



Title	Review of Council's Core Employment Policies
Purpose of the report	To make a decision
Report status	Public report
Report author	Kathryn Cook – Assistant Director of Human Resources and Organisational Development
Lead Councillor	Cllr Ellie Emberson – Lead Councillor for Corporate Services and Resources
Corporate priority	Not applicable, but still requires a decision
Recommendations	<p>That Personnel Committee approves to delegate to the Chief Executive in consultation with the Leader and Lead Councillor for Corporate Services and Resources, responsibility for agreeing the following revised policies:</p> <ol style="list-style-type: none">1) Bullying and Harassment Policy2) Grievance Policy3) Managing Poor Performance Policy4) Disciplinary Policy

1. Executive Summary

1.1. The Council's employment policies are regularly reviewed, and this includes identifying where new policies are needed. Four of the 'core' HR Policies (Bullying and Harassment, Grievance, Managing Poor Performance and the Disciplinary policy) have been under review to ensure that they are fit for purpose and align with current ACAS guidance.

2. Policy Context

2.1 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 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 and through regular review remain current.

2.2 ACAS Codes of Practice give authoritative advice in key areas of employment practice. A failure to follow the Code does not 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).

2.3 RBCs core HR policies are regularly reviewed to ensure they reflect changes to legislation and to case law - required changes are discussed with the trades unions and agreed by Personnel Committee. This process is embedded and effective in relation to changes required to individual policies but can fail to address issues to do with the efficiency of application of policies and circumstances where multiple policies are in operation simultaneously eg where Grievance and Bullying and Harassment policies are involved at the same time. Attitudes to risk need regular reviewing to ensure they are appropriate and protect the interests of the Council and the individual.

3. Approach to the review of Core HR Policies

3.1 A range of stakeholders and the trades unions have been asked for their input into the four policies under consideration and extensive input has been received from our in house Employment Lawyer. Each policy has been discussed and improvements suggested. These improvements were collated and tested back with participants. It was clear very early on that there was a lot of agreement amongst stakeholders about where improvements should be made. Many of the proposed improvements applied to all policies and their application as opposed to a single policy – where there were suggestions about specific changes that need to be made to individual policies, these were also captured.

3.2 Final changes are now being incorporated into the four Policies under consideration and have been shared with the trade unions. We believe that the revisions proposed will improve the application of each Policy and that there will be benefits in introducing them as soon as possible. For this reason (and given that the next Personnel Committee is not scheduled to take place until November), Personnel Committee is asked exceptionally to agree that the decision to approve the changes to the four core HR Policies is delegated to the Head of Paid Service in consultation with the Chair of Personnel Committee (the Lead Councillor for Corporate Services and Resources) and the Leader.

3. Contribution to Strategic Aims

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.

5. Environmental and Climate Implications

There are no environmental or climate change implications

6. Community Engagement

Not applicable.

7. Equality Implication

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.

Equality Impact Assessments (EIA) will be carried out prior to approval.

8. Legal Implications

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.

9. Financial Implications

There are no financial implications arising from this report.

10. Background Papers

There are none.