

# **Personnel Committee**

**Wednesday 27 January 2010  
at 14.30, Wantsum Room,  
Sessions House**



## AGENDA

### PERSONNEL COMMITTEE



**Wednesday, 27th January, 2010, at 2.30 pm**  
**Wantsum Room, Sessions House, County**  
**Hall, Maidstone**

Ask for:  
Telephone

**Geoff Mills**  
**01622 69489,**  
**geoff.mills@kent.go**  
**v.uk**

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

1. Substitutes
2. Declaration of Interests
3. Minutes (Pages 1 - 6)
  - (a) 29 September 2009
  - (b) 30 November 2009
4. Local Pay Bargaining (Pages 7 - 10)
5. Pay Structure (Pages 11 - 14)
6. Disciplinary and Grievance Activity (Pages 15 - 18)
7. Maternity Support Pay & Leave Pilot Evaluation (Pages 19 - 22)
8. Statutory And Proper Officers Of Kent County Council (Geoff Wild) (Pages 23 - 30)
9. Revised Kent Scheme Pay Structure and Appraisal (Pages 31 - 36)
10. Compromise Agreement Protocol (Pages 37 - 48)
11. Performance Management of Senior Managers (Pages 49 - 50)
12. Officer Code of Conduct (Pages 51 - 62)

#### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services and Local Leadership  
(01622) 694002

**Tuesday, 19 January 2010**

*Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.*

## KENT COUNTY COUNCIL

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### PERSONNEL COMMITTEE

MINUTES of a meeting of the Personnel Committee held in the TBC on Tuesday, 29 September 2009.

PRESENT: Mr P B Carter (Chairman), Mr N J D Chard, Mr R W Gough (Vice-Chairman), Mr D A Hirst, Mr A J King, MBE, Mr K G Lynes, Mr T Prater and Mr J D Simmonds.

ALSO PRESENT: Mr A H T Bowles.

IN ATTENDANCE: Mrs A Beer (Director of Personnel & Development), Mr G Wild (Director of Law and Governance) and Mr G Mills (Democratic Services Manager (Executive)).

### UNRESTRICTED ITEMS

#### 1. Election of Vice Chairman

*(Item 2)*

Mr AJ King proposed and Mr N J Chard seconded that Mr R W Gough be elected as Vice- Chair of the Committee.

Carried unanimously

#### 2. Minutes - 13 May and 20 July 2009

*(Item 4)*

RESOLVED that the minutes of the meetings held on 13 May and 20 July 2009 be agreed as a true record and that they be signed by the Chairman.

#### 3. Performance Management of Senior Managers

*(Item 5 - report by Director of Personnel and Development) (The chairman declared consideration of this item to be urgent on the grounds that the Committee needed to reach a decision on this report at this meeting and therefore its consideration could not reasonably be delayed.)*

(1) In support of this report Amanda Beer gave a presentation highlighting the procedures currently in place for the appraisal of senior officers and suggested ways in which extra rigour could be brought to the assessment process.

(2) During the course of discussion members spoke about the need to ensure that the County Council had in place a clear methodology for the gathering and collation of performance data. Also it needed to be recognised that Cabinet members had a part to play in assessing the performance of Managing Directors and those senior managers which came within their portfolio responsibilities. It was also said that officers appointed to senior roles and who were new to KCC should have an

assessment of their performance undertaken within the first six months of them taking up their post.

(3) Following further discussion the Committee RESOLVED that taking into account the views expressed during the course of the debate a more detailed report should be submitted to its meeting on 27 January 2010 putting forward for consideration and approval a protocol for undertaking the appraisals of senior managers. This protocol also needed to formalise the appraisal process for the Chief Executive.

#### **4. Maternity Support Pay and Leave Pilot Evaluation**

*(Item 6 - report by Director of Personnel and Development)*

*(The chairman declared this item to be urgent on the grounds that the Committee needed to reach a decision on this report at this meeting and therefore its consideration could not reasonably be delayed.)*

(1) The Personnel Committee agreed a one year pilot from 1 June 07 providing contractual paternity leave and pay which was extended until 31 August 09 to allow for full evaluation. It was one element of a wider family leave pilot which included provision for carer leave; this has now been incorporated into terms and conditions on a permanent basis. This report presented the evaluation of paternity leave and pay and recommended they be adopted on a permanent basis.

(2) During the course of discussion Ms Beer said that the benefits proposed under this scheme were part of a wider suite of employment policies which were in keeping with the County Council's employment strategy of 'Making Kent a Great Place to Work'. One member spoke in favour of implementing the proposals but others expressed the view that before reaching a final decision the Committee should have before it some more detailed data on the roll out and cost of the scheme. This was agreed.

(3) RESOLVED that this matter be deferred and discussed again in more detail at the Committee's next meeting.

#### **5. Compromise Agreement Protocol**

*(Item 1 -report by Director of Personnel and Development)*

(1) This report invited the Committee to consider and endorse a set of protocols to apply to the way the County Council dealt with Compromise Agreements.

(2) During the course of discussion members raised a number of points of detail to which the Director of Personnel responded accordingly. As part of this it was agreed that paragraph 3.2 of the Protocol would be strengthened by adding specific reference to the relevant Cabinet portfolio holder in the list of those to be consulted.

#### **Note:**

*This report was originally placed in the "exempt" section of the agenda but the Committee agreed with Mr Prater that its content was such that it was apparent that it did not meet the legal criteria for inclusion in the exempt section of the agenda. Mr Prater subsequently raised this point in correspondence and the Chairman advised him that he would arrange*

*for the report to be formally re-submitted to the next meeting of the Personnel Committee on 27 January 2007 so that its content could be properly placed in the public domain. In the meantime and given the circumstances Mr Carter said he had advised the Director of Personnel and Development that as Chairman of the Committee he would be guided by the principles set out in the Protocol on a case by case basis. The Chairman had also given assurances regarding the timely despatch of committee reports to members, be those reports 'unrestricted' or 'exempt.'*

## **6. Senior Manager Contract**

*(Item 2 -report by Director of Personnel and Development )*

*(This is an unrestricted minute of a report which was exempt on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)*

(1) Members had before them an exempt report which invited the Personnel Committee to consider an exit package for a member of staff within the Environment, Highways and Waste Directorate.

(2) Following discussion the Committee agreed that consideration of this item should be deferred pending further discussions.

## **7. Senior Management Structures in Strategy, Economic Development and ICT**

*(Item 3 –report by Director of Personnel and Development)*

*(This is an unrestricted minute of a report which was exempt on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)*

RESOLVED that authority be granted to the creation of a new senior level post in the Strategy, Development and ICT Department.

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## KENT COUNTY COUNCIL

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### PERSONNEL COMMITTEE

MINUTES of a meeting of the Personnel Committee held in the Stour Room, Sessions House, County Hall, Maidstone on Monday, 30 November 2009.

PRESENT: Mr R W Gough (in the Chair), Mr N J D Chard, M, Mr D A Hirst, Mr A J King, MBE, Mr K G Lynes, Mr T Prater, Mr J D Simmonds and Mrs P A V Stockell (Substitute for Mr P B Carter).

IN ATTENDANCE: Mrs A Beer (Director of Personnel & Development), Mr M Austerberry (Executive Director, Environment, Highways and Waste), Mr G Wild (Director of Law and Governance) and Mr G Mills (Democratic Services Manager (Executive)).

*(This is an unrestricted minute of a matter which was exempt under paragraph 1 of Section 100A of the Local Government Act 1972, (as amended))*

#### **1. Senior Manager Contract**

*(Item 3)*

(1) Members had before them an exempt report which invited the Personnel Committee to consider an exit package for a member of staff within the Environment, Highways and Waste Directorate.

(2) Following discussion the Personnel Committee agreed to a package being offered on terms detailed in the exempt report and that as appropriate comments should be sought from the Audit Commission.

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**By:** Roger Gough – Cabinet Member, Corporate Support  
Services and Performance Management  
Amanda Beer - Director of Personnel & Development

**To:** Personnel Committee **Date:** 27 January 2010

**Subject:** Local Pay Bargaining – 2010/11

**Classification:** Unrestricted

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**Summary:** This paper outlines the current stage of this year's Local Bargaining process. Endorsement of the proposed no increase is sought from Personnel Committee, prior to that from full Council.

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## **1. BACKGROUND**

- 1.1 This is the sixth year of Local Pay Bargaining. Consultation began in September 2009, and has continued to be undertaken in an honest and constructive manner. The current financial climate with the challenges Kent County Council face now and in the medium term have been key factors in the discussion with our recognised Trade Unions.
- 1.2 Last year's national settlement 2009 of 1.0%, with 1.25% for the lowest 10 points in the national grade (the equivalent of an annual salary of under £14k) was not formally agreed until September. Trade unions nationally have made their bid for this year of 2.5% or £500. No response has yet been formally made by the Employers' side, although it is suggested that this would not be more than 0.5% if anything at all.
- 1.3 The Government's preferred measure of inflation, the Consumer Price Index (CPI) is currently at 1.9% with forecasts suggesting that this will average 1.8 % for 2010. The Retail Price Index is has now returned to a positive figure, albeit only 0.3%, with forecasts suggesting that this will average 2.9% for 2010. These source for these forecasts are HM Treasury and Industrial Relations Service (IRS) respectively.
- 1.4 The Teachers award for 2010 is the final stage of the three year settlement and will provide an increase of 2.3% in September. As in previous years, this inconsistency between Teachers and non teaching staff in schools is likely to be the cause of complaint and criticism.
- 1.5 As last year, approximately two thirds of employees will be eligible for pay progression under Total Contribution Pay which has an average value of 2.7% for those who receive it.

- 1.6 The current rates of inflation in Table 1 together with the relative analysis of awards for the past 3 years between Kent and the National Joint Council are attached in Table 2, as Appendix 1.

