is limited but salary levels remain adrift of the market. This is a cause of considerable concern to management in the area, who believe that a response is urgently required.

9.12 Therefore it is proposed that because this issue is current within Safeguarding and Social Care Division and because the particular circumstances within this area appear to fulfil the criteria for consideration of a Market Forces Payment, that Market Forces Payments is piloted within this area.

9.13 The purpose of the pilot will be to assess the effectiveness of the scheme, in consultation with staff and trade unions. At the end of the pilot a recommendation will be brought back to this committee based on the lessons learnt from the pilot. It is anticipated that the scheme will be piloted for a period of up to 12 months.

10. LIST OF BACKGROUND PAPERS

10.1 Proposed Market Forces Payments Policy – Appendix A

Legal:PL
CFO:JO

PROPOSED MARKET FORCES PAYMENTS POLICY

Introduction

Our pay scales may on occasions fail to attract suitable candidates to specific jobs because of fluctuations in labour market demand. In addition, existing employees may leave to join other employers offering the 'market rate' for the job.

When this occurs the manager may consider requesting a market forces payment to top up the approved basic rate for the job.

Application

Market forces payments are awarded on an individual needs basis and only to jobs warranting their award, which will be determined by external market forces. They cannot be awarded to meet the needs of any other circumstance (see legal considerations, below). In order to properly reflect the marketplace, which fluctuates from time to time, market forces payments **must** be awarded for a maximum period of 12 months at any one time. They must then be properly reviewed annually to ensure payment is still applicable.

The level of payment is reviewed on an annual basis. Following review, it may remain the same, be reduced, increased or removed as market forces dictate. Any reduction in the annual payment, including its removal, will be subject to three months' written notice to the employee.

Recommendations for market forces payments should be forwarded to the Reward Manager in HR for consideration. Payment is made from directorate salaries' budgets.

In deciding to recommend a market forces payment, managers should recognise that there may be pay implications for existing employees working alongside and performing work of a similar level to those in receipt of a market forces payment. All market rate supplements should therefore be approved by HR.

Market Research

The market research to determine whether a market forces payment should be applied should be conducted by the Reward Manager in HR, with support and advice from local Business Partners as appropriate.

To enable the Reward Manager to conduct market research, the line manager will supply job descriptions and an organisation chart showing how the job relates to others in the directorate.

The Reward Manager will refer in the main to data supplied by London Councils and other Local Government employers' associations to determine how posts stand in relation to labour markets. However, the Reward Manager may from time to time

recommend that other data sources are relevant, e.g. other reputable salary surveys. Any costs involved in sourcing such data will be met by the requesting line manager after consultation with the Reward Manager.

The Reward Manager will advise on the appropriate level of market forces payment to be paid.

The Reward Manager will lead on the annual review of such payments.

Payment of market forces payment

Market forces payments will be non-consolidated and non-pensionable.

The payments will be pro-rated based on the full time equivalent percentage of salary.

They will be subject to payment in two instalments, the first occurring in the next-available payroll 6 months after the level of payment is agreed, the second 12 months later. Payments should always be paid in arrears.

Market forces payments must not be backdated.

If an employee leaves the Council's employment on a date before the payment is due, he/she will receive a pro-rata element of that payment.

Any market forces payment will require authorisation via a Delegated Powers Report, when this payment falls below 15% of the maximum of the substantive grade. The Delegated Powers Report, to be completed by the local line manager with the input of the Reward Manager.

If the Reward Manager recommends a market forces payment which equates to or exceeds 15% of the scale maximum, then this will require authorisation by means of a report to the General Functions Committee. The Reward Manager will take responsibility for preparing and presenting such papers.

Legal considerations

In awarding a market forces payment, the Reward Manager and the local line manager will be mindful of the Equal Pay Act, 1970. This Act permits all employees to claim equal pay for:

- like work
- equivalently rated work
- work of equal value.

An employee may bring a claim before an Employment Tribunal.

Variations in pay because of 'market forces' and the 'state of the employment market' may be valid reasons for increasing the pay of a particular job in order to attract applicants. Particular care must be taken, where, for example, for similar or

equivalently rated jobs under the Council's job evaluation scheme, less is paid. The equal pay legislation requires an employer to justify pay differentials such that, not only must the greater pay of a comparator be justified on grounds other than gender, but the lesser pay of the comparator must also be justified. The use of market forces as a defence to any equal pay claim will be particularly carefully scrutinised by an Employment Tribunal.

It is therefore stressed that market forces payments may only be used for their stated purpose and no other; in any defended claim the Council would have to demonstrate objectively that the payment was being paid to reflect market forces and the state of the employment market.

The Reward Manager **will not** support any claim for market forces payments if he/she believes that they are not warranted by market data and if he/she believes that awarding a market forces payment will expose the Council to risk of an Equal Pay claim.

NB Market supplements are not applicable to teachers. Increments to attract and retain teachers may, however, be awarded under the terms of the Schoolteachers Pay and Conditions Document.

The role of the Reward Manager

The Reward Manager will

- perform market research and make recommendations on levels of market forces payments
- assist the local line manager to draft the required Delegated Powers Report which will authorise the award of the payment
- confirm in writing with the employee the conditions under which a market forces payment is awarded and its level. This must stress that the payment can be withdrawn or amended at the sole discretion of the Council on the giving of three months' written notice. It should also be further stated that such a change will not constitute a termination of the employment contract.:
- establish processes which ensure the level of market forces payments awarded to individual employees is annually reviewed
- record separately market forces payments being paid in order that the Council is able to determine those jobs normally attracting such payments
- advise employees in receipt of market forces payments of any changes in payment, following annual review
- be aware of what is happening with similar jobs elsewhere in the Council. It should be borne in mind that in law the Council is one body and therefore applicants under the Equal Pay Act may make comparisons across directorates.

Suggested wording for contractual change on the award of a market forces payment

Additional paragraphs to be added to the contract of employment when the employee is awarded a market forces payment:

'For the time being you will be paid a market forces payment of £XX in recognition that your basic salary within your approved grade does not currently reflect the appropriate market rate for the work you perform. This payment is awarded on an annual basis, payable in two six-monthly instalments and will be reviewed on or about the annual anniversary of this contract of employment. After review, and at the complete and sole discretion of the Council, the level of market forces payment may be increased, decreased or may even be withdrawn. If it is reduced or withdrawn you will be given three months' notice; any such reduction or withdrawal will not amount to a breach of this contract, it being in accordance with the contract.'

AC July 2009

AGENDA ITEM: 12

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Meeting	General Functions Committee
Date	16 September 2009
Subject	Independent Safeguarding Authority
Report of	Director of Resources
Summary	This report sets out how the new Independent Safeguarding Authority (ISA) is likely operate and considers the main implications for and actions required by the Council to ensure preparedness for implementation.
Officer Contributors	Tony Lampert – Human Resources
Status (public or exempt)	Public
Wards affected	All
Enclosures	
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not Applicable

Contact for further information: Tony Lampert – Human Resources. Telephone 020 8359 7882

1. RECOMMENDATIONS

1.1 That the Director of Resources be instructed to put in place the necessary measures to achieve full compliance with the requirements of the new Independent Safeguarding Authority (ISA) (set out in section 9.22 of this report).

1.2 That the costs of ISA registration be funded from individual Service budgets

1.3 That employment contracts include an express obligation on all staff to notify their Head of Service/Head Teacher if they are charged, convicted or cautioned for a criminal offence during their employment contract.

1.4 That where necessary employment contracts include an express provision requiring employees to maintain annual membership of relevant regulatory bodies essential to practice in the profession, such as General Teaching Council (GTC) for all Teachers and General Social Care Council (CSCC) for Social Workers as a condition of their employment subject to the normal consultation process.

1.5 That the Council continue to act as Umbrella Body to local organisations, such as the voluntary sector, for purposes of processing CRB checks and the new ISA registration, subject to recovery of administration costs.

2. RELEVANT PREVIOUS DECISIONS

2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 A Bright Future for Children and Young People – priority improvement initiative to ensure children are safe at home, safe at school and safe in the community.

3.2 Promoting Independence – ensuring that there are effective safeguarding arrangements in place for vulnerable adults.

4. RISK MANAGEMENT ISSUES

4.1 The key objective of the ISA is to reduce the risk of the Council employing staff and other workers who may pose a risk to children and vulnerable adults.

4.2 Failure to introduce the vetting and barring procedures referred to in this report could place children and vulnerable adults at risk and leave the Council open to criminal and civil sanctions. This risk will be managed by ensuring that there are robust systems, procedures and monitoring mechanisms in place.

4.3 There is a potential risk that following any appointment a new employee may be charged, convicted or cautioned for a criminal offence that renders them unsuitable to continue to work in the post. If the criminal offence falls below the threshold applied by the Vetting and Barring Board where the individual is debarred from particular spheres of work, the Council would not normally find out about this until a further Criminal Records Bureau (CRB) check is requested. This risk can be ameliorated by the imposition of a contractual obligation on all staff to report to their head of service or head teacher any charge, conviction or caution and that failure to do so may result in

disciplinary action.. It is proposed that the SAP system will continue to be employed as the management tool for monitoring and reporting on CRB re-checks.

