

<b>EMPLOYMENT COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>26 JANUARY 2012</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Gr Uff Marco Cereste – Leader of the Council and Cabinet Member for Growth, Strategic Planning and Economic Development	
Contact Officer(s):	Mike Kealey - Acting Head of Human Resources	Tel. (01733) 384500

## CHANGES TO EMPLOYEE POLICIES AND PROCEDURES

R E C O M M E N D A T I O N S	
<b>FROM :</b> Trade Union Representatives	<b>Deadline date :</b> N.A.
<p>That Employment Committee agrees to implement the following employment policy and procedures:</p> <ul style="list-style-type: none"> <li>i) Temporary Workers Policy (Appendix A) and the Use of Fixed Term Workers Procedure (Appendix B); and</li> <li>ii) Recruitment and Selection Procedure (Appendix C)</li> </ul>	

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Employment Committee following a referral from the Joint Consultative Forum on 12<sup>th</sup> January 2012.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to ensure that the council maintains up to date and legal employment policies.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.3.1.2 'to determine employee procedures, including dismissal procedures' and 2.3.1.4 'to determine local terms and conditions of employment for employees'.

### 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	N/A
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### 4. BACKGROUND

- 4.1 The policies below have been prioritised for approval due to the need to introduce policy that will ensure employment policies remain up to date and legal.

#### 4.2 Temporary Workers Policy and Use of Fixed Term Workers Procedure (Appendix A and Appendix B)

- i) This policy and procedure will replace the previous Use of Fixed Term/Temporary Contracts document which was agreed at Employment Committee in July 2006. The

current policy refers to statutory dismissal procedures for employees on fixed term contracts which has since been repealed and replaced by the ACAS Code of Practice 1 on Disciplinary and Grievance Procedures. Although the non renewal of fixed term contracts on their expiry is specifically excluded from this new code of practice the principles of the code in relation to dismissal have been applied to the updated policy and procedure.

- ii) There is also a new section added which covers the early termination of fixed term contracts. The current document does not refer to early termination. This leaves the council in a position where an early termination may result in payment of full remuneration up to the termination date as set out in the fixed term employees terms and conditions of employment.
- iii) The Policy also refers to guidance which has been produced for managers on the Use of Agency Workers. This guidance has been compiled following introduction of the Agency Worker Regulations in October 2010 which gives agency workers rights to access amenities and facilities from their first day of their assignment with the council and equal treatment in relation to pay and other basic working conditions after a 12 week qualifying period.

#### **4.3 Recruitment and Selection Procedure (Appendix C)**

- i) The new Recruitment Policy was agreed at Employment Committee on 24<sup>th</sup> November 2011. The attached procedure provides managers with the information required to allow them to effectively and lawfully carry out a recruitment exercise from start to finish.

### **5. CONSULTATION**

- 5.1 The joint Trade Unions have been consulted and the statutory policies were agreed at the meeting of the Joint Consultative Forum on 12<sup>th</sup> January 2012. The council's legal department have also advised on the contents of the Fixed Term Workers Policy and Procedure.
- 5.2 The Recruitment Procedure has also been shared with relevant staff in children's services in respect of safeguarding issues.

### **6. ANTICIPATED OUTCOMES**

- 6.1 The above proposed changes to policy and procedures will help to ensure that the council maintains up to date and legal employment practices.
- 6.2 Once approved by Employment Committee the Temporary Workers Policy and Use of Fixed Term Workers Procedure will be placed on InSite and will be accompanied by some guidance for managers on the Use of Agency Workers.
- 6.3 The Recruitment Policy (previously agreed by Employment Committee on 24<sup>th</sup> November) and Procedure will be placed on InSite and the council's recruitment and selection training programme will be audited to ensure consistency. In addition guidance for managers will be placed on InSite which will give further information on best practice along with reinforcing statutory requirements.

### **7. REASONS FOR RECOMMENDATIONS**

- 7.1 These proposed changes to policy and procedures will help to ensure that the council maintains up to date and legal employment practices which support the council objectives.

**8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The policies were considered against (a) those published by some other local government employers, (b) template policies from legal bodies plus (c) the existing policy, to ensure it was a sensible, fair approach which took account of current legislation.

**9. IMPLICATIONS**

- 9.1 The policy and procedures will be reviewed on an ongoing basis and will be amended from time to time to ensure legal compliance.

**10. BACKGROUND DOCUMENTS**

- 10.1 Initial Equality Impact Assessments have been compiled for the Temporary Workers Policy which is available on request. No adverse impacts were identified and therefore progression to a full assessment was not required.

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