

HR Policy Committee

Monday 18 September 2017

2.00 pm Luttrell Room - County Hall, Taunton



To: The Members of the HR Policy Committee

Cllr A Groskop (Chairman), Cllr M Chilcott, Cllr P Ham, Cllr L Leyshon, Cllr L Oliver and Cllr L Redman

Issued By Julian Gale, Strategic Manager - Governance and Risk - 8 September 2017

For further information about the meeting, please contact Jamie Jackson on 01823 357628 or jjackson@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers



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AGENDA

Item HR Policy Committee - 2.00 pm Monday 18 September 2017

*** Public Guidance notes contained in agenda annexe ***

1 Apologies for Absence

2 Declarations of Interest

Details of all Members' interests in District, Town and Parish Councils will be displayed in the meeting room. The Statutory Register of Member's Interests can be inspected via the Community Governance team.

3 Public Question Time

The Chairman will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about any matter on the agenda for this meeting will be taken at the time when each matter is considered.

4 Pay Review in Somerset

5 Disclosure Policy

6 Any other urgent items of business

The Chairman may raise any items of urgent business.

THE MEETING – GUIDANCE NOTES

1. Inspection of Papers

Any person wishing to inspect Minutes, reports, or the background papers for any item on the Agenda should contact the Committee Administrator for the meeting – Rebecca Dunstan on 01823 357628 or rdunstan@somerset.gov.uk. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

2. Notes of the Meeting

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Rebecca Dunstan on 01823 359628; Fax 01823 355529 or rdunstan@somerset.gov.uk

3. Members' Code Of Conduct Requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: HONESTY; INTEGRITY; SELFLESSNESS; OBJECTIVITY; ACCOUNTABILITY; OPENNESS; LEADERSHIP. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

4. Public Question Time

At the Chairman's invitation you may ask questions and/or make statements or comments, or send in a written question about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed.

Any person wishing to raise a matter under public question time must inform the Committee Administrator, Rebecca Dunstan, by 12 noon **the (working) day before** the meeting.

You must direct your questions and comments through the Chairman. You may not take direct part in the debate.

The Chairman will decide when public participation is to finish.

If there are many people present at the meeting for one particular item, the Chairman may adjourn the meeting to allow views to be expressed more freely.

If an item on the agenda is contentious, with a large number of people attending the

meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting.

Please remember that the amount of time you speak will be restricted, normally to two minutes only.

5. IMPORTANT NOTE FOR MEMBERS OF THE PUBLIC

The Council in support of the principles of openness and transparency allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non- disruptive manner.

Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishes to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the Chairman of the meeting can inform those present.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

6. Substitutions

Committee members are able to appoint substitutes if they are unable to attend the meeting.

7. Hearing Aid Loop System

To assist hearing aid users, the Luttrell, Hobhouse and Wyndham Rooms have infra-red audio transmission systems. These work in conjunction with a hearing aid in the T position, but we also need to provide you with a small personal receiver. Please request one from the Committee Administrator and return at the end of the meeting.

8. Emergency Evacuation Procedure

In the event of the fire alarm sounding, members of the public are requested to leave the building via the signposted emergency exit, and proceed to the collection area outside Shire Hall. Officers and Members will be on hand to assist.

Somerset County Council

HR Policy Committee

– 18 September 2017

Pay Review in Somerset

Cabinet Member: Cllr Anna Groskop, Cabinet Member for Corporate and Community Services

Lead Officer: Chris Squire, HR&OD Director

Author: Vicky Hayter, Strategic Manager HR Business Relations

Contact Details: 01823 359858

	Seen by:	Name	Date
Report Sign off	Legal	Honor Clarke	060917
	Corporate Finance	Kevin Nacey	080917
	Human Resources	Chris Squire	310817
	Cabinet Member	Anna Groskop	050917
	Monitoring Officer	Julian Gale	060917
	Summary:	<p>This report sets out the current position for pay negotiations in Somerset and sets the scene for discussing future options. The report has been produced in response to the 19th July 2017 Full Council meeting, following a requisitioned item proposed by Cllr Jane Lock and seconded by Cllr Simon Coles. The HR Policy Committee has been tasked by Council to review the level of staff pay awards and report back to the 29th November Full Council. The note from the Minutes is as follows:</p> <p>1. Staff Pay Award This Council welcomes the Government’s possible relaxation of the Public Sector Pay Cap for nurses and police officers. Devon and Somerset Fire and Rescue Service are considering a breach of the cap and increasing the pay of fire fighters by 2%.</p> <p>It is time Somerset County Council stopped taking its’ staff for granted and did the same. Of course it should be funded by central government but failing that we believe it is essential to address the pay freeze and the 1% pay rises of recent years, which in real terms has been a pay cut for our loyal and hardworking staff.</p> <p>I propose this Council tasks the HR Policy Committee with reviewing the level of staff pay awards and reports back to the November Council meeting.</p>	
Recommendations:	<p>The HR Policy Committee is asked to :</p> <p>1. Consider, on the basis of the information contained in this report, whether there is further work they wish officers to undertake in relation to pay for Green Book staff (employees on Grades 17-4) employed by Somerset County Council.</p>		

Reasons for Recommendations:	This report sets out the current mechanism for pay negotiations for staff working for Somerset County Council to enable the HR Policy Committee to take a view on whether further work or consideration should be given to pay for officers (staff on Grades 17-4).
Links to Priorities and Impact on Service Plans:	Appropriate pay provisions for staff are fundamental to the delivery of the Council's objectives and services as set out in the County Plan.
Financial, Legal and HR Implications:	<p>The current pay arrangements have minimal legal and HR implications due to the national arrangements that ensure these issues are addressed prior to agreements being reached. The financial implications are managed once the agreement is known.</p> <p>Any changes to the current arrangements will require careful consideration across these areas to ensure that the organisation is protected from challenge and meets its obligations appropriately.</p>
Equalities Implications:	The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions. There are no direct equality impacts associated with the current pay arrangements. However, any proposals for stepping away from current arrangements will need to be carefully considered by way of an Equalities Impact Assessment.
Risk Assessment:	The risks associated with the current system are known and managed. Any changes to the current system would need to be carefully considered to ensure that the organisation: was not exposed to unnecessary challenge from an equalities perspective; was not committing to an unaffordable pay system; and had robust systems in place to manage any new elements.
Scrutiny comments / recommendation (if any):	N/A

1. Background

1.1. Officer Pay

The Council operates a 17 grade pay structure (see Appendix A). Each grade from 17 up to 9 contains a number of pay increments. Grades 8 and upwards, contain a single pay point per grade. The Pay and Grading structure incorporates National Pay Points up to spinal column point 44 and locally determined pay points above.

National Joint Council for Local Government Services (Green Book) pay, terms and conditions apply to posts on Grades 17 to 4 inclusive. Annual pay awards are determined by national agreement. The National Joint Council consists of the Trade Unions (Unison, Unite and GMB) representing the Employee side and the Local Government Association representing the Employer side.

With the exception of the Monitoring Officer, posts on grades 17 to 4 are officer appointments.

The Council does not operate a performance-related pay scheme for any staff, but does have a performance related appraisal scheme, including behaviours and competency assessment. The Council does not pay a bonus to any Council employee.

Each year the Council agrees a Pay Policy Statement which confirms its policies on staff pay and reward. As part of this annual process members keep under review the impact of national pay bargaining on the advice of officers. As part of these reviews the Council has considered previously and decided not to withdraw from national pay bargaining for grades 4 to 8.

1.2. Grades 1 to 3

The most senior officers of the Council including all of the director posts are paid on Grades 1 – 3. These grades include the majority of the posts which are classified as chief officer posts under the relevant legislation and include all of the Council's Senior Leadership Team. Each of these grades has a spot salary and no incremental progression.

As a result of previous approvals of the Pay Policy Statement posts in grades 1 to 3 have been withdrawn from the national pay and bargaining machinery (NJC).

1.3. Governance

The HR Policy Committee has responsibility for deciding and implementing annual pay awards for grades 1 to 3 and, where it is agreed that an award is made, the revised scales will be included for information in the next annual review of the Pay Policy Statement.

The Committee also has responsibility for reviewing, on at least an annual basis, the pay and grading structure of the Council and making recommendations for any changes considered necessary to Full Council by way of a revised Pay Policy Statement.

1.4. Job Evaluation

The Council's Grading structure accords with the national Green Book agreements. The Grading structure reflects the need to continue to modernise, facilitate new ways of working and ensure equal pay for work of equal value in a large and diverse organisation.

The grading structure treats all groups of staff the same. It uses two schemes to evaluate jobs, covering virtually all employees, except teachers and Soulbury staff, which are subject to national grading schemes. The Soulbury Committee is the national negotiating body which determines the pay and conditions for education professionals employed in central local authority services, including educational improvement professionals, educational psychologists and managers of young people's or community services.

The Hay Scheme is used for the more senior posts (Grade 8 and upwards), including the Chief Executive, SLT officers, and Strategic and Service Managers.

The New Somerset Scheme, based on the Greater London Provincial Council scheme (formerly GLEA), is used for all other posts.

1.5. Additional Allowances

External recruitment and internal retention problems are tackled by temporarily increasing the total pay awarded to a post, when it can be shown that the pay on the evaluated grade is significantly lower than competitors' rates of pay.

The payment of an allowance is temporary and will not be renewed if a review finds evidence that demonstrates the payment of the allowance is no longer justified.

An allowance forms part of an employee's pay (all the salary, wages, fees and other payments paid to them for their own use in respect of their employment) and as such is pensionable. An allowance is expressed as a cash lump sum, pro-rata to the contracted hours, and is not subject to annual cost of living/inflation pay awards.

An example of a current additional allowance is Children's Social Work Team Managers. They receive an additional £5,000 when they are recruited. Current postholders receive the £5,000 as a retention allowance.

1.6. Recent consultations

In June 2017 the Trade Union side of the National Joint Council made a pay claim for the 2018-19 year to the Local Government Association (Employers side). The claim was for 'the deletion of NJC pay points SCP 6-9 to reach the Foundation Living Wage of £8.45 (UK) and £9.75 (London) and a 5% increase on all NJC pay points.' (see Appendix B). The debate continues in respect of an appropriate settlement. 5% is not seen as affordable by the Employer side.

The Local Government News bulletin released on 22nd August 2017 stated: 'The National Living Wage presents challenges to councils' pay bills and grading structures over coming years. Regional consultation meetings to inform the employer position on the Local Government Services pay negotiations have been completed, and further discussions will take place within the employers' side National Joint Council. It is likely an offer will be made to the unions in the autumn'.

This message has since been updated to say that the Employers Side will await the news from the Chancellor in his Autumn Statement in relation to the Public Sector Pay Policy. They aim to make an offer by Christmas and it is likely to be a two year deal. There is an awareness on all sides of the pressure to agree a way forwards that enables time to agree the changes to the Pay Spine to meet the National Living Wage uplift requirements.

Pay Spine Review

As mentioned in the March report on the Pay Policy Statement, the Pay Spine (Appendix A) is being reviewed because it will not be fit for purpose once the National Living Wage reaches the £9 per hour mark in April 2019. Work is underway to manage the bottom points that will be below this level and the differentials throughout the spine that recognise the differing levels of responsibility that employees work at. Somerset is represented on the national group run by the Local Government Association.

Councils need to be mindful of any proposal to take action outside of the national pay bargaining arrangements in 2018. This is because the move to the new pay spine in 2019 is likely to be complex in order to protect the differentials. If the Somerset County Council pay spine points don't match the national picture, there will be significant work involved in formulating and agreeing a Somerset version.

1.7. Other Public Sector Body Pay Reviews

School Teachers

In July 2017 the government accepted the recommendation of The School Teachers Review Body (STRB) that a 1 per cent rise would apply to teachers on the upper pay range, unqualified teachers and leading practitioners, along with head teachers and other leaders. However the government has accepted the STRB's recommendation that the top and bottom of the main pay range are uplifted by 2 per cent.

Fire and Rescue Services

In July a two stage deal was discussed. Stage one was an immediate 2.0% increase on basic pay across the board with effect from 1st July 2017. Stage two assumes certain other conditions can be agreed, and if so will result in a further 3% increase with effect from 1st April 2018 as part of the 2017 settlement. Consultation closes on 13th September 2017.

Police

The Police Remuneration Review Body (PRRB) is currently considering the 2017 pay deal. The Police Federation of England and Wales and the Superintendents' Association have asked for a pay increase of 2.8% for all police officers. However, The Home Office has called for a "1% consolidated increase in basic pay" for police officers at all pay points. The PRRB decision on the 2017 pay uplift is expected soon. The accepted recommendations will be brought in this September.

As mentioned by Cllr Lock, the government has mooted the idea that the 1% public sector pay cap may be scrapped from 2018. The negotiations in other parts of the Public Sector suggest that a higher than 1% across the board deal is possible. However, it is too early to tell whether the higher proportion will only be applied to the lower grades (as in the previous two years) or beyond.

2. Options Considered

- 2.1.** There are no specific options being considered at this point. The purpose of this paper is to set out the current position and decide based on the information contained within it whether there is any further work the HR Policy Committee would like to request.

3. Consultations undertaken

- 3.1.** There have been no consultations locally in relation to pay matters. Consultations are currently at a national level. However, Unions consulted their members in the Spring prior to submitting their pay claim in June.

4. Implications

- 4.1.** If Somerset County Council remains part of the national pay arrangements it benefits from the collective resource allocated to the process which takes into account the appropriate consultation requirements, legal considerations and financial modelling.

There are significant implications involved in withdrawing from the national pay arrangements. The key considerations are dedicated resource to manage the negotiation process; legal considerations related to the decision making; the balance of pay versus jobs within the budget i.e. more jobs at lower pay or less jobs at higher pay.

5. Background papers

- 5.1.** N/A

Note: For sight of individual background papers please contact the report author.

HR & OD SERVICE

Pay and Grading Structure with effect from 1 April 2017

SCP	Grade	Salary 01/04/17	
6	17		15,014
7		16	15,115
8		16	15,246
9	15		15,375
10	15		15,613
11	15		15,807
12	15		16,123
13	15	14	16,491
14		14	16,781
15		14	17,072
16		14	17,419
17	13	14	17,772
18	13		18,070
19	13		18,746
20	13		19,430
21	13		20,138
22		12	20,661
23		12	21,268
24		12	21,962
25		12	22,658
26		12	23,398
27	11		24,174
28	11		24,964
29	11		25,951
30	11		26,822
31	11		27,668
32		10	28,485
33		10	29,323
34		10	30,153
35		10	30,785
36		10	31,601
37	9	10	32,486
38	9		33,437
39	9		34,538
40	9		35,444
41	9	8	36,379
42		8	37,306
43		8	38,237
44		8	39,177
			SCC Spot Point
45	7	8	40,164
46	7		41,154
47	7		42,195
48	7		43,443
49	7		44,328
			SCC Spot Point
50	7		45,438
51		6	46,569
52		6	47,739
53		6	48,921
54		6	50,154
55		6	51,405
56		6	52,689
			SCC Spot Point
		5	65,721
			SCC Spot Point
		4	74,409
			SCC Spot Point

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**Trade Union Side of the National Joint Council for Local Government Services:
England, Wales and Northern Ireland**

NJC PAY CLAIM 2018 – 2019

This NJC pay claim for 2018-2019 and accompanying submission is made by the Joint Trade Union Side (UNISON, GMB and UNITE) to the Local Government Association.

Our claim is for:

The deletion of NJC pay points SCP 6-9 to reach the Foundation Living Wage of £8.45 (UK) and £9.75 (London) and a 5% increase on all NJC pay points.

