

**PEOPLE AND
ORGANISATIONAL
DEVELOPMENT COMMITTEE**

6.10 P.M.

5TH MARCH 2024

PRESENT:- Councillors Prof Chris Harris (Chair), Jason Wood (Vice-Chair), Mandy Bannon, Paul Hart, Caroline Jackson, Paul Newton and Sue Penney

Officers in attendance:

Alex Kinch	Chief Officer – People and Policy (virtual)
Laura Collins	HR Policy and Strategy Lead
Catherine Joyce	Senior HR Business Partner
Stephen Metcalfe	Principal Democratic Support Officer

Also in attendance:

Ashley Walker	Health and Safety Consultant (HSE Advice UK)
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24 DECLARATIONS OF INTEREST

Councillor Jason Wood declared his interest as an employee and member of UNISON and as a member of Unite the union, these interests being publicly declared. He also declared that his wife is a member of UNISON, Unite the union and GMB.

25 MINUTES

The minutes of the meeting held on 15th February 2024 were approved and signed by the Chair as a correct record.

26 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

In accordance with Section 100B (4) (b) of the Local Government Act 1972, the Chair had agreed for one item of urgent business to be considered at this meeting regarding the NJC Pay Claim 2024-25. The item was considered as urgent business as there was a requirement to consider and respond to this item of business by the consultation deadline of 14th March 2024, which is prior to the next scheduled meeting of the Committee.

After considering the consultation document, which had been circulated to Members of the Committee prior to the meeting, it was moved by Councillor Jason Wood and seconded by Councillor Paul Hart and unanimously resolved as follows.

Resolved: -

- (1) In the context of the employer consultation that the Committee expresses its support in principle for the pay claim noting the financial constraints and that the additional amount, above the 6% budgeted for by the City Council, be funded by the Government, the Committee strongly expressing its support to:

- Reviews of the gender, ethnicity and disability pay gaps in local government.
- An additional day of annual leave for personal or well-being purposes (with term time only staff also receiving a full day rather than a pro rata amount, that they can use at any time, including term time).

27 HEALTH AND SAFETY POLICY DEVELOPMENT AND REVIEW

The Health and Safety Consultant addressed the Committee to introduce the draft Health and Safety policies which had been renewed following the Health and Safety Corporate Review. The comments made at JCC with regard to the lack of inclusion in the local health and safety representative in terms of their roles and responsibilities for the strategy had now been addressed within the document for consideration by the Committee.

It was noted that there was a minor typographical error contained within the Health and Safety Strategy 2024 – 2026, 4.0 Key Roles and Responsibilities, Health and Safety Representatives/Trade Union Representatives, with the word “representative” to be inserted after the words “Trade Union”.

The Chair thanked the Health and Safety Consultant for their substantial work in producing the revised policies and for providing a detailed overview of them for the Committee.

It was proposed by Councillor Paul Newton, seconded by Councillor Jason Wood, and unanimously resolved as follows:

Resolved: -

That, subject to the amendment to the minor typographical error contained within the Health and Safety Strategy 2024 – 2026, 4.0 Key Roles and Responsibilities, Health and Safety Representatives/Trade Union Representatives, the Health and Safety policies be approved.

28 HR POLICY DEVELOPMENT AND REVIEW

The HR Policy and Strategy Lead submitted a report that enabled the Committee to consider and approve the introduction of revised Flexible Working Request, Disciplinary and Sickness Absence Management policies.

Comments and amendments following the meeting of JCC on 21st February 2024 were set out in the report.

