



Alison Stuart
Head of Legal and
Democratic Services

MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 12 DECEMBER, 2018
TIME : 2.30 PM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

Councillors J Goodeve (Chairman), E Buckmaster, L Haysey and L Radford

Substitutes:

Councillors A Alder and Mrs D Hollebon

STAFF SIDE – UNISON (One Vacancy)

Ms J Bruce, Mr S Ellis and Mr A Stevenson (Vice Chairman)

Substitutes: Ms J Francis

(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.)

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If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democraticservices@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

Audio/Visual Recording of meetings

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AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 7 - 14)

To confirm the Minutes of the meeting held on 6 June 2018.

(Members are requested to note that the meeting scheduled for 5 September 2018 was cancelled)

3. Chairman's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Reports by Secretary to the Employer's Side

(A) Flexible Working Scheme_(Pages 15 - 38)

(B) Appeals Policy_(Pages 39 - 60)

6. Report by Secretary to the Staff Side

(A) Revisions to LJP's Constitution_(Pages 61 - 78)

7. 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
LOCAL JOINT PANEL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 6 JUNE 2018, AT 2.30 PM

PRESENT: **Employer's Side**

Councillor Jan Goodeve (Chairman)
Councillors E Buckmaster, L Haysey and
L Radford

Staff Side (UNISON)

Ms J Bruce, Mr S Ellis and Mr A Stevenson
(Vice Chairman)

ALSO PRESENT:

Councillor P Ruffles

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Emily Cordwell	- Human Resources Officer
Vicki David	- Human Resources Officer
Kate Leeke	- Interim Head of Human Resources and Organisational Development

1 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was moved by Councillor L Haysey and seconded by Councillor L Radford that Councillor J Goodeve be appointed Chairman for the civic year 2018/19. After being put to the meeting and a vote taken, the motion was declared CARRIED and Councillor J Goodeve was appointed Chairman of the Local Joint Panel for the civic year 2018/19.

It was moved by Ms J Bruce and seconded by Mr S Ellis that Mr A Stevenson be appointed Vice Chairman for the civic year 2018/19. After being put to the meeting and a vote taken, the motion was declared CARRIED and Mr A Stevenson was appointed Vice Chairman of the Local Joint Panel for the civic year 2018/19.

RESOLVED – that (A) Councillor J Goodeve be appointed Chairman for 2018/19; and

(B) Mr A Stevenson, be appointed Vice Chairman for 2018/19.

2 APOLOGY

An apology for absence was submitted on behalf of Ms F Brown (UNISON).

3 MINUTES

It was moved by Councillor L Radford and seconded by Ms J Bruce that the Minutes of the meeting be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 21 March 2018 be confirmed as a correct record and signed by the Chairman.

4 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that there were no reports from the Secretary to the Employer's side.

4 RESTRUCTURE CONSULTATION POLICY

The Secretary to the Staff Side (UNISON) submitted a report and provided Members with a summary of the report. He said that the Local Joint Panel should be a useful forum for staff and management to look at and air issues of concern.

The Secretary to the Staff Side expressed concern that some aspects of the Local Joint Panel's Powers and Duties had been changed without consultation and without the agreement of UNISON and that these had subsequently been agreed at Council on 16 May 2018. Councillor L Haysey commented that this was a totally different issue to the item under discussion and should be considered elsewhere on the agenda.

The Secretary to the Staff Side expressed concern that the proposed Restructure Consultation Policy (last considered by the Local Joint Panel in November 2017) had not been progressed and that staff were very concerned about the number of concurrent restructures which had taken place since 2016. He stated that staff felt that their views were being ignored and that this was affecting production and staff morale.

The Secretary to the Employer's Side explained that she accepted that there had been a lack of progress in relation to the report since the departure of the previous Head of Human Resources. She assured UNISON that staff were not being ignored and that it was her view that the Council should move forward positively with a policy to address Organisational Change.

The Secretary to the Employer's Side explained that she was committed to working in partnership with UNISON and expressed her concerns about the way in which papers had been presented to the Local Joint Panel. Additionally, she said that the comments shown in Essential Reference Paper "A" were not submitted by HR. She explained the current regular arrangements with UNISON to discuss issues.

The Secretary to the Employer's Side explained that she was currently looking into the issue of the LJP's changed powers and agreed to work with UNISON and bring this item back to the next LJP to update on progress. In response to the question of staff morale, she provided statistics on the positive results of the staff survey.

The Secretary to the Employer's Side reminded the Panel on what policies were currently in place to support individuals and business need. She explained that it was possible to carry out multiple consultations concurrently, adding that UNISON's report contained some factual inaccuracies and that the policy submitted seemed to be unfinished. The Secretary to the Employer's Side suggested that the Council should have an Organisational Change Policy which covered all aspects of organisational change. She accepted that no progress had been made to

the report which had been submitted in November 2017 as it was her belief following a meeting with UNISON this was not considered to be a priority.

Councillor E Buckmaster supported the view of encapsulating all policies under one document. He stated that, in his view, the purpose of the LJP was for all Panel Members to achieve a consensus having discussed and resolved issues prior to the LJP meeting.

The Secretary to the Staff Side sought and was provided with clarification in terms of a timescale for the consideration of a proposed organisational policy. The Secretary to the Employer's Side stressed the need for proper consultation rather than imposed timescales.

Councillor L Haysey commented that this was the beginning of a larger piece of work on a suite of papers so that all re-organisational issues were considered.

The Secretary to the Employer's Side confirmed that a draft Organisational Policy could be produced and a consultation period allowed, which, she estimated could happen by the end of the year. After consultation, it would then be brought back to LJP for consideration and discussion.

The Panel Chairman urged Members to move forward and to strive for excellence in managing the process.

Councillor L Haysey felt that the policy as proposed could not be accepted because it needed further work. The Secretary to the Staff Side reiterated his concerns that there had been representations made to management since 2016 about the restructure process and he hoped that the LJP could agree a timetable as so much time had

elapsed.

The Secretary to the Employer's Side acknowledged the Staff Side's frustration adding that going forward, any policy needed to be resilient for the future and existing policies reviewed and properly integrated.

