

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 11th December 2017
Report for: Information
Report of: Deborah Lucas, Acting Director of HR

Report Title

Revised employee relations policies.

Recommendation(s)

It is recommended that Employment Committee notes the content of this report and approves the following revised employee relations policies: Disciplinary; Grievance, and; Dignity at Work, so they can be implemented.

Contact person for access to background papers and further information:

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Relationship to Policy Framework/Corporate Priorities	This proposal aligns with the council's Corporate Priority 'Reshaping Trafford Council'.
Financial	None.
Legal Implications:	The policies have all been drafted in accordance with ACAS guidelines and with relevant case law in mind. The implementation plan will ensure that employees are managed under the relevant version of the policy, whilst the new ones are transitioned in, reducing any risk of a procedural claim at employment tribunal.
Equality/Diversity Implications	EIAs will be undertaken for each policy to ensure there is no adverse effect on any group.
Sustainability Implications	None.
Staffing/E-Government/Asset Management Implications	The revised policies have more timely and simplified processes and so they should be easier for staff to understand. If staff are managed using one of the policies their experience should be improved.
Risk Management Implications	None.
Health & Wellbeing Implications	None.
Health and Safety Implications	None.

1.0 BACKGROUND

- 1.1 The current versions of the Council's key employee relations policies have been in place for a long time. Whilst minor policy amendments have been made to reflect legislative changes, there has not been a full review for a number of years. As the HR Service undergoes a process of modernisation, a key element to support this is the establishment of a suite of modern HR policies that are simple to use, with clear and easy to follow processes. Given that employee relations policies are at the heart of the smooth running and productivity of services these have been given priority. Other key employment policies are being reviewed as part of an ongoing programme of modernisation. .
- 1.2 The following policies have been reviewed as a priority and require approval by Employment Committee: Disciplinary; Grievance, and; Dignity at Work.

2.0 REVIEW PROCESS

- 2.1 For each policy, research and benchmarking with other local authorities has been undertaken to identify different approaches and best practice and the ACAS guidelines have also been taken into account. The modernised policies have been presented on this basis and the language has also been simplified to make them more accessible to all. In addition, supporting documents and template letters have been developed to support managers with their use.
- 2.2 In terms of the review process, the first draft of each policy was initially considered by the HR management team. Following on from this, the draft policies were considered by a newly formed policy review group which comprises representation from Unison and GMB and also managers from each Directorate. The group considered the revised policies and received information highlighting the key changes; the group then met to work through the key changes and had a discussion and debate regarding the processes and approach of the policies. Some changes were agreed as an outcome of these meetings and the policies were amended accordingly before being sent back to the trade unions who then agreed them at branch level. The Acting Director of HR then gave their sign off to the changes.

3.0 KEY CHANGES TO THE POLICIES

- 3.1 All of the policies have been streamlined and simplified with more use of plain English and with reduced usage of HR terminology, wherever possible, to make them easier to understand and follow.
- 3.2 They all emphasise the importance of using the informal stage of the policy as in many cases this should lead to a resolution of the issue without the need to resort to the formal stages. Using the formal stages can be difficult and time-consuming and can lead to more difficulties in workplace relations which can in turn affect team morale. The key message from the policies is that issues should be managed as soon as they arise and informally where possible, as this will be to the benefit of all.
- 3.3 Timescales for meetings, hearings, appeals, sending documents etc. have been changed from working days to calendar days. This removes any

uncertainty that might arise where staff have non-standard working patterns. The timescales for these are now all consistent across all policies.

3.4 The policies have all been created in a new generic template and as we review the remaining policies we will move all into the same template so that there is consistency. In terms of the new template, in order to simplify navigation, a contents table has been included; there is now also a version control table so that there is a clear audit trail of different changes and versions of the policy.

