

EMPLOYMENT AND APPEALS COMMITTEE

27 March 2019

HR POLICIES

Report of the Strategic Director for Resources

Strategic Aim:	Sound Financial and Workforce Planning	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate and Growth, Tourism and Economic Development, Communications and Resources (other than Finance)	
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Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That the Committee:

1. Notes the amendments to the Accessing Personal Records Policy.
2. Notes the amendments to the Probation Policy.

1 PURPOSE OF THE REPORT

- 1.1 To advise Members of some minor amendments to the Accessing Personal Records Policy in relation to reflecting General Data Protection Regulations (GDPR), and the Probation Policy with regard to clarification of continuous local government service.
- 1.2 In October 2014, Employment Committee authorised the "Head of Human Resources to amend and update policies in line with changes to employment legislation/regulation and where this happens Members of the Employment and Appeals Committee are advised in writing. This applies to policies and procedures that Members have previously approved."

2 ACCESSING PERSONAL RECORDS POLICY

- 2.1 Rutland collects a range of employee data – HR records – including information on pay, sickness absence, contracts of employment and personal data. Since 2014, information has been held in electronic form only on our HR information system – U4BW (Agresso). We are required, under Data Protection legislation and General Data Protection Regulations to ensure the information is well-organised, secured and retrievable.
- 2.2 Employees have a statutory right to access their personal records – the Accessing Personal Records policy therefore provides advice and guidance to individuals who may wish to do so.
- 2.3 The Policy has been amended and improved to reflect the following – there is no change to ‘policy’:
- Reference to compliance with GDPR in addition to Data Protection legislation.
 - Signposting to the Council’s Document Retention and Records Disposal Policy which provides further information regarding retention of personal records.
 - Inclusion of signposting to the Council’s HR Privacy notices (as required under GDPR) which enables employees to understand what information is kept on their file, why it is kept and what it will be used for.
 - Removal of any outstanding references to paper/hard copy personal files.
- 2.4 For the implementation of GDPR in March 2018, employees were requested to check their personal data within U4BW and correct where necessary. Human Resources will remind staff on a periodic basis to undertake such checks to ensure that the data held remains up to date.

3 PROBATION POLICY

- 3.1 This was last approved by Employment Committee in 2014.
- 3.2 All new employees to Rutland Council – irrespective of their previous employer (including local authorities) undergo a 6 month probationary period. This provides an opportunity (for the Council) to assess a new employee’s suitability in the role they have been appointed to and for the employee to demonstrate their ability to effectively perform.
- 3.3 Our objective is to create a positive environment where all staff are enabled to perform to the best of their ability – the first few months is key to establishing a good grounding/development of skills and experience through an effective induction and probationary period.

3.4 The amendments/updates to the policy document include:

- Notice periods – to reflect the re-alignment against grades rather than mid pay points as agreed with Unison as part of a Collective Agreement in February 2019 alongside the assimilation and implementation of the new Pay Scale for April 2019 – as reported to Full Council on 11 March 2019 within our annual Pay Policy.
- Clarification that employees with continuous local government service (ie. where employment prior to joining Rutland Council is with an employer on the 'Modification Order' without any break in service) still undergo a probationary period. The required amendment is to reflect that such previous service does not count as accrued service (two years) for claims of unfair dismissal. All employees are therefore subject to the same terms of the policy in the event that employment is to be determined for unsatisfactory performance during the probationary period.

3.5 Continuous service gives rights in other areas of employment including qualifying periods for occupational maternity pay, sickness benefit, annual leave entitlement, notice period, flexible working requests and redundancy payments.

3.6 Members are advised that 3 employees were dismissed within the probationary period in the period December 2017 to December 2018. This represents 4.2% of new joiners (excluding casual contracts) in that period.

The Modification Order originated in 1983 and was reorganised and re-issued in 1999 as The Redundancy Payments (Continuity of Employment in Local Government etc.)(Modification) Order 1999. The Order contains lists of organisations who must take into account continuous service with bodies listed. As the heading indicates, it was primarily to enable service with previous eligible employment to be taken into account when calculating redundancy payments (aligned to age and length of service); the National Conditions of Service for Local Government staff, extends this provision for the benefits and entitlements identified in 3.5.

4 CONSULTATION

4.1 There are no further consultation requirements as the items identified in this paper are necessary to (a) comply with regulation and (b) provide for clarity – rather than changes to Policy.

5 ALTERNATIVE OPTIONS

5.1 Policies and procedures provide clear and important frameworks that serve to protect and manage a level of risk and exposure through employee challenge and potential employment tribunal claims.

5.2 The Council ensures that such policies and procedures reflect employment law, provisions of the national terms and conditions of employment and best employee practice. The amendments within this paper relate to necessary updates and amendments.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no costs associated with the updates to these policies. However, failure to comply with legislation and terms and conditions of employment, would present risks of employment tribunal which could be costly and damage organisational reputation.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 The Council must be compliant with relevant employment law and regulations.
- 7.2 Delegated authority in relation to organisational decisions is defined in paragraph 1.2 of this paper.

8 DATA PROTECTION IMPLICATIONS

- 8.1 A Data Protection Impact Assessments (DPIA) has not been completed as there are no risks/issues identified to the rights of individuals or personal data.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found. A copy of the EqIA can be obtained from the Head of Human Resources.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 There are no Community Safety implications arising from this report.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 There are no specific Health and Wellbeing implications to these particular policies but the Council has an overall duty of care to its employees which means taking all steps which are reasonably possible to ensure the health, safety and wellbeing of staff. Clear and fair policies and procedures can also be a key factor in building trust and reinforcing commitment to our staff and help improve staff retention, productivity and performance and greater employment engagement.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The Council provides updates of policies to all staff and ensure that updated copies are available on the Council's intranet.

13 BACKGROUND PAPERS

13.1 There are no additional background papers to the report.

14 APPENDICES

14.1 No Appendices.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.