It was moved by Councillor L Haysey and seconded by Councillor E Buckmaster that a fully integrated policy addressing organisational change be developed as a basis for consultation. After being put to the meeting and a vote taken, the motion was declared LOST. Ms J Bruce asked that her abstention from voting be recorded.

It was moved by Mr A Stevenson and seconded by Mr S Ellis that the new restructure consultation policy as now submitted, be recommended for approval. After being put to the meeting and a vote taken, the motion was declared LOST.

The Panel noted that according to the revised constitution, in the absence of a majority the matter be referred to the Executive by way of mediation.

RESOLVED - that the Restructure Consultation Policy be referred to the Executive for mediation.

5 URGENT BUSINESS

The Panel Chairman agreed to accept an urgent item of business onto the agenda in order to facilitate the partnership working arrangements between the Staff and Employer's side.

The Secretary to the Staff Side expressed concern that the

LJP's powers and duties had been changed and this had been agreed at Annual Council on 16 May 2018 without consultation with the Staff Side. He explained that this had removed the power to refer matters to the Joint Secretaries when a recommendation could not be supported. The Secretary to the Staff Side said that the changes agreed were significant and he had strong reservations about these unapproved changes.

The Secretary to the Employer's Side explained that she had contacted the Head of Legal and Democratic Services as soon as the matter had been brought to her attention and this was currently under review. She hoped that the Employer's Side would continue to work in partnership with UNISON.

The Secretary to the Staff Side asked that a further issue be considered by the Panel as "Any Other Business" regarding issues within Pest Control. The Panel Chairman advised the Secretary to the Staff Side that there was no provision to raise items under "Any Other Business" and that a report should be prepared by the Secretary to the Staff Side for consideration at the next Local Joint Panel meeting in September 2018.

The Secretary to the Staff Side commented that this could not wait until September 2018. The LJP was advised that its constitution provided for either side to call another meeting of the Panel upon the receipt of a requisition signed by at least two members of either side.

The meeting closed at 3.20 pm

Chairman
Date

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 12 DECEMBER 2018

REPORT BY THE SECRETARY TO THE EMPLOYER'S SIDE

FLEXIBLE WORKING SCHEME

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- Members are invited to approve the revised Flexible working scheme

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That Human Resources Committee be advised that the Local Joint Panel :</u>	
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(A)	supports approval of the revised Flexible working scheme; and
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(B)	the Job-share policy be deleted
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1.0 Background

1.1 The Flexible working scheme was last reviewed in 2015. The council's programme of policy review is after three years or sooner in line with legislation and best practice.

1.2 The policy has been updated and circulated to the Leadership Team and Unison for comments. Feedback and suggestions have been incorporated into the final version of the policy.

1.3 The current suite of policies is being reviewed by HR to reflect the following goals:

- Updated in line with legal requirements and current best practice
- Clear and concise guidance
- Combining processes and policies where it makes sense to do so
- Clear on the roles of managers, HR, and individuals
- Create e-forms to simplify and streamline processes
- Review benefits attached to policies

2.0 Report

2.1 The key changes to the policy are:

- Moving detailed sections regarding different flexible working patterns to an appendix so that the process is clearer in the main policy
- Deleting the Job-share policy and adding job-share as a flexible working option to this policy
- Adding that all flexible working arrangements should be reviewed annually
- Removal of reference to flexi time as there was duplication between this policy and the flexi time guidance
- Removal of reference to career breaks as this is covered in the General Leave policy
- Flexible working request form to become an e-form

2.2 The revised Flexible working scheme can be found at **Essential Reference Paper 'B'**.

2.3 An Equalities Impact Assessment can be found at **Essential Reference Paper 'C'**.

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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Report Author: Claire Kirby – 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> :	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	Leadership Team and Unison
Legal:	Approved by LT
Financial:	None
Human Resource:	Approved by LT
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality Impact Assessment required:	Yes

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Policy Name	Flexible Working Scheme
Date	December 2018
Statement No	8
Version	5
Review Date	December 2021

1.0 Introduction

1.1 The council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.

2.0 Scope

2.1 This scheme applies to all employees and the options contained within it apply to all council full time and part-time employees.

3.0 Eligibility

3.1 The Employment Rights Act 1996 gives every employee the statutory right to request to work flexibly provided they have worked for the council for 26 weeks continuously at the date the application is made. An employee can only make one statutory request in any 12 month period.

3.2 There is no automatic right for employees to convert to any of the flexible working patterns - each application will be considered on the basis of the particular work

Essential Reference Paper "B"

involved and any detrimental effect the change could have on individual, team or business performance.

- 3.3 The Employment Rights Act 1996 gives the right for employees to request unpaid time off for training. Employees must have been continuously employed for 26 weeks and must show that the time off to train will increase their effectiveness in their job or is relevant to their employer's business.

4.0 Legal Issues

- 4.1 Managers should consider the Working Time Regulations 1998 when considering flexible working requests.

- 4.2 This Policy has been written taking into consideration the ACAS Code of Practice on handling in a reasonable manner requests to work flexibly.

5.0 The Business Need

- 5.1 Although the council is committed to providing the widest possible range of working patterns for its workforce, some flexible working options will not be appropriate for all roles across all service areas.

- 5.2 Where an instance of flexible working is proposed the council will need to take into account a number of criteria including (but not limited to) the following:

- the effect of the proposed arrangement on the service;
- the effect of the proposed arrangement on other employees, customers and the council;
- the cost of the proposed arrangement;
- the level of supervision that the post-holder requires;

Essential Reference Paper “B”

- the structure of the service and staff resources;
- other issues specific to the employee’s service;
- an analysis of the tasks specific to the role, including their frequency and duration;
- analysis of the workload of the role.

6.0 Flexible Working Options

6.1 The policy considers the following options, but the council recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- part time working;
- compressed hours;
- temporary voluntary reduced working time;
- term-time working;
- job share.

Please see Appendix A for further details on the types of flexible working options.

6.2 For the avoidance of doubt, flexi time and home working are not covered by this policy. Please refer to the flexi time guidance and Home Working policy on the intranet.