The policy tracker, appended to the report, advised of further information on the changes to be reviewed. For these policies these were:

Policy Section Number (new number)	Existing/New Section	Section Heading	Amendment/addition Notes
Flexible Working Request Policy			
3.1	Revised Existing	Conditions and Arrangements	The provision set out the statutory time limit of 2 months to respond to a request (including appeal). It is still LCC's commitment to dealing with flexible working requests within 1 month, but the statutory requirement is 2 months to <i>respond</i> to a request, <i>not</i> to have also dealt with an appeal (as there is no statutory right of appeal). Amended to re-state the statutory requirement of 2 months to respond.
12.1	Revised Existing	Appeal	Revised to include reference to the recently approved LCC appeal policy. This will give employee's a further 5 days to appeal a decision and brings the appeals process in line with all other decisions which carry a right of appeal for consistency.
Flexible Working Request Application Form	n/a	n/a	Removed the section which previously requested employee's to set out the impact the request may have on the service in line with new legislative requirements.
Disciplinary Policy			
N/A	N/A	Branding	Policy re branded to new format.
N/A	N/A	Generic Layout	Layout follows new format. Scope, Purpose, Roles & Responsibilities followed by the procedure to be followed.
3.2	New	Employee's Responsibilities	Introduced 2 new employee responsibilities: <ol style="list-style-type: none"> To make the Commissioning Officer and/or Disciplinary Hearing Manager aware of any reasonable adjustments that may be required to co-operate with the process (this has been updated in the invite letters to remind employees); and To provide any evidence, including naming any relevant witnesses to either the Investigating Officer or the Disciplinary Hearing Manager to consider as soon as possible (see "witnesses" below)
3.3	New	Council's Responsibilities	The previous policy had objectives and principles but no Council responsibilities. We have introduced Council Responsibilities which reflect the previous objectives and principles to showcase the fact that it is not just line managers and employees who are responsible for good conduct; it is also the Council's responsibility to promote fairness and consistency.
4	Revised Existing	Misconduct or gross misconduct: what is the difference?	The existing policy included a section around the difference between misconduct and gross misconduct. It acknowledged it would be impossible to provide a conclusive list but some of the examples given were misleading as to their severity i.e. equality and diversity breaches were listed under misconduct (when they

			could very possibly be gross misconduct). We have moved away from using lots of specific examples to highlight what is considered misconduct or gross misconduct as this will be dictated by the specific circumstances. The new policy focuses on the impact and distinguishes gross misconduct as a matter so serious that dismissal ought to be considered. The new mandatory training on disciplinaries aims to empower managers to evaluate the severity of misconduct and to know how to act immediately i.e. for matters which are minor with inconsequential impact, they should deal with it informally and for matters they consider cannot be remedied by a 1:1 conversation, they should initiate an investigation.
5	Revised Existing	Conduct outside of work/criminal activity	Merged previous paragraphs 6 and 7 concerning conduct outside of work and criminal activity. Focus is on respect for a private life and the relevance of the conduct to the workplace but sets out detail as before around what the Council may consider dealing with internally.
	Removed from Existing	9. Raising Concerns Whilst at Work	Current paragraph 9 refers to the raising concerns whilst at work policy and makes it clear that if that policy has been misused then it could be a disciplinary matter. Policy misuse more generally is a matter to be considered for disciplinary, so it did not feel necessary to include this one specific example.
7.18 and 7.19	Revised Existing	Disciplinary Hearing (re appeals)	The recently introduced Appeals Policy ensures that all formal decisions with the right of appeal will be handled in the same manner consistently. A right of appeal is of course afforded in the case of any formal sanction under the disciplinary policy and rather than setting out the appeal process in detail or in an appendix, the appeal policy will be linked.
	Revised Existing	Existing policy "22. Witnesses"	The current policy provides that employees and managers can call witnesses to a disciplinary hearing and that they can each be "cross-examined" by the other. We want to move away from a case versus case mentality and focus on examination of evidence presented. It should not be a managers case versus an employee's case, it is an opportunity for an impartial manager to decide on the evidence whether they have formed a reasonable belief in the allegations. We have introduced a new employee obligation as above to identify any witnesses early in the procedure i.e., at investigation stage to ensure that investigation manager has taken those views into account when conducting the investigation (as these could be pivotal when the Commissioning Officer decides whether there is a case to answer). Witnesses may also be useful in mitigation, but again, a witness statement provided in advance of the hearing would be preferable. The emphasis is now on witness statements, but there is still cope for witnesses to attend where it has not been possible/foreseeable to obtain their evidence earlier.
	Revised Existing	Appeal	Revised to include reference to the recently approved LCC appeal policy. This will give employee's a further 5 days to appeal a decision and brings the appeals process in line with all other decisions which carry a right of appeal for consistency.
	Revised existing	Removal of appendices	There were extensive appendices to the policy document setting out how the meeting and hearing would be run. This information is better served in guidance document which is tailored to the relevant

