



MEETING : HUMAN RESOURCES COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 2 OCTOBER 2013
TIME : 3.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillors C Woodward (Chairman), P Ballam, Mrs D Hone, J Ranger (Vice-Chairman), P Ruffles, J Thornton and N Wilson

Substitutes

Conservative Group: Councillors A Warman
Group of Independents: Councillor

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.

2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.

3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA

1. Apologies

To receive apologies for absence

2. Minutes (Pages 7 - 10)

To receive the Minutes of the meeting held on 3 July 2013.

3. Declarations of Interest

To receive any Member's Declaration of Interest and Party Whip arrangements.

4. Chairman's Announcements

5. Human Resources - Quarterly Performance Report (Pages 11 - 18)

6. Policy Development Plan (Pages 19 - 28)

7. Equalities and Diversity (Pages 29 - 56)

8. Local Joint Panel - Minutes of the meeting: 3 July 2013 and 3 September 2013 (Pages 57 - 64)

Please note that Minutes 4 (Recruitment Policy) and 5 (Employing and Managing People with Disabilities) were agreed at the Human Resources Meeting held on 3 July 2013.

(A) Grievance Policy (Pages 65 - 86)

9. Health and Safety at Work Act 1974

10. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to

involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE
HUMAN RESOURCES COMMITTEE HELD
IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 3 JULY 2013, AT 3.00 PM

PRESENT: Councillor C Woodward (Chairman).
Councillors P Ballam, Mrs D Hone, J Ranger,
P Ruffles, J Thornton and N Wilson.

OFFICERS IN ATTENDANCE:

Glenda Bennett	- Interim Head of People and Property
Martin Ibrahim	- Democratic Services Team Leader
Preksha Patel	- Human Resources Officer
Adele Taylor	- Director of Finance and Support Services

94 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor P Ruffles and seconded by Councillor P Ballam that Councillor J Ranger be appointed Vice-Chairman of the Committee for 2013/14.

RESOLVED – that Councillor J Ranger be appointed Vice-Chairman for the Human Resources Committee in 2013/14.

95 MINUTES – 20 MARCH 2013

In respect Minute 708 – Pay Policy Statement, it was noted that an e-mail had been sent to Members explaining that 34 employees had a lease car currently and that scheme would be closed on 16 January 2014.

In respect of Minute 711 – Senior Pay Review February

2013, the Committee was advised of an error in recommendations (B) and (C). The Director of Finance and Support Services reminded the Committee of its deliberations which had been correctly recorded in the narrative. However, the recommendations did not reflect properly, the decisions made by the Committee.

It was agreed that these recommendations be amended to read as follows:

(B) the Chief Executive/Director and Directors remain on fixed spot salaries and a review of the Chief Executive/Director base pay be undertaken; and

(C) the Chief Executive/Director of Customer and Community Services base pay be included in "E pay Check".

RESOLVED – that the Minutes of the Human Resources Committee meeting held on 20 March 2013, as now amended, be approved as a correct record and signed by the Chairman.

96 HUMAN RESOURCES – QUARTERLY PERFORMANCE REPORT

The Head of People and Property Services submitted a quarterly performance report for the period April – June 2013. It was noted that 97% of PDRs had now been completed.

The Committee was further advised that a calendar of policy reviews would be submitted to the next meeting, which would be based on three year reviews and not two. Councillor J Ranger suggested that, when appropriate, this should include a review of mileage rates.

The Committee noted the report.

RESOLVED – that the report be noted.

97 EMPLOYING AND MANAGING PEOPLE WITH DISABILITIES POLICY

The Committee considered a report seeking to update the Employing and Managing People with Disabilities Policy. The proposed revisions, necessitated by recent legislative changes, had been considered and supported by the Local Joint Panel, at its meeting held on 3 July 2013. The Panel had commented that strengthening the guidance on what constituted a disability was needed.

The Committee Chairman suggested, in respect of paragraph 2.7 of the policy, adding the word “necessarily” after the words “will not”.

The Committee approved the revised policy subject to the comments now detailed.

RESOLVED – that the revised Employing and Managing People with Disabilities Policy, as now submitted and amended, be approved.

98 RECRUITMENT POLICY

The Committee gave consideration to a revised Recruitment Policy that had been updated to take account of recent legislative changes. The updated policy had been considered and supported by the Local Joint Panel, at its meeting held on 3 July 2013. The Panel had also suggested three additions as follows:

- The need to check the list of countries for eligible workers in paragraph 3.1;
- paragraph 6.16 should include reference to the Redeployment Register; and
- the need to include reference to Apprentices within the policy.

The Committee supported all of these comments.

In response to a question by Councillor P Ballam, the Head of People and Property Services undertook to

check the legal position in respect of copying passports.

Councillor N Wilson queried the use of consultants, agency workers and sole traders and undertaking CRB checks. The Head of People and Property Services advised that such checks would be undertaken by the Agency through which such workers were engaged. The Committee Chairman suggested that this caveat be included in the policy.

The Committee approved the revised policy as submitted subject to the comments now detailed.

RESOLVED – that the revised Recruitment Policy as now submitted, be approved, subject to the comments now detailed.

99 HEALTH AND SAFETY : LONG TERM FAULTS AND DEFECTS

The Committee considered a report of the Health and Safety Officer in respect of high priority concerns identified following a monthly inspection of offices at Wallfields, Charringtons House and Buntingford Service Centre. The report had already been considered by the Safety Committee and its agreed actions had been included in this report.

The Committee noted the report.

RESOLVED – that the report be noted.

The meeting closed at 4.05 pm

Chairman
Date

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 4 OCTOBER 2013

REPORT BY INTERIM HEAD OF PEOPLE, ICT AND PROPERTY SERVICES

HR QUARTERLY PERFORMANCE REPORT – OCTOBER 2013

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To update Human Resources Committee on people management and HR delivery

<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>	
That:	
(A)	That the quarterly performance report be noted.

1.0 Background

1.1 Following a request from the Chairman of Human Resources (HR) Committee a report on HR Team Current and Future Events April 2008 was submitted to HR Committee on 24 April 2008. The Committee welcomed the report and requested updates to be provided to each Committee.

1.2 The report was redesigned to include an update on people management and HR delivery. The first report was submitted to HR Committee on 16 July 2008.

1.3 This report will be updated and submitted to each Committee on a quarterly basis.

1.4 The report will be used to report on progress on the People Strategy 2009-2012 and demonstrate the difference being made to the Council as a result of implementation of the strategy.

2.0 Report

2.1 **The content of** HR Quarterly Performance Report: October 2013 is set out within **Essential Reference Paper B.**

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

Contact Officer: Glenda Bennett – Head of People, ICT and Property Services
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Report Author: Preksha Patel – Human Resources Officer
Preksha.patel@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	<i>None, update report</i>
Legal:	<i>None</i>
Financial:	<i>None</i>
Human Resource:	<i>As detailed in the report</i>
Risk Management:	<i>None</i>

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HR Quarterly Performance Report: September 2013

People statistics 1/4/2013 - 31/3/2014 as at 30 September 2013

Current Headcount	361	Number of Leavers	34
Number of Starters	22	Vacant Number of FTE posts (funded hours expressed as FTE):	50.01
Current Turnover	9.14%	Average number of short term sickness days per FTE staff in post: (August)	0.39 days
Common reason for leaving	16 left to be part of ICT print and design shared services. 6 chose to retire. 8 left due to personal and career reasons. 1 leaver took severance, 1 leaver was dismissed and 2 left due to end of contract.		

Shared Support Services Programme

Since the last quarterly report the shared service for ICT print and design started on August 1 as planned.

Monitor Absence Levels

Short term absence is currently at 0.39 days lost per FTE. Last year it was 0.34 days. This shows an increase of 0.05 days per FTE.

Long term absence is currently at 0.62 days lost per FTE. Last year it was 1.22 days. This shows a reduction of 0.6 days per FTE.

The total absence lost last year was 6.19 days per FTE, we project that over the following year it will be 6 days per FTE.

Performance

Managers are reviewing progress against PDRs: the next quarterly report will include numbers reviewed and targets met.

Recruitment

In the last quarter, East Herts have advertised 31 posts- a mixture of both internal and external vacancies.

Learning and Development

As part of the Corporate Training Plan 2013/14 the following training opportunities have been delivered in June, July and August, a total of 64 places:

- Time Management - 4 attended
- Political Sensitivity – 7 attended
- Managing Customer Services - 4 attended
- Wealden Report Training – 4 attended
- Project Management - 5 attended
- Pensions Pre-Retirement Briefing – 23 attended
- PDR Training – 8 attended
- HAY Training – 9 attended

Policies

The grievance policy was revised. All policies were reviewed and prioritised in the policy development plan. The next policy to take forward is absence.

HRIS

The implementation of the HR information system, which is shared with Stevenage Borough Council, is continuing. The first priority will be to provide greater detail in absence reporting.

Pay Award

The increase in the Outer Fringe allowance which was agreed nationally from £555 to £561 was implemented in August 2013. The national pay award of 1%

Essential Reference Paper “B”

was agreed in July: this means that the local award for those employees whose performance is satisfactory and who are eligible after completing three years service, has now been reduced to 4% in line with East Herts terms and conditions.

Wellbeing Day

A wellbeing day to promote an active and healthy working lifestyle has been arranged for 17th October 2013.

Staff Handbook

Staff handbook has been updated to take account of new policies: it is now more concise and user friendly. It is currently being reformatted to improve the presentation. Updates include:

A welcome from the Chief Executive

Update to legislation changes and policy updates

Information on Recruitment, Disclosure and Barring, Social Media and Fire Safety

Copies of the staff handbook will be circulated to members of the Human Resources committee once this is completed.

HR Strategy

Work on revising the HR strategy has commenced.

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EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE 2 OCTOBER 2013

REPORT BY INTERIM HEAD OF PEOPLE AND PROPERTY SERVICES

POLICY DEVELOPMENT PLAN

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the policy development plan

<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>	
That:	
(A)	The Policy Development Plan be approved;
(B)	The deletion of the duty to consider working past retirement (Policy No 20) be approved; and
(C)	Termination of fixed term employment policy.

1.0 Background

1.1 Human Resources Committee was advised that a calendar of policy reviews would be submitted to Human Resources Committee on 2 October 2013.

1.2 Human Resources Committee advised that policy reviews should be completed every three years.

1.3 Human Resources Committee requested that mileage rates be reviewed as part of this policy work.

2.0 Report

2.1 Policies which need to be reviewed are set out in **Essential Reference Paper "B"**.

Essential Reference Paper “C” sets out which policies, the last date when they were reviewed and the reasons for reviewing or changing them. Some policies need to be reviewed because it is over three years since they were last reviewed, these include:

- Home working policy, 2009
- Absence management policy, 2009
- Retirement policy, 2009
- Disciplinary policy, 2009
- General leave policy, 2007
- Expenses policy, (Mileage rates and subsistence) 2010

Other policies are included e.g. flexible working as the government have requested that ACAS issue a new code of practice in April 2014. The Council’s flexible working scheme, 2012 may require revision.

2.2 **Policies which need to be deleted**

Some policies have been overtaken by recent legislation. The default retirement age enabled employers to make staff retire at 65 regardless of their circumstances, but the Government changed this as people are living longer, and leading healthier lives. The change has meant that since October 2011 employers cannot issue any notifications for compulsory retirement using the DRA procedure. ACAS guidelines are:-

“Unless it can be objectively justified it is no longer permissible to dismiss someone on the grounds of retirement. Older workers can voluntarily retire at a time they choose and draw any occupational pension they are entitled to. Employers cannot force employees to retire or set a retirement age unless it can be objectively justified.”

The Council therefore needs to delete the ‘The duty to consider working past retirement age’ (policy no 20).

Ending of Fixed term employment, policy statement 21, 2006. The expiry of a fixed-term contract without renewal amounts to a dismissal in law, so providing this is explicit in the letter of appointment and the statement of key terms and conditions of employment, there is no need to follow the process contained within this policy.

Human Resources Committee is requested to agree to the deletion of these two policies.

2.3 Policies which have cost implications for the council

The Redeployment Policy, 2006 and the Redundancy Policy, July 2012 have implications on the Council's ability to end the employment relationship with staff cost effectively.

The Retirement Policy, 2009, needs to be updated because of its title, to reflect changes which have already happened in ill health retirements in 2011 and to reflect changes in the new pension arrangements which are expected to start in 2014.