7.0 Process

7.1 Considering the Request

7.1.1 The employee is required to submit a request to work flexibly in writing to their manager using the Flexible Working Request form. The request must include the following:

Essential Reference Paper "B"

- the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect;
- what effect, if any, they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with, including consideration of any impact of their request upon their own work, other team members and service delivery. The employee will be expected to offer constructive suggestions about how these can be managed;
- a statement that this is a statutory request and if and when they have made a previous application for flexible working.

7.1.2 On receipt of the request the manager should arrange a meeting to discuss the request with the employee within 10 days of receipt of the request. The discussion does not have to be face to face and if the manager and employee agree it can be held by phone or another means agreeable to both parties.

7.1.3 Employees have the right to be accompanied at the meeting by a work colleague or Trade Union representative if they wish. This should be made clear to the employee before the discussion takes place and sufficiently in advance so that they can arrange the attendance of their companion.

7.1.4 When considering the request the manager should view it as objectively and fully as possible, taking into account the business needs (see 5.0) and the employee's current role. The manager should take into account:

Essential Reference Paper “B”

- the workload (of the employee making the request, and the team)
- options for re-scheduling / re-prioritising work
- alternative options for flexible working
- implications for conditions of service
- financial implications to the council.

7.1.5 There may also be other issues that are unique to the situation and these should be considered.

7.2 Making the Decision

7.2.1 The manager must inform the employee of the decision. If the manager’s decision is to approve the request, the manager must send HR the employee’s request form, along with their written approval. HR will confirm the manager’s decision in writing and confirm any impact on pay and annual leave as appropriate. Please see section 7.5 if the decision is to refuse the request.

7.3 Multiple Requests

7.3.1 Where a manager receives a number of flexible working proposals at or around the same time, or a joint proposal from a group of employees, the requests will be considered collectively.

7.4 Trial Periods

7.4.1 All approved flexible working requests should include a trial period for both the benefit of the employee and the service. This is to establish whether the arrangements requested are sustainable in the council, the impact on the role, colleagues and service(s). The trial period will be agreed between the employee and

Essential Reference Paper “B”

manager taking into consideration the role of the employee and needs of the service.

7.4.2 A review date will be agreed for the manager and employee to jointly discuss how the new arrangements are working and make any necessary adjustments.

7.4.3 It is the manager’s responsibility to ensure this review takes place.

7.4.4 A successful trial period should be confirmed in writing stating that the arrangement is now permanent (or for a fixed term if it is agreed the flexible arrangements are temporary).

7.4.5 If it is considered that the trial period has been unsuccessful, the reasons for this decision must be communicated to the employee(s), by meeting (either face-to-face, by phone or another means agreeable to both parties), and followed up in writing. Managers should use one or more of the business grounds outlined in point 7.5.2 when explaining their decision, taking advice from HR.

7.4.3 Employees will have the right to revert back to their original pattern of working within the trial period subject to the employee giving appropriate notice to the manager.

7.5 Refusing the Request

7.5.1 Managers should contact their HR Officer for advice before refusing a flexible working request.

7.5.2 If it is considered that a post is unsuitable for the specific flexible working option proposed by the

Essential Reference Paper "B"

employee or group of employees, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Requests for flexible working should only be refused on one or more of the following 10 business grounds:

1. burden of additional costs
2. detrimental effect on the ability to meet customer demand
3. inability to reorganise work among employees
4. inability to recruit additional employees
5. detrimental impact on quality
6. detrimental impact on performance
7. insufficiency of work during the period the employee proposes to work
8. planned structural changes, e.g. a pending or current restructure
9. other relevant business grounds
10. Working Time Regulations 1998 are not met.

8.0 Monitoring

8.1 All flexible working arrangements should be reviewed on an annual basis, through the PDR process. Any changes to flexible working arrangements once they have been confirmed as permanent must be with agreement from both parties.

8.2 All flexible working arrangements are subject to a proviso that the employee may be required to revert back to their original pattern of working if there are identifiable and significant operational problems identified at any time. Such action will not be taken unreasonably and will be subject to full discussion with the employee(s) concerned and the giving of appropriate notice.

9.0 Appeal

9.1 Where an employee is dissatisfied with a decision in relation to a request they have made to work flexibly, they can appeal the decision in accordance with the council's Appeals Policy.

10.0 Policy Review and Amendment

10.1 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.

Further information on flexible working options

Part-time working

Part time working is where an employee is contracted to work fewer than 37 hours a week, the full time equivalent contractual hours per annum.

Compressed Hours

Compressed hours is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a 5 day week is compressed into 4 days or 4.5days, a 10-day fortnight into 9 days or 18 day month (based on a 4 week month).

Temporary voluntary reduced working time

Temporary voluntary reduced working time is a system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to their substantive working hours at the end of this period. Pay would be pro-rated during this time accordingly.

Term Time Working

Term time working is a system of flexible working where the employee's working weeks mirror schools' term weeks and pay is adjusted accordingly. All requests for term time working will be considered subject to operational needs.

Term time working will not be suitable for all roles or services and managers are required to ensure there is no detriment to service provision and the required level of service is provided at all times.

A term time working employee will be expected to make themselves available for key training initiatives or service meetings even if they fall during school holidays. Adequate notice will be given to make alternative arrangements for those days and compensatory time off will be offered. In exceptional circumstances where alternative time off is not an option, other alternatives may be considered.

Job share

A job share is where two employees voluntarily share the duties and responsibilities of one full-time position, dividing the hours between them. The full-time salary and leave entitlement are allocated on a pro-rata basis to each of the job share partners.

All full-time positions are deemed to be potentially suitable for job sharing. In some instances it may also be feasible to share a part-time position (for example a 4 day week split between job sharers).

The way in which the actual hours of a job share position are divided between the job share partners should be decided by the manager/supervisor in consultation with the job share partners, taking into account the following:

- the needs of the service, section and/or department;
- any limitations on accommodation, equipment etc.;
- the requirement for a handover period (the total hours worked by the job share partners should not exceed the normal full-time hours of the post);
- if there is a requirement for job share partners to cover each other's annual leave and the service budget needed to support this.