## **2. LOCAL PAY BARGAINING RESPONSE**

- 2.1. The County Council has made no budgetary provision for a cost of living award. Trades Unions have stated that they are not surprised by the proposal, and have “reserved their position”. Their local submission this year was not for a specific percentage, but that the County Council matches the final national joint council settlement. This would require the County Council, for this year only, to revoke the very principles of local pay as well as allow a process to dictate costs that we are not part of or have the ability to influence. Consequently this is not a jointly agreed recommendation, and discussions will continue with trades unions.
- 2.2. The TU submission in 2009/10 included the proposal to remove Kent Scheme Grade 1. This was positively considered by the authority and is the subject of a separate paper for Personnel Committee. It is therefore recommended that the current proposal needs to be considered alongside this.

## **3. CONCLUSION**

- 3.1 The proposed 0% does not meet the trade union expectation or predicted levels of inflation, but does take into account the Council’s budgetary pressures and current economic conditions. This will be the first year since local pay was introduced in 1990, that there will be no increase, but circumstances are also unprecedented.

## **4. RECOMMENDATION**

The Personnel Committee agrees to endorse and recommend to Cabinet and Council:

- 4.1. That there is no pay award for 2010/11.
- 4.2. That consideration be made of the proposed removal of Kent Scheme 1 from our pay structure.

**Amanda Beer**  
Director of P&D  
Ext 4136

**Paul Royel**  
Head of Employment Strategy  
Ext 4608

**Table 1. Current key economic data (Office of National Statistics)**

<b>Measure</b>	<b>Rate (%)</b>
RPI	0.3
CPI	1.9
Average Earnings Index (AEI) Whole Economy	1.2
AEI Public Sector	2.8

**Table 2. Comparison of National Joint Council (NJC) Cost of Living increases**

<b>Scheme</b>	<b>2007/8</b>	<b>2008/9</b>	<b>2009/10</b>
NJC	2.475%	2.75%	1.0% (1.25% for under £14k)
KCC	2.0%	2.5%	1.0%

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**By:** Roger Gough – Cabinet Member, Corporate Support  
Services and Performance Management  
Amanda Beer - Director of Personnel & Development

**To:** Personnel Committee **Date:** 27 January  
2010

**Subject:** Pay Structure

**Classification:** Unrestricted

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**SUMMARY** Personnel Committee has previously agreed to consider the removal of grade KS1 as part of our local pay bargaining process in early 2009. This document is intended to update Committee on this issue following the ACAS mediation process.

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## **1. Background**

- 1.1. As part of the 2009/10 pay bargaining process, KCC reviewed the potential for removing the bottom grade, KS1, from our pay scales. Although agreement in principle was reached, implementation was not carried out as it was conditional on no industrial or potential industrial action being taken by the unions as part of their dispute over the April 2009 pay award.
- 1.2. The other element considered was the payment of registration fees for the Independent Safeguarding Authority (ISA) for existing staff. However both the timetable and precise implications of the ISA registration process are as yet unconfirmed by government and will require such clarity before detailed discussion and assessment can be made within our business. A decision on the payment of registration fees cannot therefore be made at this point in time on an informed basis.
- 1.3. As Members will be aware, the outcome of the ACAS process was that our award of 1%, in the circumstances, was deemed fair and reasonable. However the panel did recommend that the Council consider implementing the abolition of our lowest grade.

## **2. Considerations**

- 2.1. An advantage of removing KS1 is the clearer differential between the national minimum wage (£5.80) and the minimum salary of our pay scales (£6.12) which has been eroded over recent years. The new minimum would be £6.68.

- 2.2. The total full year cost of the abolition of KS1 has been calculated to be £215k with approximately 75% of this falling within the Schools workforce (£158k). Details of the breakdown of staff in KS1 is shown at Appendix A. The funding requirement for schools when considered in early 2009 was expected to be met from the increase in the Dedicated Schools Grant (DSG). The same assumption would apply for 2010.
- 2.3. The concept of “bottom loading” pay settlements, both locally and nationally, is frequently proposed. This tends to be resisted as it is both inequitable and can compromise pay structures by compressing them. However, in a year where there is no proposed cost of living award the abolition of the lowest grade in our pay structure would benefit the lowest paid, albeit a proportionately small number.
- 2.4. It is the Trade Unions view that this could be implemented either retrospectively from April 2009, or the point of recommendation from ACAS, i.e. October 2009. However implementing a change part way through a financial year would cause disruption to budgets and financial planning, in particular with schools. It is therefore recommended that KS1 would be removed from April 2010.

### **3. Recommendations**

- 3.1 Personnel Committee endorses the removal of KS1 from April 2010.

**Amanda Beer**  
**Director of Personnel & Development**  
**Ext. 4136**

**Paul Royel**  
**Head of Employment Strategy**  
**Ext. 4608**

## Appendix A

Added cost of moving individuals to KS2 (point 4) at each KS1 grade point by Directorate.

Directorate	Grade Point <u>after appraisal</u>	Number of assignments	Total FTE	Extra Cost of moving to KS2 (Point 4)	Total Extra Cost by Directorate
CED	2	6	4.81	£3,569	<b>£5,242</b>
	3	5	4.45	£1,673	
CFE	2	63	4.5	£3,339	<b>£17,593</b>
	3	209	37.69	£14,171	
	3.5	3	0.44	£83	
KASS	2	31	6.74	£5,001	<b>£25,967</b>
	3	124	55.76	£20,966	
EHW	2	48	2.88	£2,137	<b>£2,919</b>
	3	6	2.08	£782	
Communities	2	18	1.2	£890	<b>£5,237</b>
	3	37	11.56	£4,347	
Schools	2	237	33.77	£25,057	<b>£157,838</b>
	3	1,102	352.24	£132,442	
	3.5	3	1.8	£338	
Total	2	<b>403</b>	<b>53.9</b>	<b>£39,994</b>	<b>£214,796</b>
	3	<b>1,484</b>	<b>463.78</b>	<b>£174,381</b>	
	3.5	<b>6</b>	<b>2.24</b>	<b>£421</b>	

Total extra cost to remove all KS1 assignments would be approximately **£215,000**.

Grade Point	Salary
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2	£12,161
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3	£12,527
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3.5	£12,715
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4 (KS2)	£12,903
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Example, CED pay point 2, extra cost of moving to KS2 grade point 4:

$$= 4.81 \times (12,903 - 12,161) = \text{£}3,569.$$

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**By:** Roger Gough – Cabinet Member, Corporate Support Services and Performance Management  
Amanda Beer – Director of Personnel & Development

**To:** Personnel Committee

**Date:** 27 January 2010

**Subject:** Disciplinary and Grievance Activity

**Classification:** Unrestricted

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**SUMMARY:** This report updates Personnel Committee on discipline and grievance activity for the first 6 months of 2009/10, including details of appeals.

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## 1. Introduction

1.1 This report presents an update on a range of Employee Relations activity (excluding in schools) from April to September 2009, together with an indication of change from the previous update.

## 2. Activity for April to September 2009 – Additional Cases

2.1 In this period an additional 285 cases have been initiated. As previously indicated the nature and level of activity required varies considerably depending upon the circumstances of each individual case.

2.2 This represents a very small decrease of approximately 2% in overall numbers from the previous 6 month period. There have been fewer applications to Employment Tribunal, but significantly more internal dismissal appeals. This is likely to be a reflection of the robustness of managerial dismissal decisions and the effectiveness of our internal quality assurance process, the senior officer appeal. One of the primary purposes of an internal appeal is to test that robustness in advance of any external challenge and to moderate a decision if it is found to have weakness or if new information comes to light. The distribution of outcomes from recent dismissal appeals indicates this is a process that is working effectively for the Council and its staff.

2.3 The summary below (Fig 1) shows cases initiated over the 6 month period together with the preceding 6 month periods for 2008/9, 2007/08:

Fig 1

Type of Cases	2009	2008/9	2008	2007/8
<b>Disciplinary</b>	88	80	87	69
<b>Capability - Poor Performance</b>	19	25	19	22
<b>Capability - Ill Health</b>	110	121	164	84
<b>Capability - Other</b>	4	3	2	1
<b>Grievance</b>	41	36	37	33
<b>Harassment</b>	4	10	23	18
<b>ET</b>	4	7	10	0
<b>Appeals</b>	15	10	7	4
<b>Total</b>	<b>285</b>	<b>292</b>	<b>349</b>	<b>231</b>

- 2.4 There is a broadly comparable level of activity in areas such as discipline, capability and grievances. Capability relating to ill health remains the category with the highest level of activity in terms of volume which we would expect to be the case in the light of the continued pressure from P&D for managers to maintain good attendance in their teams. The figures show individuals who are under referral to Occupational Health or in some way being monitored by their manager with support from Personnel & Development through a formal process. The numbers of these cases being resolved (see below) indicates managers are not simply monitoring but taking positive action with respect to managing attendance. Positive action includes, maintaining employment with adjustments, redeployment to other posts, ill-health retirement where appropriate or dismissal if necessary.

### **3. Activity for April to September 2009 – Cases Resolved**

- 3.1 The following summary (Fig 2) shows the cases that have been resolved in the last 6 months. This will not correspond to cases from the previous summary as there is a “rolling effect” for such activity and some resolved cases will have been initiated before April 2009.

Fig 2

<b>Type of Cases</b>	<b>2009</b>	<b>2008/9</b>	<b>2008</b>	<b>2007/8</b>
<b>Disciplinary</b>	78	70	74	69
<b>Capability - Poor Performance</b>	26	21	34	25
<b>Capability - Ill Health</b>	91	136	147	79
<b>Capability - Other</b>	7	2	3	0
<b>Grievance</b>	39	30	30	40
<b>Harassment</b>	3	14	17	18
<b>ET</b>	1	5	1	1
<b>Appeals</b>	15	7	6	5
<b>Total</b>	<b>260</b>	<b>285</b>	<b>312</b>	<b>237</b>

- 3.2 As with new cases, there has been a very small decrease in the number of cases concluded. However the “resolved to new cases” ratio has been maintained at virtually 1:1.