Changing these three policies should be done as a matter of urgency.

- 2.4** The Policy Development Plan sets out the review dates in phases, with a review date for implementation to allow for resourcing within the Human Resources function to be considered.

3.0 Consultations

- 3.1** Formal consultation with UNISON with six months notice, will be required for changes in the Disciplinary Policy, Redeployment and Redundancy Policies, so longer has been allowed in the Policy Development Plan to introduce any changes.

Communication, consultation and training with and for managers will be included as part of good practice in making changes in policy.

Background Papers - none

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Report Author: Glenda Bennett – Interim Head of People and Property Service
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/Objectives (<i>delete as appropriate</i>):	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	This report has been shared with CMT
Legal:	To comply with current Employment Law
Financial:	None
Human Resource:	As detailed in the report.
Risk Management:	None

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Human Resources Policies

Policy	Issue	Date
Staff Handbook	1	Updated annually
Absence Management Policy	2	May 2013
Managing Performance Policy	2	Jun-09
Grievance Policy	3	October 2013
Disciplinary Policy	2	Jun-09
Appeals Policy	2	Jul-12
Redundancy Policy	3	Jul-12
General Leave Policy	1	Sep-07
Flexible Working Policy	3	Jul-12
Home Working Policy	1	Oct-09
Maternity, Paternity & Adoption Policy	1	March 2013
Bullying & Harassment Policy	2	Jul-12
Managing Violence & Aggression in the Workplace	1	Sep-07
Secondment	2	May-11
Duty to Consider working Beyond Retirement	1	(no date)
Ending of Fixed Term Employment	1	Aug-06
Redeployment Scheme	1	Dec-06
Disturbance Allowance Scheme	3	Oct-11
Job Evaluation Protocol	2	Jul-11
Stress Management Policy	1	Oct-08
Employing & Retaining People with Disabilities	2	May 2013
Disclosure And Barring Service Policy	1	Jan 13
Alcohol, Drug & Substance Misuse Policy	1	Sep-07
Smoke Free Workplace Policy	1	Sep-07
Training & Development Policy	1	Oct-08
Professional Career & Vocational Study Policy	1	Oct-08
Relocation Scheme	1	(no date)
Recruitment	3	May 2103
Retirement Policy	1	Oct-09
Job Share	1	Jan-10
Standby Duty & Out of Hours	1	Aug-10
Expenses	1	Aug-10
Probationary Policy	1	May-11
Volunteering	1	Jan-12

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Policy Development Review Plan

Policy title	Revision required	Phase 1
Duty to consider working beyond retirement age	Removal of default retirement age means this is no longer required	Delete October 2013
Ending of fixed term employment	Not required as this is a dismissal in law	Delete October 2013
Home working, 2009	Minor revisions required	December 2013
Expenses policy, 2010	To introduce mileage rates and subsistence in line with HRMC	December 2013
Absence management policy, 2009	To reduce absence levels further Changes in case law Simplify triggers and address reporting Separate out disability related sickness	December 2013
Redeployment, 2006 (and redundancy policy 2012)	Redeployment policy needs to be reviewed and as polices overlap the redundancy policy will need to be reviewed as well	February 2014
Retirement policy, 2009	This policy need to be amended as there have been changes in ill health retirement, and to introduce changes in the pension scheme in 2014	February 2014
		Phase 2

General Leave Policy, 2007	Requires updating	April 2014
Disciplinary policy, 2009	Disciplinary policy needs reviewing as part of 3 year review cycle: policy needs to include sanctions.	April 2014
Flexible working, 2012	ACAS issuing new code of practice in April 2014	June 2014
Review of policy development plan	Policies to be reviewed will include: Managing performance policy, 2009 Managing violence and aggression in the workplace, 2007 Stress management policy, 08 Training and development policy,08 Professional Career & Vocational Study policy, 08	October 2014 onwards

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE – 4 OCTOBER 2013

REPORT BY INTERIM HEAD OF PEOPLE, AND PROPERTY SERVICES

EQUALITY AND DIVERSITY REPORT 2012/13

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- To present the Equality and Diversity in Employment Report 2012/13

<u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:</u>	
That:	
(A)	The annual Equalities and Diversity report be approved:
(B)	the report be published on the Council's internet to ensure compliance with statute (Equality Act 2010) (specific duties) by 31 March 2014;
(C)	a data cleanse be refreshed as part of the Human Resources and Payroll upgrade and that Disabilities Status be refreshed very two years;
(D)	Training and evaluation forms be reviewed.

1.0 Background

- 1.1 The last Equalities and Diversity Report was 2011/12. The Equality and Diversity Report 2012/13 updates the Council on equalities and diversity data.
- 1.2 The Equality Act (2010) builds on the duties the Council had under the Race Relations (Amendment) Act 2000, the Equalities Act 2006 and the Disability Act 2005 to monitor and report.
- 1.3 The Equality Act (2010) consolidates the legislation for groups protected by previous equalities legislation and expanded the definition to include; age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and

sexual orientation. These are called 'protected characteristics

1.4 The Equality Act 2010 (Specific Duties) Regulations 2011 require public sector bodies with more than 150 employees to publish data on equality in their workforces by 31 March 2014.

2.0 Report

2.1 Please see **Essential Reference Paper 'B'** for the full report which details the equality and diversity represented within the workforce, with the recruitment going in-house, the next report will be able to clearly identify the recruitment profile for the Council. Furthermore with a fresh data cleanse on the system, we can obtain a clearer picture of more of the equality strands.

2.2 The report be published on the Council's internet to ensure the Council complies with the Equality Act 2010 (Specific Duties) requirement to publish data on equality in the workforces by 31 March 2014.

3.0 Recommendations

3.1 The recommendations from the 2012/13 Employment Equality and Diversity report are:

- The data cleanse performed in 2011 should be refreshed again as part of the HR and Payroll system upgrade. Disability status should then be refreshed every two years to ensure the data for employed staff remains accurate.
- The recruitment contract with Manpower ceased in April 2013. Any new arrangements for recruitment (in-house) should be reviewed to ensure relevant checks are in place for recruitment monitoring and the Council's commitment under the Jobcentre Plus Disability Two Ticks scheme.
- Training evaluation forms will be reviewed to ensure that equality information is being captured.

4.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers - none

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Report Author: Preksha Patel - HR Officer
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	N/A
Legal:	N/A.
Financial:	N/A.
Human Resource:	As detailed in the report
Risk Management:	N/A.

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East Herts Council

EQUALITY AND DIVERSITY REPORT

1 APRIL 2012 – 31 MARCH 2013

1 Summary

This report provides a detailed analysis of the workforce, by the protected characteristics of the Equality Act 2010. The Council is committed to comply with the Equality Act across all its services and continues to increase awareness and understanding through its policies, training and staff groups.

This report provides a detailed analysis of the available monitoring data for 2012/13.

2 Background

The Equality Act (2010) consolidated the legislation for groups protected by previous equalities legislation. Everyone has the right to be treated fairly and the Equality Act protects people from discrimination on the basis protected characteristics

Protected characteristics include; age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

The Equality Act 2010 (Specific Duties) Regulations 2011 require public sector bodies with more than 150 employees to publish data on equality in their workforces annually.

The information presented in this report is drawn from a number of sources including;

HR Information System
Office for National Statistics
Census 2011

3 Recruitment

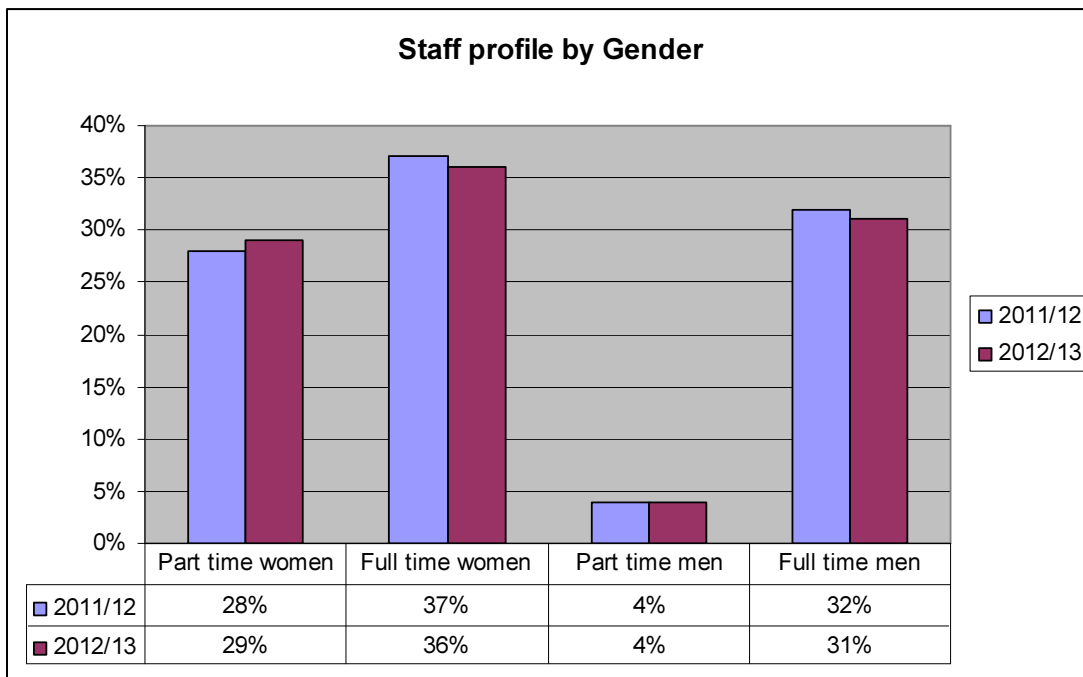
The Council’s recruitment services were outsourced to Manpower on 1 April 2009. This contract was terminated at the end of March 2013. Manpower have confirmed that due to the contract ceasing, they are unable to provide any data in reference to the Equalities monitoring, therefore this section has been omitted from the report.

4 Staff Profile

4.1 Gender

Figure 6 compares the Council’s gender profile with that of the East of England’s working population. The Council has a much greater proportion of women employees (65%) than the region (46%). This is true for both in full-time and part-time work. The flexible working options offered by Councils often attract female employees who may have caring commitments. The ratio of female to male workers at the Council has remained consistent over the last few years. There has been a slight increase in the number of part-time workers.

Figure 6

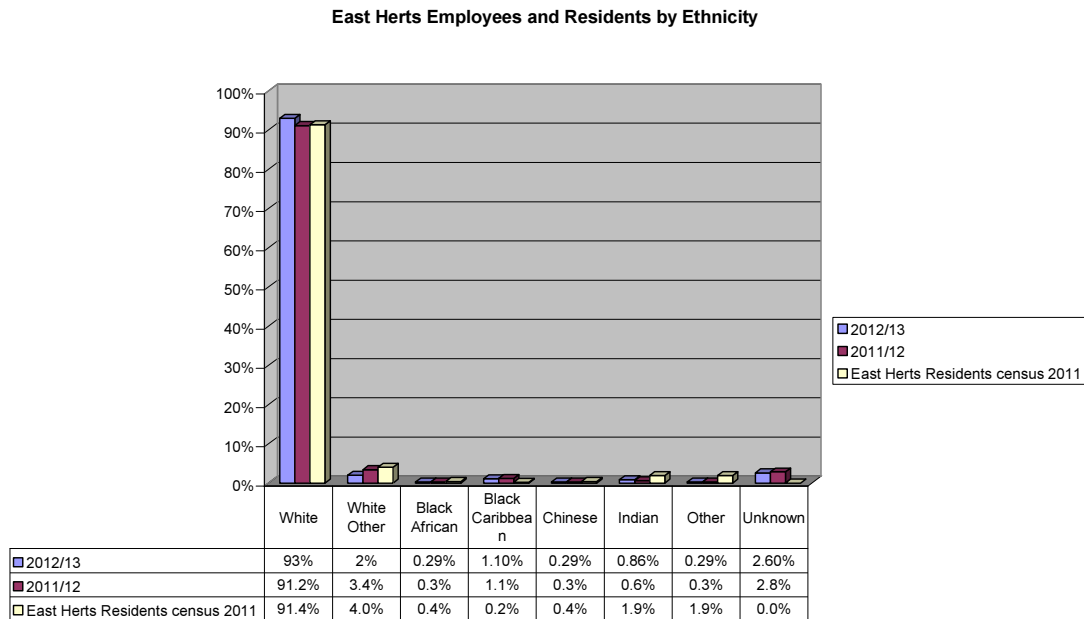


4.2 Ethnicity

Figure 7 compares the Council’s staff profile with that of the District’s population (Census 2011). Both the Council and the District are predominately white although the Council’s profile is 93% against 91.4%.

