

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

RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:

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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