14 June 2017

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Key points in our claim:

1. Declining value of NJC pay:

- For the vast majority of NJC workers in local government and schools - last year's pay 'rise' actually represented the EIGHTH consecutive annual pay cut since 2009.
- Pay in local government and schools is one of the lowest in the public sector. No-one is paid a fair rate for the job they do.
- A continuation of the 1 per cent pay cap would represent a further squeeze on our members' quality of life that is even worse than during the 1980s and 1990s, exacerbating an already desperate situation for many.¹
- The bottom rate of pay in local government - £7.78 - is only 28p above the National Living Wage (NLW) and well below the UK Foundation Living Wage rate of £8.45 and £9.75 in London.
- Inflation is predicted to remain in excess of 3% for the next five years. This means that the cost of living for our members will rise by nearly 18% by 2021. In that context, a 1% pay offer for the sector would be unacceptable.
- If pay is capped at 1% from 2018 - 2019, the average local government wage will fall in value by nearly £1,200. This would be on top of a real terms loss in pay of some 21% since 2009.
- NJC workers on the bottom pay point will require a 15.7% increase in pay to reach the currently projected rate for the National Living Wage of £9 per hour by 2020.
- Women are more than three quarters of the NJC workforce. The gender pay gap has widened in the public sector since the pay cap was introduced, even though it has narrowed in the wider economy. Endemic low pay is a gender issue and represents the undervaluing of women's skills, knowledge and experience in schools and council services.

In this context, it is clear that the 1 per cent cap is unsustainable. The cap must not be applied in 2018/19 – or in any future year. Following extensive consultation with our members, the Trade Union Side believes that only a settlement of at least 5 per cent, with the bottom pay point set at the level of the Foundation Living Wage, would be a fair reward for their endeavours and lost wages over the last eight years.

¹ GMB, *End the Public Sector Pay Pinch*, 08 March 2017, page 25 – 28.

<https://static1.squarespace.com/static/58b828f44402436b74624b8a/t/58bf0a49beba4bf4b3e4b790/1488915022750/public+sector+pay+pinch+report+-+FINAL.pdf>

2. Pay-related conditions of work:

Most councils are slashing conditions of work such as unsocial hours payments – alongside the decline in basic pay. This means workers providing services that require them to work regular overtime, shift work and unsocial hours work, are suffering further reductions in pay as additional payments are cut.

3. Job losses:

- Since June 2010, local government has lost over 750,000 jobs. Those workers left behind face increased workloads, pressure and stress – on top of shrinking pay packets. As a result, local services, and those reliant upon them, suffer.
- Many employees who have been made redundant have been replaced by agency staff – a false economy for councils in both the short and long term. Agency workers are expensive and public money is wasted in often high agency fees.

4. Recruitment and retention:

With pay comparing so badly with the rest of the public and private sectors, 71% of councils unsurprisingly report recruitment and retention problems.

5. Equal pay:

- The National Living Wage has been introduced by the Government without any extra funding for councils and schools to pay for it. Indeed council budgets have been slashed by at least 40% since 2010. With NJC pay kept low by pay freezes or below-inflation increases, the National Living Wage has become the determinant of the bottom pay rate. This means that fair and transparent pay grades, based on job evaluation, are being squashed together at the bottom of the pay structure.
- With supervisors being paid similar rates to those they supervise, this leaves councils at risk of another round of costly equal pay claims. Applying the legal minimum pay rise to the bottom of the pay scale, and cutting pay for everyone else is unsustainable and not an option for the unions.

1. The setting for our pay claim.

This year is pivotal for pay in local government and schools. Councils face unparalleled financial challenges which have resulted from the harsh and unequal austerity measures imposed on local government by Westminster. As a result, the phasing out of the Revenue Support Grant and reliance on Council Tax and Business Rates to fund local services is high on the list of the trade unions' concerns. This is on top of an unprecedented average cut of 40% to councils' funding since 2010 and the implementation of the National Living Wage (NLW) without any additional funding from central government - in contrast to the NHS in Wales and Scotland where additional funding was provided to meet the cost of becoming Foundation Living Wage employers. Added to this, there will be extra spending responsibilities in relation to help for the growing number of older people with personal care costs and public health.

The LGA's own interim report on its funding outlook predicts that the funding gap in local government will grow to £10.3 billion by 2018/19, before an increase in funding in 2019/20 reduces the gap to £9.5 billion². To maintain the same level of service councils provided in 2014/15, a funding gap of £6 billion has opened up in 2016/17 alone. Under the LGA's assumptions, authorities will have to use £3 billion of their reserves in the five years to 2019/20.

Research by the New Policy Institute shows that by 2020, current and capital spending combined will be lower than at any time since before 1948. Council Tax, until recently a minority source of local government finance, will account for at least half the money coming in to every English local authority by 2020 and revenue support grant will be mainly confined to metropolitan and unitary councils, and London boroughs. Shire counties and districts will be almost entirely reliant on council tax and business rates.³

At the time of submitting our claim, the Conservative manifesto had pledged that no school will have their per-pupil funding cut and that school funding in England will be increased by £4 billion over the course of the parliament. However, this plan is dependent on cutting Universal Infant Free School Meals and replacing them with breakfast clubs, and serious concerns have been raised over the costings and practicality of this proposal. Without a significant change there will remain a substantial funding gap: schools are already having to make teaching assistants and other NJC support staff redundant because of previous budget cuts.

There is also clearly uncertainty about whether pre-election pledges will be adhered to. The public have expressed real concerns about public services. In a report published in the Guardian on 13 June 2017 of the meeting of the 1922 Committee held the previous day, "May acknowledged several warnings from MPs who described meeting people who said they could not vote Tory because of cuts to hospitals, schools, or failure to increase public sector wages in real terms".

² [Funding outlook for councils 2019/20: 2015 interim update, LGA June 2015](#). Based on applying the projections for departmental spending implied by the March 2015 edition of the OBR's economic and fiscal outlook1.

³ <http://www.npi.org.uk/publications/local-government/sustainable-local-government-finance-and-liveable-local-areas-can-we-survive-2020/#sthash.BT9IOR2X.dpuf>

The changing policy landscape is putting our members under immense pressure. They are experiencing an unparalleled deterioration in the value of their basic pay and widespread cuts to their conditions of work, such as car allowances and unsocial hours payments, and an increase in unpaid leave. These are also being slashed as councils struggle to fund services. However, they form a crucial part of employees' overall earnings. Our members rely on unsocial hours payments, weekend and night shift enhancements to make ends meet and should be properly paid for the disruption to their home lives which unsocial hours working represents.

Meanwhile, job losses have stripped the sector of its workforce on a historic scale, leading to persistent job insecurity, ever-increasing workloads and resulting pressure and stress for those workers left behind to pick up the pieces. The sector is being hit harder than any other part of the public sector. If the decline in the value of NJC pay is not addressed, the bargaining machinery is at risk of being seen as irrelevant.

At the same time as the Trade Union Side formulates and submits this pay claim, both sides of the National Joint Council are jointly reviewing the NJC pay spine. The implementation of the NLW means this work is critical if job evaluated pay structures which deliver equal pay for work of equal value, are to be maintained. If they are not, the Trade Union Side believes that local government and schools could face a second round of equal pay costs, which have already totalled around £3 billion.

Currently, pay differentials are being squashed as pay points at the bottom are deleted or pay settlements are bottom-loaded to keep pay rates at the bottom at, or marginally above, the legal minimum of the NLW. Increments throughout the structure are uneven and occupational segregation remains rife. Women, who are 78% of the workforce, still largely occupy the lower pay rates. The pay spine review is attempting to address these inequalities and provide more transparency and equality in pay progression.

Given that only a third of councillors in England are women – and even fewer in Wales and Northern Ireland - the representation of women among elected members fails to reflect the proportion of women working in local government. The trade unions believe that the massive under-representation of women as elected members is one of the key reasons for the decline in NJC pay and that gender bias in councillors' attitudes towards women's jobs and their value has exerted a negative influence on pay for some time.

2. Economic background

2.1 Current inflation rates

Between the start of 2010 and the end of 2016, the cost of living, as measured by the Retail Prices Index (RPI), rose by 22.6%.

Over 2010 and 2011, RPI inflation centred on the 5% mark, before a decline saw the rate cluster around 3% during most of the three years between 2012 and 2014. Inflation then went into a further slide, with RPI around 1% over most of 2015. However, inflation has been on the rise again since 2016 and RPI inflation has escalated reaching 3.7% in May 2017.

Yet during the period from 2010-2017, the majority of our members endured a three-year pay freeze from 2010, followed by a 1% pay award in 2013, a 2.2% pay rise spread over the next two years and only 1% per year in the most recent pay settlement from 2016-2017.

Since 2009, NJC workers on SCP 18 and above, have seen their pay cut year-on-year. For all these workers this has meant a loss in the value of their pay by a shocking 21%. Table 1 below shows the impact of below inflation pay settlements on the salary of a worker, such as a care worker, on SCP19. This is the most populated pay spine point.

Year	SCP 21 salary	SCP 21 salary if grew by RPI	% inflation salary above actual salary
2010	£19,126	£20,006	4.6%
2011	£19,126	£21,046	10.0%
2012	£19,126	£21,720	13.6%
2013	£19,317	£22,371	15.8%
2014	£19,317	£22,908	18.6%
2015	£19,742	£23,137	17.2%
2016	£19,939	£23,554	18.1%
2017	£20,138	£24,378	21.1%

In contrast, prices for everyday goods continue to rise. Price changes to commodities that make up the RPI over the year to May 2017 are shown in Table 2 below.

Item	Average % increase
Consumer durables	7.1
Personal expenditure	6.1
Travel and leisure	4.8
Alcohol and tobacco	4.0
Housing and household expenditure	2.9
Food and catering	2.4
All goods	4.1
All services	3.5
All items	3.7

Source: Office for National Statistics, Consumer Price Inflation Reference Tables, May 2017

Within these figures, some costs are rising significantly faster, such as clothing and footwear at 9.8%, electricity prices at 7.7%, petrol/oil at 7.2%, rail fares at 4.2% and bus and coach fares at 16.9%.

The price of housing also remains one of the biggest costs facing our members. Across the UK, house prices rose by 6.2% in the year to January 2017, taking the average house price to £218,000⁴. England experienced the biggest increase at 6.5%, while Northern Ireland, Wales and Scotland experienced 5.7%, 4.2% and 4% respectively. The latest estimates of the ratio between average house prices and average earnings stand at 7.7 in England (12.9 in London), 5.7 in Wales⁵, 5.2 in Scotland⁶ and 7.1 in Northern Ireland⁷.

Private rents jumped 2.2% in the year to January 2017- by 2.3% in England, 2.2% in Northern Ireland, 0.4% in Wales and by 0.1% in Scotland.⁸

Although they are not included in inflation figures, childcare costs are also significant. The 2017 Family & Childcare Trust Survey found that the annual cost of a part-time nursery place for a child under two hit £6,061 per year or £11,594 for a full-time place.

Table 3: Average weekly childcare costs 2017

	Nursery				Childminder				After School Care	
	25 hours		50 hours		25 hours		50 hours		Child-minder	After-school Club
Child age	< 2 yrs	2 yrs +	< 2 yrs	2 yrs +	< 2 yrs	2 yrs +	< 2 yrs	2 yrs +	5 yrs - 11 yrs	
Britain	£116.25	£112.38	£222.36	£210.45	£109.84	£109.29	£212.86	£210.99	£67.11	£52.58
England	£117.43	£113.43	£225.13	£212.43	£110.68	£110.11	£214.02	£212.02	£68.12	£52.80
Scotland	£111.37	£106.16	£209.87	£199.16	£105.25	£104.53	£210.64	£209.24	£62.22	£55.71
Wales	£101.42	£102.30	£188.80	£190.55	£101.03	£101.03	£193.84	£193.84	£55.43	£43.13
Inner London	£154.08	£141.05	£290.73	£273.79	£156.67	£151.68	£290.18	£273.23	£97.12	£42.09
Northern Ireland is excluded from the analysis because childcare is funded differently, making comparisons difficult.										

Source: Family and Childcare Trust, 2017 Childcare Survey, updated annually published March 2017

Current inflation rates also mask longer term changes in the cost of living that have taken place since 2010. Between 2010 and 2016, food price inflation, currently standing at 1.2% saw significant rises, alongside other living costs as shown in Table 4 below.

⁴ Office for National Statistics, UK House Price Index Summary, March 2017 – LSL Property Services puts average UK house prices at £297,832. The stark difference with the ONS figure is principally down to the statistical method used in the calculation.

⁵ Office for National Statistics, Housing affordability in England and Wales, March 2017

⁶ Emooov - <https://www.emooov.co.uk/reality-gap-uk-property-costs-eight-times-average-wage/>

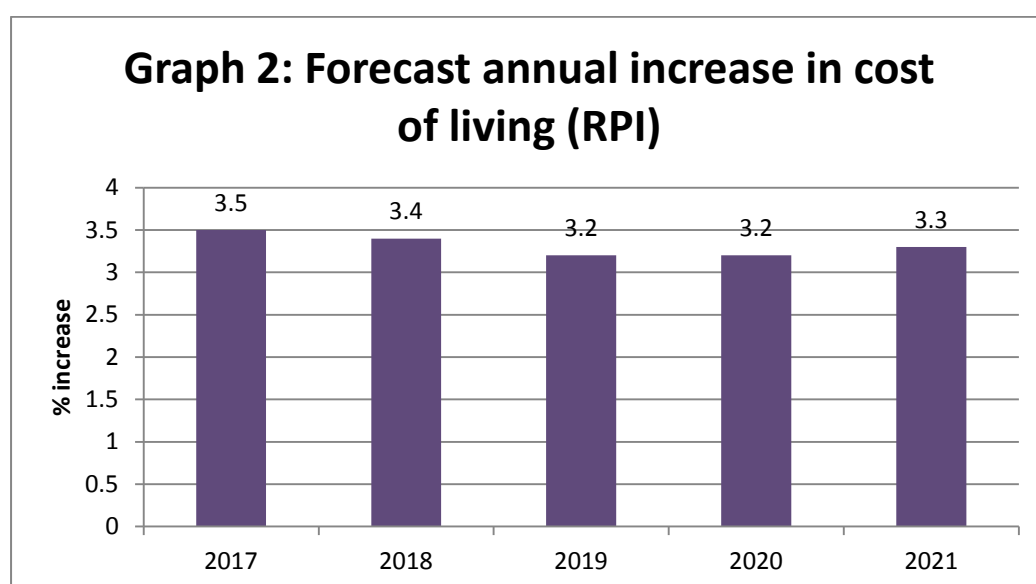
⁷ Office for National Statistics, Trends in the UK Housing Market, 2014

⁸ Office for National Statistics, Index of Private Housing Rental Prices, January 2017 for Great Britain figures, Performance of the Private Rental Market in Northern Ireland Jan – June 2016 for Northern Ireland

Table 4: Price rise from 2010 – 2016 (%)	
Item	Price rise
Food	11%
Rail fares	24%
Bus and coach fares	26%
Water	19%
Electricity	28%
Gas	24%

2.2 Inflation forecasts

The Trade Union Side feels that, under these circumstances, our claim is relatively modest. The Treasury average of independent forecasts predicts that RPI inflation will accelerate sharply to average 3.5% over 2017⁹ and remain in excess of 3% every year between 2018 and 2021, following the pattern shown in Graph 2 below. These annual rates indicate the pay rises that would be needed for wages just to maintain their current value.