### **4. Disciplinary Appeals**

- 4.1 Since the last report in May 2009, there have been 15 dismissal appeals resolved. The summary below (Fig 3) outlines where these cases originated, the time taken from the original hearing to the appeal and the outcome of the appeal.

Fig 3

Directorate	No of Appeals	Time from dismissal to Appeal	Outcome(s)
<b>KASS</b>	2	1 x 90 days 1 x 180 days	1x appeal upheld, 1x withdrawn
<b>Chief Execs</b>	1	1x 49days	1x Appeal not upheld
<b>CFE</b>	10	4x 94days, 2x 118days, 2x 119days, 2x 114days	4x Appeal not upheld 4x Appeal upheld 2x appeal withdrawn
<b>Communities</b>	2	1x 56days, 1x 134days (Appellant rescheduled twice)	2x Appeals not upheld
<b>EHW</b>	0		
<b>Totals</b>	15		7x Appeal Not Upheld, 5x case upheld, 3x appeal withdrawn.

**Note:** Dismissal appeals include those appealing against their selection for redundancy

4.2 The number of appeals against dismissal, downgrading or transfer is much higher than previously experienced. This is due to the concerted and sustained efforts by Personnel Teams to encourage and support managers to manage performance better and to resolve issues; a sustained focus on managing good attendance and the growing preparedness of individuals to challenge these decisions. Senior Officer Appeals continue to be supported by Legal Services, Corporate Employee Relations and Personnel Teams and their outcomes indicate their aim, namely to scrutinize challenged decisions, is well executed,. Where an appeal has been upheld this indicates the Appeal Panel felt that KCC was at significant risk of successful litigation by the appellant.

4.3 The time taken between dismissal and an appeal hearing varies considerably according to the circumstances. Many appeals are deferred for legitimate reasons relating to sickness, availability of witnesses or representatives and, due to the increasing complexity of cases, some take several days to resolve over a period of weeks. It is a key objective to achieve a significant reduction in the average time between dismissal and appeal over the next 6 month period and we have already taken steps that will improve our performance in this area.

## 5. Recommendations

5.1 That the Personnel Committee notes the annual report of employee relations activity and that of recent appeals hearings.

Amanda Beer  
Director of Personnel & Development  
Ext. 4136

Paul Royel  
Head of Employment Strategy  
Ext. 4608

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**By:** Roger Gough – Cabinet Member, Corporate Support Services and Performance Management  
Amanda Beer - Director of Personnel & Development

**To:** Personnel Committee                      **Date:** 27 January 2010

**Subject:** Maternity Support Pay & Leave Pilot Evaluation (additional information requested by Committee)

**Classification:** Unrestricted

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**Subject:** Personnel Committee agreed a pilot from 1 June 07 which provided contractual Maternity Support leave and pay. This report presents additional information requested by Personnel Committee in September 2009 in order to further evaluate the pilot and recommends that Maternity Support Pay & Leave be adopted on a permanent basis.

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### 1. Introduction

The additional information presented in this report was requested by Personnel Committee following consideration of an evaluation report at its meeting on 30 September 2009.

### 2. Information from other organisations

Organisation	Paid Paternity (Maternity Support) Leave	Annual Leave entitlement (including bank holidays)
Asda	2 weeks	32 – 37 days
Kellogg's	2 weeks (1 week statutory pay)	33 days
Kimberly-Clark	2 weeks (1 week statutory pay)	33 days
M&S	2 weeks	28 days
Nestle	2 weeks (1 week statutory pay)	33 – 38 days
Sainsbury's	2 weeks	30 – 35 days
Tesco	2 weeks	28 – 38 days

### 3. National Developments

It has been a common aim of all the major political parties to extend the rights of working fathers and partners to share the care of infants for some time and on 15 September 2009, the current Government confirmed its intention to progress plans to allow fathers to benefit from additional paternity leave if the mother returns to work before the end her maternity leave., The proposed legislation will come into force in April 2010 but only start to take effect for parents of children due on or after 3 April 2011.

Our pilot, in place ahead of the current Government proposals, has proved to be valued by staff and managers alike and places KCC alongside some of the top UK employers in manufacturing and retail in offering this as part of our benefits package. There is a relatively low cost to this new benefits element, which will only apply to fathers and partners of pregnant women, in comparison to its

benefit, perceived and actual, and its enhancement of our 'offer' as an employer of choice.

MSL is a short term, planned for leave that costs very little in terms of the overall pay bill and has been shown to have a high value at an individual level

When KCC's ability to attract new and reward current staff in more conventional ways is inhibited, the components of our benefits offer become increasingly important in terms of competitiveness in the labour market. New candidates considering working for KCC will review not only salary structure but the range of benefits on offer that separate us from other employers. It is therefore important we continue to build a reward offer that distinguishes us from competitors especially in under-represented groups in the organisation like young people and men. The gender split in our workforce is around 85% women and 15% men with no benefit provision specifically directed toward men.

#### 4. Profile of KCC employees who have taken Maternity Support Leave during the pilot

Well over half of those who took advantage of maternity support leave during the pilot period were under 34 years old, with at least two years service with KCC. This demonstrates how important a provision like this can be to younger staff who are more likely to benefit from it.

Age						
20-24	25-29	30-34	35-39	40-44	45-49	50-54
3	21	21	24	7	3	1

Length of service			
Less than 2 years	2 to 5 years	5 to 10 years	Over 10 years
3	33	26	18

Grade <sup>1</sup>																
KS2	KS3	KS4	KS5	KS6	KS7	KS8	KS9	KS10	KS11	KS12	KS13	KS14	KS15	Youth Markers	Soulbury	Others <sup>2</sup>
2	2	2	3	12	5	10	7	2	5	2	1	1	1	5	3	17
Kent Scheme data grouped into ranges																
KS1 – 5							KS6-10					KS11-15				
9							36					10				

#### 5. Costings

The approximate annual cost of providing Maternity Support leave based on the take up during the initial pilot, using an average salary, is £21,600 in total. This would vary based on take up in any year and includes on-costs and reclaiming the statutory element leave.

<sup>1</sup> Where the employee is on a linked grade the lowest grade is shown.

<sup>2</sup> This includes employees on a career grades

## **6. Additional Information**

Full-time employees on Kent Scheme receive 24 rising to 30 days annual leave per year, dependent on grade and length of service (32 to 38 days including bank holidays). 28 days leave is the statutory minimum amount of annual leave due to any 'worker' under the UK Working Time Regulations and includes pre-determined Bank Holidays and concessionary days.

Offering contractual Maternity Support Leave immediately after the baby is born allows KCC to reclaim an element of pay and allows fathers/partners to provide early practical support to mothers.

## **7. Conclusion**

Evaluation of the pilot has shown that maternity support leave and pay have an intrinsic value in supporting staff in managing care needs and are universally welcomed within KCC, enhancing KCC's attractiveness as an employer of choice. Offering these provisions on a permanent basis would be in keeping with the developing trend amongst employers to increase the portfolio of benefits which help support working families and be in line with legislative proposals.

## **8. RECOMMENDATION**

It is recommended that Contractual Maternity Support Leave and Pay be provided as a permanent provision. Members may wish to consider the alternative option of continuing with the pilot until the Government's plans in this area have become law. The two options are set out below:

1. Contractual maternity support leave and pay of two weeks on full pay should become part of Kent Scheme terms and conditions on a permanent basis, with effect from 1 January 2010.
2. The current pilot of contractual maternity support leave and pay continue and be reconsidered by Personnel Committee when the Government's proposed changes are made law.

**Amanda Beer**  
**Director of Personnel & Development**  
**Ext 4136**

**Lucy Freeman**  
**Personnel Policy Officer**  
**Ext 6825**

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By: The Leader of the Council  
The Director of Law & Governance

To: Personnel Committee – 27 January 2010

Subject: **STATUTORY AND PROPER OFFICERS OF KENT COUNTY COUNCIL**

Classification: Unrestricted

Summary: **This report seeks approval of the designation of individual officers as statutory and proper officers of the Kent County Council.**

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1. This report reviews the position of the statutory and proper officers within the authority. The situation was last reviewed in 2002 and updated recommendations for the posts to be designated as proper officers are set out in the attached table.
2. Under the terms of the Constitution, responsibility for recommending to the Council the designation of individual officers as statutory and proper officers rests with the Personnel Committee.
3. The Local Government Act 1972 and other legislation require local authorities to make specific statutory appointments and designate proper officers to carry out particular roles and carry specific responsibilities.
4. Prior to the passing of the 1972 Act, it was the practice in Acts of Parliament to name, by reference to a post, a specific officer of the council to deal with particular activities or to undertake a specific function on the council's behalf. However, in order to leave councils free to decide for themselves who should be responsible for particular tasks, the 1972 Act abandoned this concept. Instead, numerous references are made now in legislation to the term 'proper officer' who is, in fact, the officer designated by the Council to carry out a particular task. The officer can, of course, be a different officer for different purposes.
5. **RECOMMENDATION**
  - (a) That the Personnel Committee approves the designation of individual officers as statutory and proper officers of the Kent County Council as set out in the attached table.
  - (b) That the Personnel Committee recommends to the Council at its next meeting that it endorses such designations.

