

PERSONNEL COMMITTEE

Friday, 12th June, 2015

2.00 pm

Wantsum Room, Sessions House, County Hall,
Maidstone





AGENDA

PERSONNEL COMMITTEE

Friday, 12th June, 2015, at 2.00 pm
Wantsum Room, Sessions House, County
Hall, Maidstone

Ask for: **Denise Fitch**
Telephone **03000 416090**

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (9)

Conservative (5): Mr P B Carter, CBE (Chairman), Mr G Cooke (Vice-Chairman),
Mr J D Simmonds, MBE, Mrs P A V Stockell and Mr B J Sweetland

UKIP (2) Mr L Burgess and Mr M Heale

Labour (1) Ms A Harrison

Liberal Democrat (1): Mrs T Dean, MBE

Please note: that the unrestricted part of this meeting may be filmed by any member of the public or press present.

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

A1 Substitutes

A2 Declarations of Interests by Members in items on the Agenda for this meeting.

A3 Membership

To note that Mr M Heale has replaced Mr N Bond as a member of this Committee.

- A4 Minutes - 30 April 2015 (Pages 5 - 8)
- A5 Discipline & Grievance Activity (Pages 9 - 14)
- A6 Annual Workforce Profile (Pages 15 - 30)
- A7 Protecting the vulnerable - an organisational review of our response to government guidance and lessons learnt elsewhere (Pages 31 - 38)
- A8 Date of Next Meeting - 8 September 2015 - 2.00pm
- A9 Motion to Exclude the Press and Public

RESOLVED that under Section 100A of the Local Government Act 1972 the public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of part 1 of Schedule 12A of the Act.

EXEMPT ITEM

- B1 Interim Director of Highways, Transportation and Waste (Pages 39 - 40)

Peter Sass
Head of Democratic Services
03000 416647

Thursday, 4 June 2015

KENT COUNTY COUNCIL

PERSONNEL COMMITTEE

MINUTES of a meeting of the Personnel Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Thursday, 30 April 2015.

PRESENT: Mr P B Carter, CBE (Chairman), Mr G Cooke (Vice-Chairman), Mr N J Bond, Mrs T Dean, MBE, Ms A Harrison, Mr R A Latchford, OBE (Substitute for Mr L Burgess), Mr J D Simmonds, MBE, Mrs P A V Stockell and Mr B J Sweetland.

IN ATTENDANCE: Mr I Allwright (Employment Policy Manager), Mrs A Beer (Corporate Director Human Resources) and Ms D Fitch (Democratic Services Manager (Council)).

UNRESTRICTED ITEMS

61. URGENT BUSINESS

The Chairman confirmed that, due to the need to change the start time of the meeting, it had not been possible to give the statutory five clear days' notice of this revised start time and therefore he declared the following business of the meeting urgent.

62. Minutes of the meeting held on 28 January 2015 (Item A3)

RESOLVED that the minutes of the meeting held on 28 January 2015 are correctly recorded and that they may be signed as a correct record.

63. Statutory Officer Disciplinary Procedures (Item A4)

(1) Mrs Beer introduced a report which invited the Committee to consider and make recommendations to the County Council in response to the Department for Communities and Local Government's (DCLG) proposal to remove the "Designated Independent Person" (DIP) from the disciplinary process for the Head of Paid Service, Chief Finance Officer and Monitoring Officer, and to reduce legal, financial and reputational risk and cost to the Council of managing statutory officer disciplinary processes.

(2) In relation to the Independent Persons appointed under section 28(7) of the Localism Act 2011, who it was proposed would constitute the Panel, officers undertook to provide Members of the Committee with background information, so that Members could be assured that these Independent Persons were suited to this new role.

(3) Members discussed the arrangements for advice to the Panel and whilst Mrs Beer confirmed that it was appropriate for Personnel advice to be given by a senior KCC Human Resources officer, the Panel may need independent advice in relation to

specific areas of the case. Members were of the view that it should be for the Panel to appoint their own advisor(s) for non-Personnel matters relation to the case.

(4) A Member referred to the lack of an appeals process following a decision by the County Council to dismiss a Statutory Officer. Mrs Beer advised the Committee that there was no higher KCC body that could hear such an appeal and therefore only the recourse for the individual would be to an Employment Tribunal.

(5) RESOLVED that, subject to the Members of the Committee being satisfied that the Independent Persons are suitable for this role, the County Council be requested to approve for inclusion in the Personnel Management Rules provision for the proposed procedures for the Head of Paid Service, Monitoring Officer and Chief Finance Officer as outlined the report, with provision for the Panel to appoint their own advisor(s) for non- Personnel Matters, and that this process be extended to include all statutory roles, including the Director of Children's Services, Director of Adult Social Services and Director of Public Health.

64. Motion to Exclude the Press and Public
(Item A5)

RESOLVED that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of part 1 of Schedule 12A of the Act.

65. Developments and Implications of recent government actions on statutory postholders, organisation design and employment policies
(Item B1)

(1) Mrs Beer introduced a report which focused on the new developments concerning Child Sexual Exploitation (CSE), and the impact these changes would have on KCC in terms of its ability to fulfil its statutory requirements to safeguard vulnerable children and young people. The report also highlighted the need to ensure that both the Head of Paid Service (the Corporate Director of Strategic and Corporate Services) and the Director of Children's Services (the Corporate Director Social Care, Health and Wellbeing) had the necessary authority and support to discharge their statutory responsibilities effectively.

(2) A Member referred to the training to be provided for Members in relation to the Rotherham case, which it had been agreed at the meeting of the Governance and Audit Committee on 29 April 2015.

(3) Members expressed concerns about how they could be assured that other organisations with a role in child protection, such as the health service and non LEA schools, were to be held to account. There was general agreement that the report to the next meeting should address the concerns relating to the accountability of outside bodies and also the suggestion to extend KCC's whistleblowing policy to include staff from these bodies.

- (4) RESOLVED that:
- (a) the amendment to the direct line management reporting arrangements to the Head of Paid Service, as set out in the report, be approved,
 - (b) the Corporate Director Engagement, Organisation Design and Development be requested to prepare a further report, as outlined in section 5.3 of the report and paragraph (3) above, for submission to the next meeting of Personnel Committee and following this a report be submitted to County Council to ensure that all Members were aware of the impact of these changes.

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By: Gary Cooke – Cabinet Member for Corporate & Democratic Services
Amanda Beer - Corporate Director – Engagement, Organisation Design and Development

To: Personnel Committee

Date: 12 June 2015

Subject: Disciplinary & Grievance Activity

Classification: **Unrestricted**

SUMMARY: This report updates Personnel Committee on employee case work activity for the period 2014-15.

1. INTRODUCTION

- 1.1 Personnel Committee has previously received reports on discipline, capability and grievance activity which provided an overview of the distribution of cases. This report updates the Committee on the current figures and their comparison to the previous year.
- 1.2 The figures are provided in the context of there being decreasing levels of HR resource and a greater focus on KCC managers leading performance management successfully. The case team, part of the HR Advisory Team (HRAT), continues to take a lead working with managers to raise standards and their confidence in managing employee relations.

2. CASE ANALYSIS

- 2.1 The greatest volume of cases for the years ending March 2014 and March 2015 are those concerning ill health (Appendix 1). There has been a slight fall of 3% in this type of case over the year. This continuing high number of cases does not reflect greater levels of ill health but is indicative of managers addressing sickness absence at an early stage. Throughout 2014/15 the HRAT Case Team has continued to support and up skill managers to ensure that they can deal with this type of case effectively at the informal stage. This means that these cases are less likely to require recourse to formal procedure.
- 2.2 The number of disciplinary cases is similar to the previous year. The level of grievance and harassment activity in 2014/15 has fallen by 22%. This decrease is indicative of managers resorting to formal procedures less often and attempting to resolve matters without the need for grievance hearings. In February 2015 the Council replaced its grievance and harassment policy and

procedures with a resolution policy. Future updates to Committee will report on the activity associated with this policy and procedure.

- 2.3 The number of Employment Tribunal cases against KCC remains relatively few for an organisation of its size. Of the claims that went to tribunal only 6 were heard by an Employment Judge (two are still outstanding) and KCC was successful in all but one of the cases. This is in no small part attributable to the business focused, risk aware advice given by KCC's HR Advisers in liaison with their Legal Services colleagues.
- 2.4 It is important that the cases discussed in this paper are managed in a timely fashion. This ensures that:
- Procedural timescales are met
 - Employees have a resolution in a suitable timescale, and
 - Managers can begin to move beyond the issues at hand in a timely fashion
- 2.5 Analysis of the length of time it takes to complete each type of case shows that the percentage of capability ill health cases that take over 12 weeks is 49%, which is a decrease of 17% on the previous year. This type of case and the length of time they take are sensitive to the type of condition people are suffering. Therefore the year on year comparison may be affected by the illnesses people have as well as the appropriate management of cases.
- 2.6 There has been a 17% decrease (to 38%) in the percentage of disciplinary cases that take over 12 weeks. The length of time taken is invariably informed by the nature and complexity of cases. The decrease in time taken has been helped by managing delays accordingly that arise due to people becoming ill during the disciplinary process.
- 2.7 The percentage of grievances resolved in less than 4 weeks has fallen slightly by 3% to 42%. The number taking more than 12 weeks has increased by 20% to 35% (or 15 cases). This rise is due to a number of factors including people progressing their grievances through the different stages of the procedure, the level of investigation required and the availability of the aggrieved, due to personal circumstances, to participate in the process.

