

EMPLOYMENT COMMITTEE	AGENDA ITEM No. 4
28 JULY 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

CHANGES TO EMPLOYEE POLICIES AND PROCEDURES

RECOMMENDATIONS	
FROM : Trade Union Representatives	Deadline date : N/A
<p>That the Employment Committee;</p> <p>1. Agrees to implement the following Employment Policies:</p> <ul style="list-style-type: none"> i) Disciplinary Policy and Procedure (Appendix A) ii) Grievance Policy and Procedure (Appendix B) iii) Appeals Policy and Procedure (Appendix C) iv) Redundancy Policy (Appendix D) <p>2. Agrees to the above Disciplinary, Grievance and Appeals Policy and Procedures being used to replace the procedures incorporated into Director and Head of Service contracts of employment (see current template - Appendix E).</p> <p>3. Agrees to the statutory changes to policy and procedures relating to:</p> <ul style="list-style-type: none"> 11.1 Retirement Policy (Appendix F) 11.2 Childcare Voucher Scheme (Appendix G) 11.3 WorkLife Balance Policy (Appendix H) <p>4. Approves the Cycle to Work Scheme (Appendix I)</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Employment Committee following a referral from the Joint Consultative Forum on 27th June 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. 2.3.1.1 ‘to appoint Directors and Heads of Service, and determine terms and conditions of employment, 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?	NO	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 maintain up to date and legal employment policies.

i) Disciplinary Policy and Procedure – Appendix A

The previous Disciplinary Procedure and Rules were agreed at Employment Committee on 10th January 2008.

The principles of this new policy are broadly the same but the list of what constitutes misconduct or gross misconduct has been updated to reflect current employment issues.

The new policy is accompanied by a Disciplinary Procedure that both managers and employees can follow to ensure compliance with the ACAS Code of Practice 1 on Disciplinary and Grievance Procedures and leading case law.

The section on Appeals has been lifted and incorporated into a separate Appeals Policy and Procedure (see iii) below).

ii) Grievance Policy and Procedure Appendix B

The previous Grievance Procedure was agreed at Employment Committee on 17th September 2008.

The principles of this new policy are broadly the same but the current procedure refers to use of a modified procedure which has been superseded by the ACAS Code of Practice 1 on Disciplinary and Grievance Procedures.

The new policy is accompanied by a Grievance Procedure that both managers and employees can follow to ensure compliance with the ACAS Code of Practice 1 on Disciplinary and Grievance Procedures and leading case law.

There is also reference to employees raising a joint grievance where more than one employee is affected by an issue and the effect of decisions regarding these types of grievance.

In addition the Grievance Policy and Procedure incorporates grievances related to bullying and harassment rather than having this as a separate policy 'Dignity at Work' – which will be withdrawn following implementation of this policy and procedure.

The section on Appeals has been lifted and incorporated into a separate Appeals Policy and Procedure (see below iv)).

iii) Appeals Policy and Procedure – Appendix C

This is a new policy and procedure and provides consistency over appeals previously referred to within individual policies/procedures. There are variations between each policy i.e. length of time in which to appeal, hear the appeals etc. which causes confusion. The aim of this Policy is to have a standard format for any type of Appeal which will achieve a greater level of consistency.

The new policy ensures compliance with the ACAS Code of Practice 1 on Disciplinary and Grievance Procedures.

iv) Redundancy Policy – Appendix D

The previous Managing Change Policy was agreed at Employment Committee in September 2008. This policy will replace the Managing Change Policy. The Redundancy Policy will be supported by managers guidance on how to consult with staff whose posts are being made redundant, how to consult with staff where a post is available but a selection pool process is being followed and also guidance for managers on how to use selection criteria for those staff placed in a selection pool.

A new section has been included within the policy stating that employees made redundant will not be able to rejoin the council within 12 months of the effective date of termination, regardless of their rejoining employment status/capacity, unless permission is given and the enhanced redundancy portion of the redundancy payment is repaid in full.

v) Changes to Directors/Heads of Service terms and conditions of employment

Currently the contract template for Directors and Heads of Service detail a Disciplinary and Grievance Procedure (**see Appendix E**). Changes to the disciplinary procedure require 6 months notice and therefore if agreed, the appropriate 6 month notice period of changes to terms and conditions will be issued to Directors and Heads of Service.

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 27th June 2011 with an additional extension given for further comments on the non-statutory changes to be given by Friday 1st July 2011.

6. ANTICIPATED OUTCOMES

- 6.1 These proposed changes to terms and conditions and policies will help to ensure that the council maintains up to date and legal employment policies.

7. REASONS FOR RECOMMENDATIONS

- 7.1 These proposed changes to terms and conditions and policies will help to ensure that the council maintains up to date and legal employment policies.

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 Redundancy, Retirement, Disciplinary, Grievance and Appeals Policy and Procedures which are available on request. No adverse impacts were identified and therefore progression to a full assessment was not required.

11. OTHER ITEMS FOR INFORMATION - Statutory changes to policy and procedures

11.1 Retirement Policy – Appendix F

From 6 April 2011 the council was no longer able to issue notifications of retirement to employees on the basis of the (now repealed) default retirement age provisions. The statutory retirement procedure has also been abolished, although it remains operative in respect of retirements properly notified to employees on or before 5 April 2011 for which managers guidance is attached for information. The changes do not mean that an individual can no longer retire, but that the decision as to whether or not to retire, and the timing of retirement, is now a matter of choice for him or her rather than being the employer's decision.

The previous Retirement Policy agreed at Employment Committee on 17th September 2008 will be withdrawn and replaced with Appendix F which predominantly focuses on flexible retirement.

The Government advised that it is still possible for employers to operate a compulsory retirement age if this can be justified. However research by the Local Government Employers Association indicated that the majority of local authorities already accept the majority of requests to work beyond retirement age and legal opinion is that it will be difficult to justify a compulsory retirement age. The new policy reflects these responses by stating that the council does not operate a compulsory retirement age.

11.2 Childcare Voucher Scheme

This scheme, attached as **Appendix G** for information, has been updated in line with tax changes to reflect the up dated rates/amounts that can be paid into the scheme and the tax implications of doing this and changes to the scheme administration.

11.3 WorkLife Balance Policy

This policy has been amended to incorporate the changes made following implementation of the Additional Paternity Leave Regulations 2010 on 3rd April 2011.

The new legislation enables those parents taking Adoption Leave or Paternity Leave to transfer up to 26 weeks of their leave and pay (where applicable) entitlement to their partner/spouse. The Maternity Policy was amended at the last Employment Committee to reflecting this entitlement and this is the second phase to that piece of work.

The revised wording is attached as **Appendix H** to this report.

11.4 Cycle to Work Scheme

This scheme, attached as **Appendix I** for information, has recently been launched to staff and entails the council purchasing a bike for an employee and hiring it to them for a 12 month period with deductions being set up through a salary sacrifice arrangement.