Job Sharing can be introduced into a post in a number of ways:-

- The manager may decide that a vacant role is best suited for job share in order to accommodate the needs of the service. It will then be advertised accordingly and two separate candidates appointed on a job share basis.
- An existing employee formally applying for a job share arrangement to be agreed in respect of the post they occupy.
- An application being made by one employee/external candidate to share a vacant post.
- A joint application being made by two or more employees/external candidates to share a vacant post.
- Two or more separate applications being made, whether internal or external, which can be matched together to form a job share.

Some services may choose to make it a requirement that the job sharing partner shall make themselves available to cover their job sharing partner's annual leave. If this is the case the following conditions will apply:-

- given three weeks' notice, the cover for absence shall be full time.
- given a lesser notice period, the job sharing partner shall use their best endeavour to attend on a full time basis.
- only one job-sharing partner shall have annual leave in the same period.

The extra hours worked to cover annual leave will be paid to the employee as Job Share Allowance (this is plain time rate).

If the employee prefers they may request that some or all of their extra hours are used to accrue flexitime provided the flexitime policy is adhered to. The manager will consider this request based on the needs of the service.

In the case of unplanned/emergency absence, the job sharing partner shall use their best endeavours to attend. In the case of long-term sickness, the remaining job share partner may be requested to consider increasing their hours to cover. If the job share partner does not wish to increase their working hours, a temporary job share partner may be appointed or other arrangements made as appropriate.

Equality Impact Analysis Form

1. Equality Impact Analysis (EqIA) Form

Title of EqIA (policy/change it relates to)	Flexible working scheme	Date	25 July 2018
Team/Department	HR and Organisational Development		
Focus of EqIA	<p>What are the aims of the new initiative? Aims of the new initiative: To update the Flexible Working scheme in line with legislation and best practice</p> <p>Who implements it? Who implements it: Managers and HR</p> <p>Define the user group impacted? User group affected: All employees</p> <p>How will they be impacted? How will they be impacted: They will only be impacted if they make a flexible working request</p>		

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2. Review of information, equality analysis and potential actions

Please fill in when appropriate to the change. If it does not, please put N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age	Under 20 – 1.7% 20-29 – 6.2% 30-39 – 15.9% 40-49 – 26.6% 50-59 – 34% 60-64 – 10.2% 65+ - 5.4%	N/A	No impact	N/A
Disability	3% have a disability	N/A	Positive impact: those with disabilities will have the ability to structure their work pattern around there needs through flexible working requests. For instance those4 with mobility issue can work from home reducing issues with commuting in,	We will make the process for flexible working applications clear, communicating with all staff so that those that might benefit from this positive impact are aware.
Gender reassignment	No data available	N/A	No impact	N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Pregnancy and maternity		N/A	Positive Impact: greater flexibility would allow for a gradual easing out (when pregnant) and returning to work (towards the end of maternity leave) for this group.	N/A
Race	4.2% are from BAME groups	N/A	No impact	N/A
Religion or belief	Christian – 56.4% Non-Christian – 3.5% No religion – 21% Not known – 19.3%	N/A	No impact	N/A
Sex/Gender	72% female 28% male 35% of staff are part time females 5% of staff are part time males	N/A	No impact	N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Sexual orientation	Heterosexual – 77.9% LGBT – 2.3% Unknown – 19.5%	N/A	No impact	N/A
Marriage and civil partnership	No data available	N/A	No impact	N/A

Assessment of overall impacts and any further recommendations

We are content that the policy does not create the potential for direct or indirect discrimination.

3. List detailed data and/or community feedback which informed your EqIA (If applicable)

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)

EQUALITY & DIVERSITY ANNUAL REPORT 2016/17	N/A	N/A	N/A
SICKNESS ABSENCE ANNUAL REPORT 2016/17	N/A	N/A	N/A

4. Prioritised Action Plan (If applicable)

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
Beneficial impact for Pregnancy and maternity, and Disability	Promotion of flexible working via internal comms	Member of these groups will make use of the scheme if it suits their individual circumstances	This is a positive impact and uptake of the scheme is based on an individual's circumstances so no formal measures are being adopted.	Ongoing

EqIA sign-off: (for the EQIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Lead Equality Impact Assessment officer: Nathan Bookbinder

Date: 25/07/18

Directorate Management Team rep or Head of Service: Kate Leeke

Date: 25/07/18

Author of Equality Impact Analysis: Claire Kirby

Date: 25/07/18

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 12 DECEMBER 2018

REPORT BY THE SECRETARY TO THE EMPLOYER'S SIDE

APPEALS POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

- Members are invited to approve the revised Appeals Policy

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL: That Human Resources Committee be advised that the Local Joint Panel:</u>
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(A)	Supports the revised Appeals Policy.
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1.0 Background

1.1 The Appeals Policy was last reviewed in 2012. The council's programme of policy review is after three years or sooner in line with legislation and best practice.

1.2 The policy has been updated and circulated to the Leadership Team and Unison for comments. Feedback and suggestions have been incorporated into the final version of the policy.

1.3 The current suite of policies is being reviewed by HR to reflect the following goals:

- Updated in line with legal requirements and current best practice
- Clear and concise guidance
- Combining processes and policies where it makes sense to do so
- Clear on the roles of managers, HR, and individuals
- Create e-forms to simplify and streamline processes
- Review benefits attached to policies

2.0 Report

2.1 The key changes to the policy are:

- Clearer roles and responsibilities of attendees at the appeal hearing
- Clearer step-by-step process
- Appeal submission form to become an e-form

2.2 The revised Appeals Policy can be found at **Essential Reference Paper 'B'**.

2.3 An Equalities Impact Assessment can be found at **Essential Reference Paper 'C'**.

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: Kate Leeke – Interim Head of HR & OD
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Report Author: Claire Kirby – HR Officer
Ext 1630 claire.kirby@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	Leadership Team and Unison
Legal:	Approved by LT
Financial:	None
Human Resource:	Approved by LT
Risk Management:	None
Health and wellbeing – issues and impacts:	None
Equality Impact Assessment required:	Yes

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Policy Name	Appeals
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Date	October 2018
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Statement No	5
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Version	3
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Review Date	October 2021
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1. Purpose/Aim

- 1.1 The purpose of this policy is to provide a standardised appeals process for the policies listed in section 2. This policy overrides any appeals processes detailed in existing policies.