The Black and Minority Ethnic (BME) population of the district is 4.83% compared to the Council where 5% of the workforce identify as BME. All sections of the District’s BME Communities remain represented within the Council.

Figure 7



4.3 Age

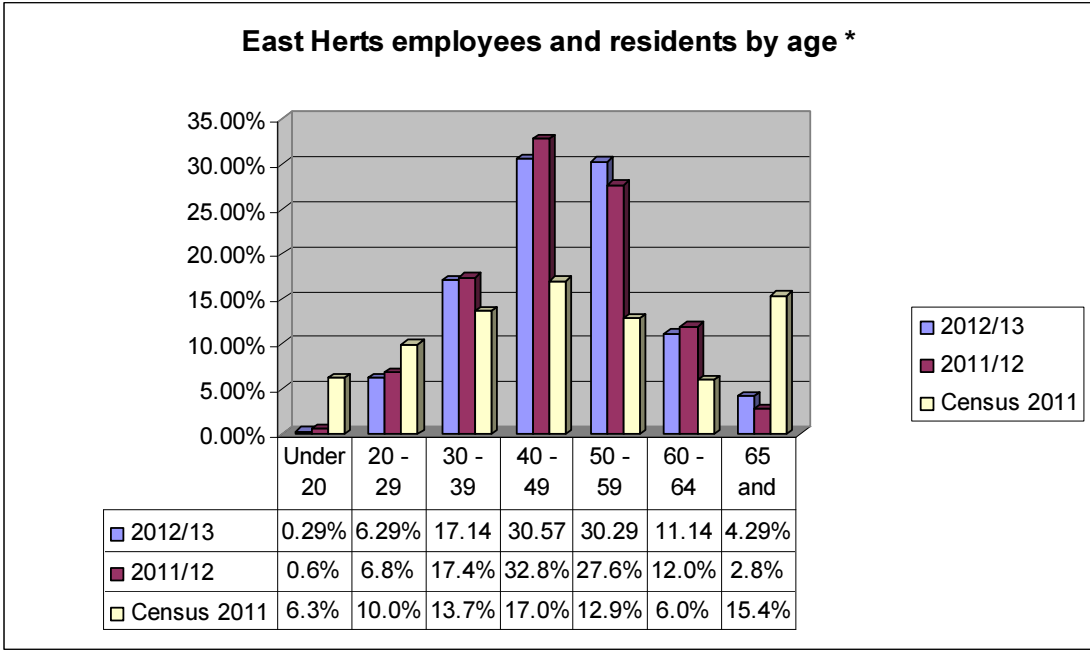
Figure 8 compares the staff profile by age with the age of East Herts residents.

The largest proportion of the workforce within the 40 -49 age range (30.57%). This broadly reflects the district. The majority of residents are over 40 and the largest group of economically active residents are in the 40-49 age range (17.0%)

Since the removal of the Default Retirement Age in those in the 65+ age group continue to increase (2.8% in 2011/12 to 4.29% in 2012/13).

The Council’s apprenticeship schemes and work with the JobCentre Plus has resulted in a slight increase in those in the under 20 age group.

Figure 8

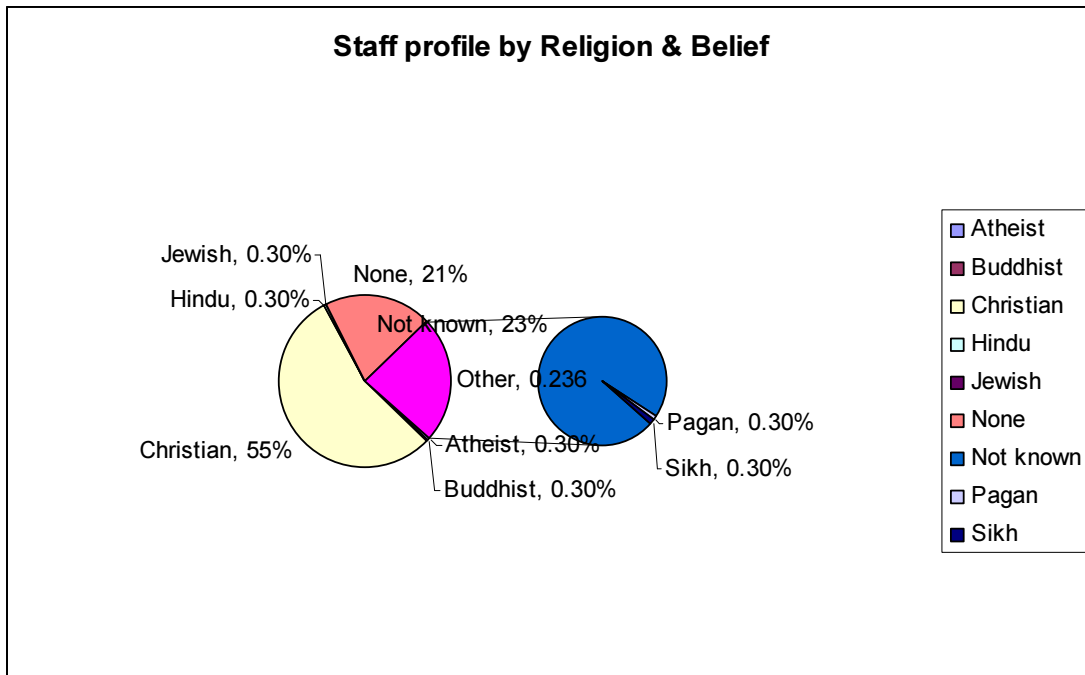


*Census data quoted in the Under 20 category is for the 15 – 19 age bracket as the younger age brackets are not economically active

4.4 Religion and Belief

Figure 9 outlines the religions and beliefs of the Councils workforce.

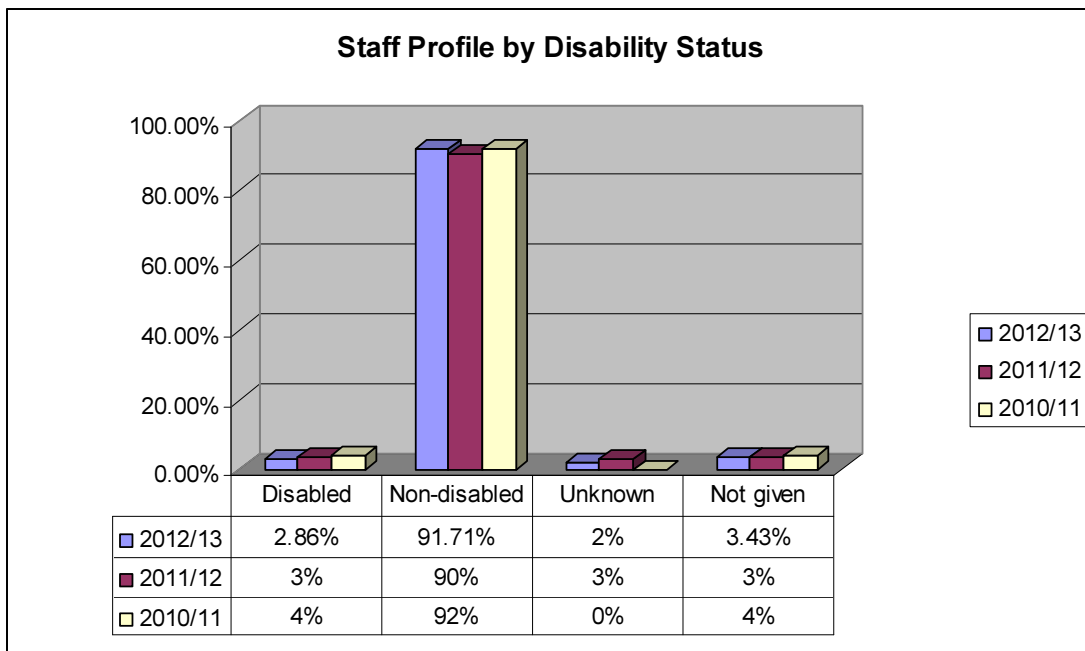
Figure 9



4.5 Disability Status

Figure 10 details the staff profile by disability status. The current outturn is 2.86%.

Figure 10

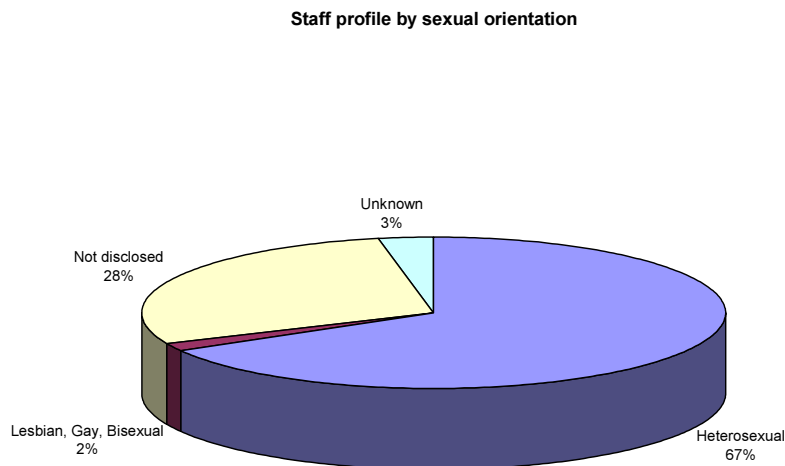


4.6 Sexual Orientation

As part of the data cleanse exercise in 2011 employees were asked to declare their sexual orientation or tick the ‘prefer not to say’ option. Staff responded well to the request with a 97% return rate. There has been no change to this information for the current year being analysed.

2% of the Council’s workforce indentify as LGB (Lesbian, Gay, Bisexual). The government estimates that between 5% - 7% of the UK population are Lesbian, Gay or Bisexual.

Figure 11



5 Performance Management

The Council’s performance management scheme was reviewed in 2011 and now has five grades:

Exceptional - Performance/contribution consistently exceeds the requirements of the role and all objectives are achieved.

Exceeding Expectations - Performance/contribution on occasion exceeds the requirements of the role and all objectives are achieved.

Meeting Expectations - Performance/contribution meets the requirements of the role and objectives are achieved.

Opportunity for Improvement - Performance/contribution is occasionally below the requirements of the role (some development and support needed).

Immediate Improvement Required - Performance/contribution is consistently below the requirements of the role and immediate improvement is required (development and support needed and being formally managed under the Managing Performance Policy).

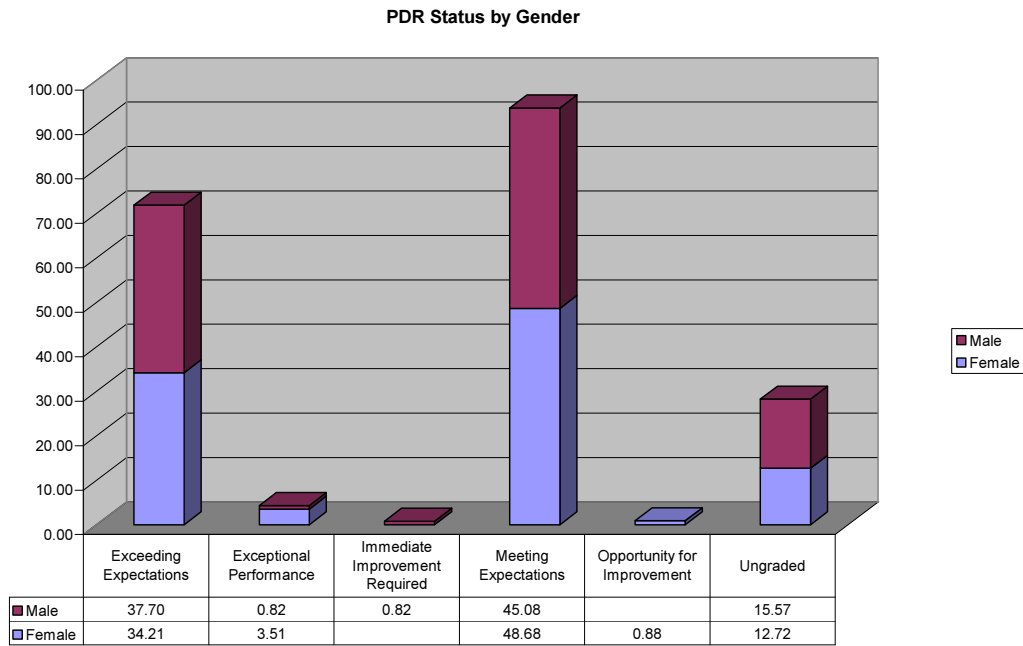
All employees should receive an annual performance development review (PDR) in December/ January and a mid-year review. The data in this section is based on the PDRs completed in December/ January 2012/13.

