

WIRRAL COUNCIL

TRANSFORMATION & RESOURCES POLICY & PERFORMANCE COMMITTEE

15 JULY 2015

SUBJECT:	HUMAN RESOURCES POLICY UPDATE
WARD/S AFFECTED	ALL
REPORT OF:	HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT
RESPONSIBLE PORFOLIO HOLDER	CLLR A JONES
KEY DECISION	NO

1.0 EXECUTIVE SUMMARY

This report sets out proposed changes to the Council's Disciplinary Policy and Procedure following a review and also outlines details of new legislation in relation to shared parental leave which have been incorporated into Council policies.

2.0 BACKGROUND AND KEY ISSUES

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.

DISCIPLINARY POLICY

2.1 All organisations are required to have a Disciplinary policy. The Council's Disciplinary Policy and Procedure has been reviewed to ensure it meets requirements, reflects current and best practice, and is a clear and helpful resource to managers and employees who may have course to refer to it.

2.2 The Council must operate a fair and legally compliant Disciplinary Process. The policy and procedure have been reviewed to ensure our processes continue to comply with ACAS codes of practice and are consistent with policies in place in other Local Authorities and large organisations (best practice).

2.3 A range of changes have been proposed to the policy and procedures on this basis. The key changes are:

- Definitions of Gross Misconduct and Misconduct updated and levels clarified (removal of 'serious' misconduct);
- Policy updated to ensure Senior Managers in service areas with different reporting lines and structures can act as Nominated Officer and deal with cases of potential Gross Misconduct.

- Changes to potential sanctions and timeframes in line with ACAS standards;
 - Verbal warning, 6 months
 - First written warning 6 months
 - Final written warning 12 months
 - Dismissal
 - Update to the role of the Investigating Officer and purpose of investigation report;
 - Clarification in relation to the right to representation in formal process;
 - Additional information in relation to Safeguarding, Criminal Conduct, Police investigations and Duty to refer to professional or regulating bodies for cases of safeguarding;
- 2.4 We have also developed checklists, guidance and Frequently Asked Questions (FAQs) to support the operation of the policy.
- 2.5 A copy of the proposed revised Disciplinary Policy and Procedure is attached at Appendix 1 and Appendix 2. (Please note that there is wide range of supporting guidance and other documents which are appendices to the main policy/procedure but which have not been appended to the report. These supporting documents are updated as required.)

Shared Parental Leave

- 2.6 The Council has policies in place in relation to maternity, adoption, paternity and parental leave. These are governed by legislation and also in some cases national conditions of service.
- 2.7 In April 2015, new legislation came into place which introduced Shared Parental Leave. This enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption.
- 2.8 The Act, and Regulations made under it enable mothers or adopters to commit to ending their maternity leave and pay at a future date, and share the untaken balance of leave and pay as shared parental leave with their partner.
- 2.9 It is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a 'pot' of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.
- 2.10 The Council has implemented shared parental leave as part of the existing policy framework. Guidance and FAQs have been developed and will be available on the Council's intranet.

3.0 FURTHER ACTION

- 3.1 Line Managers will receive training on managing Disciplinary issues as part of the Wirral Manager's Development Programme.
- 3.2 A new e-learning module will be developed and updated guidance will be available on the Council's Intranet.
- 3.3 The changes to Shared Parental Leave do not require employee or manager training but all relevant information and procedures will be on the Council's intranet.

4.0 RELEVANT RISKS

- 4.1 There are no specific risks arising out of this report.

5.0 OTHER OPTIONS CONSIDERED

- 5.1 There are no other specific options to consider arising out of this report.

6.0 CONSULTATION

- 6.1 In developing the Disciplinary Policy, a workshop was held with a group of experienced managers drawn from services across the Council to listen to issues they had experienced in operating the current policy and to identify how policy and practice may be improved.
- 6.2 Trade Unions were formally consulted on the revised Disciplinary Policy and Procedure. The Trade Unions retain their objection to the decision taken by Council in January 2013 to delegate employment appeals (including Disciplinary Appeals) to the Chief Executive.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 There are no specific implications arising out of this report.

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

- 8.1 There are no specific financial implications arising out of this report. All expenditure involved has been contained within existing budgets or funded from other specific budgets or has been funded by external organisations. There are no specific staffing implications arising out of this report.

9.0 LEGAL IMPLICATIONS

- 9.1 There are no specific legal implications arising out of this report.

10.0 EQUALITIES IMPLICATIONS

- 10.1. Equality Impact Assessment (EIA)
 - (a) Is an EIA required? Yes

<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 IMPLICATIONS

11.1 There are no specific implications arising out of this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no specific implications arising out of this report.

13.0 RECOMMENDATION/S

That Policy and Performance Committee recommends to Council;

a) Approval of the revised Disciplinary Policy and Procedure and;

b) Approval that the legislative changes outlined in the report in relation to Shared Parental Leave are incorporated into Council existing policies.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 To ensure that Council's HR policies are up to date, legally compliant and relevant to the organisations requirements.

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APPENDICES

Appendix 1 Disciplinary Policy
Appendix 2 Disciplinary Procedure

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date