- 4.4 Some officers who belong to professional bodies such as teachers and social workers are required to maintain registration with their professional and regulating bodies, such as the GTC and the GSCC. There is an inherent risk to the Council that officers may fail to keep up to date such registration and that such failure places the Council at risk of legal challenge and potentially criminal and civil penalties. This risk will be managed by employing the SAP system as the Council's tool for monitoring and reporting on the maintenance and renewal of membership of relevant professional and regulatory bodies.
- 4.5 There is a risk that the cost of ISA registration may prove prohibitive and may consequently discourage candidates from applying to work for Barnet in what are some of the most difficult to recruit areas of work. In the context of the costs of recruiting new staff, ISA registration is very small part and it is therefore proposed that the cost of obtaining such registration be met by services and schools in the same manner as the Criminal Record Bureau vetting process.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 These proposals directly affect staff working with specific vulnerable sections of the community which rely on the Council for various services. The Council has a responsibility in ensuring equality for some of these groups such as people with disabilities. The Council provides a wide spectrum of services to a diverse community and equalities is integral to the provision. The proposals contained in this report further strengthen the safeguarding practices affecting some of the most vulnerable groups within the community.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability) Staffing Implications

Staffing Implications

- 6.1 The principal objective of the ISA is to improve the safeguarding of children and vulnerable adults through vetting and exclusion of staff, volunteers and other workers and ensuring the exclusion of certain individuals from undertaking such work. Details of how the system will operate are set out for the Committee under Section 9 below.
- 6.2 From November 2010, people applying to work with children or vulnerable adults, termed as "Regulated" or "Controlled Activity" (explained at 9.5 below), will have to register with the ISA before being allowed to start work. The procedure for registration or the checking of registration will be built into the Council's recruitment procedures. Candidates will have to comply with the new procedures. It will be a criminal offence for someone to apply for work with children or vulnerable adults knowing that they are on a barred list maintained by the ISA.
- 6.3 In certain circumstances it will become unlawful for staff to commence work without obtaining the appropriate registration. It may be the case that this requirement might

occasion some delays in appointments and will therefore have to be closely managed by the heads of the relevant service areas.

- 6.4 It is proposed that ISA registration for existing staff will be phased in over a 5 year period from January 2011. It is not anticipated that existing staff will experience significant difficulty with the registration process. In very exceptional circumstances, an existing member of staff may be debarred by the ISA from working with Children or Vulnerable adults which may affect the continuation of their employment. In such circumstances, such an employee will be dealt with under the Council's appropriate formal procedures.
- 6.5 In order to minimise risk to children and vulnerable adults it is proposed that all Council contracts of employment include an express obligation on staff to notify their head of service/ head teacher at the earliest opportunity of any charge, conviction or caution for a criminal offence and of any matters of registration which may affect the continuation of their employment. In accordance with employment law these changes to the terms and conditions of employment will be undertaken following detailed consultation with workplace representatives which process has already commenced.
- 6.6 The ISA also places responsibilities on the regulatory bodies such as GTC and GSCC to report to the ISA any professional misconduct and to receive and consider any referral of professional misconduct from employers such as local authorities. It is currently the practice that all qualified teachers have to maintain their registration with the GTC and for social work staff to maintain registration with the GSCC. In the interests of safeguarding it is proposed to write this requirement into the employment contracts with failure to comply subject to disciplinary action and disciplinary sanctions.
- 6.7 All personal data relating to ISA and CRB checks will be held securely and managed in accordance with the Data Protection legislation and the CRB code of practice.
- 6.8 At present, the Council acts as an Umbrella Body for the purposes of processing CRB checks for local organisations such as the voluntary sector which, otherwise would not have the facility for processing their own CRB checks. To cover the costs of providing this service the Council levies a small administrative charge. It is recommended that the Council continues to offer this facility under the same terms for both CRB checks and ISA registration.
- 6.9 Trade unions have been consulted on and have raised no objections to the proposals contained in this report.

Finance Implications

- 6.9 The ISA proposes to render a one off fee £64 in respect of each registration of an employee but does not propose to render a charge in respect of volunteers. This includes the £36 charge for the enhanced CRB check which is carried out at the same time. There will be no charge for employers to check for ISA registration on-line.
- 6.10 The roll-out in November 2010 will commence with new starters. In 2008 there were approximately 1600 (1200 school-based and 400 central) new starters in posts which are likely to be covered by ISA registration. The CRB disclosures would have cost

£57,600, funded from Schools' and Service budgets. If this pattern were to be repeated in 2010, the additional full year cost of ISA registration for this number of starters would be £44,800 in a full year (33,600 schools and £11,200 central employed).

- 6.11 It is proposed that the additional ISA cost is funded by individual service budgets, in line with the intention expressed by a number of other Councils. Schools will be encouraged to apply the same principles of funding the ISA costs from their delegated individual schools budgets.

IT Implications

- 6.12 Records of ISA registration, CRB checks and regulatory body registration will be held on the SAP system. Facilities currently exist to hold this data and there should be no IT development implications. The data will have to be loaded and maintained and so will have a small impact on the HR shared service team in terms of their workload but this can be contained within existing provision.

7. LEGAL ISSUES

- 7.1 None save those contained in the body of this report.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution Part 3 - Responsibility for Functions - Section 2 – Responsibility for Council Functions - General Functions Committee - Staff matters and conditions of service. Restructures which have major implications including changes to contracts of employment and proposals involving major changes in working practices and location of employees must be submitted to General Functions Committee for approval.

9. BACKGROUND INFORMATION

- 9.1 This report sets out how the new Independent Safeguarding Authority (ISA) is likely operate and considers the main implications for and actions required by the Council to ensure preparedness for implementation. It is important to note that there are still significant uncertainties around how the scheme will operate and how it will be implemented but this report works on the basis of the current published information.

Background

- 9.2 The Bichard Inquiry into the Soham murders questioned the reliability of the way employers check the background of job applicants and their reliance of such information in the determination of the employment of job applicants.
- 9.3 These and other concerns led directly to the Safeguarding Vulnerable Groups Act 2006. This Act recognised the need for a single agency to vet individuals who want to work with children or vulnerable adults.
- 9.4 The Independent Safeguarding Authority (ISA) was established in 2008 to fulfil this role across England, Wales and Northern Ireland. Scotland is developing a similar system which will work closely with the ISA.

- 9.5 The Act established and defined two categories of activity relating to work with children and vulnerable adults that would be caught by the provisions of the Act. (known as “Regulated Activity” and “Controlled Activity”).
- **“Regulated Activity”** is any activity which involves contact with children or vulnerable adults
 - **“Controlled Activity”** involves support work in adult social care settings, health and further education settings and people who have access to sensitive records on children or vulnerable adults

How the scheme will operate

- 9.6 Anyone who works or plans to work with children or vulnerable adults in either a “Regulated” or “Controlled Activity” would have to be registered with the ISA. To register they would complete the ISA registration application forming part of the CRB disclosure application process and submit this to the Criminal Records Bureau.
- 9.7 The Criminal Records Bureau will receive and process applications to the ISA and will gather and monitor information. It will also use the information previously found in the:
- Protection of Vulnerable Adults (PoVA) list;
 - Protection of Children Act (PoCA) list; and
 - List 99 (a list of people considered unsuitable for work with children, held by the Department for Children, Schools and Families).
- 9.8 The ISA will then assess this information to determine whether to give the individual ISA registration or place them on one of the ISA Barred Lists.
- 9.9 Once registered, a prospective employer can check the ISA status of the individual, on-line and free of charge.
- 9.10 The ISA will constantly review an individual’s status as fresh information is obtained. If new data indicates that an individual might pose a risk to children or vulnerable adults, that individual will be entered onto one of the ISA Barred Lists and their current employer will be notified immediately of such change.

Responsibilities of the ISA

- 9.11 The ISA will operate independently of individual government ministers. As a Non-Departmental Public Body (NDPB) the ISA will have certain statutory responsibilities and their effectiveness and efficiency will be closely scrutinised by government and stakeholders
- 9.12 The ISA has four main responsibilities:
- To determine if an individual poses a risk to children and/or vulnerable adults, on the basis of information gathered from the CRB and other appropriate sources, and to then to place them on one of the Barred Lists or to grant ISA registration;

- To provide access to employers and voluntary organisations to the registered ISA list of individuals and the Barred List of individuals in order to check potential or existing staff;
- To monitor and review their decisions on both registered individuals and barred individuals in light of new information becoming available; and
- To notify employers should an existing ISA registered employee become barred.

Responsibilities of the Employer

- 9.13 The Employer is responsible for checking everyone who undertakes either “Regulated” or “Controlled Activity” is registered with the ISA, in accordance with the ISA roll-out timetable (see below). From 2015 it will be illegal to employ an unregistered person to undertake “Regulated Activity”. An unregistered person is anyone who has either not applied to register or who appears on an ISA barred list. For Controlled activity it will be mandatory to check their ISA status but one may be able to employ a barred person provided certain safeguards are in place.
- 9.14 Employers and child/adult protection teams in local authorities will be under a duty to refer relevant information to the ISA. This will include the referral of individuals who are dismissed for misconduct involving a child protection or adult safeguarding issue.
- 9.15 Similarly, Employers in local authorities will continue to be under a duty to refer individual cases to the appropriate Regulatory Body, namely the GTC for teachers and the GSCC for social workers where there has been a breach of professional standards.

Implications for Criminal Record Bureau (CRB) checks

- 9.16 The Criminal Records Bureau (CRB) will continue to process and issue CRB disclosures as now but they will also be responsible for processing all applications for ISA registration.
- 9.17 The CRB categories are expected to change and be aligned with the ISA categories. This will see an extension of jobs that will be covered by CRB checks.
- 9.18 ISA checks will not replace the requirement to obtain CRB disclosures. Employers will still be expected to take up CRB checks for all existing categories of staff for the following reasons:
- CRB checks will continue to be mandatory for new appointments in many sectors of the workforce such as in schools and children’s settings;
 - Employers will still want to obtain the details of criminal records in order to support selection decisions, given that the ISA is likely to apply a higher threshold for barring individuals than employers may wish to apply for selection decisions relating to a particular role;
 - Employers may wish to recheck existing staff; and
 - ISA registration does not cover all jobs requiring CRB checks.