One employee received the ‘Immediate Improvement Required’ grading in 12/13.

5.1 Gender

The meeting expectations grade, which is the rating most employees are expected to achieve, is perfectly representative of the Council’s workforce. Women are over represented in the ‘exceptional performance’ grading and men are over represented in the ‘Opportunity for improvement’ grading.

Figure 12



* Values expressed as a percentage %

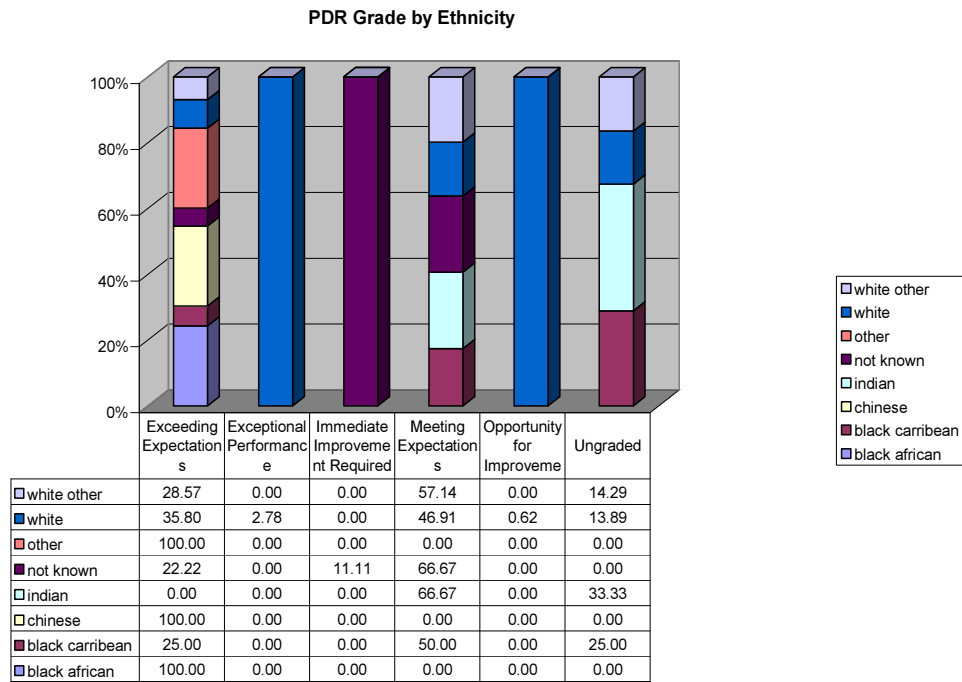
A number of employees have not received a grade. This is for a variety of reasons and the ‘ungraded’ category includes new starters, those on maternity of sick leave and those employees who’s PDRs were not returned to Human Resources on time.

5.2 Ethnicity

Overall the outturns for 2012/13 follow a similar pattern to those in the 2011/12 report.

Once again the ‘Meeting Expectations’ grade, which most staff achieve is broadly reflective of the staff profile. The ‘exceptional performance’ grading was solely achieved by white employees but the small sample size may explain the outturn.

Figure 13

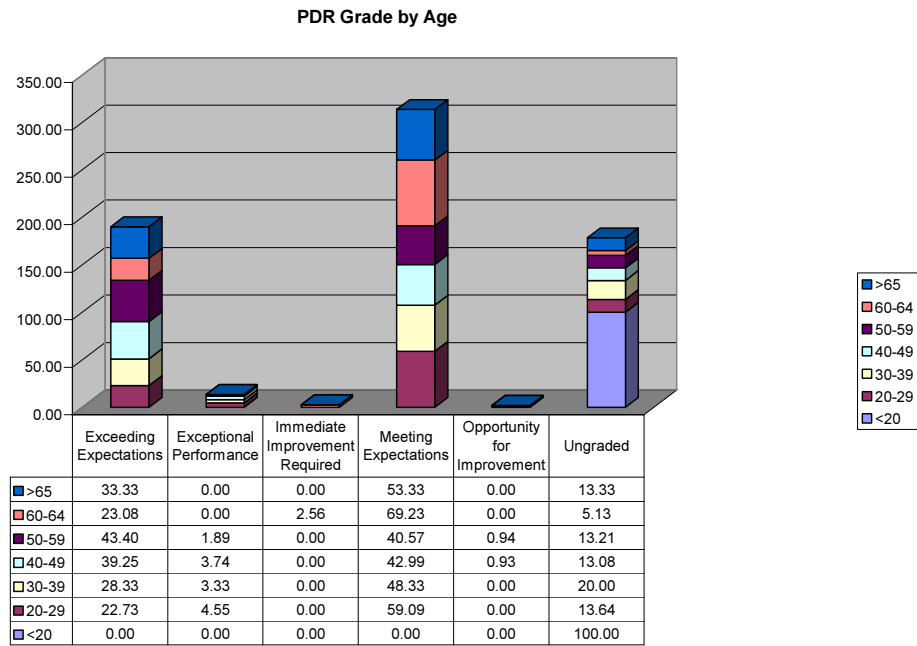


* Values expressed as a percentage %

5.3 Age

Overall the distribution of grades is reasonably consistent across the age bands. The percentage of staff receiving Exceptional Performance and Opportunity for Improvement grades is relatively low and this is why the data appears more concentrated around certain age bands in these grades. However in general the pattern is the same, with a more reflected spread around the common grades and more concentrated age groups receiving the highest and lowest grades.

Figure 14

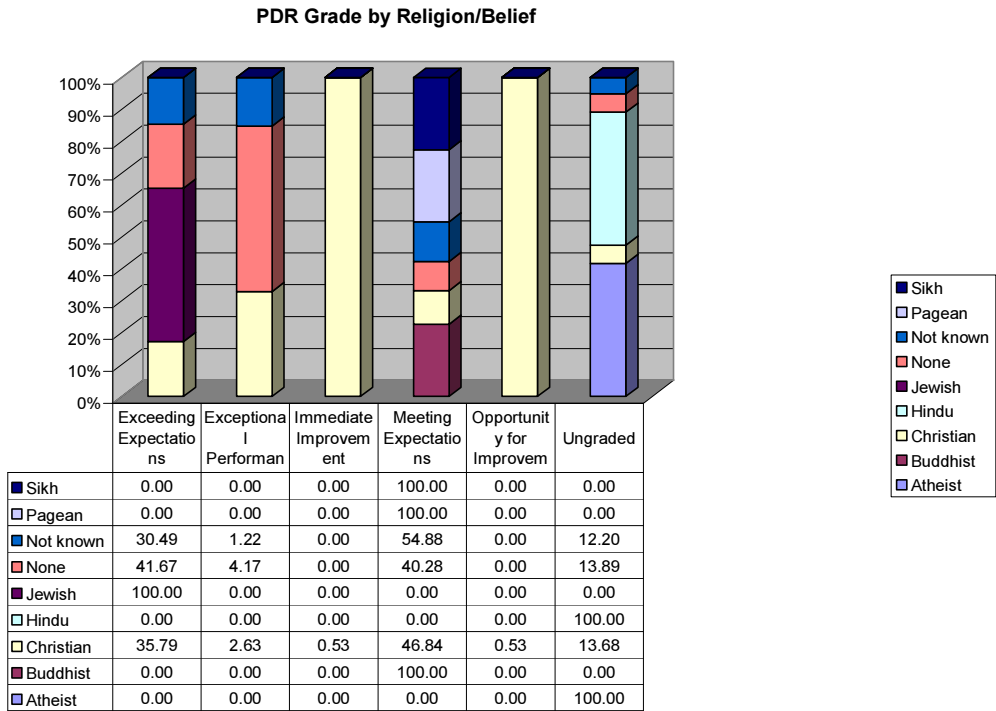


* Values expressed as a percentage %

5.4 Religion & Belief

In general the percentages of staff are reflective of the staff profile, which is consistent with 2011/12. It is difficult to fully analyse the data as 30% of staff chose not to share their religion or belief. However the data does not give cause for concern.

Figure 15

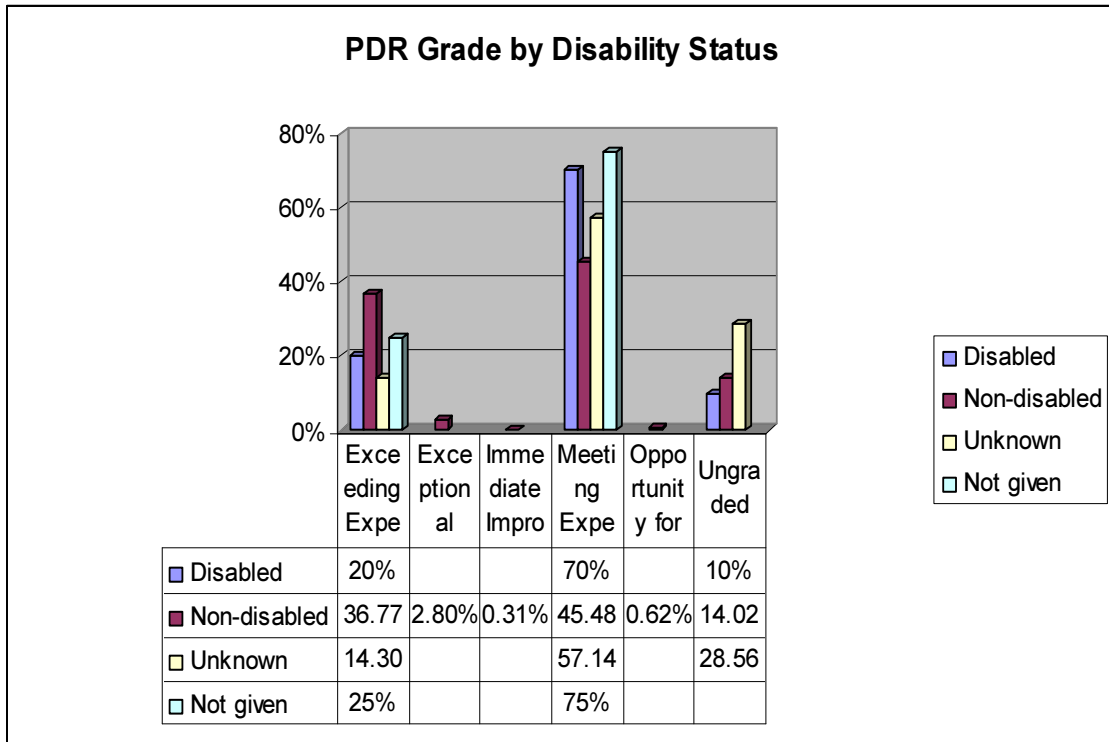


* Values expressed as a percentage %

5.5 Disability Status

The outturns are reflective of the staff profile.

Figure 16



6 Training

The data for training and development is based on staff attendance on in-house training courses. Overall figures 17 – 21 show that training attendees are broadly reflective of the overall staff profile.

Figure 17 shows that since the last report, men have taken up more training than the previous year (From 27% to 34%)

Figure 22 shows the breakdown of training attendees by full-time/part-time status.