3. DISMISSAL APPEALS HEARD BY SENIOR OFFICERS

- 3.1 Appeals against dismissal are managed through HR and arranged with the support of the Challenger Group, which has resulted in this task being better distributed across the management population.
- 3.2 3 dismissal appeals were heard by senior officers in 2014/15, which was a reduction of nearly 60% on the number from the previous year. The table below illustrates the distribution between directorates, case type and outcomes.

Directorate	No. of Appeals	Case Type	Outcomes
Social Care, Health & Wellbeing	1	1 conduct	dismissal upheld
Strategic & Corporate Services	2	1 conduct 1 capability	2 dismissals upheld
TOTAL	3		3 dismissals

4. RECOMMENDATIONS

- a) Personnel Committee notes the report of employee relations activity including senior officer appeals hearings.

Ian Allwright
Employment Policy Manager
Ext 4418

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Number of Employee Relations Cases

April 2012 – March 2013

	Total
Appeals	27
Appeals (Dismissal)	13
Capability – Ill Health	414
Capability – Other	4
Capability – Poor Performance	88
Disciplinary	210
Grievance	59
Harassment	16
Employment Tribunal	17
Grand Total	848

April 2013 – March 2014

	Total
Appeals	22
Appeals (Dismissal)	8
Capability – Ill Health	287
Capability – Other	3
Capability – Poor Performance	87
Disciplinary	147
Grievance	56
Harassment	17
Employment Tribunal	17
Grand Total	644

April 2014 – March 2015

	Total
Appeals	22
Appeals (Dismissal)	8
Capability – Ill Health	278
Capability – Other	5
Capability – Poor Performance	63
Disciplinary	149
Grievance	46
Harassment	11
Employment Tribunal	15
Grand Total	597

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Annual Workforce Profile Report

By: Gary Cooke - Cabinet Member for Corporate & Democratic Services
Amanda Beer – Corporate Director Engagement, Organisation Design & Development

To: Personnel Committee

Date: June 2015

Subject: Annual Workforce Profile Report

Classification: Unrestricted

Summary

This report provides information on the staffing levels in the various sectors of the Authority's workforce, together with comparative information from recent years. The report also provides information on the diversity and demographics of the current workforce including breakdowns of staff by each of the diversity strands.

Within the report most comparators are from the end of the previous financial year, with the exception of the new Directorates where the comparators are from the beginning of the 2014-15 financial year.

Headlines

1. The Non-schools workforce

- The staffing level has fallen by almost 190 FTE over the year
- Rolling turnover has increased over the year, to 15.5% (excludes Casual Relief, Sessional & Supply staff (CRSS))
- Sickness has risen slightly, to 7.18 days lost per FTE

2. KCC's workforce – all staff including schools

- A reduction of approximately 850 FTE over the year, to 20,915.9 FTE
- 70.5% of contracts are 'Permanent'
- 73.9% of posts graded KR1-6

3. The Directorates (April 2014 to 31 March 2015)

- The staffing levels reduced in all directorates, with the greatest percentage change in GET, where there was a reduction in FTE of around 4%
- The proportion of Permanent contracts varies from 62.0% in EYPS to 86.9% in ST

4. The Schools workforce (Maintained schools only)

- The FTE of staff in schools buying HR Services from KCC has reduced by 664 this year to 12,943.3. The Schools Workforce Census indicates that as at November 2014 the Kent Schools workforce was 14,294.29 FTE
- Between the 2013 and 2014 School Workforce Census dates the number of maintained schools fell by 45 and of these, 38 schools adopted academy status (23 Primary and 15 Secondary)

2. The Non-schools workforce

2.1. Introduction

This section contains information about the Non-schools workforce as at 31 March 2015 with comparative figures for the previous year shown in brackets.

Performance indicators are calculated for this sector every month, including a set of statistics that relates specifically to staff within the Leadership Group, defined as those on KR13 or above, and certain groups of staff with a minimum salary of £49,612.

2.2. Staffing levels

Staffing levels fell gradually through the first part of the year before rising slightly in the final quarter to 7,972.6 FTE at the year end. This is around 189 FTE lower than end of the last financial year. (8,161.9 FTE at 31 Mar 2014).

Appendix 1 shows the full breakdown of staffing levels over recent years, by FTE, headcount and contract count.

2.3. Contract types

74.6% of staff are now on permanent contracts (73.9% at 31 Mar 2014) and the proportion of staff on Casual Relief Seasonal and Supply (CRSS) contracts has gradually increased this year and now stands at 19.1% (18.7% at 31 Mar 2014).

In March 2015 there were 2,228 zero hours contracts within the non-schools sector. Zero hours contracts represent 19.1% of all contracts in the Non-schools sector of the Authority in March 2015 and approximately one quarter of those on zero hours contracts had another role within the Authority, with contracted hours.

An ONS release in February 2015 entitled 'Contracts with no guaranteed hours' indicated that for October 2014 to December 2014, around 2.3% of all people in employment had a zero hours contract as their main employment.

Appendix 2 shows the full breakdown by contract types over recent years

2.4. Agency staff

KCC employs agency staff for the non-schools sector, recruited primarily through Connect 2 Staff, part of Commercial Services Trading Ltd, a company wholly-owned by Kent County Council.

2.4.1. Agency staff numbers

As at March 2015, there were 675 agency staff (713 at 31 Mar 2014) employed in Non-schools, covering a variety of different positions, but particularly Administration and Social Work roles. Year on year comparisons show the number of agency staff falling slightly over the past two years.

2.4.2. Agency staff costs

The interim out-turn spend* on agency staff in 2014-15 was £27,812,830, which equated to approximately 8.2% of the £33.8 million paybill for the year. (Final figures for 2013/14 were a paybill of £31.9 million with agency staff costs accounting for 9.18% of this).

The count of agency staff and the cost as a percentage of the paybill have both fallen since last year.
(*figure to be finalised)

Appendix 7 shows number and spend on agency staff over recent years

2.5. Vacancies

As at 31 March 2015 action was being taken to fill 123.1 FTE vacancies in the Non-schools sector.

2. The Non-Schools workforce

2.6. Staff by salary band

Around 43.1% of staff are in the salary band KR6 or below, with a maximum full-time salary of £20,877 (43.7% at 31 Mar 2014). 75.7% of staff are on grades KR9 or below, earning a maximum salary of £31,135 (75.5% at 31 Mar 2014). The proportion of staff on grades KR14 and above has remained constant, at around 2%.

In February 2015, the Government introduced a revised version of the Local Government Transparency Code. Under this code the Authority must publish information on employees whose salary exceeds £50,000 and an organisation chart that covers employees in the top three levels of the organisation, including salary and job information for each employee. KCC will publish this information on kent.gov.uk.

Appendix 4 shows the Non-schools workforce by salary band

2.7. Rolling turnover (excludes CRSS staff)

Rolling turnover showed a gradual increase in virtually every month during 2014-15, reaching a rate of 15.5% in March 2015 (12.1% at 31 Mar 2014).

A survey conducted by Expert HR that focussed on turnover rates for 2013 showed the average labour turnover rate for the public sector to be 11.4% (based on the 17 public sector employers who responded to the survey question).

Appendix 8 shows the rolling turnover for the Non-schools workforce

2.8. Reasons for leaving

Analysis of 'reasons' for leaving shows that the primary reason was 'Resignation – New employment' followed by 'Resignation – Other' and 'Retirement - Normal'. In line with the request at the previous Personnel Committee in November 2014, detailed analysis of reasons for leaving is provided at Appendix 9.

2.9. Redundancies

During 2014-15 there were 221 redundancies (74 in 2013-14). Redundancy payments for the year 2014-15 totalled £3,058,932* (£823,729 in 2013-14), indicating an average redundancy payment of £13,841 (£11,131 in 2013-14)*.

** This is an estimated figure as the date of leaving due to redundancy and the redundancy payment may not occur in the same year.*

2.10. Sickness performance indicator

The sickness performance indicator calculates the working days lost per FTE and in 2014-15 this figures was 7.18 days per FTE (6.84 in 2013-14), indicating an end to the downward trend in sickness levels that has been witnessed in recent years.

The 'Absence Management Survey 2014', conducted by the CIPD, in partnership with Simply Health, found the absence rate for staff in Local Government to be 8.0 days per employee per year. The survey also found that 'absence levels tend to increase with organisation size' and the absence rate for organisation with 5,000+ staff was 10.1 days per employee per annum. Although slightly higher than last year, the sickness rate for the Non-schools workforce compares favourably with these.

Appendix 6 shows more detailed analysis of sickness levels in the Non-schools workforce

2.11. Primary reasons for sickness absence (by calendar days lost)

Reasons for sickness absence remain fairly consistent with previous years with the most calendar days lost being due to 'Musculoskeletal', then 'Mental Health', followed by 'Gastro Intestinal' and 'Stress – Not Mental Health'.

The Absence Management Survey 2014 (conducted by the CIPD in partnership with SimplyHealth) found that: 'minor illness remains the most common cause of short-term absence, followed by musculoskeletal injuries back pain and stress'.

2. The Non-Schools workforce (to March 2015)

Within the Non-schools sector, sickness due to 'muscoskeletal' problems account for 23% of days lost, the same proportion as in 2013/14.

The Absence Management Survey 2014 notes that: 'across all sectors, organisations that have made redundancies in the previous six months are considerably more likely to include stress among their most common causes of short-term absence'.

Appendix 6 shows further information on sickness levels over recent years.

2.12. Equality

A breakdown of KCC non-schools staff by equality strand is shown below with March 2013 figures in brackets.

The percentage of females has remained relatively static at 77.1% (76.8% in March 2014) and the proportion of females in the leadership group has increased to 57.6% (53.8% in March 2014).

The percentage of BME staff has risen slightly this year, to 6.1% (5.7% in March 2014). The proportion of BME staff in the Leadership group is quite similar, at 6.4% (5.3% in March 2014).

