



Date: 9 January 2017

Title: Updated Staff Procedures

Purpose of the Report: To update Committee on outcome from the formal consultation process with employees

Contact Officer: Sarah Sandiford, Corporate Governance Manager (interim)

Corporate Objective/s	LLTC Three Year Plan – Aim 1 (to consolidate processes and procedures, ensuring operational efficiency and a structure which will underpin future service delivery by the Town Council).	
Implications:		
Financial	X	
Human Resources	√	Update on 30 day consultation period with staff
Operational/Service delivery	X	
Risk/Health and Safety	X	

1. RECOMMENDATION/S

Should members be minded, the proposals are:

- 1.1 That Personnel Sub Committee agree any changes and endorse the proposed procedures.
- 1.2 That Personnel Sub Committee give a view on two proposals submitted by the Employee Representatives during the consultation period outlined at point 3.2
- 1.3 That the proposed procedures together with any recommended changes be presented to the Policy & Finance Committee Meeting to be held on 16th January 2017.
- 1.4 That the procedures together with any recommended changes be formally adopted by Full Council at its meeting on 30th January 2017.

2. BACKGROUND

- 2.1 Further to organisational change during 2013-2014 and the appointment of Luton Borough Council as its provider of Human Resources support, the Town Council has commenced a process of reviewing and updating the policies and procedures which are applicable to staff and councillors.
- 2.2 As a part of discussions regarding the renewal of the two-year Service Level Agreement for HR support earlier this year, it was agreed that a number of further procedures were outdated and required review. The procedures are:
- Compassionate & Special Leave Procedure
 - Disciplinary Procedure
 - Grievance Resolution Procedure
 - Social Media Procedure
 - Flexi time Procedure
- 2.3 As procedures are contractual and underpin the contract of employment, the introduction of new or revised procedures require a period of formal consultation with all employees potentially affected by the proposed changes.
- 2.4 On 3rd October 2016, Personnel Sub Committee endorsed a 30 day period of formal consultation with all affected employees. This consultation period commenced on 5th October 2016 and concluded on 3rd November 2016.
- 2.5 Consultation was launched at a formal staff meeting and all employees were encouraged to be actively involved and to engage with the consultation process. All were offered the opportunity to attend a 1-2-1 meeting and each given a hard copy of the draft procedures.
- 2.6 All formal queries, questions or comments received a written response and they are **attached** at Appendix 1.
- 2.7 The updated Procedures would apply to all employees of Leighton Linlade Town Council. A brief synopsis of each is provided in **Appendix 2**.

3. UPDATE

- 3.1 The updated and new Procedures have generally been viewed favourably by the staff. As can be noted from Appendix 1, many of the amendments suggested have been minor and agreed for inclusion in the Procedures by the Management team and our Human Resource Adviser.
- 3.2 Personnel Sub Committee however are requested to provide a view on two particular proposals from the Council's employee representatives. The proposals are in relation to the 'Compassionate & Special Leave Procedure'.

- **Maternity Support Leave (section 11).** The entitlement for one weeks paid maternity support leave is a provision in accordance with the 'Green Book'. The 'Green Book' underpins the terms and conditions of employment with the Council as agreed at the National Joint Council for Local Government Service and is stated clearly on every contract of employment. Some employers such as the NHS or a number of private sector employers do pay two weeks Maternity Support leave. Employee representatives have proposed that the two weeks are paid. The procedure proposes one week paid Maternity Support Leave in accordance with the Green Book.

- **Leave for attending Antenatal Appointments. (Section 12)** The Statutory minimum is two unpaid appointments of 6.5 hours each for a nominated partner to support a pregnant woman. (A pregnant woman has all ante natal appointments paid). Employee representatives have proposed that the appointments are paid and not limited to two. The Procedure proposed the statutory minimum.

4. CONCLUSIONS

- 4.1 Given that the existing Town Council procedures on Compassionate & Special Leave, Disciplinary, Grievance Resolution, Social Media and Flexi time are dated and lacking in detailed guidance for either employee or employer, the updated procedures will ensure the Town Council complies with best practice and relevant recent employment law.

End.

