

EMPLOYMENT COMMITTEE	AGENDA ITEM No. 4
20 JANUARY 2011	PUBLIC REPORT

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

EMPLOYMENT POLICIES REVIEW

R E C O M M E N D A T I O N S	
FROM : Trade Union Representatives	Deadline date : N/A
<p>It is recommended that the Employment Committee:</p> <ol style="list-style-type: none"> 1. Consider and agree to the implementation of the following revised Employment Policies: <ul style="list-style-type: none"> i) Equality and Diversity Policy (E&Dp) (Appendix A) ii) Probation Policy and Associated Management Guidance (Appendix B) iii) Maternity Scheme (Appendix C) 2. Agree to the proposed change in wording in the current Attendance Policy, in relation to Bank Holidays. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Employment Committee following a referral from the Joint Consultative Forum on 19th January 2011.

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’, No. 2.3.1.4 ‘to determine local terms and conditions of employment for employees’ and No. 2.3.1.6. ‘to promote and pursue a policy of equal opportunities in employment’.

3. TIMESCALE

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

4.1 The policies listed below have been prioritised for approval due to changes in legislation and statutory codes of practice, specifically, the Equality Act, the Additional Paternity Leave Regulations 2010 and the ACAS Statutory Code of Practice on Disciplinary and Grievance Procedures. The policies listed below ensure that Peterborough City Council is legally

compliant and ensure that documents available for viewing by the public, in particular the Equality and Diversity Policy, reflect a professional and progressive image of the Council.

4.2 **i) Equality and Diversity Policy (E&Dp) (Appendix A)**

The current E&Dp was agreed at Employment Committee in October 2005 and contains references to various Acts i.e. Sex Discrimination Act, Race Relations Act etc., which have now been repealed and replaced by a single piece of legislation – the Equality Act 2010. The current policy also references equality schemes that have now expired and are due to be replaced by a Single Equality Scheme.

4.3 **ii) Probation Policy and Associated Management Guidance (Appendix B)**

The current Probation Procedure was agreed at Employment Committee in January 2006. The view held by both managers and HR Business Partners is that the process is lengthy as a result of requiring formal review of new employees in their probation period at months 1, 3, 5 and 6. The new policy and associated management guidance, provided for completeness, simplifies this process whilst maintaining the rights of the new employee and ensuring that contracts do not continue beyond a year's service without a decision being made regarding confirmation or termination of employment.

4.4 **iii) Maternity Scheme (Appendix C)**

These guidelines will replace the current Maternity Policy agreed previously at Employment Committee which is now out of date with existing legislation. The guidelines produced contain information regarding the new right under the Additional Paternity Leave Regulations 2010 for women who give birth after 3rd April 2011 to transfer up to 26 weeks of their outstanding maternity leave (and outstanding Statutory Maternity Pay) to their spouse, civil partner or partner, or the father of their child. The guidelines will be supported by a checklist to enable managers to conduct effective pre-maternity leave meetings to ensure that employees are clear on what their employment rights are.

4.5 **iv) Attendance Policy**

The current Attendance Policy states that;

"No additional time off will be given in lieu of a bank holiday." It is proposed that this line be deleted and the following paragraph (which mirrors that in the new maternity scheme) be inserted to ensure legal compliance with the Working Time Regulations:

Bank Holidays

Employees on a period of sickness absence who have less than 5 years service must receive a minimum of 28 days per annum to comply with the Working Time Regulations. Therefore, they will be entitled to accrue a maximum of 4 bank holidays in order to meet this minimum requirement. For those with more than 5 years service who already receive 29 days annual leave entitlement, there will be no accrual of bank holidays.

5. CONSULTATION

5.1 The joint Trade Unions have been consulted and the policies were agreed at the meeting of the Joint Consultative Forum on 19th January 2011. The council's legal department have also advised on the contents of the Policies.

5.2 The E&Dp has also been approved by the council's Diversity Forum which has representatives from various equality groups and by the council's Corporate Management Team.

6. ANTICIPATED OUTCOMES

6.1 These policies will ensure that the council is complying with current legislation.

7. REASONS FOR RECOMMENDATIONS

7.1 This is a requirement to ensure that the council is complying with current legislation.

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 These policies 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 E&Dp, Maternity Scheme and Probation Policy and Procedure which are available on request. No adverse impacts were identified and therefore progression to a full assessment was not required.

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