

## READING BOROUGH COUNCIL

### REPORT BY ASSISTANT DIRECTOR OF HR AND ORGANISATIONAL DEVELOPMENT

TO:	PERSONNEL COMMITTEE		
DATE:	19 NOVEMBER 2020	AGENDA ITEM:	
TITLE:	REVIEW OF THE COUNCIL’S EMPLOYMENT POLICIES		
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#### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 A review of the Council's employment policy framework is underway which aims to ensure that all employment policies are clear, easy to understand, up to date and reviewed regularly. This report presents thirteen policies, all of which have been reviewed jointly and agreed with the Joint Trade Unions.
- 1.2 The report includes the following appendices:

Appendix A: Annual Leave Policy  
Appendix B: Code of Conduct  
Appendix C: Disruption to Normal Working Arrangements Policy  
Appendix D: Recruitment and Selection Policy  
Appendix E: Guidance on Recruitment and Retention of People with a Disability  
Appendix F: Whistle-blowing Policy  
Appendix G: Transgender Policy  
Appendix H: Alcohol and Substance Misuse Policy  
Appendix I: Long Service Awards  
Appendix J: Family Leave Policy  
Appendix K: Overpayment Recovery Policy  
Appendix L: Gifts and Hospitality Policy  
Appendix M: Volunteering Policy  
Appendix N: Equality Impact Assessment

## **2. DECISION**

### **2.1 That Personnel Committee approve the following revised/new HR policies (detailed in Appendices A to M of this report):**

- Annual Leave Policy
- Code of Conduct
- Disruption to Normal Working Arrangements Policy
- Recruitment and Selection Policy
- Guidance on Recruitment and Retention of People with a Disability
- Whistle-blowing Policy
- Transgender Policy
- Alcohol and Substance Misuse Policy
- Long Service Awards
- Family Leave Policy
- Overpayment Recovery Policy
- Gifts and Hospitality Policy
- Volunteering Policy

## **3. POLICY CONTEXT**

- 3.1 Good employment policies should support a culture based on trust, fairness and inclusion. They can also speed the decision-making process by ensuring that clear guidance is readily available to cover a range of employment issues. Further, they can assist in avoiding involvement with employment tribunal claims by providing guidance for managers that reflects accurately current employment law and good practice. It is therefore important that employment policies are clear, easy to understand, up to date and reviewed regularly.
- 3.2 Of the thirteen policies covered in this report, the majority have extended beyond their normal review date and have been updated to reflect changes in employment law and the latest Codes of Practice and guidance issued by the Advisory, Conciliation and Arbitration Service (ACAS).
- 3.3 ACAS Codes of Practice give authoritative advice in key areas of employment practice. A failure to follow the Code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25% for unreasonable failure to comply with any provision of the Code (by an employer or an employee).

## **4. POLICIES COVERED UNDER THIS REVIEW**

- 4.1 All employment policies will be reviewed by the HR and Organisational Development team before end of March 2021 and presented for approval to Personnel Committee, following consultation and negotiation with the Joint Trade Unions. The policies listed below have been prioritised because they do not reflect current best practice or are out of date and hence put the Council at risk. A Transgender Policy, Alcohol and Substance Misuse Policy, Overpayment and Recovery Policy and Volunteering Policy are missing from the

current policy framework. This has been addressed and new policies covering these areas are now included. The policies included in this report are:

- Annual leave Policy
- Code of Conduct
- Disruption to Normal Working Arrangements Policy
- Recruitment and Selection Policy
- Guidance and Recruitment and Retention of People with a Disability
- Whistle-blowing Policy
- Transgender Policy (new)
- Alcohol and Substance Misuse Policy (new)
- Long Service Awards
- Family Leave Policy
- Overpayment Recovery Policy (new)
- Gifts and Hospitality Policy
- Volunteering Policy (new)

4.2 The new and residual policies which require review (27 in total) will be brought forward for approval by end of March 2021.