APPENDIX 1

QUESTIONS AND ANSWERS Leighton Linlade Town Council Proposed Introduction of new/revised Procedures

Q.	<u>Compassionate & Special Leave Procedure: Section 27. It is unfair that Reservists are required to take annual leave to attend annual camp.</u>
A.	<p>This is not the case. The Council, subject to the need of the service, are providing up to 15 days unpaid leave in addition to annual leave to enable attendance at the training camp. . Reservists receive payment from the MOD for all time spent training and on exercise.</p> <p>Further time off to attend other training or duties can also be requested in the normal way using annual leave or flexi leave but also by requesting unpaid leave.</p>
Q.	<u>Compassionate & Special Leave Procedure: Section 8. Can you give some examples of 'leave to care for dependent who is unexpectedly sick' and when this may apply.</u>
A.	This section would apply in cases where a dependent has an accident which requires assistance or is admitted to hospital for an emergency procedure such as an appendectomy. Paid leave under this section will not be granted to manage routine hospital appointments or short term illnesses such as colds, stomach bugs etc, they should be managed by the use of flexi, leave or unpaid leave.
Q.	<u>Compassionate & Special Leave Procedure: Bereavement Leave - In some circumstances we would argue that grandparents would also fulfil the criteria of 'immediate family'.</u>
A.	Individual circumstances will be examined in every case. Where this applies due consideration will be given.
Q.	<u>Compassionate & Special Leave Procedure: 7.5 Can you add at end, "though there is no requirement of the employee to do so."</u>
A.	Individual circumstances will be examined in every case. This procedure aims to support the employee. A discussion may take place between the employee and their line manager, with the aim of supporting the employee.

Q.	<p><u>Compassionate & Special Leave Procedure:</u> 14.3 – what about chronic, terminal or other conditions not covered by the EA? (ie some types of depression, substance issues etc., or as a consequence of recovery from surgery for example). It is in the interests of neither the employer, the affected employee, or other members of staff for those with such a health conditions to be unsupported in the workplace</p>
A.	<p>Agreed. The Sickness Absence Procedure may apply in this case.</p>
Q.	<p><u>Compassionate & Special Leave procedure: Disability Leave -</u> It should be recognised that some conditions remain under-reported in the workplace because of stigma or fear of the potential consequences of disclosure. A clear statement needs to be made encouraging disclosure and making clear that this will be treated sympathetically and in confidence and will not impact upon the individual’s employment status</p>
A.	<p>It is the responsibility of the employee to inform their employer of any conditions that may have an impact on their ability to fulfil their contractual obligations. Each case will be handled with sympathy and any required support mechanisms put in place. We are aware of our duty to make reasonable amendments where appropriate.</p>
Q.	<p><u>Disciplinary Procedure.</u> The existing procedure lists the misuse of Council vehicles as Misconduct but it’s not listed in the new Disciplinary procedure. Why?</p>
A.	<p>The lists at Appendix A in the new Disciplinary Procedure are not exclusive or exhaustive and give examples. For the avoidance of doubt we will included ‘Misuse of Council Vehicles’ as an example of Misconduct.</p> <p>Rules for the Use of Council Vehicles and Driving for work are also outlined in the employee handbook at Section 9.0.</p>
Q.	<p><u>Disciplinary Procedure: Appendix A, (iv) -</u> *It should be noted that this does not include genuine sickness or absence due to ill health, which is dealt with separately under the sickness and absence policy.</p>
A.	<p>Agreed, addition reads: ‘This does not include sickness absence which should be managed in accordance with the Sickness Absence Procedure’</p>
Q.	<p><u>Social Media Procedure:</u> The Procedure does not cover the use of USB sticks or similar storage devices. They provide a risk to the council in terms of viruses or confidentiality. Is their</p>

	misuse covered in another procedure, if not, should it be included in this procedure?
A.	The use or misuse of unauthorised software including memory sticks is outlined in the Employee Handbook, Section 8.2 'Virus Protection Procedures'. Confidentiality is also referenced in the Employee Handbook at Section 4.6, Copyright also applies at 6.3.
Q.	<u>Social Media Procedure</u>: Section 6.1. Could this be more specific and refer to 'Work related access' rather than simply access?
A.	Good Point. The procedure will be amended to specify 'work access'.
Q.	<u>Social Media Procedure</u>: Section 9.4. How does this work in practice for example is it ok to 'endorse' someone's skills on LinkedIn?
A.	A common sense approach applies. It is advisable that you follow the guidance. If in doubt, seek advice. This section should be read in conjunction with section 9.3.
Q.	<u>Grievance Resolution Procedure</u> 2.2, final paragraph – Agree that, where other procedures are more appropriate, staff should be referred to these, but believe that there should be some process whereby the decision to do so is discussed and agreed by both parties, and provide the opportunity for appeal.
A.	Agreed, revised paragraph as follows: 'If, in responding to a problem during this process, the manager considers that another procedure is more appropriate and the employee agrees, the employee may be directed there and the grievance resolution process discontinued. If not in agreement then the grievance resolution procedure will apply'.
Q.	<u>Grievance Resolution Procedure</u> 3.9 Query – is this best practice? Could there be another level of appeal?
A.	Yes, this is best practice. ACAS advises that in smaller organisations the first appeal will usually mark the end of the grievance procedure. That is the case with the Town Council.
Q.	<u>Grievance Resolution Procedure</u>: Agree that vexatious complaints should be avoided where possible, but are concerned that the way this paragraph is phrased could