Figure 17

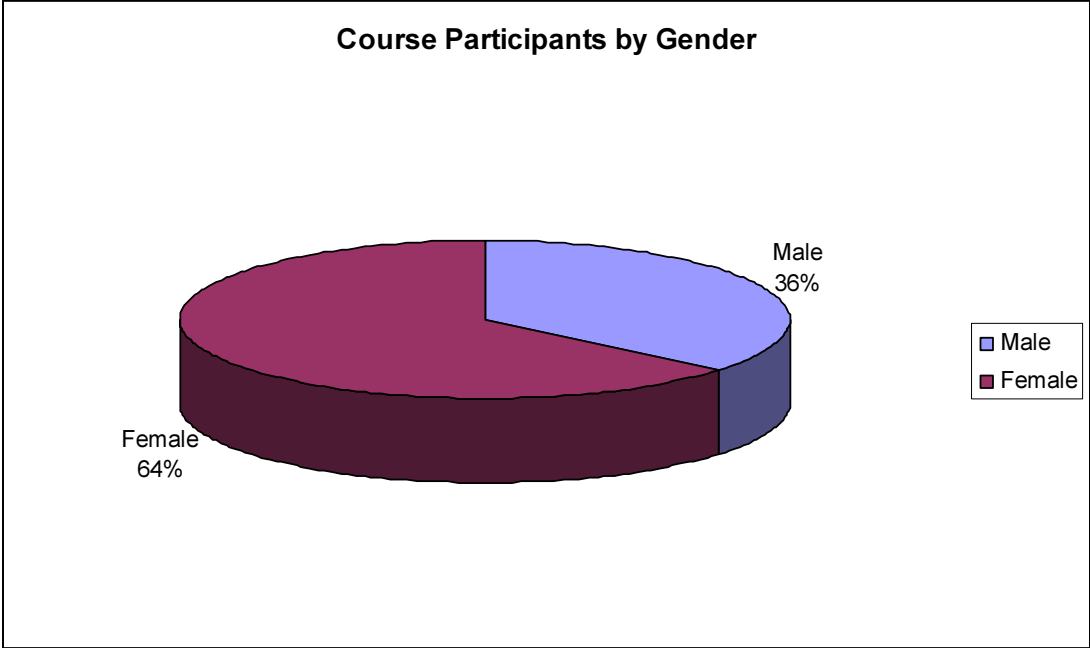


Figure 18

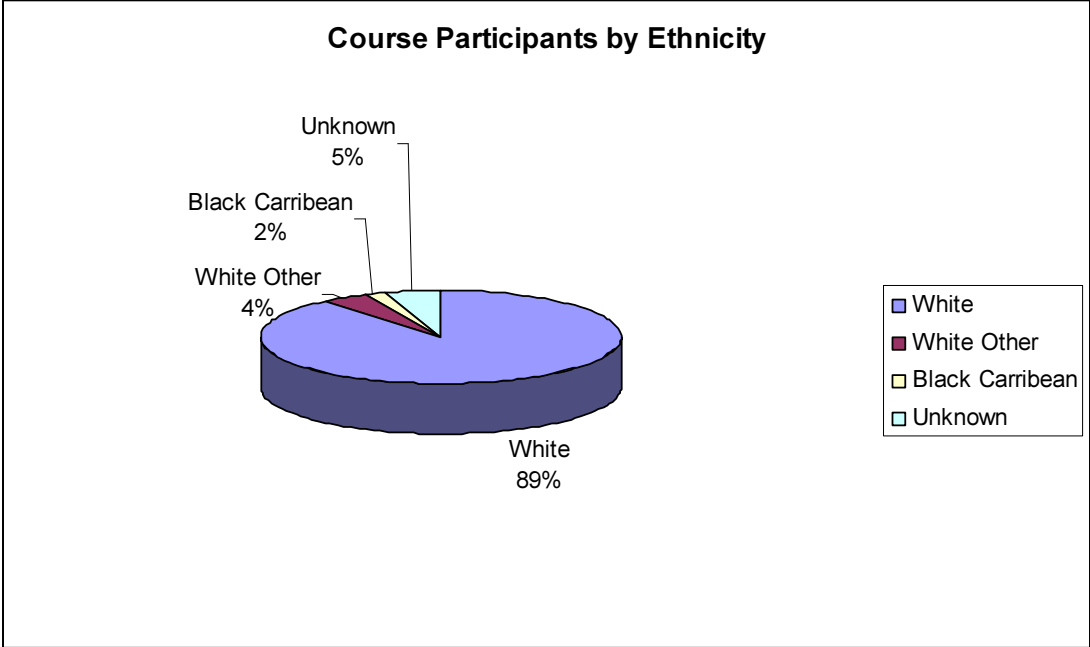


Figure 19

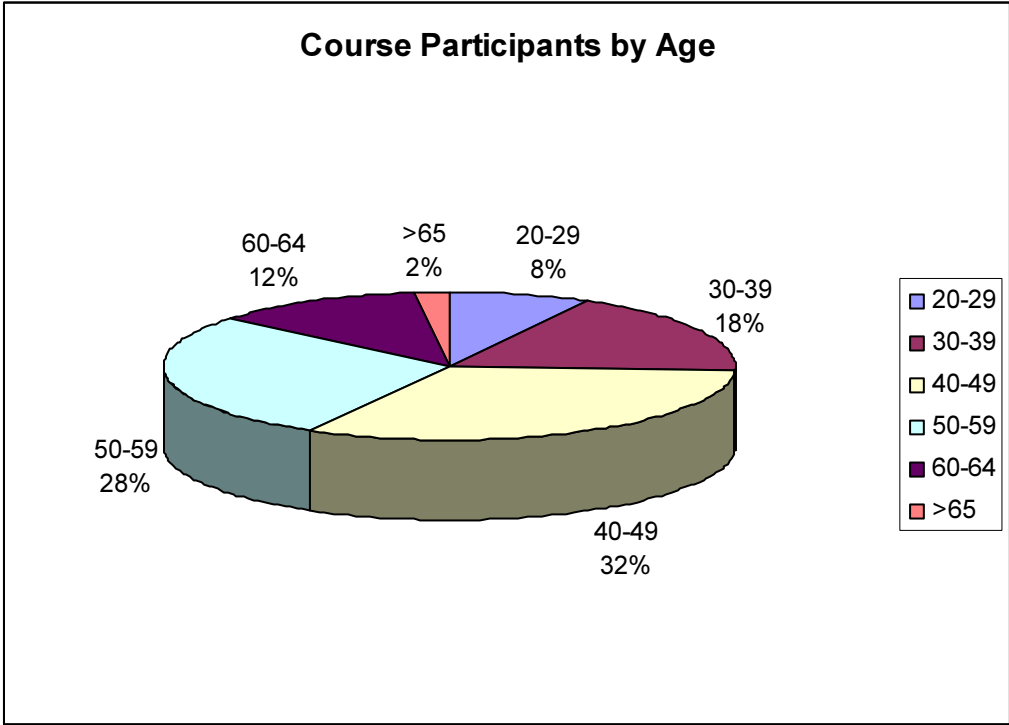


Figure 20

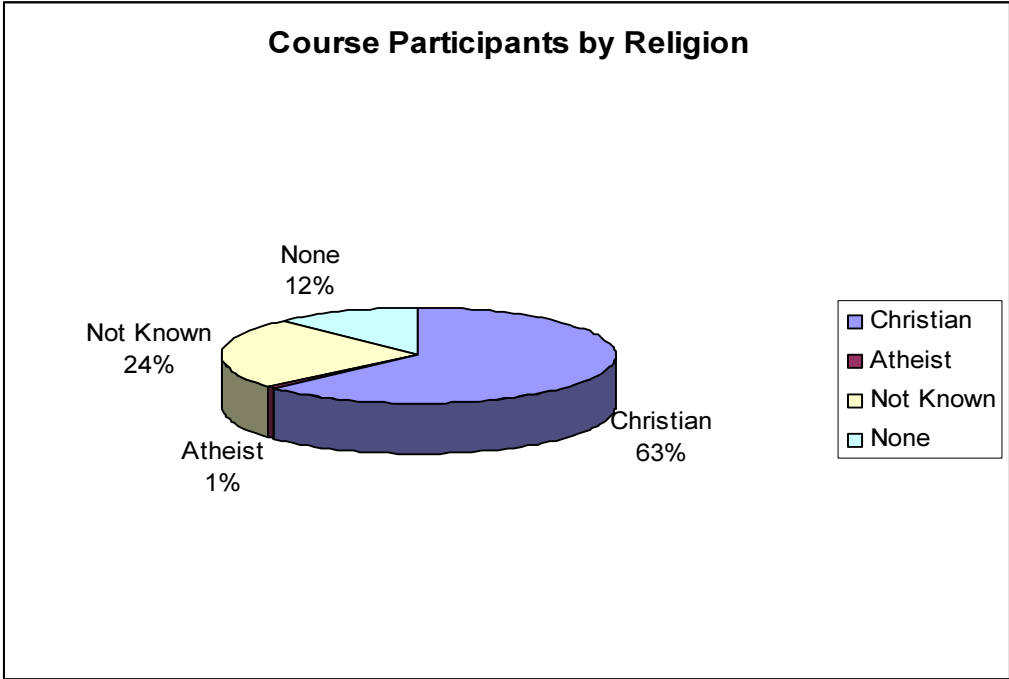


Figure 21

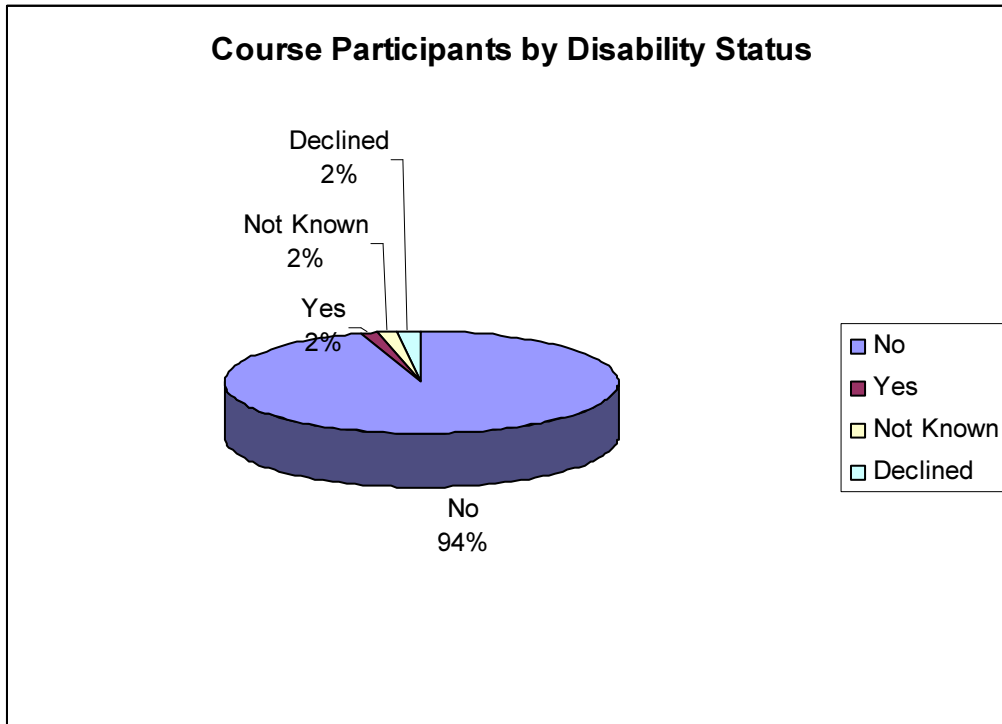
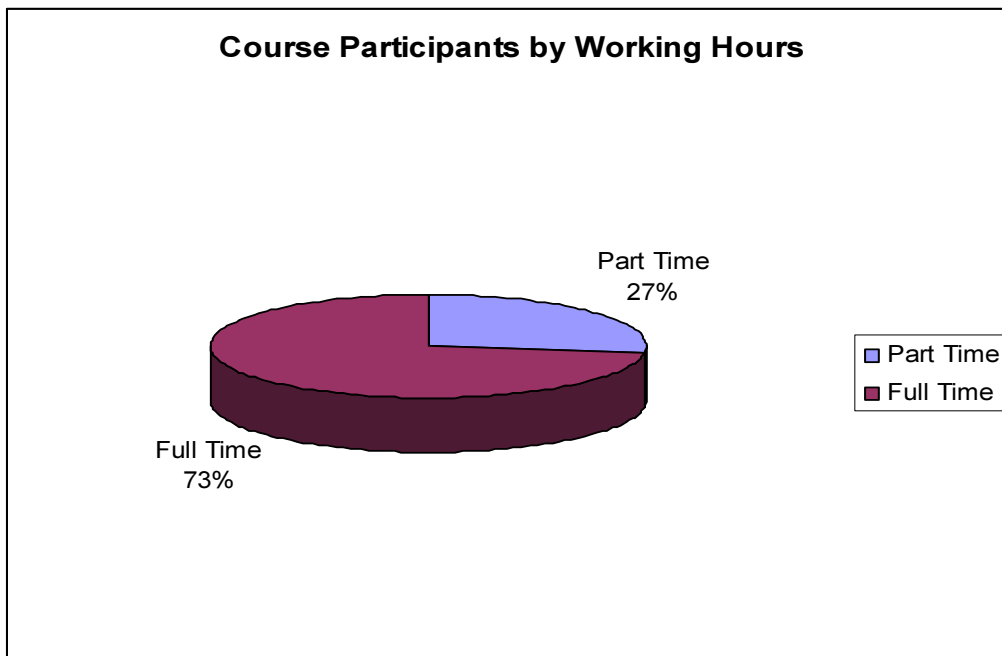


Figure 22



7 Disciplinary & Grievance

The number of disciplinary and grievance cases in 2012/13 were very small and therefore are not representative of the staff profile.

