

EMPLOYMENT AND APPEALS COMMITTEE

28 February 2017

HR POLICIES

Report of the Director for Resources

Strategic Aim:	Sound Financial and Workforce Planning	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources (excluding Finance)	
Contact Officer(s):	Debbie Mogg, Director for Resources	01572 758358 dmogg@rutland.gov.uk
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Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Employment and Appeals Committee:

1. Consider and approve the Standby Policy (Appendix A)
2. Consider and approve the Professional Development Policy (Appendix B)
3. Consider and approve the Secondment Policy (Appendix C)
4. Consider and approve the following policies which have no/minor amendments – Umbrella Flexible Working, Capability, Umbrella Leave, Grievance.
5. Note the pending review of the NJC Green Book pay spine

1 PURPOSE OF THE REPORT

- 1.1 To seek approval for updated HR policies with regard to (a) Standby (b) Professional Development and (c) Secondment.
- 1.2 To confirm/approve the no/minor amendments to (a) Umbrella Flexible Working, (b) Capability Policy, (c) Umbrella Leave Policy and (d) Grievance Policy.

2 STANDBY POLICY

- 2.1 The Standby Policy enables the council to manage resources in such a way that we can respond to situations, events and urgent issues outside of normal hours. We therefore have available, appropriate staff on 'standby' to provide such cover. The policy provides us with a clear framework and outlines provision for financial compensation where it is an essential feature of the service and role.
- 2.2 The review of this policy has focussed on bringing local provisions into an overarching Corporate Policy for clarity and equity. The Senior Management Team have particularly scrutinised where in the organisation standby provisions need to be in place for service continuity. The review has looked at policy and practice in other organisations and has taken into account comments and feedback from the Trade Unions (Unison).
- 2.3 The key features of the new policy are:
- a) Payment for standby is aligned to a combination of (a) frequency and (b) level of accountability. Payment is therefore made on a monthly recurring basis to avoid the need for manual processing of monthly claims. Annual amounts vary from £400 to £1,500. The revised model has been costed and represents no increase in cost.
 - b) Provision for emergency standby is available for situations that do not fall within a post or situation where standby is a key requirement of the role, eg. Emergency situations relating to weather or other unpredictable situations.
 - c) Standby provisions are available to staff up to and including Scale P05. It is a contractual requirement (for defined services and roles – see para 2.3(e)) and staff are therefore required to be available on standby and to attend work outside of normal working hours.
 - d) Standby may be withdrawn (with notice) if there is no longer a requirement for the particular service.
 - e) Standby provisions will be in place for:
 - IT – out of hours cover for system infrastructure continuity
 - Adult Social Care – emergency duty cover
 - Highways – emergency response (eg. Road Traffic Accidents, flooding, emergency Highways repairs); winter maintenance
 - Premises – all sites, including Catmose and OEP – immediate response to emergencies eg. fire
 - Building Surveyors – emergency response to site/building related incidents eg damage to property.

3 PROFESSIONAL DEVELOPMENT POLICY

- 3.1 This Policy provides provision for support to staff to undertake further qualifications - this benefits the organisation in terms of additional skills and experience, as well

as supporting an individuals' career aspirations and developments. This fits well with our Workforce Development Strategy and a priority theme of 'Building Skills and Capacity.'

- 3.2 The policy is clear in the 'definition' of the type of training that is applicable, the criteria for approval of financial assistance and the process/approval. Any training requests are therefore considered against key requirements for the role (or career development) and on a cost basis as provided by the Training Budget.
- 3.3 As with current policy and practice, we have retained the scope to reclaim costs if an employee either (a) does not make a serious attempt to undertake/complete the qualification, (b) fails the qualification or (c) leaves up to 12 months after completion. This enables the Council to recoup its 'investment' in such cases where the contribution and commitment from the employee has not been as expected.

4 SECONDMENT POLICY

4.1 The Secondment Policy was approved in 2013 and has recently undergone its 3-yearly 'health check'. Broadly this policy has worked well across the organisation with 15 internal secondments. Secondment arrangements provide opportunities for staff to undertake a temporary transfer to either a new role or a specific piece of work/project – thus providing development in skills, knowledge and experience.

4.2 Amendments to this policy include:

- Advice to employees to contact Leicestershire County Council's Pensions department to discuss, what effect if any, the secondment would have on their pension/contributions band.
- Clarification that allowances eg. Standby, that relate to the employee's substantive post will not be paid for the duration of the secondment unless they are deemed relevant to that post.
- Change of title to 'Internal Secondment Policy' to avoid any confusion with external secondment arrangements.
- Addition of reference to the potential for job share if the manager is in agreement. This could help benefit two people regarding developmental opportunities and could also be helpful if there are two people equally appointable to the secondment.
- Recommended period of secondment is minimum of 6 months (periods of less than 6 months would be managed through the Acting Up/Additional Responsibility policy).
- Clarity that employees who are at risk of redundancy, have preferential consideration for a secondment (if the same grade or below) ie. aligned to the Restructure policy.

5 POLICIES WITH NO/MINOR AMENDMENT

5.1 Umbrella Flexible Working Policy – this was approved by Members in 2013 with some minor amends in 2014 to reflect an amendment to the right to request

flexible working. The policy reflects the Council's approach to supporting work life balance and provides for a range of working arrangements from an organisational and personal/individual basis. This policy has worked well in practice, providing a clear framework that enables fair and equitable treatment of staff whilst balancing operational needs. There are therefore no proposed amendments.

