



Rutland County Council

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Minutes of a Meeting of the **EMPLOYMENT AND APPEALS COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland on **Tuesday 5 November 2013** at 7.00pm.

PRESENT: Mr K A Bool – in the Chair
Mrs C Emmett
Mr J R Munton
Mr G Plews
Miss G Waller

OFFICERS PRESENT: Mrs D Mogg Director for Resources
Miss C Snell Acting Senior HR Advisor
Miss L Tyers Democratic Services

APOLOGIES: Mr M D A Pocock

488 DECLARATIONS OF INTEREST

In accordance with the Regulations, Members were invited to declare any interests under the Code of Conduct in respect of items on the Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applied to them. No such declarations were received.

489 MINUTES

The minutes of the Employment and Appeals Committee held on 16 July 2013, copies of which had been previously circulated, were confirmed by members and signed by the Chairman.

RESOLVED

That the Minutes of the Employment and Appeals Committee held on 16 July 2013, be confirmed.

490 PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations or questions from members of the public had been received.

491 HUMAN RESOURCES POLICIES

Report No 237/2013 from the Director for Resources, which presented a number of Human Resources Policies that had been reviewed and updated, was received.

The following policies had been put forward for consideration:

- Maternity
- Paternity
- Adoption
- Access to Personal Records
- Umbrella Flexible Working
- Umbrella Leave

- Secondment
- Relocation
- Restructure
- Disciplinary
- Recruitment and Selection
- Capability

During discussion the following points were noted:

- All of the policies stated that they did not apply to schools and colleges, however assurance was sought that they would be advised when policies were updated and that they should update theirs.

Maternity

- It was suggested that in the introduction the paragraph which gave congratulations on a pregnancy should be first.
- The last paragraph in paragraph 2, Time Off for Antenatal Appointments, should be removed as it was not clear.
- The last sentence in paragraph 5.9, Private Day Nurseries, should be removed as it was not worded well.
- Add a weblink address to para 5.6 regarding Childcare facilities

Paternity

- For the sake of equality, the paragraph in the Maternity Policy which gave congratulations on the pregnancy should also be included in the Paternity Policy.
- It was noted that time off for adoptions for fathers was contained in the Paternity Policy, whilst for mothers it was contained in the separate Adoption Policy. Officers advised that paternity leave was slightly different to adoption leave as they had different provisions however they would look to see if there would be any issues in removing it from the Paternity Policy.
- It was suggested that all the things that were said to the prospective mother in the Maternity Policy should also be included in the Paternity Policy.
- Officers clarified that paternity leave began after the baby was born and not when the mother went into labour.

Adoption

- Officers confirmed that if a same sex couple were adopting a child then one parent could have adoption leave and one parent could have paternity leave.
- The last sentence in paragraph 5.8, Private Day Nurseries, should again be removed in line with the Maternity Policy.

Access to Personal Records

- As there was now a central HR Team references to directorate HR Officers/Administrators would be changed to HR Team.
- Clarification was sought as to whether electronic data was backed up off site and officers confirmed that it was. Paper files were not now created for new starters and for existing employees no new paper information was added to files. It may be possible to look in the future if there could be any resource available to scan all paper files on to the Agresso system.
- The Committee urged officers to look at the transfer of hard copy files to the Agresso system in a timely manner.

- Officers clarified that the section on personal data held in other areas of the Authority, should make reference to the Subject Access Request process which was a separate procedure.
- Officers were asked to define what monitoring purpose only meant in the paragraph about sensitive information. It was clarified that some personal information could only be used for certain purposes under the Data Protection Act. This information was held under secure fields in the Agresso System and had restricted access.

Umbrella Flexible Working

- It was clarified that the flexible working policies were available to all members of staff but they may not apply in practice to some staff due to the needs of the service. However all members of staff had the right to request flexible working.
- It was suggested that there needed to be a clear steer about how senior roles worked within the Policy. It would be helpful to include a paragraph that senior managers did not use the policies unless there were exceptional circumstances as the needs of the service needed to be considered. It was agreed that officers consider a form of wording outside of the meeting and circulate to Committee members.
- It was confirmed that the use of technologies such as Skype to keep in touch with home workers had not been considered but it could be looked at in the future.
- It was proposed to include an additional bullet point in paragraph 5.7.2 that home workers agreed to a form of monitoring when and where appropriate. Officers confirmed that home workers performance was monitored in the normal way, however at the current time the Council had no home based workers.
- It was proposed in the third paragraph of section 5.9, to include after “and one to one meetings”, “which may include Skype and other technologies as they develop.”
- It was noted that the right to request flexible working was available to members of staff with a child up to the age of 17, however it was likely that the Government would remove the age restriction in the future. As this would be a statutory provision the Policy would need to be changed again at a later date.
- It was confirmed that flexi time did not apply for weekend working. The contracts for weekend working were explicit and groups were clear why they were not on flexi time.
- The Policy stated that posts under SO level could be paid overtime however it should be made explicit that overtime was not payable to posts above SO level.
- The section which covered appeals against decisions to refuse flexible working should be explicit and state that when the relevant line manager was a Director that another Director would consider the appeal.

Umbrella Leave

- The wording around antenatal care should be amended to the wording previously agreed to ensure consistency.
- It was noted that foster parents were specifically excluded from those eligible for parental leave. This was contradictory as the Council was currently encouraging members of staff to become foster parents. Officers advised that there would be a separate provision under special leave but it was an area that could be considered. Officers undertook that the covering report to Council would include that the Committee wanted to look at this issue further.

Secondment

- No comments were submitted

Relocation

- The Scheme had been updated following a review and comparison to other authorities. The level of £5k was now not one of the lowest payments made by authorities.

Restructure

- The Policy was explicit in that employees would not be treated less favourably because of their membership or non-membership of a trades union.
- It was accepted that there had been an issue around consultation during a restructure in early 2011. The Council was clear which unions needed to be involved in each consultation and this was laid out in the constitution of the Local Joint Council. However any unions needed to be recognised by the Council to enable them to be consulted.

Disciplinary

- The document needed to be updated following the recent changes to the senior management structure.
- Paragraph 7.5 should include that when the relevant Director or Assistant Director was involved in the disciplinary process then any appeal would be escalated to the next level.
- Clarification was sought as to what would happen if an employee was not able to provide the names of any witnesses or disclose relevant documents due to a police investigation running alongside disciplinary proceedings. Officers confirmed that any police investigation would take priority and the Council would seek further clarity and advice from the police so their investigation was not prejudiced.

Recruitment and Selection

- The NHS checks that an applicant's level of English is of a suitable standard, was this something that the Council did? It was clarified that most job descriptions and person specifications refer to appropriate communication skills required for the job. Writing good person specifications will be built into the training and procedures.
- It was felt that training on issues such as Safer Recruitment and equalities was needed for those councillors who sat on the Chief Officers Appointment Panel. Officers undertook to look where the training requirements for Members but it was not really a matter for this Policy.
- Whilst it was accepted that certain checks were needed on people applying for certain roles it was hoped that the outcomes of such checks were interpreted fairly so people were not punished twice. It was clarified that when working with children there were statutory provisions and the Council had a guide around positive Disclosure and Barring Service (DBS) checks.. There were clear guidelines and checklists about what a manager should consider. A positive disclosure would not automatically debar an applicant from a post.
- The table on sensitive posts needed to be amended to reflect the new Standards arrangements. Officers undertook to amend the table and circulate to members outside of the Committee.
- The section on nepotism should be amended to include after "the appropriate Director", "or Chief Executive". It was clarified that there was clear guidance in

the Employee Code of Conduct and the Policy was not saying that direct relatives would not be employed but that there was a process to follow.

- The Council monitors the working hours of those employees who work on a flexible rota basis but had not asked anyone to sign an opt out as rotas were kept within 48 hours. However officers would take this back and look to ensure everything was covered.
- It was proposed to add to paragraph 5.2 that a worker choosing to work more than 48 hours would be required to sign an opt out agreement. Risk assessments would be undertaken to establish if anyone was working more than 48 hours and get them to sign opt outs. It was noted that young workers were not able to opt out.
- Assurance was sought that feedback was given to unsuccessful job applicants. Officers confirmed that feedback should be given and they would be disappointed if it was not.
- Due to the costs of recruiting, why was information on unsuccessful applicants only kept for three months and not used at a later date if necessary? It was clarified that there were time limits about how long some information could be held under the Data Protection Act. There was a process in place about keeping good applications on file but that was left to officer's discretion.
- With regard to qualifications it was questioned whether rather than saying GCSE English, the appropriate grades should be stated to show the required standard. The table showed what skills would be looked at to enable people to demonstrate the required level since not all people would have the GCSE qualification. The person specification would break down the skills and knowledge required.

Capability

- The Policy stated that if an employee's choice of companion was unreasonable, the line manager would require them to choose someone else. If the manager felt that a companion was unreasonable HR would arbitrate if there was a disagreement. Agreed to add after "to choose someone else", "with guidance from HR".
- It was raised that there was a general principle that electronic devices could be used to record meetings but this Policy stated that they could not be used in meetings or hearings being held under this Policy. It was clarified that the key difference was that these meetings would not be public and in most circumstances a member of the public would not be a witness.

RESOLVED

- (i) That subject to the agreed modifications and proposed wording that the following HR Policies be **RECOMMENDED** to Council for approval:

- Maternity
- Paternity
- Adoption
- Access to Personal Records
- Umbrella Flexible Working
- Umbrella Leave
- Secondment
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- (ii) That the progress in the review of HR Policies be NOTED.

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The Chairman declared the meeting closed at 9.35 pm.

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