

PERSONNEL COMMITTEE

HR POLICY DEVELOPMENT AND REVIEW

2 October 2018

Report of the HR Service 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 following the presentation of the following documents for consultation at the Joint Consultative Committee, on 20 September 2018, the Committee is requested to approve the policies below, following consideration of the comments by the Trade Unions that were tabled at the meeting:

1. Probation and Appointment Review Policy and Procedure
2. Early Termination of Employment Policy
3. Disciplinary Policy and Procedure

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 appended draft policies were considered at the Joint Consultative Committee (JCC) meeting on 20 September 2018. JCC proposed that the policies as presented should be referred to Personnel Committee for approval.
- 1.3 In proposing that the policies should be referred to Personnel Committee, the trade union representatives requested that a number of additional points be noted and where appropriate reported back to JCC in the future. These proposals are set out below in the body of the report.

2.0 Probation and Appointment Review Policy and Procedure

- 2.1 The Probation and Appointment Review Policy and Procedure has been in place for three years and generally works well. However, it is proposed to make some minor changes to improve efficacy.

Summary of main points

- 2.2 Sections 9 & 11 – Inclusion of provisions to withhold incremental progression from appointees where the Probation/Appointment Review Period has not been confirmed as

completed. It is essential that this process is properly concluded to ensure that all appointees have met the required standards for their role. The award of an increment prior to completion of Probation/Appointment Review is inconsistent with this aim. Increments will be reinstated and any arrears due will be paid once the Probation/Appointment Review Period is successfully completed.

- 2.3 Section 14 – Confirmation that where an individual on Appointment Review is failing to meet the necessary standards the manager can move them into the Capability and Performance Improvement Policy prior to the Six Month Review Meeting.

2.4 **Trade Union comments**

The Trade Union members in attendance at JCC requested that the revised approach to Probation and Appointment Review was not implemented until 1 November 2018. This recommendation was accepted by JCC and the Policy was referred for consideration by Personnel Committee.

3.0 Early Termination of Employment Policy

- 3.1 Following consideration of the Pay Policy Statement by Personnel Committee on 3 April 2018, it was requested that the section concerning re-employment with the Council be amended.

Summary of main points

- 3.2 Section 10 – Updated to reflect the maximum amount of enhanced voluntary redundancy payable to Lancaster City Council employees, following increases to statutory redundancy pay.
- 3.3 Section 16 – Inclusion of confirmation of the three year pay back arrangements.
- 3.3 Section 17 – Confirmation that all employees, including Chief Officers, who receive any payment in relation to the termination of their employment will not be re-employed by Lancaster City Council until a period of one calendar year has elapsed.

3.4 **Trade Union comments**

The Trade Union members in attendance at JCC requested the inclusion of some clarifying wording relating to annual leave to be included within the section of the Early Termination Policy dealing with Ill Health Retirement. It was proposed and accepted by JCC that a more appropriate place for the relevant wording would be within the Sickness Absence Management Policy. It was therefore proposed by JCC that the Early Termination of Employment Policy be referred to Personnel Committee for consideration.

4.0 Disciplinary Policy and Procedure

- 4.1 The current version of the Disciplinary Policy and Procedure has been in place for five years and therefore it is proposed to make changes to improve efficacy.

Summary of main points

- 4.2 Section 15 – Preliminary Management Action Meeting has been replaced by a Disciplinary Discussion to streamline the formal process. It is confirmed that the manager that carries out the disciplinary discussion can also chair the disciplinary hearing, should the matter proceed to a formal hearing.

- 4.3 Section 18 – Inclusion of an increase in the time within which an investigation should be completed from 10 days to 20 days. This better reflects the normal period of time it takes to complete a thorough disciplinary investigation.
- 4.4 Section 22 – Confirmation that both sides are able to cross examine witnesses during a disciplinary hearing.
- 4.5 Section 25 – Revision to the time limit for disciplinary sanctions with all sanctions being of a minimum of 12 months in duration, with the ability to extend up to 24 months where appropriate, and at the manager’s discretion.

4.6 Trade Union comments

The Trade Union members in attendance at JCC requested, in light of the option for managers to extend disciplinary sanctions where appropriate, that a review of the sanctions issued over the next 12 months is considered at a JCC in approximately 12 months’ time. This proposal was accepted by JCC and the Policy was referred to Personnel Committee for consideration.

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. 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.

6.0 Conclusions

- 6.1 Members are asked to consider and accept the Officer recommendations set out 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 considered that the amended and new policies will augment our existing Human Resource Management arrangements.

CONCLUSION OF IMPACT ASSESSMENT

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

Please see associated Equality Impact Assessment in respect of each of the above policies.

FINANCIAL IMPLICATIONS

Financial Services have been consulted and confirm there are no direct financial implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The Deputy Section 151 Officer has been consulted and has the following comments regarding the Early Termination of Employment Policy:

The reintroduction of the 3 year payback requirement will help Services to demonstrate the Value for Money of early termination proposals, which is essential in the use of tax payers' money. Whilst the onus is still on services to meet the costs of early termination and achieve this payback, there can be timing differences which result in costs in the initial year. Where this occurs other corporate savings can be used or funding from the Restructuring Reserve provided.

In respect of the Probation and Appointment Policy and Procedure and the Disciplinary Policy and Procedure, the Deputy s151 Officer has no additional comments to make.

LEGAL IMPLICATIONS

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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