The profile of those who took out grievances was 100% male, which was the opposite of last year, they were white, non-disabled and within the 40-49 and 60-64 age group.

Of those who were disciplined there were 100% were male.

The Council has clear guidance in its Equality and Diversity Policy, Disciplinary Policy, Grievance Policy and Harassment and Bullying Policy to ensure there is no discrimination within the Council. Staff undergoing disciplinary action or submitting grievances will be continue to be monitored, however there is currently no evidence, through monitoring, staff survey or feedback to suggest that any one group is being disadvantaged.

8 Leavers

This section details leavers (both compulsory and voluntary) by gender, ethnicity, age, religion and belief, disability status and sexual orientation. Some categories (for example disability) are reflective of the staff profile, whereas others are less so (gender). Where the percentages below are not reflective of the staff profile this is may due to the small sample size or other factors. For example the percentage of leavers in the 60 – 64 and 65 and over age brackets are far greater than the percentage of employees of within these groups. However as many staff choose to retire at this point this overrepresentation is expected.

Figure 23

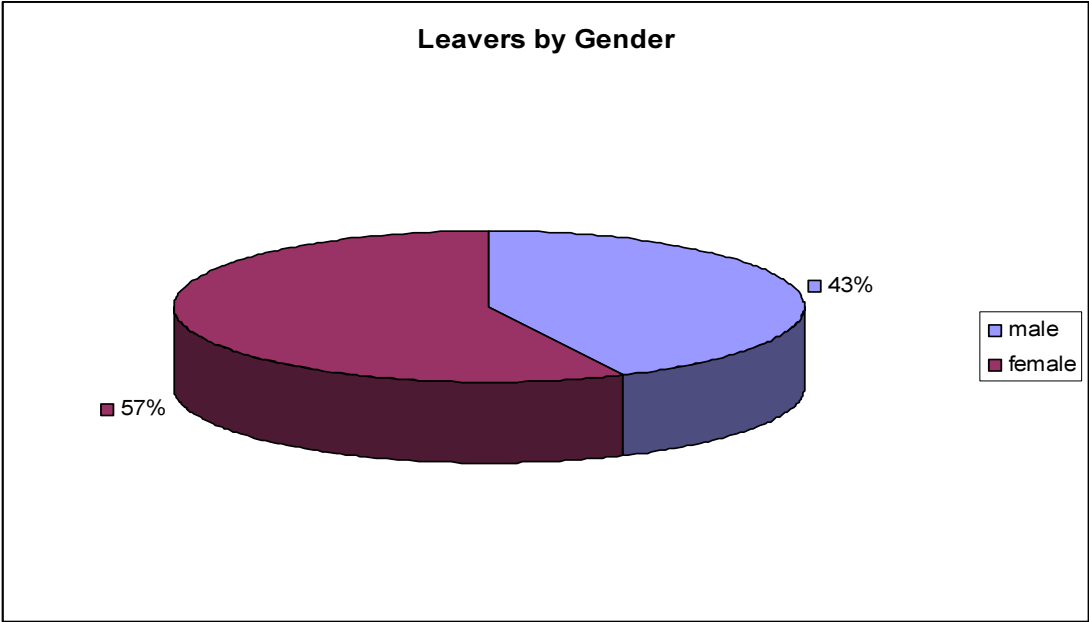


Figure 24

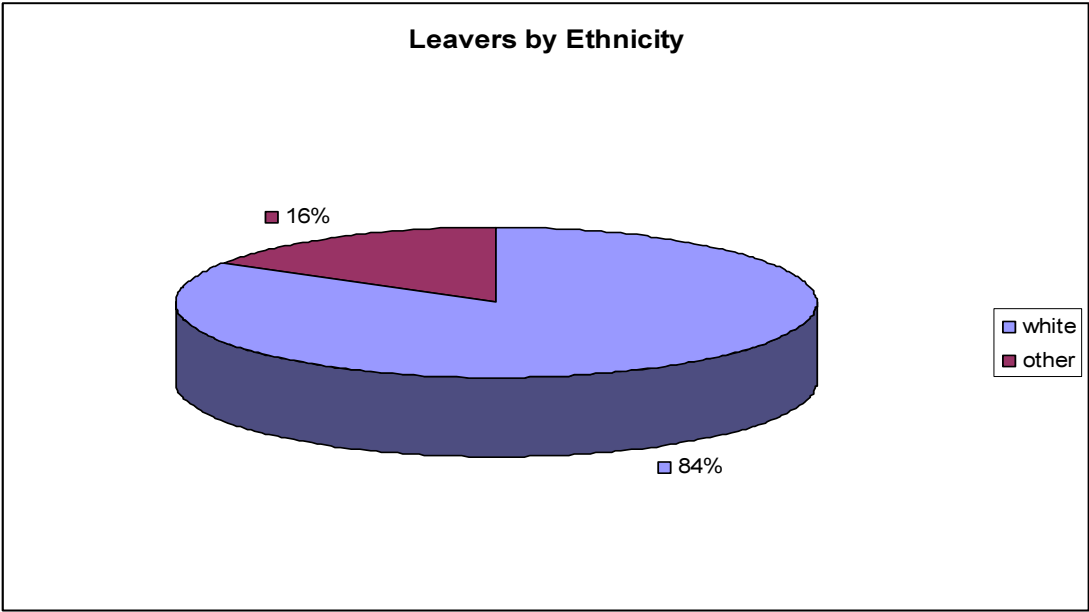


Figure 25

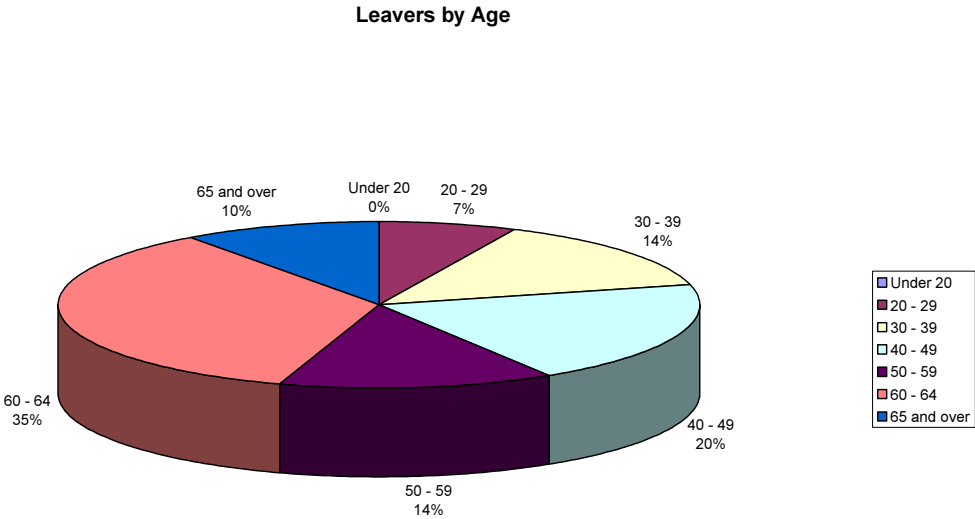


Figure 26

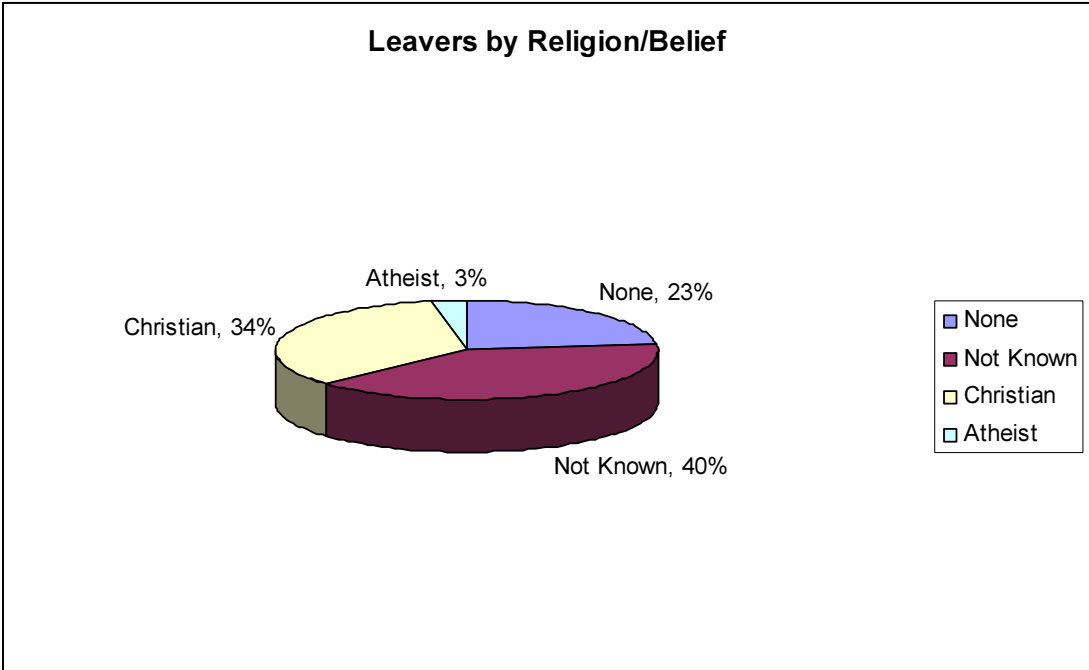
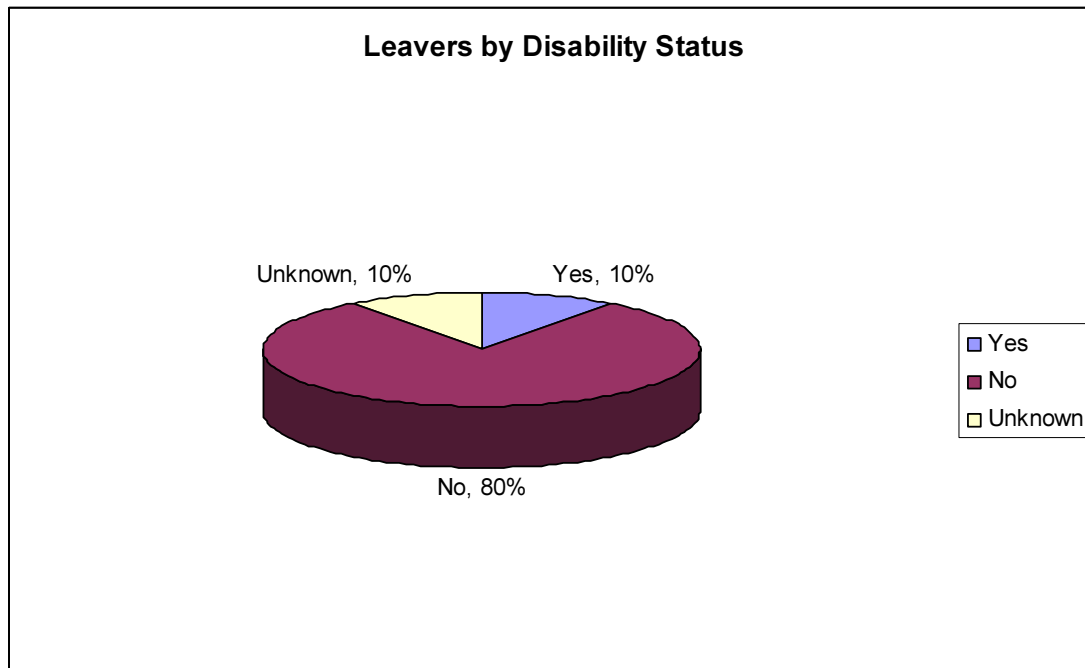


Figure 27



9 Review of earlier recommendations

The following recommendations were put forward to the Human Resources Committee in the 2010/11 Equalities Report:

9.1 *This report is published on the Council’s internet to ensure the Council complies with the Equality Act 2010 (Specific Duties) requirement to publish data on equality in the workforces by 31 January 2012.*

The report was published on the equality pages of the Council’s internet site within time.