Disabled staff make up 3.9% of staff in the non-schools sector (4.2% in March 2014) and 3.6% of those in the Leadership group (3.8% in March 2014).

In each of the diversity strands, the level of representation in the Leadership group is similar to the level of representation in the wider workforce, with the exception of the proportion of females, where the difference is distinctly lower.

Full details of the breakdown of the non-schools sector by diversity strand can be found at Appendix 3

2.13. Equality in recruitment

KCC continues to attract people from across the Protected Characteristics. However, the proportion of people applying from particular groups does not always correspond to the proportion of those being appointed. For example 5.8% of people shortlisted were disabled, 2.3% of the people recruited were. Similarly 13.4% of applicants shortlisted were from BME groups whereas only 9.1% of those recruited were.

Detailed recruitment information can be found at Appendix 5.

2.14. Age profile

2.1.1. Average age

In March 2015 the average age was 45.1, slightly lower than the March 2014 figure of 45.3.

2.1.2. Age performance indicators (excludes CRSS staff)

The proportion of staff aged 30 or under has increased over the year, now standing at 16.2% (15.3% in March 2014). Not unexpectedly, the percentage of those aged 50 or over is higher in the Leadership Group (54.4%) than in the Non-Schools sector as a whole (39.9%).

Full age performance indicators results are shown at Appendix 3

2.15. Apprentices

As at 31 March 2015, there were 100 members of staff on apprentice grades in the non-schools sector, a rise on the March 2014 figure of 90 apprentices.

2.16. Spans and layers

The Non-schools workforce had a structure with 9 layers as at 31 March 2015, with managers having an average span of 5.4 FTE. Within the structure were 177 one-to-one reports.

3. Directorate details

3.1. Introduction

This section contains key staffing information about the workforce in each of the Directorate as at 31 March 2015. Performance Indicators are calculated for this sector on a monthly basis and include a set of statistics relating to staff within the Leadership Group of each Directorate. There is no year-on-year trend information available for the Directorates as they have only been in effect since 1 April 2014.

3.2. March 2014 staffing levels

Staffing levels decreased slightly in all Directorates over the course of the year, with the greatest percentage change in GET, where there was a reduction in FTE of around 4%. EYPS saw the lowest degree of change, with a reduction in FTE of approximately 0.4%.

Appendix 1 shows staffing levels by Directorate as at March 2015

3.3. Contract types

The breakdown of contract types differs significantly by Directorate, with the proportion of Permanent contracts varying from 62.0% in EYPS to 86.9% in ST. ST has the highest proportion of temporary contracts (6.4%) and ST also has the highest proportion of fixed-term contracts (5.0%). EYPS and GET both have over 30% of CRSS contracts, whereas the proportion of CRSS contracts in SC and ST is much lower at 11.2% and 1.8% respectively. The CRSS roles in EYPS include Tutors, Youth support workers, Instructors and Invigilators. Within GET, they include Celebratory officers, Customer support assistants, Cycle instructors and Road crossing patrol staff.

Appendix 2 shows full details of the breakdown by contract types

3.4. Agency staff

As at 31 March 2015, there were agency staff working in all of the Directorates. The numbers varied from 94 in ST to 283 in SC. Within SC agency staff were employed to cover roles in Social Work, Administration and Interpretation.

Appendix 7 shows more detailed information on agency staff by Directorate

3.5. Age performance indicators

ST has the highest proportion of staff aged 25 and under, at 13.4%. When the group of younger staff is extended to take into account staff aged 30 or over the figure in ST rises to 24.6%.

Staff aged 50 or over account for 46.2% of those in GET, but only 28.0% in ST. All Directorates employ staff aged 65 or over, but GET has the highest percentage, at 3.8% and ST has the lowest, at 1.0%.

3.6. Sickness performance indicators

Once again, the sickness rates varied noticeably between Directorates, from the lowest in GET, at 5.3 days lost per FTE, to 8.8 days lost per FTE in SC.

Appendix 6 provides detailed information on sickness levels

3.7. Staff by salary band

Distribution across the salary bands varies considerably between the Directorates. The proportion of contracts at KR6 & below varies from 28.2% in ST to 54.7% in GET. ST has the highest proportion of staff on more highly graded contracts (KR14 & above), at 4.0%.

Appendix 4 shows detailed information on staff by salary band.

3.8. Turnover (excluding CRSS staff)

Turnover levels for the year are more than 12% in all Directorates, but vary significantly. The turnover rate is lowest in GET (12.6%), increasing to 14.3% in SC and 17.1% in ST, with EYPS having the highest turnover at 19.0%.

4. Directorate details

3.9. Equality

The performance indicators show considerable differences in demographics across the Directorates.

The percentage of females is highest in SC, at 85.7% and lowest in GET at 61.3%. The figures for the Leadership population range from 33.9% in GET to 74.3% in SC.

The percentage of BME staff varies from 3.2% in GET to 7.6% in SC. Within the Leadership groups, the figures range from 4.5% in EYPS to 10.2% in GET.

Disabled staff make up around 4% of the workforce in all of the Directorates, but the proportion in the Leadership groups varies from 0.0% in GET to 6.1% in ST.

Full details of the breakdown of the non-schools sector by diversity strand can be found at Appendix 3

5. Schools

5.1. Introduction

This section of the paper contains information about staff in KCC maintained schools, this includes Community, Voluntary Controlled, Foundation and Voluntary Aided schools. The information included in this report relates primarily to schools that buy HR services from KCC (and have information about their staff stored on Oracle HR). Where data sources other than Oracle HR have been used, this is indicated in the report.

5.2. Current staffing levels (Maintained schools that purchase HR services from KCC)

The decline in the number of staff in schools continued over the year, with a reduction of over 664 FTE to 12,943.3 FTE since 31 March 2014. The headcount in schools fell by 1,417. If CRSS staff are excluded from the headcount figures, the difference over the year is 1,261.

Appendix 1 shows staffing numbers in schools over recent years

5.3. The Schools Workforce Census

The annual census of all Local Authority schools, the Schools Workforce Census (SWC) took place on 6th November 2014 and showed that there were 422 schools in Kent, comprising of 369 Primary schools, 30 Secondary schools and 23 Special schools.

Between the November 2013 and the November 2014 SWC, 38 schools left KCC to adopt Academy status and of these 15 were Secondary and 23 were Primary schools. A further change in this period was the creation two new Primary schools, resulting from the amalgamation of two Infant and two Junior schools.

During the period 1 September 2013 to 31 August 2014, a total 77,693 days were lost due to sickness by school based staff, and approximately 33,450 of these were taken by teaching staff.

**Notes:*

Source = Schools Workforce Census November 2014

The collection of absence details is not mandatory for non-teaching staff

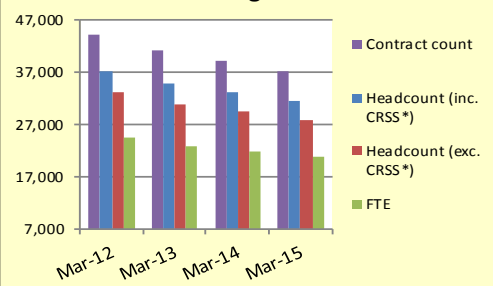
Absence data is included for staff employed during the year, but whose contract expired before the census date.

APPENDIX 1 - STAFFING LEVELS

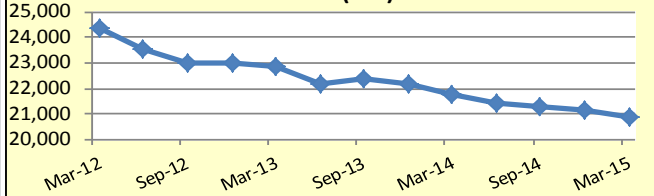
KCC's workforce: Staffing levels

	Mar-12	Mar-13	Mar-14	Mar-15	Change (to 1 d.p.) Mar-14 to Mar-15	
					Change	%
Contract count	44,226	41,201	39,194	37,285	-1,909	-4.9%
Headcount (inc. CRSS*)	37,399	34,952	33,095	31,437	-1,658	-5.0%
Headcount (exc. CRSS*)	33,274	30,993	29,456	27,933	-1,523	-5.2%
FTE	24,389.6	22,848.2	21,769.8	20,915.9	-853.9	-3.9%

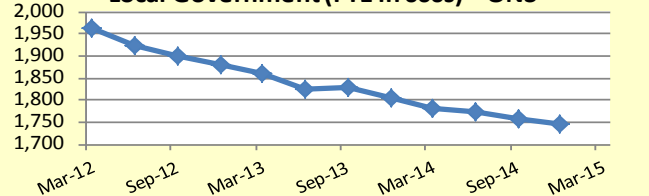
KCC's staffing levels



KCC (FTE)



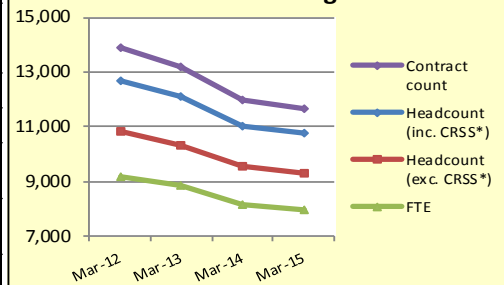
Local Government (FTE in 000s) - ONS



The Non-schools workforce: Staffing levels

	Mar-12	Mar-13	Mar-14	Mar-15	Change (to 1 d.p.) Mar-14 to Mar-15	
					FTE	%
Contract count	13,901	13,172	11,995	11,667	-328	-2.7%
Headcount (inc. CRSS*)	12,652	12,114	11,061	10,785	-276	-2.5%
Headcount (exc. CRSS*)	10,865	10,360	9,574	9,296	-278	-2.9%
FTE	9,186.6	8,874.7	8,161.9	7,972.6	-189.3	-2.3%

