

MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD AS AN ONLINE
MEETING ON WEDNESDAY 20 JANUARY 2021,
AT 12.00 PM

PRESENT: **Employer's Side**

Councillors J Dumont, I Kemp and A Ward-Booth

Staff Side (UNISON)

J Bruce (Chairman), S Forde, P Stevens

ALSO PRESENT:

Councillor P Ruffles

OFFICERS IN ATTENDANCE:

Emily Cordwell	- Trainee Human Resources Officer
Vicki David	- Human Resources Officer
Claire Kirby	- Human Resources Officer
Katie Mogan	- Democratic Services Manager
Simon O'Hear	- Head of Human Resources and Organisational Development
William Troop	- Democratic Services Officer

Brad Wheeler - Senior Licensing and Enforcement Officer

7 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Buckmaster and Haysey. It was noted that Councillor Kemp was substituting for Councillor Haysey.

8 MINUTES - 1 JULY 2020

It was moved by Councillor Ward-Booth and seconded by Councillor Dumont that the Minutes of the meeting held on 1 July 2020 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 1 July 2020 be confirmed as a correct record and signed by the Chairman.

9 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members, Officers and the public to the meeting. She said the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable Councils to hold remote committee meetings during the COVID-19 pandemic period. This was to ensure local authorities could conduct business during the current

public health emergency. This meeting of the Local Joint Panel was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

11 REPORTS BY SECRETARY TO THE EMPLOYER'S SIDE

The Chairman said the policies being presented to the Panel had been the subject of extensive scrutiny by the Employer's and Staff sides, as well as being considered by the Leadership Team and East Herts Together.

The Head of Human Resources and Organisational Development (HR and OD) gave a brief summary of the changes and explained that agreement had been reached between both sides, so it was not necessary to present the policies in great detail. Rather, any questions from Members would be answered.

Vicki David, HR Officer, briefly introduced the Discipline Policy and invited questions.

Councillor Dumont asked about the potential outcomes of a disciplinary hearing and whether there was an outcome which absolved the employee of blame.

The HR Officer and Head of HR and OD explained that a hearing would only take place if the prior investigation period established that there was a case

to answer. If there was no case to answer, no further action would be taken. Hearing Officers also retained the option of deciding that no disciplinary action was warranted.

Councillor Kemp commended the quality of the report. He also referred to the removal of the requirement to have a hearing within ten working days, to bring the Council's policy in line with the recommendations of the Advisory, Conciliation and Arbitration Service (ACAS). He asked what ACAS' recommendation was and where this was referenced in the policy.

The Chairman and Head of HR and OD explained that ACAS' recommendation was for a hearing to take place within a 'reasonable' timeframe. This could feasibly be over ten days, especially in complex cases, with the additional pressures on Officers and logistical challenges posed by the COVID-19 pandemic. It was agreed that a more explicit reference to the recommended 'reasonable' timeframe would be incorporated into the policy, in addition to the existing phrasing of 'promptly and adequately'.

Vicki David, HR Officer, briefly introduced the Code of Conduct and invited questions.

Councillor Dumont queried whether the references to Members of the European Parliament (MEPs) were now redundant following the United Kingdom's departure from the European Union.

The Head of HR and OD said the references to MEPs would be removed, and that he would also raise this

point with the Head of Legal and Democratic Services, as the code was part of the Council's constitution.

Claire Kirby, HR Officer, briefly introduced the Grievance Policy and explained the main changes.

The Head of HR and OD said that amendments to the flowchart illustrating the policy had been implemented to more clearly reflect what was already in the written policy.

The Chairman thanked UNISON members for their involvement in scrutinising and updating the policy.

The Head of HR and OD presented the Probation Policy, explaining the main changes. The policy now made clear that performance was not the only factor which would be considered during probation. The first increment of the pay award would also not be available until a staff member successfully passed their probationary period.

The Head of HR and OD thanked Emily Cordwell, Trainee HR Officer, and Claire Kirby, HR Officer, for their work on the Bullying and Harassment Policy and explained how there were now stronger links to the Grievance Policy. Informal action could still be utilised in response to an upheld complaint, but the complainant could no longer appeal this decision, although this could be challenged later if the complaint escalated further. For example, if the same unacceptable conduct continued despite an earlier informal warning. It was also explained to Members that the policy made a clear distinction between

constructive, valid criticism and bullying and harassment.

Claire Kirby, HR Officer, briefly introduced the Absence Management Policy and explained the main changes. The policy had been through significant redevelopment. Short-term absence triggers had been revised as these had previously been triggered by relatively low levels of absence when compared to the rest of the sector. There had also been important changes in the terminology used.

The Head of HR and OD said the changes had made the policy more consistent. Previously, some managers were using discretion to ignore absence triggers due to the perception that they were too punitive. This lack of consistency had been of concern to UNISON. He also explained that under the policy, employees' salaries would be protected for 18 months if they were redeployed due to a disability. The importance of keeping in touch with employees on long-term sick leave was also stressed.

Councillor Kemp asked about provisions for compassionate leave.

The Chairman and Head of HR and OD explained that this may be classed as emergency dependency leave, or compassionate leave, depending on the circumstances. Unpaid leave may also be granted, which was detailed under the separate General Leave Policy.

Councillor Dumont commended the policy and in

particular the provision it made for employees suffering from stress-related illnesses.

The Head of HR and OD explained the Appeals Policy had been reduced in scope as the framework relating to specific policies had now been incorporated into the respective documents where possible. He also said that the requirement to review policies every three years had been removed and reviews would be completed as necessary in a more intelligent manner, rather than cyclically.

It was moved by Councillor Dumont and seconded by Councillor Ward-Booth that the recommendations, as detailed, be approved. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) the revised Disciplinary Policy be approved;

(B) the revised Grievance Policy be approved;

(C) the revised Code of Conduct for Employees be approved;

(D) the revised Probation Policy be approved;

(E) the revised Bullying and Harassment Policy be approved;

(F) the revised Absence Management Policy be approved; and

(G) the revised and reduced Appeals Policy be

approved.

The Head of HR and OD explained to Members that the Council had been approached by the NHS to provide a reserve list of employees willing to assist with work in the face of the COVID-19 pandemic. Only staff who had volunteered would be offered. Risk assessments would be conducted and staff would not be offered if their absence would have an unreasonable impact on service delivery. Any staff working in patient-facing settings would move into priority group two for the COVID-19 vaccine.

12 REPORTS BY SECRETARY TO THE STAFF SIDE

There were no reports by the Secretary to the Staff Side.

The meeting closed at 12.53 pm

Chairman
Date