

# **PERSONNEL COMMITTEE**

## **HR POLICY DEVELOPMENT AND REVIEW**

**2<sup>nd</sup> February 2016**

### **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**

(1) That subject to any further recommendation being brought to the Committee from the Joint Consultative Committee which meets on 2 February 2016 prior to this meeting, the Committee approve:

1. **Sickness Absence Management Policy and Procedure (Revised Document)**
2. **Probation and Appointment Review Policy and Procedure (Revised Document)**
3. **Flexible Working (Right to Request) Policy and Procedure (Revised Document)**
4. **Mobile Phone and Personal Digital Assistant Device Policy (Revised Document)**
5. **Unpaid Leave Policy and Procedure (New Document)**
6. **Unpaid Parental Leave Policy and Procedure (Revised Document)**
7. **Emergency Dependents Leave Policy and Procedure (Revised Document)**
8. **Bereavement and Compassionate Leave Policy and Procedure (Revised Document)**
9. **Domestic Violence and Abuse Policy (New Document)**
10. **Job Grading, Regrading and Appeals Procedure (Revised Document)**

as appended to this report.

(2) That, subject to any further recommendations being brought to the Committee from the Joint Consultative Committee, which meets on 2 February 2016, the Committee ask Management to work with the recognised Trade Unions in developing a draft policy on Alcohol and Substance Misuse, for further consideration at a future Personnel Committee.

## **1.0 Introduction**

- 1.1 From time to time the Council will develop procedures to support the management of workforce related matters.
- 1.2 The recognised trade unions have been consulted on the appended draft policies, which will be discussed at the Joint Consultative Committee (JCC) meeting on 2 February 2016, prior to the meeting of this Committee. Should there be any amendments proposed by the JCC, these will be presented to this Committee for its consideration. In the event of any substantial changes to a Policy being proposed at the JCC meeting and /or further consultation being required, it may be necessary to defer consideration to a future meeting of the Personnel Committee.

## **2.0 Sickness Absence Management Policy and Procedure**

- 2.1 The current Sickness Absence Management Policy and Procedure has been in operation for over three years. In that time sickness absence has reduced and to a large degree this is due to the revised approach introduced in 2012.
- 2.2 Whilst the policy works well it is now appropriate to introduce some revisions to ensure that the policy remains effective.

### **Summary of main changes**

- 2.3 Section 6.0 – Includes the expansion of the situations in which consideration may be given to withdrawing sick pay by a Chief Officer.
- 2.4 Section 8.0 – Includes further clarification regarding third party insurance claims.
- 2.5 Sections 15.1 & 22.1 – Clarifies when an employee has the statutory right to be accompanied at a formal meeting.
- 2.6 Section 15.3 – Includes an amendment to the automatic requirement for HR support to be provided at a Stage 2 – Short Term Absence meeting.
- 2.7 Sections 19.8 & 25.12 – Includes confirmation that the option of pay in lieu of notice can be considered, when an employee is dismissed and that contractual notice, in line with legislation, is paid at full pay.
- 2.8 Section 23.0 – Varies the timeframe within which a Long Term Absence Review Meeting should take place and also introduces the option, by mutual agreement, to deviate from the normal arrangements and move more quickly to a Long Term Absence - Case Review Hearing.
- 2.9 Section 24.0 – Expands the timeframe within which an employee who has two or more periods of Long Term Absence will move automatically to Stage 3 of the procedure, upon their return to work, and introduces a further exclusion to this rule, concerning confirmed work related injury.

## **3.0 Probation and Appointment Review Policy and Procedure**

- 3.1 The Probation and Appointment Review Policy and Procedure has been in place for a year and is working well.

- 3.2 It is proposed to amend the document to enhance its efficacy when dealing with temporary contracts of employment.

#### **Summary of main changes**

- 3.3 Section 5.0 – Includes a reference to the importance of continuous Probation Review Periods spanning the whole period of employment for temporary staff.
- 3.4 Section 12.6 – Amends the notice period required to be provided to an appointee whose employment contract is to be terminated from one month to one week, in line with statute.

#### **4.0 Flexible Working (Right to Request) Policy and Procedure**

- 4.1 Following the expansion of the 'Right to Request' flexible working a revised Policy and Procedure was agreed by JCC and Personnel Committee on 03.02.2015.
- 4.2 The Policy is working effectively and it is now appropriate to introduce some minor amendments to the policy to ensure its continued efficacy.

#### **Summary of main changes**

- 4.3 Section 7.2 – Amends the action required by a Chief Officer to clarify that the majority of requests for flexible working can be considered and subsequently approved, without meeting with the employee.
- 4.4 Section 3.2, 7.32 and 12.4 - Clarifies that the employee has no statutory right to be accompanied at a formal meeting in respect of flexible working, however, the Council agrees to allow staff to be accompanied.
- 4.5 Section 10 – Clarifies that the employee will receive written confirmation of the outcome within 10 working days of the date of the meeting or the date of decision, if different.

#### **5.0 Mobile Phone and Personal Digital Assistant Device Policy**

- 5.1 The Mobile Phone and Personal Digital Assistant Device Policy has been reviewed to encompass Personal Digital Assistant devices as well as mobile phones.
- 5.2 The Policy has been in place for a number of years and it is now appropriate to introduce amendments to ensure it remains current and to provide greater clarity regarding the responsibilities of device owners.