#### **4.3 Principles used for conducting this review**

4.3.1 The policies have been written with the following principles in mind:

1. They must reflect current employment law and the ACAS Codes of Practice and/or guidance where relevant.
2. They must be easy to understand and written in plain English
3. They should be concise. Any information which is not germane to the operation of the policy has been removed. For example, management guidance notes are not included in the policies, but available separately.
4. There should be a consistency of approach across related policies (e.g. same period of notice given to employees to attend formal meetings where relevant)
5. They should use gender neutral language

4.4 In future, all employment policies will be reviewed every two years or sooner if legislation requires it.

### **5. KEY ISSUES AND CHANGES PROPOSED**

5.1 The table below sets out in summary terms for each of the revised policies the issues which have been addressed together with additional key changes agreed with the Joint Trade Unions. Once the policy review is complete, hyperlinks will be added to the policies where they are cross-referenced with other policies.

#### **Revised Policies**

(See table below)

Issues to be addressed	Additional key changes
<b>Annual Leave Policy - Appendix A</b>	
<ul style="list-style-type: none"> <li>Now includes the annual leave entitlements (in days and hours) for each set of terms and conditions (e.g. NJC, JNC for Chief Officers etc)</li> <li>Updated to include reference to the iTrent HR system which must be used for all annual leave requests and approvals</li> </ul>	<ul style="list-style-type: none"> <li>Brings together all information about annual leave into one place to make it more accessible, including the Buying Annual leave Policy</li> </ul>
<b>Code of Conduct - Appendix B</b>	
<ul style="list-style-type: none"> <li>Last reviewed in 2017 so only needed minor updates to job titles etc.</li> </ul>	
<b>Disruption to Normal Working Arrangements Policy - Appendix C</b>	
<ul style="list-style-type: none"> <li>Minor updates to job titles etc. The policy has been used effectively throughout the Covid pandemic.</li> </ul>	
<b>Recruitment and Selection Policy - Appendix D</b>	
<ul style="list-style-type: none"> <li>Updated to reflect recent changes to the recruitment process and use of the iTrent HR system to support effective recruitment</li> <li>Guidance notes have been removed from the policy which has significantly reduced the length</li> </ul>	<ul style="list-style-type: none"> <li>Reinforces our commitment to guarantee an interview for applicants who declare a disability, RBC Care Leavers and people who have completed the New Directions Work Experience Programme and who meet the minimum criteria</li> </ul>
<b>Guidance on Recruitment and Retention of People with a Disability - Appendix E</b>	
<ul style="list-style-type: none"> <li>Changed use of language throughout to refer to 'people with a disability' (rather than 'disabled employees')</li> </ul>	<ul style="list-style-type: none"> <li>Reinforces our commitment to creating and maintaining a workplace which is accessible by design including, physical buildings and presentation of information</li> </ul>
<b>Whistle-Blowing Policy - Appendix F</b>	
<ul style="list-style-type: none"> <li>Updated job titles and key contact details for people who can receive disclosures and for support services available to staff who may need to make a disclosure (e.g. the Employee Assistance Programme)</li> </ul>	
<b>Long Service Awards - Appendix I</b>	
<ul style="list-style-type: none"> <li>No fundamental updates required</li> </ul>	
<b>Family Leave - Appendix J</b>	
<ul style="list-style-type: none"> <li>This policy brings together all family leave related policies into one place. There are no fundamental changes except to align with payroll processes and iTrent.</li> </ul>	
<b>Gifts and Hospitality - Appendix L</b>	
<p>Gifts and Hospitality was originally covered by a section in the Employee Code of Conduct. We have created a standalone policy.</p>	

## **New Policies**

### **5.2 Transgender Policy (Appendix G)**

- 5.2.1 This is a new policy which sets out the Council's commitment to ensuring that transgender employees are treated with dignity and respect and are not disadvantaged in the workplace. It also sets out the steps the Council takes to support transgender employees and prevent discrimination, including discrimination against employees who may be related to or friends with a transgender person.

### **5.3 Alcohol and Substance Misuse Policy (Appendix H)**

- 5.3.1 This is a new policy introduced to ensure the health, safety and welfare of staff, and to enable instances of substance misuse by employees to be handled in an appropriate, fair and consistent manner. It reinforces our commitment to ensure our employees understand what constitutes Alcohol and Substance Misuse in the workplace and describes what support mechanisms are in place for anyone who needs guidance.