2. Scope

- 2.1 This policy applies to all employees, except for Chief Officer level and above, where procedures set out in the Constitution are used.

- 2.2 The Appeals policy refers to the following policies (or any subsequent replacement/revision of such policy):

- Disciplinary Policy
- Grievance Policy
- Managing Performance Policy
- Absence Management Policy
- Redundancy Policy (excluding voluntary redundancy)
- Flexible Working Scheme
- Harassment and Bullying Policy

and,

- Process for dismissal for Some Other Substantial Reason (SOSR)

- 2.3 Any formal appeal received that is not directly covered by any of the policies listed above and is not subject to a specific

appeals process should also be dealt with following the process detailed in Sections 3 and 5.

2.4 This policy is based on legislation and the ACAS code of practice, and has been agreed with UNISON.

3. Who to Appeal to and Time Limits

3.1 An employee has a right to appeal against formal action taken in accordance with the stated policies.

3.2 The appeal must be submitted within 10 working days of the date of the written notification of the decision to be appealed. The appeal should be submitted to the Head of HR and Organisational Development using the Appeal Submission form (Appendix A), stating their grounds of appeal and the resolution sought. Appeals submitted late without mitigating circumstances will not be allowed to proceed.

3.3 The appeal hearing should be held without unreasonable delay.

4. Grounds for Appeal

4.1 Appeals against Disciplinary Action

4.1.1 An employee can appeal against a disciplinary sanction on the following grounds:

- There was a significant breach of the procedure.
- A reasonable person could not have reached the decision to find against the employee on the basis of the evidence submitted.
- The Penalty was too harsh, taking into account the seriousness of the offence and any mitigating circumstances.

- Significant new evidence has become available, and that evidence could not have been available at the time of the original hearing.

4.2 Appeals against Managing Performance Procedure

4.2.1 An employee can appeal against any formal sanction made under the Managing Performance Policy on the following grounds:

- There was a significant breach of the procedure.
- The employee was given insufficient time in which to demonstrate that they could achieve the required standard.
- The employee was not offered appropriate support and/or training.
- The employee was not offered suitable and available redeployment.
- That management have not acted reasonably.

4.3 Appeals against Absence Management Procedure

4.3.1 An employee can appeal against any formal sanction made under the Absence Management Policy on the following grounds:

- There was a significant breach of the procedure.
- The employee was given insufficient time in which to demonstrate that they could achieve the required standard.
- The employee was not offered suitable and available redeployment, where appropriate.
- That management have not acted reasonably.

4.4 Appeals against Grievance

4.4.1 An employee has the right to appeal against the outcome of the Grievance Procedure. They must clearly set out their grounds of appeal using the Appeal Submission Form.

4.5 Appeal against Redundancy Decisions

4.5.1 Under the Redundancy Policy, employees can appeal against decisions on the following grounds:

That their post is not redundant

The employee needs to specifically state why they believe their role is not redundant and where their duties have transferred to.

That they should have been slotted in to/ring fenced for a new post

The employee needs to specifically state which post/s it would have been appropriate to slot them in to / ring fence them for and why, setting out the similarity of tasks carried out (this may be different to the employee's job specification) and any transferable skills not already identified.

That the selection criteria during interview / management selection unfairly applied

The appeal hearing will have available anonymised information on the assessment of the other candidates, which will be taken into consideration when reaching a decision. This information will be made available to both sides before the appeal hearing and both sides will be invited to comment on how the appeal might impact on other staff. If the appeal is successful, the member of staff who is selected for redundancy in their place will also have a right of appeal.

That the post offered is not suitable alternative employment

The employee needs to state why they believe the role that has been offered to them is not suitable alternative employment.

4.5.2 Where notice of redundancy has already been served, any appeals will run concurrently with the employee's notice period.

4.6 Appeal against Harassment and Bullying Decisions

4.6.1 If, following the completion of the investigation report, the manager decides that it is likely that there is some substance to the complaint and the matter should be resolved through informal means rather than formal means or finds that there is no case to answer, the complainant may appeal against the decision.

4.6.2 An appeal must be based on at least one of the following reasons:

- The investigator's investigation or report was inadequate.
- A reasonable person could not have reached the decision on the basis of the evidence provided.
- The manager's decision was inappropriate in the light of the conclusions of the investigator's report.
- Further evidence has come to light during the investigation period which has not yet been considered.

4.6.3 If the manager decides that there is a disciplinary case to answer neither party will have a right of appeal against this decision. There is a separate right of appeal regarding a sanction against an employee following a disciplinary hearing (see 4.1 Appeal against Disciplinary Action).

4.7 Appeal against a Dismissal for Some Other Substantial Reason (SOSR)

4.7.1 A member of staff who wishes to appeal the decision to dismiss for SOSR should state their full grounds of appeal using the Appeal Submission form.

4.8 Appeal against Decisions in Relation to Flexible Working Applications

4.8.1 A member of staff who wishes to appeal a decision in relation to a proposal they have made to work flexibly should state their full grounds of appeal using the Appeal Submission form.

5. Appeal Hearing Process

5.1 HR will allocate an appropriate manager who has not been previously involved in the case to hear the appeal (the Hearing Manager). This may be a service manager, Head of Service or the Deputy Chief Executive depending on the nature of the appeal. Appeals against dismissal will be heard by the Chief Executive in accordance with the Constitution.

5.2 For grievances concerning a Chief Executive or Chief Officer, appeals will be heard in accordance with the Constitution.

5.3 PROCESS: Step 1 - Written Notification

5.3.1 Human Resources will write to the employee confirming the date, time and location of the appeal hearing, giving at least 7 working days' notice and informing of their right to be accompanied by a trade union representative/work colleague.

5.3.2 No later than 5 working days prior to the hearing the employee must submit any new evidence or inform the Head of HR of any witnesses they intend to call at the hearing.

5.3.3 The manager responding to the appeal (the Responding Manager) will be required to submit a response to the appeal. This should present the circumstances of the case and the action taken to date, and should include a full set of the key documents to be presented at the appeal hearing, including witness statements, a full summary of the circumstances of the case, copies of all correspondence relating to the case and the outcome of previous stages of the procedure.