Timescales for implementation

- 9.19 The ISA registration will commence for new starters in “Regulated” and “Controlled Activities” in **July 2010**. This will also be the date when employers can make an enquiry interest into an individual’s ISA-registration and be informed of any changes to that person’s ISA-registration status.
- 9.20 From **November 2010** enforcement will commence and new starters in “Regulated” and “Controlled Activities” must be registered before starting work. From this date it will become unlawful for an employer to engage an unregistered individual in a “Regulated” or “Controlled Activity” and for a barred individual to knowingly apply for the job.
- 9.21 There will be a 5 year phased roll out for ISA registration of those individuals who currently work with children and/or vulnerable adults. On current projections this would be implemented from **2011 to 2015**

Recommended actions

- 9.22 Despite the likelihood that there will be further changes and refinements to the details of scheme between now and implementation, there is a lot that can be progressed now to ensure that the Council is sufficiently prepared for implementation. Set out below are the proposed actions:
- Identify the “Regulated” and “Controlled” posts within the Council and record and maintain this information on the Council’s SAP system;
 - Review the CRB categories applicable to Council posts in light of the proposed changes to the CRB categories
 - Review the back-office systems, the Safer Recruitment policies and the systems and procedures to ensure that there is full compliance and there is a robust monitoring of ISA registration, CRB and membership of the regulatory bodies.
 - Review the Council’s disciplinary/Capability rules and procedures to ensure there is full compliance with the reporting requirements to the ISA in the event of breach of standards of conduct and to relevant professional and regulatory bodies such as the GTC and GSCC in the event of a breach of professional standards
 - Include a provision in all the Council’s employment contracts conferring an obligation on employees to report to their Head of Service any charge, conviction or caution for a criminal offence immediately upon their imposition.
 - Include a provision in employment contracts placing an obligation on employees to maintain membership of the relevant regulatory body. Failure to comply could result in appropriate disciplinary sanctions.
- 9.23 The Committee is asked instruct the Director of Resources to implement the actions set out in 9.22 and approve that costs of ISA registration be met from Service Budgets and to recommend that Schools adopt these same principles.

10. LIST OF BACKGROUND PAPERS

10.1 ISA briefing papers and Union consultation notes.

10.2 Any person wishing to inspect the background papers listed above should email tony.lampert@barnet.gov.uk or telephone Tony Lampert on 020 8359 7882.

AGENDA ITEM: 13

Page nos. 36 - 39

Meeting	General Functions Committee
Date	16 September 2009
Subject	Transfer of a post to Barnet Community Services, under the Transfer of Undertakings (Protection of Employment) Regulation (TUPE)
Report of Summary	Director of Children's Service To transfer a post currently located Social Care, to Barnet Community Services, under TUPE from 1 October 2009 as part of the newly agreed Service Level Agreement for the Provision of Health Care Services for Children in Care to the London Borough of Barnet
Officer Contributors	Lyn Owen, Service Manager, Specialist Resources, Social Care
Status (public or exempt)	Public (with separate exempt report)
Wards affected	All
Enclosures	None
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	

Contact for further information: Lyn Owen, Service Manager, Social Care, Tel- 020 8359 4462

1. RECOMMENDATIONS

- 1.1 That the proposed transfer of a post to Barnet Community Services, with effect from 1st October 2009, as detailed in the exempt report, be approved.**
- 1.2 That this post be deleted from the Council's staffing establishment.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Barnet's Corporate Plan 2008/9- 2011/12 outlines the corporate commitment to "A Bright Future for Barnet's Children" and a "Strong and Healthy" Barnet.
- 3.2 The Council has a commitment to improving the health outcomes for children in care in its role as corporate parent and in accordance with the guidance on "Promoting the Health of Looked After Children" Department Of Health, 2002. Further guidance was released July 2009 as part of the guidance and implementation of the Children and Young Persons Act 2008.
- 3.3 The London Borough of Barnet has negotiated a Service Level Agreement with Barnet Community Services for the provision of health care services for children and young people in care to Barnet.
- 3.4 The new Service Level Agreement sets out how Barnet Community Services will fulfil the statutory requirements for meeting the health needs of children in care and includes:
 - The provision of initial and review health assessments for children and young people in care;
 - Health promotion, advice, support and training to carers and other professionals working with children and young people in care;
 - Ensuring that robust and high quality health care plans are in place;
 - Data collection and analysis of the health care needs of children and young people in care;
 - Monitoring, auditing and reporting on the health care needs of this group;
 - Assisting in the development of policies, procedures and good practice in relation to meeting the health care needs of children and young people in care.
- 3.5 The Service Level Agreement is dependent on Barnet Community Services having dedicated posts allocated to this work and using a range of other health professionals such as health visitors, school nurses and General Practitioners.

- 3.6 The Service Level Agreement will improve the strategic planning and co-ordination of the provision of health care services to children in care to the London Borough of Barnet resulting in improved health outcomes for children and young people.
- 3.7 The Service Level Agreement will be monitored on a regular basis by senior managers within Social Care to ensure that all aspects of the agreement are being fulfilled and to the required standard.
- 3.8 The proposed changes are in keeping with the Future Shape of the Council agenda in that Social Care Division is seeking alternatives outside of the authority for the effective provision of services.

4. RISK MANAGEMENT ISSUES

- 4.1 There have been discussions between the Council, Barnet Community Services and the employee currently in post to ensure that the relevant staff member accepts the change of employer. Formal consultation has taken place with this person and Union representative. The Union has not raised any significant concerns.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 This is a targeted service for children in care to Barnet. By transferring the post to Barnet Community Services, it will be fully integrated into the package agreed in the Service Level Agreement which is dedicated to providing a range of high quality health care services to all children in care.
- 5.2 As this is a minor staffing change there is no significant impact on staffing issues within the Children's Service under equalities and diversity.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 The Council currently funds a post within Social Care.
- 6.2 The post holder affected by these proposals, is currently employed by the Council and it is proposed that this post will move to Barnet Community Services from 1st October 2009 as part of the new arrangement. Consultation has taken place with the post holder, with the relevant Unions and with Barnet Community Services, with regard to the proposal to transfer the post holder to Barnet Community Services under the Transfer of Undertakings (Protection of Employment) Regulation (TUPE) 2006. The post holder will be protected in their existing terms and conditions, until such time as the person concerned chooses to negotiate and accept direct contractual changes directly with Barnet Community Services.
- 6.3 The Unions have raised no significant objections to the proposal.

- 6.4 The full Service Level Agreement, including the staff salary will cost Barnet Council £119.780 annually and will be contained within the Children's Service, Safeguarding and Social care bas budget.

7. LEGAL ISSUES

- 7.1 None noted save those already contained in the body of the report.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution Part 3 -Section 2 – Responsibility for Council Functions – General Functions Committee - staff matters (salaries and conditions of service).

9. BACKGROUND INFORMATION

- 9.1 Services for the health care needs of children in care to London Borough of Barnet have been provided by the PCT since 2002 through a service specification and agreement following the government initiative, Quality Protects.
- 9.2 Following the Care Matters Green Paper and subsequent Children and Young Persons Act 2008, the Council has reviewed the arrangements with the PCT for the provision of health care for children in care, and a new and enhanced service level agreement has been agreed with the newly created Barnet Community Services.
- 9.3 Barnet Community Services has been created following a split within the Primary Care Trust. The PCT now exist as the commissioning arm of the health service for Barnet and Barnet Community Services form the provider arm for the health services in Barnet.
- 9.4 The post to be transferred is integral to the service level agreement and as such is better placed within Barnet Community Services as part of a dedicated service providing high quality health services to children in care.
- 9.6 A senior management group with representatives from Barnet Council and Barnet Community Services, have identified that full integration of this post into the health care team will improve the delivery of the health care needs of children in care. It has been agreed that Barnet Community Services, will take responsibility for the delivery of the Service Level Agreement from 1 October 2009.

10. Background Papers

- 10.1 None

AGENDA ITEM:14 Page nos. 40 - 48

Meeting	General Functions Committee
Date	16 September 2009
Subject	Review of the European Parliamentary Elections and By-Elections in Edgware and Totteridge Wards held on 4 June 2009
Report of	Deputy Chief Executive
Summary	This report reviews the recent European and By-Elections held on 4 th June 2009, summarises the lessons learned from those elections, and looks forward to future elections
Officer Contributors	Brian Reynolds, Deputy Chief Executive and Returning officer for the June Elections David Rowe, Election Project Manager Dorne Kanareck, Acting Director of Environment and Transport
Status (public or exempt)	Public
Wards affected	All 21 Wards
Enclosures	Appendix A – Statistics and Turnout
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not Applicable
Contact for further information: David Rowe, Election Project Manager 020-8359-5298	

1. RECOMMENDATIONS

- 1.1 To consider and comment on the review of the European Parliamentary Elections and By-Elections for the Edgware and Totteridge Wards which took place on 4 June 2009.**
- 1.2 Note the planning proposed for the 2010 elections.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 General Functions Committee on 11 September 2008 noted and approved actions taken to improve electoral registration and election processes by the operational split in the staffing arrangements for election and electoral registration functions and the creation of a separate functional team to deal with elections only.
- 2.2 Cabinet agreed in October 2008 to allocate funding for this separate team until 2010.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Corporate Plan 2009/10: a cross cutting priority is “more choice, better value”. To achieve this, Barnet Council needs to continuously improve how it operates and the infrastructure it works within, and in particular to stimulate high quality democratic engagement.