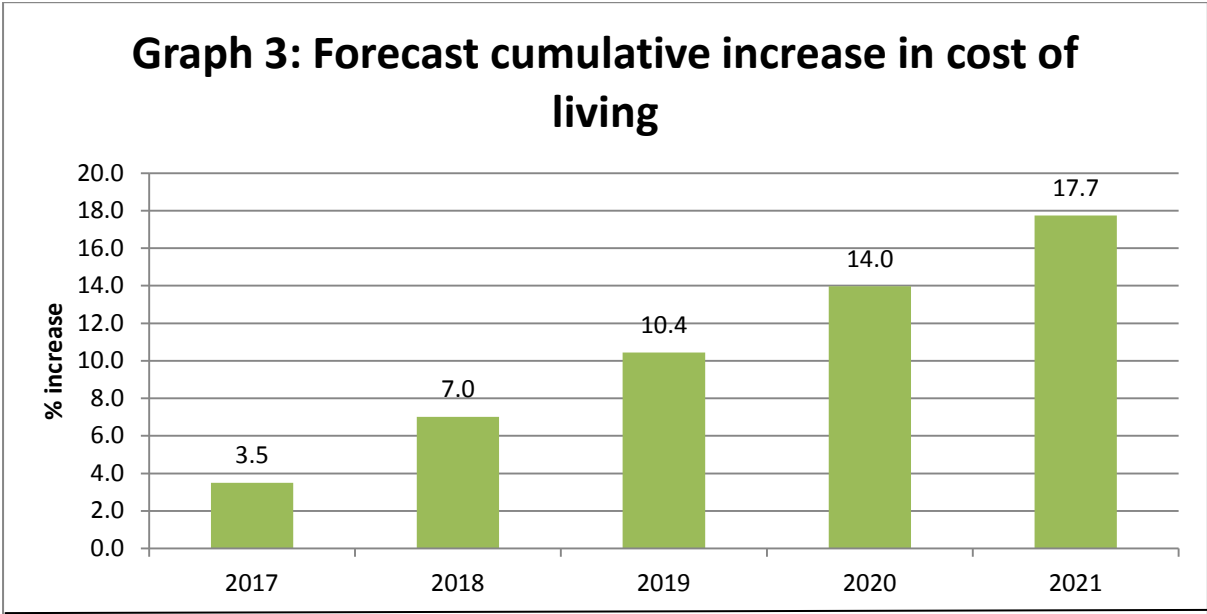


Source: HM Treasury Forecasts for the UK Economy, February 2017

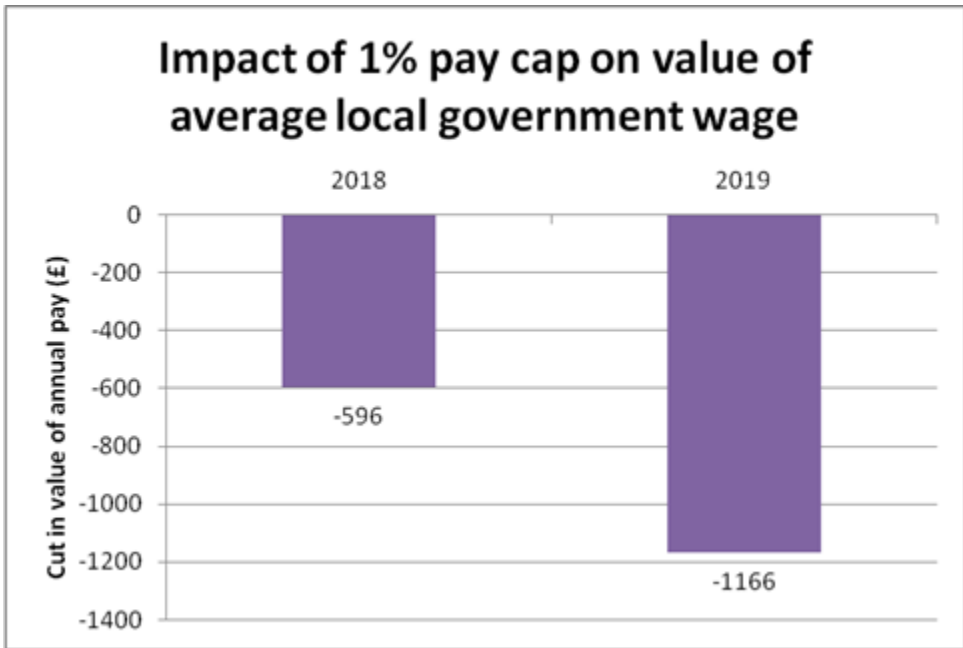
There is uncertainty about the impact of Brexit on inflation, although GMB research found that the average full-time public sector worker would lose £4,000 in real-terms between 2017 and 2020, of which over £1,400 was attributable to the extra-inflation triggered by Brexit.¹⁰ If the HMT rates turn out to be correct, then the cost of living the NJC workforce faces will grow by almost 18% between 2017 and 2021, following the pattern set out in Graph 3 below.

⁹ Regulated rail fares for 2017 are set to rise by an average of 1.9% because they are linked to the July RPI figure, though unregulated increases are expected to lift average rail prices by 2.3%.

¹⁰ <http://www.mirror.co.uk/news/uk-news/public-sector-wage-freeze-equivalent-9986319>



The potential impact of this inflation forecast on the value of the average NJC wage against the background of the 1% public sector pay cap from 2018 through to the end of 2019 is shown in Graph 4 below. Over these two years, the average NJC wage will have declined in value by over £1,100 under this scenario.



*Average local government wage based on FTE earnings excluding London.

2.3 Average earnings growth

Average earnings, shown in table 5, are currently rising far faster in the private sector than in the public sector, with finance, services and retail all rising faster than the public sector.

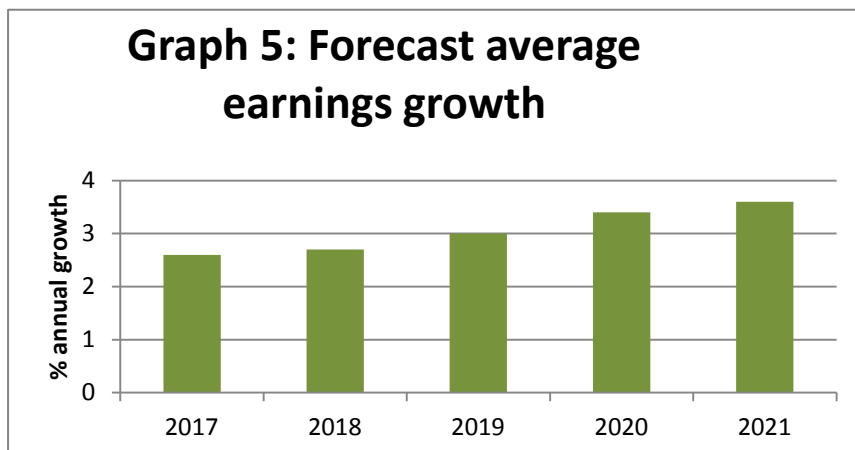
Table 5: Average weekly earnings broken down by sector (seasonally adjusted)	Total Pay (including Bonuses) %	Regular Pay %
	3 month average	3 month average
Whole economy	2.1	1.7
Private sector	2.3	2.0
Public sector	1.1	1.1
Public Sector excluding financial services	1.0	1.1
Manufacturing	1.6	1.7
Services	2.2	1.8
Finance and business services	1.6	1.1
Construction	1.0	1.2
Wholesale, retailing, hotels & restaurants	2.6	2.4

Source: ONS UK Labour Market Statistical Bulletin, June 2017

Forecasts of average earnings predict that growth will average 2.6% in 2017, before escalating every year to reach 3.6% by 2021, following the pattern shown below in Graph 5¹¹. By comparison, NJC earnings are stagnating and falling behind these average growth figures. Best estimates indicate that approximately 10,720 local government workers (2.4% of the non-school based and non-London based workforce) are on pay points that will require an uplift in their rate in excess of forecast average earnings growth to achieve the National Living Wage” by 2020. For the lowest paid staff, this uplift will require an annual increase of 4.1% over three years, which is 1.1% above forecast average earnings growth across the economy as a whole over that period – and certainly far more than 1%.

¹¹ Office for Budgetary Responsibility, Economic and Fiscal Outlook, March 2017

Graph 5: Forecast average earnings growth



In other words, a significant above-inflation rise is required to address our members' fall in living standards over the last eight years. As the NHS regulator has warned, based on international comparisons:

*'Periods of wage restraint are generally followed by periods of "catch up" with their trend level in subsequent years. Capping wages for longer to keep costs down would be self-defeating for the sector in the long term as it would make recruiting and retaining good quality professionals increasingly difficult.'*¹²

It is clear that the tipping point – where wages cannot be further reduced without impacting recruitment, retention and the quality of services – has already been reached. It is therefore vital that the 2018/19 settlement is built around a substantial, above inflation pay rise that compensates local government workers for the wages they have lost due to the application of the 1% cap.

2.4 Average pay settlements:

Pay settlements across the economy currently stand at 2%, which is well below the long-run median of between 3% and 3.5% that prevailed for over two decades until the 2008 economic crisis.

Pay settlements in the private sector stand at 2%, which is double that in the public and not-for profit sectors. Private sector settlements have been running far in advance of NJC pay since 2010. When NJC pay was frozen for three years, average private sector pay rises were running at 2.1%.

Table 6 below shows average settlements across a range of sectors for the year up to March 2017. These sectors are in direct competition for workers in jobs within the school and local government sectors.

¹²

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284044/ClosingTheGap091013.pdf

Table 6: Average pay settlements across the economy for the year to March 2017	
Sector	Average pay settlement
Across economy	2.0%
Private sector	2.0%
Public sector	1.0%
Not for profit	1.0%
Energy & gas	1.6%
Water & waste management	1.7%
Retail & wholesale	2.4%
Information & communication	2.0%
Admin & support services	2.0%
Source: Labour Research Department, settlements year to March 2017	

3. Decline in NJC pay - a unique case for a decent pay rise

Pay for those working in local government and schools has shamefully declined more than any other workforce in the public sector.

Our members have suffered significant, real-terms cuts to their wages – both as a reduction to the value of their annual salaries, and as a cumulative loss which has already amounted to over £10,000 since 2010/11 so far in some cases. Examples compiled by the GMB of the salary losses for workers on typical NJC pay scales are provided in table 7 below. The salaries stated are based on FTE rates but the vast majority of teaching assistants are employed on term-time and/or part-time only contracts. Their take home pay will be significantly less than the figures stated here.

Table 7	FTE salary devaluations in real-terms, not including cost of living weightings¹³			
Job title	Salary in 2010	Salary in 2017	Annual real-terms cut	Total real-terms cut 2010 – 2017
Catering Assistant	£13,589	£14,975	£1,176	£6,085
Teaching Assistant	£16,830	£17,547	£2,455	£8,596
Refuse Collector	£17,161	£17,891	£2,505	£8,765
Administrative Assistant	£20,198	£21,057	£2,948	£10,317
Qualified Residential Care Worker	£22,221	£23,166	£3,244	£11,350
Social Worker	£25,472	£26,556	£3,717	£13,009
Higher Level Teaching Assistant (SEN Specialist)	£26,276	£27,394	£3,835	£13,420
Homelessness Prevention Officer	£28,636	£29,854	£4,180	£14,628

An analysis of DfE statistics by GMB, shown in table 8 below, shows that average general teaching assistant pay rates increased by just 1.6% between 2011 and 2015 (the earliest and latest years for which figures are currently available). This was substantially below both inflation and the nominal one per cent cap – and it was equivalent to over a £2,400 real-terms cut over that period.

¹³ GMB, *End the Public Sector Pay Pinch*, 08 March 2017, page 10:

<https://static1.squarespace.com/static/58b828f44402436b74624b8a/t/58bf0a49bebf4b3e4b790/1488915022750/public+sector+pay+pinch+report+-+FINAL.pdf>

Table 8: GMB analysis of DfE School Workforce Census statistics - FTE teaching assistant salaries¹⁴			
Year	General Teaching Assistants	Higher Level Teaching Assistants	All Teaching Assistants
2011	£18,600	£21,300	£18,800
2012	£18,500	£21,400	£18,800
2013	£18,700	£21,800	£19,000
2014	£18,700	£21,700	£19,000
2015	£18,900	£22,100	£19,200
Change	1.60%	3.80%	2.10%
Real terms cut (RPI)	£2,531	£2,442	£2,461

Previous pay settlements and the way they have been implemented have clearly been inadequate. Our members have been asked to shoulder an unfair financial burden at the same time that their workloads have increased. The following section outlines how low pay has not only dogged the pay points at the bottom of the pay structure, but is systemic throughout it.

3.1. Pay at the bottom

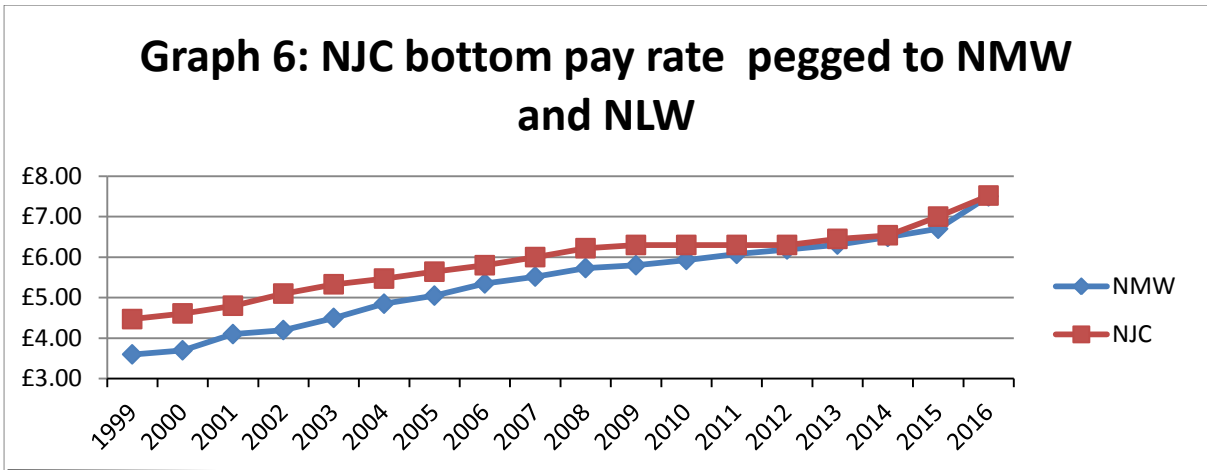
At the same time as facing 40% cuts to local government funding, the introduction of the new NLW has led to pay at the bottom of the pay structure being linked to the legal minimum to prevent the employers breaking the law. Recent pay awards have been bottom-loaded and job evaluated, transparent pay differentials throughout the pay spine are under threat.

Graph 6 below shows the decline in the value of the bottom rate of NJC pay compared to the legal minimum rate of pay for the rest of the economy since 1999. The comparison is between the National Minimum Wage (NMW) adult pay rate and the bottom NJC pay point for each year at 1 October. The NMW is replaced by the NLW for 2016.

The graph brings into clear focus the need to tackle the years of pay neglect now, rather than focussing on skirting the NLW.

¹⁴ GMB, *End the Public Sector Pay Pinch*, 08 March 2017, page 18:

<https://static1.squarespace.com/static/58b828f44402436b74624b8a/t/58bf0a49bebf4b3e4b790/1488915022750/public+sector+pay+pinch+report+-+FINAL.pdf>



In 1999, there was a 24% difference between the bottom rate of pay for NJC workers and the NMW. By 2016, the difference between the bottom NJC rate and the National Living Wage, the new legal minimum for those over 25, has plummeted to a shocking 0.3% difference. This is at the same time as equal pay was supposed to be introduced, as a result of the 1997 Single Status agreement. Far from seeing the increase in women’s pay which was meant to be the outcome of Single Status, the opposite has been the case.

