

TRANSFORMATION AND RESOURCES POLICY AND PERFORMANCE COMMITTEE

15 JULY 2015

7 HUMAN RESOURCES POLICY UPDATE

The Head of Human Resources and Organisational Development reported upon proposed changes to the Council's Disciplinary Policy and Procedure following a review and also outlined details of new legislation in relation to shared parental leave which had been incorporated into Council policies.

The Council had to operate a fair and legally compliant Disciplinary Process. The policy and procedure had been reviewed to ensure the Council's processes continued to comply with ACAS Codes of Practice and were consistent with policies in place in other Local Authorities and large organisations (best practice). A range of changes had been proposed to the policy and procedures on this basis and the report gave details of the key changes.

A copy of the proposed revised Disciplinary Policy and Procedure was appended to the report. Trade Unions had been formally consulted on the proposed revisions and they retained their objection to the decision taken by Council in January 2013 to delegate employment appeals (including Disciplinary Appeals) to the Chief Executive.

With regard to Parental Leave, in April 2015, new legislation had come into place which introduced Shared Parental Leave. This enabled eligible mothers, fathers, partners and adopters to choose how to share time off work after their child was born or placed for adoption. The Council had implemented shared parental leave as part of the existing policy framework. Guidance and FAQs had been developed and would be available on the Council's intranet.

A Member suggested that the non-completion of Performance Appraisals by managers could be termed a matter of misconduct.

Members referred to a letter circulated at the meeting from UNISON, which referred to a quarterly report from the Chief Executive on the operation of the arrangements for conducting employment appeals and the lack of such reports being produced following the removal of this function from the Appeals Sub-Committee of the Employment and Appointments Committee in January, 2013.

The Head of Legal and Member Services commented that he would look into the matter raised and ascertain what exactly Council did resolve in January 2013, although the remit and scope of the Employment and Appointments Committee had changed following revisions to the Council Constitution in 2013. He would circulate an advice note once the issue had been looked into.

A Member suggested that with the change in remit of the Employment and Appointments Committee a report should have been produced and circulated to a Policy and Performance Committee as Members should have oversight of

disciplinary issues. Members reiterated their concerns if no reports on the outcomes / operation of the appeals process had been produced.

The Head of Human Resources and Organisational Development commented that the right to an employment appeal against dismissal, a disciplinary warning or for a grievance was a fundamental right and that all such appeals below Chief Officer level were delegated through the Chief Executive to Strategic Directors with two Heads of Service. She stated that she had only received a copy of the letter from UNISON just before the meeting and that the unions' principal objection to the delegation of employment appeals was noted in the report. She met with the Trades Unions every three weeks and at no stage recently had they raised concerns regarding the operation of the appeals process or on the reporting of these issues.

Resolved –

(1) That this 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.

(2) That this Committee notes the concerns expressed as to whether reports have been written in respect of the operation of the arrangements for conducting employment appeals and requests that the Head of Legal and Member Services inform Committee Members of the situation.