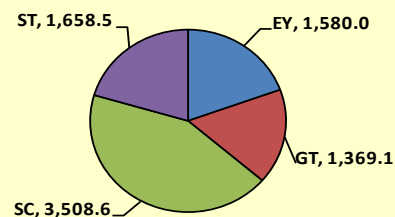
Non-schools staffing levels



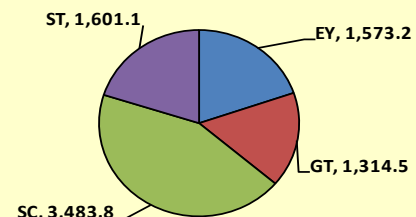
The Directorates: Staffing Levels

Directorate	Contract count		Headcount (inc CRSS)		Headcount (exc CRSS)		FTE		
	01-Apr-14	31-Mar-15	01-Apr-14	31-Mar-15	01-Apr-14	31-Mar-15	01-Apr-14	31-Mar-15	Change in year
EY	2,971	2,903	2,734	2,678	1,927	1,903	1,580.0	1,573.2	-6.8
GT	2,366	2,370	2,175	2,163	1,698	1,626	1,369.1	1,314.5	-54.6
SC	4,738	4,638	4,334	4,256	4,109	4,056	3,508.6	3,483.8	-24.8
ST	1,829	1,756	1,817	1,746	1,794	1,720	1,658.5	1,601.1	-57.4

Directorate FTE Levels - April 2014



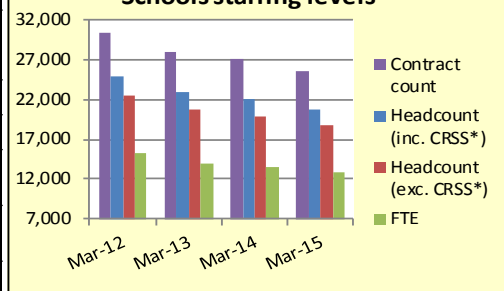
Directorate FTE Levels - March 2015



The Schools workforce: Staffing levels

	Mar-12	Mar-13	Mar-14	Mar-15	Change (to 1 d.p.) Mar-14 to Mar-15	
					FTE	%
Contract count	30,325	28,029	27,199	25,618	-1,581	-5.8%
Headcount (inc. CRSS*)	24,932	22,966	22,135	20,718	-1,417	-6.4%
Headcount (exc. CRSS*)	22,487	20,688	19,928	18,667	-1,261	-6.3%
FTE	15,203.0	13,973.6	13,607.9	12,943.3	-664.6	-4.9%

Schools staffing levels



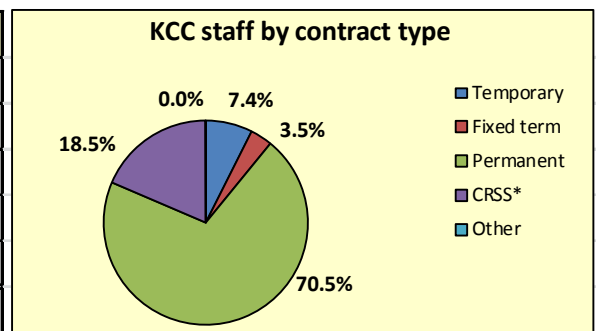
*CRSS = Casual Relief, Sessional and Supply staff

Source: Oracle HR C07 reports

APPENDIX 2 - CONTRACT TYPES

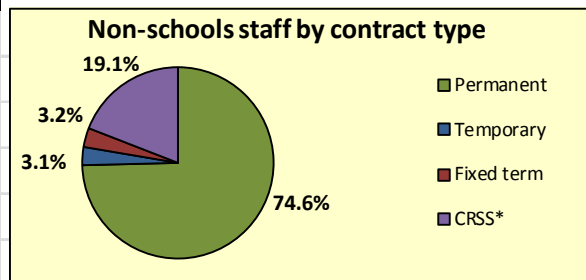
KCC's workforce: Staff by contract type (grouped)

	Mar-14		Mar-15	
Temporary	3,102	7.9%	2,764	7.4%
Fixed term	1,248	3.2%	1,300	3.5%
Permanent	27,715	70.7%	26,300	70.5%
CRSS*	7,105	18.1%	6,904	18.5%
Other	24	0.1%	17	0.0%
	39,194	100%	37,285	100%



*CRSS = Casual Relief, Seasonal & Supply

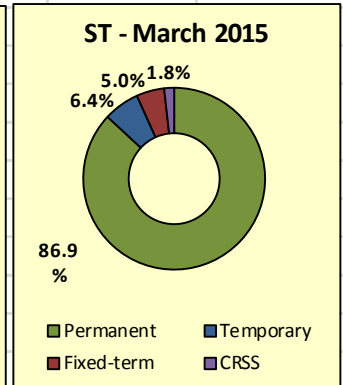
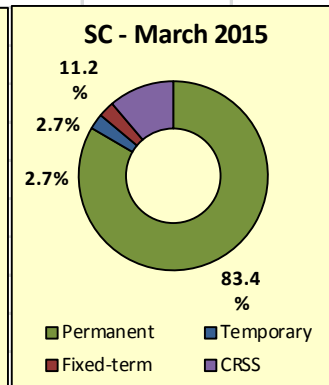
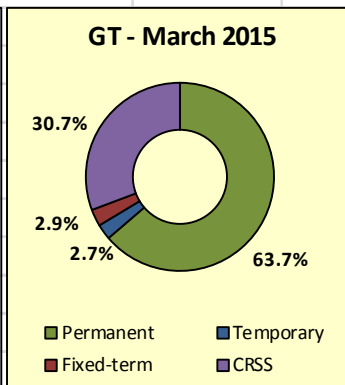
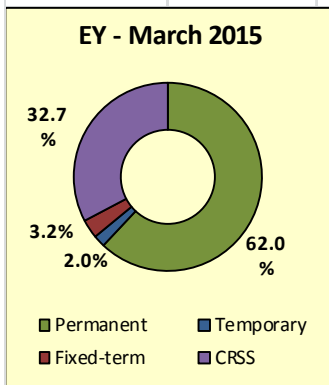
The Non-schools workforce: Staff by contract type (grouped)



	Apr-14		Mar-15	
Permanent	8,891	74.7%	8,705	74.6%
Temporary	376	3.2%	357	3.1%
Fixed term	408	3.4%	377	3.2%
CRSS*	2,232	18.7%	2,228	19.1%
	11,907	100%	11,667	100%

The Directorates: Staff by contract type (grouped)

Directorate	Permanent		Temporary		Fixed-term		CRSS	
	01-Apr-14	31-Mar-15	01-Apr-14	31-Mar-15	01-Apr-14	31-Mar-15	01-Apr-14	31-Mar-15
EY	57.3%	62.0%	3.2%	2.0%	6.2%	3.2%	33.4%	32.7%
GT	68.3%	63.7%	1.8%	2.7%	2.7%	2.9%	27.3%	30.7%
SC	83.1%	83.4%	2.9%	2.7%	2.1%	2.7%	11.9%	11.2%
ST	89.4%	86.9%	5.5%	6.4%	3.4%	5.0%	1.6%	1.8%



APPENDIX 3 - EQUALITIES

The Non-schools workforce: Equalities Performance Indicators

	Non-School based staff		Leadership Group	
	(Exclusions: CRSS and Schools)		(Exclusions: CRSS and Schools)	
	Apr-14	Mar-15	Apr-14	Mar-15
% Females	76.7%	77.1%	52.6%	57.6%
% BME	5.7%	6.1%	5.6%	6.4%
% Considered Disabled	4.2%	3.9%	4.1%	3.6%
% Faith	66.5%	64.9%	67.9%	65.8%
% LGB	2.3%	2.4%	1.6%	2.3%
% aged 25 and under	6.9%	7.7%		
% aged 30 and under	15.3%	16.2%	1.0%	1.2%
% aged 50 and over	40.3%	39.9%	54.9%	54.4%
% aged 65 and over	2.1%	2.3%	1.4%	2.1%

The Directorates: Equalities Performance Indicators (March 2015)

	% Females	%BME	% Considered Disabled	% LGB	% Faith
EY	82.0%	4.8%	4.2%	1.9%	65.7%
GT	61.3%	3.2%	3.9%	1.9%	65.0%
SC	85.7%	7.6%	3.8%	2.9%	66.9%
ST	66.2%	6.3%	3.7%	2.4%	58.9%

The Directorates: Equalities Performance Indicators - Leadership group (March 2015)

	% Females	%BME	% Considered Disabled	% LGB	% Faith
EY	51.0%	4.5%	2.3%	6.9%	57.1%
GT	33.9%	10.2%	0.0%	0.0%	73.2%
SC	74.3%	5.3%	3.2%	1.4%	60.6%
ST	56.9%	6.3%	6.1%	2.6%	69.6%

The Directorates: Age Performance Indicators (March 2015)

	% aged 25 and under	% aged 30 and under	% aged 50 and over	% aged 65 and over
EY	7.6%	15.4%	39.0%	1.7%
GT	6.0%	13.0%	46.2%	3.8%
SC	6.1%	14.3%	42.7%	2.5%
ST	13.4%	24.6%	28.0%	1.0%

The Directorates: Age Performance Indicators - Leadership group (March 2015)

	% aged 30 and under	% aged 50 and over	% aged 65 and over
EY	2.0%	62.7%	4.0%
GT	1.8%	53.6%	2.7%
SC	1.0%	61.0%	3.7%
ST	0.8%	46.2%	0.0%

Notes:

1) Leadership Group = staff on KR13 or above and certain groups of staff with a minimum salary of £49,612

2) Exclusions: CRSS and Schools

APPENDIX 4 - SALARIES

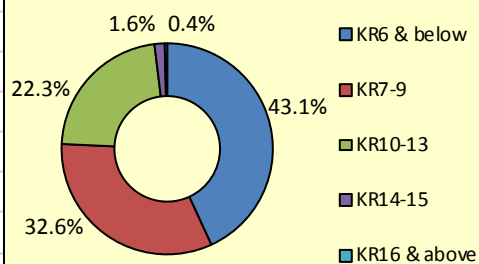
KCC's Workforce: Staff by salary band (All KCC staff on Kent Range grades)

KR equivalent	Mar-12		Mar-13		Mar-14		Mar-15	
	Count	%	Count	%	Count	%	Count	%
KR 6 and below	19,312	75.6%	18,029	74.6%	17,475	74.6%	16,594	73.9%
KR 7-9	3,875	15.2%	3,814	15.8%	3,598	15.4%	3,559	15.9%
KR 10-13	2,177	8.5%	2,150	8.9%	2,174	9.3%	2,120	9.4%
KR 14-15	138	0.5%	140	0.6%	142	0.6%	142	0.6%
KR 16+	44	0.2%	41	0.2%	38	0.2%	33	0.1%
	25,546	100.0%	24,174	100.0%	23,427	100.0%	22,448	100.0%

The Non-Schools workforce: Staff by salary band (all staff on Kent Range grades)

Grade	Apr-14		Mar-15	
	Count	%	Count	%
KR6 & below	3,978	44.2%	3,814	43.1%
KR7-9	2,834	31.5%	2,881	32.6%
KR10-13	2,014	22.4%	1,974	22.3%
KR14-15	132	1.5%	138	1.6%
KR16 & above	38	0.4%	33	0.4%
	8,996	100.0%	8,840	100.0%

The Non-schools workforce: March 2015 Staff by salary band



The Directorates: Staff by salary band (all staff on Kent Range grades)

	EY		GT		SC		ST	
	Apr-14	Mar-15	Apr-14	Mar-15	Apr-14	Mar-15	Apr-14	Mar-15
KR6 & below	38.0%	39.4%	56.8%	54.7%	46.9%	46.2%	31.4%	28.2%
KR7-9	41.4%	41.9%	25.8%	27.2%	31.0%	31.6%	29.8%	31.9%
KR10-13	18.8%	16.8%	16.1%	16.7%	20.9%	20.9%	34.6%	35.8%
KR14-15	1.4%	1.7%	1.0%	0.9%	1.0%	1.2%	2.9%	3.0%
KR16 & above	0.4%	0.2%	0.3%	0.5%	0.1%	0.1%	1.2%	1.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Notes: Based on staff with 'KR' in grade name (excluding CRSS staff)

APPENDIX 5 - RECRUITMENT

The Non-schools workforce: Recruitment by diversity strand

Disability summary

Breakdown of applicants at each stage	2014-15 (Year)						2013/14					
	Applied		Shortlisted		Hired		Applied		Shortlisted		Hired	
	Count	%	Count	As % of shortlisted	Count	As % of those hired	Count	%	Count	As % of shortlisted	Count	As % of those hired
Disabled = Yes	920	5.0%	294	5.8%	19	2.3%	1,131	4.4%	228	5.6%	22	3.9%
Disabled = No	17,335	95.0%	4,744	94.2%	808	97.7%	24,773	95.6%	3,879	94.4%	546	96.1%
<i>Total excluding 'Choose not to declare'</i>	18,255	100.0%	5,038	100.0%	827	100.0%	25,904	100.0%	4,107	100.0%	568	100.0%
Chose not to declare	177		54		24		35		17		7	
<i>Total including 'Choose not to declare'</i>	18,432		5,092		851		25,939		4,124		575	

BME summary

Breakdown of applicants at each stage	2014-15 (Year)						2013/14					
	Applied		Shortlisted		Hired		Applied		Shortlisted		Hired	
	Count	%	Count	As % of shortlisted	Count	As % of those hired	Count	%	Count	As % of shortlisted	Count	As % of those hired
BME = Yes	2,913	16.8%	647	13.4%	73	9.1%	4,470	17.2%	608	14.8%	48	8.4%
BME = No	14,404	83.2%	4,174	86.6%	727	90.9%	21,501	82.8%	3,511	85.2%	523	91.6%
<i>Total excluding 'Chose not to declare'</i>	17,317	100.0%	4,821	100.0%	800	100.0%	25,971	100.0%	4,119	100.0%	571	100.0%
Chose not to declare	1,180		282		52		313		66		11	
<i>Total including 'Choose not to declare'</i>	18,497		5,103		852		26,284		4,185		582	

Gender summary

Breakdown of applicants at each stage	2014-15 (Year)						2013/14					
	Applied		Shortlisted		Hired		Applied		Shortlisted		Hired	
	Count	%	Count	As % of shortlisted	Count	As % of those hired	Count	%	Count	As % of shortlisted	Count	As % of those hired
Female	12,411	67.5%	3,720	73.3%	641	75.9%	18,109	69.4%	3,012	72.7%	434	75.9%
Male	5,989	32.5%	1,352	26.7%	204	24.1%	7,988	30.6%	1,129	27.3%	138	24.1%
<i>Total excluding 'Choose not to declare'</i>	18,400	100.0%	5,072	100.0%	845	100.0%	26,097	100.0%	4,141	100.0%	572	100.0%
Chose not to declare	97		31		7		187		44		10	
<i>Total including 'Choose not to declare'</i>	18,497		5,103		852		26,284		4,185		582	

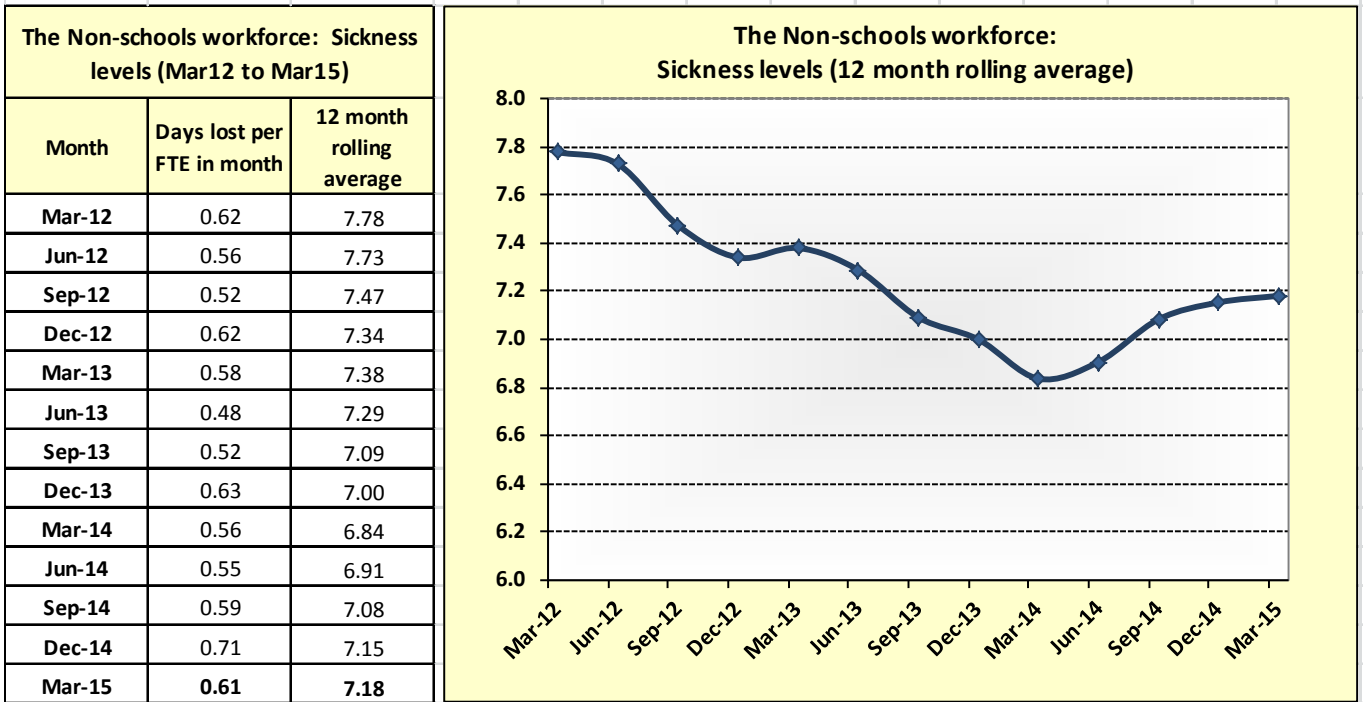
APPENDIX 5 - RECRUITMENT

Religion/Belief summary												
Breakdown of applicants at each stage	2014-15 (Year)						2013/14					
	Applied		Shortlisted		Hired		Applied		Shortlisted		Hired	
	Count	%	Count	As % of shortlisted	Count	As % of those hired	Count	%	Count	As % of shortlisted	Count	As % of those hired
Religion/Belief = Yes	9,696	55.7%	2,736	57.4%	428	53.6%	14,703	58.8%	2,396	61.0%	326	60.9%
Religion/Belief = No	7,714	44.3%	2,029	42.6%	370	46.4%	10,300	41.2%	1,532	39.0%	209	39.1%
Total excluding 'Choose not to declare'	17,410	100.0%	4,765	100.0%	798	100.0%	25,003	100.0%	3,928	100.0%	535	100.0%
Chose not to declare	1,087		338		54		1,281		257		47	
Total including 'Choose not to declare'	18,497		5,103		852		26,284		4,185		582	

