

BRECKLAND COUNCIL

LJCC COMMITTEE – 14 June 2007

GENERAL PURPOSES COMMITTEE – 4 July 2007

CABINET PORTFOLIO AUTHOR: DIANE SANGSTER, ACTING PRINCIPAL HR ADVISER

REPORT OF THE OPERATIONS MANAGER CABINET

(Author: Diane Sangster, Acting Principal HR Adviser)

REVISED POLICIES AND PROCEDURES

Summary: In accordance with legislation this report seeks agreement for amended policies to be implemented (superseding existing policies) to ensure Breckland Council complies with the law. This report also seeks agreement for new policies to be implemented to ensure procedures are in place to ensure a consistent and fair approach to employee relations issues and minimising risks of employment tribunals.

1. INTRODUCTION/BACKGROUND

- 1.1 It is necessary to update policies and procedures on a regular basis in relation to employee relations. To ensure our employee relations strategy is achieved it is necessary to follow policies and procedures which comply with the law and ensures fair and consistent treatment of our staff. To ensure Breckland is complying with employment legislation producing updated policies and procedures minimises the risk to potential employment tribunal cases.
- 1.2 New policies such as Capability, Probation and Harassment and Bullying policies have been drafted to be able to address areas which have required guidance by Managers. These will ensure procedures are consistently followed throughout the Council and ensure Managers and staff are aware procedures are in place and Breckland is seen to be following such procedures.

2. KEY DECISION

- 2.1 This not a key decision.

3. COUNCIL PRIORITIES

- 3.1 The matter raised in this report falls within the following Council priorities:

- A safe and healthy environment
- A prosperous place to live and work

4. **Revised Disciplinary Policy and Procedure.** This is an extensive revision to the existing policy which is mainly necessary because of the guidance from ACAS in the form of an updated Disciplinary Code of Practice. This is to ensure the three required steps are followed to ensure our procedure complies with the law and minimises risks of industrial tribunals being won due to our processes being incorrect.

Revised Grievance Policy and Procedure. The same revisions are required as set out in the disciplinary policy and procedure above.

Capability Policy and Procedure. Breckland does not currently have a capability policy which leaves us at risk when dismissing employees on the grounds of incapability. Although best practice has been followed in such cases, procedural guidance for Managers and employees would ensure a fair and consistent approach is

followed.

Probationary Period Policy and Procedure. This policy is not currently in place and implementing such would ensure all employees are given every opportunity to improve performance during their probation and advises Managers how to address performance issues during this time.

Harassment and Bullying Policy and Procedure. This has been requested by the Policy Department to ensure we comply with legislation and have clear guidelines in place.

- 4.1 All policies correlate with each other to ensure probation is separate from capability and a disciplinary cannot be turned into a grievance (or vice versa). The capability policy states “the Council can dismiss at a time that is appropriate to the individual circumstances of the case. This is in no way governed by whether the employee concerned has exhausted their sick pay entitlement”. The harassment and bullying policy ensures all aspects of discrimination and equal opportunities in a diverse workforce are dealt with immediately and promotes Breckland as an employer who does not accept this behaviour within its culture.
- 4.2 All redrafts and new policies have been through the consultation process with Management and Unison. Their views have been considered and the majority have been taken on board.
- 4.3 There are no immediate cost implications to implementing these policies. However, there could be cost implications by not implementing them through employment tribunals.

5. OPTIONS AVAILABLE

- 5.1 Approve the amendments and implementation of new policies. This will improve employee relations issues by ensuring a fair and consistent approach is maintained throughout the Authority.
- 5.2 Not to approve any amendments or implementations of policies. By not implementing the changes will put Breckland at risk as we are not complying with the law.
- 5.3 Implement some policies and not others. All policies whether amendments or new policies are important and can only ensure Breckland is following ‘best practice’ in accordance with its employee relations strategy.

6. REASONS FOR RECOMMENDATION(S)

- 6.1 As legislation has been to initiate a three step process in both disciplinary and grievance procedures we will ensure we are complying with the law. The policies being out of date causes confusion when Managers or staff are using them for guidance as good HR practitioners are having to follow the latest procedural legislation to ensure we protect Breckland. Communication of these changes needs to be reflected in our policies.
- 6.2 The Harassment and Bullying Policy is law and all Local Authorities should have such a policy in place. The probationary policy and capability policy will ensure staff have every opportunity to improve to meet the required standard of performance of Breckland Council. In situations where staff have not met the required standard we can prove on the balance of probabilities that after an acceptable period of time, such staff members are unlikely to meet the standards required of them. Following the procedure will reduce Breckland’s risk of claims for unfair dismissal (in the case of capability).

7. RECOMMENDATION(S)

- 7.1 To implement amended policies with immediate effect and communicate with staff the amended policies are easily accessible.
- 7.2 To implement new policies. To communicate with staff throughout Breckland Council and advise, following consultation with Unison, new employment relations policies are available and easily accessible.

Appendices:

Amended: Disciplinary Policy and Procedure

Grievance Policy and Procedure

New: Capability Policy and Procedure

Probationary Period Policy and Procedure

Harassment and Bullying Policy and Procedure

This report complies with the following legislation:

- The Council's Equal Opportunities Policies and Gender Equality Scheme
- Human Rights Act 1998