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**Background Documents:** KCC Constitution

Geoffrey Wild  
Director of Law & Governance

## STATUTORY AND PROPER OFFICERS

<b>Any enactment, instrument or local statutory provision passed prior to the Local Government Act 1972</b>		
	<b>Purpose</b>	<b>Officer</b>
	Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council	Director of Law & Governance
	Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council	Director of Finance

<b>Local Authority Social Services Act 1970</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
6	Appointment as Director of Social Services	Managing Director (Children, Families & Education)

<b>Agriculture Act 1970</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
67(3)	Appointment as Agricultural Analyst	Public Analyst

<b>Local Government Act 1972</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
83	Witness and receive declarations of Members' acceptance of office	Head of Democratic Services & Local Leadership
84	Receive written notice of Members' resignation from office	Head of Democratic Services & Local Leadership
88(2)	Convene Council meeting for election to vacant office of Chairman	Head of Democratic Services & Local Leadership
89(1)(b)	Receive notice of casual vacancy from two local government electors	Registration & Coroners Manager
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Head of Democratic Services & Local

		Leadership
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press	Director of Law & Governance
100C(2)	Produce a written summary of proceedings taken by a committee in private	Head of Democratic Services & Local Leadership
100D(1)	Compile a list of background papers to a committee report	Managing Director responsible for preparing report
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Managing Director responsible for preparing report
100F(2)	Identify which documents contain exempt information that are not available for Members	Head of Democratic Services & Local Leadership
115(2)	Receive from officers any money and property committed to their charge in connection with their office	Director of Finance
146(1)	Sign statutory declaration to enable transfer of securities in the event of a change of name of the Council	Director of Finance
151	Responsibility for the administration of the Council's financial affairs (Chief Finance Officer)	Director of Finance
191(2)	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries	Executive Director, Environment, Highways & Waste
210(6)-(7)	Exercise residual functions in relation to charities	Director of Law & Governance
225(1)	Receive and retain deposited documents	Director of Law & Governance
229(5)	Certify photographic copy documents	Director of Law & Governance
234(1)	Sign public notices, orders and other documents on behalf of the Council	Chief Executive or other officer where the document to be authenticated relates to a delegated power
236(10)	Send copy byelaws to district councils	Director of Law & Governance
238	Certification of copy byelaws	Director of Law & Governance

Sch.12 Pt.I Para.4(2)(b)	Sign summonses to attend meetings	Head of Democratic Services & Local Leadership
Sch.12 Pt.I Para.4(3)	Receive written notice that a Member wants a summons sent to an alternative address	Head of Democratic Services & Local Leadership
Sch.29 Pt.II Para.41(3)- (5)	Appoint interim superintendent registrars or interim registrars of births and deaths pursuant to the Registration Service Act 1953  Exercise powers provided by the local scheme of organisation of the Registration Service pursuant to the 1953 Act  Prescription by the Registrar General of duties of proper officers under the Registration and Marriage Acts	Registration & Coroners Manager

<b>Local Government Act 1974</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
30(5)	Give public notice of Local Government Ombudsman's report	Head of Democratic Services & Local Leadership

<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
41	Certifying copy resolutions and minutes of proceedings	Head of Democratic Services & Local Leadership

<b>Highways Act 1980</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Executive Director, Environment, Highways & Waste
193(3)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Executive Director, Environment, Highways & Waste
205(3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Executive Director,

		Environment, Highways & Waste
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Executive Director, Environment, Highways & Waste
211(1) 212(4) 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Executive Director, Environment, Highways & Waste
295(1)	Issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Executive Director, Environment, Highways & Waste
321	Authenticate notices and other documents	Director of Law & Governance
Sch.9 Para.4	Sign plans showing proposed prescribed improvement or building lines	Executive Director, Environment, Highways & Waste

### Representation of the People Act 1983

Section	Purpose	Officer
35	Appointment as Returning Officer for local elections	Chief Executive
67(7)(b)	Receive declarations and giving public notice of election agents' appointments	Registration & Coroners Manager
82(4)	Receive declarations and giving public notice of election agents' or candidates' election expenses	Registration & Coroners Manager
131(1)	Provide accommodation for holding election court	Registration & Coroners Manager

### Weights and Measures Act 1985

Section	Purpose	Officer
72(1)	Appointment as Chief Inspector of Weights And Measures	Director Of Community Safety & Regulatory Services

<b>Local Government Finance Act 1988</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
116(1)	Notify external auditor of meeting under the Act to consider a report from the Chief Finance Officer	Director of Finance

<b>Local Government and Housing Act 1989</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
2(4)	Hold the Council's list of politically restricted posts	Director of Law & Governance
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Director of Law & Governance
5(7)	Nomination to act as deputy in the absence of the Monitoring Officer	Head of Democratic Services & Local Leadership
15-17	Receive notification of the formation of a political group, changes in membership, names of group leaders and deputies, and group nominations to sit on committees	Head of Democratic Services & Local Leadership

<b>Food Safety Act 1990</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
27(1)	Appointment as Public Analysts	Public Analyst
49(3)	Sign any document authorised or required to be given, made or issued by the Food Authority	Director Of Community Safety & Regulatory Services

<b>Education Act 1996</b>		
<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
532	Appointment as Chief Education Officer	Managing Director (Children, Families & Education)

<b>Local Government Act 2000</b>		
<b>Section 22: Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000 (SI2000/3272)</b>		
<b>Regulation</b>	<b>Purpose</b>	<b>Officer</b>

3	Produce a written statement of executive decisions made at meetings	Chief Executive
4	Produce a written statement of executive decisions made by individual Members	Chief Executive
5	Make a copy of written statements of executive decisions and associated reports available for public inspection	Head of Democratic Services & Local Leadership
6	Make available for public inspection a list of background papers	Head of Democratic Services & Local Leadership
12	Publish key decisions of the Council	Head of Democratic Services & Local Leadership

**Local Government Act 2000**

**Section 34: Local Authorities (Referendums)(Petitions and Directions) Regulations 2000 (SI2000/760)**

Regulation	Purpose	Officer
34	Publish the verification number of electors for the purpose of petitions under the 2000 Act	Director of Law & Governance

**Regulation of Investigatory Powers Act 2000**

**Section 30: The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000 (SI2000/2417)**

Regulation	Purpose	Officer
2	Authorise the carrying out of directed surveillance or the conduct or use of a covert human intelligence source	Director Of Community Safety & Regulatory Services, Chief Internal Auditor, Director of Law & Governance, Head of Planning Applications Unit, Principal Planning Officer (Enforcement), Head of Public Rights of Way, Public Rights of Way Officer (Enforcement), Head of Trading Standards (TS), TS Area Managers, TS Operational Manager

**The Local Government (Committees and Political Groups) Regulations 1990**

Regulation	Purpose	Officer
	Notifications to and by the Proper Officer	Head of Democratic Services & Local Leadership

<b>The Local Authorities (Standing Orders) (England) Regulations 2001</b>		
<b>Regulation</b>	<b>Purpose</b>	<b>Officer</b>
	Functions in relation to notifying Executive of appointments, dismissals, etc.	Chief Executive or Head of Personnel & Development
	The Local Code of Conduct	Director of Law & Governance

<b>Freedom of Information Act 2000</b>		
	<b>Purpose</b>	<b>Officer</b>
	Section 36 exemption	Director of Law & Governance

- In the event of the Chief Executive not being available to deal with matters for which he/she has been designated the proper officer, the Director of Law & Governance be authorised to act as proper officer in his/her absence.
- In the event of any other designated officer being unable to fulfill his/her duties as proper officer, his/her deputy be authorised to undertake such duties instead.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on his/her behalf.

**By:** Roger Gough – Cabinet Member, Corporate Support Services  
and Performance Management  
Amanda Beer - Director of Personnel & Development

**To:** Personnel Committee

**Date:** 27 January 2010

**Subject:** Revised Kent Scheme Pay Structure and Appraisal

**Classification:** Unrestricted

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**Summary:** This paper outlines the proposed changes to the Kent Scheme Pay structure and its associated performance based progression. This is currently the subject of consultation with managers, staff and unions.

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## **1. INTRODUCTION**

- 1.1. Over recent years a number of significant improvements have been made to the County Council's local pay arrangements including single status, a revised job evaluation process and grade structure and the introduction of Total Contribution Pay. Consequently we have placed ourselves ahead of many employers across sectors. All this has been achieved whilst protecting the interests our staff, our services and council tax payers.
- 1.2. However we are not complacent and are constantly seeking to maintain our position and advantage, as well as optimising value for money for the authority. There is scope for a better relationship between performance and reward, and there is a perception that "incremental progression" is outdated and provides little value to managers, employees or the organisation.
- 1.3. The following report highlights the proposed plan to transform the Council's pay structure and modernise and support performance management. The improvements are being introduced to assist managers and the business to deliver excellent services and provide better recognition of personal delivery of business related targets. The proposals have been the subject of previous discussions and agreement at both Cabinet and Chief Officer Group.

## **2. CONTEXT**

- 2.1. The rigidity of the current incremental structure does not support a performance management culture particularly well as incentives and progression are constrained by the value of pay progression points. Consequently the value of "good" performance throughout the year is

2.7%. Individuals who achieve an “excellent” rating with 12 months’ excellent performance are rewarded with an approximately 4% increase. Such a differentiation does not encourage higher levels of performance, nor does it accurately reflect the difference in level of performance.

- 2.2. Any redesign of the pay structure and progression must be made on the following principles:
- Simplicity – easy for everyone to understand
  - Minimal bureaucracy
  - Consistent with a degree of flexibility to meet local requirements
  - Encourage high performance
  - Complies with Equality requirements

### **3. PAY STRUCTURE**

- 3.1. In consideration of potential models we have assessed a number of other organisations, of similar size and context. All organisations require some form of pay progression. The current proposal has taken the best aspects of other schemes but is designed to provide us with a system that specifically meets the needs of our organisation at the current time. The model provides a foundation for further development and growth without the need to go back to the basic structure.
- 3.2. The proposed model is based upon Pay ranges, which are common practice outside the public sector and provide an opportunity to make a transition to a more flexible pay structure, with greater ability to set levels of reward dependant upon performance. Appendix 1 provides an illustration of how the ranges will look compared to the current scheme. The removal of increments for all grades is a significant principle and to the best of our knowledge unprecedented in Local Government.
- 3.4. The rate of progression and relative value of appraisal ratings would be set by Kent County Council after the Total Contribution Pay assessments. This has the benefit of separating the assessment discussion from the financial implication, leaving the manager able to determine level of performance without restriction. It also allows the organisation to set the value of the ratings across KCC from the identified total budget and with an appropriate level of differentiation for those performing at a higher level.