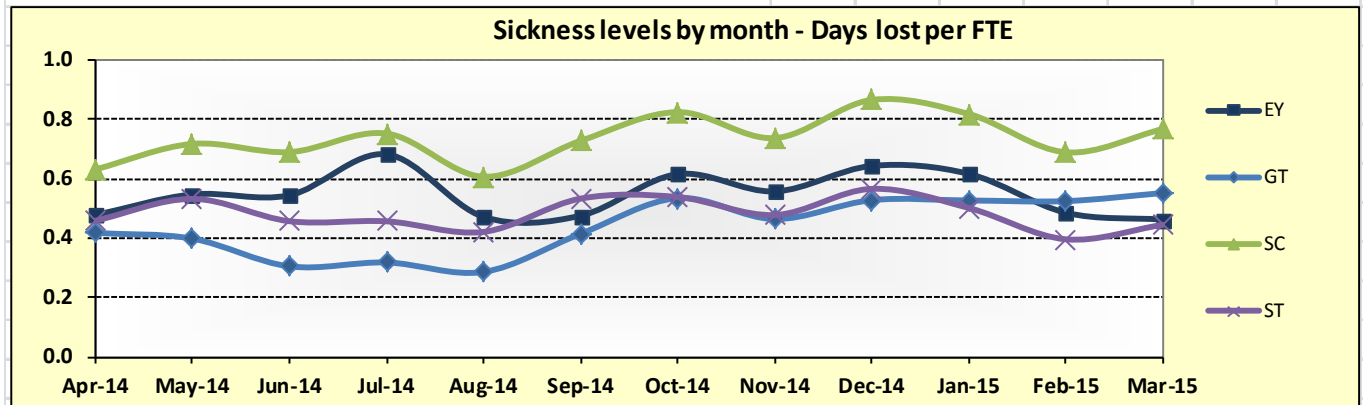
Sexual orientation summary												
Breakdown of applicants at each stage	2014-15 (Year)						2013/14					
	Applied		Shortlisted		Hired		Applied		Shortlisted		Hired	
	Count	%	Count	As % of shortlisted	Count	As % of those hired	Count	%	Count	As % of shortlisted	Count	As % of those hired
Heterosexual = Yes	16,618	97.0%	4,569	97.3%	772	97.0%	24,056	98.3%	3,816	98.0%	528	98.1%
Heterosexual = No	517	3.0%	128	2.7%	24	3.0%	410	1.7%	77	2.0%	10	1.9%
Total excluding 'Choose not to declare'	17,135	100.0%	4,697	100.0%	796	100.0%	24,466	100.0%	3,893	100.0%	538	100.0%
Chose not to declare	1,362		406		56		1,818		292		44	
Total including 'Choose not to declare'	18,497		5,103		852		26,284		4,185		582	

Age summary												
Breakdown of applicants at each stage	2014-15 (Year)						2013/14					
	Applicants		Shortlisted		Hired		Applied		Shortlisted		Hired	
	Count	%	Count	As % of shortlisted	Count	As % of those hired	Count	%	Count	As % of shortlisted	Count	As % of those hired
Up to 19	886	4.9%	260	5.2%	44	5.3%	1,380	5.3%	186	4.5%	33	5.8%
20 - 25	5,184	28.4%	990	19.7%	163	19.5%	6,443	24.8%	720	17.4%	96	16.8%
26 - 35	4,789	26.2%	1,150	22.9%	210	25.1%	6,294	24.2%	1,015	24.6%	142	24.8%
36 - 45	3,447	18.9%	1,119	22.3%	188	22.5%	5,617	21.6%	1,019	24.7%	118	20.6%
46 - 55	2,933	16.1%	1,138	22.7%	179	21.4%	4,888	18.8%	896	21.7%	135	23.6%
56 - 65	994	5.4%	349	7.0%	50	6.0%	1,352	5.2%	279	6.8%	47	8.2%
over 65	16	0.1%	11	0.2%	2	0.2%	41	0.2%	13	0.3%	2	0.3%
Total excluding 'Choose not to declare'	18,249	100.0%	5,017	100.0%	836	100.0%	26,015	100.0%	4,128	100.0%	573	100.0%
Chose not to declare	248		86		16		269		57		9	
Total including 'Choose not to declare'	18,497		5,103		852		26,284		4,185		582	

APPENDIX 6 - SICKNESS



Directorate	Days lost per FTE												
	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	YTD
EY	0.48	0.55	0.55	0.68	0.47	0.48	0.62	0.56	0.64	0.62	0.49	0.46	6.58
GT	0.42	0.40	0.31	0.32	0.29	0.42	0.54	0.47	0.53	0.53	0.53	0.55	5.27
SC	0.63	0.72	0.69	0.75	0.61	0.73	0.83	0.74	0.87	0.82	0.69	0.77	8.84
ST	0.46	0.53	0.46	0.46	0.42	0.53	0.54	0.48	0.57	0.50	0.40	0.45	5.79



CRSS staff sickness is included within the figures in the above tables

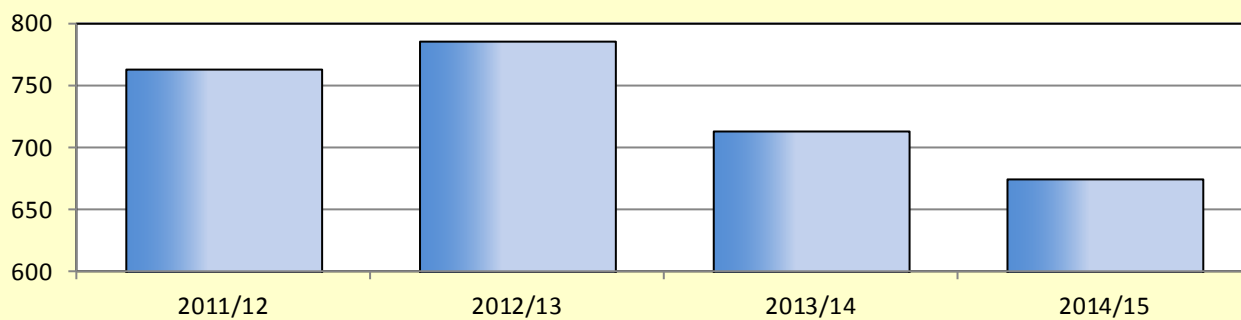
Source: Oracle HR C03 reports

APPENDIX 7 - AGENCY STAFF

The Non-Schools Workforce: Agency staff

	2011/12	2012/13	2013/14	2014/15
Count of agency staff at year end	764	786	713	675
Spend in year	£29,069,229	£31,287,565	£31,926,551	£27,812,830
Staffing budget for year (£ million)	£369,099,993	£354,961,120	£347,965,571	£338,851,161
Agency spend in year as % of staffing budget	7.88%	8.81%	9.18%	8.21%

The Non-Schools Workforce: Agency staff



The Directorates: Agency staff

Directorate	2014/15
EY	146
GT	152
SC	283
ST	94
Total	675

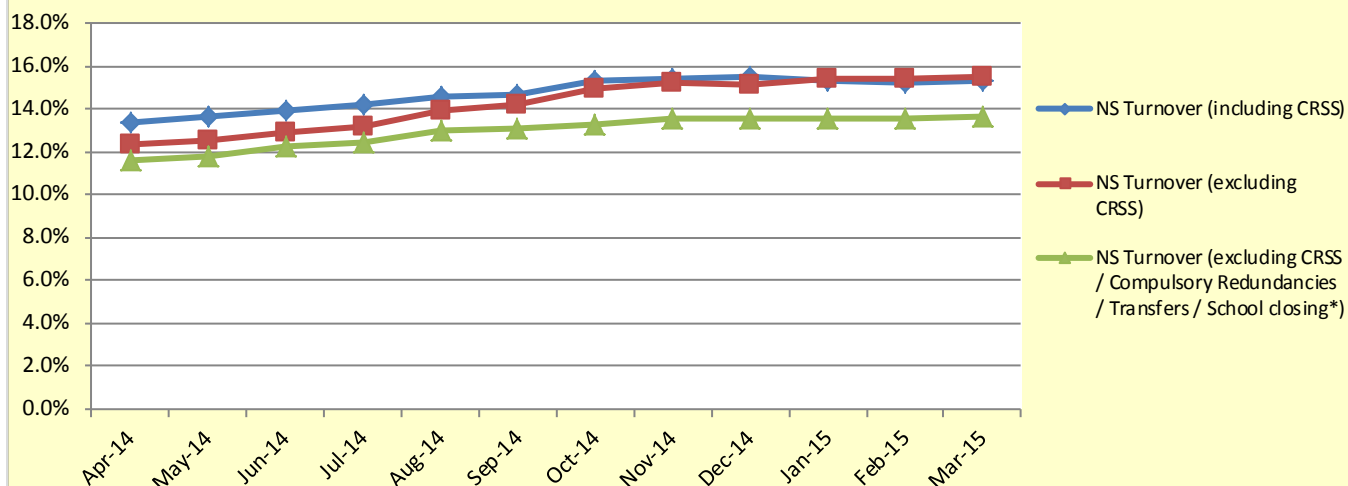
APPENDIX 8 - TURNOVER

The Non-schools workforce: Turnover (12 month rolling average)

	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
NS Turnover (including CRSS)	13.3%	13.6%	13.9%	14.2%	14.6%	14.7%	15.3%	15.4%	15.5%	15.3%	15.2%	15.3%
NS Turnover (excluding CRSS)	12.3%	12.5%	12.9%	13.2%	13.9%	14.2%	14.9%	15.2%	15.1%	15.4%	15.4%	15.5%
NS Turnover (excluding CRSS / Compulsory Redundancies / Transfers / School closing*)	11.6%	11.8%	12.2%	12.4%	13.0%	13.1%	13.3%	13.5%	13.5%	13.5%	13.5%	13.6%

