

PERSONNEL COMMITTEE

HR POLICY DEVELOPMENT AND REVIEW

3 February 2015

Report of the HR & OD 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

That subject to any further recommendation being brought to the Committee from the Joint Consultative Committee which meets on 3 February 2015 prior to this meeting, the Committee approve:

1. The new Shared Parental Leave Policy and Procedure with future consequential changes to the existing Paternity/Partner Leave Policy.
2. The new Probation and Appointment Review Policy and Procedure.
3. The amended Early Termination of Employment Policy.
4. The new Flexible Working (Right to Request) Policy and Procedure with future consequential changes to the existing Council's Family Leave Scheme.
5. The amended Job Grading, Regrading and Appeals Procedure.

1.0 Introduction

- 1.1 From time to time the council will develop procedures to support the management of its workforce related matters.
- 1.2 The recognised trade unions have been consulted as part of the Joint Consultative Committee (JCC) at its meeting on 3 February 2015 prior to this meeting. Should there be any amendments to the attached draft documents proposed by the JCC, these will be presented to the Personnel Committee for its consideration. In the event of any substantial changes to a Policy being proposed at the JCC meeting and /or further consultation required, it may be necessary to defer consideration to a future meeting of the Personnel Committee.

2.0 Details

- 2.1 The Council has developed a new Shared Parental Leave Policy and Procedure in light of impending legislative changes.

- 2.2 The Council has developed a new Probation and Appointment Review Policy and Procedure, to formalise and clarify existing practice with regard to new appointees.
- 2.3 The existing Early Termination of Employment Policy and Arrangements has been reviewed and amended as part of the ongoing policy and procedure review arrangements.
- 2.4 A revised Flexible Working (Right to Request) Policy and Procedure has been devised to formalise arrangements since the introduction of the expansion of the 'Right to Request' to all employees.
- 2.5 The Job Grading, Regrading and Appeals Procedure has been amended to account for revised job titles and service structures.

3.0 Shared Parental Leave Policy and Procedure

- 3.1 This new policy document has been developed in response to changed legislation which will allow greater flexibility for birth and adoptive parents, with regard to sharing of the 52 weeks leave that is available after the birth or adoption of a child.
- 3.2 Shared Parental Leave legislation replaces and expands upon the existing legislation regarding additional paternity leave (as outlined within the Paternity/Partner Leave Policy and Procedure) and is effective for births/placements after 5th April 2015. The Paternity/Partner Leave Policy will remain in place, until such time as no further applications can be made and/or there are no existing employees utilising Additional Paternity Leave, after which point it will be archived.
- 3.3 The arrangements are complex and in line with other local councils it is proposed to offer the provision required under legislation.
- 3.4 Section 2.5 SPLIT days
Employees may work for up to 20 days without bringing the Shared Parental Leave to an end. These days are referred to as 'Shared Parental Leave In Touch' (SPLIT) days.

The rate of pay an employee receives on a SPLIT day is a matter for employers. It has previously been agreed by JCC and Personnel Committee that Keeping in Touch (KIT) days, permissible under the Maternity Policy and also the Paternity/Paternity Leave Policy, should be paid at the employee's normal hourly rate for any hours of work done on a KIT day.

It is proposed therefore that the rate of pay for SPLIT days should be in line with those agreed for KIT days, namely the employee's hourly rate of pay.

4.0 Probation and Appointment Review Policy and Procedure

- 4.1 The Council has had a framework in place for a number of years to support and manage both individuals who are new to Lancaster City Council and individuals who have moved to a new role within the Council.
- 4.2 The proposed Probation and Appointment Review Policy and Procedure encompasses all current arrangements, as well as providing more detailed guidance to both managers and appointees in what they can reasonably expect within the Probation or Appointment Review Period.