4. RISK MANAGEMENT ISSUES

- 4.1 In performing its duty under the Electoral Administration Act 2006 (EAA 2006) the Council must have a view to ensure all electors who are eligible to vote are entitled to do so and that provisions are in place to ensure the proper planning and conduct of elections.
- 4.2 Key to managing risk was to introduce proper project planning to strengthen the processes that surround an election. To achieve this, the Corporate Election Project Team:
 - Identified all the relevant tasks and timings that contribute to the delivery of an election and developed a project plan that captured this information.
 - Set processes and procedures in place and documented these.
 - Created a comprehensive Risk Register.
 - Delivered a communications strategy that increased voter engagement and participation.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The council must ensure that, so far as is reasonable and practicable, the provisions for facilities of polling places are accessible to all electors including those who are disabled.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 In September 2008 this Committee approved actions to be taken to improve electoral registration and election processes by the operational split in the staffing arrangements for election and electoral registration functions and the creation of a separate functional team to deal with elections only.
- 6.2 Cabinet in October 2008 allocated resources of £184,000 for the establishment of an Elections Team which became fully operational in November 2008; the team included a Project Manager, a Deputy Elections Manager, Communications Officer and a dedicated Administrative Officer.
- 6.3 The funding for the European Election comes from the Ministry of Justice (MoJ) with the initial allocation itself at £330,000 (c£1 per resident) considerably less than expected. However successful petitioning saw an increase to £446,000 which allowed this election to be delivered within budget.
- 6.4 By-elections are funded from within the Council's own resources, and an allowance of £15,000 per by-election was made and spent.
- 6.5 In total, 694 staff were employed to run these two elections: 482 at polling stations, and the remainder at the count, to carry out verification and counting processes and provide security, etc.
- 6.6 Good quality polling stations are always at a premium and Members will be aware of the difficulty of finding the right premises in the right location. Nevertheless, this year, officers were able to increase the number of fully accessible polling stations and reduce the number of portakabins amongst the 90 locations used.

7. LEGAL ISSUES

- 7.1 The Council is required by the Representation of the People Act 1983 as amended to appoint an electoral registration officer. The duties of this officer include maintaining a register of parliamentary electors for each constituency or part of a constituency in the area for which he/she acts and a register of local government electors for the local government area or parts of local government areas for which he/she acts. An equivalent duty exists in respect of the registers of European Parliamentary electors pursuant to the European (Franchise) Regulations and the Representation of the People Act 1985 as

amended. These duties extend to conducting an annual canvass to ascertain the persons who are entitled to be, or to remain, on the registers maintained by the electoral registration officer. The electoral registration officer must take all necessary steps to fulfil their duty to ascertain who is eligible to register to vote and include them in the register of electors.

Pursuant to Section 69 of the Electoral Administration Act 2006, the electoral registration officer and the returning officer must take such steps as they think appropriate to encourage the participation by electors in the electoral process in the area for which they act

8. CONSTITUTIONAL POWERS

- 8.1 Council's Constitution, Part 3, Section 2 details the responsibilities of the General Functions Committee. These include election administration and electoral registration.

9. BACKGROUND INFORMATION

- 9.1 The running of elections has always been a core task for the local authority and supports a fundamental democratic value: the right to vote and not to be disenfranchised. Given the publicity that surrounds an election the successful delivery is critical to the reputation and standing of the Council.
- 9.2 Following the decisions taken by this Committee and by the Cabinet in September and October 2008, the European Parliamentary elections were the first that Barnet had run with a team dedicated solely to preparing, organising and implementing the necessary arrangements for the elections.
- 9.3 Guidance from the Ministry of Justice also emphasises the need for a more dedicated and "professional" approach to electoral management. The Electoral Administration Act 2006 introduced performance standards for Returning Officers for the first time, and as Returning Officer I was required to self assess¹. It additionally provides:
- A duty to promote turnout, as well as just increased registration;
 - A strong encouragement to use proper project management processes, with a comprehensive Risk Log, etc;
 - Encouragement to assess the performance of all staff involved, etc;
 - Encouragement to conduct a review, and to involve candidates and agents in that review (in that context I have sent them all a questionnaire)
- 9.4 Headline indicators from the June 2009 Elections are very positive:
- The Electoral Register reached its highest level at just over 91% of households;

¹ Circular EC05/2009: Performance Standards for Returning Officers in Great Britain. Direction issued under S9B(i) PPER Act 2000

- The turnout, at 38.3%, was the second highest in London;
- The by-elections were counted swiftly in around 3 ½ hours;
- Barnet was the third London Borough to declare its result in the European Parliamentary Election.

9.5 Preparing for the Elections

There is a requirement to increase voter participation by improving communications and advertising, and developing and implementing a voter engagement strategy, which in the past in Barnet had often been minimal.

For the June 2009 elections, the use of already established networks of communication, for example the Barnet Homes and Barnet Carers newsletters which together reach 20,000 households etc, were put to use to raise awareness of the elections amongst Barnet residents

The use of innovative cinema slides at Finchley Vue, and posters across the borough were also introduced.

The election call centre was put into operation three weeks before the election and, for the first time, used the 'Charter' system to log and collate the queries to identify common themes. Regular analysis of the postcodes of the callers enabled early identification of any area specific problems.

To prepare the polling station staff, a series of training sessions were held during May 2009 to cover legislative issues as well as customer care. The objective of this exercise was to improve staff performance in these important areas and to provide a more consistent approach across all polling stations. This helped to ensure that visits by the electorate to the polling stations were without major incident.

Some lessons have been learned. One of the posters used to encourage voting had to be withdrawn due to possible copyright infringement; in future appropriate checks will be made with Legal Services before such posters are displayed. Also, the Notices of the by-elections, though correctly headed Edgware/Totteridge had to be replaced within an hour of posting. The Notice was a "cut & paste" from last year's Hale by-election and referred to Hale – rather than Edgware/Totteridge – in the body of the Notices. Very clear instructions have been given to staff concerning the future use of precedent documents and the need for very thorough checking. However, these incidents notwithstanding, the overall view is that the various preparatory processes went very well.

9.6 At the Polling Stations

The ballot paper for the European Parliamentary Elections exceeded 28 inches in length. A relatively low deposit requirement of £5000 probably contributed to 14 parties and 5 independents standing. This number of candidates and the legal requirements pertaining to layout contributed to the unwieldy size of the ballot paper.

The size, weight and general awkwardness of the ballot paper proved detrimental to any operation that involved the manual handling of the ballot paper, from ballot paper allocation right through to the final count. With some polling stations the weight of their allocated ballot papers exceeded 15 kilograms.

Polling day passed without any serious incidents; all polling stations opened on time at 7am. Observers from the Electoral Commission were visiting the polling stations throughout the day and no negative comments have been received from the Commission concerning arrangements at the polling stations.

9.7 Postal Votes

Relevant legislation prevents the postal vote packs being despatched until the 11th day before the date of the election. For the first time, the contracted printers were instructed to assemble and despatch the postal vote packs, and with the resources available to them, the postal vote packs were despatched within 3 days. This was quicker and earlier than at previous elections and also allowed extra time for the opening and scanning of the returns.

Barnet had the highest number of postal votes in the London region and nearly 35,000 postal vote packs were sent out for this election. This was 13% higher than any other London borough. Over 24,000 postal votes were returned - again, the highest in the London region - and double the number when compared with the overall average for the London region of 11,580.

9.8 The Count/Declaration

The large number of parties/independent candidates participating in the European Parliamentary elections meant that the count process required the ballot papers to be sub-sorted at each stage. Once again an Electoral Commission observer was attending and gave favourable comments throughout the proceedings.

Problems with the server at City Hall used by the London Returning Officer to collect the results meant that the declaration of the result was delayed as they attempted to repair their server and, although the contingency of a facsimile transmission was utilised, the final declaration was made around 9.30 pm.

9.9 Feedback

A short questionnaire was sent to the candidates and agents post election and 86% of the respondents measured the arrangements for the election as either satisfactory or good.

Many favourable comments were also received, for example, “...a model of what democracy should be” and “...I don't see how the process could be improved”.

Notwithstanding receipt of these favourable responses and comments, the June 2009 elections were not without some mishaps and difficulties, as

detailed above, and a full post-election review has been conducted by the Returning Officer and the Elections Team. Members of General Functions Committee are encouraged to provide their feedback, so that officers can improve processes for the Municipal Elections, and possibly a General Election, in 2010. This “learning from experience” exercise is always valuable, but especially so in circumstances where, for the first time in the history of the London Borough of Barnet, these two sets of elections may be held on the same day.

9.10 Lessons Learned & Looking Forward

With the possibility of a combined Parliamentary and Local election on 6th May 2010, this could be the largest election ever held within the borough.

Although the recent European and By-elections do not compare in scale to the forthcoming Local Elections in May 2010, much of the necessary preparation work and processes are similar in size and this learning experience has provided a methodology that will be used in future elections.

The recruitment of nearly 600 competent polling staff and 300 count staff will be a major challenge.

It is essential a venue is found for the verification and count that will be large enough to hold over 300 count staff and nearly 700 candidates, partners and agents etc. Work is currently progressing in identifying the most suitable venue arrangements for holding the election count.

The number of applications for postal votes has been increasing year on year. This trend is expected to continue and the pressure, given the 11 day rule, on the postal opening and scanning process will be immense with the possibility of opening/scanning times being greatly extended.

In the event that both the Municipal and General Elections take place on Thursday 6 May 2010, it is anticipated that the Returning Officer will wish to give priority to declaring the Parliamentary Election results as soon as possible. As has been the previous practice, the count staff will be working from the close of the Polls to the early hours of Friday morning to complete this process. However, in order to ensure that all votes are counted, it will be necessary to carry out the verification processes for both sets of elections simultaneously. Whilst every effort will be made by the staff in the polling stations to deter voters from putting ballot papers into the “wrong” ballot box, experience has shown that this can never be relied upon to be 100% successful

As the Municipal Election count process is more complicated, each voter being entitled to vote for up to three candidates, and the 2006 Poll was characterised by a significant increase in the number of electors spreading their votes between parties, it is essential that the count staff are fully alert and that those supervising them are able to give the process their undivided attention.