5.3.4 Copies of all relevant documents will be circulated by Human Resources to all those attending the appeal no later than 3 working days before the date of the hearing.

5.4 The Role of Human Resources

5.4.1 The Hearing Manager will be accompanied by an HR Officer. It is the HR Officer's role to advise on procedure, to advise on ensuring consistency of decision making and equity of treatment. The HR Officer may also ask questions of clarification of either side. If possible, the HR Officer supporting the Hearing Manager will not have previously been involved in the case.

5.4.2 The Responding Manager may also be accompanied by an HR Officer. It is their role to advise the manager and answer any questions on the circumstances of the case.

5.4.3 Either HR Officer may take the notes of the hearing unless the Hearing Manager decides that an additional note-taker should be present.

5.5 Witnesses

- 5.5.1 Original witnesses are not required to attend the appeal hearing. The employee can only recall witnesses or ask new witnesses to attend the appeal hearing if their contribution relates to new evidence that is relevant to the grounds of appeal.
- 5.5.2 The employee must notify the Head of HR no later than 5 working days before the hearing if they intend to call a witness. It is the employee's responsibility to arrange their witness's attendance at the hearing.
- 5.5.3 Witnesses will only be present in the hearing when giving evidence.

5.6 Step 2 - Appeal Hearing

- 5.6.1 Appeal hearings will not rehear the whole case, but will focus on the grounds of appeal. Further evidence may be introduced by either side if it is relevant to the grounds for the appeal and provided it is received within the specified timescale of 3 working days before the date of the hearing.
- 5.6.2 The Hearing Manager will ensure that all the parties have the relevant documents and ensure that both sides understand the grounds of appeal that are to be considered.
- 5.6.3 The employee or their representative will set out the grounds of the appeal, calling any witnesses and referring to the documents that have already been submitted.

- 5.6.4 At the conclusion of the case for the appeal, the Responding Manager, the Hearing Manager and the HR Officer may question the employee or their representative.
- 5.6.5 The Responding Manager will then respond to the case for appeal.
- 5.6.6 At the conclusion of their response they may be questioned by the employee or their representative, the Hearing Manager and the advising HR Officer.
- 5.6.7 Both parties will make final statements which summarise the key points of their case. The employee will sum up after the Responding manager. It is not appropriate for new evidence to be presented at this stage.
- 5.6.8 The Hearing Manager will then close the hearing to consider the matter, advised by the HR Officer.
- 5.6.9 At any time during the hearing either party can make a request for an adjournment to the Hearing Manager.

5.7 Step 3 - Written Notification of Outcome

- 5.7.1 The decision will be confirmed to the employee in writing within 3 working days of the appeal hearing. If the decision can be made on the day the employee will also be notified verbally. The decision made at the appeal will be final and there is no further right of appeal within East Herts Council.
- 5.7.2 The employee cannot use the Grievance Policy by way of further challenge to the decision.
- 5.7.3 No increased penalty will result from an appeal being raised.
- 5.7.4 When an appeal is against a decision to dismiss, the dismissal will have taken effect in accordance with the

original decision, either summarily or by notice. Should the appeal be successful the member of staff will be reinstated with full back pay or, if it is considered that disciplinary action less than dismissal is appropriate this will be implemented and backdated to the date of the original decision.

6. Policy Review and Amendment

- 6.1 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.

Appeal Submission Form

Date.....

I am writing to appeal against the recent decision that was made to:

Please give details of which policy was used, what decision was made and who made the decision.

My grounds of appeal are:

Please outline your grounds of appeal.

Resolution sought:

Please outline the outcome you are looking for.

(Name)

Please send the completed Appeals Submission form to the Head of HR and Organisational Development within 10 working days of the date of the written notification of the decision.

Equality Impact Analysis Form

1. Equality Impact Analysis (EqIA) Form

Title of EqIA (policy/change it relates to)	Appeals policy	Date	25 July 2018
Team/Department	HR and Organisational Development		
<p>Focus of EqIA</p> <p>What are the aims of the new initiative? Who implements it? Define the user group impacted? How will they be impacted?</p>	<p>Aims of the new initiative: To update the Appeals policy in line with legislation and best practice</p> <p>Who implements it: Managers and HR</p> <p>User group affected: All employees</p> <p>How will they be impacted: They will only be impacted if they submit an appeal or managers if they receive an appeal</p>		

2. Review of information, equality analysis and potential actions

Please fill in when appropriate to the change. If it does not, please put N/A

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age	Under 20 – 1.7% 20-29 – 6.2% 30-39 – 15.9% 40-49 – 26.6% 50-59 – 34% 60-64 – 10.2% 65+ - 5.4%	N/A	No impact	N/A
Disability	3% of employees report to us that they have a disability	N/A	Certain disabilities impact accessibility of appeals hearing materials Certain disabilities may impact response times and the ability to sequence time.	Accessible versions of materials (e.g. large print papers) will be made available upon request, Timescales can be made flexible if justified by the appellant on the basis of circumstances related to their disability. The appellant should inform the council if this is the case where possible.
Gender reassignment	No data available	N/A	No impact	N/A
Pregnancy and maternity		N/A	During late pregnancy or if the person is having issues related to their pregnancy	If the person is having these issues then they may negotiate alterations to deadlines

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			fulfilling timescale of appeals may pose an issue.	
Race	4.2% are from BAME groups	N/A	No impact	N/A
Religion or belief	Christian – 56.4% Non-Christian – 3.5% No religion – 21% Not known – 19.3%	N/A	Certain religious festivals take-up a significant amount of time. In the case of Christians this is accommodated by the process specifying “working days” which accounts for the major Christian festivals of Christmas and Easter. This means that while Christians have time to celebrate aspects of their faith, putting aside the appeal for that duration, those of other faiths would not.	If a major religious festival is taking place during the process the appellant can negotiate for an extension. They must evidence that the festival takes the requisite time and only major festivals (the equivalent to Easter and Christmas) should be considered. This is not automatic and the appellant must inform the council of their faith and festival explaining it.