*Actual leaving reasons excluded = Compulsory Redundancy, Employee Transfer, Schools Closing moving to Academy status, School Closing and TUPE transfer

The Non-schools workforce: Turnover (12 month rolling average)



The Directorates: Turnover - Cumulative year to date figures (includes CRSS staff)

	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
EY	1.0%	2.5%	3.9%	6.1%	8.8%	10.0%	11.8%	12.8%	14.1%	15.2%	16.2%	17.3%
GT	1.0%	1.9%	2.8%	3.5%	4.8%	5.9%	7.3%	8.2%	9.0%	10.1%	10.8%	12.2%
SC	0.7%	1.7%	2.7%	3.9%	6.2%	8.0%	9.2%	10.5%	11.4%	12.5%	13.5%	14.7%
ST	1.5%	2.6%	4.0%	4.6%	5.9%	7.5%	10.8%	11.8%	12.5%	14.6%	15.3%	17.3%

The Directorates: Turnover - Cumulative year to date figures (excludes CRSS staff)

	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
EY	1.2%	2.8%	4.6%	6.9%	10.3%	11.6%	13.4%	14.5%	15.4%	16.6%	17.6%	19.0%
GT	1.1%	2.0%	2.8%	3.6%	4.8%	5.8%	7.4%	8.3%	9.3%	10.3%	11.1%	12.6%
SC	0.7%	1.6%	2.6%	3.8%	6.2%	8.0%	9.2%	10.4%	11.1%	12.4%	13.2%	14.3%
ST	1.5%	2.4%	3.9%	4.5%	5.8%	7.5%	10.6%	11.6%	12.3%	14.4%	15.1%	17.1%

Headcount based on CO7 query

Leavers based on D36 query

APPENDIX 9 - LEAVERS BY LEAVING REASON

Leaving Reason	2014/15	Note: Analysis by leaving reason relates only to staff that have left the Authority
Resignation - New Employment	515	
Resignation - Other	198	
Retirement - Normal	171	
Voluntary Redundancy	119	
Resignation - Personal/Domestic Reasons	92	
Compulsory Redundancy	91	
Mutual Agreement	82	
TUPE	81	
End of Fixed Term Contract	73	
Contract Terminated - Within Probation	43	
End of Temporary Contract	38	
PR/Casual - Not claimed in the last 12 months	32	
Resignation - Conditions of employment	19	
Deceased	14	
Resignation - Career Development	14	
Resignation - Moving out of area	12	
Resignation - Nature of Work	7	
Dismissal - Conduct	6	
Dismissal - Capability - Performance	6	
Termination of Supply/Sessional Staff	6	
Early Retirement - Ill Health (Tier 1)	5	
Resignation - Career Break	5	
Resignation - Health Reasons	5	
Dismissal - SOSR	3	
Unknown	3	
Voluntary Early Retirement	3	
Blank	2	
Early Retirement - Ill Health (Tier 3)	2	
Resignation - Full Time Education	2	
Resignation - Maternity Reasons	2	
Resignation - Pay	2	
Dismissal - Capability Health	1	
Early Retirement - Ill Health	1	
Ill health	1	
Incapability - Ill Health	1	
Resignation - Competition from other employers	1	
Transfer to other local Govt	1	
Voluntary Redundancy (age under 50)	1	

The Non-schools workforce: Leavers by leaving reason 2014/15 (grouped)

Grouping	2014/15	Proportion
Dismissal	66	4.0%
Redundancy	211	12.7%
Resignation	874	52.7%
Retirement	183	11.0%
Transfer	82	4.9%
Other	244	14.7%
Total	1660	100.0%

By: Amanda Beer - Corporate Director Engagement, Organisation Design and Development

To: Personnel Committee

Date: 12 June 2015

Subject: Protecting the vulnerable – an organisational review of our response to government guidance and lessons learnt elsewhere.

Classification: **Unrestricted**

SUMMARY: This report updates Personnel Committee on actions in place to support KCC's compliance with Government guidance in regard to Child Sexual Exploitation (CSE); other protections for vulnerable people and lessons to be learnt from the Authority's own reviews of practice and lessons learnt elsewhere. It includes consideration of additional actions that will further strengthen our response.

1. INTRODUCTION

- 1.1 This report follows on from 'Developments and implications of recent government action on statutory post holders, organisation design and employment policies' presented to Personnel Committee on 30 April 2015, which recommended that Members commission a further report from the Corporate Director Engagement, Organisation Design and Development into any changes to the current operating framework and employment policies which might be required to further strengthen KCC's compliance with government guidance in regard to Tackling Child Sexual Exploitation (March 2015). The paper deals with the employment aspects of the guidance – the professional service response is clearly outside the scope of this paper.
- 1.2 It should be noted that significant progress has been made to support front line services in responding to day to day and strategic challenges, including the design of workforce development frameworks delivering robust and effective development opportunities, and leadership development that supports the strategic aims of the authority. However, the critical importance of effective leadership and management oversight should not be overlooked. The existence of frameworks and standards alone will not ensure the full extent of the measures proposed by government in tackling CSE will be achieved in Kent. It is the purposeful adherence to these requirements across the Authority, and particularly within the professional services, together with the importance of actively engaged leadership at all levels in the setting the tone, seeking continuous improvement and ensuring compliance is effectively monitored that will make the difference.
- 1.3 It is also true to say that whilst there are options for our operational framework and changes could be considered, it is the relationship between

managers and front line staff; the culture in the services/organisations that need to work together and the effectiveness of leadership that will determine success rather than any structural changes – form must follow function. It is very clear that as learning across the public sector develops on how to avoid the mistakes of the past, sustainability is as important as improvement. Planning for the future in terms of skills development, role definitions and employee mindset is crucially important. We must have robust workforce planning across services together with clear and well developed succession planning techniques and outcomes.

- 1.4 This paper outlines the current position and future developments against the areas under review included in section 4.6 of the April Personnel Committee paper.

2. Whistleblowing

- 2.1 The government guidance in March 2015 on Child Sexual Exploitation included the proposal to establish a new whistleblowing national portal for child abuse related reports to help to bring child sexual exploitation to light and spot patterns. The expectation is that the principles in the Francis review (Freedom to Speak - 11 February 2015) into creating an open and honest culture in the NHS are followed in terms of local government's response to the issue of CSE.
- 2.2 Kent County Council has an established whistleblowing policy and procedure which has been previously communicated and promoted to staff. The Authority was one of the first 100 employers to sign up to Public Concern at Work's standards and principles. Public Concern at Work is the leading Whistleblowing charity.
- 2.3 Our robust approach ensures the Francis principles covering policy and its application are supported by KCC's procedure and by the PCAW standards. It is imperative that we continue to publicise and raise awareness of KCC's procedure through all available mediums to ensure staff are fully aware of the expectation to raise concerns and the process to be followed. Such an established approach provides an excellent base to extend to the national portal once it is in place.
- 2.4 At the meeting of Personnel Committee in April, Members asked that thought be given to whether KCC should extend its Whistleblowing procedure to other organisations. It is recommended that any such approach should wait until after the new national portal is in place. Discussions could then be taken forward through the Kent Children's Safeguarding Board.

3. "Wilful neglect"

- 3.1 The amendment to the Criminal Justice and Courts Bill as recommended by Robert Francis QC following the public inquiry into poor care at Mid Staffordshire Foundation Trust extended the offence of "wilful neglect" to healthcare and social care settings dealing with vulnerable adults and children, covering public and private sectors in England and Wales.

- 3.2 In the Queen's speech in May 2015, a consultation on a change to the Policy and Criminal Justice Bill was announced to extend the offence further to **include children's social services, education, and elected members**. At this stage there is no firm detail as to the shape and timing of the consultation. Immediately the consultation is open, KCC will provide a full response. The Authority will then be in a position to determine the impact of 'wilful neglect' in terms of employment.
- 3.3 Some outcomes of the extension of the offence can be relatively easily dealt with – for example, if introduced as is likely, "wilful neglect" can be explicitly included in the examples of gross misconduct within the disciplinary procedure. Whilst such an explicit reference will make a very clear statement to all staff, in practice any staff who fail their professional responsibilities are quickly dealt with and dismissal proceedings enacted under our current procedures.
- 3.4 Other impacts on attraction and retention of people in the professions impacted may be more difficult to predict and further work will need to be done once the exact nature of the extended offence is known.

4. Culture of Denial

- 4.1 Kent County Council will build upon a strong record of safeguarding and protecting children, ensuring we remain vigilant to the threat of a 'culture of denial'. Our values - **open, invite contribution and challenge, accountability** - provide us with an effective base on which to build our response. Until now, there has been no specific cultural intervention with employees focusing on 'culture of denial'. It is clearly an imperative that further work is undertaken to develop a strategy and policy (and more importantly interventions), working closely with our Kent Children's Safeguarding Board (KCSB) colleagues, that will enable a culture to flourish where every opportunity is taken to protect the welfare of vulnerable people in Kent. The message should be that we must remain alert at all times and not be complacent.
- 4.2 Defining a 'culture of denial' is a critical step in ensuring we remain vigilant. To avoid ambiguity and to provide KCC with additional challenge a piece of work has been commissioned that will express clearly how a 'culture of denial' is defined and therefore how it can be avoided. This will enable the organisation to move quickly to a position that establishes absolute transparency in order to recognise behaviours and attitudes that contribute to a 'culture of denial' and as a result leave the service users vulnerable. This will provide a firm foundation upon which to make any necessary improvements which are likely to include transparency of service performance data and trends as well as the more "HR" focussed measures around recruiting people with the right attitude, individual performance monitoring and clear and consistent leadership.