			party. Manager guidance will be implemented to ensure managers are equipped to conduct fair hearings.
	Revised Existing	Review	Annual review is recommended. It is unlikely that substantive changes will be necessary to this policy as the disciplinary procedure is rather routine, but it will give HR the opportunity to add to FAQs or to address in-year cases which might prompt minor changes.
N/A	N/A	FAQ's	Introduction of FAQs to separate out some of the nuanced points. This will serve as an area we can continue to add to if anomalous scenarios arise which were not envisaged at the time of review. For Performance Improvement purposes these FAQs include applicability of the policy to employees on probation or appoint review, those who have lost any relevant licences, pay increment and more. All of this information was included within the policy previously, it has just been set out so it is more accessible.
Sickness Absence Policy			
N/A	N/A	Branding	Policy introduced with branding to match new format.
N/A	N/A	Generic Layout	Layout follows new format. Scope, Purpose, Roles & Responsibilities followed by the procedure to be followed.
N/A	N/A	Consolidation of all provisions	All provisions have been consolidated. All substantive changes are set out in the below areas:
	New	FAQs	Moved the sections on withdrawal of sick pay, attendance at appointments, employee third party compensation claims (the notification of a claim having been made now being an employee obligation), work-related ill-health or injury to the FAQ section, so the main body of the policy can get straight into entitlement and the process to follow to report absence and then the informal and formal management steps.
5	Revised existing	Sickness Absence Reporting Procedure	Employee's (unless severely inhibited) <i>required</i> to make contact by telephone only. More flexibility for manager and employee to agree how much checking in is necessary (which ought to be dictated by the reason for the absence). LCC recognises that too much contact may not be conducive to recovery.
		Self-certification	Existing policy required a fit note for any sickness absence taken during an existing holiday. This is not consistent with self-certification, which is now applicable across the board in the first 7 days of absence (pro-rated for part-time employees).
8	Consolidated existing	Formal absence management	Stages 1 – 3 of the formal process contained a lot of repetition as the process is the same (save for how the first stage is triggered). Removed repetition and consolidated into one section rather than separate sections for each stage.
9	New	Disabilities and reasonable adjustments	Intro of definition of disability. HR should be engaged where a manager suspects or is told directly that an employee has a disability. This is so that occupational health can be engaged as appropriate and reasonable adjustments can be reflected on as soon as possible.
13	Revised existing	Repeated LTS	Policy previously provided for a 36-month period to look back at when a third LTS absence had started. This has been reduced to 24 months, as the 36-month period was considered too long and would not likely cause as much disruption as 2 LTS instances in 24

			months. Disability related LTS will not count towards this, and neither will work related illness/injury.
15.6	Removed existing	Re: interim reviews	During formal absence management, it was previously necessary to have an interim review. If absence targets have been set, and there are no absences, it will be clear to each party that good progress is being made against those targets. If there are any absences during the review period, a return to work will still be necessary, so it feels unnecessary to also be holding interim reviews. A review will be important at the end of the review period to confirm that targets have been met and to confirm the current absence indicator points (and therefore make the consequences of follow up absences clear).
	Revised Existing	Case Review Hearing(s)	Consistent with other changes to grievance, performance improvement and appeal, no longer a <i>requirement</i> for previous decision maker to be present in hearing., But, if <i>either</i> the employee or the Chief Officer wants them there, they are <i>required</i> to attend to answer questions.
	Revised Existing	Appeal	Revised to include reference to the recently approved LCC appeal policy. This will give employee's a further 5 days to appeal a decision and brings the appeals process in line with all other decisions which carry a right of appeal for consistency.
	Revised existing	Removal of appendices	There were extensive appendices to the policy document setting out how the meeting and hearing would be run. This information is better served in guidance document which is tailored to the relevant party. Manager guidance will be implemented to ensure managers are equipped to conduct fair hearings.
	New	When will the policy be reviewed?	Annually or earlier in the event of relevant legislative action.
Document control added and footer with version reference.			