	discourage individuals from making legitimate complaints because of fear of the consequences. Perhaps alternative wording could be explored..
A.	Agreed, revised wording as follows: 'Employees who abuse the grievance resolution procedure by making complaints that are false and made in bad faith may be liable to disciplinary action after a full investigation of all the facts'

PROPOSED UPDATED PROCEDURES

Compassionate & Special Leave Procedure

As employees have the statutory right to request reasonable time off, Managers have a responsibility to consider and respond reasonably and sensitively to all requests from an employee for compassionate and special leave or time off for religious observance.

The Town Council currently does not have a specific Compassionate & Special Leave Procedure. There is a short section within the Employee Handbook (Sections 5.4 & 5.5) that references Compassionate and Special leave but does not provide guidance to Managers or employees on how that Leave can be applied fairly and consistently across the Council. The Section is also limited on the types of Special Leave available or that may be requested by employees.

A formalised procedure supports the view that Leighton Linlade Town Council recognises and values the welfare, skills and experience of employees and is committed to supporting employees with compassionate and special leave arrangements including approved absence for religious observance, cancer screening, disability leave, urgent family leave and volunteering.

The updated procedure also sets out guidance surrounding granting time off for those employees who wish to undertake public duties (as defined within section 50 of the Employment Relations Act 1996).

The updated Procedure would be very clear as to whether the type of leave requested is paid or unpaid with the explicit acknowledgement that a manager's priority must always be to ensure effective service delivery.

The purpose of this procedure is to outline the process to be followed and is to ensure that all employees are treated fairly and equitably by the Town Council in any request for compassionate or special leave.

Disciplinary Procedure

The Town Council has a Disciplinary Procedure. The recent application of this procedure has shown that it is no longer fit for purpose and is not helpful to either the employee or employer as to how to practically apply and manage a disciplinary process in line with the minimum legal requirements and best practice.

The introduction of an updated Disciplinary Procedure will ensure consistent and fair treatment for everyone. The procedure would inform employees of the kind of behaviour that is unacceptable, set out what actions managers are expected to take, set out the rights and responsibilities of employees and provide for matters to be dealt with as soon as possible, using a fair and consistent method and in accordance with the principles of natural justice.

The purpose of this procedure would give both the employee and Management clear guidelines on the process to be followed and ensure a fair and equitable approach.

Flexi Time Procedure

The Council does not have a formal Flexi time Procedure, although it is referenced briefly within the Employee handbook at Section 4.2.

Unfortunately flexi time practice is not applied consistently Council wide and this has led to some disagreement over fairness and equity for booking and taking flexi leave.

This procedure would set out the current corporate parameters for flexi time. These parameters would then be followed to maintain consistency and fairness across the Council where flexi time operates.

Grievance Resolution Procedure

The Town Council has a Grievance Procedure. The existing procedure is brief and provides little guidance on its practical application to either employee or employer.

The introduction of an updated Grievance Resolution Procedure will ensure consistency in approach and fair treatment for everyone. The procedure would inform employees of the process and timescales should they want to raise a grievance and it sets out what actions managers are expected to take and when.

This procedure would help to resolve problems, concerns and complaints which employees may have about their employment promptly and fairly, and as near as possible to their point of origin.

Social Media Procedure

The Council has a social media policy however it requires an update to include the more recent topical issues such as cyber bullying, photo sharing, messaging apps and blogs.

This updated procedure would provide a structured approach to using social media, in both in a professional and a personal capacity and will ensure that the use of social media is effective, lawful and does not compromise council information, computer systems or networks.

It would ensure that everyone who engages in social media activity whether personally or professionally, understands the Council's position with regard to this and adheres to the guidelines contained within the procedure.

END