

BASSETLAW

DISTRICT COUNCIL
NORTH NOTTINGHAMSHIRE

JOINT EMPLOYEE COUNCIL

AGENDA

Meeting to be held in
The Ceres Suite,
Town Hall, Worksop

on

Tuesday, 11th September 2012

at

2.30 p.m.

(Please note there will be no pre-meeting)

**(Please turn off mobile telephones during meetings.
In case of emergency, Members/officers can be contacted on the
Council's mobile telephone: 07702 670209)**

Bassetlaw - Serving North Nottinghamshire

District Council Offices, Potter Street, Worksop, Notts. S80 2AH.

JOINT EMPLOYEE COUNCIL

Membership 2012/13

Councillors C. Entwistle, S. Greaves, S. May, D. R. Pressley and J. B Rickells

Substitute Members: In the event of any member of either side being unable to attend any meeting, another representative may be appointed to attend in his/her place, provided that the substitute is drawn from the same area of representation as the member unable to attend

Quorum: 2 Members

Lead Officer for this Meeting

Mr. L. Hull - Ext. 4136

Administrator for this Meeting

Cara Crossland - Ext. 3254

JOINT EMPLOYEE COUNCIL

Tuesday, 11th September 2012

AGENDA

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS
(Members' and Officers' attention is drawn to the attached notes and form)
 - (a) Members
 - (b) Officers
3. MINUTES OF MEETING HELD ON 12TH JUNE 2012* (pages 7 - 10)
4. MINUTES FOR ACTION * (page 11)
5. OUTSTANDING MINUTES LIST * (page 13)

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None

Other Decisions

6. REPORT(S) OF THE DIRECTOR OF CORPORATE SERVICES*
 - (a) Anti-Bribery Policies and Procedures (pages 15 - 52)
7. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES*
 - (b) Job and Structure Redesign Policy and Procedure (pages 53 - 66)

Exempt Information Items

The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.

SECTION B - ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None

Other Decisions

8. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES *
 - (a) Review of Agency Workers (pages 67 - 74)

- (b) Voluntary Early Retirement/ Redundancy and Flexible Working/Retirement
(pages 75 - 78)

9. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

* Report attached

NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
 2. Copies can be requested by contacting us on 01909 533249 or by email:
cara.crossland@bassetlaw.gov.uk
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DECLARATION OF INTEREST

COMMITTEE

DATE

NAME OF MEMBER :

Type of Interest

- 1. Disclosable Pecuniary
- 2. Non Pecuniary

Agenda Item No.	REASON *	Type of Interest (1 or 2)
Signed		
Dated		

Note:

* When declaring an interest you must also state the nature of your interest.

Completion of this form is to aid the accurate recording of your interest in the Minutes. The signed form should be provided to the Minuting Clerk at the end of the meeting.

A nil return is not required.

It is still your responsibility to disclose any interests which you may have at the commencement of the meeting and at the commencement of the appropriate Agenda item.

DECLARATION OF INTERESTS

HOW TO USE THIS FORM

There are now only two types of Declaration of Interest:

Disclosable Pecuniary Interests)	Details can be found in the Councillors Code of Conduct which is contained in the Council's Constitution (a summary is printed below)
)	
Non Pecuniary Interests)	

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

Disclosable Pecuniary Interests

May relate to employment, office, trade, profession or vocation carried on for profit or gain
May relate to sponsorship
May relate to contracts
May relate to interests in land
May relate to licences to occupy land
May relate to corporate tenancies
May relate to securities

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- withdraw from the room
- not seek improperly to influence a decision on the matter

Non Pecuniary Interests

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

JOINT EMPLOYEE COUNCIL

Minutes of the meeting held on Tuesday, 12th June 2012 at Retford Town Hall

Present:

Employer's Representatives:

Councillor C Entwistle (Chairman for the meeting)
Councillors S May, D R Pressley and J B Rickells

Employee Representatives:

A Porter, P Rodgers and J Rose

Officers in attendance: C Crossland and L Hull

ACTION BY:

1. NOMINATIONS FOR THE ELECTION OF CHAIRMAN

RESOLVED that:

1. Councillor S A Greaves be elected Chairman of the Joint Employee Council for the ensuing year.
2. Councillor C Entwistle be elected Chairman for the meeting in the absence of Councillor S A Greaves.

2. NOMINATIONS FOR THE APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that K Circuit be appointed Vice-Chairman of the Joint Employee Council for the ensuing year.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S A Greaves and employee representatives K Circuit, A Dainty and R Parr.

4. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

There were no declarations of interest by Members.

(b) Officers

There were no declarations of interest by officers.

5. MINUTES OF MEETING HELD ON 13TH MARCH 2012

RESOLVED that the Minutes of the meeting held on 13th March 2012 be approved.

6. MINUTES FOR ACTION

RESOLVED that the Minutes for Action be received.

7. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

8. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Employee Survey 2012/13

Members were provided with an update in regard to the next planned corporate wide Employee Attitude Survey and were invited to make comments and suggestions on the approach. The last survey was undertaken in September 2009, a copy of the questions previously included was appended to the report.

Elected Members/ Employee Representatives asked that questions be included in relation to flexibility of staff and how they feel it has been handled, Member feedback and the sickness scheme.

RESOLVED that:

1. The Joint Employee Council comment on the proposal to carry out an employee survey in November/ December 2012 and any potential measures to maximise return rates.
2. That the Joint Employee Council comment on the existing draft questions, to enable consideration at this early stage of the review.
3. Members pass on their comments and suggestions to L Hull, Head of Human Resources before November 2012.

(b) 'Well-Being at Work' Award Scheme

Members were updated on the 'Well-being at Work' Award Scheme. The Council has continued to make progress in reducing the levels of sickness absence in the organisation. In 2011/12 sickness reduced to 7.01 days, an overall decrease from last year of 1.07 days. It is the fourth time in a row that the Council has exceeded its target.

The Head of Human Resources informed Members that progress is due to a number of factors, sickness management, pro-active work and staff effort. A number of initiatives have been delivered and further health and well-being initiatives are planned for the future. The Council are under the 'Well-being at Work' Award Scheme and have successfully achieved bronze and silver status and are working towards gold.

An Elected Member suggested that Members be invited to the events and initiatives taking place. Elected Members raised issues regarding recognition and rewards for staff with good sickness record.

The Head of Human Resources thanked the Sports Development Team for leading on some of the initiatives.

RESOLVED that:

1. The Council's bid for Gold Status for the 'Well-being at Work' Award Scheme be supported.

9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agree that the following items of business involve the likely disclosure of exempt information as defined in Paragraph 4, and, therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda item 9(a) – Review of Agency Workers – Paragraph 4

Agenda item 9(b) – Voluntary Early Retirement/ Redundancy/ Flexible Working and Flexible Retirement Exercise – Paragraph 4

Agenda item 10(a) – Request for a Review of Bassetlaw District Council's Apprenticeship Scheme – Paragraph 4

Agenda item 10(b) – Payment of 'The living Wage' – Paragraph 4

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

10. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) **Review of Agency Workers**

The Joint Employee Council were updated on the use of agency workers for the period 1st January 2012 to 31st March 2012.

Elected Members/ Employee Representatives commented on the excellent figures. An Employee Representative suggested undertaking a similar exercise regarding the number of consultants used.

RESOLVED that:

1. The report be noted.
2. The Head of Human Resources look into the possibility of undertaking an exercise regarding the number of consultants used and report back to a future meeting.