9.2 *The recruitment processes are reviewed to ensure they are not indirectly discriminating against any of those within the protected characteristic groups.*

The Council’s recruitment policy was reviewed and a new policy adopted in July 2013

- 9.3 *A programme of internal Equality Impact Assessments continues for 2012/13 incorporating policy reviews, service restructures and relevant HR procedures.*

The programme of Equality Impact Assessments is continuing

10 Recommendations for 2013/14

- 10.1 The data cleanse performed in 2011 should be refreshed again as part of the HR and Payroll system upgrade. Disability status should then be refreshed every two years to ensure the data for employed staff remains accurate.
- 10.2 The recruitment contract with Manpower ceases in April 2013. Any new arrangements for recruitment (in-house should be reviewed to ensure relevant checks are in place for recruitment monitoring and the Council's commitment under the Jobcentre Plus Disability Two Ticks scheme.
- 10.3 Training evaluation forms will be reviewed to ensure that equality information is being captured.

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MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON WEDNESDAY 3 JULY 2013,
AT 1.00 PM

PRESENT: **Employer’s Side**

Councillors M Alexander, J Ranger and
J Thornton.

Staff Side (UNISON)

Mr A Stevenson (Chairman) and Mr S Ellis.

OFFICERS IN ATTENDANCE:

- | | |
|----------------|---|
| Glenda Bennett | - Interim Head of People
and Property |
| Martin Ibrahim | - Democratic Services
Team Leader |
| Adele Taylor | - Director of Finance and
Support Services |

1 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was moved by Councillor M Alexander and seconded by Mr S Ellis that Mr A Stevenson be appointed Chairman of the Panel for 2013/14. After being put to the meeting, on a show of hands, Mr A Stevenson was appointed Chairman of the Panel for 2013/14.

It was moved by Councillor J Ranger and seconded by Mr S Ellis that Councillor M Alexander be appointed Vice-Chairman of the Panel for 2013/14. After being put to the meeting, on a show of hands, Councillor M Alexander was appointed Vice-Chairman of the Panel for 2013/14.

RESOLVED – that Mr A Stevenson and Councillor M Alexander be appointed Chairman and Vice-Chairman respectively of the Panel for 2013/14.

2 APOLOGIES

Apologies for absence were submitted on behalf of Mrs B Dodkins and Councillors L Haysey and A Jackson. It was noted that Councillor J Ranger was substituting for Councillor A Jackson. The Panel further noted that Mrs B Dodkins had resigned as a Staff Side Member.

3 MINUTES

RESOLVED – that the Minutes of the meeting held on 19 February 2013 be approved as a correct record and signed by the Chairman.

4 RECRUITMENT POLICY

The Secretary to the Employer's Side submitted a report on revisions to the Recruitment Policy. She explained that updates to the policy had been necessitated by changes to legislation including the Equality Act 2010, the Disclosure and Barring Service and the Immigration and Nationality Act 2006. The revised policy, as now submitted, complied with these Acts as well as the National Joint Council Green Book.

The Panel made a number of comments and the Secretary to the Employer's Side dealt with various questions. The Panel highlighted the following comments:

- **The need to check the list of countries for eligible workers in paragraph 3.1;**
- **paragraph 6.16 should include reference to the Redeployment Register; and**
- **the need to include reference to Apprentices within the policy.**

Subject to these comments, the policy as now submitted was supported by the Panel.

RECOMMENDED – that the revised Recruitment Policy as now submitted and subject to the

comments now detailed, be approved.

5 **EMPLOYING AND MANAGING PEOPLE WITH DISABILITIES**

The Secretary to the Employer’s Side submitted a report seeking to update the Employing and Managing People with Disabilities Policy. This policy had not been reviewed since 2006 and revisions to take account of recent legislation had become necessary.

In response to various questions and comments, the Employer’s Side Secretary commented that guidance to staff on what constituted a disability would be strengthened. She also undertook to report back on whether all Council buildings were DDA compliant. In respect of training for managers, she stated that this had already been offered, but in view of the low uptake, could be repeated.

The Panel recommended the revised policy as now submitted.

RECOMMENDED – that the revised Employing and Managing People with Disabilities Policy, as now submitted, be approved.

The meeting closed at 2.00 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 3 SEPTEMBER
2013, AT 2.30 PM

PRESENT: **Employer's Side**

Councillors M Alexander, L Haysey,
A Jackson and J Thornton

Staff Side (UNISON)

Councillor Mr A Stevenson (Chairman)
J Francis

ALSO PRESENT:

Councillor J Ranger

OFFICERS IN ATTENDANCE:

Glenda Bennett	- Interim Head of People and Property
Lorraine Blackburn	- Democratic Services Officer
Adele Taylor	- Director of Finance and Support Services
Giovanna Azzopardi	- Human Resources Officer

6 **APOLOGIES**

An apology for absence was received from Steve Ellis (UNISON). It was noted that Jenny Francis was substituting for Steve Ellis.

7 MINUTES

RESOLVED – that the Minutes of the meeting held on 3 July 2013 be approved as a correct record and signed by the Chairman.

8 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that no reports had been submitted by the Secretary to the Staff Side.

9 GRIEVANCE POLICY

The Secretary to the Employer's Side submitted a report on setting out revisions to the Grievance Policy. She explained that updates to the policy had been necessitated by changes in legislation including the Equality Act 2010, the Employment Relations Act 1999 and the ACAS Code of Practice on handling Disciplinarys and Grievances at Work. The revised policy, as now submitted, complied with these Acts as well as the National Joint Council (NJC) Green Book. The Secretary to the Employer's Side highlighted what changes had been made to the policy since its last revision and explained that the policy would be reviewed every three years or sooner and in line with legislation and not two as set out in the report.

In response to a query from Councillor L Haysey regarding a review of grievances, the Secretary to the Employer's Side confirmed that reviews did take place.

In response to a query from Councillor J Thornton regarding the use of recording devices during the grievance process, the Secretary to the Employer's Side stated that it was not recommended standard practice to record meetings, but she confirmed that it was possible to use recording devices as long as there was a voluntary agreement by all parties. She confirmed that Managers were aware of the Protected Acts where grievance issues were concerned and that training was readily available.

The Director of Finance and Support Services referred to other complementary Policies such as the “Whistle Blowing Policy”.

In response to a query from Councillor M Alexander, the Secretary to the Employer’s Side confirmed that the policy only applied to directly employed staff. She confirmed that in line with the Data Protection Act, only data relevant to the decision would be kept by the Council.

The Panel Chairman confirmed that the Staff Side had been involved in the revision process and that UNISON supported the revisions as detailed in the report now submitted.

The Policy, as amended, was supported by the Panel.

RECOMMENDED – that the revised Grievance Policy as amended, be approved.

The meeting closed at 2.55 pm

Chairman
Date

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EAST HERTS COUNCIL

LOCAL JOINT PANEL 2013 – 3 SEPTEMBER 2013

HUMAN RESOURCES COMMITTEE 2013 – 2 OCTOBER 2013

REPORT BY INTERIM HEAD OF PEOPLE AND PROPERTY SERVICES

GRIEVANCE POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Grievance Policy.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That:</u>	
(A)	The revised Grievance Policy be supported.
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE: That:</u>	
(A)	The revised Grievance Policy be approved

1.0 Background

1.1 The Council's Grievance Policy was last reviewed in 2009. The Council's programme of policy review is after two years or sooner in line with legislation and best practice.

2.0 Report

2.1 **Key changes**

2.2 The policy has been updated to reflect various changes to legislation, including those regarding the Equality Act 2010, ACAS Code of Practice on handling Disciplinarys and Grievances at

Work, and the Employment Relations Act 1999.

- 2.3 The policy complies with the provisions in the NJC Green Book, the Equality Act 2010, the Data Protection Act 1998, Section 199 of The Trade Union & Relations Act (Consolidation) 1992 and the Employment Act 2008.
- 2.4 The policy has been updated to highlight the;
- 2.5 Informal and Formal Grievance Procedures
- 2.6 The use of Mediation in the Procedure
- 2.7 Time limits within the Procedure
- 2.8 Confidentiality Expectations
- 2.9 The revised Grievance Policy can be found at **Essential Reference Paper 'B'**.**
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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Glenda.Bennett@eastherts.gov.uk

Report Author: Giovanna Azzopardi – Human Resources Officer
01992 531 652
Giovanna.Azzopardi@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	UNISON has been consulted with and their feedback has been incorporated.
Legal:	None.
Financial:	None.
Human Resource:	As detailed in the report
Risk Management:	None.

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East Herts Council

Grievance Policy

Policy Statement

Policy Statement No 4 (Issue No 3)

August 2013

Contents

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12.0	Appendices	
	Informal Resolution Form	Appendix A
	Formal Grievance Form	Appendix B
	Procedure Guidelines	Appendix C

GRIEVANCE POLICY

Policy Statement No 4 (Issue No 3) August 2013

1.0 Principles

- 1.1 In accordance with the ACAS Code of Practice on Grievance and Procedures. Grievances are concerns, problems or complaints that employees raise with the employer.
- 1.2 East Herts Council encourages open communication and consultation between employees and their line managers to ensure that concerns and problems arising during the course of employment can be resolved quickly.
- 1.3 Grievances will be dealt with in a confidential manner minimising the number of people involved.
- 1.4 Employees should aim to resolve most grievances informally with their manager wherever possible.
- 1.5 Employees must state clearly what the nature of the grievance is and what is wanted as an outcome.
- 1.6 The policy will be applied to all equally and consistently, regardless of race, age, gender, marriage and civil partnership, gender reassignment, disability, sexual orientation, religion or belief.
- 1.7 All reasonable adjustments will be made for employees with disabilities to enable them to participate fully in all stages of the procedure. In circumstances where an employee's first language is not English or an employee has difficulty expressing themselves on paper, the employee is encouraged to seek help from work colleagues, UNISON or Human Resources. Similarly, such help is available for an employee who is unable to formulate a written grievance because of a disability.
- 1.8 These procedures have been drawn up based on current legislation, the ACAS Code of Practice, NJC Green Book and have been agreed by Unison.

2.0 Scope of the Procedure

- 2.1 This procedure applies to all employees of the Council with the exception of Chief Officer level and above where procedures set out in the Constitution are used.
- 2.2 Grievances related to bullying and harassment should be raised under the Council's Bullying and Harassment policy.
- 2.3 This policy does not apply to matters relating to income tax, national insurance, pensions or other issues beyond the council's control.
- 2.4 Where a grievance applies to more than one employee, it may be more appropriate for UNISON to raise the matter through the collective grievance process.
- 2.5 In a situation where an employee raises a concern as a 'protected disclosure' in compliance with the public interest disclosure provisions of the 1996 Act. The matter will be dealt with under the Council's Whistle-blowing policy.
- 2.6 The Council has a two-phase grievance procedure, comprising of both informal and formal processes. Wherever possible the aim will be to find a solution using the first phase of the procedure - the informal process. Where grievances cannot be resolved informally, the grievance will be moved to the second (formal) phase of the grievance procedure.
- 2.7 Wherever possible a grievance should be dealt with before an employee leaves the Council's employment. Grievances raised after employment ends will not be dealt with in line with the Council's formal Grievance Procedure.
- 2.8 The Council recognises the right of employees to raise grievances relating to their employment. However if an employee continues to raise grievances, which appear to be petty, repetitive and unfounded, this may be regarded as vexatious and could lead to disciplinary action being taken against them.