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff ALL DATA IS FROM E&D REPORT 2016/17	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts (actual and potential, positive and negative. Clearly state each)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Sex/Gender	72% female 28% male 35% of staff are part time females 5% of staff are part time males	N/A	No impact	N/A
Sexual orientation	Heterosexual – 77.9% LGBT – 2.3% Unknown – 19.5%	N/A	No impact	N/A
Marriage and civil partnership	No data available	N/A	No impact	N/A

Assessment of overall impacts and any further recommendations

We are content that the policy does not create the potential for direct or indirect discrimination.

3. List detailed data and/or community feedback which informed your EqIA (If applicable)

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
EQUALITY & DIVERSITY ANNUAL REPORT 2016/17	N/A	N/A	N/A
SICKNESS ABSENCE ANNUAL REPORT 2016/17	N/A	N/A	N/A

4. Prioritised Action Plan (If applicable)

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
N/A	N/A	N/A	N/A	N/A

EqIA sign-off: (for the EQIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Lead Equality Impact Assessment officer: Nathan Bookbinder **Date: 22/08/18**

Directorate Management Team rep or Head of Service: Kate Leeke **Date: 22/08/18**

Author of Equality Impact Analysis: Claire Kirby **Date: 22/08/18**

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 12 DECEMBER 2018

REPORT BY SECRETARY TO THE STAFF SIDE

REVISED LOCAL JOINT PANEL CONSTITUTION

WARD(S) AFFECTED: N/A

Purpose/Summary of Report

- To introduce the revised Local Joint Panel Constitution and that the Panel recommend to Council via Human Resources its revision.

RECOMMENDATIONS FOR LOCAL JOINT PANEL:

That:

(A)	the Local Joint Panel recommend to Council, via Human Resources Committee revisions to the Local Joint Panel's Constitution as detailed in paragraph 2.2.
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1.0 Background

1.1 The new Constitution document adopted by the Council in May 2018 introduced revised Local Joint Panel powers and duties constitution wording.

1.2 Unison and HR realised that the wording of the Local Joint Panel constitution had changed in the new Constitution document and agreed to review the new wording in the document with a view to agreeing a revised version that is acceptable to all parties.

2 Report

2.1 The reason for the changes to the Local Joint Panel Constitution wording are unknown, but Unison and HR met on 20 June , 2018 following the last LJP meeting, to discuss these changes and agreed a revised document.

2.2 The revised LJP constitution document is attached (with track changes). The following changes have been agreed by Unison and HR:

- 7.13 - remove reference to referral to of disagreements to the Executive and replace with the following agreed wording *"the minutes record a failure to agree. The council will use the dispute resolution process."*
- 7015 (a) – noted and agreed the additional wording which was added in the new constitution to this paragraph *"with a genuine commitment to seek consensus and enter into agreements, as appropriate."*
- 7.15 (e) –removal of the following wording *"referred to the Local Joint Panel by an Employee Association or by a committee of the council; and"*
- 7.15 (f) – removal of the following wording *"This will include raising issues on behalf of non-trade union members, should they be requested."*

2.3 Both Unison and HR agree that this revised Local Joint Panel constitution document will enable all parties to work collectively on shared matters of interest to the organisation.

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

Extract from the old Local Joint Panel Constitution

Extract from new Local Joint Panel Constitution – May 2018

Revised Local Joint Panel Constitution (with track changes) -
August 2018

Contact Officer: Jackie Bruce on behalf of Unison
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Report Author: Jackie Bruce on behalf of Unison
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 1 – Improve the health and wellbeing of our communities Priority 2 – Enhance the quality of people's lives Priority 3 – Enable a flourishing local economy
Consultation:	<i>Meetings were held between Unison and the Head of Human Resources to finalise the agreed amended LJP Constitution wording.</i>
Legal:	<i>n/a</i>
Financial:	<i>n/a</i>
Human Resource:	<i>n/a</i>
Risk Management:	<i>n/a</i>
Health and wellbeing – issues and impacts:	<i>n/a</i>
Equality Impact Assessment needed	<i>n/a</i>

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Extract from the Constitution May 2018

Powers and Duties

- 7.1 The Local Joint Panel is the joint union and employer negotiation and consultative body.

Membership and Meeting Arrangements

- 7.2 The Local Joint Panel will consist of four Members of the Council ('the Employer') to be appointed annually by the Council and four representatives of officers drawn from the constituent trade union (currently UNISON).
- 7.3 Named substitute members may be appointed by either side, to attend meetings of the Local Joint Panel in the absence of a member thereof, provided prior notice is given to the Head of Legal and Democratic Services.
- 7.4 In the event of any failure to appoint/elect the number of representatives provided for by this Constitution, such failure to appoint/elect shall not invalidate the decisions of the Panel.
- 7.5 If a member of the Local Joint Panel ceases to be a Member or officer of the council he or she shall cease to be a member of the Local Joint Panel; any vacancy shall be filled by the council, the constituent trade union or the combination of the two.
- 7.6 A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed is a Member of the Council, the Vice-Chairman shall be appointed from the officer side, and vice versa. The appointment of the Chairman of the Panel shall be rotated on an annual basis between the Employer's side and the Employees' side. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.
- 7.7 The Head of Human Resources and Organisational Development or a senior Human Resources Officer shall act as secretary to the Employer's Side.

- 7.8 The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.
- 7.9 Agendas shall be prepared by the Democratic Services Team, after discussion with the Head of HR and OD (or a senior Human Resources Officer), the Chairman and the Vice-Chairman, and shall be circulated at least five clear days before the meeting.
- 7.10 Either side will have the right to co-opt, in a consultative capacity, representatives of particular interests affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.
- 7.11 Either side shall arrange for the attendance in an advisory capacity of an officer or trade union official at any Panel meeting where it would be helpful to the business under discussion.
- 7.12 Attendances at 7.10 and 7.11 above shall be notified in advance to the Head of Human Resources and Organisational Development in his or her capacity as secretary to the Employer's Side.
- 7.13 No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant council body disagreeing with the Panel's recommendations, then [the matter in dispute should be referred to the Executive by way of mediation](#) [the minutes record a failure to agree](#) [The council will use the dispute resolution process.](#)
- 7.14 The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council meeting, but before submission, the Minutes shall be approved by the Panel Chairman and Vice-Chairman.