It was reported that, at the JCC meeting held on 21st February 2024, with regard to Flexible Working Requests it was also observed that there is an increased emphasis on de-escalation, and a greater emphasis on informally resolving issues more widely, and it was therefore suggested that an informal process could be introduced as regards flexible working requests. This will require a process to be mapped out to ensure that any permanent changes are adequately reflected from a HR perspective, but this will necessitate changes to provision 1.2 to include the option to agree flexible working requests informally, and a new provision to encourage informal resolution where possible prior to requesting an application form be submitted. It requires further deliberation on when it may be necessary to rely on the application form and to ensure all parties are comfortable with how specifically the policy will be adapted going forward to provide for this.

The Committee then considered the issue regarding agreeing to flexible working requests informally. The views of the Committee included that requests be considered on a case by case basis, the need for requests to be recorded and providing flexibility for Line Managers to agree to requests for a fixed term for a personal reason or when an employee needs support so that this can be addressed immediately.

The Chair expressed his thanks to Officers for the work undertaken to date on the HR Policy Development and Review process.

It was moved by Councillor Professor Harris and seconded by Councillor Jason Wood and resolved as follows.

Resolved: -

That the draft Flexible Working Request, Disciplinary and Sickness and Absence policies be approved with the HR Policy and Strategy Lead providing an update/review report regarding the Flexible Working Request Policy and Procedure informal review to the Committee in 12 months' time.

29 PAY POLICY STATEMENT 2024/2025

The Chief Officer, People and Policy presented the proposed Pay Policy Statement for noting before its referral to People and Organisational Development Committee and then Full Council. The Committee was informed that it is a requirement under section 38 of the Localism Act 2011 that local authorities publish a Pay Policy Statement by the 31st of March each year and that there were no notable changes to the policy aside from reflecting the most recent staff pay award.

The Committee discussed the Willis Towers Watson Global Grading Scheme referred to in paragraph 14.2 of the Policy Statement, and it was noted that a report on the People Plan, including a date to look at the Job Evaluation process and the resources to do so, be submitted for consideration at the next meeting of the Committee.

It was proposed by Councillor Professor Chris Harris, seconded by Councillor Jason Wood, and unanimously resolved as follows:

Resolved: -

That the Pay Policy Statement 2024-2025 be referred and recommended for approval at Full Council on 13th March 2024.

30 GENDER PAY GAP REPORTING

The Chief Officer, People and Policy presented the Council's annual gender pay gap report and provided an overview of the report's findings. It was reported that there had been a small increase in the gender pay gap but that it remained in-line with, and slightly below, the national average.

The Chief Officer, People and Policy also explained to the Committee the Council's commitment to reducing the gender pay gap and the activities to address the issue as detailed in the report, in particular the suggestions provided by the Women's Network and those included in the existing three-year People Plan.

The Gender Pay Gap report was noted by the Committee and the Chair extended his thanks to all in attendance and for the hard work of the officers involved in the creation of the reports presented during the meeting.

Resolved: -

That the Gender Pay Gap report be noted.

Chair

(The meeting ended at 7.50 p.m.)

**Any queries regarding these Minutes, please contact
Stephen Metcalfe, Democratic Support - email sjmetcalfe@lancaster.gov.uk**