In these circumstances of both elections being held on the same day, the Returning Officer is considering the option of only completing the verification processes for the Municipal Elections on the night of 6/7 May 2010 and that the counting process for those elections would be completed during the day on 7 May 2010. It is felt that this will ensure that none of the supervising staff would be distracted by involvement in the Parliamentary Election counts and, with the opportunity to draft in fresh staff, it will also help limit errors caused by tiredness leading to a more accurate count and speedier process through to declaration.

10. LIST OF BACKGROUND PAPERS

10.1 None

Legal: JEL
CFO:

APPENDIX A

Statistics and Turnout

The turnout summary for the European Parliamentary Election was as follows:

European Election		
Total turnout	82228	38.30%
Recorded votes	81618	99.26%
Rejected votes	435	00.52%

In addition to the European Parliamentary Election, there were also By-elections in Edgware and Totteridge Wards, following resignations from the Councillors.

Both the verification and count for the By-elections took place on the same day, commencing at 10.00 am in Conference Room 3. Each Ward had a dedicated team of counters and the By-election declarations were made at approximately 2.00 pm

Edgware By-election		
Turnout	4714	36.30%
Recorded votes	4677	99.22%
Rejected votes	33	0.70%

Totteridge By-election		
Turnout	4357	36.35%
Recorded votes	4328	99.33%
Rejected votes	33	00.76%

AGENDA ITEM: 15

Page nos. 49 - 71

Meeting	General Functions Committee
Date	16 September 2009
Subject	HR Emergency Civil Contingency Policy
Report of	Director of Resources
Summary	This report seeks approval on the introduction of a new policy that will link current Human Resources policies to manage staffing issues in the event of an emergency or civil contingency. This policy will link into the Councils Business Continuity plan.
Officer Contributors	Manjula Nithiananthan – Human Resources Policy & Strategy
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendices 1 & 2
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not Applicable

Contact for further information: Manjula Nithiananthan – Human Resources. Telephone 020 8359 7945

1. RECOMMENDATIONS

- 1.1 That new Human Resources (HR) Emergency Civil Contingency Policy attached as Appendix 1 be approved.**
- 1.2 That the Head of HR Policy and Business Engagement be instructed to publicise the policies to all Council employees.**
- 1.3 That the Equality Impact Assessment at Appendix 2 be noted.**
- 1.4 That there be approval for all Barnet employment contracts to be revised to incorporate an appropriate term which provides for the management of the employment relationship in the terms set out in the policy in the event of a relevant emergency.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet 3 April 2006 (Decision item 15) "Organisation and Human Resources Strategies" approved the proposed HR action plan to modernise a number of HR policies and procedures to support the delivery of the Council's corporate priorities.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Corporate Plan 2008/2009 – 2011/2012 states that: "We must improve the way we work and the infrastructure with which we work to deliver value for money to our customers" and "we will improve the ways in which we provide community leadership, community choice and higher quality services at the lowest possible cost".
- 3.2 In addition the Corporate Plan highlights the need to 'Support and enable the development of the organisation and its staff to meet the changing needs of the community' as well as by the internal priority of 'more choice, better value'.
- 3.3 The introduction of these policies will assist the Council in meeting these objectives in the event of an emergency.

4. RISK MANAGEMENT ISSUES

- 4.1 There is a risk that during a civil contingency or pandemic there will be insufficient staff to deliver critical services. The council has carried out business impact analysis and identified those services whose interruption could cause loss of life, loss of the council's reputation or significant financial loss.
- 4.2 In order to deliver the critical services it may be necessary to deliver a business continuity plan which can be carried out by employees, who do not normally carry out the task, whilst non-essential back-up staff are trained to perform essential tasks.
- 4.3 In the event of a significant emergency such as the current flu pandemic, the absence of suitable HR policies will affect the Council's ability to meet changes in the needs of the organisation and the provision of services and the management of staff will consequently be impaired.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Emergency Civil Contingency Policy will be applicable equally to all employees of the Council. In furtherance of the Council's obligation to promote equality of opportunity and to eliminate discrimination of all forms, the policy has been assessed for disadvantaged impact to employees on the basis of age, disability, ethnicity, faith or belief, gender and sexual orientation to ensure compliance with the EU (Equality) Employment Regulations.
- 5.2 The assessment reveals that this policy will have no effect on staff in terms of gender, race, ethnicity, sexual orientation, age, religion and disability. In addition the equality impact assessment attached at Appendix 2 has confirmed that these changes in employment policy will have no adverse effects on personal performance or on service delivery.
- 5.3 This report is aligned with Council Equalities Policy commitment to being an employer of choice for Barnet's diverse communities.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 There will be incidental costs to service area budgets by paying subsistence and travel allowances for staff who may be required to cover work in other locations.
- 6.2 The introduction of the policy in the event of an emergency may bring additional challenges for managers in terms of supporting new employees who have been transferred in to cover short falls in staffing levels in time of emergencies. It is important to ensure managers are supported via development to understand crisis management and emotional intelligence situations in a crisis to maximise the benefits to the Council.
- 6.3 **Procurement:** There are no procurement, property or sustainability implications.
- 6.4 **Financial:** No direct cost arises from the report. Financial considerations have been taken into account in drafting the policy and, at this stage, it is anticipated that in the event of additional expenditure being incurred, costs would be met by existing service budgets in the event of an emergency.
- 6.5 **IT Implications:** Records of skills and competencies as well as necessary recruitment and safeguarding checks will be held on the SAP system. Facilities currently exist to hold this data and there should be no IT development implications.

7. LEGAL ISSUES

- 7.1 This report proposes changes to the terms and conditions of employment of the Council's employees. Whilst it is not anticipated that such changes will be contentious, they will be undertaken following negotiation with recognised trade union representatives and with staff.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution Part 3 -Section 2 – Responsibility for Council Functions – General Functions Committee - staff matters (salaries and conditions of service).

9. BACKGROUND INFORMATION

- 9.1 The purpose of the proposed policy is to provide a planned, structured and coordinated means of managing and continuing the Council's work in the event of a pandemic or civil contingency. The policy is allied to the Council's Pandemic Contingency plans and is designed only to be implemented in the event of an emergency or a major impact of service delivery of the Council or its partners. The Chief Executive (or nominated deputy) will in consultation with the Corporate Directors Group, will in effect be responsible for providing strategic leadership and overall management of the Council's response, where all or part of this policy is to be invoked
- 9.2 The Council recognises the likely significant impact of civil emergencies on its work. It further recognises that such emergencies may occasion the implementation of arrangements which are not currently provided for within its standard policies. There is not, at this time, a single policy which connects all the Council's policies with regard to the management of the Council's staff during emergencies. Such a policy is therefore necessary for the Council to plan and operate its staffing issues effectively during periods of emergency.
- 9.3 This policy has been developed with the Council's duty to provide services and to maintain the health and safety of its staff in mind. The aim of the policy is to ensure a consistent approach for the management of employment issues likely to arise during civil emergencies.

The policy identifies its governing principles and the persons to whom it is to be applied. It also sets out how the following policies are to be operated during civil emergencies:

- Flexible working;
- Attendance;
- Working time;
- Overtime and unsociable hours of working;
- Leave – special/annual/child Care;
- Time off for dependants; and
- Flexi- time.

The policy addresses the functioning of new contingency plans with particular regard to:

- Redeployment;
- Alteration to work patterns;
- Disruption to travel infrastructure;
- Workplace closure/unavailability of work;
- Additional staffing provision;

- Support to staff; and
- Pay arrangements

9.4 The Trade Unions have been consulted over the content of this policy and have made suggested amendments which have been incorporated. In circumstances where suggested amendments have not been made, the trade unions have been advised of the reasons for not doing so.

10. LIST OF BACKGROUND PAPERS

10.1 Any person wishing to inspect the background papers listed above should email manjula.nithianantha@barnet.gov.uk or telephone on 020 8359 7945.

Legal:

CFO:

HR EMERGENCY CIVIL CONTINGENCIES POLICY

INTRODUCTION

Barnet Council is a Category One responder under the Civil Contingencies Act 2004. The Act details a number of civil protection duties. Within the Act an emergency is described as,

“Any event or situation which threatens damage to:

- Human welfare in a place in the UK (example – an influenza pandemic)
- The environment in a place in the UK
- War or terrorism which threatens serious damage to the security of the UK (example – serious alert as a result of terrorist activity or war)”

The Council’s definition of “emergency” is outlined in the Business Continuity (BC) Strategy document. BC Management will prioritise where an interruption in the provision of a service will potentially result in:

- The loss of life
- The loss of the Council’ s reputation
- A financial loss to the Council

This policy focuses on people-related issues that need to be addressed and managed in emergency situations and is about how to continue to provide the Council’s services until the normal method of provision can be restored.

In the event of an emergency or a major impact of service delivery of the Council or its partners, the Chief Executive (or nominated deputy) of the Council, in consultation with the Corporate Directors Group, will in effect be responsible for providing strategic leadership and overall management of the Council’s response, where all or part of this policy is to be invoked. The Business Continuity Team will be responsible for implementing this policy and ensuring employee issues are addressed and co-ordinated across the Council to ensure consistency and continuity.

In the event of the policy being in force beyond 60 days, the Chief Executive will arrange a report to be prepared for the CJNCC outlining the reasons for the continuation of this policy.

Throughout this policy all situations are classed as ‘emergency’ to avoid repetition of the full definition but will fall within one of the categories outlined above. There are *areas of this policy* which apply specifically to an emergency arising from a health issue, e.g. influenza pandemic, avian flu, swine flu etc, but most criteria apply generically in various emergency situations.

POLICY PRINCIPLES

The aim of the policy is to ensure the Council is resilient to interruptions in the delivery of its business critical services whilst developing a succession plan which can be

carried out by employees, who do not normally carry out the task, whilst non-essential back-up staff are trained to perform essential tasks.

To support these principles, the Council has developed a number of policies and guidelines that will be implemented during an emergency. These guidelines and policies are outlined in this document. However, they are guidelines and might not cover every possibility in an emergency and consequently will be added to or amended should the need arise. In all cases, the general principle of fairness will be applied.

To support the Emergency Planning, the Emergency Planning Team (EPT) and Business Continuity Team (BCT) will ensure the Business Continuity Plan is rolled out effectively. The plan contains key tasks and responsibilities that must be covered during an emergency. In addition, post titles, post holders' names, work extension numbers and home telephone numbers of Chief Officers, Deputy Directors, Assistant Directors and other key personnel will be maintained on a key workers' list which will be held in the Business Continuity Plan. (Please refer to Business Continuity Strategy for further details).

When the emergency is over, the Council will try and ensure that employees are properly debriefed and that as far as is practical ensure that morale is restored. Services that were closed down or whose functions reduced during the emergency will be given reasonable time to recover and catch up on work. Consideration will be given to the employment of temporary staff to aid this recovery process. It is requested that employees take a flexible approach in this period to ensure a normal return to working practices is achieved as quickly and smoothly as possible.

The Council will give as much support as possible in the immediate recovery stages of the emergency. Due to the trauma this is likely to have caused, additional support will be given to those employees who might have been affected by a colleague's or a relative's death. (For more information please see section 12)

It is possible that staff who work in critical roles may work considerably more hours than usual in order to keep the Council's essential services functioning. These employees will be compensated either with appropriate time off in lieu and where work is undertaken at a higher responsibility they will be compensated in line with the Council's /Schools compensation policy.

WHO THE POLICY APPLIES TO

This policy applies to all employees who work for Barnet Council. However, a different or modified policy may be necessary for certain employees, e.g. those based in schools and who are subject to the policies of Governing Bodies. In these circumstances, Governing Bodies are recommended to adopt the principles of this policy into their individual school policies. Schools will be updated on progress and changes via the Children's Services communication channels.

SCOPE

The aim of this document is to ensure adequate service levels are maintained during an emergency and once invoked; they will supersede normal Human Resources policies.

An emergency may affect Council staffing in five ways:

- Some staff may become infected and/or affected, which is likely to lead to an unprecedented level of absence during an emergency.
- Some staff may have fears of being infected whilst at work and, in particular, of passing on infection to their families and friends.
- Stress levels will probably be high because of additional pressures on staff.
- Staff with caring responsibilities may be adversely affected by local measures, such as closure of schools, nurseries or care facilities. As a result, these staff may wish to stay at home to care for dependant children and, in other cases, staff may wish to care for other dependants, such as older relatives.
- Staff may be adversely affected by work place closures.

IMPLICATIONS FOR HR POLICIES

This policy and associated arrangements will only be invoked by the Chief Executive (or nominated deputy) during an emergency and at that time will override existing policies.

This policy is developed in the context of a duty to provide services to the London Borough of Barnet, whilst maintaining the health and safety of staff. The impact of an emergency will be significant and consequently there will be a time when existing working arrangements will be insufficient and new arrangements covering the following areas will be invoked, subsequently some policies/procedures listed below may be overridden:

- Flexible Working
- Attendance Management Policy
- Working Time Regulations
- Overtime and Unsocial Hours
- Annual Leave
- Special Leave
- Child Care Leave
- Time Off for Dependants
- Flexi-Time

In addition the following contingency plans and changes in working arrangements will be invoked on a temporary arrangement:

- Redeployment
- Alteration to work patterns
- Disruption to travel infrastructure
- Workplace Closure/Unavailability of Work
- Additional staffing provision
- Support to staff
- Pay arrangements

These new arrangements when invoked will override all or part of the current policies and work arrangements until Government Ministers or the Council's Chief Executive (or nominated deputy) declares the emergency or when it is over, whichever occurs first. General experience suggests that staff respond well during major incidents. The Council will encourage a culture of reasonableness and negotiation, coupled with an expectation that staff will act responsibly and flexibly. Wherever possible, volunteers will be sought, but where this proves to be inadequate, the Council may need to be more directive for a time-limited period.

It may be necessary to refocus work that is not required by law. Even this work may be suspended in the event of emergency legislation over-riding current legislation. It is anticipated that flexibility may be necessary on the timings any investigations and hearings related to disciplines or grievances. Periods of consultation relating to change programmes may be suspended or delayed until after the end of the emergency and/or recovery period. The powers of suspension on full pay however will be retained in the event of serious disciplinary events taking place and the need to protect staff.

There may be situations where redundancy notifications have been issued and may need to be reviewed; the outcome may be retraction or suspension of all or some redundancy notifications.

1. Flexible Working

In the event of an emergency, it is anticipated there may be increased workload coupled with a reduction in available staff in business critical services. Staff will not be expected to undertake roles for which they are not competent but there is an expectation that they will respond positively and this may mean developing and applying new skills to provide the support that is required. This may entail discharging the duties of a different role, at different hours, functions, levels and/or locations. The situation may dictate that employees reporting relationships are changed. Where an instruction is unreasonably refused, this will be reviewed under the Council's Disciplinary process as soon as reasonably practicable which might be after the emergency recovery period has concluded.

It should be noted that some of the Council's workforce works part-time and many have a dependant and/or someone that they provide care to (e.g. children, elderly and/or disabled dependants). It is, therefore, reasonable to assume that a number of staff would be affected by school closures and/or reduced health/social care services. Where possible, it is expected that childcare arrangements will be shared by other members of the family or partner.

2. Attendance Management

Employees, who are ill and/or potentially infectious during an emergency, should report their sickness in accordance with the Council's Attendance Management Policy.

The Attendance Management Policy will remain in place but will be temporarily suspended by the Chief Executive with respect to the amendments set out in this

document on requesting leave. The Council reserves the right to monitor this policy and add, amend or retract it at any point during the emergency.

The Council recognises that employees may not be able to comply with the requirements of the Attendance Management Procedure with respect to a Doctor's Certificate to certify that they are away from work due to ill health or injury. In the event of a health emergency, it is likely that there will be a suspension on the issue of medical certificates. In the event of a health emergency, employees will be advised not to visit a location where further illness is prevalent. Therefore, a system of self-certification will, if necessary, be brought in to cover the emergency period. This may only be activated by the Chief Executive (or nominated deputy). Absence can be due to:

- employees are ill with an illness relating to the health emergency themselves
- employees are ill with other illnesses or injury

If employees are ill during an emergency and cannot obtain a medical certificate, they are advised to use the letter attached in Annex A. Where this is not possible they can email or call in to their line managers before 10.00 am.

In the event that GP services are severely over-stretched, employees must send a self-certification letter to their Line manager at the point when they would normally require a medical certificate, i.e. the 8th day of absence. This letter must be re-submitted every 2 weeks if illness continues beyond the initial stated period until such time that it can be replaced by a medical certificate.

Wherever possible the letter should be sent via email. Where it is not possible for employees to comply with this then it should be sent by post to their line manager and a self-certification form should be completed on their return to work. A return to work interview will be held for all staff when they return to work.

In the event employees are displaying symptoms whilst at work, it is good practice for managers to require the employee to contact their GP immediately and where possible send them home to minimise the spread of infections to service users or other staff. For further guidance employees are advised to refer to the Council's website for details. Normal sick pay rates will continue to apply throughout this period (for further information see Sick Pay policy on the intranet).

Employees returning to work after injury or illness or who have returned from an infected country/region will be required to telephone their line manager prior to returning to work. An employee should not return to work during the stated Government incubation period and until they have been cleared by their GP at the end of this period. Documentary evidence of proof of recent travel to the infected country/region will be required as will a GP fitness certificate

Where employee needs to travel to a country where a pandemic or other reportable contagious disease or emergency has already been declared or one is declared whilst they are abroad, before it has been declared in the United Kingdom, for example because a family member is severely ill, they will need to follow the normal [Annual](#) and/or [Special Leave procedures](#). Upon returning to the UK, the employee will have to be cleared by his/her GP or Occupational Health

before returning to normal work duties. In the event they are not cleared by GP or OH, they will follow the above paragraphs.

The [Attendance Management Policy](#) where necessary may be temporarily suspended by the Chief Executive (or nominated Deputy) with respect to the amendments set out in this HR Emergency Civil Contingency policy document. The Council reserves the right to monitor this policy, add to, amend or retract it at any point during the emergency.

3. Working Time Regulations

The Council is compliant with the Working Time Regulations which specifies that staff should not work more than 48 hours per week over a 17 week reference period unless they have formally opted out.

In an emergency situation, it will be important to ensure that employees continue to receive appropriate rest breaks and that they are not asked to work more than 48 hours on average over a 17-week reference period. The Council will follow Department of Health and/or Cabinet Office Guidance as to whether Working Time Regulations should be lifted during the emergency.

It is difficult to stipulate a period of time as this will depend on the particular circumstances e.g. heavy physical work should be for shorter durations. However, as a general guide, no more than 12 hours (with breaks) should be worked in one 'shift'. A recovery period of a minimum of 8 hours is recommended before employees return to their normal duties.

Flexibility will be required with respect to the Working Time Regulations particularly in relation to night work limits, right to rest periods and minimum number of breaks. Additionally, during an emergency situation where absence will be significant it may be necessary to ask individual employees to voluntarily waive their right not to work 48 hours per week to allow for increased flexibility. Such employees are likely to possess specialist skills and are likely to be in heavy demand, e.g. maintenance and IT support staff. In addition, senior managers may be required to be available to provide guidance and leadership. These employees will need to be approached at the earliest stage possible and senior managers will need to identify who these employees are.

This provision will only be used in exceptional circumstances and employees will not be subject to any detriment in terms of compensation. It will be important for both employees and managers to monitor working time and ensure that excessive working time without appropriate rest does not occur, as this could adversely affect staff health and wellbeing and therefore their ability to remain at work to support colleagues and the running of services.

4. Overtime and unsocial hours

Where agreed overtime will be paid in accordance with Terms and Conditions of employment. Employees on higher grades should use the Flexi-time Policy where agreed with their Chief Offices. Unsocial hours enhancements will continue as

normal. However, it is likely that payment for additional hours will have to be made in arrears depending on the capacity and availability of the payroll service, which may also be affected during the emergency. Managers and employees must keep copies of working hours for payroll documentation in the event of paperwork being lost during the emergency.

5. Annual Leave

Annual leave requests may need to be more tightly controlled and employees might not be able to take leave at the exact times they request, depending on service needs. However, employees will remain entitled to take their annual leave allocation in accordance with Working Time Regulations.

Any cancellation or request for leave will be at the discretion of the line manager but will be monitored at Chief Officer level for consistency. If the employee is in a **vital service** or is asked to temporarily transfer into a vital service and the Chief Officer agrees that annual leave should be cancelled, the employee will be reimbursed for any financial loss that may result on production of relevant documentation.

Cancellation will have to be in line with any further national advice or guidance and based on the need to maintain necessary services. Leave requests will be prioritised, e.g. special leave requests for bereavement situations and public duties which must be provided by law, will clearly take precedence over non-critical flexitime or annual leave requests.

The Council will endeavour to honour all pre-booked leave for individuals who will be away from home. Where employees have already pre-booked holidays they should be allowed to take them where possible. However, it is likely that international travel will be restricted, resulting in the cancellation of many pre-booked holidays. In exceptional circumstances, where the retraction of authorised annual leave results in the cancellation of pre-booked holidays, the employee may be reimbursed for any loss not covered by insurance or other means depending on the provision of the appropriate paperwork with original receipts.

In the event of annual leave being cancelled, it is anticipated that there will be large numbers of employees requesting annual leave once the emergency is over. Where employees are prevented from taking their annual leave in the current leave year due to emergency they will not lose their entitlement. They will be able to carry forward leave in excess of the normal arrangements (see [Annual Leave Policy](#)) and / or annual leave may be bought back from individuals as long as the statutory minimum leave entitlement is taken. Managers are reminded it is good practice to monitor the annual leave of their staff through out the year to avoid any excess build up.

6. Time off to care for Dependants (including Childcare)

Employees may not be able to work if they have caring responsibilities for a sick dependant, vulnerable adult or child, or if they have a child under 16 who is unable to go to school because their school or nursery is closed. The current policies in place should be sufficient to assist employees in their responsibilities. In

exceptional circumstance the Council will invoke paid Carers' Leave during the period of the emergency for employees who can demonstrate they have dependants who have been adversely affected. This will be activated by the Chief Executive (or nominated Deputy).

Once the paid leave provision is activated, managers will deal with requests on a case by case basis. Paid leave will not be given for a long period – employees will be expected to make every effort to attend work by trying to organise alternative care for their dependant/s. Wherever possible employees in this situation may be allowed to work flexibly, i.e. work from home or work at a designated Council building at a time of day when they have alternative arrangements in place.

If employees cannot make alternative arrangements and have used up their flexi-leave options, they must take the first 3 days of absence from work as a carer as annual leave. If this falls at the end of the financial year and an individual does not have any leave remaining, they will be allowed to bring forward leave from the forthcoming leave year, or (for those on flexi-time) take flexi-leave if they have sufficient time in credit.

During these three days, employees must ensure that a request is submitted to their line manager/head teacher outlining the reasons for not being able to attend work and the amount of paid time requested, up to 5 working days (sample letter attached – annex A). If further time than initially requested is needed, employees must submit another letter to their Chief Officer setting out how much additional time they require (up to 5 working days). Time granted can be called upon by line managers as time owed to the Council during the recovery period of the emergency. If circumstances change and employees are able to return to work before a period of approved Carers' Leave has ended, they will be expected to do so.

If the requested period of leave is granted, employees will receive full contractual pay. If line managers find evidence that this system is being abused, normal disciplinary procedures may apply. The Council reserves the right to retract this policy at any point during the emergency.

7. Flexi-time

Employees will need to be flexible in respect of their working hours where possible to facilitate the provision of services. Where additional levels are needed to cover absence, line managers should ask for volunteers from existing employees willing to work additional hours due to increased sickness absence levels in critical service areas, and agree such additional working hours subject to the commitments in the Working Time Regulations. If employees are asked to work, they should be remunerated through time back arrangements such as TOIL, or paid overtime or shift allowances. Please refer to Flexitime policy for further information.

8. Refusals to Work

It will be important in an emergency situation to ensure that all employees able to work do so as directed, to ensure services run smoothly and colleagues are not unnecessarily overburdened by their absence. Unauthorised absence without good reason will need to be dealt with. Employees refusing to come into work should be offered unpaid or annual leave to cover their absence. Depending on the circumstances and period involved management would have to use their discretion as to whether or not they need to take further action. Following consideration of the circumstances, such absence might be considered a breach of the employment contract that could lead to disciplinary action following appropriate investigation, in accordance with the Council's [Disciplinary Policy](#) and procedure. Any disciplinary action taken under the Disciplinary Policy and Procedure should be based on the facts of the individual case, as investigated and considered in accordance with the procedure. Such action may lead to dismissal, depending on the individual circumstances concerned. Depending on the availability of resources and the duration of the emergency, disciplinary action might not be taken until the emergency is over or resources enable the matter to be dealt with.

In the event of staff absence due to caring responsibilities, current family friendly policies will be followed (see [section 5](#) of the HR Procedures) Whether leave is granted with pay will depend on the individual situation and will be at the discretion of management and their financial positions.

9. Re-deployment (Internal and External)

There are roles and functions that have been identified in the Business Continuity Plan as critical and non critical, i.e. some functions could be suspended for a period of time in the event of an emergency. The Council reserves the right to redeploy staff as the need arises. It is expected that requests to make these alterations to work and working patterns will not be unreasonably refused unless an employee can demonstrate that he or she has a relevant health condition or a dependant that they are required to care for. These changes will be for the duration of the emergency only. There will be no change to the contract of employment and normal working hours will resume at the end of the crisis.

Managers must ensure staff are competent and have the necessary qualifications and mandatory checks before any duties are delegated to them. Ensuring that the Council is not at risk with the care of children and vulnerable adults. (please refer to [Protocols for CRB](#))

Consideration will be given where possible to relevant skills, experience and personal circumstances. Adequate training and induction will be provided to employees to equip them for the role they are assigned to. Uniforms and protective clothing will be supplied where appropriate. Redeployed employees will be paid in accordance with their substantive salary and position.

Pay and conditions will not be affected by this arrangement, although where an individual has moved temporarily into a higher graded post, they will be covered under the current HR policies. It may be necessary to request that employees work outside of their normal contractual hours and the provisions under the [Acting Up](#) or

[Honoraria](#) policies or [overtime payments](#) will apply. For definitions and clarification please refer to relevant policies.

All new contracts will have the additional clause inserted. The following clause will be added to current contracts of existing employees to cover the need for flexibility in the event of emergencies, such as pandemic flu, acts of terrorism/war.

“In the event of a civil emergency declared by the Government, the Council reserves the right to temporarily alter or change your job role, hours, location and/or reporting line within your skills and competencies. This may mean that you are required to work in a non-LBB location and/or with a partner organisation, which may or may not be a public sector organisation. Your employment remains with the London Borough of Barnet. Failure to do so could mean you may need to take annual leave or unpaid leave and you may be subject to disciplinary action”

In this situation, there will not be a recruitment selection process, it will be matching skills that will be required for the role. You will be expected to comply and fulfil the role required. Given these circumstances, normal timescales for HR procedures of sending out a letter informing employees of changes will not apply.

In order to redeploy employees effectively, there will be a need to establish and maintain accurate records of all employees in SAP; this will include the following information:

- Home and/or mobile phone numbers
- Addresses
- Skills and competencies (available via Employee Self service)
- CRB/ISA checks

Managers may choose to keep additional data of employees in terms of workforce planning in the event of emergencies such as:

- Whether employees have dependants especially school age children or others.
- Details of skills that would enable employees to work elsewhere.

10. Alterations to Work Patterns

Providing more services out of normal working hours is likely to be necessary in order to deal with increased demand for the business critical services. Any member of employees may, therefore, be asked to consider working during the evening, through the night and/or at weekends in order to ensure adequate cover.

Current shift patterns and other working arrangements may need to be temporarily suspended and revised, although unsocial hours, provisions and payments will remain in force. Employees will be expected to comply with any alterations to those currently agreed with your manager to those stated in their contract of employment.

There will be no permanent change to the contract of employment and normal working hours will be resumed once the emergency is over.

In accordance with the [Flexible Working Policy](#), employees will still be able to request an alteration to their shift pattern or working hours where they have personal needs arising from the emergency e.g. a family illness. All requests will be dealt with sympathetically and on an individual basis, subject to the needs of the service.

11. Disruption to Travel Infrastructure

As stated above, employees may encounter difficulties in getting to work. In order to try and facilitate attendance where at all possible, the following measures will be put in place:

- Redeployment – as above
- Homeworking – this will be considered for as many posts as possible. Homeworking will not be practicable in all situations, and employees are required to liaise with their line managers for direction.
- Flexibility – in accordance with the Flexible Working policy, consideration should be given to employees, who feel that they are able to attend work if some adjustment is made to their working hours during this period. Managers will be asked to co-ordinate this in their services.
- Car Sharing

It may be that travel of any kind should be avoided and employees will be expected to follow the warnings given. If necessary, where possible, employees should walk or cycle to work or use their own motor vehicle.