Delegation of Functions

7.15 The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the council and its officers on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise with a genuine commitment to seek consensus and enter into agreements, as appropriate. No question of any individual's discipline, promotion, efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a committee of the council, or by any of the officer organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable committee of the council as to the application of the terms and conditions of service and the education and training of officers of the council;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work, ~~referred to the Local Joint Panel by an Employee Association or by a committee of the council; and~~
- (f) the trade union(s) recognised by the council shall represent all council officers. ~~This will include raising issues on behalf of non-trade union members, should they be requested.~~

Procedure at meetings

7.16 Procedure at meetings shall be in accordance with the Council Procedure Rules, except as provided for in 7.17 below.

7.17 The quorum of the Local Joint Panel shall be two representatives of each side.

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Extract from the Council's Constitution – Updated May 2013

LOCAL JOINT PANEL

(Comprising 4 Members of the Council and 4 representatives of employees drawn from the constituent trade union (currently UNISON), with substitutes)

CONSTITUTION, POWERS AND DUTIES

1. Title

The Committee shall be called the “Local Joint Panel”.

2. Representation

The Local Joint Panel shall comprise of the 4 Members of East Herts Council to be appointed annually by the Local Authority and an equal number of employee representatives.

Named substitute members may be appointed by the employee side, to attend meetings of the Local Joint Panel in the absence of a member thereof provided prior notice is given to the Head of Democratic and Legal Support Services.

If a member of the Local Joint Panel ceases to be a member or employee of the Local Authority he/she shall thereupon cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Local Authority, the organisation or the combination of organisations concerned.

3. Chairman

A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed be a member of the Local Authority, the Vice-Chairman shall be appointed from the employee side, and vice versa. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.

4. Officers

The Head of People and Organisational Development of the Local Authority shall act as Secretary to the Employer's Side.

5. Functions

The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the Local Authority and its employees on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise. No question of an individual's discipline, promotion, or efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a Committee of the Local Authority, or by any of the employee organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable Committee of the Local Authority as to the application of the terms and conditions of service and the education and training of employees of the Authority;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by the Employee Associations or by a Committee of the Local Authority.

6. Rules and Regulations

- (a) The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the

Secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.

(b) The quorum of the Local Joint Panel shall be two representatives of each side.

(c) Either side will have the right to co-opt, in a consultative capacity, representatives of particular sections affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.

(d) Either side shall arrange for the attendance in an advisory capacity of an Officer or Trade Union Official at any Panel meeting where it would be helpful to the business under discussion.

(e) Attendances at (c) and (d) shall be notified in advance to the Head of People and Organisational Development in their capacity as Secretary to the Employer's Side.

(f) No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant Council body disagreeing with the Panel's recommendations, then the matter in dispute should either be referred:

(i) to an independent arbitrator acceptable to both sides, such as ACAS, in order to secure an agreement, or

(ii) to the Joint Secretaries of the East of England Regional Council, should the dispute concern conditions of service, to advise/mediate.

The decisions of the bodies referred to above will be binding on both sides.

(g) The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council Meeting, but before submission, the Minutes shall be approved by the Head of Human Resources acting as Secretary to the Local Joint Panel and the person nominated by the staff side to act as its Secretary.

Extract from the Constitution May 2018

Powers and Duties

- 7.1 The Local Joint Panel is the joint union and employer negotiation and consultative body.

Membership and Meeting Arrangements

- 7.2 The Local Joint Panel will consist of four Members of the Council ('the Employer') to be appointed annually by the Council and four representatives of officers drawn from the constituent trade union (currently UNISON).
- 7.3 Named substitute members may be appointed by either side, to attend meetings of the Local Joint Panel in the absence of a member thereof, provided prior notice is given to the Head of Legal and Democratic Services.
- 7.4 In the event of any failure to appoint/elect the number of representatives provided for by this Constitution, such failure to appoint/elect shall not invalidate the decisions of the Panel.
- 7.5 If a member of the Local Joint Panel ceases to be a Member or officer of the council he or she shall cease to be a member of the Local Joint Panel; any vacancy shall be filled by the council, the constituent trade union or the combination of the two.
- 7.6 A Chairman and a Vice-Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed is a Member of the Council, the Vice-Chairman shall be appointed from the officer side, and vice versa. The appointment of the Chairman of the Panel shall be rotated on an annual basis between the Employer's side and the Employees' side. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.
- 7.7 The Head of Human Resources and Organisational Development or a senior Human Resources Officer shall act as secretary to the Employer's Side.

- 7.8 The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice-Chairman may direct the secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.
- 7.9 Agendas shall be prepared by the Democratic Services Team, after discussion with the Head of HR and OD (or a senior Human Resources Officer), the Chairman and the Vice-Chairman, and shall be circulated at least five clear days before the meeting.
- 7.10 Either side will have the right to co-opt, in a consultative capacity, representatives of particular interests affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.
- 7.11 Either side shall arrange for the attendance in an advisory capacity of an officer or trade union official at any Panel meeting where it would be helpful to the business under discussion.
- 7.12 Attendances at 7.10 and 7.11 above shall be notified in advance to the Head of Human Resources and Organisational Development in his or her capacity as secretary to the Employer's Side.
- 7.13 No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant council body disagreeing with the Panel's recommendations, then the matter in dispute should be referred to the Executive by way of mediation.
- 7.14 The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council meeting, but before submission, the Minutes shall be approved by the Panel Chairman and Vice-Chairman.

Delegation of Functions

7.15 The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the council and its officers on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise with a genuine commitment to seek consensus and enter into agreements, as appropriate. No question of any individual's discipline, promotion, efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a committee of the council, or by any of the officer organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable committee of the council as to the application of the terms and conditions of service and the education and training of officers of the council;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by an Employee Association or by a committee of the council; and
- (f) the trade union(s) recognised by the council shall represent all council officers. This will include raising issues on behalf of non-trade union members, should they be requested.

Procedure at meetings

7.16 Procedure at meetings shall be in accordance with the Council Procedure Rules, except as provided for in 7.17 below.

7.17 The quorum of the Local Joint Panel shall be two representatives of each side.

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