The legal minimum wage ‘floor’ for the whole economy, has essentially become a benchmark for our members’ pay, despite the highly responsible and skilled nature of their jobs. Local government workers have become used to being the poor relations of the public sector in the last two decades and are now the confirmed poor relations of the UK economy.

3.2 NJC minimum pay: comparisons with the rest of the public sector

With pay at the bottom of the NJC pay spine pegged at statutory minimum wage levels, it is no surprise that compared to minimum pay elsewhere in the public sector, pay rates for those working in local government and schools are shockingly low.

Table 7 below lists minimum pay rates across the public sector. It shows how far NJC pay has fallen behind the bottom rates for the majority of public sector workers. Even following the bottom loading applied as a result of recent NJC pay settlements, pay for those on minimum rates in local government compares badly with workers elsewhere in the public sector – particularly those working in central government and the NHS, where overall employment has increased. Central government rates for equivalent groups of workers compare particularly well, with NHS Agenda for Change rates in Wales and Scotland also significantly ahead. Sixth form college and higher education workers obviously deserve much better, but are significantly smaller groups than the NJC workforce.

The NJC trade unions see no reason at all for this disparity in pay between NJC workers and the rest of the public sector, which is the consequence of drastic funding cuts and the long-term neglect of a workforce which is predominantly made up of women.

Table 9: Minimum pay rates across the public sector			
UNISON bargaining groups	From	Rate (£)	Hourly (£)
Local government (England, Wales & Northern Ireland)	01/04/2017	15014	7.78
NHS Agenda for Change (England)	01/04/2017	15404	7.88
NHS Agenda for Change (Wales)	01/04/2017	16302	8.45
NHS Agenda for Change (Scotland)	01/04/2017	16302	8.45
NHS Agenda for Change (Northern Ireland) 2017 * pay award pending.	01/04/2016	14437	7.38
Sixth form college support staff (England & Wales)	01/01/2017	14778	7.66
Higher education	01/08/2016	14767	7.65
Further education (England)	01/08/2016	14962	7.78
Police staff (England & Wales)	01/09/2016	15486	8.03
Probation Service**	01/04/2016	14609	7.57
Youth and Community Workers	01/09/2016	15507	8.04
Central government			
Crown Office and Procurator Fiscal Service	01/08/2016	18113	9.39
Crown Prosecution Service	01/04/2016	16601	8.61
Department for Business, Energy and Industrial Strategy	01/08/2016	16988	8.81
Department for Education	01/04/2016	18659	9.67
Department for Works and Pensions	01/07/2016	16772	8.69
Environment Agency	01/07/2016	15715	8.15
HM Revenue and Customs	01/06/2016	16453	8.53
Home Office	01/07/2016	16641	8.63
Northern Ireland Civil Service	01/08/2016	17352	8.99
Scottish Government	01/08/2016	17242	8.94

Notes to table

Scotland pays the Living Wage across the public sector. Therefore, minimums agreed from November 2016 in Scotland will be at the rate of £8.45 an hour, which translates to £16,302 for a 37 hour week and £16,522 for a 37.5 hour week.

*A pay settlement for NHS staff in Northern Ireland remains pending.

**Probation Service rates have not increased since 2013.

3.3 Low pay: a problem throughout the pay spine.

While we have seen pay rises above 1% at the bottom of the pay spine to achieve the legal minimum of the NLW, we have also witnessed little or nothing being left for everyone else above them in the NJC pay structure, including social workers, environmental health and trading standards officers, and key admin workers. All NJC workers suffered a three year pay freeze from 2010 – 2013, in stark contrast to the rest of the public sector, where pay was ‘only’ frozen for two years.

Pay for all those working in local government and schools is lower than for anyone else working in the public sector. Those on the bottom pay points 6 – 12 are paid below the ‘real’ Foundation Living Wage of £8.45 (UK rate), while the majority of their colleagues above them on the pay spine have endured pay rises of 1% in 2013,

1.1% in 2014 and 2015, and a pay rise capped at 1% for 2016 and 2017. To prevent equal pay claims being lodged against local authorities, differentials must be maintained and everyone on NJC pay, not just those at the bottom, deserves a decent pay rise.

3.4 Paying the Foundation Living Wage

Our claim is calling for the deletion of NJC pay points SCP 6-9 to ensure that no NJC worker receives less than the non-statutory, Foundation Living Wage. This is a rate calculated to ensure that workers receive the bare minimum needed for an acceptable standard of living. It is hard to understand why our members providing vital services in schools and councils should not be deemed worthy of wages which are enough to live on!

In recent years, support for the Foundation Living Wage has grown among local authorities. In 2015, research by UNISON showed that 51% of councils had individually chosen to pay the Living Wage, even though the 'Green Book' collective agreement does not. Fewer schools than councils pay the Foundation Living Wage. Despite this, the trade unions have begun to see 'real' Living Wage rates frozen, to allow catch up by the statutory minimum National Living Wage.

Employers who have implemented the Foundation Living Wage report improved retention of staff and improved quality of service. This leads to a reduction in costs of recruitment and training. Better pay also means that workers are more motivated and productive and it helps to reduce absenteeism. With stress, anxiety, poor mental health and fatigue being the number one reason for sickness absence in local government, paying the 'real' Living Wage would help reduce workforce costs and improve the working lives of our members¹⁵.

But ad-hoc, local agreements to implement the Foundation Living Wage make a mockery of the NJC's bargaining machinery. Furthermore, deletion of the bottom rates and providing no uplift in pay for the rest of the workforce means that years of neglect of the NJC pay spine is leading to compression of the pay structure at the bottom end. In turn, this is creating unfair pay that damages staff morale and places councils at risk from equal pay claims.

3.5 Joseph Rowntree Foundation Minimum Income Standard

The Foundation Living Wage is not the only measure of low pay. The Joseph Rowntree Foundation publishes its annual Minimum Income Standard (MIS) based on what members of the public think people need to achieve a socially acceptable standard of living. These are shown in table 10 below.

Currently (July 2016 figures), the MIS rate for a Single Adult of working age sits between pay spine point 15 and 16 while for a lone parent with one child, it is above pay spine point 40. With the latest figures due to be released in July, it is expected that comparisons between NJC pay and the MIS will be even worse.

¹⁵ Local Government Workforce Survey 2015/16, Research report, March 2017.

When compared with the Foundation Living Wage, the MIS highlights the low level at which the Foundation Living Wage itself is set. This further underlines why the NJC must accept the Foundation Living Wage as the lowest pay spine point.

Table 10: April 2016	Single Adult of working age	Two earner couple with two children	Lone parent with one child
MIS (including rent, childcare and council tax), per week	£286.53	£776.28	£548.56
Hourly wage rate(full time)	£8.85	£9.67	£18.16
Annual Earnings requirement	£17,311	£37,812	£35,507

[Full details: https://www.jrf.org.uk/income-benefits/minimum-income-standards](https://www.jrf.org.uk/income-benefits/minimum-income-standards)

3.6 Pay comparisons across the pay spine

A comparison of pay for some NJC occupational groups with similar roles in the NHS shows that NJC workers are the poor relations of those with equivalent roles under the Agenda for Change pay structure within the NHS. With transfers within the public sector becoming more common, NJC workers face the scenario of working alongside others doing the same job, for which they are paid less money. This is unfair and discriminatory, is no way to motivate staff and has real implications for recruitment and retention in local government. We believe that NHS pay rates are far more reflective of the value of the jobs concerned and that NJC workers' pay should be lifted to at least the same rates. The jobs they do are no less valuable.

Table 11 below shows the difference in pay levels for selected occupations and equivalent roles across the NJC and Agenda for Change pay structures.

Table 11: NJC and NHS pay compared					
NHS Job title	NJC job title	<u>NJC Median Maximum Salary</u> [1]	NHS 37 Hour Week Equivalent (1.4.16) England	Difference between NJC And NHS (£)	% NHS pay exceeds NJC Pay
Domestic Support Worker	Cleaner	£14,311	£15,047 min. or £15,309 max	£736 - £998	5.1% – 7%
Catering Support Worker	Catering Assistant	£14,332	£15,047 min. or £15,309 max	£715 - £977	5.1% - 6.8%
Nursery Nurse	Nursery Worker	£18,379	£20,771	£2,392	13%
Librarian (1/4/16)	Librarian (1/4/16)	£23,166	£24,960	£1,794	7.7%
School Business Manager*	Business Manager**	£26,000	£32,616	£6,616	25.5%
Principal Environmental Health Officer*	Health Improvement Principal**	£38,171	£50,529	£12,358	32.4%
Principal Information Analyst*	Principal Information Analyst**	£46,225	£47,394	£1,169	2.5%
Principal Solicitor (Solicitor/Consultant)*	Principal solicitor**	£48,291	£53,784	£5,493	11.4%

[\[1\] IDS 2013 is the last national data available. 1% in 2013 and 2.2% for 2014-16 are the NJC pay awards.](#)

*Municipal Journal Jobs Go Public, 1/4/2016. **AfC profiles 1/4/16

It is not just pay for lower graded jobs that is unequal within the public sector. The top of the NJC pay spine compares badly with the rest of the public sector too. It stands at just over £43,000. This compares with nearly £100,000 within the NHS and nearly £65,000 in Higher Education. This has led to nearly two thirds of authorities extending their pay spine locally. At the top, NHS, other public sector and local government jobs are very similar, but pay is very different. UNISON has demonstrated this by doing 'dummy' job evaluations using the NJC job evaluation scheme.

4. Pay-related conditions of work

In an attempt to save costs, for the last seven years councils across the board have been shredding working conditions. Both Unison and Unite have recently conducted surveys asking about changes to terms and conditions.

Nearly half - 46% - of UNISON members responding to UNISON's local government members' survey in 2016 reported that their pay and conditions had changed since 2010. Two-thirds of these said that the changes had been imposed. Members told us whether pay and conditions had got worse or improved and the responses, shown in Table 10 below, show how the full range of working conditions – and pay progression - are under attack.

Table 10: Changes to pay and conditions since 2010	Got worse %
Unsocial hours payments	85
Weekend payments	84
Bank holiday payments	83
Evening/night payments	81
Bonuses/performance-related pay	79
Car allowances	78
Paid overtime	77
Sick pay	75
Holidays unpaid	75
Shift payments	74
Paid holidays	65
Pay progression	54

*These proportions are based on small samples

Similarly, Unite's survey in May 2017 asked whether other terms and conditions had been cut in addition to pay. This showed significant numbers of councils making cuts to overtime, allowances and redundancy terms. Many members that ticked 'other' also mentioned downbanding, compulsory unpaid shut down days, sick pay, mileage rates and bonus schemes.

Table 11: Has your Local Authority cut any other terms and conditions?	Percent
Overtime	43.1%
Allowances	36.7%
Facilities time	12.1%
Redundancy	25.6%
Requirement to take unpaid leave	7.7%
I don't know	30.6%
Other, please specify	15.7%

Slashing conditions and slowing pay progression has had a real impact on our members' pay packets. Over 50% of the workforce is made up of part-time employees, working regular, unpaid overtime. Many workers are dependent on these additional payments to make ends meet. The workforce is made up of over three-quarters women, many low paid and in low-paid households, or single mothers. Their incomes are vital to the wellbeing of their families and these

additional regular payments are a lifeline. This makes these workers and their families especially vulnerable to any change in their financial circumstances, such as withdrawal of regular enhancements to their pay for working nights and unsocial hours.

5. Job losses

Local government has been decimated by job losses over the last seven years as funding cuts bite. Local government has seen 760,000 job losses since June 2010.¹⁶ Over the same period, employment in central government has increased by 160,000. This trend continues, with local government employment in the UK falling by roughly 30,000 workers in the year to December 2016.¹⁷ In comparison, NHS, central government and private sector employment continue to rise. NHS employment reached a record high in December 2016, rising for the 14th consecutive quarter and by 38,000 in the year up to December 2016.

Meanwhile private sector employment – albeit much of it part-time or casual work - has been increasing strongly for nearly seven years, reaching a record high in December 2016. Since June 2010, it has risen by three million. It rose by 324,000 in the year up to December 2016.

With considerably fewer workers to provide local services, our members deserve a pay rise that reflects the massive increase in their productivity. Those workers left behind are attempting to pick up the workloads of former colleagues, as well as do their own work on declining pay and conditions.

Local government workers face job insecurity and frequent reviews and reorganisations. In UNISON's 2016 survey, thirty-eight percent of members reported job losses in their department.¹⁸ Sixty-three percent reported having experienced a review or reorganisation in the previous year, driven by cost-cutting exercises.

6. Recruitment and retention

The latest workforce survey by the NJC employers, the Local Government Association, shows that a shocking 71% of councils are currently experiencing recruitment and retention difficulties¹⁹.

With pay in local government and schools comparing badly to the rest of the public and private sectors, recruitment and retention is fast becoming an issue for local employers. In 2010, an estimated eight per cent of public sector jobs were supplied

¹⁶

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/publicsectorpersonnel/bulletins/publicsectoremployment/dec2016>

¹⁷ [ibid](#)

¹⁸ <https://www.unison.org.uk/content/uploads/2016/06/23864.pdf>

¹⁹ Local Government Workforce Survey 2015/16, Research report, March 2017.

by an agency – by 2015, that number had increased to 13%.²⁰ GMB analysis shows that the cost to the public sector of agency and temporary workers rose by over £2 billion in real terms between 2011/12 and 2014/15 (the latest year for which figures are available). If the decline in the value of NJC pay throughout the pay spine is not addressed, this situation can only worsen. The growing and widespread use of agency workers to fill gaps comes at a hefty cost to the public purse.

Many councils are already heavily dependent on temporary workers. During the last ten years, agency staff in some London boroughs have comprised up to a quarter of the total headcount. Recently, Northamptonshire hit the headlines after local media uncovered an annual spend of £1.5 million on temporary workers.²¹ Facing funding cuts, councils find themselves unwilling to authorise permanent jobs but key roles need to be filled. Meeting the Joint Trade Union Side's pay claim this year will help encourage workers to remain in post, particularly given the extreme increase in workload, stress and pressure being witnessed.

7. Conclusion

It is clear that the Government's current policy of pay restraint applied to our members working in councils and schools is not sustainable. Erosion of NJC pay over the last twenty years has led to it skirting the legal minimum. The introduction of the NLW, the ad hoc adoption of the Foundation Living Wage and the widespread extension of the top of the pay spine by councils means that pay grades have become compressed, uneven and unfair.

With the NLW set to be around £9 per hour by 2020, councils and schools will face additional financial costs. But if the decline in the value of NJC pay across the entire pay spine is not addressed, the real financial costs to councils, through equal pay claims, recruitment and retention challenges and workforce disharmony, will be far greater than the cost of restructuring the pay spine, while giving **all** our members, across the board, a much needed decent pay rise.

They face immense pressure – ever increasing workloads, deteriorating pay and conditions, and persistent job insecurity. Against the odds, they have delivered efficiency savings for you year-on-year, but we have reached the limit of what can be squeezed from an exhausted and demoralised workforce.

Those providing local services in councils and schools are supporting our children's education and holding stretched communities together at a time when those services are overwhelmed by public demand and the government is cutting funding. With the dramatic decline in the value of their pay, it is clear that our members have remained in local government and schools because they are committed to improving people's lives, supporting communities and maintain a lasting public sector ethos.

²⁰

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592131/NIESR_agency_wor king_report_final.pdf

²¹ <https://www.theguardian.com/local-government-network/2013/jan/29/local-government-temporary-staff>

They believe too that people are more important than fat salaries and market competition. But they too have bills to pay and themselves and families to support and can't keep delivering more and more for less and less. The Trade Union Side believes our claim is just and fair, and no less than our members deserve. This year, passing on the Government's 1% pay cap will just not cut the mustard. The employers must offer at least the Foundation Living Wage as the minimum pay point (removing SCP 6 – 9) and 5 per cent on all other pay points. Local government and school workers should and must get the decent and fair pay rise that they need and deserve.

Appendix: Current NJC pay rates:

NJC Pay Point	2017 Pay pa	2017 Pay hourly
SCP6	£15,014	£7.78
SCP7	£15,115	£7.83
SCP8	£15,246	£7.90
SCP9	£15,375	£7.97
SCP10	£15,613	£8.09
SCP11	£15,807	£8.19
SCP12	£16,123	£8.36
SCP13	£16,491	£8.55
SCP14	£16,781	£8.70
SCP15	£17,072	£8.85
SCP16	£17,419	£9.03
SCP17	£17,772	£9.21
SCP18	£18,070	£9.37
SCP19	£18,746	£9.72
SCP20	£19,430	£10.07
SCP21	£20,138	£10.44
SCP22	£20,661	£10.71
SCP23	£21,268	£11.02
SCP24	£21,962	£11.38
SCP25	£22,658	£11.74
SCP26	£23,398	£12.13
SCP27	£24,174	£12.53
SCP28	£24,964	£12.94
SCP29	£25,951	£13.45
SCP30	£26,822	£13.90
SCP31	£27,668	£14.34
SCP32	£28,485	£14.76
SCP33	£29,323	£15.20
SCP34	£30,153	£15.63
SCP35	£30,785	£15.96
SCP36	£31,601	£16.38
SCP37	£32,486	£16.84
SCP38	£33,437	£17.33
SCP39	£34,538	£17.90
SCP40	£35,444	£18.37
SCP41	£36,379	£18.86
SCP42	£37,306	£19.34
SCP43	£38,237	£19.82
SCP44	£39,177	£20.31
SCP45	£40,057	£20.76
SCP46	£41,025	£21.26
SCP47	£41,967	£21.75
SCP48	£42,899	£22.24
SCP49	£43,821	£22.71

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Somerset County Council

HR Policy Committee

– 18 September 2017

Disclosure Policy

Cabinet Member: Cllr Anna Groskop

Lead Officer: Chris Squire

Author: Ian Mosley, Strategic Manager, SSE and DBS Lead Signatory (policy) and Laura Holland, HR Officer, Policy and Projects (report).

Contact Details: Ian Mosley, imosley@somerset.gov.uk, 01823 355735 and Laura Holland, lholland@somerset.gov.uk, 01823 359398

	Seen by:	Name	Date
Report Sign off	Legal	Honor Clarke	6/9/17
	Corporate Finance	Kevin Nacey	15/8/17
	Human Resources	Chris Squire	15/8/17
	Senior Manager	Richard Williams	6/9/17
	Cabinet Member	Anna Groskop	5/8/17
	Monitoring Officer	Julian Gale	21/7/17
	Summary:	<p>The proposed Disclosure Policy consolidates the Council’s current guidance and processes in relation to the disclosure of criminal records and complements and expands on the current Recruitment of Ex-Offenders Policy, which states the circumstances in which we are legally allowed to request full criminal disclosure.</p> <p>It sets out how Somerset County Council will make effective use of the Disclosure and Barring Service (DBS) in recruitment to safeguard the children and vulnerable adults who access our services. It also outlines how we will comply with the Cabinet Office Baseline Personnel Security Standards for employees that access the Public Services Network.</p> <p>The policy gives an explanation of eligibility and the different types of disclosure and checks against ‘barred lists’ and when they should be used, expectations of employees whose post is covered by DBS eligibility criteria and our procedures for dealing with disclosure checks and disclosure certificates.</p>	
Recommendations:	It is recommended the committee agree to the introduction of the new Disclosure Policy.		
Reasons for Recommendations:	The policy consolidates the Council’s current guidance and processes to accord with the DBS Code of Practice and the Baseline Personnel Security Standards for employees using the Public Services Network.		
Links to Priorities and Impact on Service Plans:	CSC – Keeping Children Safe ASC – Keeping People Safe		

<p>Financial, Legal and HR Implications:</p>	<p>Legal: Complies with the Rehabilitation of Offenders Act 1974 and Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.</p> <p>Financial: There are no financial implications in implementing this policy. There may be financial risks arising from not having a compliant policy in place.</p> <p>HR: This policy will support our safer recruitment practices.</p>
<p>Equalities Implications:</p>	<p>This policy will be applied equally to all employees/job applicants for posts eligible for disclosure checks, it is not envisaged that it will disadvantage any group who share a protected characteristic. In any case, it is believed that the policy is proportionate to the legitimate aim of safeguarding children and vulnerable adults to whom we provide services to.</p>
<p>Risk Assessment:</p>	<p>The implementation of this policy aims to lower the risk of a breach of the DBS Code of Practice and the relevant legislation. There is a legal requirement to make sure an application for a standard or enhanced disclosure, with or without an additional check against either the Childrens or Adults barred lists, meets the eligibility criteria as outlined in the legislation. Requesting a DBS disclosure for an applicant for a post that does not meet the DBS eligibility criteria is an offence and a breach of the DBS Code of Practice and could lead to SCC losing registered umbrella body status with the DBS. If SCC lost the registered umbrella body status, the Council would have to pay another umbrella body to carry out checks on the Council's behalf this would be an increased cost to the Council.</p> <p>The Council's registered umbrella body status with the DBS, means we are able to process applications on behalf of external organisations, such as academies. As we charge for providing this service loss of registration would result in loss of income to the Council.</p> <p>The DBS has announced that it will be conducting compliance inspections during which it will review the Councils process and procedures to ensure we are complying with the DBS Code of Practice. They would expect to see a clear policy outlining how we manage and process DBS checks. If we do not have a policy in place, when we are inspected a best case scenario is that the Council would be recommended to implement a policy as soon as possible, the worst case scenario, is that the DBS could decide we cannot effectively demonstrate compliance and therefore suspend or cancel our registered umbrella body status.</p>
<p>Scrutiny comments / recommendation (if any):</p>	

1. Background

- 1.1. The Disclosure Policy aims to consolidate the Council's current processes and guidance in relation to applications for disclosure checks and put in writing the arrangements for complying with the requirements of the Disclosure & Barring Service (DBS) Code of Practice 2012 issued under the Police Act 1997.

Additionally, the Disclosure Policy sets out the requirement to undertake Basic Disclosure checks as required by the Cabinet Office Baseline Personnel Security Standards for users of the Public Services Network. Basic Disclosures are currently provided by Disclosure Scotland although the DBS plan to take over this service in 2017.

- 1.2. The Council has an existing policy on the Recruitment of Ex-offenders which sets out our obligations under the Rehabilitation of Offenders Act 1974 (ROA). The ROA was introduced to allow individuals convicted of a criminal offence to consider it 'spent' after a defined amount of time as set out in the Act. Under the Act it is unlawful to require a job applicant to disclose any 'spent' convictions. However, in order to protect the vulnerable groups within society, namely children and vulnerable adults, the Act excepts certain professions and types of work for which individuals should be required to disclose all convictions whether 'spent' or not. Those professions and types of work are listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023).

Historically, the Council was able to request police checks directly from the police service to verify criminal convictions, this was replaced in 2002 by a national Criminal Records Bureau Service.

In addition, the Department for Education had established 'List 99' which was a list of individuals considered unsuitable to work with children, this became the DBS Children's Barred List. Similarly a separate list of individuals considered unsuitable to work with vulnerable adults was compiled by the Department of Health in 2004, known as 'Adults POVA First' (POVA stands for Protection of Vulnerable Adults), this is now known as the DBS Adult Barred List.

In response to the Soham murders, procedures around background criminal records checks were tightened, and these were revised under a new piece of legislation, the Safeguarding Vulnerable Groups Act 2006. A new Vetting and Barring Service was proposed and due to be launched in 2009, which would have seen a broader definition of the types of work where a full criminal disclosure was required. However, following a change in government in 2010 and a view that the suggested vetting and barring service was disproportionate to the risk, given that it is only a small minority of individuals that pose a risk of harm to vulnerable groups and a large number of people who would be affected by the new legislation, the Safeguarding Vulnerable Groups Act was amended by the Protection of Freedoms Act 2012 which withdrew the proposed widening of the scope of roles to be the subject to criminal records checks. In the same year the Criminal Records Bureau and the Independent Safeguarding Authority (who 'owned' the barred lists) were merged into a single organisation the Disclosure and Barring Service which was launched on 1st December 2012 to create one organisation which can 'disclose' both criminal convictions and whether an individual is listed on one of the 'barred lists'.

Over the last decade there have been many changes in the legislation and the Council has complied with these through the Recruitment of Ex-Offenders Policy and by constantly updating our processes and guidance. Over recent years the scale of change has stabilised and therefore it feels like an appropriate time to consolidate the current guidance and processes into a formal policy not least because the DBS will be commencing compliance inspections.

- 1.3. The Council changed from a registered body status to an umbrella body status in 2012, in response to a number of school's converting to academies but still wanting the Council to process DBS applications on their behalf. Subsequently a growing number of Academies and other external organisations such as Somerset Skills and Learning, Taunton Deane Borough Council and Exmoor National Park have bought into the service. As a registered umbrella body, it enhances our ability to comply with the DBS Code of Practice if we have a formal policy and reassures internal and external users of the service.
- 1.4. As a DBS registered umbrella body the Council must have an officer undertaking the DBS Lead Signatory role. This is currently undertaken by a Strategic Manager within Support Services for Education. This role is responsible for ensuring compliance with the DBS Code of Practice the relevant legal frameworks, making final decisions on eligibility and signing off all suitability assessments, (where a conviction or other information comes back on a disclosure certificate), thus ensuring a consistent approach. This officer has taken the lead in preparing the Disclosure Policy.
- 1.5. The Council has an in-house Disclosure Team that administers applications for the Council as well as 18 external organisations, which include Academy Schools and Multi-Academy Trusts, Taunton Deane Borough Council, Exmoor National Park and partner organisation such as You Can Do who organise opportunities for volunteers. In the year 2016/2017, the SCC Disclosure Team processed a total of 6,354 applications.

The team will also offer advice to managers on the eligibility of roles under the DBS Code of Practice where there is lack of clarity.

- 1.6. Examples of roles that require a DBS clearance within the Council include Social Workers, Occupational Therapists, Drivers and all employees working in a school setting or residential setting where children or vulnerable adults are present. The proposed disclosure policy sets out in more detail the scope of work and roles that are eligible and the different levels of disclosure check required for different circumstances.
- 1.7. The Council is obliged by the Cabinet Office Baseline Personnel Security Standards to carry out a number of checks on employees who share personal data with external organisations, via email or through shared databases referred to as the Public Services Network. The Baseline Personnel Security Standard checks include identification checks, references and criminal records checks. In April 2014, the requirements of these checks changed, whereas previously employees were able to self-declare any 'unspent' convictions, from April 2014, organisations were required to undertake an independent Basic Disclosure checks, available through Disclosure Scotland.

Projects within the Council have been ongoing to ensure independent checks have been carried out on any employees with access to a secure email (known as a GCSx email) and more recently anyone using the Public Services Network, this includes users of the SWIFT AIS Adult Social Care client database and Liquidlogic Children's System (LCS). The employees affected by this have been informed.

- 1.8. The Council has a number of existing documents and forms in relation to DBS checks as outlined below:

Name of document	Purpose
Recruitment of Ex-offenders Policy	Outlines the Council's responsibilities under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023).
Guidance for Applicants and Employers: DBS Clearance Certificates	Outlines the process the Council follows for applications for DBS clearance.
Approval to Start Work without Certificate of Good Conduct: Risk Assessment	When an employee has spent over 3 months abroad and a certificate of good conduct cannot be obtained.
DBS Documentary Evidence Sheet	To be completed by the verifier when checking ID documents.
e-DBS Applicant and Verification Process User Guide	Detailed guide to aid applicants and verifiers making an online DBS application.
DBS Identification Checking Guidance for Applicants	List of documents that are acceptable for verification purposes.
DBS Clearance Risk Assessment	Form to complete if a manager wants to start an employee in work before the DBS clearance has come through.
Disclosure Suitability Assessment Form	Form to complete if a trace comes back on a disclosure certificate.

2. Options Considered

- 2.1.** Carry on with the status quo of not having a written policy. This leads to a lack of clarity and the risk of non-compliance. If the Council repeatedly processes applications for DBS checks for roles that are not eligible according to the legislation, there is a risk that the Council could lose registered body status. The consequence of this would be that we would have to pay for another organisation to administer the checks on our behalf and lose the income from external organisations using the service.
- 2.2.** Producing a SCC Disclosure Policy that consolidates the Council's current guidance, practice and procedures in addition to outlining the already established DBS and Cabinet Office guidance in one document.

East Sussex County Council's Disclosure Policy was used as a template in developing the Council's policy, East Sussex's policy was chosen as the organisation is similar to Somerset County Council and it was identified as exemplary policy as well as good practice in this area.

3. Consultations undertaken

- 3.1. The HR Policy Team had informal briefings on the Disclosure Policy with local Unison and Unite representatives.

The Strategic Manager SSE and DBS Lead Signatory held informal discussions with School Unions (ASCL, NAHT, NUT, NASUWT, ATL).

- 3.2. Whilst the policy largely follows legislation and DBS guidance, one of the areas of discretion is in paragraph 2, as below. We consulted with Unions on this point in particular and no concerns were raised.

“2. Validity of disclosures and expectation that staff will inform Somerset County Council of any changes to their status.

There is no period of validity for a disclosure check. A disclosure certificate is accurate only on the day it is issued as a new or further criminal conviction, caution etc. may be recorded against the individual at any time after the issue date.

SCC expects that staff undertaking roles that are subject to disclosure checks who are arrested, cautioned, charged with, or convicted of a criminal offence will inform their line manager immediately. Any such information will be considered in relation to the role the employee undertakes and whether it adversely impacts upon their suitability for the role. Failure to disclose such information may undermine trust and confidence and lead to consideration of disciplinary action.”

- 3.3. The Disclosure Policy was formally approved by unions at the following meetings:

Schools JCNC with Unite, Unison, NUT, ATL and NASUWT representatives present held on 16th May 2017 (ASCL and Voice received the agenda but did not attend).

JNF with Unison and Unite representatives present held on 17th May 2017 (GMB received the agenda but did not attend).

4. Implications

- 4.1. There are legal and reputational risks around requesting DBS checks on applicants and employees which could lead to financial risks.
- 4.2. The eligibility criteria for requesting DBS checks are outlined in law by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the Police Act 1997 (Criminal Records) regulations. We are legally required to ensure the applications we are submitting are eligible under the current legal provisions. There is not a definite list of roles that are eligible, rather the duties and activities of the role that need to be assessed against the criteria.
- 4.3. If we do not abide by the DBS eligibility criteria, SCC could lose its registration umbrella status with the DBS and would have to pay another organisation to undertake these checks on our behalf.

- 4.4. The Disclosure Team comprises of a team of 4 employees (FTE 3.4) if we lose our registered body status and can no longer administer checks, the team could be at risk of redundancy.
- 4.5. In addition we currently administer checks as an umbrella body for Academies and other external organisations. We charge £12 per application. If we lost our umbrella status it has the potential to damage our reputation as those organisations would also have to seek an alternative umbrella body to process their applications and loss of income to the Council.

5. Background papers

- 5.1. SCC's Recruitment of Ex-Offenders Policy
- 5.2. Storage and Retention of DBS Disclosures Policy

Note: For sight of individual background papers please contact the report author.

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Document Control Table		
Document Title	Disclosure Policy	
Version number	V1.0	
Policy Owner	Strategic Manager – SSE (as DBS Lead Signatory)	
Groups consulted/informed of change	Consulted Unison, Unite, Teachers Unions present at JNF	
Date Approved		
Approved by		
Date published		
Superseded Documents		
Document History		
Version	Date	Notes on Revisions
V1.0		Rewrite to bring policy up to date

Disclosure Policy

Contents:

- Introduction
- Detailed contents list
- Disclosure checks and when they should be used
- Validity of disclosures and expectation that staff will inform Somerset County Council of any changes to their status
- Portability of disclosure certificates
- Disclosure requirements for those moving positions within SCC
- Frequency of DBS disclosures re-checks
- Commencement of work prior to receipt of disclosure certificate
- Procedure on receipt of disclosure certificate
- Recruiting people from overseas
- Disclosures for agency workers, contractors, sub-contractors and commissioned services
- Work experience
- Roles and responsibilities

Appendices

1. DBS eligibility flowcharts
2. Standard contract clause relating to DBS disclosure requirements for commissioned services
3. Work experience flowchart

Disclosure Policy

INTRODUCTION

Document summary

This policy sets out how Somerset County Council (SCC) will make effective use of the Disclosure and Barring Service (DBS) process in recruitment to safeguard the children and adults who access our services and the Disclosure Scotland process to comply with Baseline Personnel Security Standards for employees that need to access to the Public Services Network.

Administrative arrangements

Somerset County Council is a Registered Umbrella Body for the provision of DBS checks. It is required to comply with the [DBS code of practice](#).

SCC is also registered with Disclosure Scotland for the provision of basic disclosures.

The DBS Lead Signatory for SCC is currently a designated Strategic Manager. The DBS Lead Signatory is responsible for ensuring compliance with the DBS code of practice, formulating and overseeing SCC's policy on use of disclosures and signing off Suitability Assessment Forms for candidates whose DBS disclosure reveals criminal background information.

The administration of the service is currently carried out by the Recruitment and Disclosure Team within the HR&OD service.

Eligibility

Before asking a person to apply for an enhanced or standard criminal record check through DBS, recruiting managers must ensure that the position is eligible under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended from time to time), see section 1.1.1 Disclosure & Barring Service (DBS) checks and [A guide to eligibility for DBS checks](#).

All applications must be confirmed as eligible before being authorised by registered Countersigning Officers. Further guidance is set out in [DBS workforce guides - Publications - GOV.UK](#)

See Appendix 1 for flowcharts to assist in determining DBS eligibility.

An online DBS eligibility tool can be accessed at [Find out if you can check someone's criminal record](#)

Before a basic criminal record check is requested through Disclosure Scotland, recruiting managers must assess whether the employee will be required to share sensitive personal information through the Public Services Network (PSN) with the Police, NHS and other local authorities. A basic disclosure is mandatory for such work.

Basic disclosures can also be required for employees who will have access to sensitive personal information about service users but who are otherwise

ineligible for DBS checks. This will generally apply to business support staff with access to such information but who are not regularly in contact with service users.

Application of this policy

Somerset County Council (SCC) is committed to safeguarding the welfare of those accessing its services through the effective use of the DBS vetting process as part of its 'safe recruitment' process for all relevant groups of employees and volunteers.

- The approach set out in this Disclosure Policy **must** be applied to those seeking paid work or volunteering opportunities within County Council services and Local Authority maintained Schools.
- The approach is recommended to Academies within Somerset which use the County Council's Registered Umbrella Body status to obtain DBS disclosures.
- Somerset County Council also recommends this approach to other external organisations that have links to the County Council and for whom it administers DBS checks.

Definition of terms

- Throughout this document where a "Disclosure" is referred to, this covers all types of DBS check and basic disclosure checks.
- Throughout this document where a "DBS disclosure" or "DBS check" is referred to, this covers all types of DBS check.
- The term "basic disclosure" refers to a criminal records check obtained through Disclosure Scotland.
- Where the term 'regulated activity' is used in this policy it refers to work defined as regulated activity relating to children or to adults within the meaning of the Safeguarding Vulnerable Groups Act 2006, as amended. (See Appendix 1)
- The terms 'work with children' and 'work with adults' are used in this policy to work defined as such within the Police Act 1997 (Criminal Records) Regulations 2002.

Use of disclosures

- SCC uses the disclosure process as part of a range of checks for assessing the suitability of preferred candidates for employment, volunteers, contractors, agency staff, those transferring within SCC, and the continued employment of those in specific roles which require periodic reassessment.
- SCC obtains and makes decisions based on information provided on disclosures certificates in accordance with the Data Protection Act, the DBS code of practice, the Rehabilitation of Offenders Act and the regulations and statutory guidance issued by Government Departments.

- This policy should be read in conjunction with SCC's [Employment of Ex-Offenders Policy](#) and the [Storage and Retention of DBS Disclosures Policy](#).
- SCC will undertake basic disclosure checks as part of the requirements of the Cabinet Office's Baseline Personal Security Standards for users of the Public Services Network.
- SCC will undertake basic disclosure checks as part of its recruitment process for business support staff who will have access to sensitive information about children and adults held by SCC's Children's and Adults' Services.

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1. Disclosure checks and when they should be used

1.1 Disclosure eligibility

1.1.1 Disclosure and Barring Service (DBS) checks

The Rehabilitation of Offenders Act 1974 (ROA) prevents offenders from having to disclose 'spent' criminal convictions. It is an offence to require someone to apply for a DBS disclosure unless the position they are being considered for is defined as 'regulated activity' or is otherwise excepted from the provisions of the ROA by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

See:

- [A guide to eligibility for DBS checks](#),
- [DBS workforce guidance](#),
- the flowcharts at Appendix 1, and
- the DBS online eligibility tool at [Find out if you can check someone's criminal record](#)

Somerset County Council will only request a DBS disclosure application from those who are being considered for paid or voluntary roles excepted from the provisions of the ROA. Those individuals will be required to disclose their 'spent' criminal background by applying for a DBS disclosure.

If a manager has a vacant paid or voluntary position which they believe to be eligible for a DBS check they should verify eligibility by reference to the guidance mentioned above. If in doubt, the Disclosure Team will advise on whether the post is eligible and the type of check that can be applied for. This should be confirmed before the recruitment process commences.

The Disclosure Team can be contacted for advice at disclosure@somerset.gov.uk or 01823 357138.

If the Disclosure Team believes it would be unlawful to request a DBS check they will advise the manager and clarify the positions to which the ROA Exceptions Order applies.

If the manager disagrees, the Disclosure Team will refer the matter to Somerset County Council's DBS Lead Signatory with all relevant details for a decision on eligibility. If there is doubt about eligibility further advice may be sought from the DBS before the Lead Signatory makes a final decision.

This procedure to determine eligibility will ensure the Council does not undertake unlawful DBS checks whilst confirming those roles that are eligible for a DBS disclosure.

Managers are also responsible for ongoing assessment of the post/work to ascertain if the level and type of contact the individual has with children and/or adults has changed to an extent which may make it eligible for a DBS check

and, if necessary, to discuss with the Disclosure Team whether it is appropriate to initiate a DBS application.

1.1.2 Basic disclosures

For basic disclosures that are required as part of the Baseline Personnel Security Standards, eligibility will be determined by the need to share sensitive personal information via the Public Services Network.

Basic disclosures will also be required for business support staff who will access to sensitive personal information held in systems used by SCC's Children's and Adults' Services.

Basic disclosures do not provide information about 'spent' convictions.

1.2 Types of disclosure

There are six types of disclosure check available.

A series of flow diagrams are provided in Appendix 1 to help establish which, if any, level of check is required. The checks that are available are:

- **Enhanced disclosure with barred list check for regulated activity (Children)** – must be used when it is proposed that someone will undertake regulated activity relating to children (see Appendix 1). This involves a check of the police national computer, police information and the children's barred list.
- **Enhanced disclosure with barred list check for regulated activity (Adults)** – must be used when it is proposed that someone will undertake regulated activity relating to adults (see Appendix 1). This involves a check of the police national computer, police information and the adults' barred list.
- **Enhanced disclosure with barred list check for regulated activity (Children and Adults)** – must be used when someone is undertaking regulated activity relating to both children and adults (see Appendix 1). This involves a check of the police national computer, police information and the children's and adults' barred list.

(Note: For any enhanced DBS disclosure with barred list check the role must fall within the post-2012 definition of 'regulated activity' within the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. For such roles it is an offence to employ someone who is barred and therefore a disclosure must be obtained before the employment commences.)

- **Enhanced disclosure** – should be used where someone meets the pre-September 2012 definition of regulated activity (see Appendix 1). This involves a check of the police national computer and police information, but not the children's or adults' barred lists.

- **Standard DBS disclosure** – are used primarily for people entering certain professions such as members of the legal and accountancy professions. These involve a check of the police national computer and do not include a check of police information or the children’s or adults’ barred lists.

Appendix 1 shows the basis on which all DBS disclosures can be obtained.

- **Basic Disclosure** (via Disclosure Scotland) – are used primarily for people who share sensitive personal information via the Public Services Network, this check provides information only on unspent convictions. Where SCC staff will be using the secure Public Services Network, subject to Cabinet Office Baseline Personal Security Standards, they will be required to apply for a Basic Disclosure. Basic Disclosures will also be used by SCC in recruiting to support posts with access to personal sensitive information but no regular contact with service users.

1.3 Restrictions on eligibility for disclosure checks

- Organisations cannot apply for a disclosure check for someone who is under 16 years old.
- Organisations are no longer able to obtain a DBS check for anyone undertaking “controlled activity” since this category was scrapped in 2012. This category covered people in roles incidental or ancillary to those in regulated activity, for example those who had frequent access to education, health or social services records. This means posts with access to sensitive data only but not meeting the definitions of ‘regulated activity’ are no longer eligible for DBS disclosures. SCC will therefore require applicants for such posts to apply for a basic disclosure.

The only exception to this relates to work relating to adoption and fostering which gives access to sensitive personal information. Such work is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and is therefore eligible for an enhanced DBS disclosure.

1.4 Checks on existing staff should concerns arise

If there are genuine concerns about an existing worker’s suitability to continue working with children and/or adults or in any other position that requires DBS disclosure clearance then they may be asked to apply for a new DBS disclosure as part of an investigation of the issues which have given rise to those concerns.

Due to the requirements of the DBS disclosure process the individual concerned must consent to apply for a DBS disclosure. The HR Advisory Service must be consulted for advice in such cases.

2. Validity of disclosures and expectation that staff will inform Somerset County Council of any changes to their status

There is no period of validity for a disclosure check. A disclosure certificate is accurate only on the day it is issued as a new or further criminal conviction, caution etc. may be recorded against the individual at any time after the issue date.

SCC expects that staff undertaking roles that are subject to disclosure checks who are arrested, cautioned, charged with, or convicted of a criminal offence will inform their line manager immediately. Any such information will be considered in relation to the role the employee undertakes and whether it adversely impacts upon their suitability for the role. Failure to disclose such information may undermine trust and confidence and lead to consideration of disciplinary action.

3. Portability of disclosure certificates

3.1. Portability

Portability refers to the re-use of a disclosure certificate, obtained for a position in one organisation and later used for a position in another organisation.

SCC does not currently accept portability of disclosure certificates for any positions to which it directly appoints. It requires a person taking up a new role excepted from the Rehabilitation of Offenders Act 1974 or who meets any other eligibility criteria to apply for a new disclosure.

3.2 DBS online update service

SCC does not currently promote use of the DBS online update service because new information concerning convictions, cautions and reprimands can take up to 9 months to be recorded on the DBS database. Moreover, recent figures indicate that only 11% of applicants for DBS checks register with the update service. SCC will, therefore always require applicants for eligible positions to apply for a new DBS disclosure.

However the DBS update service may be *useful* in the following circumstances:

- Applicants for positions which require a DBS disclosure may wish to consider registering with the DBS update service so that their disclosure can be used in relation to application for positions with other organisations that accept portability. Those who wish to register with the DBS update service must do so within 14 days of receiving their disclosure certificate and must meet the cost of registration. Registration with the update service will be at the applicant's own cost.
- A candidate who is already registered with the update service may produce their disclosure certificate during the appointment process as

evidence of their suitability for the role. In such cases it is important that managers check that the disclosure certificate relates to the individual by checking identity documents to ensure they match the details on the disclosure certificate and must also check consistency with any criminal background information declared in the candidate's application for the post.

- If the disclosure certificate provided by a candidate is relevant to the new position, a status check can be performed, with the applicant's permission, by the Disclosure Team via the DBS online update service. This will establish whether any new information is recorded about the individual since the certificate date.
- Information obtained from a presented disclosure certificate and verified via the DBS online update service as above can be used as part of an initial suitability assessment and may be particularly useful if the recruiting manager wants the candidate to commence work pending receipt of a new disclosure check (see section 6). However, it does not negate the requirement for a new DBS disclosure to be obtained before confirming the appointment.
- The DBS online update service can be used when periodic re-checks are required (see section 5) as an alternative to a new DBS disclosure application, subject to the individual having previously registered and giving consent for the County Council to access their information via the online service.
- Managers making use of the update service for re-checking must record the information received on the individual's personnel file, stating whether there has been a change of status since the disclosure certificate was issued. Where a change of status has been indicated the manager should raise this with the employee and ask them to apply for a new disclosure check to obtain updated criminal background information, considering new information by following the guidance in section 7.

4. Disclosure requirements for those moving positions within SCC

Where an individual has undertaken a DBS disclosure or basic disclosure for a position with SCC and they move to another position within the organisation, the previous disclosure certificate will be acceptable in the following instances:

- the type of disclosure check required (i.e. basic, standard / enhanced / enhanced + relevant barred list check) is the same for the old and new post and
- the individual has not had a break in service of more than three months and
- the new work does not represent a significant increase in responsibility for, or contact with, children and/or adults
- the new role is similar to the previous one and in a similar establishment.

For those individuals undertaking social care work eligible for a DBS disclosure, Somerset County Council requires pre-employment checks to be completed each time an individual moves post.

School staff moving positions in and between schools are not required by regulation or statutory guidance to apply for a further DBS disclosure if there is not a break in service but SCC strongly recommends that schools require newly appointed staff to obtain a new DBS disclosure so that up-to-date background information is available in determining suitability for appointment.

If moving from a position that only required access to the Public Service Network and therefore a basic disclosure to one that is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 a DBS check will be required.

5. Frequency of DBS disclosure re-checks

Where a DBS disclosure is required, the individual will complete a DBS application as part of a recruitment and selection process to ascertain their suitability for the post. In most instances there is no requirement to undertake periodic re-checking as this practice does not enhance safeguarding and the additional costs of regular re-checking are not deemed a good use of resources.

However, SCC has determined that those working in the following areas are required to undertake a new DBS check every 3 years unless registered with the DBS update service (see section 3.2):

- Adoption and Fostering Services
- Supply Teachers
- Residential Children's Centres
- Volunteers in roles excepted from the Rehabilitation of Offenders Act 1974
- Casual Staff in roles excepted from the Rehabilitation of Offenders Act 1974

Services and schools are responsible for ensuring they record the dates for re-checking these employees and volunteers and ensuring a re-check is completed every three years. The Disclosure Team will be able to assist by confirming dates on which previous disclosure certificates were obtained but the service must maintain accurate records for managing the requirement for re-checks.

