

**SUBJECT: HUMAN RESOURCES POLICY UPDATES**

**DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK**

**REPORT AUTHOR: ALI THACKER, HR AND PAYROLL TEAM LEADER**

## **1. Purpose of Report**

- 1.1 To request that Executive approve the proposed revisions to the Disciplinary, Code of Conduct and Dignity at Work Policies, taking into account the comments made by JCC.

## **2. Executive Summary**

- 2.1 The HR team propose to update the Disciplinary, Code of Conduct and Dignity at work Policies. This report outlines the main changes and the comments made at JCC.

## **3. Background**

- 3.1 The HR team are required to continually review and streamline the Council's policies and procedures as and when required.
- 3.2 The HR team have therefore updated the above policies to ensure they are clear, fit for purpose, and legally compliant.

## **4. Main Body of Report**

This section of the report details the main changes which are being proposed.

### **4.1 Disciplinary Policy**

Section 3 - Clarification has been inserted to ensure that it is clear that the policy applies to all employees.

Section 5.3 has been altered to make it clear that disciplinary hearings will not be recorded by HR nor will any other form of recording be allowed.

Sections 5.6 – 5.8 have been inserted to outline what should be considered if an employee is prevented from participating in a disciplinary process due to ill health.

Section 6.2 has been amended to give the presiding officer the option of offering a fast track oral warning without proceeding to a hearing (this is subject to the employee agreeing to this process).

Section 6.4 has been amended to state that there will be no right of appeal against a fast track oral warning (as the employee would have admitted the allegation and accepted the warning previously). Following JCC's comments the policy was amended slightly to allow the employee to take up to a 24 hour adjournment / 'cooling off period' to consider their options.

Section 8.2 has been amended to outline what should be considered before suspending an employee. Following JCC's comments part of this paragraph was removed as it had been interpreted incorrectly.

Sections 9.4 and 9.6 have been amended to outline in exceptional circumstances there may be a need to have a panel of presiding officers and there may be a need to appoint an independent investigating officer from outside the authority.

Section 9.11 has been inserted to ensure it is clear that witnesses and complainants will be entitled to see a copy of their statement however will not be entitled to see a copy of any other aspects of the investigatory report.

Sections 11.7 and 11.13 have been inserted as a potential outcomes of a hearing (no further action and other recommendations).

Sections 11.9 and 11.10 have been amended to state that a verbal warning will spent after 6 months as opposed to 3 months.

Section 12.5 has been amended to outline that an appeal against a decision can result in a lower and/or a higher sanction.

## 4.2

### **Dignity at Work Policy**

Section 2.1 has been added to outline the specific responsibilities of the authority.

Section 3.2, 3.5, 3.6, and 3.7 have been inserted as types of unacceptable behaviour.

Section 5.2 has been added to ensure that both the 'complainant' and the 'accused' are given an appropriate amount of support during a distressing situation.

Section 5.4 has been amended to incorporate two potential options to deal with a complaint informally.

Section 5.10 has been inserted to outline the potential outcomes following an investigation/hearing.

Section 6.1 has been inserted to outline both the appeal rights of the complainant and alleged harasser. It was also been amended to make it clear that there is no right of appeal on fast track oral warnings.

#### 4.3 **Code Of Conduct**

Section 2 - Clarification has been inserted into to ensure the responsibilities are clear and concise.

Section 8.1 has been amended to reflect the misconduct and gross misconduct examples outlined in the Disciplinary Policy.

Section 12 has been amended to give clarification on what is deemed a political restricted post, and to outline what council activities an employee can participate in.

Section 15 has been amended to take account of changes in data protection legislation.

#### 5. **Strategic Priorities**

The Councils policies support the delivery of Professional High Performing Service to ensure we are in the best possible position to deliver our services.

#### 6. **Organisational Impacts**

##### 6.1 Finance (including whole life costs where applicable)

Not applicable.

##### 6.2 Legal Implications including Procurement Rules

The enclosed policy has been reviewed and updated taking into account legislative requirements.

##### 6.3 Land, property and accommodation

NA

##### 6.4 Human Resources

The joint HR and Trade Union meetings have been used to seek the views of the Trade Unions.

In terms of the Dignity at Work Policy and Code of Conduct, all issues were resolved prior to JCC and all parties are in agreement with the proposed changes associated to these policies.

In terms of the Disciplinary Policy, both during the informal HR and Trade Union discussion and at JCC the unions raised following concerns:

##### 1. *Unions Concern:*

Unions disagreed with the proposed change to section 6.4 as they feel that an employee should always have the right of appeal.

Response:

In this situation a manager/presiding officer would have met with the employee and during which the employee would have admitted the allegations and accepted an oral warning. Based upon this HR believe that it is not appropriate to give an employee the right of appeal as they have admitted the allegations and accepted the sanction offered.

**Resolved:** At JCC it was agreed that if employees who are offered a fast track oral warning are given the opportunity of a 24 hour adjournment / cooling off period to consider their option. The unions were happy to agree the proposed change. The policy was therefore amended to take account of this.

*2. Unions Concern:*

Unions previously interpreted Section 8.2 incorrectly, as they felt that the wording implied that an employee who was subject to bullying may be moved or suspended.

Response

**Resolved:** Following JCC HR agreed to revisit this section, and therefore decided to remove the section which read 'If temporary redeployment is deemed appropriate in cases of harassment or bullying, it will be the directors decision who is moved to a different work location or asked to work from home on a temporary basis.'

*3. Unions Concern:*

Unions feel that sections 11.9 and 11.10 (oral warnings) should remain on an employee's record 3 months as oppose to 6 months.

Response:

There is no specific legislation on how long warnings should remain on an employee's file, however HR feel that 3 months is a relatively short period of time and therefore extending this to 6 months would ensure that the employees improved conduct is maintain for a substantial period of time.

*4. Unions Concern:*

Section 12.5 - Unions feel that if an employee appeals against a sanction, there should only be provisions to award a lower sanction and a presiding officer should not be able to award a higher sanction. Unions also feel that this is a threat.

Response:

There is no specific legislation whether an appeal can result in a higher sanction, however in order for a fair appeal to take place a presiding officer should have the provision to award both a higher and a lower sanction. At JCC both Council Members and Trade Unions raised concerns with this proposed change.

6.5 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required)

The attached policy has been reviewed with regard to equality, diversity and human rights considerations.

## **7. Risk Implications**

7.1 (i) Options Explored

NA

7.2 (ii) Key risks associated with the preferred approach

NA

## **8. Recommendation**

8.1 That Executive approve the proposed changes to the policies, based upon this report and the comments made at JCC.

**Is this a key decision?**

No

**Do the exempt information categories apply?**

No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?**

No

**How many appendices does the report contain?**

Three

**List of Background Papers:**

None

**Lead Officer:**

Ali Thacker , HR and Payroll Team Leader  
Telephone (01522) 873801