

HR Policy Review - Phase One

General Purposes Committee	04 November 2022
Report Author	Ffion Pepper, HR Business Partner
Portfolio Holder	Cllr Ash Ashbee, Leader of the Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	N/A

Executive Summary:

To consider and adopt seven new HR policies as the first phase of a review of all HR policies and procedures. This follows on from recommendations made by the external auditor and Independent Monitoring Officer (IMO), with the aim of making HR processes more straightforward and reducing the potential for any risk to the council.

Recommendation(s):

To adopt the revised HR policies with effect from 1 November 2022.

Corporate Implications

Financial and Value for Money

The application of more straightforward and robust HR policies and procedures should create efficiencies in officer time that is allocated to attend to matters pertaining to these policies. Moreover, it should mitigate the risk of the need to engage with third parties (e.g. external HR consultants or employment solicitors) in these processes, except in very rare circumstances. Therefore, the adoption of these policies should assist the council in avoiding having to incur additional costs associated with HR matters.

Legal

Certain employment policies and procedures are specifically needed to comply with legal requirements under the Employment Act for example, a written health and safety policy. Even where a policy or procedure is not specifically required by law, employers often find it helpful to have a policy in place to provide clear guidance that reflects the legal framework for handling the issue in question and it also helps employees to be clear about the organisation's stance on a particular subject. The proposed policies presented in this review reflect current employment law and ACAS Codes of Practice and/or guidance where relevant.

The Council's Constitution confirms that the General Purposes Committee is responsible for updating and reviewing these policies. The proposed policies which are being updated as part of

the Annual review for endorsement and approval and, following consultation and negotiation with the trade unions.

There are no direct legal implications arising from this report. The new policies will need to be compliant with any legal obligations which apply to them.

Risk Management

The risks involved with this project lie solely in failing to implement a set of new HR policies. The policies in place at present are overly complicated, open to interpretation and their associated procedures are no longer reflective of the structure and size of the organisation. This leaves the council open to challenge when trying to implement processes to deal with employee relations issues and has, recently, meant outsourcing large parts of these processes to external individuals at significant cost.

In addition, some of these policies have been identified by the Independent Monitoring Officer as requiring review and form part of his recommended actions. Failure to implement revised policies therefore also brings the risk of failing to meet these recommendations.

Corporate

Effective HR policies and procedures are key to good employee relations and, in turn, employee engagement. They protect the organisation and the individuals within it by ensuring that appropriate processes are in place and adhered to and that the organisation is compliant with relevant employment legislation and best practice.

These revised policies aim to make some of the council's key employee relations processes easier to follow and understand, making Thanet District Council a good place to work and helping with the organisation's corporate aim of increasing openness and transparency.

This follows on from recommendations made by the external auditor and Independent Monitoring Officer (IMO), with the aim of making HR processes more straightforward and reducing the potential for any risk to the council.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -
(Delete as appropriate)

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.

An Equality Impact Assessment has been completed as part of the policy review project.

Corporate Priorities

This report relates to policies which will support and enable the effective internal management of the organisation.

1.0 Introduction and Background

- 1.1 The HR service was brought back in-house from the shared service (East Kent HR) in September 2021. In November 2021, an exercise was undertaken to identify any gaps in HR policy coverage and to document any known issues with existing HR policies.
- 1.2 This process identified that there are around 30 policies that would benefit from being reviewed or developed (where they didn't already exist), some of which were already underway/nearing completion.
- 1.3 This list was then split into three priority groups, plus a list of 'quick wins'. Prioritisation was based upon feedback from the external auditors report and the outcomes of recent case reviews where it had been identified that policy constraints had caused operational difficulties and made processes overly complicated, placing the council at risk of challenge.
- 1.4 The following seven policies were identified as an immediate priority for review and this was subsequently supported by recommendations from the Independent Monitoring Officer:
 - Disciplinary
 - Grievance
 - Performance Management
 - Absence Management
 - Whistleblowing
 - Some Other Substantial Reason
 - Dignity at Work (Bullying & Harassment)
- 1.5 A number of these policies were implemented by the shared service, East Kent HR, in 2015. Whilst the intention was to make processes more straightforward by having fewer policies (the disciplinary procedure, for example, provides the basis for dealing with not only misconduct, but also performance and capability on ill health grounds), in practice, it has made them more difficult to use. There are numerous documents for each policy and the need to refer to even more where formal action is needed. This can make the documents difficult to follow and open to possible interpretation.
- 1.6 Additionally, because a number of these policies were drafted to accommodate three organisations with different organisational structures, they have inadvertently created difficulties when arranging panels due to the need to continually escalate issues at various stages of the process, without a management structure of sufficient size to support such an approach. This has meant that there have been times where either it

has not been possible to identify anyone internally to chair hearings, relying instead on external organisations or individuals at significant cost, or that processes have been delayed pending panel availability. Refreshing the policies gives us an opportunity to ensure that processes are better suited to the size of the organisation.

- 1.7 Extensive research has been carried out to look at both best practice generally, as well as considering the policies and procedures in place at other comparable local authorities. This has informed the content and structure of the new draft policies, all of which now follow a standard format and incorporate their own procedures within them.
- 1.8 The revised policies have been developed with due consideration for the ACAS guidelines and any relevant legislation, as well as taking into consideration the HR team's understanding of the practical issues that have emerged whilst operating the existing policies and procedures.

2.0 The Consultation Process

- 2.1 Following an initial review by the Corporate Management Team (CMT); the draft policies were presented to the Employee Council (the councils collective bargaining forum with the Unison and GMB trade unions), before commencing a 45 day consultation period with the trade unions and staff.
- 2.3 During this consultation period, a number of workshops were also held with managers to gather feedback and talk through the practicalities of the revised policies and procedures.
- 2.4 Feedback was received predominantly from the trade unions during the consultation and this was considered by the Corporate Management Team, resulting in some changes to the proposed policies. The changes were then discussed in more detail at a further Employee Council meeting and, following some negotiations and further minor changes, the policies were agreed by CMT and the trade unions.
- 2.5 The final versions of the policies are attached to this report for consideration and, if agreed, adoption by the General Purposes Committee.

Contact Officer: *Ffion Pepper, HR Business Partner*
Reporting to: *Hannah Thorpe, Director of Communications*

Annex List

- Annex 1: [Absence Management Policy and Procedure](#)*
- Annex 2: [Bullying and Harassment Policy and Procedure](#)*
- Annex 3: [Disciplinary Policy and Procedure](#)*
- Annex 4: [Grievance Policy and Procedure](#)*
- Annex 5: [Performance Management Policy and Procedure](#)*
- Annex 6: [Some Other Substantial Reason Policy](#)*
- Annex 7: [Whistleblowing Policy](#)*

Corporate Consultation

Finance: Chris Blundell, Acting Deputy Chief Executive & s151 Officer

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)