(b) **Voluntary Early Retirement/ Redundancy/ Flexible Working and Flexible Retirement Exercise 2011/12**

Members were presented with an update on the 2011/12 Corporate Voluntary Exercise and informed of the proposed timeline for a similar exercise for 2012/13.

RESOLVED that:

1. The final positive outcomes in terms of staffing changes and costs/ savings for 2011/12 exercise be noted.
2. The proposed timeframe for the 2012/13 voluntary exercise be considered.

11. REPORT(S) OF THE EMPLOYEES REPRESENTATIVES

(a) **Request for a Review of Bassetlaw District Councils Apprenticeship Scheme**

Members were presented with a report which asked the Joint Employee Council to instigate a review into the current Apprenticeship Scheme run by the Council.

RESOLVED that a joint review of the Apprenticeship Scheme currently in place at Bassetlaw District Council is carried out and the findings are reported back to a future meeting of the Committee.

(b) **Payment of 'The Living Wage'**

Members were presented with a report which asked the Joint Employee Council to recommend the payment of 'The Living Wage' as a minimum to all employees.

RESOLVED that a review is carried out of paying 'The Living Wage' as a minimum to all its employees and that a report is presented to a future meeting of the Committee.

12. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

As there was no other urgent business to discuss, the Chairman closed the meeting.

MINUTES FOR ACTION AND IMPLEMENTATION SHEET

JOINT EMPLOYEE COUNCIL

12/06/12

FROM: Democratic Services Officer TO: Head of Human Resources

The following decisions are brought to your attention for action by the appropriate Officers within your Service:

10. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) Review of Agency Workers

RESOLVED that:

1. The report be noted.
 2. The Head of Human Resources look into the possibility of undertaking an exercise regarding the number of consultants used and report back to a future meeting.
-

11. REPORT(S) OF THE EMPLOYEES REPRESENTATIVES

(a) Request for a Review of Bassetlaw District Councils Apprenticeship Scheme

RESOLVED that a joint review of the Apprenticeship Scheme currently in place at Bassetlaw District Council is carried out and the findings are reported back to a future meeting of the Committee.

(b) Payment of 'The Living Wage'

Members were presented with a report which asked the Joint Employee Council to recommend the payment of 'The Living Wage' as a minimum to all employees.

RESOLVED that a review is carried out of paying 'The Living Wage' as a minimum to all its employees and that a report is presented to a future meeting of the Committee.

JOINT EMPLOYEE COUNCIL**Tuesday, 11th September 2012****OUTSTANDING MINUTES LIST**

Members please note that the updated positions are shown in bold type following each item.

(HHR = Head of Human Resources)

<u>Min. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Decision</u>	<u>Officer Responsible</u>
10(a)	12.06.12	Review of Agency Workers	(2) The Head of Human Resources look into the possibility of undertaking an exercise regarding the number of consultants used and report back to a future meeting Update to be presented at the meeting	HHR
11(a)	12.06.12	Request for a Review of Bassetlaw District Councils Apprenticeship Scheme	That joint review of the Apprenticeship Scheme currently in place at Bassetlaw District Council is carried out and the findings are reported back to a future meeting of the Committee. Update to be presented at the meeting	HHR
11(b)	12.06.12	Payment of 'The Living Wage'	That a review is carried out of paying 'The Living Wage' as a minimum to all its employees and that a report is presented to a future meeting of the Committee. Update to be presented at the meeting	HHR

Agenda Item No.

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

11th SEPTEMBER 2012

REPORT OF THE DIRECTOR OF CORPORATE SERVICES

ANTI-BRIBERY POLICIES & PROCEDURES

Cabinet Member: **Policy & Community
Engagement**

Contact: Ros Theakstone
Ext: 3378

1. Public Interest Test

The author of this report Ros Theakstone has determined that the contents are not of a confidential nature.

2. Purpose of the Report

To propose for consultation a new Bribery Policy & Procedure, Whistleblowing Policy & Procedure and Gifts & Hospitality Protocol to members of the Joint Employee Council.

3. Background and discussion

3.1 The Bribery Act 2010 came into force in July 2011 updating the old bribery laws and existing statutory offences of corruption. The guidance issued set out key principles in order to determine how to set up policies and procedures for the purposes of preventing bribery, protecting the organisation from risk of being exposed to bribery and importantly advising staff and members.

3.2 The Council has a number of policies and procedures already in place to address fraud and corruption and therefore a process of reviewing those has been undertaken together with developing a clear Council approach to Anti-Bribery to align with the requirements of the Bribery Act. These key policies and protocols include:

- Anti-Bribery Policy & Procedures
- Whistleblowing Policy & Procedures
- Gifts & Hospitality Protocol

3.3 Drafts of these 3 key documents are appended to this report and which have been developed to support the overall Council approach to Anti-Fraud and Anti-Corruption as approved by full Council on 22nd December 2011. It is important that these policies support the overall strategic framework and that we promote and maintain high standards of conduct for both staff and members.

- 3.4 The next stage of the process is to commence consultation on the draft documents with a view to finalising them before presenting back to members of the Joint Employee Council for onward referral to Council for approval.

4. **Implications**

a) For service users

Establishing clear policies and procedures to prevent bribery occurring will ensure that members of the public have confidence in the Council and the services it delivers.

b) Strategic and Policy

The Council's overall strategic approach to Anti-Bribery, Anti-Fraud and Anti-Corruption provides a strong ethical framework and promotes good corporate governance.

c) Financial (13/181)

None from this report.

d) Human Resources

Once the final policies and procedures are adopted, staff will have clarity in respect of their own responsibilities in relation to the new duties of the Bribery Act.

e) Legal (292/09/12)

The Bribery Act replaces the offences at common law and under the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916 (known collectively as the Prevention of Corruption Acts 1889 to 1916) with a new consolidated scheme of bribery offences. The Council must comply with the requirements of the Act and ensure it discharges its legal responsibilities.

f) Community Safety, Equalities, Environmental

None arising from this report.

g) Key Decision

None

5. **Options, Risks and Reasons for Recommendations**

To note the content of this report and appendices in order to commence the consultation process with a view to agreeing the policies at the next meeting of the JEC prior to onward referral to Council. This will ensure that the Council is fully discharging its responsibilities in relation to Anti-Bribery.

6. Recommendations

That the Joint Employee Council note the content of this report and appendices in order to commence the consultation process with a view to agreeing the policies at the next meeting of the JEC prior to onward referral to Council.

Background Papers

Location

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BASSETLAW DISTRICT COUNCIL

ANTI BRIBERY POLICY & PROCEDURES

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1. POLICY STATEMENT

Bribery is a criminal offence. The Council does not and will not pay bribes or offer improper inducements to anyone for any purpose. It also does not or will not accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not and will not engage indirectly in or otherwise encourage bribery.

The Council has zero-tolerance towards bribery and aims to maintain anti-bribery compliance as “business as usual” rather than as a one-off exercise.

1.1 Objective of the Policy

This Policy provides a coherent and consistent framework to enable the Council’s employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

The Council requires that all personnel, including those permanently employed, temporary agency staff and contractors:

- Act honestly and with integrity at all times and to safeguard the Council’s resources for which they are responsible;
- Comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities.

1.2 Scope of the Policy

This Policy applies to all of the Council’s activities. For partners, joint ventures and suppliers, the Council will seek to promote the adoption of policies consistent with the principles set out in this Policy.

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely within assurance functions, but in all service areas and corporate functions.

This Policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, agents, Members (including non-elected independent Members), volunteers, community organisations and consultants.