#### **Summary of main changes**

- 5.3 Section 2.0 – Created to outline the purpose of a device and to define the responsibilities of the device owner.
- 5.4 Section 3.2 – Includes further clarification to device users, namely restricting the use of the device for personal calls or texts to emergency situations only.
- 5.5 Section 4.2 – Notification that use of a device for non-emergency phone calls may lead to an appropriate deduction of wages.
- 5.6 Section 5.1 – Outlines the principle of accountability of employees for any illegal, inappropriate or offensive material sent from, or shared via a device.
- 5.7 Section 6.0 – Explains the updated procedure to follow should a device be lost or stolen.

## **6.0 Unpaid Leave Policy and Procedure**

- 6.1 This Policy has been developed by clarifying and expanding the provisions contained within the pre-existing Extended Leave Policy and Career Break Scheme. If agreed the Unpaid Leave Policy and Procedure will replace the Extended Leave Policy and Career Break Scheme.
- 6.2 The proposed Unpaid Leave Policy and Procedure defines the three classifications of Unpaid Leave; the requisite notice periods for each leave type; the criteria that must be satisfied and which level of management may authorise the various leave types. The Policy confirms that there is no right to accrual of statutory or contractual annual leave entitlement, for any period of Unpaid Leave taken.

## **7.0 Unpaid Parental Leave Policy and Procedure**

- 7.1 The provisions pertaining to Parental Leave contained within the current Family Leave Scheme have been reviewed to ensure compliance with updated statutory provisions. If agreed the provisions will replace those contained within the Family Leave Scheme.

### **Summary of main changes**

- 7.2 Section 1.1 – In line with statute, extends the right of employees to take 18 weeks parental leave without pay for each child, subject to the stated conditions.
- 7.3 Section 2.0 – Clarifies the legislation regarding the legal definition of ‘parental responsibility’ for married, unmarried and same-sex partners.
- 7.4 Section 5.1 – Amends the current requirement of Service Head (now Chief Officer) approval, so that line managers can approve written requests.

## **8.0 Emergency Dependants Leave Policy and Procedure**

- 8.1 The provisions pertaining to Emergency Dependants Leave contained within the current Family Leave Scheme have been reviewed and updated to ensure uniformity with statutory provisions. If agreed the provisions will replace those contained within the Family Leave Scheme.

### **Summary of main changes**

- 8.2 Section 1.1 – Provides greater clarity in explaining the statutory right to reasonable time off without pay to deal with each emergency involving a dependant.
- 8.3 Section 2.2 – Provides further clarity on when unpaid or paid Emergency Dependents Leave is available to employees, subject to certain conditions.
- 8.4 Section 7.2 – Reduces the number of days of annual leave permitted to be borrowed from the forthcoming annual leave year from ten to five working days.

## **9.0 Bereavement and Compassionate Leave Policy and Procedure**

- 9.1 This revised Policy has been developed by reviewing and extending the provisions pertaining to bereavement leave contained within the Family Leave Scheme, whilst also introducing an extra provision of compassionate leave. If agreed the revised Policy will replace the provisions within the Family Leave Scheme.

## **Summary of main changes**

- 9.2 Section 2.1 – Extends the current provision of up to 3 days with pay to up to 5 days (pro-rata) with pay for bereavement leave, and introduces the same provision for Compassionate Leave.
- 9.3 Section 2.2 – Introduces a new provision of Compassionate Leave for scenarios where there is a critical illness of a member of an employee's immediate family.
- 9.4 Section 3.1 – Amends the current requirement of approval by Chief Officer to approval by Senior Service Managers.

## **10.0 Domestic Violence and Abuse Policy**

- 10.1 A draft Domestic Violence and Abuse Policy was presented by Unison at the preceding JCC. It was agreed that this would be reviewed by Management and a version of the policy developed for Lancaster City Council to consider at the next JCC.
- 10.2 The proposed Domestic Violence and Abuse Policy confirms Lancaster City Council's opposition to all forms of domestic violence and abuse and sets out the Council's commitment to providing appropriate support for victims. It also acts as a central source of guidance for managers and staff.

## **11.0 Job Grading, Regrading and Appeals Procedure**

- 11.1 The document has been revised to take account of revised job titles and organisation structure.
- 11.2 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.
- 11.3 Section 6.3 has been changed to remove the sentence "The Trade Union advisor must be from a different Trade Union from that of the appellant".
- 11.4 The content of the document other than the above remains unchanged.

## **12.0 Draft Alcohol and Substance Misuse Policy**

- 12.1 The draft document was originally considered at regional level via the Lancashire Strategic HR Group. Since then a number of Councils have adopted the policy and others are planning to follow.
- 12.2 At Lancaster we are keen to ensure that the development and implementation of a policy covering this area follows a structured plan and that HR staff, Service Managers and the recognised Trade Unions have the required knowledge to ensure it is properly implemented.
- 12.3 In addition to knowledge of both alcohol and substance misuse, officers across the Council who may be engaged in the testing of employees need to be appropriately trained and have access to appropriately calibrated and certified test equipment. Consideration therefore needs to be given to the impact and costs of the proper implementation of any such policy.

## 13.0 Options

- 13.1 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 Personnel Committee 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.

## 14.0 Conclusions

- 14.1 Members are asked to consider and accept the Officer recommendations set out at (1) and (2) above in respect of the draft policies appended to this report.

### 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 gained assurances that there are no material financial implications or value for money concerns associated with the proposed policy changes, as she has not been in a position to review all policy changes herself. On this basis, she has no further comments to add.

### LEGAL IMPLICATIONS

All the appended policies are compliant with employment legislation and there are no further 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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