### **4. APPRAISAL**

- 4.1. Our current appraisal system is now well embedded and has increased the number of formal reviews undertaken for all staff. However, in recent years that the vast majority of assessments have resulted in the “good” rating (approximately 90%). There will be a number of factors that drive this; not least that the model has a middle choice for managers, but also significantly that the description is too broad. It is therefore proposed that this be reduced to four levels, Outstanding, Exceeding required standard, Achieving Required Standard and finally Requiring Performance

Improvement. Precise terms for the ratings and more importantly clarity of definition is yet to be finalised. Those staff who are the subject of formal Capability and Performance procedures will have no assessment and receive no corresponding increase. Appendix 2 provides an illustration of the conversion from the current to the proposed appraisal ratings.

- 4.2. It is critical that managers are suitably confident and competent with the new model. They should see this as a tool to assist them delivering their objectives and apply it in a fair way which objectively assesses the differences in personal contribution levels and rewards them accordingly. This will require both commitment and resources to ensure that any revised scheme has a reasonable chance of success.
- 4.3. The development of the Reward Strategy to date has been undertaken in partnership with the recognised trade unions, despite the national conflict of interest. There is the risk of a collective dispute and Unison have already expressed their objection to the model proposed, although their representatives are continuing to participate in discussions.
- 4.4. Any transition to a new structure could be viewed skeptically by trade unions and some individual employees. Undoubtedly there will be some that believe the change is being proposed as a cost saving exercise, and therefore it is worth considering whether this could be countered with a commitment on the level of funding. Ideally this would be beyond the first year.

## **5. IMPLEMENTATION**

- 5.1. This is a major change project and resources are being committed by colleagues in Directorates, Personnel & Development and Finance. Consultation has commenced and, using various forms of communication, we are seeking the views of staff and unions. This has included Team Briefing, extra mail messages, leaflets, and manager presentations to staff.
- 5.2. The consultation is due to conclude in February 2010, with transition to the new structure from April 2010. Whilst the appraisal ratings will not be used until the end of the year, these will be apparent to all staff from the beginning of the financial year.
- 5.3. Existing staff will not feel the impact of the change to the pay structure and appraisal scheme for many months, and therefore it is quite possible that any adverse reaction might not be fully apparent until March 2011. In anticipation of this we are investing as much as we can in ensuring that we do get key messages across to staff.

## **6. CONCLUSION**

- 6.1. The move to the new Kent Scheme Pay and progression scheme will be a significant change. It represents an important step in the further progression towards achieving a high performance culture where individuals are rewarded according to what they achieve in their job and how they achieve it.
- 6.2. In making the transformation of pay and progression structures, the potential level of challenge from staff, trade unions and managers should not be underestimated. There will be many that doubt the principles and purpose and will seek to challenge and undermine. The resolve and commitment of both Members and Chief and senior Officers is therefore critical.

**7. RECOMMENDATIONS**

- 7.1. Personnel Committee are asked to note and endorse the proposed pay structure and appraisal model.

**Amanda Beer**  
**Director of Personnel & Development**

**Paul Royel**  
**Head of Employment Strategy**

# Appendix 1

PAY POINT	£
1	11808
2	12161
3	12527
4	12903
5	13291
6	13689
7	14099
8	14523
9	14957
10	15407
11	15984
12	16218
13	16440
14	16793
15	17140
16	17799
17	18471
18	19156
19	19668
20	20262
21	20923
22	21599
23	22297
24	23053
25	23819
26	24771
27	25600
28	26421
29	27202
30	28015
31	28823
32	29427
33	30219
34	31076
35	32001
36	33045
37	33934
38	34833
39	35724
40	36630
41	37523
42	38376
43	39319
44	40215
45	41112
46	41992
47	43357
48	44684
49	45842
50	47000
51	48152
52	49326
53	50481
54	51637
55	52799
56	53956
57	55122
58	56555
59	58025
60	59534
61	61082
62	62669
63	64300
64	65971
65	67686
66	69446
67	71252

## Proposed Kent Scheme salary range

15	69,446
14	61,082
13	53,956
12	48,152
11	41,112
10	35,724
9	30,219
8	26,421
7	23,053
6	20,262
5	18,471
4	16,793
3	15,984
2	14,099
1	12,903
	12,527
	11,808

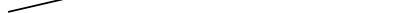
# APPRAISAL RATINGS

(1) Exceptional



(1) Outstanding\*

(2) Excellent



(2) Above Required Standard\*

(3) Good



(3) Achieving Required Standard\*

(4) Incomplete



(4) Requiring Performance Improvement\*

(5) Poor

**Under Performance and Capability Proceedings**

Not Assessed – 9 month combined period not achieved to allow appraisal rating to be established

All TCP ratings must be supported by completed TCP appraisal paperwork

\* - Definitions still to be formally agreed

**By:** Roger Gough – Cabinet Member, Corporate Support Services and Performance Management  
Amanda Beer – Director of Personnel & Development

**To:** Personnel Committee **Date:** 27 January 2010

**Subject:** **Compromise Agreement Protocol**

**Classification:** **Unrestricted**

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**SUMMARY: Personnel Committee is invited to consider and endorse a set of protocols to apply to the way the authority deals with Compromise Agreements.**

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## **1. BACKGROUND**

A compromise agreement is a legally binding agreement made between an employer and employee (or ex-employee). Under a compromise agreement, an employee agrees not to pursue particular claims in relation to his or her employment or its termination, in consideration of, usually, a financial settlement provided by the employer.

A compromise agreement represents an alternative route for both an employer and employee to going through a formal staff procedure that is, or may be expected to be, particularly problematic. Examples of such procedures include the Kent County Council ('KCC') Disciplinary Procedure, the KCC Performance and Capability Procedure, the KCC Harassment Procedure or the KCC Redundancy and Redeployment Procedure.

Compromise Agreements can also be used by employers as a means of settling serious grievances. Examples would include unlawful discrimination, breach of contract or constructive dismissal claims. They can also be used to avoid the publicity and an uncertain outcome of an Employment Tribunal, County Court or High Court case.

Compromise agreements can only be authorised by the Director of Law & Governance and require involvement of the Director of Finance and the Director of Personnel & Development. It has become apparent that in order to ensure consistent best practice a set of protocols should be introduced to govern the management of all compromise agreements.

Draft protocols are attached which have been discussed by the Director of Law & Governance, the Director of Finance and the Director of Personnel & Development.

## **2. RECOMMENDATION**

Members are invited to consider the compromise protocols and endorse their introduction.

**Amanda Beer**  
**Director of Personnel & Development - Ext 4136**

# Compromise Agreement Protocols



**To be Issued by Personnel & Development and Legal Services.**

**DRAFT FOR DISCUSSION PURPOSES ONLY – Version 3**

## **1. Introduction**

A compromise agreement is a legally binding agreement made between an employer and employee (or ex-employee). Under a compromise agreement, an employee agrees not to pursue particular claims in relation to his or her employment or its termination, in consideration of, usually, a financial settlement provided by the employer.

A compromise agreement represents an alternative route for both an employer and employee to going through a formal staff procedure that is, or may be expected to be, particularly problematic or unnecessarily time consuming. Examples of such procedures include the Kent County Council ('KCC') Disciplinary Procedure, the KCC Performance and Capability Procedure, the KCC Harassment Procedure or the KCC Redundancy and Redeployment Procedure.

They are also used by employers as a means of settling serious grievances. Examples would include unlawful discrimination, breach of contract or constructive dismissal claims. They can also be used to avoid the publicity and an uncertain outcome of an Employment Tribunal, County Court or High Court case.

If a dismissal is, or is expected to be, carried out fairly and following proper procedures, it may be that an employer will decide that there is no need for a compromise agreement. In KCC, they should only be considered in such cases where there is uncertainty as to the outcome and this represents a risk to KCC, either in financial or reputational terms.

## **2. Purpose and Scope of this Policy**

Under KCC's Constitution, all compromise agreements can only be authorised by the Director of Law and Governance, who will be guided by the professional expertise of Personnel and Development and Legal Services. This policy has therefore been prepared to provide protocols for KCC staff in Personnel and Development and Legal Services who deal with matters where a compromise agreement is being contemplated.

This policy applies to all staff employed by KCC, including schools, but has no application to Foundation or Voluntary Aided schools unless the compensation is paid directly by KCC as opposed to it coming from the school's delegated budget.

This Protocol also applies to COT3 agreements (agreements negotiated through ACAS to settle employment disputes).

### **3. Structure of this Policy**

This section describes the protocols (the 'Protocols') in detail.

#### **Authorisations of Compromise Agreements**

The KCC Constitution states that only the Director of Law & Governance can authorise a compromise agreement to be signed. All agreements, in addition to any other approval requirements noted below, therefore need to be approved by the Director of Law and Governance and will need to be signed off by a solicitor in Legal Services, who he/she has authorised to sign.

KCC is responsible for any decision as to whether to proceed on an individual severance. However, it is a recommendation of the Audit Commission that before compromise agreements of a significant financial value, (agreements where a 'compensatory sum' (see below) of £50,000 or more is payable by KCC), can be formally agreed and signed they must be approved by the following (collectively known as "the Advisers"):

- the Monitoring Officer; and
- the Director of Personnel and Development; and
- the Director of Finance

Agreements where a 'compensatory sum' of £50,000 or more is payable by KCC are known as 'Large Sum Agreements'. Those below this threshold are known as 'Small Sum Agreements'.

In addition to being approved by the Advisers, Large Sum Agreements have additional requirements in order to comply with guidance from the Audit Commission and to meet governance requirements in KCC. These requirements are highlighted as appropriate in these Protocols and Appendix B. Small Sums Agreements fall outside the Audit Commission's requirements.

