

**Minutes of a meeting of the Employment Committee
held at the Town Hall, Peterborough on 28 July 2011**

Members Present: Councillors Benton (Chairman), Lamb (Vice Chairman), Fitzgerald, Holdich, Seaton

Officers Present: Mike Kealey, Acting Head of HR
Amy Brown, Solicitor
Lisa Trowbridge, Senior HR Advisor Policy Development
Karen Dunleavy, Governance Officer
Rona Hendry, Branch Secretary UNISON

1. Apologies for Absence

Apologies were received from Councillor Miners.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 31 March 2011

The minutes of the meeting held on 31 March 2011, were agreed as a true and accurate record.

Councillor Holdich commented on the policy which had been introduced for the Staff Car Parking Charges Scheme and requested that a review be conducted to establish if it had been allocated on a fair basis for all staff including care workers employed by service providers, council employees and teachers employed directly through the schools and whether the scheme was working towards meeting the saving objectives.

Councillor Fitzgerald also commented that there seemed to be some discrepancies and teething problems over who was being charged for car parking. Councillor Fitzgerald further commented that a review of non-city centre locations should be undertaken.

Members were advised that there had been three non city centre locations where the Council was experiencing some issues in terms of implementation and that in some cases staff were parking legally on the surrounding roads. Mike Kealey, Acting Head of HR, advised that the scheme was working well with the exception of those few areas.

It was agreed that the Car Parking Scheme would be reviewed to establish if a fair system had been implemented.

4. Changes to Employee Policies and Procedures

The Committee received a report and presentation from the Acting Head of Human Resources, Mike Kealey, on a number of employment policies following a referral from the Joint Consultative Forum, which had met on 27 June 2011.

The report sought the agreement of the Committee to implement changes to employee terms and conditions as appended to the report, thus ensuring that the Council maintained up to date and legal employment policies.

Disciplinary Policy and Procedure

The following questions observations, comments were made by Members:

- Clarification was sought on the definition of what constituted serious misconduct, gross misconduct, acts of insubordination, less serious acts of insubordination and the abuse of working hours? *Members were advised that the wording applied to any incident depending on what the circumstances were at the time it had occurred and that it was hard to legislate against a manager's interpretation. Part of the support provided by Human Resources for the process would involve consistency checks which would include working alongside the Council's Legal Department.*
- A question was raised about how policies would be implemented for teachers currently employed directly by the schools and whether a fair and consistent approach inline with the Council would be taken to deal with disciplinary matters? *Members were advised that the Council's Human Resources team would share the policies with the Education Personnel Management which advised on Human Resources for schools and that the policies would eventually need to be signed of by the Joint Education Unions. The Trade Union representative further advised Members that the Voyager and Thomas Deacon schools had adopted the employment policies.*
- Clarification was sought over whether Human Resources would include some wording within the disciplinary policy to protect the Council's name being brought into disrepute by staff using social web sites? *Members were advised that the disciplinary policy did include wording to this effect.*
- Further clarification was sought on how the Council would manage comments made by staff whilst not on duty? *Members were advised that wording was included in the policy to protect the Council from any deliberate damage to or use of council property or name or conduct which was likely to discredit the Council even whilst a member of staff was not on duty.*
- Members commented that there should be a time limit set for the grievance and disciplinary process and that a checking mechanism should be introduced to ensure that action had taken place within a six month period. *Members were advised that the disciplinary policy did outline that all cases for disciplinary and grievances would be dealt with promptly. There were some circumstances where a case would involve a Police investigation, which would need to be completed before the internal investigation was dealt with.*
- A query was raised as to whether there were current arrangements for documenting grievance meetings and signing off this documentation? *Members were advised that although it was not normal practise to document these meetings it was advised that the aggrieved member of staff could arrange for a companion to take notes.*
- Clarification was sought regarding when the policies were updated last and whether they were only being updated as the legislation had

changed? *Members were advised that policies were changed as the employment law changed.*

Following comments and questions from Members, the Acting Head of Human Resources advised that going forward work would be undertaken to build in measures for the disciplinary policies to ensure a set timescale and reporting mechanism for the disciplinary and grievance process. Members were advised that notes would also be taken of all grievance, disciplinary and appeal meetings and the sign process for these notes would be addressed.

Redundancy Policy

The following questions observations, comments were made by Members:

- Clarification was sought regarding the circumstances where it was proposed to re-hire a redundant member of staff within 12 months of their leaving date and why the money would need to be paid back and whether their employment rights would be reinstated? *Members were advised that for the first four weeks under the modification order the full redundancy payment would be repaid. However, for some benefits, such as the calculation of any future redundancy payment, the original continuous service date would be used. The policy change proposed took this a stage further for any employee who was permitted to return after 4 weeks but before the expiry of 12 months in that they, would be required to pay back the redundancy “enhancement” part of the settlement. They would not however be given the same benefit regarding continuous service for the calculation of certain employee benefits as the modification order provided. The aim was to introduce fair measures for staff returning to work with Peterborough City Council*
- It was commented that it might look like the Council had laid staff off for a short period to save money? *Members were advised that there had been cases where people were coming back into re-employment with Peterborough City Council and that a controlled procedure needed to be adopted for managing the return of redundant staff within the first 12 months.*

Following comments from Members, It was agreed that Human Resources would report back to the Employment Committee on a regular basis on staff that had returned to work with Peterborough City Council within the 12 month period of being made redundant.

Retirement Policy

The following questions observations, comments were made by Members:

- Clarification was sought over whether the changes to the Retirement Policy were only statutory ones? *Members were advised that all changes were statutory.*

Cycling Policy

The following questions observations, comments were made by Members:

- Clarification was sought over whether the cycle to work bike scheme also applied to Councillors and Vivacity employees? *The Acting Head of Human Resources advised that a scheme was already in place for Vivacity staff. Regrettably, Councillors were not eligible to participate under HMRC rules as they were not employees of the Council.*
- Members commented that the Council should ensure that its policies and procedures on employment should be included within the invitation to tender process for outsourced services and that any successful company should take on the policies and procedures as part of their internal practises.

Following comments and questions from Members, the Acting Head of Human Resources advised that in future reports to the Committee regarding changes in employee policies and procedures, it would be highlighted as to whether the change in the policy was being made for statutory reasons.

The Branch Secretary for UNISON relayed thanks to Staff and Councillors of Peterborough City Council for general support provided to the union.

RESOLVED:

The Employment Committee agreed:

- 1) to implement the following Employment Policies:
 - i) Disciplinary Policy and Procedure (Appendix A);
 - ii) Grievance Policy and Procedure (Appendix B);
 - iii) Appeals Policy and Procedure (Appendix C); and
 - iv) Redundancy Policy (Appendix D)
- 2) 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 (current template - Appendix E).
- 3) to the statutory changes to policy and procedures relating to:
 - 11.1 Retirement Policy (Appendix F);
 - 11.2 Childcare Voucher Scheme (Appendix G); and
 - 11.3 Work Life Balance Policy (Appendix H)
- 4) to approve the Cycle to Work Scheme (Appendix I)

Reasons for the decision:

The changes to the Employee Policies and Procedures would help to ensure that the Council was able to maintain up to date and legal employment policies.

Chairman
3.00pm - 4.17pm