
BRECKLAND COUNCIL

At a Meeting of the

LOCAL JOINT CONSULTATIVE COMMITTEE

**Held on Thursday, 14 June 2007 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S.M. Matthews (Chairman)	Mr R. Johnson
Mr K. Martin	Mr J. Elliott
Mr D.R. Williams J.P.	Richenda Farman (Substitute Members) (In place of Mrs Z. Waterford)
Mr M. Broughton	

In Attendance

John Chinnery	- Solicitor & Monitoring Officer
John Williams	- HR Service Manager (Interim)
Sian Hall	- Senior Committee Officer

Action By

8/07 ELECTION OF CHAIRMAN

It was proposed and seconded that Mrs Shirley Matthews should be elected as Chairman for 2007/08.

RESOLVED that Mrs Shirley Matthews be elected as Chairman of the Local Joint Consultative Committee for 2007/08.

9/07 APPOINTMENT OF VICE-CHAIRMAN

It was proposed and seconded that Mrs Zandra Waterford should be appointed as Vice-Chairman for 2007/08.

RESOLVED that Mrs Zandra Waterford be elected as Vice-Chairman of the Local Joint Consultative Committee for 2007/08

10/07 MINUTES

The Minutes of the meeting held on 22 March 2007 were confirmed as a correct record and signed by the Chairman.

11/07 APOLOGIES

An apology for absence was received from Mrs Z. Waterford.

Action By

12/07 BANK HOLIDAY ENTITLEMENT FOR PART-TIME EMPLOYEES

The Interim HR Manager informed Members that there was currently no distinction or set procedure on how to calculate bank holiday entitlement for part-time workers. At this time there were anomalies within existing staff as to the best practice for calculating this entitlement and also to ensure that Breckland Council complied with the law. The report presented provided recommendations on how to calculate bank holiday entitlement for part-time workers with the view to adopt a consistent approach across the establishment to maintain future best practice.

It was proposed that the Council recognised a set number of bank holidays per annum. The suggested amount was 8 bank holidays a year regardless when Christmas falls (as all employees would be apportioned any additional days/hours due).

To ensure best practice and a consistent a fair approach for all employees the recommendation would be to pro-rata the bank holiday entitlement for part-time workers leaving them to take leave or flex on the day when each bank holiday falls.

The staff side wished to incorporate the normal 3 year protection for staff whose Terms and Conditions would change following the adoption of this policy.

As the Interim HR Manager could not agree to that 3 year protection until the full financial implication was known it was agreed that the report should be deferred pending the financial information being made available.

RESOLVED that the report be deferred until the next meeting of the LJCC pending further information relating to the financial implications of providing 3 year protection to those staff affected by the change of policy.

13/07 REVISED POLICIES AND PROCEDURES

The Interim HR Services Manager sought agreement for the amended policies to be implemented, which would supersede any existing policies, to ensure that Breckland Council complied with the law. Agreement was also sought for new policies to be implemented to ensure procedures were in place to ensure a consistent and fair approach to employee relations issues and minimising risks of employment tribunals.

Capability Policy

The Council does not currently have a Capability Policy which left the Council at risk when dismissing employees on the grounds of incapability. Although best practice had been followed procedural guidance for Managers and employees would ensure a fair and consistent approach was followed.

Action By

It was noted that the policy would not apply to the Chief Executive or Operations Managers who were covered by the Capability Policy of the Joint Negotiation Committee. The Staff Side wished to amend the policy to clarify who was not covered by the Policy but it was agreed to leave the generic description as this would enable structures to be changed in future without the need to amend the Policy.

With regard to timescales it was understood that there may be a different timescale for different jobs and as a way forward it was suggested that a toolkit be drafted for managers to use as a guide. The toolkit would contain different scenarios which would be used as a reference point and as good practice.

It was agreed that the report should be reviewed either after a 12 month period or when the full procedure had been utilised.

RESOLVED that

- (1) a toolkit be produced containing various examples of the procedure of the Capability Policy; and
- (2) the Capability Policy be reviewed either after a 12 month period or when the full procedure had been utilised.

Disciplinary Policy and Procedure

This was an extensive revision to the existing policy which was mainly necessary because of the guidance from ACAS in the form of an updated Disciplinary Code of Practice. This was to ensure the three required steps were followed to ensure the procedure complied with the law and minimised risks of industrial tribunals being won due to processes being incorrect.

The Staff Side felt that paragraph 9, Disciplinary Penalties, should be changed to reflect the level of misconduct which would necessitate the penalties and paragraph 10 should reflect any changes. It was agreed that the changes would be agreed by John Williams and Mark Broughton.

Grievance Policy and Procedure

The same revisions were required of the Grievance Policy as were required for the Disciplinary Policy above.

With regard to the exclusion of the paragraphs which related to Local Government Pension and Tax the Interim HR Service Manager stated that HR Officers should not be giving financial advice in relation to pensions and tax and staff should contact the relevant bodies relating to these two areas.

Action By

In relation to paragraph 5.7 it was noted that the wording should read ‘...Deputy Chief Executive, an Operations Manager *or* a Service Manager, who will be accompanied by HR’. This was in order to clarify that two Managers would sit on the Senior Managers’ Appeals Panel in conjunction with HR.’

The Staff Side were concerned that the Policy did not contain any reference to Collective Grievance and disputes. In response the Interim HR Service Manager stated that any collective grievance was already covered within the constitution and policies of the Council.

In order to clarify the situation the Solicitor and Monitoring Officer informed the Committee that Collective grievances relating to a named individual should be referred to the Chief Executive and collective grievances relating to a whole number of people, such as health and safety issues, would come before the Local Joint Consultative Committee.

It was suggested that all policies should be reviewed and should be part of the Code of Practice and programmed iwtht eh monthly UNISON meetings every two years to ensure that they not only comply with legislation but are working.

RESOLVED that

- (1) paragraph 5.7 be amended to read ‘...Deputy Chief Executive, an Operations Manager *or* a Service Manager, who will be accompanied by HR’. as follows
- (2) all Human Resources Policies should be reviewed at regular intervals such as every two years.

Prevention of Harassment and Bullying Policy and Procedure

This had been requested by the Policy Department to ensure that the Council complies with legislation and clear guidelines were in place.

The policy was accepted by both sides without amendment.

Probationary Period Policy and Procedure

This Policy was not currently in place and implementing such would ensure all employees were given every opportunity to improve performance during their probation and advises managers how to address performance issues during this time.

The Staff Side felt that an extension of one month to the probationary period would not be long enough to assess any marked improvement in performance as opposed to something such as timekeeping which could be assessed within one month. It was suggested that this period should be extended to 3 months with the proviso that only one such extension would be given.

Action By

RESOLVED that

- (1) only one extension to the probationary of a period of three months should be granted.

14/07 COLLECTIVE GRIEVANCE AGAINST BRECKLAND COUNCIL/JOHN WILLIAMS

The Solicitor and Monitoring Officer informed the Members that this matter could not be resolved by the Committee and would therefore be referred to the Chief Executive for consideration.

15/07 ANY OTHER BUSINESS

The Committee agreed that a health and safety report should be presented to the next meeting of the Committee on 13 September 2007.

RESOLVED that a Health and Safety Report be presented to the Local Joint Consultative Committee on 13 September 2007.

The meeting closed at 11.55 am

CHAIRMAN