In addition, where a proposed agreement concerns a Chief Officer or an M-Grade Manager, the final decision on whether an agreement should be entered into rests with the KCC Personnel Committee. If they are minded to approve an agreement, for Chief Officers and M-Grade Managers only, the Director of Finance should then consult with the Audit Commission in order to deal with any objections which may otherwise prevent the agreement from being finalised and provide the information in Appendix B.

A 'compensatory sum' is a sum of money to be paid in connection with the termination of an individual employee's employment that is in excess of any payments that an employee is contractually entitled to (for example accrued holiday pay). Where the liability to pay a compensatory sum is split between KCC and the Governing Body of a community or voluntary controlled school, this protocol only applies to the element to be paid by KCC. For example, if the compensatory sum is £60,000 but £15,000 is to be paid by the Governing Body of a community or voluntary controlled school, then the parts of the Protocols relating to Small Sum Agreements only would apply.

## **Pre-drafting Steps Relating to a Compromise Agreement**

3.1 All proposed agreements, until they are approved by either:

- the Advisers for Large Sum Agreements (and the KCC Personnel Committee for a Chief Officer or an M-Grade Manager); or
- the solicitor for Small Sum Agreements

must only be discussed on a 'without prejudice and subject to contract' basis. This means that the following must be headed "Without Prejudice and Subject to Contract":

1. any meetings between management and the employee, and / or
2. any written communications arising from those meetings

The reason for this is that if negotiations are not done on a without prejudice basis then things said or offers made can themselves give rise to separate claims over and above those claims originally within the contemplation of the parties.

3.2 Decisions on redundancies and early retirements of Chief Officers and M-Grade Managers, including decisions to send them on "gardening leave", must be taken by the Managing Director and the Director of Personnel and Development, or the Chief Executive and the Director of Personnel and Development if it concerns a Managing Director. Where such a decision is contemplated, there should be consultation with the political group leaders, the Chief Executive (where applicable), the Director of Law and Governance and the Director of Finance. Any consultation on decisions on redundancies and early retirements must be completed within five working days.

3.3 All other redundancies and early retirements (other than ill health) are to be jointly agreed by the Director of Personnel and Development and the Managing Director. In addition, details of all early retirements with augmentation of pension or a charge for early release of scheme benefits to be borne by KCC only are to be reported to the Personnel Committee on a 6 monthly basis. All other terminations of employment, including decisions to send employees on "gardening leave" are to be agreed by the Managing Director or other Senior Manager delegated by him after taking advice from the relevant Personnel Business Support team, and consulting with the relevant approving manager and the relevant budget holder (if that person is not the manager).

3.4 The decision as to whether or not to approve a retirement or termination may need to take into account any augmentation of pension/early release of scheme benefit charge being borne by KCC/pay in lieu of notice/lump sum payments (as appropriate). Any award of augmentation of pension or early release of scheme benefits charges to be borne by KCC will require a joint recommendation from the Director of Personnel and Development or their nominee and the relevant Managing Director, following consultation with the Director of Finance and the relevant Cabinet member.

3.5 There is no contractual entitlement to any payment in lieu of notice (PILON). PILONs must only be made in exceptional circumstances and must demonstrate value for money. No PILON may be for a greater gross financial amount than the employee would have received had they worked their notice. In addition, for Chief Officers and M-Grade Managers, all PILONs must be approved by the Director of Personnel and Development, or their nominee, following consultation with the political group leaders, Chief Executive,

Director of Law and Governance or their nominee and the Director of Finance or their nominee. This consultation must be completed within five working days.

### **Drafting Steps Relating to a Compromise Agreement**

3.6 Once the decision to proceed with a retirement or termination has been taken in principle, a draft compromise agreement will be produced by agreement between Personnel and Development and Legal Services. A model compromise agreement template has been prepared by Legal Services for staff in Personnel and Development and is updated periodically. If a member of staff in Personnel and Development should, by agreement, prepare the first draft of a compromise agreement, the most recent version of this model should be used and is available from the Employment Strategy Group in Personnel and Development.

3.7 To obtain formal approval, the first draft of the agreement must be quality assured and approved by both Personnel and Development and Legal Services. The first draft of the agreement should then be agreed in principle (on a without prejudice and subject to contract basis) with the employee or his legal or union adviser, before seeking final formal approval.

3.8 For Small Sum Agreements, in order to quality assure the agreement the following information as detailed in Appendix A must be provided. For Large Sum Agreements, the information as detailed in Appendix B must be provided.

3.10 For governance reasons, the rationale provided in either Appendix A or Appendix B should address all of the issues including the strengths and weaknesses of the case. Additionally, the solicitor dealing should make a recommendation (with reasons) as to why the agreement does or does not represent good value for money. In the unlikely case of a disagreement between the solicitor dealing and the management side, which makes an agreed rationale not possible, the management may make its own submissions as to why the agreement should go ahead.

### **Steps for Agreeing and Finalising a Compromise Agreement**

3.11 As noted in the 'Authorisation of Compromise Agreements' section, for Large Sum Agreements the Director of Finance will consult with the Audit Commission in order to deal with any objections which may otherwise prevent the agreement from being finalised and provide the information in Appendix B. The final decision as to whether or not to approve any particular agreement lies with the Advisers, or the KCC Personnel Committee for Chief Officers and M-Grade Managers. The report to Personnel Committee will follow Appendix B of this protocol. If Personnel Committee are minded to approve an agreement, for Chief Officers and M-Grade Managers only, the Director of Law and Governance will inform the solicitor dealing and the relevant manager of the final decision and also notify any modification which he/she requires to be made to the agreement.

3.12 For Small Sum Agreements, the Director of Law and Governance will inform the solicitor dealing and the relevant manager of the final decision and also notify any modification which he/she requires to be made to the agreement. If the agreement is approved with or without modifications, that approval will act as authority enabling the solicitor dealing to sign the agreement on behalf of Kent County Council when it is concluded.

3.13 The final version of the agreement can then be agreed with the employee and his/her advisers and the heading “Without Prejudice and Subject to Contract” can be dropped when final agreement has been reached.

3.14 The agreement should then be signed by the employee and (where appropriate his or her representative) and returned to KCC (usually the relevant Personnel Business Support team contact or Employee Relations manager contact).

3.15 For Large Sum Agreements, the solicitor dealing or a colleague will then seek the formal approval of the Director of Law & Governance to sign the agreement on behalf of KCC if not already obtained.

3.16 The relevant Personnel Business Support team contact or Employee Relations manager contact should then be informed of agreement.

3.17 Employee Services should be informed of termination of the contract and the amount to be paid or (for ex-employees) Accounts Payable notified to make payment within the agreed timescale by the relevant Personnel Business Support team contact or Employee Relations manager contact.

3.18 If a pension payment is part of agreement, the relevant Personnel Business Support team or Employee Relations manager contact will need to communicate with the relevant Pensions Section directly and complete a Pensions Early Retirement (PEN ER) form. Otherwise the normal leaver process will be followed by Employee Services.

3.19 Finally, a copy of the signed agreement should be retained on the employee’s personal file for a minimum of 6 years and a copy of that agreement should be retained by Legal Services. Where an agreed reference is part of the agreement, this must be retained on file indefinitely.

3.20 If no agreement can be reached, normal actions resume, e.g. action under the KCC Redundancy and Redeployment, Disciplinary or Performance and Capability Procedures.



**Compromise Agreement Protocols**  
**Appendix B – Details of Information to be Provided for ‘Large Sum Agreements’**

3.8.1 A copy of the draft compromise agreement together with any appendices (a signed version will also be required for Chief Officers or M-Grade Managers for Audit Commission review).

Included   
Not Included  (please say why if not)

3.8.2 A copy of the employee’s contract of employment including any variations, a copy of the latest job description and details of the employee’s current salary and for Chief Officers or M-Grade Managers: salary increases over the last three years, copies of any financial advice, HR advice or other relevant advice obtained in the consideration of the decision, reports to and minutes of Council meetings at which decisions were taken including details of the assessment of the merits for the proposed severance (if not covered elsewhere in this checklist)

Included   
Not Included  (please say why if not)

3.8.3 An explanation as to why it is not possible or desirable to remove the employee from his/her employment in a way that would lead to the employee receiving a sum of money less than the cost of the proposed agreement, e.g. making the employee redundant rather than awarding a large compensatory sum under a compromise agreement:

3.8.4 An analysis of the full financial cost to the Authority of the severance package contemplated in the agreement (including the cost to the Authority of any augmentation of pension or a charge for early release of scheme benefits to be borne by KCC or Pay in Lieu of Notice (PILON)) must be disclosed:

3.8.5 A detailed factual background, including:

- (a) reasons why a compromise agreement is thought to be desirable, necessary and value for money:
  
  
  
  
  
  
  
  
  
  
- (b) an explanation of what potential legal claims the compromise agreement is seeking to avoid and for Chief Officers or M-Grade Managers: any legal advice obtained (including advice on Age Discrimination Regulations, the 2006, 2007 and 2008 Regulations and the Wednesbury principles on reasonableness:

- (c) an explanation as to why it is felt that the employee is likely to bring such claims if the compromise agreement is not entered into:
  
- (d) an assessment of why it is thought that such claims would be likely to succeed if they were to proceed to the Court or to the employment tribunal:
  
  
  
  
  
  
  
  
  
  
- (e) copies of any key documents supporting the management's explanation, e.g. a copy of any grievance received from the employee:

Included   
Not Included  (please say why if not)

3.8.6 An explanation as to why augmentation of pension or a charge for early release of scheme benefits to be borne by KCC, is necessary or desirable given KCC's general policy is not to grant additional scheme membership, except in the case of overall benefit and with the approval of the Managing Director and the Director of Personnel & Development. Such approval must also be obtained:

3.8.7 Detail of any "gardening leave" awarded and an explanation as to why this was thought to be necessary as opposed to either suspending the employee or keeping him or her at work and an explanation as to how the decision to send on "gardening leave" was approved:

3.8.8 Any other significant issues which should be taken into account, including for Chief Officers and M-Grade Managers full details of the consideration and/or decisions relating to Re-engagement (employed or consultancy):

3.8.9 Confirmation that all approvals and consultations required have been carried out together with copy reports, minutes and advices documenting the decision making process, if applicable and where available. For Chief Officers and M-Grade Managers: details of an calculations for all payments proposed or made which should separately identify any benefits in kind; and details of any proposed special arrangement including the value of any discretionary enhancements and the grounds on which they were made.