- 5.2 Capability Policy – this policy and procedure provides an important framework in managing employee's performance – importantly to ensure fair processes are followed in line with employment legislation and therefore managing any risk of unfair dismissal and challenge at tribunal. It is a clear and robust policy supplemented with management guidance, training for managers and an e-learning module. In the past 3 years we have managed 10 cases through the informal stage with one proceeding to formal. There are no proposed amendments.
- 5.3 Umbrella Leave – to provide clarity around statutory and occupational 'rights to leave', the Council incorporates a range of leave provisions in one Umbrella Leave Policy. In particular, this includes annual leave, time off for Religious Beliefs, Compassionate Leave, GP, Dental and Medical appointments, Public duties. The policy was previously approved in 2014. There have been no employee complaints nor grievances against the provisions; the policy and guidance provides a clear and consistent framework. However, it is proposed that two minor amendments are made as follows:
- Include provision for 'other disasters/personal emergencies/other specific circumstances'. This would enable consideration to be given to paid leave for emergencies that do not neatly fall within the policy but nonetheless, given the circumstances and nature of the emergency, would be 'reasonable'. Approvals would be considered consistently by the Chief Executive with input from the Head of HR
 - Confirm a 'protocol' regarding requests for leave of more than 10 days with some variation as follows: 'For periods of annual leave of 12 days+, approval must be obtained by the relevant Head of Service (equivalent) in advance of the leave being booked'. This enables the Council to have surety of continuity of cover for absences arising from a longer period of leave.
- 5.4 Grievance Policy – this policy and procedure was approved by Members in May 2014 and followed a comprehensive review of our policies for Grievance, Harassment and Bullying. Since that time we have managed the following formal grievances:
- 2014 – 3 cases, 2 of which were upheld, one was not
 - 2015 – 3 cases, one of which was not upheld, two were resolved between all parties
 - 2016 – one formal grievance raised but subsequently withdrawn.

There are no proposed amendments to this policy.

6 REVIEW OF THE NJC GREEN BOOK PAY SPINE

- 6.1 National pay awards for the NJC (Green Books) pay scales are as a result of negotiations between trade unions (Unite, Unison and GMB) and the Local Government Association. As part of the 2016-18 pay deal, the NJC agreed to conduct a review of the pay spine – the prime reason being the introduction of the National Living Wage and the challenge of ensuring that a restructured pay spine is capable of withstanding annual changes to the National Living Wage rate without the need for regular and fundamental reviews of pay structures.
- 6.2 To take forward the review, the Joint Secretaries have set up a working group with the following aims - to ensure the restructured NJC pay spine is capable of:
- Accommodating changes to the National Living Wage rate
 - Adapting to differentials in levels of pay and responsibility
 - Accommodating all local government services roles within scope of the NJC
 - Managing the assimilation of other roles, including Health, Craft, Youth and Soulbury that are transferred to Green Book pay structures
 - Being used locally to recognise contribution and progression.
- 6.3 Both sides will endeavour to achieve an outcome that is financially viable for employers and fair to employees. The joint working group is now established, comprising local authority officers and trade union lay members; it remains their aim to conclude the review by 30 June at which point we will understand the proposals in more detail along with a timetable for a consultation process.

7 CONSULTATION

- 7.1 Where policies have required consultation with the recognised Trade Unions – this has taken place with Unison.

8 ALTERNATIVE OPTIONS

- 8.1 Policies, procedures and guidance 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. The policies as presented are considered to be in line with the public/private sector and represent robust procedures for Rutland Council.
- 8.2 The absence of such policies would remove clarity and consistency in the application of conduct/disciplinary issues that could result in claims for unfair dismissal or discrimination resulting in lengthy and costly defence in court.

9 FINANCIAL IMPLICATIONS

- 9.1 Whilst there are no significant costs associated with the management and implementation of these policies, failure to follow them will present risks at employment tribunal which could be costly plus the additional cost of management time and legal fees.

- 9.2 Where costs are associated with a specific policy, eg. provision for payment of Standby, payment of Professional Training fees, these are met from existing budget and do not present pressures on the Medium Term Financial Plan.

10 LEGAL AND GOVERNANCE CONSIDERATIONS

- 10.1 The Council must be compliant with relevant employment law and regulations.
- 10.2 Delegated authority in relation to organisational decisions is defined in the Council's Constitution – policies are aligned with this framework.

11 EQUALITY IMPACT ASSESSMENT

- 11.1 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 Report's Contact Officers.

12 COMMUNITY SAFETY IMPLICATIONS

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

13 HEALTH AND WELLBEING IMPLICATIONS

- 13.1 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. 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 employee engagement.

14 ORGANISATIONAL IMPLICATIONS

- 14.1 Consultation has taken place with the recognised Trade Unions as required.
- 14.2 Briefings will be provided to managers to ensure they are aware of the updated policies.

15 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 Once approved by Employment and Appeals Committee, the Council will communicate these policies to all staff and ensure copies of the Policies are available on the Council's intranet.
- 15.2 The Human Resources team will carry out briefings with Line Managers to ensure they are aware of the policies.

16 BACKGROUND PAPERS

- 16.1 There are no additional background papers to the report.

17 APPENDICES

Appendix A – Standby Policy

Appendix B – Professional Development Policy

Appendix C – Secondment Policy

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