



Please ask for Charlotte Kearsey
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The Chair and Members of
Employment and General Committee

30 August 2018

Dear Councillor,

Please attend a meeting of the EMPLOYMENT AND GENERAL COMMITTEE to be held on MONDAY, 10 SEPTEMBER 2018 at 10.00 am in Committee Room 2, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 6)
4. Employment References Policy (Pages 7 - 20)
5. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act".

6. Minutes of Employer / Trade Union Committee (Pages 21 - 28)

7. Minutes of the Council Health and Safety Committee (Pages 29 - 34)

Yours sincerely,



Local Government and Regulatory Law Manager and Monitoring Officer

EMPLOYMENT AND GENERAL COMMITTEE

Monday, 14th May, 2018

Present:-

Councillor Burrows (Chair)

Councillors Simmons

Councillors Davenport

*Matters dealt with under the Delegation Scheme

53 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blank, Innes and Wall.

**54 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

55 MINUTES

RESOLVED –

That the Minutes of the Meeting of the Committee held on 5 March, 2018 be approved as a correct record and signed by the Chair.

56 POLICY ON MANAGING VIOLENCE AND AGGRESSION AT WORK

The HR Manager submitted a report recommending for approval the revised Managing Violence and Aggression at Work Policy.

The need for an updated policy for handling violence at work and managing the staff caution list had been identified.

The policy aimed to improve various issues within the existing policy, such as no accessibility to the staff caution list while staff were out in the field, insufficient categories of referral and no audit trail of decision making.

The draft policy had been presented and approved by the Council Health and Safety Committee on 18 April, 2018.

***RESOLVED –**

That the revised Managing Violence and Aggression at Work Policy be approved.

57 REVISED BULLYING AND HARASSMENT POLICY

The HR Manager submitted a report recommending for approval the revised Bullying and Harassment Policy.

The need for a revised policy which was in accordance with employment law, ACAS guidelines and best practice had been identified.

The policy aimed to fully and promptly investigate and reported allegation of bullying or harassment and take appropriate action. All allegations would be taken seriously and dealt with fairly, sensitively and confidentially. There would be no victimisation of any member of staff making or involved in a complaint.

The draft policy had been presented and approved by the Employer – Trade Union Committee on 14 March, 2018.

***RESOLVED –**

That the revised Bullying and Harassment Policy be approved.

58 REVISED PERFORMANCE DEVELOPMENT REVIEW POLICY

The HR Manager submitted a report recommending for approval the revised Performance Development Review Policy.

A need to revise the Performance Development Review Policy to take into account feedback had been identified.

The Performance Development Review Policy aimed to maximise the effectiveness and potential of each member of staff to enable Chesterfield Borough Council to achieve its vision, priorities and values.

The draft policy had been presented and approved by the Employer – Trade Union Committee on 14 March, 2018.

***RESOLVED –**

That the revised Performance Development Review Policy be approved.

59 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED –

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

60 MINUTES OF EMPLOYER / TRADE UNION COMMITTEE

The Minutes of the Employer/Trade Union Committee held on 14 February and 14 March, 2018 were considered.

RESOLVED –

That the Minutes be received and noted.

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Agenda Item 4

FOR PUBLICATION

EMPLOYMENT REFERENCES POLICY

MEETING: EMPLOYMENT AND GENERAL COMMITTEE

DATE: 10 September 2018

REPORT BY: KATE HARLEY, HR MANAGER.

1.0 PURPOSE OF REPORT

- 1.1 To provide information regarding the introduction of a new Employment References Policy and to recommend for approval the new Employment References Policy.

2.0 BACKGROUND

- 2.1 The Council have not had a policy previously on providing or requesting references. With the introduction of General Data Protection Regulation (GDPR) it was identified as timely to have a policy in this area.
- 2.2 The aim of the policy is to clarify the procedure when the council receive a reference request, either verbal or written, for a former or current employee and when they request references for potential employees.
- 2.3 There is no legal obligation for the council to provide references for employees or former employees. However, a refusal to provide a reference may be unhelpful to other employers and is likely to be interpreted as an indication that there was a problem with the individual, which might then disadvantage them. On this basis a reference will be provided by HR which is factual, fair and accurate.

- 2.4 Providing personal data to a prospective employer about an employee or former employee will amount to processing for the purposes of the Data Protection Act 1998 and General Data Protection Regulation (GDPR). Consent will be gained from the employee/ former employee before a reference is provided.