Re-checks may also be undertaken when there are concerns about an existing worker's continued suitability (see section 1.4).

Where an existing worker's disclosure re-check reveals a previously unknown criminal background or any cause for concern the manager must seek advice

from HR Advisory Service and consider any new information by following the guidance in section 7.

Further guidance on considering criminal background information in disclosures can be found below in 'Procedure on receipt of disclosure' (see section 7).

6. Commencement of work prior to receipt of a disclosure certificate

Every effort must be made to obtain a disclosure prior to the individual commencing work with SCC. Only in exceptional circumstances should an individual commence paid work (it is not envisaged that volunteer workers will ever commence before a disclosure certificate is obtained) without the full results of the disclosure being known and this should be subject to a recorded risk assessment procedure that can only be authorised by a service lead/headteacher.

Prior to the recruiting manager approaching the service lead/headteacher for approval the following must have taken place:

- all other pre-employment checks must have been undertaken, and
- a correctly completed disclosure application have been submitted to the DBS or Disclosure Scotland, and
- the Disclosure Team have checked and cleared the individual against the relevant online barred list, and
- the line manager has undertaken a suitability risk assessment to determine and ensure that sufficient safeguards are in place to ensure the individual has no unsupervised access to children or vulnerable adults until fully cleared

The Disclosure Team can provide advice and guidance and a standard template for conducting a [Suitability Risk Assessment](#). This should be completed by the recruiting manager, be approved by the service lead/headteacher and returned to the Disclosure Team.

7. Procedure on receipt of disclosure certificate

7.1 Receipt of disclosure certificates

NB: Applicant only certificates - disclosure certificates are not issued to the registered body.

The Disclosure and Barring Service and Disclosure Scotland do not issue a copy of the disclosure certificate to the registered body or the employer, only to the applicant.

This provides the applicant with time to consider the information on the certificate, and the opportunity to dispute any inaccurate or incorrect information on a certificate, before showing it to the prospective employer.

The employer must see and consider information on the applicant's disclosure certificate as part of their recruitment procedure. Therefore the recruiting manager must see the applicant's disclosure certificate as soon as possible to enable a recruitment clearance decision to be made.

All successful applicants must be informed that they should notify the recruiting manager as soon as they have received their disclosure certificate and arrange to make it available for inspection unless they propose to dispute its accuracy.

All successful applicants must produce their disclosure certificate before they commence paid or voluntary work – unless a risk assessment for a paid person has taken place and been signed off by the service lead/headteacher (see section 6).

7.2 Considering information on a disclosure certificate

Upon receiving a disclosure certificate from a prospective employee/volunteer the recruiting manager should check it against a record of the applicant's personal details gathered during the recruitment process to ensure it is consistent with regard to the following:

- forenames
- other names used
- place of birth
- address
- organisation name
- surname
- date of birth
- gender
- position applied for

The following must be recorded:

- form reference number (F00...)
- level of clearance (enhanced or standard)
- barred lists (children, adults, both, neither)

Any information that is incorrect or has been omitted from the disclosure certificate can make the certificate invalid and therefore must be addressed appropriately. Advice should be sought from the Disclosure Team if there appears to be omissions or inaccuracies.

Convictions etc on a disclosure certificate are clearly shown. Managers and administrators must check all five boxes on the disclosure certificate.

If a DBS disclosure certificate reveals criminal background information which may render the applicant unsuitable for the post the recruiting manager or Headteacher must discuss the situation with the applicant in line with the [DBS code of practice](#) and complete a [Suitability Assessment Form](#).

The manager may need to discuss the information with the Disclosure Team or an HR Officer for guidance prior to discussing it with the applicant. The applicant must be asked to provide details of the circumstances, sign the completed Suitability Assessment Form to verify the information provided and give permission for the risk assessment to be stored securely (and later

destroyed) in accordance with the policy on the secure storage, handling, use, retention and disposal of disclosures and disclosure information.

In these instances a Suitability Assessment Form is required to support a determination as to the risk of employing (or continuing to employ) an individual and what safeguards, if any, would need to be introduced to manage that risk.

In accordance with the Rehabilitation of Offenders Act and the SCC Policy on Employment of Ex-Offenders a criminal conviction should not automatically prevent an individual from working with SCC.

In general, criminal records relating to drug misuse/ trafficking, violent or abusive conduct, offences of a sexual nature and serious offences of dishonesty would be strong contra-indicators of suitability. However, consideration should be given to the circumstances of the offences (time since they occurred, personal circumstances at the time, isolated incident or repeat offending) and the applicant's subsequent conduct and attitude towards the crimes.

Managers should also ensure that other pre-employment checks have been completed and are properly considered alongside disclosure information. For example, references have been obtained and considered, gaps in employment history have been identified and explored with the applicant. Other checks such as ID check and right to work in the UK are also part of this process.

Managers must consider the following in relation to criminal background information:

- the requirements of the role and the level of supervision the individual will receive
- the seriousness of the offence/issue raised and its relevance to the safety of employees, service users, clients or property
- how relevant the offence is to the role to be undertaken
- how much time has elapsed since the offence was committed and whether it was a one-off incident or part of a history of offending
- whether the individual's circumstances have changed since the offence was committed making re-offending less likely
- whether the individual was open and transparent about their past and declared their criminal background prior to receiving the disclosure certificate
- the applicant's attitude towards their past criminal conduct.

8. Recruiting people from overseas

Disclosure certificates do not record convictions that were committed abroad. When recruiting candidates who have spent 3 months or more living or working abroad, including foreign nationals, a disclosure must be obtained in

the normal way and an equivalent certificate (e.g. certificate of good conduct) from the country(ies) concerned will usually also be required.

This may well depend upon the arrangements within the particular country and the circumstances in which the individual left that country (for example, asylum seekers may be unable to obtain such a certificate from their former country). Advice should be sought from the Disclosure Team in such cases. See: [Criminal records checks for overseas applicants](#)

9. Disclosures for agency workers, contractors and sub-contractors and commissioned services

9.1 Agency Workers, contractors or sub-contractors

Agency workers, contractors and sub-contractors must be assessed against the same criteria as those working directly for SCC to determine whether a disclosure is required (please refer to Appendix 1).

In relation to such staff, the contractor or agency as the “employer” is responsible for obtaining the disclosure check. This check can then be used within any organisation that the agency or contractor provides staff to work for. SCC may stipulate in any agreement with such a contractor or agency that workers deployed to carry out work on behalf of SCC will have been subject to an appropriate disclosure check. SCC managers/headteachers engaging staff through such arrangements must seek written confirmation from the agency or contractor that a worker has been subject to the relevant disclosure check. In such circumstances the disclosure will be portable.

Agency workers, contractors and sub-contractors staff should be re-checked in line with the provisions of section 5.

9.2 Standard clause in contract for commissioned services

A standard clause relating to DBS disclosure requirements has been developed and should be included in any contract which involves work with children or adults or providing services for or in, establishments where children and /or vulnerable adults may be present. This can be found at Appendix 2.

It is the responsibility of the relevant service/school to put appropriate measures in place to validate and ensure contract compliance.

10. Work experience

Arrangements for DBS disclosures in relation to work experience are set out in the flowchart in Appendix 3.

11. Roles and responsibilities

The roles and responsibilities of managers, the Recruitment Team, Disclosure Team and the Lead Signatory are as follows:

- managers are responsible for ensuring that disclosures are sought for eligible positions, whether paid or voluntary and for effective liaison with the Recruitment Team or Disclosure Team in relation to ensuring effective use of disclosures during recruitment processes;
- managers are also responsible for ensuring disclosure re-checks are carried out in accordance with the agreed timescales;
- the Recruitment Team and Disclosure Team support managers in making effective use of disclosure checks as part of safe recruitment processes by administering the process for obtaining disclosures as part of recruitment administration, by offering advice to managers on eligibility and procedures and by advising managers on undertaking suitability assessment procedures where disclosures reveal criminal background information;
- the Lead Signatory is responsible for ensuring that DBS disclosures are obtained lawfully and in accordance with the DBS Code of Practice, for determining eligibility in cases of doubt and for monitoring and authorising suitability assessments where certificates reveal criminal background information;
- the Lead Signatory will provide advice and updates on changes to the relevant legislation and statutory guidance and keep SCC policy under review.

Appendix 1 – DBS Eligibility Flow Diagrams

Eligibility for an enhanced DBS check

These diagrams are designed to help you to identify if a check is required and if it is, if a check of the barred lists for adults or children should be included. These definitions have been developed by the Home Office in consultation with the Disclosure and Barring Service (DBS), Independent Safeguarding Authority (ISA), Department of Health (DoH) and Department for Education (DfE). The legislation underpinning these definitions is the Safeguarding Vulnerable Groups Act 2006 (SVGA) as amended by the Protection of Freedoms Act 2012.

Somerset County Council has a duty to ensure it is not unnecessarily undertaking checks which could result in a breach of the Rehabilitation of Offenders Act 1974 (Exceptions) 1975, and may lead to Somerset County Council losing Registered Body Status, which would mean that we would not be able to undertake DBS checks ourselves.

The steps needed to establish if an enhanced DBS check is required

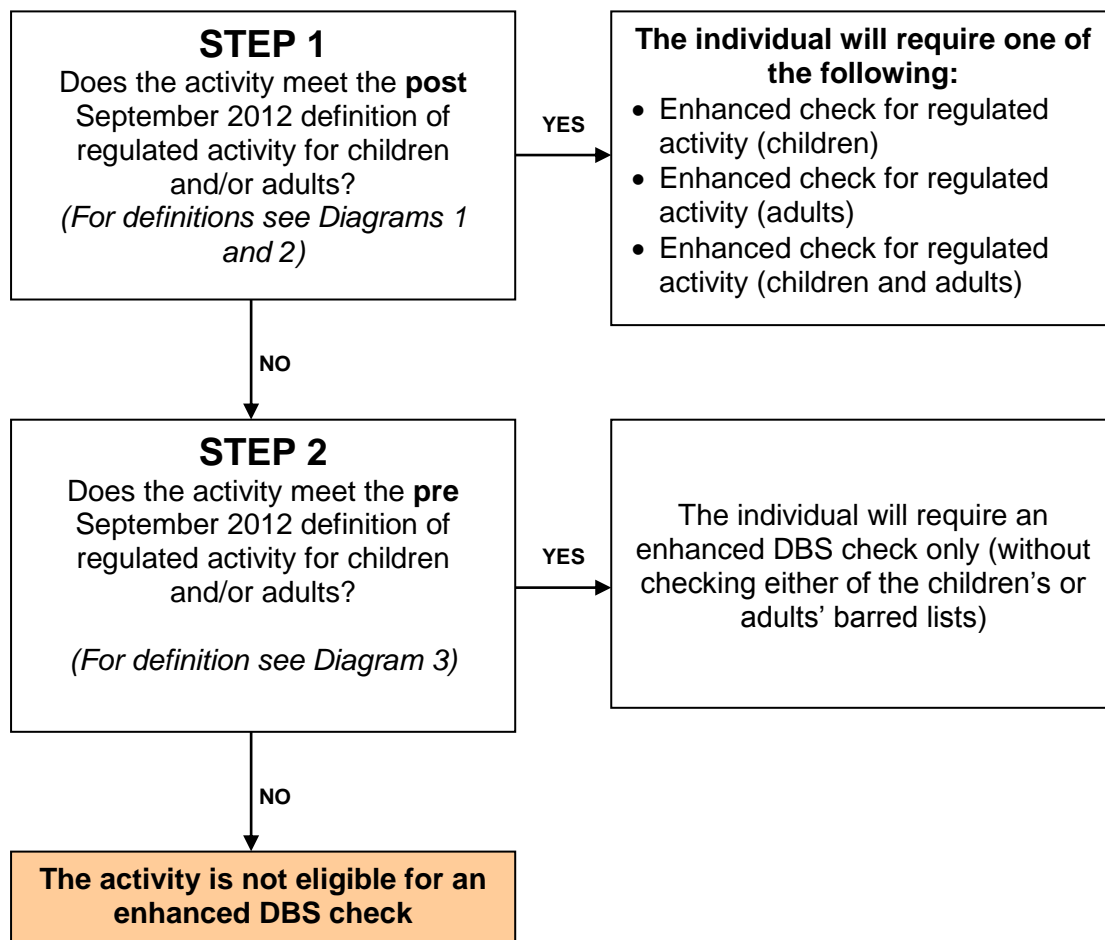


Diagram 1

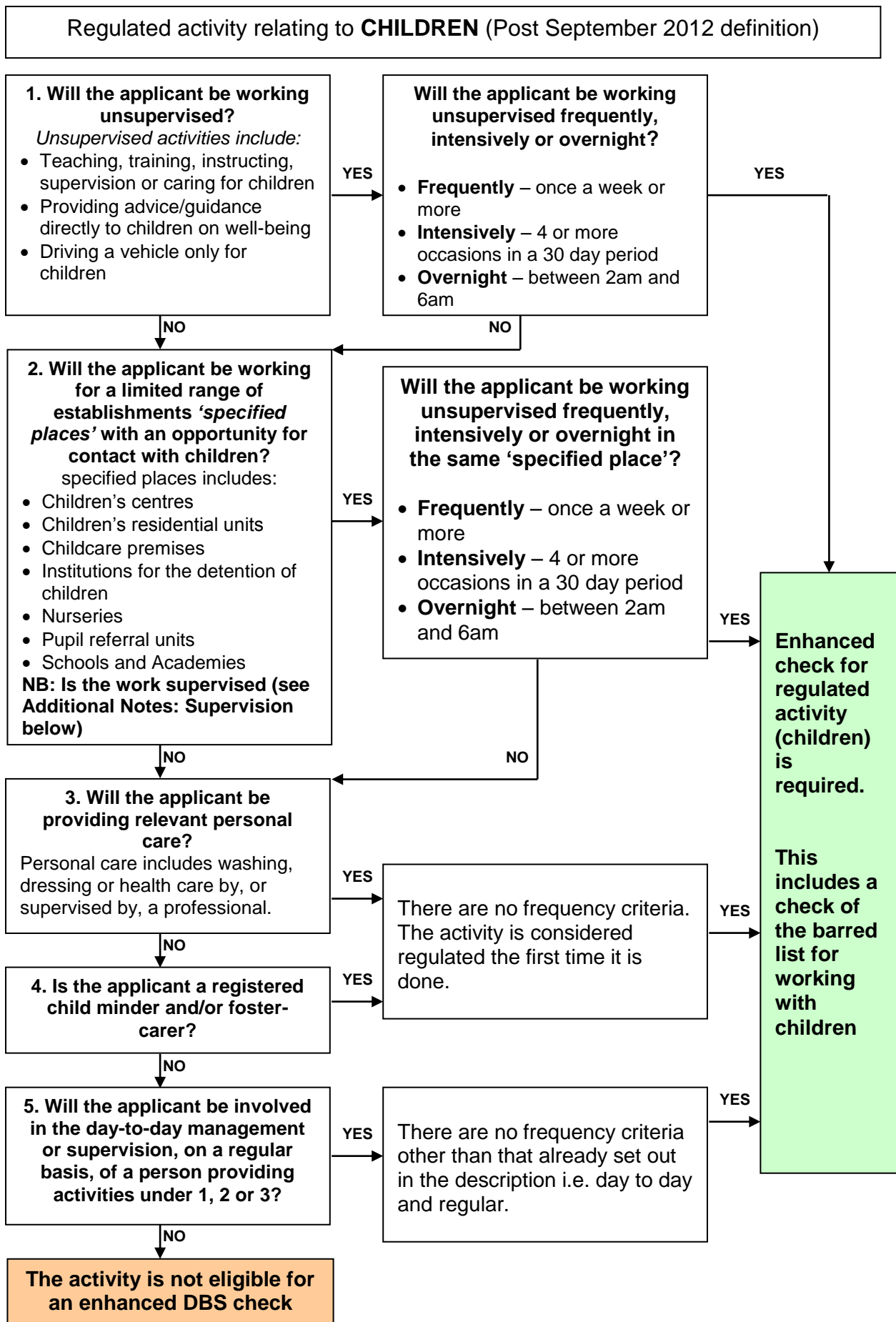


Diagram 2

Regulated activity relating to **ADULTS** (Post September 2012 definition)

Regulated activity relating to adults identifies activities which, if an adult needs them, lead to that adult being considered vulnerable at that time. There is not a requirement to perform the activity more than once to qualify as a regulated activity. If an activity meets one of the definitions below, the person performing the activity will require an enhanced DBS check, with an adults' barred list check, as will anyone who provides the day to day management or supervision of that person.