5. 'Strengthen accountability arrangements'

- 5.1 To meet this government challenge, we need to consider strengthening leadership in a number of different ways – skills development; setting clear accountabilities and responsibilities through job design and performance target setting and ensuring our organisation design mechanisms and operating framework are fit for purpose.
- 5.2 A number of frameworks and tools are available to support managers designing services that put customers/service users/clients at the heart of service redesign. In particular the organisation design canvas supports managers to ensure the people we employ, what they do, how they do it and how it is organised are compatible with each other, so that it supports the business strategy and successful performance.
- 5.3 This approach is underpinned by the principle that service redesign removes layers of bureaucracy associated with too many layers of decision makers, enabling clearer accountability. A layer of management is only added where it provides added value and has different accountabilities. This supports the premise that accountability is personal and not shared. The introduction of flatter structure ensures front-line staff are never far removed from the senior management, which supports greater responsiveness and better outcomes for customers and communities.
- 5.4 All Corporate Directors, Directors and Heads of Service have an explicit responsibility to deliver the collective agenda of the County Council. The Corporate Responsibilities are included in all job descriptions KR12 and above. They include promoting and ensuring the Council's responsibilities for safeguarding are met for adults and children, together with a responsibility to act as corporate parent to the Council's looked after children and create an open, challenging, learning environment for staff.
- 5.5 Additional work is also being undertaken to review the content of social care job descriptions in line with the Social Care Capability Framework (see below), this will also provide an ideal opportunity to include a statement of accountability regarding legal duties to protect the vulnerable.
- 5.6 It is recognised that our organisational structure for the delivery of children's services is unusual. Following on from the changes made as a result of the April Personnel Committee paper, it is important that we keep our overall operating framework under review to ensure that the DCS, DASS, HoPS and other senior postholders can fulfil their responsibilities effectively. It is also critically important that we have effective workforce planning in place for the medium and long term and clear succession plans for our key posts. Continuity and consistency of leadership are known to be essential components of sustained effective performance for any group of staff. It is therefore important that all Corporate Directors have clear succession plans in place for their management teams and this will be an explicit requirement for all of them in this year's performance targets. In some areas, this is going to be more challenging than others as there are some services where the current age profile, changing requirements of the roles and depth of talent

already in place require urgent concerted action to ensure a managed and effective transition.

- 5.7 A critical success factor in the Authority's further move to a Commissioning Authority is to ensure robust intelligent client functions and contracts which clarify where accountability in terms of service outcomes rest. This imperative is being considered by Portfolio Boards when making decisions on service delivery models and will also be a key focus of the work of the Strategic Business development and Intelligence Division.

6. The expectation that Local Authorities meet the guidance on the use of settlement agreements

- 6.1 As part of ensuring that organisations do not cover up examples of under-performance and organisational failure, it is clear that local authorities should adopt the Cabinet Office guidance on settlement agreements. The guidance is very clear that the use of settlement agreements should not be used to:
- Avoid taking performance/attendance management or disciplinary action
 - Cover up individual or organisation failure
 - Prevent any employee from speaking out
 - Terminate a person's employment because they have made a protected disclosure (whistleblowing).
- 6.2 Settlement agreements are used to facilitate and support people leaving the organisation when the employment relationship has broken down. They can provide, where appropriate, an end to employment that is mutually acceptable to both the employee and the organisation. In taking this approach the Council is clear that they are used in a way that supports the principles in the Cabinet Office's guidance, published in February this year. KCC does use confidentiality clauses within our settlement agreements but these are used exclusively to ensure that the content and details of **the agreement** cannot be revealed, not to restrict an employee's ability to raise performance issues and organisational short comings.

7. Regulations in relation to claw back.

- 7.1 The purpose of the government claw back is to ensure that exit payments for senior staff, including council staff, can be recouped where recipients are quickly re-employed in the same part of the public sector, the belief being that those who failed to protect children should not benefit from "huge pay offs". The concept of claw back originated from MP's concerns at the level of redundancy payments paid to NHS employees who subsequently returned to work in the NHS (in many cases within 12 months).
- 7.2 Claw back is being introduced through the Small Business & Enterprise Bill, which received Royal assent on 24 March. Although there is no detail as to how this will operate, the Bill includes provisions that would allow the Treasury to make regulations requiring public sector employees and office-holders to repay 'exit payments', such as redundancy payments, if they are re-employed in the public sector. The appropriate Secretary of State will be able to waive this requirement in certain circumstances. The regulations may also provide that the amount to be repaid is tapered according to the time

which has elapsed between the employee or office-holder leaving employment or office.

- 7.3 Clarity regarding how this will operate is yet to be established, and the date for implementation is as yet unknown, though it is expected to be introduced in April 2016. There remain a number of critical questions which include what system will be in place to identify who should have their payments clawed back, who will be responsible for recouping the payment, what is included in “the same” public sector, will it be the receiving or the previous employer’s responsibility. It is clear, however, that the repayment requirements apply to those who are high earners; those whose earnings amount to £100,000 per annum or over with emphasis on re-employment rather than the reasons for the original employment ending.
- 7.4 Despite the current lack of detail, we are confident that a system could be put in place in KCC that would ensure compliance for the relatively small number of positions likely to be affected without the need for an overly complex response.

8. Professional training and developing skills and capacity for supporting victims of CSE

- 8.1 The government called on local authorities to update training provision for staff, including induction, and our role in training support for Children’s homes and other providers. Solid foundations are in place to support an appropriate learning and development response, including developing skills and capacity for supporting victims of CSE. Content is constantly under review to guarantee the offer meets the development needs of both registered and unregistered staff and changing national priorities. The main components are outlined below, however the effectiveness of these interventions rely heavily on managers’ proactive engagement in managing team development and assessing impact on practice and outcomes for customers/service users/client once the development has been completed and on an ongoing basis to ensure continuous improvement and challenge.
- 8.2 **E-induction** specifically designed for members of Specialist Children’s Services, which all new starters are expected to complete.
- 8.3 **The Social Care and Education & Young People Services Development Framework**, introduced in 2014, and linked to our statutory and mandatory training requirements including children protection, safeguarding. It provides a consistent approach to development and clearly defines how we will ensure all staff acquire the skills, knowledge and behaviours necessary to meet current and future business need. The framework is specifically designed to be an integral part of target setting and creation of action plans through regular 1:1s, Personal Development Plans and TCP discussions.
- 8.4 In addition, **signs of safety** evidence based systemic model of practice supporting child protection and safeguarding professionals, will shortly be built into the Social Care and Education & Young Peoples Services Development Framework.

- 8.5 **The Social Care Capability Framework** which is designed to provide professional development for all registered practitioners working in social care to ensure they remain registered and which supports continuous professional development align to national professional capabilities framework as recommended in the Munro Review of Child Protection (2011). The capabilities outlined in the framework are used to define good and excellent practice, which informs the TCP appraisal process.
- 8.6 The first level of the capability framework is the Assessed and Supported Year in Employment (ASYE). This ensures all NQSWs in KCC have the required capabilities to practice. It should be noted that the ASYE scheme in Rotherham, notwithstanding its failings, was highlighted in the Jay Report as being an effective intervention to support anti CSE activity.
- 8.7 **Kent Manager** enables leaders and managers in Social Care to demonstrate the Leadership qualities outlined in the National Skills Academy for Social Work.
- 8.8 A range of **Supervision** training has been designed to ensure managers are competent to manage and develop their staff, the content of this training is devised specifically around the type of staff group being managed to ensure the correct approach is taken.
- 8.9 At its meeting on 29 April 2015, the Governance and Audit Committee recommended that appropriate training be provided for all Members of the Council on the implications of the report by Louise Casey into governance at Rotherham Metropolitan Borough Council. The Committee suggested that this training be provided on a date when most Members would find it convenient to attend, such as a County Council meeting day. The importance of providing effective Member training was reinforced by Personnel Committee on 30 April. The Council's cross-party Member Development Group is considering how best to deliver this training and the Head of Democratic Services will be writing to all Members in due course to confirm the arrangements for this training

9. Supporting multiagency working

- 9.1 The Kent Children's Safeguarding Board (KCSB) designs, develops and delivers CSE learning & development on behalf of KCC. This is accessible to KCC children's homes, children's centres and multiagency providers; a review of uptake of training in these particular areas of delivery is currently being undertaken by KCSB.
- 9.2 KCSB is also responsible for assessing the impact of the training, numbers of attendees, cancellations and uptake. Learning from serious case reviews is included in the design of training and CSE is a component part of all training delivered. The KSCB toolkit to risk assess children at risk of CSE has been noted by the Local Government Association as an exemplar of best practice on their CSE website pages. HR is represented on the learning sub group and significant work is being undertaken to ensure a comprehensive program of learning and development is available.

- 9.3 Again this needs to be supported by robust meaningful evaluation by managers, reporting outcomes to the KCSB, to demonstrate the impact of learning and development on outcomes for customers/service users/clients. The Rotherham Safeguarding Children Board and its predecessor oversaw the development of good inter-agency policies and procedures applicable to CSE. The weakness in their approach was that members of the Safeguarding Board rarely checked whether these were being implemented or whether they were working. The KCSB receives data on the impact of training, numbers of attendees training, cancellations and uptake.

10. RECOMMENDATIONS

- 10.1 Personnel Committee is invited to consider and note the contents of this report and commission any further work required.

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Previous papers :

“Developments and implications of recent government action on statutory post holders, organisation design and employment policies”
– Personnel Committee 30 April 2015

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

Agenda Item B1

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