Confirmed   
Not Confirmed  (please say why if not)

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**By:** Director of Personnel and Development  
**To:** Personnel Committee  
**Date:** 27<sup>th</sup> January 2010  
**Subject:** Performance Management of Senior Managers

**Classification:** **Unrestricted**

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**SUMMARY:** This paper outlines the appraisal process for the senior managers in Kent County Council.

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1. **BACKGROUND**

A presentation on the assessment process for senior managers in the Authority was given to Personnel Committee in September 2009. It confirmed that senior level officers should be appraised following the same principles as all other staff.

2. **CURRENT APPRAISAL PROCESS**

Performance targets are agreed with County Officers at the beginning of the appraisal year. At the same time, personal development plans are reviewed and revised as required. Informal performance discussions should occur throughout the appraisal year, with a formal review at six and twelve months. At the end of the appraisal year, stakeholders, including relevant members, are consulted on performance against the objectives and development plan.

3. **OBJECTIVE SETTING**

The objectives set are determined by the requirements for the delivery and enhancement of services and are closely linked to the business plan and organisational strategies. At the present time, most of the objectives set are specific to the manager's area of responsibility, with some others being cross cutting.

4. **APPRAISAL REVIEWS**

Appraisal reviews are undertaken by the line manager and involves informal consultation with portfolio holders. For Chief Officers, there is formal consultation with the leaders of political groups and Cabinet members. The comments received are taken into consideration by the Chief Executive as part of the appraisal discussion. Decisions on any performance payments are made by the Chief Executive and Leader.

5. **NEW POSTHOLDERS**

Newly appointed postholders at senior level should be set short and medium term objectives on appointment. Performance will be formally reviewed after six months.

6. **RECOMMENDATION**

Personnel Committee is asked to note the contents of this report.

**Amanda Beer**  
**Director of Personnel & Development**  
**Ext 4136**

**By:** Roger Gough – Cabinet Member, Corporate Support Services and Performance Management  
Amanda Beer – Director of Personnel & Development

**To:** Personnel Committee **Date:** 27 January 2010

**Subject:** Officer Code of Conduct

**Classification:** **Unrestricted**

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**SUMMARY:** This report is brought to Personnel Committee at the request of Cabinet Scrutiny Committee. Personnel Committee is invited to consider whether the Officer Code of Conduct is sufficiently robust in relation to declaration of interests which may be perceived by members of the public as in conflict with their responsibilities. The Committee is invited to consider this in comparison with the member code of conduct.

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1. **BACKGROUND**

The current officers' code was agreed by Personnel Committee in 2008 following a comprehensive review of its content. The Code was drafted in the Personnel and Development Employment Policy team. The Monitoring Officer, together with procurement and audit managers, reviewed and approved the final document which, on their advice, was further amended to clarify and strengthen specific elements, particularly those concerning transparency; relationships with contractors; procurement; sponsorship; gifts and hospitality.

2. **THE CODE OF CONDUCT**

- 2.1 The Officer code of conduct is attached at Appendix 1.
- 2.2 The Code is prefaced with the statement about public expectation of officer integrity which is reflected and reinforced throughout the Code - an expectation at least equivalent to s.10 (1) of the Member Code of Conduct relating to prejudicial interest. The requirement to declare potential and actual conflicts of interest in the name of transparency is also clear throughout as is officers' accountability to the Kent public.
- 2.3 Declared conflicts of interest are held on a centrally-held register which can be accessed by request (e.g., FOI).
- 2.4 As such there is no discrepancy between the Member and Officer Codes, save the language since both compel individuals to heed the public (prejudicial) interest test in their professional or political duties.

3. **RECOMMENDATION**

The Committee is asked to consider whether they wish to instigate a formal review of the officer code of conduct.

**Amanda Beer**  
**Director of Personnel & Development**  
**Ext 4136**

# The Kent Code

## Issued by Personnel & Development

### April 2008



#### Introduction

The public expects the highest standards of conduct and service from all employees of KCC.

This Code lays down guidelines for the conduct of KCC employees which maintain standards and protects employees from misunderstanding or criticism.

It refers to statements and requirements contained within schemes of Conditions of Service, KCC Financial Regulations, Management Handbook and other documents. Copies of these are available through your line manager.

This Code forms part of all KCC employees' conditions of service. It is your responsibility to read and apply the standards set out in this and related documents including professional codes, policies and guidance. Any employee deliberately or knowingly acting outside the standards will be subject to disciplinary action.

#### A. Standards of Service

1. You will provide appropriate advice to Councillors, work colleagues and the public with impartiality.
2. You will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of management any irregularity in the provision of service.
3. In accordance with financial procedures, if an irregularity occurs or is suspected which may involve financial loss, you must report it immediately to the Chief Internal Auditor.
4. As a KCC employee you are expected to behave at all times in a manner that does not discriminate against your colleagues, service users, partners, contractors or members of the public on any grounds.
5. Complaints against KCC should be investigated in accordance with directorate or corporate complaints procedures.

#### B. Harassment

1. Harassment, intimidation, unfair discrimination or victimisation, by or against employees will not be tolerated.
2. You have a duty to ensure the standard of conduct for yourself and for colleagues respects the dignity of others and does not cause offence.

3. You should act in such ways as to avoid all forms of unacceptable behaviour in relation to other employees, clients and customers of KCC.

### **C. Disclosure of Information**

1. Many employees are in a position to obtain information which is highly confidential, politically and/or commercially sensitive, or is personal information protected by the Data Protection Act.
2. You must not use any such information for a personal reason or benefit or pass it on to others who might use it in such a way. This includes information about the work of KCC, its employees or members of the public.
3. Inappropriate disclosure of information or a breach of these rules in any way will render you liable to disciplinary action and could lead to criminal prosecution.
4. In addition, you must not misuse your position by requesting or gaining information unnecessary to carrying out your work.
5. KCC is committed to the highest possible standard of openness, honesty and accountability. If you have any serious concerns about any aspect of KCC's work you should raise your concerns in accordance with the Whistleblowing Procedure

Other sources of guidance and information: Freedom of Information Act: requests from Elected Members

### **D. Political Neutrality**

1. Employees serve the Council as a whole. It follows they must serve **all** elected Members and not just those of the controlling group and must ensure the individual rights of all elected Members are respected.
2. You may be in a post in which you advise political groups. If you do, you must act with political neutrality. Whilst you may have your own political opinions, you must avoid carrying out your duties in a way which reveals your political affiliation.
3. All officers earning above a set salary (aligned to NJC spinal column point 44) and other officers who regularly advise Members are politically restricted by law. Advice on this can be obtained from KCC Secretariat which also holds a list of restricted posts.
4. You must seek legal advice if you wish to stand for election as a Councillor for KCC or any other local authority as it could impact upon your employment. Whilst it is not legally possible to continue to work for KCC if you are elected as a KCC Councillor you may be able to serve public office for other organisations, including other councils. You should obtain advice from the political party for which you are standing to ensure there is no conflict of interest and your political alliance does not compromise your working life.
5. If you are involved in politics in your private time, you must not carry out any political activity which might lead the public to think you are acting in your capacity as a KCC

employee. It is particularly important, if you are a Member with another council, to keep your two roles separate and not use confidential information obtained in one capacity in the other.

## **E. Relationships**

### **1. Elected Members**

Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided.

### **2. The local community and service users**

You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by KCC policies.

### **3. Media**

If you are not authorised to deal with representatives of the media, you should refer any enquiries you receive to your line manager or to a media relations officer.

If you have specific authority to deal with media enquiries, you should only reply to requests for information or questions which relate to the facts of a situation.

If an expression of opinion or official statement of policy is needed, you must speak to your Head of Department.

Every assistance should be given to Members who need information to deal with questions from the media. You should refer to the Communication & Media Centre Manager for further advice if you are unsure of the protocols.

If you speak as a private individual directly to the press, or at a public meeting or other situation where your remarks may be reported to the press, ensure nothing you say might lead the public to think you are acting in your capacity as a KCC employee.

If you ever speak on behalf of a recognised trade union you must make it clear that the views you are expressing are those of the trade union you represent and not KCC's.

### **4. Contractors/Consultants**

All relationships of a business or private nature with internal or external contractors or consultants, or potential contractors or consultants, should be made known to an appropriate senior manager as they have the potential to seriously compromise KCC decisions.

Orders and contracts must be awarded on merit, by fair competition against other tenders. No part of the local community should be discriminated against when considering contracts and tenders.

## **F. Staff Appointments and Other Employment Matters**

1. If you are involved in appointing staff, you must ensure decisions to appoint are made on the basis of merit. It would be unlawful to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post.
2. KCC has a detailed process for the appointment of staff that must be followed scrupulously by all employees involved in appointments at all times.
3. To avoid any possible accusation of bias, you should not be involved in an appointment if you are related to an applicant or have a close personal relationship with them outside work.
4. Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.
5. If your post is exempt from the Rehabilitation of Offenders Act and subject to a CRB Disclosure, you are obliged to tell your manager of any convictions, warnings, cautions, reprimands etc., no matter how minor, you may receive from the Police whilst a KCC employee. All staff are expected to disclose any conviction, warning, caution or reprimand that has the potential to impact on their job.
6. If you line manage staff, you may give an employer's reference on behalf of KCC for a member of staff or an ex-member of staff, unless otherwise informed. You owe a legal duty of care to ensure the reference is based on fact. You are strongly advised to follow the detailed guidelines on employer's references available on KNet.