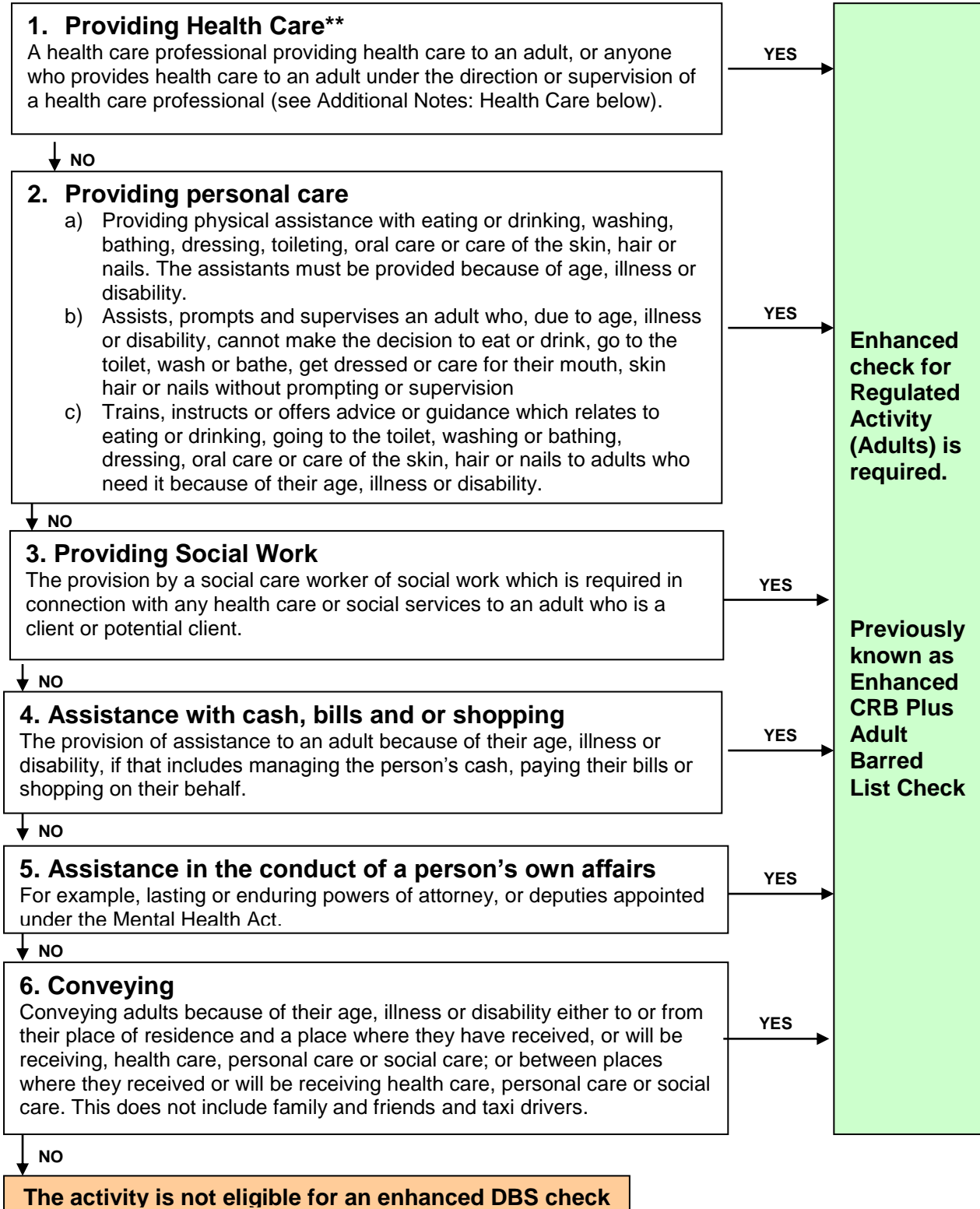
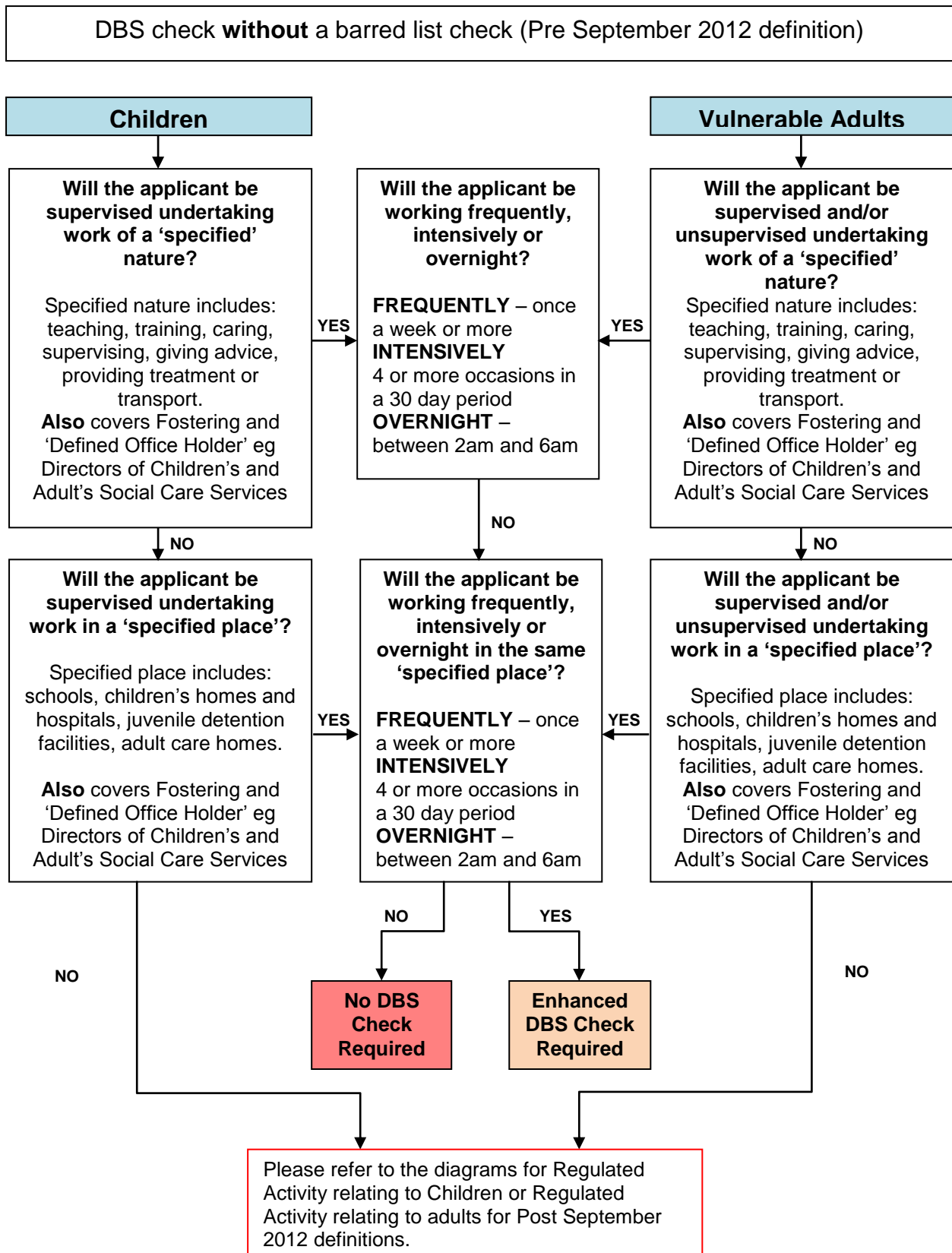


Diagram 3



IMPORTANT
Where the activity is occurring in a specified place, it is only regulated activity if it is frequent or intensive in the same specified place, ie, same school

Additional Notes on eligibility flowcharts

1. Supervision of persons undertaken 'regulated activity' relating to children

The DfE has issued guidance on supervision of activity by workers with children, which when unsupervised is regulated activity: [Supervision of activity with children](#).

Those carrying out such work under supervision are not in 'regulated activity' and are therefore not eligible for an enhanced DBS disclosure and in such circumstances an enhanced DBS disclosure is not required.

Services and schools will need to consider this guidance in determining whether supervision is such that the supervised workers do not require a DBS check.

The precise nature and level of supervision will vary from case to case. This means that organisations must ensure that the supervision in place is sufficient, in their judgement to provide reasonable assurance for the protection of the children concerned. Organisations should consider the following factors in checking the specific level of supervision the organisation will require in individual cases:

- The age of the children concerned
- The number of children that the individual is working with
- Whether or not there are other adults/carers around
- The vulnerability of the children
- The experience of, and checks carried out on the person being supervised
- The number of people being supervised
- The supervision must be by a person in a regulated activity
- The supervision must be regular and day to day
- The supervision must be 'reasonable' in all the circumstances to ensure the protection of children.

2. Health Care

Health Care includes all form of health care provided for adults, whether relating to physical or mental health, and includes palliative care. This includes diagnostic tests and investigative procedures. It also includes procedures that are similar to forms of medical or surgical care that are not provided in connection with medical condition; ie taking blood from a blood donor or cosmetic surgery.

Appendix 2: A standard contract clause relating to DBS disclosure requirements

12. [Other personnel used to provide the services

At all times, the Supplier shall ensure that:

each of the Supplier's Personnel is suitably qualified, adequately trained and capable of providing the applicable Services in respect of which they are engaged;

there is an adequate number of Supplier's Personnel to provide the Services properly;

only those people who are authorised by the Supplier (under the authorisation procedure to be agreed between the parties) are involved in providing the Services; and

all of the Supplier's Personnel comply with all of the Authority's policies including those that apply to persons who are allowed access to the applicable Authority's Premises.

The Authority may refuse to grant access to, and remove, any of the Supplier's Personnel who do not comply with any such policies, or if they otherwise present a security threat.

The Supplier shall replace any of the Supplier's Personnel who the Authority reasonably decides have failed to carry out their duties with reasonable skill and care. Following the removal of any of the Supplier's Personnel for any reason, the Supplier shall ensure such person is replaced promptly with another person with the necessary training and skills to meet the requirements of the Services.

The Supplier shall maintain up-to-date personnel records on the Supplier's Personnel engaged in the provision of the Services and shall provide information to the Authority as the Authority reasonably requests on the Supplier's Personnel. The Supplier shall ensure at all times that it has the right to provide these records in compliance with the applicable Data Protection Legislation.

The Supplier shall use its best endeavours to ensure continuity of personnel and to ensure that the turnover rate of its staff engaged in the provision or management of the Services is at least as good as the prevailing industry norm for similar services, locations and environments.]

13. [Safeguarding children and vulnerable adults

The parties acknowledge that the Supplier is a Regulated Activity Provider with ultimate responsibility for the management and control of the Regulated

Activity provided under this Contract and for the purposes of the Safeguarding Vulnerable Groups Act 2006

The Supplier shall:

ensure that all individuals engaged in Regulated Activity are subject to a valid enhanced disclosure check for regulated activity undertaken through the Disclosure and Barring Service (DBS); and

monitor the level and validity of the checks under this *clause 15.2* for each member of staff;

not employ or use the services of any person who is barred from, or whose previous conduct or records indicate that he or she would not be suitable to carry out Regulated Activity or who may otherwise present a risk to service users.

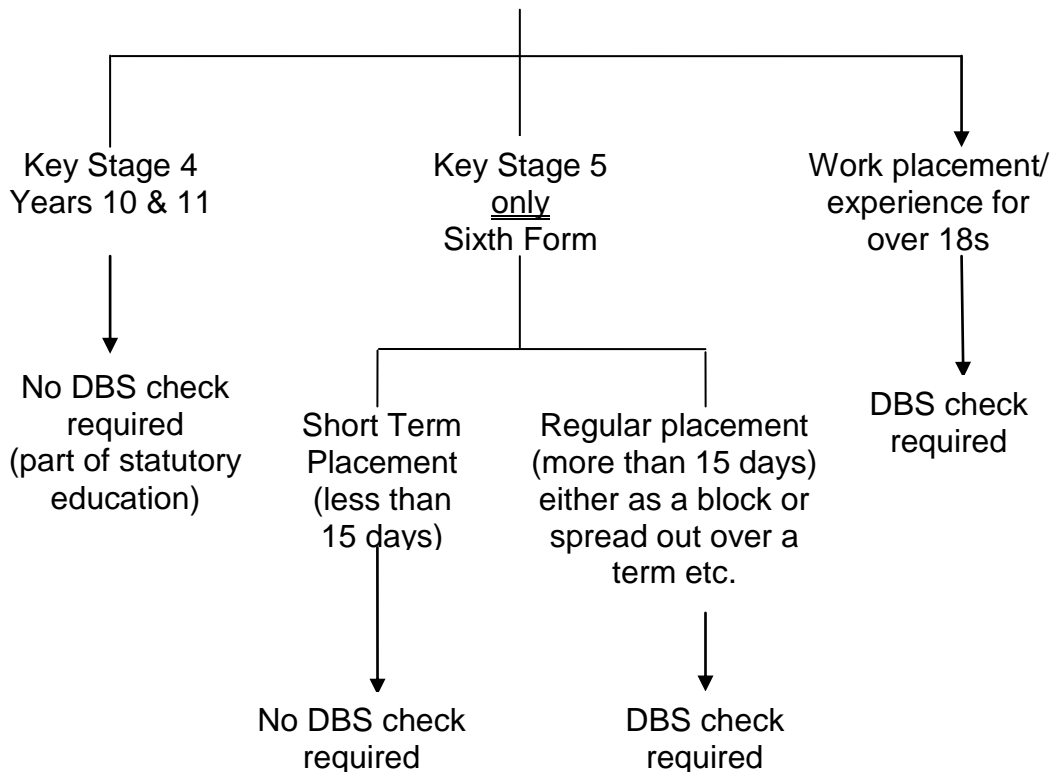
The Supplier warrants that at all times for the purposes of this Contract it has no reason to believe that any person who is or will be employed or engaged by the Supplier in the provision of the Services is barred from the activity in accordance with the provisions of the Safeguarding Vulnerable Groups Act 2006 and any regulations made thereunder, as amended from time to time.

The Supplier shall immediately notify the Authority of any information that it reasonably requests to enable it to be satisfied that the obligations of this clause 15 have been met.

The Supplier shall refer information about any person carrying out the Services to the DBS where it removes permission for such person to carry out the Services (or would have, if such person had not otherwise ceased to carry out the Services) because, in its opinion, such person has harmed or poses a risk of harm to [the service users OR children OR vulnerable adults].]

Appendix 3: Work experience flowchart

DBS Checks for Work Experience



Work experience checks do not qualify as 'volunteer' free of charge checks – so applicant/college must pay fee.

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