1.3 The Council’s Commitment to Action

The Council commits to:

- Setting out a clear Anti-Bribery Policy and keeping it up to date;
- Making all employees aware of their responsibilities to adhere strictly to this Policy at all times;

- Training key employees so that they can recognise and avoid the use of bribery by themselves and others;
- Encouraging its employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- Rigorously investigating instances of alleged bribery and assisting Police and other appropriate authorities in any resultant prosecution;
- Taking firm and vigorous action against any individual(s) involved in bribery;
- Provide information to all employees to report breaches and suspected breaches of this Policy;
- Include appropriate clauses in contracts to prevent bribery.

1.4 Definition of Bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

1.5 The Bribery Act 2010

There are four key offences under the Act:

- Bribery of another person (Section 1);
- Accepting a bribe (Section 2);
- Bribing a foreign official (Section 6);
- Failing to prevent bribery (Section 7).

The Bribery Act 2010 (http://www.opsi.gov.uk/acts/acts2010/ukpga_2010/23) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2).

Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. This is what is known as a “strict liability” offence which means that there is no need to prove negligence or management complicity. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

1.6 Is the Council a “Commercial Organisation”?

The guidance states that a “commercial organisation” is any body formed in the United Kingdom and “...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made.” Therefore, there are circumstances in which the Council will be a commercial organisation for the purposes of Section 7. This Policy is intended to ensure that the Council has in place the necessary procedures to act as a defence to a Section 7 offence.

2. ANTI BRIBERY PROCEDURES

2.1 The Six Principles

The Council is committed to the proportional implementation of the following principles:

Proportionality

The Council has procedures in place to prevent bribery by persons associated with it. These are proportionate to the bribery risks faced by the Council and to the nature, scale and complexity of the Council’s activities. They are also clear, practical, accessible, effectively implemented and enforced.

Top Level Commitment

The Council’s Corporate Management Team (CMT) and Councillors are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

Risk Assessment

The Council assesses the nature and extent of its exposure to potential external and internal risk of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage and is carried out as part of the Council’s risk management process.

Due Diligence

The Council applies due diligence procedures, taking a proportionate and risk based approach in respect of persons who perform or will perform services for or on behalf of the Council, in order to mitigate identified bribery risks.

Communication (including training)

The Council seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

Monitoring and review

Procedures designed to prevent bribery are monitored and reviewed and improvements are made where necessary.

2.2 Penalties

An individual guilty of an offence under Sections 1, 2 or 6 of the Bribery Act 2010 is liable:

- On conviction in a Magistrates Court, to imprisonment for a maximum of 12 months or to a fine not exceeding £5,000 or to both;
- On conviction in a Crown Court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

The Council if convicted under Sections 1, 2 or 6 of the Bribery Act 2010 will also face the same level of fines and, if guilty of an offence under Section 7, is liable to an unlimited fine.

2.3 Zero Tolerance

It is unacceptable to:

- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure;
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this Policy;
- Engage in activity in breach of this Policy.

2.4 Facilitation Payments

Facilitation payments are not tolerated and are illegal. They are unofficial payments made to public officials to secure or expedite actions.

2.5 Gifts and Hospitality

The Council's policy regarding the requirements for gifts and hospitality is set out within its Codes of Conduct, and the Gifts and Hospitality Protocol.

2.6 Public Contracts and Failure to Prevent Bribery

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. This Council has the discretion to exclude organisations convicted of this offence.

2.7 Employee Responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control. All employees are required to avoid activity that breaches this Policy.

Employees must:

- Ensure that they read, understand and comply with this Policy;
- Raise concerns as soon as possible if they believe or suspect that a conflict with this Policy has occurred or may occur in the future.

As well as the possibility of civil or criminal prosecution, employees that breach this Policy will face action in line with the Council's Disciplinary Rules which could result in dismissal for gross misconduct.

2.8 Raising a Concern

This Council is committed to ensuring that there is a safe, reliable and confidential way of reporting any suspicious activity. The Council wants all employees to know how to raise concerns.

All employees have a responsibility to help detect, prevent and report instances of bribery.

If you have a concern regarding a suspected instance of bribery or corruption then please raise your concern as detailed in the Council's Whistleblowing Code, or alternatively contact the Director of Corporate Services, the Head of Finance & Property, or the Head of Internal Audit.

3. OTHER RELEVANT POLICIES

- Anti-Fraud and Anti-Corruption Corruption Strategy & Policy
- Anti- Money Laundering Policy
- Whistleblowing Policy & Procedure
- Gifts and Hospitality Protocol
- Risk Management Strategy
- Codes of Conduct

BRIBERY ACT – ACTION PLAN

REF	ACTION REQUIRED	DETAIL OF ACTION TO BE TAKEN	COMPLETION DATE
1	Conduct risk assessment workshops in key areas where the exposure to bribery is considered to be high risk.	Corporate Risk Management Group to discuss areas of perceived high risk areas which are exposed to high volumes of procurement, the property market and third party providers. The Group to identify bribery risk and assess what actions are in place or can be enhanced to mitigate the risk.	OCTOBER 2012
2	Review the Core Performance System, which holds the Council's Risk Registers to incorporate specific bribery risks.	To ensure everybody considers the risk of bribery, any specific risks identified in the Corporate Risk Management Group will be added into the Council's Covalent system.	OCTOBER 2012
3	Review the Anti-Fraud and Anti-Corruption Policy and clearly refer to the new Bribery Act 2010 and the potential offences.	New Anti-Fraud and Anti-Corruption Strategy and Policy approved by full Council in December 2011. This explicitly includes bribery offences as specified by the Act. Minor amendments may be necessary once this Anti-Bribery Policy is approved.	COMPLETED – DECEMBER 2011
4	Review and update the Corporate Procurement Policy & Strategy.	This has been reviewed to cover the offences under the Act and enhance the guidance included to minimise the potential risk of exposure to bribery. Minor amendments may be necessary once this Anti-Bribery Policy is approved.	COMPLETED – JUNE 2011
5	Review and update Financial and Contract Procedure Rules.	Updated to reflect the Act and the offences therein. Minor amendments may be necessary once this Anti-Bribery Policy is approved.	COMPLETED – JULY 2010 (FPR) AND DECEMBER 2011 (CPR)
6	Review and update the Gifts and Hospitality Protocol.	This has been reviewed to ensure it is clear in light of the offences within the Act and the draft guidance produced by the Ministry of Justice. It will be presented to Council alongside this Policy in December 2012.	DECEMBER 2012
7	Review and update the Whistleblowing Policy and Procedure.	The Policy has been reviewed to ensure it is clear in light of the offences within the Act and the draft guidance produced by the Ministry of Justice. It will be presented to Council alongside this Policy in December 2012.	DECEMBER 2012
8	Review and update the Fraud Response Plan.	Included as part of the new Anti-Fraud and Anti-Corruption Strategy and Policy approved by full Council in December 2011. Minor amendments may be necessary once this Anti-Bribery Policy is approved.	COMPLETED – DECEMBER 2011

REF	ACTION REQUIRED	DETAIL OF ACTION TO BE TAKEN	COMPLETION DATE
9	Review and update the Anti-Money Laundering Policy.	Included as part of the new Anti-Fraud and Anti-Corruption Strategy and Policy approved by full Council in December 2011. Minor amendments may be necessary once this Anti-Bribery Policy is approved.	COMPLETED – DECEMBER 2011
10	Recruitment and Selection Policy.	The Policy will be reviewed to update the risk exposures that could occur if recruitment is not undertaken correctly. Emphasis will be placed on pre-employment screening.	DECEMBER 2012
11	Induction Process.	The Induction Checklist will be amended to make reference to the Anti-Fraud & Anti-Corruption Strategy and Policy, the Fraud Response Plan and the Whistleblowing Policy so that new employees are aware of the standards expected and the ways in which wrongdoing can be reported and how it will be dealt with.	DECEMBER 2012
12	Standard Contract Documentation.	Documentation in relation to contracts and the whole procurement process will be reviewed to ensure that details are included about bribery at the earliest opportunity to eliminate the risk.	DECEMBER 2012
13	Partnership Agreements.	Documentation in relation to partnerships and the whole procurement process will be reviewed to ensure that details are included about bribery at the earliest opportunity to eliminate the risk. This will affect A1 Housing, DWP, BPL.	DECEMBER 2012
14	Code of Conduct for Employees	Consultation will take place with the Director of Corporate Services/Head of Human Resources and Council Solicitor to ensure the code covers bribery.	DECEMBER 2012
15	Present a report to the Corporate Management Team outlining the requirements of the new Act and updating them on actions taken to ensure the Council has preventative measures in place.	A report was presented by the Council Solicitor on the main points of the Act and the action being taken to ensure that Bassetlaw has preventative measures in place.	COMPLETED – SEPTEMBER 2010
16	Raise awareness by rolling out an E-tutorial for staff (with computer access) on Fraud, Bribery and Corruption.	To discuss with Human Resources the possibility of an intranet based training package. Alternatively source an external provider that can deliver this within existing budgets.	DECEMBER 2012
17	Develop an awareness session for staff without computer access.	An anti-fraud training session was delivered by RSM Tenon for all Council staff during July 2012.	COMPLETED – JULY 2012

REF	ACTION REQUIRED	DETAIL OF ACTION TO BE TAKEN	COMPLETION DATE
18	Place an article in Brief Exchange and produce a briefing note for the Members Information Bulletin.	An awareness article to be written to inform all staff of the potential offences under the Act and how to avoid them.	DECEMBER 2012
19	Review Member awareness training.	Members need to be briefed on the offences the Act now presents and how they can protect themselves and the Council from challenge.	DECEMBER 2012
20	Develop Intranet/Internet information pages.	The creation of anti-fraud pages on the Intranet/Internet are planned and the Bribery Act will be added to the list of contents.	DECEMBER 2012
21	Monitor investigations into bribery offences as part of the reactive fraud and corruption response and report all cases to the Audit & Risk Scrutiny Committee.	The register used to record and monitor investigations conducted has been amended to ensure any allegations of bribery are included and highlighted. An annual report is presented each year to the Audit & Risk Scrutiny Committee on investigations made into all identified fraud and irregularities.	COMPLETED – JULY 2012
22	Update questionnaires used for the production of the Annual Governance Statement to include Bribery.	The annual questionnaires will be amended to cover bribery explicitly.	MARCH 2013
23	Proactively publicise the high standards expected from the Council during all procurement exercises.	Anti-bribery measures are clearly stated on all tender and contract documentation.	COMPLETED – JANUARY 2012
24	Share best practice and the learning from incidents within the Nottinghamshire Audit Group.	Identified as a standing item on the Agenda.	COMPLETED – JANUARY 2012

WHISTLEBLOWING POLICY & PROCEDURE

1. INTRODUCTION

- 1.1 "Whistleblowing" means action by an employee to disclose malpractice in the form of irregularity, wrong-doing or serious failures of standards at work.
- 1.2 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.3 An employee's concerns about malpractice may in this context include concerns about possible corruption, dangerous procedures risking health and safety, abuse of clients, evasion of statutory responsibilities, damage to the environment or other unethical conduct. The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.
- 1.4 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This procedure makes it clear that staff can do so without fear of reprisals. This Whistleblowing Code is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.

It is in the interests of all concerned - Council, staff and anybody accused of failure, that such disclosures are dealt with properly, quickly and where appropriate.

- 1.5 The Code of Practice is complementary to the Code of Conduct for Local Government Employees.

2. AIMS AND SCOPE OF THIS CODE

- 2.1. Employees will be expected through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.
- 2.2. This code aims to explain how the Council will put that policy into practice.

It provides -

- avenues for you to raise concerns and receive feedback on any action taken
 - allows you to take the matter further if you are dissatisfied with the Council's response, and
 - reassures you that you will be protected from reprisals or victimisation for whistleblowing in good faith
- 2.3 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures.

That concern may be about something that:

- is an offence or a breach of law; or
- is against the Council's Financial and Contract Procedure rules; or
- falls below established standards or practice; or
- relates to miscarriages of justice; or
- relates to health and safety risks, including risks to the public as well as other employees; or
- relates to damage to the environment; or
- amounts to unauthorised use of public funds; or
- amounts to fraud and corruption; or
- amounts to sexual or physical abuse of clients; or
- amounts to unethical/improper conduct.

2.4 That concern may relate to the actions of an officer or Member of the Council or an external contractor carrying out work on the Council's behalf for the Council.

3. SAFEGUARDS

3.1.1 The Public Interest Disclosure Act 1998 makes it unlawful for the Authority to dismiss anyone (or carry out any other form of reprisal) on the basis that they have made a protected disclosure.

3.1.2 The Act has rules for making a protected disclosure:

- the disclosure must be in good faith
- the Whistleblower must believe an allegation to be substantially true
- the Whistleblower must not act maliciously or make false allegations
- the Whistleblower must not seek any personal gain

3.3 Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

3.4 This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

3.5 Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. However strenuous efforts will be made to obtain independent evidence which will either excuse you from getting involved further, or where that is not possible corroborate your evidence.

3.6 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

3.7 In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

3.8 *Untrue Allegations*

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations, disciplinary action may be taken against you.

4. HOW TO RAISE A CONCERN

4.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Head of Finance & Property, Monitoring Officer, Council Solicitor or Chief Internal Auditor (RSM Tenon).

4.2 Concerns are better raised in writing. However, regardless of the form in which you decide to raise concerns you should set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from any member of the Corporate Investigation Team:

Chief Executive - Ext 3266
Council Solicitor - Ext 3274
Director of Corporate Services /Monitoring Officer- Ext 3378
Chief Financial Officer - Ext 3174
Client Auditor – Ext 3271
Chief Internal Auditor (RSM Tenon) - 07791237658

4.6.1 You may invite your trade union, professional association or other representative of your choice to raise a matter on your behalf.

5. ACTION TO BE TAKEN BY AN OFFICER RECEIVING A WHISTLEBLOWING ALLEGATION.

5.1 Any officer who is informed of a potential problem through the Whistleblowing policy or suspects any irregularity must record the following:

- Date Discovered
- Discovery Method
- Names of contacts
- Nature of Irregularity

5.2 Where any officer receives such a report, they must not embark on an investigation. The officer must immediately report details of the suspected irregularity to a member of the Corporate Investigation Team (as detailed at 4.5)

5.3 The Fraud Response Plan sets out the actions the Council will follow when investigating Whistleblowing allegations.

6. HOW THE COUNCIL WILL RESPOND

6.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally
- be referred to the Police
- be referred to the external Auditor
- form the subject of an independent inquiry

6.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures will normally be referred for consideration under those procedures.

6.3 Some concerns may be resolved by agreed action without the need for investigation.

6.4 Within ten working days of a concern being received, the Council will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.

6.5 The amount of contact between the officer considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

6.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Union or professional association representative who is not involved in the area of work to which the concern relates.

6.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure. Should you so wish you may also request an officer of the Council of your choosing to provide you with advice and support. In any consequent proceedings in which you are required to give evidence that person's role will be recognised by the Council.

6.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

7. HOW TO RAISE A CONCERN EXTERNALLY

7.1 This policy is intended to provide you with an avenue to raise concerns within the Council. However, if you do not feel able to talk to anyone within the Council you can report a matter externally. The Public Interest Disclosure Act allows you to contact the Audit Commission which has set up a special telephone line on 020 7630 1019.

7.2.1 Other possible contacts for raising a concern are:

- your local Council member (if you live in the area of the Council)
- the external District Auditor (Audit Commission)
- relevant professional bodies or regulatory organisations
- your Solicitor
- the Police

If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. Check with the contact point about that.

8. THE RESPONSIBLE OFFICER

Although a number of officers have been identified as appropriate to approach, the Monitoring Officer has overall responsibility for the maintenance and operation of this policy. A record of concerns raised and the outcomes will be maintained by the Monitoring Officer but in a form that does not endanger your confidentiality and will report as necessary to the Council.

GIFTS AND HOSPITALITY A PROTOCOL FOR COUNCILLORS AND EMPLOYEES

1. Introduction

1.1 The purpose of this guidance note is to provide a guide to employees and Councillors about

- The legal rules on gifts and hospitality and what may happen if they are breached
- When gifts and hospitality may be accepted
- The procedure to follow if you are offered a gift or hospitality
- What to do if you think an employee or a Councillor has acted inappropriately

1.2 Persons in public service (both employees and elected members) are expected to act in the interest of the public and to act impartially – and be seen to act impartially. Moreover, they should avoid putting themselves in a position where their integrity is called into question because of any financial or other obligation. As well as avoiding actual impropriety, the appearance of it should also be avoided. Council employees should not benefit personally in any way from their position as paid employees of the Council.

1.3 To quote from the judgment in a 1970's case:

“People who take you to Wimbledon or to watch the Rugby are not doing it because they like you, it is because they want you to like them, It is because when you go to make a decision on a contract it is going to be based on friendship”.

2. The Legal Rules on Gifts and Hospitality

Title of rule	Applies to	What the rule says	Consequences of breach
The Public Bodies Corrupt Practices Act 1889	Councillors and employees	Councillors and employees must not corruptly receive or agree to receive any gift, loan, fee, reward or advantage for doing or not doing something in connection with the work of the Council.	Criminal offence – prosecution – on conviction you can be sentenced to up to 7 years in prison
The Prevention of Corruption Act 1916	Councillors and employees	Where a gift, loan etc., is received by an employee or Councillor from a person seeking a contract with the Council then the gift or loan is deemed to have been received corruptly unless proved otherwise. This would place the giver and the receiver in the position of having to prove that they did not act dishonestly.	Criminal offence – prosecution – on conviction you can be sentenced to up to 7 years in prison
Local Government Act 1972	Employees only	S117 Local Government Act 1972 states that an employee of a local authority shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration	Criminal offence - prosecution
Local Authority Employees Conditions of	Employees only	Employees will maintain conduct of the highest standard such that public confidence in their integrity	Breach of contract of employment – disciplinary

Title of rule	Applies to	What the rule says	Consequences of breach
Service (“the Green Book”)		is maintained.	action/dismissal
Localism Act 2011 including Code of Conduct for Councillors	Councillors and co-opted members only	<p>Councillors must act in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, a friend or close associate.</p> <p>Councillors must register with the Monitoring Officer the name of any person from whom they have received a gift or hospitality with an estimated value of at least £25.</p>	<p>Breach of the Code of Conduct –</p> <p>Potential criminal conduct/breach of other regulations</p> <p>or</p> <p>sanctions as determined by the Standards Committee.</p>

3. When gifts and hospitality may be accepted

3.1 The legal rules, and the potentially severe penalties for breaking them, mean that Councillors and employees must be cautious about accepting gifts or hospitality in the course of their duties.

Gifts

3.2 Employees and Councillors should usually refuse gifts offered to them or to a member of their immediate family by any person or body who has or seeks to have dealings with the Authority. Councillors must record all gifts and hospitality received with a value of £25 or more. Employees must inform their Director or Head of Service of all offers of gifts and hospitality regardless of value or whether accepted or not and seek advice as to whether the offer should be recorded.

3.3 However, the following gifts may generally be accepted, although employees must obtain the permission of a Director or Head of Service.

- (i) A modest gift of a promotional/advertising character given to a wide range of people and not uniquely to the employee. The gifts would normally bear the Company’s name and/or trademark/logo and would be the sort of item that would be useful in the every-day working environment eg pens, calendars, diaries, note pads, desk sets, tape measures etc.
- (ii) from time to time, as part of a sales promotion drive, firms offer gifts or vouchers exchangeable for gifts, or ordering excess of certain targets. When this happens Value for Money and the best interests of the Authority should always be uppermost in an employee’s mind. Employees should not over order, over stock, or purchase items not forming part of the Authority’s normal requirements.
- (iii) Modest gifts given in a lottery at Exhibitions, Conferences, Seminars etc, as part of a free raffle or draw.
- (iv) Modest gifts of alcohol or non-perishable foodstuffs (which must be donated to the Chairman’s Charity or other charity).
- (v) Modest gifts of perishable foodstuffs and non-foodstuffs.

- 3.4 Where a gift is accepted with the permission of a Director or Head of Service but the gift is of no direct use to the Council, e.g. chocolates, alcohol, gift vouchers etc, it should be forwarded to the Chairman's Officer in order that it can either be the subject of a raffle with the proceeds going to a charitable fund of the Chairman's choosing or donated to a suitable charity. Where this happens, the employee who initially received the gift must complete a form to record the gift having been accepted and donated to the Chairman's charity or another charity.
- 3.5 The Chairman's Officer will write to the donor to thank them for the gift and tell them that, as employees cannot accept gifts, their gift has been donated to the Chairman's Charity. A copy of this letter will be sent to the employee who accepted or received the gift.
- 3.6 Where perishable gifts e.g. cakes, biscuits, flowers are received or accepted, whilst these remain the property of the Council and not the individual, they may be accepted and shared amongst the Service/Officer(s) as appropriate. Where this occurs the employee who initially received the gift must complete a form to record the gift having been accepted and shared around the relevant office.

Hospitality

- 3.7 Hospitality should in general be declined. Employees should never accept any hospitality without the consent of a Director or Head of Service.
- 3.8 The following are examples of what is generally ACCEPTABLE:
- (i) A working meal provided to allow the parties to discuss or continue to discuss business. Employees are reminded they must not claim subsistence unless money has actually been expended by them on paying for their share of the meal or purchase of drinks. Employees should endeavour to pay their share of the cost where practicable: for example where the meal is taken in a café/restaurant.
 - (ii) An invitation from an established or prospective trading partner to a function that is part of a wider gathering e.g. conference lunches or dinners, where other local government employees connected with the service provided by the trading partner are also invited. However these should always be registered.
- 3.9 The following would never be acceptable:
- (i) Holidays or free accommodation
 - (ii) Offers or hotel vouchers, theatre tickets, free travel etc (this should be treated as a gift)
 - (iii) Tickets for football matches or other sporting events; and
 - (iv) Use of a company flat or hotel suite
- 3.10 If you are unsure then you should contact the Council Solicitor or (in the case of employees) the Director or Head responsible for your service.
- 3.11 When a firm is participating in a tendering exercise or in a dispute with the Council about an existing contract then clearly offers of hospitality should be refused even if in normal times they could be acceptable.

4. The procedure for responding to offers of gifts or hospitality

- 4.1 The form must be completed as soon as the offer has been received. Employees must complete the form even if the offer is rejected.
- 4.2 Councillors must return the form to the Council Solicitor within 28 days from accepting the gift or hospitality.
- 4.3 Employees must not accept the gift or hospitality without the written permission of a Director or Head of Service. They must therefore complete the form and give it to the Director or Head responsible for their service. Once the Director or Head of Service has made a decision he or she will send copies of the form to the Council Solicitor and employee.
- 4.4 The Council Solicitor will ensure that everyone who offers a gift or hospitality will receive a letter drawing their attention to this policy.
- 4.5 The register of gifts and hospitality will be open to inspection by Audit & Risk Scrutiny Committee and by internal Audit.
- 5. What should I do if I think that someone isn't following this procedure?**
- 5.1 If you have a concern that any gifts or hospitality are being inappropriately accepted then you should raise it with the Council Solicitor or Internal Audit.

REGISTRATION OF OFFERS OF GIFTS AND HOSPITALITY - COUNCILLORS

Councillors are required to register all hospitality received where the gift or hospitality:

- has an estimated value of £25 or more; and
- is received in connection with the carrying out of the councillor or officer's duties (including whilst representing the council on an outside body)

Registration must be completed within 28 days of receiving the gift or hospitality.

Councillors are also encouraged to voluntarily register all offers of gifts and hospitality – whether or not accepted.

Advice about what has to be registered is available from the Council Solicitor or one of the legal team.

Name of Councillor receiving offer of gift or hospitality:

--

Details of hospitality or gift received/or offered

Date hospitality or gift received	Name of person or body giving the hospitality	Description of what was received	Estimated value	Have you or will you accept this gift or hospitality?*

Information given on this form will be used for the purpose of promoting and maintaining good standards of probity and will be placed on the register of interests which is available to the public.

Declaration

The information on this form is true and complete to the best of my knowledge.

Signed _____

Dated _____

Once complete this form should be sent to the Council Solicitor

REGISTRATION OF OFFERS OF GIFTS AND HOSPITALITY - EMPLOYEES

Council employees must not accept gifts or hospitality without the prior permission of a Director or Head of Service.

All offers of gifts and hospitality must be recorded on this form following receipt of advice from the Director or Head of Service, even if an employee has refused the offer or does not want to accept it.

The form must be completed before any gift or hospitality can be accepted.

Advice about what has to be registered is available from the Council Solicitor or one of the legal team.

Name of Employee receiving offer of gift or hospitality:

--

Details of hospitality or gift received/or offered

Date hospitality or gift received	
Name of person or body making the offer	
Description of what has been offered	
Estimated value	
Reason for offer	
The current situation is:	<input type="checkbox"/> This form is for information only because the offer has already been refused <input type="checkbox"/> The offer is of non-perishable food/drink/vouchers and I seek authority to donate it to the Chairman's Charity or another charity <input type="checkbox"/> I request guidance on how to respond to the offer

Information given on this form will be used for the purpose of promoting and maintaining good standards of probity and may be made available to the public.

Declaration

The information on this form is true and complete to the best of my knowledge.

Signed _____

Dated _____

Once complete this form should be sent to the Council Solicitor

THIS SECTION HAS TO BE COMPLETED BY THE DIRECTOR OR HEAD OF SERVICE RESPONSIBLE FOR THE EMPLOYEE'S SERVICE.

This section does not apply to gifts/hospitality being registered by a Councillor.

Permission to accept the gift/hospitality granted	YES/NO
_____	_____
Name	Signed
_____	_____
Date	_____
Date gift returned unaccepted	
Name of persons notified of non-acceptance of gift or hospitality	
If gift donated to Chairman's Charity or another charity, date on which passed to Chairman's Officer	
Date on which the Chairman's Officer sent a thank you letter informing person offering gift that it was being donated to charity (and sent a copy to the employee who was offered the gift)	
Date form returned to officer notifying them of decision	

The Director or Head of Service should send:

- 1 copy to employee
- 1 copy to the Council Solicitor
- 1 copy to Chairman's Officer (if donated to Chairman's Charity)

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

11 SEPTEMBER 2012

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL
DEVELOPMENT**

JOB AND STRUCTURE REDESIGN POLICY AND PROCEDURE

Cabinet: Policy
Contact: Len Hull
Ext. 4136

1. Public Interest Test

- 1.1 Len Hull, Head of Human Resources and author of this report, has determined that this report is not confidential.

2. Purpose of the Report

- 2.1 To propose a new Job and Structure Redesign Policy and Procedure for consideration and to commence consultation.

3. Background and Discussion

- 3.1 The Council is committed to continuous performance improvement and ensuring that the services it provides match the needs and priorities of its customers. In order to do this, it is recognised that structural arrangements need to remain flexible and adaptable. Therefore the Council needs a method of achieving structural change that supports these aims and objectives, whilst ensuring that the rights of employees are valued and observed and all staff are treated fairly.

- 3.2 The trade unions have requested that the Council give priority to the development of this Policy to ensure that job redesign is conducted with an agreed framework.

- 3.3 A draft policy is attached that has been designed to be flexible and provide a process that is proportionate to the degree of change being proposed, and the impact on existing staff. It incorporates the provisions of the Constitution in terms of delegated decision making. In summary, it provides for two routes to achieving change:

Route 1 – suitable for minor changes, ie those proposals which do not involve the creation of new posts, allocation of additional budget, staff being placed at risk of redundancy or jobs being changed to such an extent that the job grade is reduced.

Route 2 – suitable for more significant change, ie those which do include any of the proposals excluded in route 1. Route 2 sets out in detail the consultation requirements which are embedded in employment legislation where staff are placed at risk or contractual change may occur.

- 3.4 One of the key aims of this Policy and Procedure is to provide flexibility to deal with a diverse range of structural change options in a manner which avoids delay whilst respecting the rights of employees in all cases to be properly consulted.
- 3.5 A second key aim is to ensure that all changes are properly assessed in equal pay terms to support the significant work undertaken to date to ensure equal pay and to provide a framework for ongoing maintenance of a pay structure that is compliant with equal pay legislation.
- 3.6 It is deemed important that the trade unions have the opportunity to contribute and shape this important policy and bring forward suggestions and contributions to shape the final version which will be suitable to the parties involved in job and structure redesign. As a consequence, this draft is brought early to the JEC as a means of generating discussion and contributions from relevant parties as part of an extensive consultation period. The intention is then to review and refine the document within the Policies Review Working Group, with a view to presenting a final version to the next JEC.

4. Implications

- a) For service users

The ability to respond effectively and swiftly to changing service needs through efficient structural change will ensure the best possible service to customers.

- b) Strategic & Policy

As contained within the report.

- c) Financial – 13/44

None arising directly from this report.

- d) Legal – 293/09/12

The provisions of the Policy and Procedure are designed to ensure the Council complies with the statutory provisions relating to equal pay, redundancy and contractual change.

- e) Human Resources

The adoption of this policy and procedure will ensure that staff and managers are clear about how structural and job redesign will be managed.

- f) Community Safety, Equal Opportunity, Environmental

The Policy and Procedure supports and ensures compliance with equal pay legislation.

- g) Whether this is a key decision, and if so the reference number.

Not applicable.

5. Options, Risks and Reasons for Recommendations

5.1 To note the contents of this report and the draft attached, and carry out a period of consultation with a view to finalising the Job and Structure Redesign Policy and Procedure for agreement at the next JEC.

6. Recommendations

5.2 To approve Option 1, which is to note the contents of this report and the draft attached, and carry out a period of consultation with a view to finalising the Job and Structure Redesign Policy and Procedure for agreement at the next JEC.

Background Papers

Location

None



Blossom In Bassetlaw...



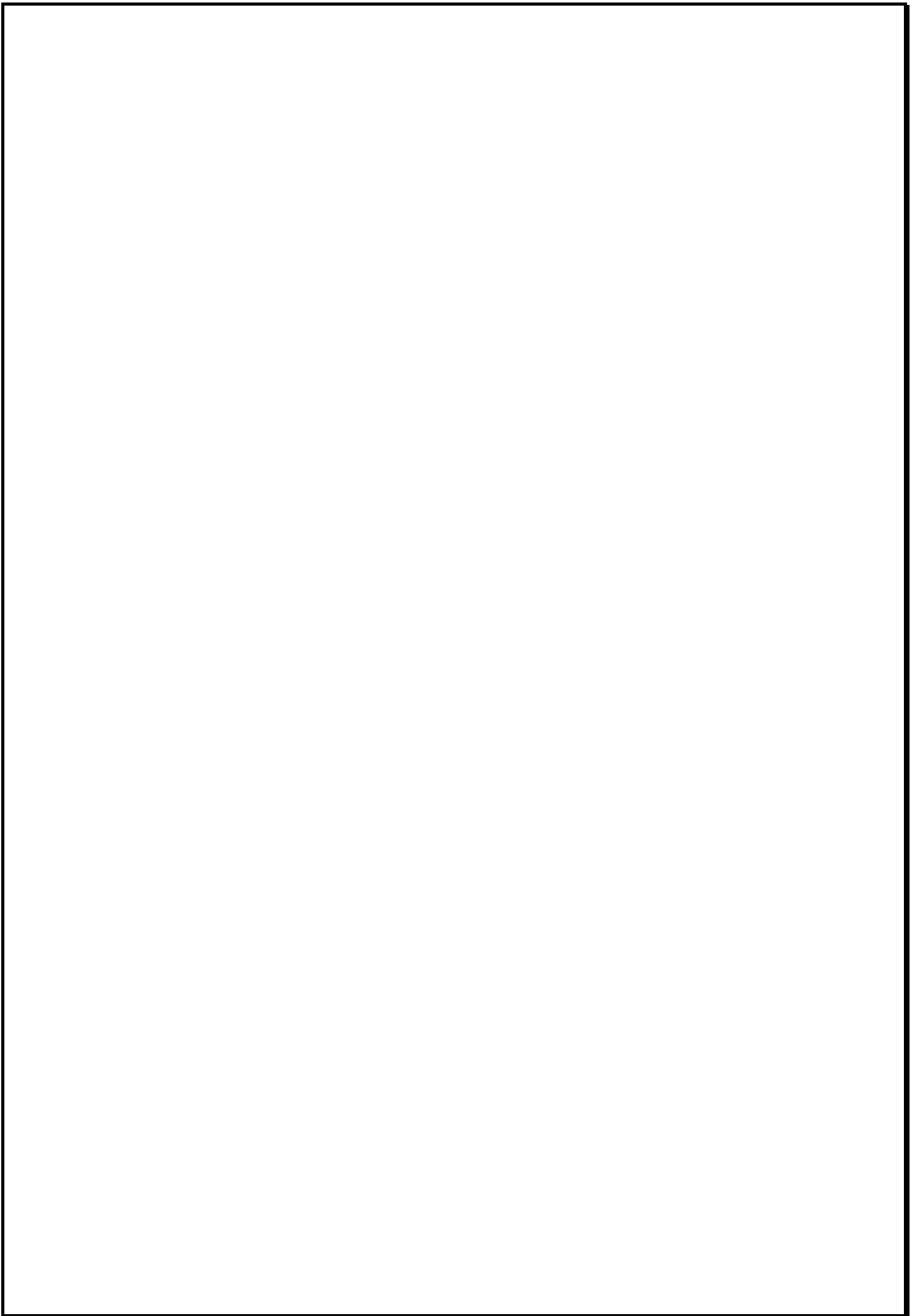
BASSETLAW DISTRICT COUNCIL

JOB AND STRUCTURE REDESIGN

POLICY AND PROCEDURE

HUMAN RESOURCES





OUR POLICY

1. What is this Policy about?

- 1.1 This Policy and Procedure sets out the way in which the Council will carry out structural reviews and redesign of jobs.
- 1.2 It is recognised that the services provided by the Council are influenced by the needs and priorities of the local community, aims and requirements of central government and changes in legislation. Consequently, service needs do not remain static and it is important that structural arrangements remain flexible and subject to regular review, to ensure that they are aligned to the current service requirements.

2. Who does it apply to?

- 2.1 The provisions apply to **all employees who have successfully completed their probationary period**. They do not apply to casual workers.

3. What are the policy intentions?

- 3.1 To support continuous performance improvement through active engagement in ongoing structural review and job redesign.
- 3.2 To ensure that there are clear, transparent and proportionate processes in place for managing structural change and job redesign.
- 3.3 To provide for appropriate consultation and communication with staff and trade unions in the structure and job redesign process.
- 3.4 To ensure that jobs which are created or redesigned are evaluated and graded in accordance with the principles of equal pay for equal work.

4. What are the underpinning principles?

- 4.1 All managers responsible for managing staff, job design and work allocation should be aware of, and observe, the following principles:
- 4.2 Structural and job design and work allocation will be based upon meeting the aims and objectives of the Council.
- 4.3 The job descriptions and person specifications will be key documents in evaluating jobs and determining appropriate grade, and it is important they are accurate and up-to-date and are reviewed regularly.

- 4.4 Managers and Heads of Service will be available to discuss any concerns relating to job design and workload with staff.
- 4.5 Staff will not be expected to work excessive hours for sustained periods and job design and work allocation should allow staff to take appropriate breaks in accordance with relevant legislation and Council policy.

OUR PROCEDURE

- 5 The 'procedure' sets out the basic, essential actions and requirements in terms of **who** is involved, **what** they need to do, **when** and **how**. It also enables the 'policy' to be effectively applied in practice.

The intention of this Policy and Procedure is to provide a *proportionate* means of achieving change and facilitating continuous performance improvement. Therefore it recognises that there are different scenarios, from small-scale changes to large-scale organisational reviews, each of which will require a different approach.

Managers intending to carry out job or structure redesign should consult with Human Resources prior to beginning the process.

5.1 Route 1 – Minor Changes

- 5.1.1 Minor changes may be authorised by the Management Team and Head of HR & Organisational Development, following consultation and agreement with any employee in the affected post(s). These changes may include:

- editorial changes to job descriptions, ie changes not affecting the duties, eg in the language, or reflecting a transfer to another service or unit;
- rearrangement or updating of existing duties to a minor extent;
- reallocation of duties between positions that are graded the same;
- job redesign involving a change in grade, which can be contained within the unit's establishment budget and which does not cause a detriment to staff;
- deletion of vacant posts.

- 5.1.2 Where the same or similar duties are carried out by a group of staff and job redesign only affects some of them, agreement should be reached with the staff affected as to who will carry out the changed duties. If no agreement is reached or if it is more appropriate, a competitive process will apply.

- 5.1.3 Prior to effecting any change any amended job descriptions and person specifications must be submitted electronically to Human Resources for:

- confirmation that the changes can be progressed through Route 1;
- confirmation of the job grade;
- registration on the HR database;
- issuing to the affected employee(s) and recording on personal file(s).

5.2 Route 2 – Significant Structural Changes or Job Redesign

The requirement to change structures or jobs may be more significant, leading to any of the following circumstances:

- one or more new posts being created;
- structural change which requires additional budget allocation;
- staff being placed at risk of redundancy;
- jobs being changed to such an extent that the grade is reduced

Where any of the above is a potential outcome, the following process should be adopted:

5.2.1 STEP 1 – formulate and assess proposals

All proposals for change must be supported by a compelling business justification and must clearly address the stated requirements for change.

Proposals should be assessed for impact on both service provision and individual employees.

5.2.2 STEP 2 – evaluate proposed new and redesigned jobs

Once the preferred proposal is selected for further consideration, any proposed new or redesigned jobs should be documented through the development of a job description, person specification and structure chart.

The job information should be submitted electronically to Human Resources in order that each job can be evaluated and a grade determined.

5.2.3 STEP 3 – determine the extent of consultation

Once a preferred option is determined, it should be assessed to determine whether **collective consultation** is required. Collective consultation applies if the Council is proposing, over a 90 day period, 20 or more of the following:

- compulsory redundancies
- voluntary redundancies
- ending of a fixed term contract
- dismissal and re-engagement (this may apply if the proposal includes downgrading of jobs).

If the proposals include any of the above, **regardless of the numbers involved**, the manager should consult with Human Resources before

taking any further action, to determine whether numbers over the entire Council fall within the requirements for collective consultation.

5.2.4 STEP 4 – obtain initial approval to begin consultation

Depending on the nature of the proposals, approval to begin consultation may be given by the Chief Executive and Leader of the Council together, or by Cabinet.

A report should be prepared which sets out the proposal, which should ideally include include structure charts indicating the specific changes, the business rationale, the proposed timetable for progressing the proposal, and the potential consequences in employment terms. The purpose of the report is to seek approval to begin consultation with staff and the trade unions.

5.2.5 STEP 5 – carry out consultation

5.2.5 (a) Collective consultation (if applicable)

This involves:

- beginning and continuing a period of consultation with the trade unions in accordance with statutory requirements – currently not less than 30 days (or not less than 90 days in circumstances where 100 or more people are affected as set out above). The purpose of the consultation is to explore ways of:
 - avoiding dismissals
 - reducing the number of people to be dismissed
 - mitigating the consequences of dismissals
- notifying the trade unions in writing of specific information, prior to the meeting, as follows:
 - Number and descriptions of employees it is proposed to dismiss as redundant
 - Total Number of Employees of that description employed at the establishment
 - Proposed method of selecting the employees who may be dismissed
 - Proposed method of carrying out dismissals, including the period over which the dismissals are to take effect
 - Proposed method of calculating the amount of any redundancy payment
- notifying the Department for Business, Innovation and Skills of the proposed dismissals.

5.2.5 (b) Trade union consultation (where collective consultation does not apply)

Where collective consultation requirements do not apply, **consultation**

with the trade unions should take place as soon as sufficient information is available for meaningful consultation. A meeting should take place, the purpose of which is to:

- explain the business reasons for change, the proposals and how they would impact upon employees,
- explain the proposed timescale and process that will be followed;
- provide and explain job information for any new and redesigned jobs;
- seek views and opinions, and discuss possible alternative options;
- invite the trade unions to respond in writing to the proposals. A reasonable timeframe should be provided for the responses to be submitted, depending on the nature and extent of the proposals, which should be not less than 5 working days and not more than 30 working days.

5.2.5 (c) Individual consultation

Regardless of the need for collective consultation, individual consultation must be carried out in every case.

Potential Redundancy

The purpose of individual consultation in a potential **redundancy** situation is to explain to each employee the basis on which he or she has been provisionally selected for redundancy, give the employee the opportunity to express his or her views, to raise any questions, and to discuss and/or identify any alternatives to redundancy. It is important that the consultation is meaningful and the employee's points are carefully considered, therefore sufficient consultation should take place for this purpose. However, in order to ensure transparency the employee should also be made aware of the options that will be available if the proposal is implemented as it stands, which are:

- he/she may be selected for redundancy (in which case a right of appeal will apply)
- he/she may be found alternative employment.

Potential Job Downgrading

Where the proposal is for a **downgrading** of the employee's job, the purpose of individual consultation is to explain to each employee the basis for the proposal to downgrade the job, give the employee an opportunity to express his or her views, to raise any questions and to discuss and/or identify any alternatives. It is important that the consultation is meaningful and the employee's points are carefully considered, therefore sufficient consultation should take place for this purpose. However, in order to ensure transparency the employee should also be made aware of the options that will be available if the proposal is implemented as it stands, which are:

- he/she can decide to accept the changes;
- he/she can decide not to accept the changes. This may lead to redeployment, redundancy, or dismissal from the current job and offer of re-engagement on the new terms.

Staff who are at risk of redundancy or of their job being downgraded will be given access to the redeployment procedure at this stage, unless there are compelling reasons to delay this access, which should be discussed with the employees affected and the trade unions.

5.2.6 STEP 6 – finalise the proposal

Following completion of consultation, the proposals should be reviewed in the light of comments received, in order to identify the best approach to take forward for approval and implementation. The proposal should then be reported to Cabinet and approval sought to implement the structural changes.

5.2.7 STEP 7 – implement the change

Once approval has been given, the trade unions should be notified of the decision, and further individual meetings should take place with affected staff to explain the outcome, which will be one of the following:

- (1) the employee's job has changed from a specified date, with no change to grade;
- (2) the employee's job has changed and this has resulted in an increase in grade from a specified date
- (3) the employee's job has changed and this has resulted in a decrease in grade from a specified date
- (4) the employee will be considered in a competitive process for one or more jobs in the new structure, where there are fewer jobs than employees
- (5) the employee is selected for redundancy.

An employee whose job grade has decreased has the following options:

- to accept the changes;
- to not accept the changes. This may lead to redeployment, redundancy, or dismissal from the current job and offer of re-engagement on the new terms.

An employee who accepts a job at a lower grade will be entitled to pay protection in accordance with the Council's current practice.

An employee who is selected for redundancy or who is dismissed from the current job and offered re-engagement on the new terms has a right of appeal against the decision, as set out in the Council's Appeals Procedure.

The documentation regarding the changes should be sent to Human

Resources to ensure that establishment and other records are maintained.

Does this policy and procedure link closely with any others?

Depending on the particular details of the situation, it may be necessary to consider it alongside the following policies and procedures:

- Redeployment Procedure
- Redundancy Procedure
- Appeals Procedure

This policy supersedes the Redundancy Procedure in as far as it relates to the requirement for collective consultation.

Need more information or support?

Professional support/advice: If you have read this document and relevant linked guidance/documents and you find you then need further clarification and/or support or advice, including if an alternative format or adjustment to this procedure is needed, to enable a particular need to be met (e.g. due to a disability) the following is available

For Managers: Contact the Human Resources Team

For Employees: Contact your Manager initially, who should be able to help you. If you need further support after this, contact the Human Resources Team. If you are a member of a trade union you can also get support and advice from your trade union representative.

The 'small print'

Legal and General points:

This Policy and Procedure is effective from xxx.

Nothing in this policy will override related prevailing legislation and/or regulations. It is written to comply with current statutory requirements regarding consultation. In the event that these requirements change the current statutory requirements will prevail.

This policy and procedure is written in compliance with the following legislation/regulations:

- Employment Rights Act 1996
- Trade Union and Labour Relations (Consolidation) Act 1992

This policy and procedure is non-contractual and will be monitored and reviewed and may be subject to further change and amendment (following appropriate consultation and approval).

Forms attached to this policy and procedure do not form an integral part of it and may be modified at any time to ensure that the correct information is gathered/provided.

The latest version of this policy and procedure, and any accompanying documentation, will be available on the intranet.

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