3.0 PROPOSED PROCEDURE

- 3.1 The revised policy can be found at appendix A.
- 3.2 An Equality Impact Assessment has been completed and is attached at appendix B.

4.0 EMPLOYER – TRADE UNION COMMITTEE

- 4.1 The proposed policy was submitted to the Employer trade union Committee on 29 August 2018 and was endorsed for submission to Employment and General Committee.

5.0 RECOMMENDATIONS

- 5.1 That the new Employment References Policy be approved.

For further information on this report, contact Kate Harley.

EMPLOYMENT REFERENCES POLICY

Prepared by: Human Resources

Date:

For review:

20/08/18

Version 4

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

This policy is designed to clarify the procedure when the council receive a reference request, either verbal or written, for a former or current employee and when they request references for potential employees.

There is no legal obligation for the council to provide references for employees or former employees. However, a refusal to provide a reference may be unhelpful to other employers and is likely to be interpreted as an indication that there was a problem with the individual, which might then disadvantage them. On this basis it is the council's normal policy to provide a reference on request which is factual, fair and accurate.

This policy is issued by way of guidance on the council's policy and practice. It does not form part of an employee's contract of employment or otherwise have any contractual effect.

SCOPE

The policy shall apply to all council employees, regardless of their status i.e. temporary, permanent or zero hours, contractors, consultants or any self-employed individuals working for the council.

This policy applies to all members of staff and must be adhered to at all times when a request for a reference is received.

PRINCIPLES

Personal data in an employment context is information held on record by an employer about an individual. Providing personal data to a prospective employer about an employee or former employee will amount to processing for the purposes of the Data Protection Act 1998 and General Data Protection Regulation (GDPR).

Under the Act, all personal data must be processed fairly and lawfully and HR should ensure that the employee/former employee to whom the request for the reference relates has given their consent for a reference to be provided. If there is any doubt about whether or not the individual has given their consent, they must contact the individual to check whether or not they authorise a reference to be provided.

All employees have the right to be aware of what will be shared in a reference in an open and honest manner.

It is the council's policy that any references for current or former employees may only be provided by HR to ensure that the policy will be applied taking into account the spirit of the Recruitment policy and the following legislation:

- Equality Act 2010
- Data Protection Act 1998
- General Data Protection Regulations (GDPR)

No other person in the council is authorised to provide an employment reference on behalf of the council, whether verbal or written about current or former employees.

HR will provide training, guidance and support to line managers on the operation of this policy during the recruitment and selection training.

SECTION 2: PROCEDURE

PROVIDING REFERENCES

Any requests for a reference from a prospective employer should be immediately passed to HR to complete and return. The employee/former employee to whom the request for the reference relates must give their consent for a reference to be provided.

Any references provided by the council will be in writing and will explain that it is the council's policy to respond to requests and provide factual information in a standard format. The only factual information that will be provided is:

- The dates of the employee's employment with the council;
- The employee's job title;

The council will not provide personal opinions about the individual's performance or conduct. A disclaimer should be included in the reference making it clear that, while the information provided is, to the best of the council's knowledge, completely accurate, the council cannot accept any liability for decisions based on it.

The reference must be marked "private and confidential" and "for the addressee only". It should be sent by post or email to the prospective employer to maintain confidentiality. The reference will be completed within 5 working days following receipt of consent from the employee/ former employee.

If the prospective employer contacts the council for clarification of information given in the reference, the council will not go beyond the content of the reference in the information provided. Any such enquiry should, where possible, be dealt with in writing to avoid any subsequent confusion. If the enquiry is dealt with over the telephone, a written record of the information provided must be made at the time of the conversation.

HR should retain a copy of the reference/written record of any subsequent enquiries securely for 6 years in the employee/ former employees staff file. Thereafter, the reference should be disposed of securely.

If members of staff wish to provide character references for current or former employees, they must make it clear that they are doing so purely as a personal acquaintance or friend and not in their capacity as an employee of the council. A reference should not be provided in such circumstances until the referee and prospective recipient have acknowledged that the reference is given in a personal capacity and that the council will not accept any responsibility for it. Under no circumstances must council headed paper or a council telephone or email address be used.

Employees can ask for a copy of any reference sent to a new employer, the request should be made in writing to HR.

