

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 31 AUGUST 2006

REPORT BY INTERIM DIRECTOR OF ORGANISATIONAL DEVELOPMENT

8. REVISED VERSIONS OF POLICIES AND PROCEDURES: DISCIPLINARY; ABSENCE MANAGEMENT AND GRIEVANCE. NEW POLICIES AND PROCEDURES: CAPABILITY; ENDING OF FIXED TERM CONTRACTS, AND EMPLOYING AND RETAINING PEOPLE WITH DISABILITIES

WARD(S) AFFECTED: None

'D' RECOMMENDATION - that the new/revised Policies and Procedures, appended to the report now submitted, be approved.

1.0 Purpose/Summary of Report

1.1 To provide all employees of the Council with policies and procedures that provide a workable, effective and fair framework for managers and staff to carry out their roles and responsibilities.

1.2 Following negotiations with Unison and approval by the LJP on 13 June and 7 August 2006, the above mentioned policies and procedures are ready to be adopted for use. These policies are appended to the report (see paragraph 10 below).

2.0 Contribution to the Council's Corporate Objectives

Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.

3.0 Background

3.1 Over the last few years there has been a rush of new Acts of Parliament that place statutory obligations on employers and increase the rights of employees. These have not been incorporated into existing documentation nor have new policies been issued to address the new legal requirements. This means that existing policies are unlawful and the organisation is lacking policies to meet

particular legal obligations.

3.2 Additionally, the status of current policies is debatable because it is unclear which version of a policy is most current and whether a formal decision was taken to adopt the particular version. The result is that the Council has been left open to challenge.

3.3 Recent experience has highlighted the lack of proper human resource procedures to deal with employee relations issues. All the policy and procedure documents submitted with this report have been extensively reviewed by management and Unison.

4.0 Report

4.1 The human resource policies and procedures have been produced to provide a framework for managers which is workable, effective and provides guidance, and which is "felt fair" to staff, Furthermore, they are designed to reduce bureaucracy and shorten timescales.

4.2 ACAS best practice and DTI guidance has been incorporated in these documents and they comply with all current legal obligations including the new Age Discrimination Legislation which will come into force in October 2006.

5.0 Consultation

These policies have been discussed with Unison representatives.

6.0 Legal Implications

6.1 Each policy has been extensively rewritten to incorporate equalities considerations, the statutory standard and modified procedures and statutory requirements on timescales.

6.2 Currently, for unfair dismissal, awards may range from £8,400 to £65,200. Additionally, for refusal to comply with a reinstatement order, a further award of between £7,280 and £15,680 can be made. Awards against unlawful discrimination can be unlimited.

7.0 Financial Implications

None.

8.0 Human Resource Implications

As set out above.

9.0 Risk Management Implications

Failure to update human resource procedures to comply with latest Employment Law will leave the Authority open to challenge at Employment Tribunals which may be costly and damaging to our reputation. This is becoming increasingly evident.

10.0 Papers attached

- Absence Management Policy and Procedure May 2006 (Appendix 'A8' – Pages 8.4 – 8.16)
- Grievance Policy and Procedures May 2006 (Appendix 'B8' – Pages 8.17 – 8.27)
- Disciplinary Policy and Procedure May 2006 (Appendix 'C8' – Pages 8.28 – 8.46)
- Capability Policy and Procedures May 2006 (Appendix 'D8' – Pages 8.47 – 8.60)
- Ending Of Fixed Term Employment Policy and Procedure May 2006 (Appendix 'E8' – Pages 8.61 – 8.66)
- Employing and Retaining People with Disabilities July 2006 (Appendix 'F8' – Pages 8.67 – 8.75)

Background Papers

None

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