5.0 Early Termination of Employment Policy and Arrangements

5.1 Summary of Changes

- 5.1.1 Section 8.0 - The introduction of a change to the way compulsory redundancy payments are calculated to bring them in line with the statutory formula. The current Council arrangements are that where an employee is made compulsorily redundant the payment is calculated using their actual weekly pay, even if this is above the statutory cap (currently £464.00 per week).
- 5.1.2 This proposal will increase the differential in redundancy pay between the amount received if made compulsorily redundant and the amount received under VR. As Members will be aware the majority of staff elect to depart under Voluntary Redundancy.
- 5.1.3 By increasing the differential between the two amounts, which will particularly apply to higher paid staff, it is more likely that staff will elect for VR and it will be less attractive to staff to risk being made compulsorily redundant, where they retain the right to challenge their selection for redundancy at a later date. This approach should therefore further encourage staff to elect for VR, which disqualifies staff from later complaining against their selection for redundancy.
- 5.1.4 Section 10.1 - The revised policy includes reference to the fact that the VR cap will automatically increase each year in line with any increases to the statutory calculation.
- 5.1.5 Section 17.1 - The arrangements for re-employment of an ex-employee who elected to take VR have been amended, so that those staff departing on enhanced VR terms will not be considered for re-employment until 1 year has elapsed after their termination. There is no change to re-employment arrangements for staff departing on compulsory redundancy.
- 5.1.6 Section 20.1 - Information on pension discretions is now within a separate document

6.0 Flexible Working (Right to Request) Policy and Procedure

The legislation covering the 'Right to Request' flexible working was expanded with effect from 1 July 2014 to allow all employees, regardless of the reason, to request to change their working commitment and to have that properly considered.

Lancaster City Council had a pre-existing arrangement for requesting Flexible Working within the Family Leave Scheme, for those employees with caring responsibilities, in accordance with the previous legislation. Any recent requests received from employees have been considered in line with current legislation.

6.1 Summary of Changes

- 6.1.1 Section 12.0 - There is no right of appeal against a decision not to grant a flexible working request, however it is considered to be good practice to do so. In light of the significant expansion of the 'Right to Request' it is proposed that any appeals should be heard by the Chief Executive, due both to the likely increase in applications and in light of the need to comply with the statutory 3 month timescale.
- 6.1.1 If agreed, the revised policy will replace the existing section with the Council's Family Leave Scheme. The remaining policies contained in the Family Leave Scheme will be separated out into their constituent policies and published separately

7.0 Job Grading, Regrading and Appeals Procedure

- 7.1 The document has been revised to take account of revised job titles and organisation structure. The content of the documents other than this remain unchanged.
- 7.2 The instance of grading appeals are low. However, the procedure that is in place is considered sound and offers Appellants a fair opportunity to have their arguments heard by an Appeal Panel made up of the Chief Executive and a Trade Union representative. No changes are therefore proposed to the existing arrangement.

8.0 Options

- 8.1 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. However, if substantial changes in respect of any Policy are proposed at the JCC meeting, it may be appropriate for consideration of that Policy to be deferred to a future meeting to enable officers to consider the proposed amendment in more detail and to consult further with the trade unions.

9.0 Recommendations

- 9.1 The Officer recommendation is that subject to consideration of any additional recommendations brought to the Committee from the JCC meeting on 3 February 2015 the Committee approve:
- The new Shared Parental Leave Policy and Procedure.
 - The new Probation and Appointment Review Policy and Procedure.
 - The amended Early Termination of Employment Policy.
 - The new Flexible Working (Right to Request) Policy and Procedure and in doing so approve the changes to the existing Council's Family Leave Scheme.
 - The amended Job Grading, Regrading and Appeals Procedure.

RELATIONSHIP TO POLICY FRAMEWORK

The Council is committed to good standards of employment practice, and it is felt that the amended policies and the new policies will augment our existing Human Resource Management arrangements.

CONCLUSION OF IMPACT ASSESSMENT

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

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 s151 Officer has been consulted and would add that sound, robust HR management practices also contribute to achieving value for money and improving the use of public funds.

LEGAL IMPLICATIONS

There are no legal implications directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has nothing further to add.

BACKGROUND PAPERS

None.

Contact Officer: Stuart Hampson
Telephone: 01524 582076
E-mail: shampson@lancaster.gov.uk