### **5.4 Overpayment Recovery Policy (Appendix K)**

- 5.4.1 This is a new policy introduced to provide guidance and a consistent approach on the course of action the Council will normally consider when an overpayment or underpayment occurs. The Council is required to recover public money which has been paid out incorrectly, regardless of the reason.

### **5.5 Volunteering Policy (Appendix M)**

- 5.5.1 This is a new policy and the Council will give each employee 2 paid days (which can be taken as full days or hours (14.8 hours in total)), each year to carry out volunteering work within the borough.

## **6. PROCESS FOR AGREEING THE NEW AND REVISED POLICIES**

- 6.1 The process for agreeing the policies with the joint trade unions has been as follows:

26 January 2020	The first 7 draft policies (A-G) were emailed to trade union representatives, requesting comments on the policies by 2 March 2020, ahead of first meeting on 4 March
4 March 2020	First meeting with trade unions and Assistant Director of HR and Organisational Development to review feedback from the trade unions and begin negotiation/consultation
24 July 2020	Following a delay to the original timetable due to Covid, the revised policies were sent to trade unions incorporating their feedback from the first meeting on 4 March. Requested any final comments by 7 August 2020 (no further comments were received)

8 September 2020	The remaining 6 draft policies (H - M) were emailed to trade union representatives, requesting comments on the policies prior to the scheduled review meeting on 23 September.
23 September 2020	Meeting with trade unions and HR Services Manager to review feedback from the trade unions and begin negotiation/consultation
7 October 2020	Final meeting with trade unions and HR Services Manager to agree final policies

6.2 A communications plan is in place to communicate the revised policies to managers and employees. This will include:

- Daily news items on the intranet and iTrent Employee Self Service (the HR system used by all staff to book leave, submit mileage claims etc) to highlight the revised policies and who to speak to about any queries (i.e. their line manager or HR)
- Being highlighted in the Chief Executive's weekly email to all staff
- Strategic HR and OD Business Partners/HR Advisers will highlight the revised policies and their implications (for staff and managers) when they attend department management team meetings and 1-1 meetings with managers.
- An email from HR to all line managers to highlight the new policies and explain the changes, and to ask that they discuss them with their staff in team meetings, tool-box talks, 1-1s etc.

## **7. CONTRIBUTION TO STRATEGIC AIMS**

7.1 The new and revised HR policies help to ensure that the Council can meet its Corporate Plan priority, specifically ensuring that the Council is fit for the future.

## **8. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

8.1 There are no environmental or climate change implications.

## **9. COMMUNITY ENGAGEMENT AND INFORMATION**

9.1 The Joint Trade Unions have been consulted on the revised policies. The Council's LGBT+ Network was also consulted on the Transgender Policy. All the changes they proposed which have been incorporated into the final versions.

## **10. EQUALITY IMPACT ASSESSMENT**

10.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 An Equality Impact Assessment (EIA) has been carried out (see Appendix N) and has found no differential impact on any groups with protected characteristics. Some positive impacts have been identified.

## **11. LEGAL IMPLICATIONS**

11.1 Certain employment policies and procedures are specifically needed to comply with legal requirements, for example, a written health and safety policy. Even where a policy or procedure is not specifically required by law, employers often find it helpful to have a policy in place to provide clear guidance that reflects the legal framework for handling the issue in question and it also helps employees to be clear about the organisation's stance on a particular subject. The proposed policies presented in this review reflect current employment law and ACAS Codes of Practice and/or guidance where relevant.

11.2 The Council's Constitution confirms that Personnel Committee is responsible for determining the terms and conditions on which staff hold office. The proposed policies will therefore be presented to Personnel Committee for approval, following consultation and negotiation with the trade unions.

## **12. FINANCIAL IMPLICATIONS**

12.1 There are no financial implications arising from this report.

## **13. BACKGROUND PAPERS**

13.1 None