REQUESTING REFERENCES

References are only normally requested for appointable candidates when permission has been granted by the prospective employee.

HR will request at least two references, one of which **must** be the current or most recent employer or an academic referee where there has not been any recent employment using the standard reference request attached at Appendix A. More references will be requested if necessary to cover

five years of employment history and these may be from a combination of employer and academic referees. If a candidate has less than five years' employment history, then a reference from an education provider would be accepted. Personal references will only be considered under exceptional circumstances.

The council want to appoint the best person for each vacancy and as part of the recruitment and selection process the appointing manager needs to satisfy themselves about the candidates work experience, character, capability, conduct and work history. During the recruitment process managers should use the application form and references provided to investigate any gaps in the employment history and question any unusual or abrupt reasons for leaving an earlier job.

All references provided will be shared with the appointing manager to allow them to confirm information the candidate has provided, challenge if necessary, and to ultimately approve the appointment.

Provisional offers of employment will not normally be confirmed until satisfactory references have been received by HR and approved by the appointing manager.

Advice from HR should be sought where two written references or a current employer reference are not available.



CHESTERFIELD
BOROUGH COUNCIL

REFERENCE REQUEST FORM

Name:	
Post applied for:	

Employment dates from: _____ To: _____

Capacity in which employed and/or job title: _____

If part time, number of hours per week worked: _____

Final Salary: _____

Main duties:

What do you consider the individual's strong points to be?

Are there any areas of improvement or development that the individual could focus on to become more effective at work?

What is your assessment of the following elements in relation to the applicant

	Excellent	Good	Fair	Poor
Quality of work				
Quantity of work				
Dedication to the job				
Ability to work without supervision				
Working relationships				
Reliability				
Time keeping				
Honest and trustworthiness				
Attendance				

Did the applicant have any disciplinary warnings during his/her last 12 months' employment with your company? If yes, please comment on the nature of these warnings.	Yes	No
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Can you confirm the number of days the individual was absent and the number of occasions during his/her last 12 months' employment with your company (excluding holiday and family leave)?

What was the reason for the applicant leaving your company?

Would you re-employ the applicant? If no, please state why:	Yes	No
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To be completed only if the employees current post is in local government!

What is the applicant's local continuous service date if applicable?

Is the applicant involved in or in the process of redundancy procedures?
(Please provide details if the answer is yes)

Do you have any further information or comments which you wish to offer about him/her, bearing in mind the post for which she/he has applied? If yes, please provide comments.	Yes	No
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Please note that employees can request to see a copy of their references under the Data Protection Act 1998.

Thank you very much for your assistance.

Signature: _____ Name: _____

Position: _____ Date: _____

Tel no/ext: _____

Name and address of company: _____

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Chesterfield Borough Council **Equality Impact Assessment - Preliminary Assessment Form**

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: HR

Section: HR

Lead Officer: Sandy Gillham-Hardy

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Employment References Policy

Is the policy, project, service, function or strategy:

Existing

Changed

New/Proposed Yes

Q1 - What is the aim of your policy or new service?

The aim of the policy is to clarify the procedure when the council receive a reference request, either verbal or written, for a former or current employee and when they request references for potential employees.

Q2 - Who is the policy or service going to benefit?

It is the council's policy that any references for current or former employees may only be provided by HR. No other person in the council is authorised to provide an employment reference on behalf of the council, whether verbal or written about current or former employees.

Providing personal data to a prospective employer about an employee or former employee will amount to processing for the purposes of the Data Protection Act 1998 and General Data Protection Regulation (GDPR).

Under the Act, all personal data must be processed fairly and lawfully and HR should ensure that the employee/former employee to whom the request for the reference relates has given their consent for a reference to be provided.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics

below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Please note: the data provided in references provided by CBC is purely factual ie confirmation of name, role and dates of employment. No further information is provided eg sickness data.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			✓
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			✓
Gender – men, women and transgender.			✓
Marital status including civil partnership.			✓
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			✓
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			✓
Ethnic Groups			✓
Religions and Beliefs including those with no religion and/or beliefs.			✓
Other groups e.g. those experiencing deprivation and/or health inequalities.			✓

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No

Q5 - Reasons for this decision:

This is a new policy which will apply to all employees of the council and must be adhered to at all times when a request for a reference is received to ensure the Council provide accurate and factual information for each employee, regardless of who they are.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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Agenda Item 6

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Agenda Item 7

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