

WIRRAL COUNCIL

AUDIT AND RISK MANAGEMENT COMMITTEE

17 SEPTEMBER 2014

SUBJECT:	UPDATE OF HR POLICIES
WARD/S AFFECTED:	ALL
REPORT OF:	STRATEGIC DIRECTOR TRANSFORMATION AND RESOURCES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 This report provides details of new and revised HR Policies for Audit and Committee to consider. These policies are:

- New Dignity at Work procedure and supporting documents
- Details of changes to Grievance Policy and Procedure
- Details of legal updates to Whistleblowing policy

1.2 The report also sets out the communication and training plan for the new and updated policies.

2.0 BACKGROUND AND KEY ISSUES

2.1 The Council's Human Resources policies are subject to an ongoing review to ensure they remain fit for purpose, legally compliant and provide a valuable and workable resource for employees and managers on employment related issues in the workplace.

2.2 The Council implemented a new Intranet site in January 2014 and as part of that many key policy documents were refreshed and formatted. This also provided an opportunity to update and rationalise the information available under the People section of the site to enhance it as a more user friendly resource for employees and managers.

2.3 The Annual Governance Statement 2013/14 presented to the Audit & Risk Management Committee on 23 June 2014 states 'Progress has been made on a further (four) issues which were identified as significant in the 2012-13 Annual Governance Statement', however 'further actions are required in relation to (risk management,) embedding policies for confidential reporting and grievances'.

2.4 This report provides details of work that has been undertaken to ensure that HR policies support the Council requirements for strong corporate governance.

- 2.5 The Council agreed a revised Whistleblowing Policy in 2011 and a revised Grievance Policy in 2012. In 2013, revised policies were agreed for Conflict of Interest and Gifts and Hospitality.
- 2.6 The Dignity at Work Policy, Grievance and Whistleblowing policies have clear links and have been reviewed as a suite. Formal complaints under the Dignity at Work policy are dealt with under the grievance procedure. Both the Grievance and Whistleblowing policies provide clear guidance to employees about what policy should be used for what purpose and the distinction between employment complaints and protected disclosures.
- 2.7 The most significant work has been undertaken around Dignity at Work which is a new policy. Some further revisions and updates have been made to Grievance and Whistleblowing policies

Dignity at Work procedure

- 2.8 This policy replaces the existing Bullying and Harassment resource pack and makes some significant changes as follows:
- Significant policy refresh/new formats
 - Updated definitions of bullying and harassment
 - Clarification for working arrangements during investigation of a complaint
 - Impact rather than intention of behaviour remains a key principle but would be a relevant factor in determining any action in response to a complaint.
 - Emphasise on responsibility of managers to promote standards in workplace and deal with inappropriate behaviour
 - Action may be taken against a manager who does not deal with a complaint appropriately
 - Legitimate, reasonable and appropriate management of performance is not bullying
 - New guidance document for managers in handling complaints informally and formally and how to manage performance
 - Frequently asked questions to support policy and procedure
 - Facility for mediation and new guidance explaining mediation process
 - Appointment of Dignity at Work Advisors (voluntary) to provide support in the workplace and signpost employees who are experiencing problems at work
- 2.9 Formal complaints under Dignity at Work are managed under the grievance procedure.
- 2.10 The policy has been developed following a review of policies of other organisations and incorporating best practice from ACAS code of practice.

Grievance Procedure

- 2.11 The grievance policy was last revised in November 2012.
- 2.12 It currently has a 3-stage formal process which is not considered workable in practice. It contains two rights of appeal and so in effect almost every tier of manager in the line management chain can be required to deal with an employee's grievance to satisfy the requirements of the procedure. This is unnecessary and causes delays and duplication.

- 2.13 It is therefore proposed to make the following changes to the grievance policy and procedure:
- Move to two-stage formal process under which a formal grievance will be heard initially by a line manager or senior manager and any subsequent appeal will be heard by Head of Service or Director.
 - Any grievances directly against a Head of Service will continue to be heard at a Strategic Director Level.
 - An addition of an explicit statement that the grievance procedure is not intended to be used as an alternative or in addition to a right of appeal contained in another policy.
- 2.14 The proposed process is in accordance with ACAS guidance as the process would retain an informal stage, formal stage and right of appeal.

Whistleblowing Policy

- 2.15 The Council's Whistleblowing Policy was agreed in September 2011.
- 2.16 Some minor changes have been made to the scope of policy in relation to contractors and volunteers, agency workers and contractors in accordance an Internal Audit Recommendation which stated that:

When redrafted, the paragraph in the Confidential Reporting (Whistleblowing) policy relating to the policy covering non-employees should be removed.

- 2.17 This has been addressed in paragraph 2.5 of the revised policy
- 2.18 It has also been updated to reflect some further changes to 'whistleblowing' legislation (pursuant to the Enterprise and Regulatory Reform Act 2013) as follows:
- Clarification that a qualifying disclosure means any disclosure of information that, in the reasonable belief of the worker is made in the public interest
 - The removal of the requirement that disclosures must be made 'in good faith'
 - Clarity that complaints about breaches of contract of employment should be raised as a grievance

Communication and Training plan

- 2.19 A Communication and Training Plan is attached at Appendix A.
- 2.20 It is critical that all managers and employees understand the requirements of these policies and what their roles and responsibilities are in their delivery.

3.0 RELEVANT RISKS

- 3.1 The Council is required to have Human Resources Policies in place which are legally compliant and ensure that any complaints are fully dealt with properly and in a timely manner.
- 3.2 Failure to do so may create employee relations issues and leave the Council open to legal challenge.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 N/A

5.0 CONSULTATION

- 5.1 The Policies have been discussed with the trade unions.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 6.1 None

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 None

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 8.1 All training and communication of policies will be met within existing resources. Staff will be made aware of updated policies and will be required to adhere to them as applicable.

9.0 LEGAL IMPLICATIONS

- 9.1 The legal implications are set out in the main body of the report.

10.0 EQUALITIES IMPLICATIONS

- 10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached:

<https://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-april-2014/eias-transformation-res>

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

- 11.1 None

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 12.1 None

13.0 RECOMMENDATION/S

13.1 That Audit and Risk Management Committee recommends to Council approval of the:

- a. Dignity at Work procedure and supporting documents set out in this report; and
- b. Proposed amendments to the Council's Grievance Policy as detailed in this report.

13.2 That Audit and Risk Management Committee endorse and notes changes to Whistleblowing Policy detailed in the report

14.0 REASON/S FOR RECOMMENDATION/S

14.1 In order to ensure that the Council is compliant with relevant legislation. updates and changes can be implanted to key HR policies that are subject of the report and for the communication and training plan to be implemented.

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APPENDICES

- Appendix One** Communication and Training Plan
- Appendix Two** Dignity at Work (Anti-Bullying and Harassment) Policy
Dignity at Work Procedure
Manager's Guidance to Dignity at Work
Guidance on Mediation
Dignity at Work Advisors
- Appendix 3** Updated Whistleblowing Policy
- Appendix 4** Update Grievance Policy and Procedure

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

Briefing Note	Date

SUBJECT HISTORY (last 3 years)

Council Meeting	Date