

PERSONNEL COMMITTEE

HR POLICY DEVELOPMENT AND REVIEW

10th April 2012

Report of the Human Resource Manager

PURPOSE OF REPORT

To enable the Committee to consider and approve a number of Human Resources Policies and Procedures.

This report is public

RECOMMENDATIONS

- 1. That the Committee approve the amended Family Leave Scheme.**
- 2. That the Committee approve the amended Flexible Retirement Policy.**
- 3. That the Committee approve the Social Media Policy.**

1.0 Introduction

- 1.1 From time to time the Council will review Human Resource policies and procedures that are in place. The current Family Leave Scheme and Flexible Retirement Policy have been in place for some time and have been reviewed as part of a policy and procedure review framework developed by the Human Resource Team, with minor amendments proposed.
- 1.2 A new Social Media policy has also been developed which is presented to the Committee for approval
- 1.3 All the above documents have been the subject of consultation with the recognised trade unions, and no adverse comments have been received.

2.0 Family Leave Scheme

- 2.1 It was recently identified that the appeals procedure within the Family Leave Scheme means that appeals are referred to the Personnel Committee for consideration. As the appeals process relates to requests for flexible working, it is considered that an early resolution of such matters is in the best interest of all parties.

It is therefore proposed to replace Para 4.5 with an appeal process to the Chief Executive. The full amended scheme document is detailed at Appendix A. However, for ease of reference, the amended paragraph is as follows:

Right of Appeal against a refusal to grant a request for flexible working arrangements

*Employees wishing to appeal against a Service Head's decision to reject their request for flexible working arrangements should do so by writing to the HR Manager, stating their grounds for appeal, within **14 days** of receiving written notification of the rejection of their request.*

*The Chief Executive will normally hear an appeal within **14 days** of receipt of the appeal. If it is not possible to convene an appeal hearing within 14 days, an extension of time may be agreed between the Council and employee. In these circumstances, the HR Manager (or nominee) will write to the employee, specifying why the extension is required and a date by which the appeal will be heard.*

At the appeal hearing the Chief Executive will be advised by the HR Manager (or his/her nominee).

*The employee will be informed of the outcome of the appeal within **5 working days** of the appeal hearing. The Chief Executive may:*

- *Uphold the appeal:*

The notification will specify the contract variation agreed by the Chief Executive and the date from which the new arrangements will take effect.

- *Dismiss the appeal:*

The notification will state the grounds for the decision and contain a sufficient explanation as to why those grounds apply.

- 2.2 At an inquorate meeting of the Joint Consultative Committee the on 14 March 2012, the Chairman of the Local Unison Branch expressed his informal agreement with the proposal. This view was supported by the two other Unison representatives present.
- 2.3 The Committee is asked to approve the amended document.

3.0 Flexible Retirement Policy

- 3.1 It was recently identified there are elements of the policy that need to be updated so that requests for flexible retirement can be considered and resolved within a reasonable timeframe. It is therefore proposed to change the policy to effect better administration of requests for Flexible Retirement. The amended policy document is detailed at Appendix B.

For ease of reference, the paragraphs that it is proposed to change are as follows:

3.5 Old Paragraph

An employee's earnings, including pension payments under the scheme, will not generally be permitted to exceed the employee's earnings immediately before flexible retirement. To allow otherwise might affect public confidence in local government.

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An employee's earnings, including pension payments under the scheme, will not generally be permitted to exceed the employee's earnings immediately before flexible retirement. To allow otherwise might affect public confidence in local government. HR will confirm that the employee's earnings are within this rule.

Section Four Old Paragraphs 4.4, 4.5 & 4.6

- 4.4 *The Service Head will then make a recommendation to the Chief Executive as to whether or not the request for flexible retirement should be granted. Such recommendation shall include details of any costs/savings involved, and the impact on service delivery and how this will be dealt with. Any need for Cabinet's consideration of the proposed funding arrangements would be addressed at this time.*
- 4.5 *The Chief Executive will subsequently determine the request. If it is granted, Human Resources will make the necessary arrangements to amend the employee's contract of employment, and will request the Lancashire County Council to release pension benefits.*
- 4.6 *If the request is not granted, or the arrangements approved are different from those originally requested, the employee has the right to appeal to the Personnel Committee. A meeting of the Personnel Committee will be convened as soon as practicable, and the employee will be invited to attend, and may be accompanied by a trade union representative or work colleague.*

Section Four New Paragraph (Para 4.6 deleted)

- 4.4 *The Service Head will then make the decision to approve or decline the request. If the Service Head declines the request they will write to the employee and set out the reasons why the request has been declined. If the request is granted the Service Head will complete a change of conditions form and Human Resources will make the necessary arrangements to amend the employee's contract of employment, and arrange for the release of pension benefits.*
- 4.5 *If the request is not granted, or the arrangements approved are different from those originally requested, the employee has the right to appeal to the Chief Executive. The Chief Executive will consider the request and the*

recommendations made by the Service Head and will provide a response in writing to the employee. There is no further right of appeal after this stage.

- 3.2 At an inquorate meeting of the Joint Consultative Committee the on 14 March 2012, the Chairman of the Local Unison Branch expressed his informal agreement with the proposal. This view was supported by the two other Unison representatives present.
- 3.3 The Committee is asked to approve the amended document

4.0 Social Media Policy

- 4.1 The Social Media Policy is designed to help the council manage the use of social media by its employees. Employees will also be required to acquaint themselves with the Social Media Protocols which were developed some time ago to help staff and elected members realise the potential benefits, and pitfalls, of using social media. The protocols and policy document are designed to help shape current social media use and the future development of it.
- 4.2 The Social Media Policy, if approved, will form part of the suite of HR policies which will be used for the better management of workforce matters. The Policy Document is detailed at Appendix C.
- 4.3 The document has been the subject of consultation. Most recently the draft document was presented to the JCC at its meeting on 14 March 2012. This meeting was inquorate.
- 4.4 As part of the informal discussion which took place at the JCC the following key issues where raised:
 - 4.4.1 Management must ensure that all employees receive an appropriate briefings and an explanation of the policy, so that they are fully aware of the requirements of the policy and their personal obligations. This process must include, where appropriate, the provision of additional guidance in Plain English..
 - 4.4.2 Staff new to the organisation must be made fully aware of the policy as part of their induction.
- 4.5 Should the new Social Media Policy be approved by the Committee, the Human Resources Manager will ensure that there is a structured plan for its introduction across the whole workforce, supported with appropriate Plain English guidance and briefing notes.
- 4.6 The Committee is asked to approve the introduction of the Social Media Policy

5.0 Options

- 5.1 The options available to the Committee in respect of each Policy are to approve the appended document as drafted, to approve the document with amendments, or not to approve the document. The officer recommendation is that the Committee approve each document as drafted.

6.0 Conclusion

- 6.1 The Policies are recommended to the Committee for approval.

RELATIONSHIP TO POLICY FRAMEWORK

The Council is committed to good standards of employment practice, and it is felt that the proposed amendments to existing documents and the addition of the new Social Media Policy will augment our existing Human Resource management arrangements.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None. The policies will apply to all employees.

FINANCIAL IMPLICATIONS

There are no direct implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The S 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no legal implications directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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