12. Workplace Closure / Unavailability of Work

If the Council takes the decision to close a workplace in an emergency situation in response to the agreed plan, the first stage would be to seek to redeploy people to appropriate areas of work that still need to be delivered; this may involve some retraining. If, however, this is not possible then employees may be asked to stay and work at home, or asked to work from an alternative location, including an LBB library or schools. They will have to be continually available for work during this period (and so cannot arrange leave or be out of travelling distance from work without going through the normal request for leave process) and may be called in to attend work at short notice.

If the Council closes a workplace and cannot provide alternative working arrangements, employees will where possible be redirected to alternative work arrangements. Where impossible to make alternative arrangements employees will continue to receive their normal pay. The Council may redeploy employees to other reasonably suitable duties during the period of closure to assist in the provision of essential services. Employees are advised to contact their line manager and check the Council's website for information on closures.

13. Additional Staffing Provision

Additional staffing may be required during an emergency due to increased demand for services and/or increased absence levels. The Council will therefore look to increase employees' numbers, on a temporary basis, in the following ways:

- The Council may contact partner organisations and PCT's for additional support.
- Leavers and retired employees – The Council may call upon leavers and retired employees to ascertain if they would be willing to assist the Council in emergency situations.
- Temporary agency staff – agency staff who have not secured substantive employment may be available for work. Those staff who have CRB clearance and have had history with the Council may be employed on a temporary as and when basis until the emergency is over.
- Other organisations (e.g. NHS, schools, PCT) – due to the closure of some services in other sectors, there may be staff from other organisations who could be seconded to the Council on their normal terms and conditions.
- Volunteers – volunteers may come forward during this period. Consideration will be given to the skills and abilities of volunteers and the work that is needed. Volunteers will be given As and When contracts and will be subject to the usual checks such as references, CRB checks. Managers will need to complete the CRB Risk Assessment forms where needed to ensure the Council is not at risk in its provision of care.

14. Support for Staff

Employees will continue to have access to Occupational Health, and/or the counselling (People at Work) services and/or the Employment Assistance Officer during the emergency period. In order to meet the potential demand, consideration will be given to buying in additional resource to support staff where necessary.

Employees will be supported in as many ways as possible in order to allow them to attend work and some of the measures are covered above under Flexible Working. Staff will also be allowed to occasionally contact home during work-time in order for them to be reassured about family/friends they may be concerned about.

15. Pay Arrangements

During the period of the emergency, the only guaranteed payment will be contractual pay. However, the Council will ensure that the payroll service have contingency plans to ensure that staff are paid as accurately as possible. It may not be possible to make other payments such as allowances and unsocial enhancements and overtime payments until the end of the emergency. Payroll reserves the right, during the emergency, to vary the method of payment.

Managers and staff must keep records for payroll documentation in the event of paperwork being lost during the emergency.

16. Insurance

Council employees undertaking different roles during an emergency will be considered to be working under the direction of their employer and the Council's insurance policies will provide cover for such duties. It is important, however, that staff feel able to raise any questions or concerns they may have in fulfilling their new role and seek advice accordingly with their line managers or nominated deputy.

17. List of Useful Website and Contact Details

- a. LBB's website <http://barnet.gov.uk>
- b. NHS DIRECT <http://www.nhsdirect.nhs.uk>
- c. Health Protection Agency: www.hpa.org.uk
- d. Department of Health: www.dh.gov.uk
- e. The World Health Organisation: www.who.int
- f. Barnet PCT: www.barnet.nhs.uk
- g. Local Governments Employers (LGE) www.lge.gov.uk/lge

18. Review

This policy will be reviewed every three years or if legislative changes deemed necessary or where it is requested earlier by the Chief Executive or Council Members.

ANNEX A

Date

Dear (line manager)

I certify that I am unfit to work because..... (list symptoms) and I am unable to obtain a medical certificate from my GP because..... (list reasons).

I became ill/was injured* on (date) and expect to return to work on (date). If I have not returned within 2 weeks due to continued illness/injury, I will visit my GP where possible and/or send my Director another self-certification letter.

I acknowledge and accept that any abuse of this temporary Attendance Management Policy will be dealt with through the Council's normal disciplinary procedures and may constitute gross misconduct.

***** NOTE: Wherever possible this letter should be sent by email.**

ANNEX B

Date

Dear

This is to confirm that I am unable to come to work due to (caring for a relative / looking after children) and am requesting Paid Carers' Leave. I have taken all reasonable measures to find alternative arrangements which include:

- a.
- b.

I anticipate that I will need to be absent for(up to 5 working days) from.....(date) and will return to work on(date).

If my situation changes, I will ring my manager and return to work earlier than expected. If my situation does not improve, I will submit another request for further paid Carers' Leave (each request may be for no more than 5 days).

I note that the first three days of my absence will be deducted from my annual leave entitlement and that my request for Carers' Leave starts after the expiry of these three days.

I acknowledge and accept that any abuse of paid Carers' Leave will result in disciplinary action, which may include dismissal.

***** NOTE: Wherever possible this letter should be sent by email.**

EQUALITY IMPACT ASSESSMENT FORM

SERVICE AREA: RESOURCES

NAME OF POLICIES: HR EMERGENCY CIVIL CONTENGENCIES POLICY

PURPOSE: The purpose of the proposed policy and procedure is to provide a planned, structured and co-ordinated way of working in the event of a pandemic or civil contingency.

1.	<p>What are the policies intended to achieve? (Please give a brief description of the purpose of this policy/procedure)</p> <p>The intention is to introduce a new policy that will link all current HR policies that will help alleviate pressures on service when there is a civil contingency. The policy will:</p> <ul style="list-style-type: none"> • provide framework for managers to address staffing matters in an emergency. • provide guidelines for managers to work within when considering additional work and pay and movement of staff. <p>The revised policy is meant to give managers a clear criteria on when to offer payments for additional work, give time off and how much and to ensure staff are not discriminated and are treated fairly in the event of emergencies when service delivery to the community should be the primary focus.</p> <p>The new policy is intended to provide clear guidelines on who can evoke the policy and when and what should happen in the event of closures of work place, as currently there is nothing in place in terms of policies.</p>
2.	<p>Who is the policy for? (Who will be directly affected by the delivery of this policy/procedure? e.g. staff, public generally, specific section of the public)</p> <p>For all staff except including schools who are governed by the principles of the policy. However, the Policy has to be adopted on an individual basis for schools.</p>

IMPACT ON THE PUBLIC AND STAFF

3.	<p>Does the policy ensure that women and men, different racial groups, and disabled people have an equal access to all the services available? (What has been done to examine whether or not one or more of these groups do not have direct access to the service or receive the service in a different way, if so which groups are affected?)</p> <p>Yes - by consulting with the various Trade Unions and HR staff of all services, Equalities Advisor and AVMEG.</p> <p>No impact on members of the public.</p>
	<p><u>Actions required</u></p>

	None
4.	<p>What are the indirect consequences of the policy for particular groups? (Has the service delivery been examined to assess if there is any indirect affect on any groups?)</p> <p>There may be indirect consequences e.g.</p> <ul style="list-style-type: none"> • Stress of additional work that may be taken on by already stretched services. • Job(s) not scoped or evaluated to ensure adequate resources are available to assist smooth delivery via the Business Continuity Plans of each service.
	<p><u>Actions required</u></p> <p>Managers must carefully monitor consequence of additional work load on staff taking on the opportunity and stress to other staff in during this period.</p>

INFORMATION COLLECTION

5.	<p>Is full information and analysis of users of the service available? (Is this service effectively targeting all its potential users or is there higher or lower participation or uptake by one or more groups? If this is so, What has been done to address any difference in take up of the service one or more groups?)</p> <p>Not at the moment as this policy is to be invoked in the event of an emergency.</p>
	<p><u>Actions required</u></p> <p>None</p>

CONSULTATION

6.	<p>What consultation has taken place? (What steps been taken to ensure that women and men, different racial groups, and disabled people have been consulted during the development of this policy /procedure?)</p> <p>HR Strategy Group Equalities Advisor Employee Assistance Officer AVMEG (All Visible Minority Ethnic Group) Health & Safety Representatives Trade Unions & GMB CMG and Cabinet</p> <p>Some of the suggested amendments put forward have been adopted in the policies.</p>
	<p><u>Actions required</u></p> <p>None : Feedback received - actions taken - or not have been explained to Groups.</p>

MONITORING and REVIEW

7.	<p>How will the policy be monitored? (What monitoring process has been set up assess the extent that the service is being used by all sections of the community?)</p> <p>These policies will be reviewed as and when necessary as new policies are introduced in HR or where there are changes in legislation.</p>
	<p><u>Actions required</u></p> <p>None</p>

8.	<p>How will the policy be evaluated? (What methods will be used to ensure that the needs of all sections of the community are being met?)</p> <p>Not community related, however, the polices will be evaluated in light of changes in</p> <ul style="list-style-type: none"> • Changes in legislation, case law. • Changes in other Council HR procedures • Guidance and best practice updates from the NHS, Local Government Employers, WHO and Department of Health.
	<p><u>Actions required</u></p> <p>None</p>

9.	<p>Could it be done better next time? (What has been learned to help ensure that the needs of the community will be better catered for in the future?)</p> <p>Not related to the Community, however wider consultation should have taken place.</p>
	<p><u>Actions required</u></p> <p>None</p>

Completed By: Manjula Nithiananthan

Date 11 August 2009

Position: HR Strategist

Approved By: Belinda Adams

Date 2 September 2009

Position: Interim Head of Strategy