## **G. Outside Commitments**

1. You must be clear about your contractual obligations and should not take additional or 'outside' employment (paid or unpaid) which conflicts with KCC's interests. Your conditions of service may require you to obtain written consent to take any additional employment inside or outside KCC.
2. Where you are permitted to take outside employment, either within your conditions of service or by way of written consent, no outside work of any sort should be undertaken on KCC premises.
3. Use of facilities such as telephones, computers, etc is forbidden and correspondence and incoming phone calls related to outside work are not allowed.
4. These provisions do not apply to public appointments (e.g. as a magistrate).
5. You may, in a professional capacity whilst undertaking additional or outside work, publish books and articles, give lectures or speak on radio or television and may illustrate these by reference to KCC's activities or policies, but your Managing Director should be consulted before doing so. You must be clear that any views you express are your own and not necessarily those of KCC.
6. You may retain lecturing fees under the following conditions only:

- \* Officers who lecture in their own time for outside bodies may retain the whole of any fee payable.
- \* Officers who are permitted to lecture to outside bodies in KCC's time may retain half of any fee payable.
- \* Fees will not be paid to officers who lecture on any of KCC's internal courses, whether in their own time or not.

## **H. Personal Interests**

1. You must declare annually to an appropriate senior manager any financial and non-financial interests or commitments, which may conflict with KCC's interests. (Appendix 1 – Model Declaration of Interests Form)

Membership of, or activity on behalf of, a recognised trade union or professional society does not constitute such an interest. KCC encourages you to take an active part in the life of your community. This code does not seek to discourage such involvement. If there is any doubt, advice should be sought from the line manager or Legal and Democratic Services.

2. You should declare to an appropriate senior manager, membership of any organisation, lodge, chapter, society, trust or regular gathering or meeting which is not open to members of the public who are not members of that lodge, chapter, society or trust or requires secrecy about its rules, membership or conduct.
3. In addition to the above, you should advise an appropriate senior manager of your membership of any such organisation where in a specific instance such membership constitutes (or can be perceived as) a conflict of interest.
4. A register of financial and non-financial interest is maintained by each Directorate. Personnel & Development maintain a register for senior managers at Managing Director and Director/second tier level who should ensure appropriate entries are made and the nature of any potential or perceived conflict of interest is recorded in the register.
5. KCC Financial Regulations specify that employees who have a direct or indirect financial interest in a contract shall not be supplied with, or given access to, any tender documents, contracts or other information relating to them, without the authority of the Managing Director.
6. Employees must advise a senior manager if they are declared bankrupt or are involved as a Director of a company which is wound up or put into voluntary liquidation if it may impact upon the employee's role and duties. Such information will be treated in the strictest confidence.
7. Intellectual Property Rights are relevant to patents, copyright, database rights, registered and unregistered design rights, trademarks, utility models, plant variety rights and other intellectual property, applications for registration of any of the same, confidential information and know how, whether in all cases registered or unregistered.

Where an employee makes or creates any Intellectual Property Rights that may be of benefit to KCC in the course of their normal duties, their manager should be informed in writing and, unless an alternative agreement is reached

with the managing director, KCC is generally considered the 'owner' so far as the law allows.

## **I. Equality Issues**

You should ensure that policies relating to equality issues as agreed by KCC are complied with, in addition to the requirements of the law. All members of the local community, customers, clients, job applicants and employees have a right to be treated with fairness and equity.

## **J. Separation of Roles during Tendering**

1. If you are involved in the tendering process and dealing with contractors, you must be clear about the separation of client and contractor roles within KCC. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
2. If you have access to confidential information on tenders or costs for either internal or external contractors, you must not disclose that information to any unauthorised party or organisation.
3. You should ensure no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **K. Working With Voluntary And Other Organisations**

KCC encourages working in partnership with voluntary organisations. Where the partnership takes the form of a company, trust or charity, guidelines are given within the Companies' Framework held by Legal & Democratic Services.

## **L. Gifts and Hospitality**

1. You should not accept significant personal gifts from contractors, clients or outside suppliers as this could compromise you personally and KCC. It is a serious criminal offence to receive or give any gift, loan, fee, reward or advantage to anyone in your capacity as a KCC employee. Minor articles, e.g. diaries, calendars, office items and the like, will not be regarded as a gift. If there is any doubt, a gift should be refused.
2. If you receive unsolicited gifts, they must be returned with a polite refusal letter to the sender. You should also inform your manager, so it can be clearly recorded in the Directorate/Service Unit Register of Hospitality/Gifts.
3. You may not accept legacies from clients or others who may have benefited from your services delivered on behalf of KCC. If you are named as a beneficiary, you should immediately inform your manager.
4. You should only accept offers of hospitality if there is a genuine need to impart information or represent KCC in the community and where you are satisfied that any decisions are not and will not be compromised. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where KCC should be seen to be represented. They should be

properly authorised by your line manager and recorded in advance of the event in the Directorate's Hospitality/Gifts Register.

KCC should meet the costs of all visits to reference sites, supplier's premises etc. to avoid jeopardising the integrity of any subsequent decisions.

5. When hospitality has to be refused, the invitation should still be recorded in the Directorate's Register of Hospitality/Gifts.
6. Many supermarkets, petrol stations and high street stores offer loyalty cards for customers as an incentive to purchase from them. There are various types of loyalty cards, which offer a variety of rewards or bonuses, and it is likely you will have at least one of these cards for your personal use. You should not use your personal loyalty cards when purchasing goods or services on behalf of KCC or its clients. The use of such cards may compromise your professional integrity, particularly if the retail outlet or supplier was chosen because they offer you additional reward and not because it provided the greatest benefit and cost effectiveness to KCC or its clients.
7. Likewise, many credit card companies offer loyalty rewards. The use of personal credit cards to purchase goods or services on behalf of KCC or its clients should be avoided unless no other means of expenditure is available.
8. However, should any loyalty rewards be received whilst undertaking KCC business where there is no means of these being transferred to KCC, then they can be regarded as the property of the individual employee, e.g. frequent traveller programmes, hotel loyalty awards, etc.

#### **M. Sponsorship - Giving and Receiving**

1. Where an outside organisation wishes to sponsor a KCC activity, whether by invitation, tender, negotiation or voluntarily or in response to an approach by KCC to potential sponsors, you should:
  - a. refer, at the earliest possible stage, to the Sponsorship Policy & Guidance generally and the section on procurement in particular
  - b. follow the basic conventions concerning the acceptance of gifts or hospitality and record these arrangements in the Directorate's Register of Hospitality & Gifts.
2. Where the value of sponsorship arrangements exceeds the relevant threshold in the Public Contracts Regulations 2006, (the Regulations), or involve payment in kind by the sponsor they must be advertised and tendered in line with the Regulations.
3. Where KCC wishes to sponsor an event or service, neither you nor your partner, spouse, close friend or relative must benefit from such sponsorship. Similarly, where KCC, through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure impartial advice is given and there is no conflict of interest involved.
4. Enquiries about seeking or accepting sponsorship for KCC should be directed to the Kent External Funding Team.

## **N. Health and Safety at Work**

1. You must, by law, take reasonable care for your own health and safety and that of other people who may be affected by anything you do at work. The use of illegal drugs or misuse of other drugs or alcohol to the extent it affects health, work performance, attendance, conduct or relationships at work is not acceptable. (For further information see KCC's Drugs & Alcohol Policy.)
2. KCC has a comprehensive policy on Health and Safety which contains all you need to know about compliance with legislation, standards and KCC procedures in connection with health, safety and welfare at work.

## **O. Equipment and Materials**

1. KCC's telephone, computer systems, other equipment and materials (including headed paper) are the property of KCC and are provided for employees' business purposes and for interaction with the public in the delivery of services.
2. Some personal use of the KCC's electronic communication facilities and devices including phone, internet and email is permitted, provided it is within the scope of KCC's Electronic Communications Use Policy (ECUP) and Responsible User Guidance (RUG).
3. No software can be used unless there is proof of legal registration to KCC under the Copyright, Designs and Patents Act. No personal software may be used on KCC equipment. It is a criminal offence to knowingly use or make unauthorised copies of KCC registered software

## **P. Use of Financial Resources**

1. You must ensure you use public funds entrusted to you in a responsible and lawful manner. They must be fully approved and used for the purpose for which they are intended.
2. You should ensure value for money to the local community and avoid legal challenge to KCC.
3. KCC's Financial Regulations and Anti Fraud & Corruption Statement of Policy must be adhered to at all times.

## **RELATED PROCEDURES, POLICIES, GUIDELINES AND SUPPORT**

**The following can be found in the people management handbook, the 'Blue Book' (Kent Scheme Terms and Conditions of Employment) and on KNet.**

- \* Drugs & Alcohol Policy
- \* Equality & Diversity Policy
- \* Stress Management Policy
- \* KCC's Financial Regulations
- \* Anti-Fraud & Corruption Statement of Policy
- \* Electronic Communications Use Policy (ECUP)
- \* Responsible User Guidance (RUG)

- \* Whistleblowing Policy
- \* Virus Protection Policy
- \* Smoking Policy
- \* Managers' Guidance on Employment References
- \* Health & Safety at Work Policy and Guidance
- \* Health & Safety Framework
- \* Harassment Procedure
- \* Guidance on Foreign Travel
- \* Spending the Council's Money

**Appendix 1  
Annual Declaration of Interest  
Issued by Personnel & Development  
(Model Form)**



I confirm that in carrying out my work on behalf of Kent County Council I am free from any conflict of interest arising either from professional or personal relationships or from pecuniary or other interests, except for the areas listed below:

Interest declared	Management action to prevent conflict of interest

Signed:  
(Employee)

Date:

Print Name:

Directorate:

Signed :  
(Managing Director or  
Delegated Manager)

Date: