

## EMPLOYMENT AND APPEALS COMMITTEE

15 November 2022

### HR POLICY REVIEWS

#### Report of the Strategic Director for Resources

Strategic Aim:	A modern and effective Council		
Exempt Information		No	
Cabinet Member(s) Responsible:		Cllr K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation	
Contact Officer(s):	Saverio Della Rocca, Strategic Director for Resources (s.151 Officer)	01572 758159 sdrocca@rutland.gov.uk	
	Carol Snell, Head of Human Resources	01572 720969 csnell@rutland.gov.uk	
Ward Councillors			

#### DECISION RECOMMENDATIONS

That the Committee:

1. Notes the range of employment policies that the Council has and the process it follows by way of review and update.

### 1 PURPOSE OF THE REPORT

- 1.1 Employment policies and procedures help to provide a decision-making framework to ensure integrity and fairness are adhered to when issues arise, as well as help minimise legal and safety risks for employers.
- 1.2 The Chartered Institute of Personnel and Development also quote “HR policies and procedures give guidance on a range of employment issues for employees, managers and others with responsibility for people. They play an important role in practically and effectively implementing an organisation’s HR strategy. They also provide consistency and transparency for employees and managers, helping to enhance the psychological contract and create a positive organisational culture.”
- 1.3 This report provides an overview for members of how Rutland Council as an employer, manages its range of employment policies.

## **2 OVERVIEW OF HR POLICIES - CONTEXT**

- 2.1 Whilst policies are often referred to as 'HR policies' – this does not mean they are 'owned' by the HR team – the HR function may facilitate the development of them on behalf of the organisation.
- 2.2 No matter their heading, they are a written source of guidance on how a wide range of issues should be handled within an organisation. They include a description of the principles, right and responsibilities for managers and employees.
- 2.3 Very few policies are legally required although there are important legislative provisions surrounding the setting out of formal disciplinary and grievance procedures. Given the complexity and legal terminology used in legislative documents, it would not be appropriate to solely rely on that media in an operational/ work context. Therefore, policies provide a level of accessibility, transparency and fair interpretation of the law.
- 2.4 Even where a policy or procedure is not specifically required by law, employers often find it helpful (and in some cases is best practice) to have a policy in place to provide clear guidelines that reflects the legal framework for handling specific issues – and it also helps employees to be clear about the organisation's stance on a particular subject, provision or benefit.
- 2.5 Employment legislation in the UK is varied and in some cases complex – for example:
- The Employment Rights Act 1996 - covers areas such as unfair dismissal, redundancy payments, protection of wages, zero-hour contracts, Sunday working, suspension from work, flexible working and termination of employment.
  - National Minimum Wage Act 1998 – sets out the minimum amounts of pay a worker is entitled to per hour. There is a legal requirement for employers to pay the national minimum wage.
  - Employment Relations Act 1999 – establishes a number of rights at work in several areas, some of which are covered by previous regulation. Particular areas here are Trade Union recognition, derecognition and industrial action ballots.
  - Maternity and Parental leave Regulations 1999 – specific regulations that govern the rights of employees for time off work due to maternal and parental obligations. These rights also apply for people adopting a child.
  - The Equality Act 2010 – prevents discrimination in the workplace and the recruitment process, but also in wider society protecting people from discrimination and victimisation.
- 2.6 The Advisory, Conciliation and Arbitration Service (ACAS) will also be mindful of internal policies and procedures when discharging their services. For example, they have a Code of Practice on disciplinary and grievance procedures, and they recommend this as the minimum an employer should follow for handling such issues in the workplace.

2.7 In the event that an employer does not follow its own procedure or acts outside of employment legislation, they may face a claim from an employee at an Employment Tribunal. Types of disputes heard by employment tribunals include:

- Unfair dismissal
- Wrongful dismissal
- Discrimination
- Equal pay
- Unlawful deductions from wages.

Employers may have to pay compensation or reinstate a claimant if they lose the case.

### 3 RUTLAND COUNCIL POLICIES

3.1 The Council has developed a suite of policies in order to:

- Demonstrate our compliance with employment legislation and regulation – the ‘do’s’ and ‘don’t’s’.
- Provide a clear statement of our policy and practice, demonstrating equity, fairness and consistency.

3.2 We also examine the minimum requirements of ACAS as a starting point and review other similar/model policies adopted by other organisations for best practice, eg. Chartered Institute of Personnel and Development.

3.3 The process the Council is required to follow, having developed a draft policy that affects employee terms and conditions of employment, is consideration and approval by the Corporate Leadership Team, recognised Trade Unions and then Employment and Appeals Committee. Any new or updated policies are shared across the workforce and copies are held in HR folders within the Intranet so are fully accessible. Where necessary, we also undertake specific briefings or training for managers.

3.4 The **current** policies that have previously been approved as above, are as follows – along with the dates they were last reviewed:

Accessing your Personal Record – March 2019	Acting up and Additional Responsibility Allowance – January 2015
Capability – February 2017	Code of Conduct – January 2017
Disciplinary – March 2016	Early Retirement – July 2018
Employer Supported Volunteering - October 2015	Flexible Working - February 2017
Grievance – February 2022	Internal secondment – February 2017
Job Evaluation – July 2017	No Smoking – October 2015
Pay Policy (March 2022 and annually)	Probation – March 2019
Professional Development – February 2017	Recruitment – July 2017
Relocation – September 2020	Restructure – March 2016
Sickness Absence – July 2014	Social Media – July 2017
Umbrella Leave – Sept 2020	Umbrella Families – July 2018

(incorporates all types of leave, annual leave, special leave, time off for religious beliefs).	(incorporates maternity, paternity, adoption, shared parental leave
Standby – February 2020	

3.5 The HR team undertook a range of **reviews and refresh** of policies in 2015-2017 to provide a policy position and style that would stand the test of time (subject to any legislative/regulatory review). Any subsequent reviews, refresh or modification therefore takes place as and when required – for example:

- changes to legislation or regulation
- in response to emerging case law that leads to a change of practice or application in order to minimise risk of challenge
- identified need for clarification or improved wording.

3.6 Over the past year our focus has been on the development of our Ways of Working practices – this has not, as yet, required any changes to existing policies such as Flexible Working.

## **4 CONSULTATION**

4.1 There are no consultation considerations arising from this paper.

4.2 As contained within the paper, consultation is required through the approval process of HR policies that affect employee Terms and Conditions of Employment.

## **5 ALTERNATIVE OPTIONS**

5.1 The Council could consider reduced policies or no policies in certain areas – this would likely give rise to inconsistent practice and perceived different levels of treatment that could result in grievances and tribunal claims.

5.2 External ‘model’ policies could be adopted with no local nor Rutland Council consideration, ie. as produced by another organisation/authority. Our current approach is to review such model policies and then apply a level of Rutland specific content as necessary.

## **6 FINANCIAL IMPLICATIONS**

6.1 None arising from this paper.

6.2 Failure to follow statutory employment legislation would render us liable to challenge at employment tribunal. The amount of an award is case specific but would include a fixed sum and further compensation for money lost.

## **7 LEGAL AND GOVERNANCE CONSIDERATIONS**

7.1 No further considerations other than those identified within this paper.

## **8 DATA PROTECTION IMPLICATIONS**

8.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons.

## **9        EQUALITY IMPACT ASSESSMENT**

- 9.1        An Equality Impact Assessment (EqIA) has not been completed as there are no issues arising from this paper.

## **10       COMMUNITY SAFETY IMPLICATIONS**

- 10.1       None

## **11       HEALTH AND WELLBEING IMPLICATIONS**

- 11.1       None

## **12       ORGANISATIONAL IMPLICATIONS**

- 12.1       Human Resource implications – no further implications other than those already identified in this paper.

## **13       CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 13.1       Employment related policies have an important part to play in the organisation to both safeguard and protect the Council as an employer, and also the rights of our employees. This paper provides some context and explanation for Members to understand how they operate within the Council.

## **14       BACKGROUND PAPERS**

- 14.1       None

## **15       APPENDICES**

- 15.1       None.

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