

## READING BOROUGH COUNCIL

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

<b>TO:</b>	<b>PERSONNEL COMMITTEE</b>		
<b>DATE:</b>	<b>17 MARCH 2021</b>	<b>AGENDA ITEM:</b>	<b>4</b>
<b>TITLE:</b>	<b>REVIEW OF THE COUNCIL'S EMPLOYMENT POLICIES</b>		
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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 twelve 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: Equality, Diversity and Inclusion Policy  
Appendix B: Flexible Retirement Policy  
Appendix C: Learning and Development Policy  
Appendix D: Probation Scheme Policy  
Appendix E: Reimbursement of Expenses Policy  
Appendix F: Bullying and Harassment Policy  
Appendix G: Disciplinary Policy  
Appendix H: Managing Poor Performance Policy  
Appendix I: Managing Sickness Absence Policy  
Appendix J: Social Media Policy  
Appendix K: Flexible Working Policy  
Appendix L: Grey Fleet Policy  
Appendix M: Equality Impact Assessment

#### 2. DECISION

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

- Equality, Diversity and Inclusion Policy
- Flexible Retirement Policy
- Learning and Development Policy
- Probation Scheme Policy
- Reimbursement of Expenses Policy
- Bullying and Harassment Policy
- Disciplinary Policy
- Managing Poor Performance
- Managing Sickness Absence Policy
- Social Media Policy
- Flexible Working Policy
- Grey Fleet 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 twelve 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 and presented for approval to Personnel Committee in July 2021, following consultation and negotiation with the Joint Trade Unions. The policies listed below have been reviewed because they do not reflect current best practice or are out of date and hence put the Council at risk. A Grey Fleet Policy was missing from the current policy framework. This has been addressed and a new policy covering this area has now been included. The policies included in this report are:

- Equality, Diversity and Inclusion Policy
- Flexible Retirement Policy
- Learning and Development Policy
- Probation Scheme

- Reimbursement of Expenses Policy
- Grey Fleet Policy

4.2 The following policies were originally updated in December 2018 and have been reviewed in line with the two-year review schedule and updated with current job titles and gender-neutral language:

- Bullying and Harassment Policy
- Disciplinary Policy
- Managing Poor Performance
- Managing Sickness Absence
- Social Media Policy
- Flexible Working Policy

4.3 The remaining new and residual policies which require review will be brought forward for approval in July 2021.

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

4.4.1 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

4.5 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 - Issues to be Addresses**

<b>Equality, Diversity and Inclusion - Appendix A</b>
<ul style="list-style-type: none"><li>• Changed policy name from 'Equal Opportunity in Employment policy' to 'Equality, Diversity and Inclusion in Employment Policy'</li><li>• Included hyperlinks to relevant legislation</li><li>• Changed layout to include additional information under key headings, i.e. discrimination, positive action, reasonable adjustments</li><li>• Added section on equalities monitoring</li><li>• Added section on good practice for recruitment, promotion and training</li></ul>
<b>Flexible Retirement - Appendix B</b>
<ul style="list-style-type: none"><li>• Simplified and concise wording, making the application process easier for staff to follow</li><li>• Removed flowchart of the application process as this did not align with the new simplified process</li><li>• Removed the template change of contract letter for managers to send to the employee once they agreed on the application, as HR would issue this</li><li>• Formatted to reflect standard RBC HR policies</li><li>• Updated contact details for the Pension Schemes</li></ul>
<b>Learning and Development - Appendix C</b>
<ul style="list-style-type: none"><li>• Previous policy dated from April 2009 so new policy created to reflect more current approach to Learning and Development including purpose, scope and statement</li><li>• Key roles and responsibilities updated for CMT, OD and Learning team, managers and employees</li></ul>
<b>Probation Scheme - Appendix D</b>
<ul style="list-style-type: none"><li>• Review and update of language and content to simplify and make clearer for users</li><li>• Main content reviewed and some content moved to new appendices where non-essential and needed more for reference as follows:<ul style="list-style-type: none"><li>▪ Appendix A - iTrent user guide</li><li>▪ Appendix B - Guidance on probation review meetings</li><li>▪ Appendix C- Guidance on terminating employment during the probation review scheme</li></ul></li><li>• Removal of probation review form as included in new Appendix A - iTrent user guide</li></ul>
<b>Reimbursement of Expenses - Appendix E</b>
<ul style="list-style-type: none"><li>• Updated to ensure policy aligns with the use of iTrent</li></ul>
<b>Bullying &amp; Harassment - Appendix F</b>
<ul style="list-style-type: none"><li>• Last reviewed in 2018 so only needed minor updates to job titles and to ensure gender neutral language</li></ul>
<b>Disciplinary - Appendix G</b>
<ul style="list-style-type: none"><li>• Last reviewed in 2018 so only needed minor updates to job titles and to ensure gender neutral language</li></ul>
<b>Managing Poor Performance - Appendix H</b>
<ul style="list-style-type: none"><li>• Last reviewed in 2018 so only needed minor updates to job titles and to ensure gender neutral language</li></ul>
<b>Managing Sickness Absence - Appendix I</b>
<ul style="list-style-type: none"><li>• Last reviewed in 2018 so only needed minor updates to job titles and to ensure</li></ul>

for gender neutral language
<b>Social Media - Appendix J</b>
<ul style="list-style-type: none"> <li>Last reviewed in 2018 so only needed minor updates to job titles and to ensure gender neutral language</li> </ul>
<b>Flexible Working - Appendix K</b>
<ul style="list-style-type: none"> <li>Amended qualification period for application for flexible working to be from day one of employment rather than week 26.</li> <li>Last reviewed in 2018 so only needed minor updates to job titles and to ensure gender neutral language</li> </ul>

## New Policies

### 5.2 Grey Fleet Policy (Appendix L)

This policy sets out Reading Borough Council's approach to management of the Grey Fleet (i.e. Council employees who use their own cars for business purposes) and how it should be used.

## 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:

16 November 2020	The first 5 draft policies (A-E) were uploaded to a shared site that trade union representatives have access to, requesting initial feedback on the policies by 30 November 2020, ahead of first meeting on 2 December.
2 December 2020	First meeting with trade unions, HR Services Manager and Senior HR Advisers to review feedback from the trade unions and incorporate changes.
7 December 2020	Issued revised policies to the trade unions.
19 February 2021	The remaining 7 draft policies (F - L) were uploaded to the shared site for review by trade union representatives, requesting comments on the policies prior to the scheduled review meeting on 26 February 2021.
26 February 2021	Meeting with trade unions, HR Services Manager and Senior HR Advisers to review feedback from the trade unions.
5 March 2021	Final meeting with trade unions, HR Services Manager and Senior HR Advisers to agree final amendments.
8 March 2021	Issued revised policies to the trade unions.

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/Senior 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. All the changes they proposed 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 M) and has found no differential impact on any groups with protected characteristics.

## **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