

## READING BOROUGH COUNCIL

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

<b>TO:</b>	PERSONNEL COMMITTEE		
<b>DATE:</b>	18 NOVEMBER 2021	<b>AGENDA ITEM:</b>	
<b>TITLE:</b>	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 six 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: DBS Policy
- Appendix B: Grey Fleet Policy
- Appendix C: Time Off for Public Duties Policy
- Appendix D: Flexible Workstyles Framework
- Appendix E: Overtime Policy
- Appendix F: Performance Management Framework
- Appendix G: Equality Impact Assessment

#### 2. DECISION

2.1 That the following revised/new HR policies be approved (detailed in Appendices A to F of this report):

- DBS Policy
- Grey Fleet Policy
- Time Off for Public Duties Policy
- Flexible Workstyles Framework
- Overtime Policy
- Performance Management Framework

### **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 six policies covered in this report, three are new. The Overtime Policy has 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). The Performance Management Policy has been amended to reflect the new enhanced process that will be launched for all staff in January 2022. The Flexible Workstyles Framework has been amended to reflect the Council's new approach to hybrid working arrangements.
- 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 2022 and presented for approval to Personnel Committee, following consultation and negotiation with the Joint Trade Unions. A DBS Policy, Grey Fleet Policy and Time Off for Public Duties Policy were 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:
- DBS Policy (new)
  - Grey Fleet Policy (new)
  - Time Off for Public Duties (new)
  - Flexible Workstyles Framework
  - Overtime Policy
  - Performance Management Policy
- 4.2 The residual policies which require review (five in total) will be brought forward for approval by end of March 2022.
- 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 information below sets out the key features of each new or revised policy. Once the policy is approved, hyperlinks will be added to the policies where they are cross-referenced with other policies.

### New Policies

#### 5.2 DBS Policy (Appendix A)

- 5.2.1 This policy defines when the Council will conduct a DBS check, in line with the relevant legislation. The policy outlines the types of checks available and eligibility, rechecks and use of the update service, responding to positive disclosures, concerns during employment and roles and responsibilities.

#### 5.3 Grey Fleet Policy (Appendix B)

- 5.3.1 This policy ensures that there is a documented and agreed process for all relevant staff to undergo checks for using their own vehicle for work business (known as the grey fleet). It ensures that there is clarity as to what documents should be checked (e.g. driving license etc), that they are checked on a consistent and minimum annual basis and evidenced that they have been carried out. It gives clear guidance to managers on what their responsibilities are where grey fleet management is concerned.

#### 5.4 Time off for Public Duties (Appendix C)

- 5.4.1 This policy covers the main instances when employees are carrying out duties as officials or members of certain public bodies. It applies to all those employed by the Council except agency workers, interim staff and school-based staff who may be covered by separate procedures. The Council recognises the social value to local communities and to the Council of employees undertaking public duties and that many of the skills gained can be transferable to the workplace.

#### 5.4.2 The policy covers:

- Jury Service
- Public duties where is a legal right (under Section 50 of the Employment Rights Act 1996) to reasonable time off work such as for magistrates,

school governors, member of a local authority, statutory tribunal panel, member of health and education bodies etc

- Reservists (there was a separate policy for this before)
- The Council’s commitment to allowing reservists to carry out duties such as continuous training
- Mobilisation - role of manager in recording the time off and discussing handover of work, commitment to ensure the employee is included in any team changes while mobilised; allowing access to the Employee Assistance Programme while mobilised
- Demobilisation (i.e. end of active service) - the Council has a legal obligation to allow reservist right to return to work (same post or one on terms and conditions which are no less favourable) within six months of demobilisation, manager updates employee on any changes and developments, offers training and support, reasonable time off if therapeutic treatment is required etc.

## 5.5 Revised Policies

<b>Issues to be addressed</b>
<b>Flexible Workstyles Framework (Appendix D)</b>
<p>The current framework needed to be updated to reflect the Council’s new approach to hybrid/flexible working.</p> <p>The aim of the framework is to create a more agile, responsive, efficient and effective organisation, which advances business performance, increases customer satisfaction and improves the health, wellbeing and diversity of our staff. The framework is focused on giving our staff the flexibility to choose, where feasible, where they do their work, whether that’s in the office or working remotely. The framework gives guidance on what flexible working could look like for staff and outlines the principles within which managers and staff can embrace flexible working whilst ensuring that service delivery and service standards are maintained and improved wherever possible.</p>
<b>Overtime Policy (Appendix E)</b>
Only required minor updates to job titles, gender neutral language etc.
<b>Performance Management Policy (Appendix F)</b>
<p>Views from the staff survey in April 2021, the last appraisal cycle and Team Reading delivery group, highlighted that the current process was not fit for purpose. There was a need to improve the process to make it easier to understand, more meaningful and easier for managers to implement.</p> <p>Key changes:</p> <ul style="list-style-type: none"> <li>• The new approach includes updated ratings for employees based on both objectives “what employees do” and competencies “how employees do this”.</li> <li>• All managers will be rated against the Leadership and Management Behaviour Framework and individual contributors (non-managers) will be rated against our Team Reading values (T-We work together, E-We will drive Efficiency, A-We will be Ambitious, and M-We will make a difference).</li> <li>• Employees are given an overall performance rating for the period</li> </ul>

where both areas competencies and objectives are equally weighted

- The new rating scale has five points with descriptions of what and how employees are expected to perform to achieve each rating. The ratings are shown on pages 8-10 (Outstanding, Exceeds Expectations, Meets Expectations, Inconsistently Meets Expectations and Underperforming).
- All managers will have a mandatory objective related to their minimum responsibilities within the updated performance management process which are setting objectives, completing one to ones and annual reviews with team members.
- Updated one to one and annual review forms are shown as appendices.
- The policy outlines key areas of responsibility for employees, line managers, Corporate Management Team and Organisational Development and Learning.
- The annual reviews/appraisals will now be completed from the first week in January to end of March (previously this was from December to March)
- Only Line Managers will need to record and submit the annual review form on iTrent via a simplified process. The employee can view the form and ratings on iTrent Employee Self Service

## 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:

6 September 2021	DBS and Grey Fleet draft policies (Appendices A and B) were uploaded to the SharePoint folder for union representatives to review, requesting comments to be added in advance of the meeting on 13 September 2021.
13 September 2021	Meeting with trade unions to review feedback and both policies were agreed.
14 September 2021	Time off for Public Duties (Appendix C) was uploaded to SharePoint for union representatives to review, requesting comments to be added in advance of the meeting on 1 October 2021.
1 October 2021	Time off for Public Duties Policy was discussed and agreed with trade unions.
4 October 2021	Overtime Policy (Appendix E) uploaded to SharePoint for union representatives to review, requesting comments to be added in advance of the meeting on 11 October 2021.
11 October 2021	Overtime Policy agreed with trade unions.
25 October 2021	Flexible Workstyles Policy (Appendix D) and Performance Management Policy were uploaded to Share Point for union representatives to review, requesting comments to be added in advance of the meeting on 1 November 2021.
1 November 2021	Flexible workstyles Policy was discussed, and amendments agreed subject to further investigation by HR.

3 November 2021	Performance Management Policy discussed with trade unions and a further meeting was scheduled on 5 November to ensure comments from Unite were discussed and agreed.
5 November 2021	Flexible Workstyles Policy and Performance Management Policy agreed with trade unions.

6.2 A communications plan will be enacted 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.

## 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 G) 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