3.5 Disciplinary

The key changes to the policy are:

Previous policy	Proposed policy
Right to representation at the investigatory stage.	Right for employee to be represented only at formal stages, however consideration can be given to representation at earlier stages in certain circumstances.
The director or head of service nominates an investigatory officer.	Investigatory officer is at line manager level. Investigation at line manager level will put the onus on them to manage conduct in their team.
2 investigating officers appointed.	One investigating officer, though if a complex investigation or specialist officer needed 2 can lead investigation.
The investigating officer makes a recommendation to the director or head of service who made the decision. There is a potential conflict of interest when the head of service may be the hearing officer.	Investigating officer to decide if the case should move to a disciplinary hearing.
Disciplinary sanctions - we state the period for which the sanction will remain on the employee's personal file for disciplinary purposes.	Clarification that once the warning has expired it will be disregarded for disciplinary purposes. There may be exceptions to this where employees have repeated lapsed warnings.
HR attend all disciplinary hearings.	HR representation on the panel is only required if the outcome could be dismissal.
The director or head of service suspends.	Suspension will normally be undertaken by the line manager who is likely to investigate the case, with advice and agreement from the Director of HR or their nominated representative to ensure appropriate use and consistency.
We state that suspension is not a disciplinary act and does not imply that there has been any misconduct. Also that it is a neutral and precautionary measure.	There has been recent case law on suspensions that have concluded that although it isn't a disciplinary sanction and there is no presumed guilt, in actual practice, it can have a huge impact on the individual. So we are advising that it is only used in appropriate circumstances

	and it is reviewed so the duration is as short as possible. There should be an initial assessment as to whether there is any evidence of the alleged misconduct.
The appeal should be submitted in 20 working days.	The appeal should be submitted within 14 calendar days of the sanction being received.
Policy document only.	Policy document with supporting documents such as FAQs; investigation template, and; template letters.

3.6 Grievance

The key changes to the policy are:

Previous policy	Proposed policy
The policy has 4 stages (informal, meeting, hearing and appeal).	The policy has 3 stages (informal, hearing and appeal).
When putting in a grievance the employee doesn't have to say any action they have already taken.	The employee is required to detail all the steps they have taken already in order to try to resolve the grievance. This will put the onus on the employee to take some ownership for resolving the issue.
No information about the process when an employee submits a grievance once they have left the Council.	Details of the process where an employee leaves the Council and then submits a formal grievance after their employment has ended. There will be a simplified version whereby a written grievance will be considered by an appropriate manager and a written response given.
Policy document only.	Policy document with supporting documents such as grievance form, template letters.

3.7 Dignity at Work

The key changes to the policy are:

Previous policy	Proposed policy
Policy and guidance documents.	The policy and guidance have been amalgamated into one policy document but with supporting documents such as FAQs and template letters
2 investigating officers.	The investigation is undertaken by 1 person, normally the line manager, so they have ownership of issues within their team.
Very prescriptive process.	The policy is much less prescriptive particularly around the investigation to allow more flexibility dependant on the

	nature of the complaint.
The investigating officer compiles a report.	There isn't automatically a requirement to have a formal report. Other outcomes may be equally valid
The investigation report is shared with both parties.	The manager who has investigated informs both the complainant and the respondent of the outcome in writing.
There isn't detail regarding that the outcome of the process might be.	There is a list of possible outcomes which will manage expectations.
No information about the process when an employee submits a dignity at work once they have left the Council.	Details of the process where an employee leaves the Council and then submits a formal dignity at work complaint after their employment has ended. There will be a simplified version whereby a written dignity at work complaint will be considered by an appropriate manager and a written response given.

4.0 IMPLEMENTATION PLAN

- 4.1 The proposal is to implement the new policies on 1st February 2018 in order to prepare launch sessions for January. There is also work underway to improve the look, feel and accessibility of the HR intranet pages so they will be easier to navigate. The plan is to launch this in January.
- 4.2 Staff communications will be issued that will make it clear that from this date the new versions of the policies must be used for any new issues that arise. Any cases that are in progress will continue to be managed using the old version of the policy. The Business Partnering Team will link in with managers directly to ensure that they are supported in managing cases through the transition process. The revised policies will be the copies that are available on the intranet and the previous versions will only be accessible via HR where they are required. There will be direct communications to managers to ensure that they remove old versions of the policies that they might have saved on local drives.

5.0 TRAINING AND SUPPORT

- 5.1 When the policies are launched training sessions will be rolled out for managers which will outline the key changes to the policies and the revised processes. These sessions will be followed up with more comprehensive, practical, case-based training on these employee relations policies which is likely to be rolled out from the Spring. We are also currently looking at our full learning and development offer for leaders within the Council. The offer will include some skills development that will support the practical policy training.
- 5.2 Interactive e-learning courses for the main employee relations policies will also be rolled out; these will help managers to develop their knowledge and understanding.

6.0 RECOMMENDATIONS

6.1 Employment Committee are recommended to approve the revised policies and the associated implementation plan.

Appendix 1

Revised policies.