3.0 Legal

- 3.1 The way in which a grievance will be dealt with follows best practice as outlined in the ACAS Code of Practice on handling disciplinary and grievance procedures issued under section 199 of the Trade Union & Relations (Consolidation) Act 1992 which came into effect on 6 April 2009 and the ACAS guide to handling discipline and grievances at work.
- 3.2 A failure to follow the ACAS code does not in itself make a person or organisation liable to proceedings. However, Employment Tribunals will take the Code into account when considering relevant cases and can adjust awards by up to 25% for unreasonable failure to comply with the Code. Awards can be adjusted up or down e.g. if the tribunal believes the organisation has acted unreasonably they can award 25% more, or conversely, if they believe the employee has unreasonably failed to follow the guidance in the code they can reduce the award by 25%.
- 3.3 An employee's Written Terms and Conditions of Employment specify the person to whom a worker should go to when raising a grievance. This will normally be the line manager, and if the grievance is against the line manager, it will normally be the Head of Service.
- 3.4 Employees have a statutory right to be accompanied by a companion of their choice – a colleague or trade union representative – at any stage of the formal grievance procedure. At the discretion of the Head of People and Property and in exceptional circumstance, representation will be extended to include another companion.

4.0 Informal Grievance Procedure – First Stage

- 4.1 Employees should set out their grievance, the reasons for their grievance and the outcomes they seek using the form in Appendix A.
- 4.2 Employees shall aim wherever possible to discuss grievances informally with their immediate line manager as soon as possible after a complaint arises. It is good practice to make every effort to deal with the matter informally, before recourse is made to the formal procedure. This allows for problems to be resolved quickly and normal working relationships to resume.
- 4.3 The line manager should acknowledge receipt of the grievance and arrange an informal discussion that should be carried out within 7 working days from the date that the grievance was raised.
- 4.4 Whilst this stage is informal and therefore outside of the formal grievance procedure, when conducting an informal grievance meeting managers should:
- Hold the session in private, away from interruption
 - Listen carefully to what the employee has to say
 - Find out precisely what the grievance is about, both in terms of the facts and the feelings behind them
 - Carefully summarise what the employee has said
 - Look for solutions by encouraging the person to suggest constructive solutions and making their own suggestions to solve the problem
 - Consider offering independent mediation if appropriate
- 4.5 Managers must follow up the session by writing to the employee and also by checking that actions promised (if any) actually took place.
- 4.6 Managers should ensure that careful notes are made of grievance meetings – informal or formal. Records of grievance meetings should be retained setting out the nature of the grievance raised, the manager's response, any action taken and the reasons for it. These records should be kept confidential and retained in accordance with the Data Protection Act 1998.

4.7 If necessary the relevant HR Officer may be called upon to act as a facilitator in any discussions relating to a grievance.

4.8 Where appropriate employees must be able to clearly demonstrate that they have made every effort to discuss the issues informally, before the formal process is commenced.

5.0 Mediation

5.1 In accordance with the provisions of the Employment Act 2008 and as an alternative to raising the matter at the formal stage of the Grievance Procedure, the employee may request that the case be referred to mediation.

Mediation is an informal process, and can be used at any stage of the grievance process. It is a confidential and voluntary process and is conducted on the basis that both parties want to achieve a mutually agreeable outcome or solution. A successful mediation should leave both parties feeling that the outcome is fair, reasonable and appropriate under the circumstances.

The Council has a number of employees who are trained in mediation and will be appointed as a third-party mediator as required. Human Resources will be able to provide the necessary assistance in arranging this.

6.0 Confidentiality

6.1 Grievance proceedings should be kept confidential to those directly involved in the matters arising and not discussed with others outside of the process. Any records should be kept confidential and retained in accordance with the Data Protection Act 1998. Copies of any meeting records should only be given to those directly involved in the matter. Where a witness has been given information as part of an enquiry into the matters arising, he or she will be given a copy only of their statement and any statement that relates to them. Breaches of any confidentiality may result in disciplinary action.

In the event that the grievance cannot be resolved informally through informal discussion or mediation, then the employee with the grievance can invoke the formal grievance procedure.

7.0 Formal Grievance Procedure – Second Stage

7.1 Raising the Grievance

- 7.1.1 If the grievance has been raised informally and a solution has not been reached, or where the grievance is sufficiently serious to warrant formal action, the employee should put their grievance in writing by completing the Grievance Form (see Appendix B).
- 7.1.2 The Formal Grievance Form should then be submitted to the Head of People and Property who will allocate the grievance to an alternative HOS or Line Manager. A copy must also be sent to HR. The employee may also wish to keep a copy of the form for their own records. When completing the form, the employee should give as much detail about the grievance as possible, including what outcomes they are looking for. The timescale for completing the grievance will not start until a fully completed form is received. If in doubt the employee should contact HR for advice.
- 7.1.3 Employees should raise their grievance within 4 weeks after the event(s) have occurred. It is inappropriate to investigate grievances which are 'historical', unless they are related to a current issue.
- 7.1.4 When stating their grievance employees must avoid language which may be considered insulting or abusive.

8.0 The Grievance Hearing

- 8.1 The Grievance should be heard by an alternative Manager who has not previously been involved in the case at the informal stage. If the grievance concerns a Head of Service then an alternative Head of Service should hear the case. If the grievance concerns a Director then another Director should hear the case.

8.2 Step 1 – Written Notification

8.2.1A Manager/Head of Service will acknowledge receipt of the grievance within 3 working days. They will invite the employee to attend a grievance hearing, please contact HR for a template letter. The meeting should take place within 10 working days of receiving the form. Any substantial delays, and the reason(s) for the delays, should be communicated to the employee. The employee may be accompanied by a work colleague or trade union representative at this meeting. An HR Officer will also be present.

8.2.2 All documents/ evidence and names of witnesses should be exchanged at least 3 working days prior to the hearing.

8.2.3 Timescales can be varied with mutual agreement of both parties.

8.2.4 If any witnesses are needed, they should be given an appropriate amount of notice and authorisation may need to be given by their manager in order to ensure their release from work.

9.0 Availability of representative

9.1 If the employees chosen representative (work colleague or trade union official) is not available on the day of the meeting the employee may reasonably request that the meeting be held within 5 working days of the meeting. However, the meeting will only be rescheduled once. If necessary, the grievance will be heard in the absence of the representative.

9.2 Employees and their representative are obliged to make every effort to attend the Hearing. If they fail to attend a hearing without good reason, a decision based on the evidence available, may be taken in the employee's absence.

10.0 Step 2 – The Hearing

10.1 Every effort should be made to discuss the issues stated and find a solution which is acceptable for both parties.

10.2 If the Manager/Head of Service reaches a point in the meeting where they need further information, the meeting should be adjourned and consideration should be given for any investigation that may be necessary.

11.0 The Hearing Process

11.1 The following people may be present at a hearing, the Manager /Head of Service hearing the case, HR Officer, the employee and their representative if required.

11.2 The Manager/Head of Service will ensure that all parties have the relevant documents and ensure that both sides understand the process that is to be followed.

11.3 The employee and/or their representative will present their case to the hearing calling any witnesses and referring to the documents that have already been submitted. The manager followed by the HR Officer will then have the opportunity to question the witnesses.

11.4 The Line Manager may then respond to the grievance.

11.5 The Manager/Head of Service will then ask any final questions before asking each side to sum up. Both parties will make final statements which summarise the key points of their case. The employee will sum up after the manager. It is not appropriate for new evidence to be presented at this stage.

11.6 The Manager will then close the meeting to consider the matter, advised by the HR Officer.

12.0 The Role of HR

12.1 The HR Officer is responsible for advising on procedure, ensuring consistency and equality. They are also entitled to ask questions of clarification of either side. The HR Officer may take notes at the hearing unless the Manager/Head of Service decides an additional note-taker should be present.

13.0 The Role of the Representative

13.1 The Employment Relations Act 1999 and the ACAS Code of Practice gives every employee the right to be accompanied in any grievance proceeding by a work colleague or trade union representative.

13.2 Under the Act itself the representative is entitled:

1. To be present
2. To address the hearing
3. To advise the worker
4. To put the workers case
5. To sum up the workers case
6. To respond on the workers behalf to any view expressed at the hearing

13.3 The representative can also confer with the employee during the hearing and ask witnesses questions. The representative has no right to answer questions on the employees' behalf, or address the hearing should the employee not wish it, or to prevent the employee from explaining their case.

13.4 A representative can only attend in a union capacity if they are a full time official, or certified by their union as having the necessary experience to perform such a role.

13.5 A Trade Union Steward or Officer is entitled to be represented by a full time Trade Union Official.

14.0 Step 3 – Written Notification of Outcome

14.1 The decision will be confirmed to the employee, in writing, within 3 working days including details of their right to appeal (please contact HR for a template letter). If the decision can be made on the day the employee will also be notified verbally, followed by written confirmation.

14.2 In exceptional circumstances the Manager/Head of Service may decide to postpone the decision in order to give more time for deliberation / clarifications. If it is necessary to clarify any of the evidence presented, including recalling witnesses, all parties

will be recalled, even if the point of clarification only concerns one party.

- 14.3 Where a Manager/Head of Service upholds the grievance the employee will be given a Statement of Outcome to complete with their manager. This outlines the actions that will be taken in relation to the grievance. A review meeting should be held within three months to ascertain whether the resolutions have resolved the matter.

15.0 Overlapping Discipline and Grievance issues

- 15.1 Where an employee raises a grievance during a disciplinary process the disciplinary may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

16.0 Employee Assistance Programme (EAP)

- 15.1 The EAP is a confidential advice, information and counselling service that is available to all employees. The EAP can provide advice and guidance to employee. Further details can be found on the intranet.

17.0 Appeals Procedure – Third Stage

- 17.1 An employee has the right to appeal against the outcome of this procedure in accordance with the Council's Appeals Policy. The appeal must be submitted within 10 working days of the date of the written notification of the decision.
- 17.2 Where the employee continues to be aggrieved in respect of the original grievance and is dissatisfied with the decision at the second stage then an appeal should be sent within 10 working days to the Head of People and Property, who will allocate the appeal to the relevant Director of the original service.
- 17.3 The decision following the Appeal with the relevant Director will be final and there will be no further internal right of appeal.

18.0 Policy Review and Amendment

18.1 This policy shall be reviewed after three years, or sooner in line with legislation and best practice to reflect the best possible level of support and management.

APPENDIX A

REQUEST FOR INFORMAL RESOLUTION ON AN INDIVIDUAL GRIEVANCE

EMPLOYEE'S NAME:

POST:

DIRECTORATE:

DETAILS OF GRIEVANCE: (Set out the grounds of your grievance, the outcome that you are seeking, include any supporting documentation and continue on separate sheets if necessary.)

EMPLOYEE'S SIGNATURE:

DATE:

Following Informal Meeting (relevant documentation to be attached):

Summary of management response	Action taken	Reason for action

APPENDIX B

REQUEST FOR ACTION ON A FORMAL GRIEVANCE

Where you continue to be aggrieved following any informal discussion with your manager, you should complete this form and submit it to your manager. Continue on separate sheets as necessary.

EMPLOYEE'S NAME:

POST:

DIRECTORATE:

DETAILS OF GRIEVANCE:

Please complete this section, giving a summary of the Grievance. It is not sufficient to refer to other documents without first summarising your Grievance below. You should include where appropriate:

- What the grievance is about
- Relevant dates of event(s)
- Witnesses to event(s)
- Where the event(s) took place
- Relevant background information leading up to the grievance
- Why the grievance has not been resolved at the informal stage (please state reasons)

EMPLOYEE'S SIGNATURE:

DATE:

Following the grievance hearing (relevant documentation to be attached):

Summary of management response	Action taken	Reason for action

APPENDIX C

Informal Stage

- Employees should set out the reasons for their grievance and the outcome that they seek;
- Line Managers should acknowledge receipt of the grievance and arrange an informal discussion with the employee within **7 days** from the date that the grievance was raised;
- Clear and careful notes should be made of what is discussed with the employee, outlining any action the manager is going to take;
- Managers must follow up the discussion in writing to the employee outlining the the points discussed and any agreed actions.

Formal Procedure

- If the grievance has been raised informally and no solution has been reached, an employee can now raise the grievance formally within **4 weeks** of the events occurring;
- The grievance should be heard by an alternative Manager/Head of Service who has not been previously involved at the informal stage;
- The Manager/Head of Service must acknowledge receipt of the grievance within **3 working days**.
- The Manager/Head of Service should invite the employee to a grievance hearing within **10 working days** of receiving the grievance.
- The decision of the grievance hearing must be confirmed to the employee within **3 working days** of the hearing.

Appeal

- Where an employee continues to be aggrieved in respect of their original grievance and is dissatisfied with the decision at the second stage an appeal should be sent within **10 working days** to the Head of People and Property;
- The appeal will be allocated to the relevant Director of the original service. The decision following the Appeal with the director will be final.

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