

Meeting:	Employees' Consultative Forum
Date:	29 August 2007
Subject:	HR Policy Framework
Key Decision: (Executive-side only)	Yes
Responsible Officer:	Lesley Clarke, Corporate HR Manager
Portfolio Holder:	Paul Osborn, Strategy and Business Support Portfolio Holder
Exempt:	No
Enclosures:	Yes – Diagrammatic policy framework

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This reports sets out the response received from the unions to the proposed HR Policy framework. An ECF view is required on whether Members should continue to hear final stage Grievances.

RECOMMENDATIONS:

That ECF recommend that the Portfolio Holder for Strategy and Business Support agree adoption of the revised HR Policy framework as proposed by management.

Note: Schools will also be recommended to adopt these arrangements.

REASON: (For recommendation - Executive-side reports only)

It will allow for Capability, Conduct and Grievance / Harassment cases to be heard more speedily. In relation to final stage Grievance hearings, the management proposal is consistent with practice in most London Boroughs.

SECTION 2 - REPORT

Background and issue to be addressed

At ECF on 3 July 2007, a verbal report was received on progress on negotiations with UNISON and GMB on a revised approach to disciplinary, grievance, absence, capability, probation and harassment procedures. Discussions had been taking place since December 2006 on the proposed approach and a number of accommodations had been made to reflect union concerns, including their particular concern that disciplinary dismissals continue to be heard by Members. As a consequence of reaching what was understood to be an acceptable position, a formal proposal had been made to the unions at the Corporate Joint Committee on 18 May 2007 to replace these procedures with:

- A single Fair Treatment policy statement
- A common process comprising an 'informal' taking stock stage, an investigation if appropriate, a formal hearing if appropriate and an appeal right.
- That only disciplinary dismissals be heard by a Member appeal panel
- Three sets of Best Practice standards incorporating guidance covering Conduct, Capability and Grievance / Harassment.

At its meeting, ECF noted that the unions had failed to provide a formal response to the proposal and extended the deadline to 31 July 2007 in order for them to do so. In addition, the Corporate HR Manager was requested to meet with representatives of Branches of both unions to explain to those not so far involved what was proposed.

A meeting with Branch representatives of UNISON took place. A meeting of the GMB Branch was arranged but, it is understood, due to holiday absence, no representative attended and no further meeting was arranged.

A formal response has been received from UNISON that the proposal is accepted excepting that it would wish for Members to hear final stage Grievances. GMB were unable to respond formally as, it is understood, the Branch had not considered the issue. However, the informal response from the Branch Secretary was that he agreed with UNISON's response.

The Corporate Strategy Board (CSB) considered the position reached at its meeting on 8 August 2007 and concluded that it could not agree to the unions wish for Members to hear final stage Grievances. The matter is therefore put to ECF for a view that the Portfolio Holder for Strategy and Business Support be recommended to agree adoption of the revised HR Policy framework as proposed by management.

Reasons for Recommendation

1. As Head of Paid Service, the Chief Executive has final responsibility for leading and managing Council staff. Corporate Directors and Directors are similarly accountable for their areas of responsibility. Dealing with matters of grievance as speedily and fairly as possible is an objective they would wish for in order that staff can put behind them these issues, restore

their sense of wellbeing at work, and move forward in a productive and efficient way.

ECF will recognise that arranging a 3 Member Panel appeal hearing with support from Democratic Services as well as that from HR and Legal can be problematic in diary commitments. Experience is generally that it is usually several months and occasionally many months before final stage grievances are heard. This is not conducive to resolving grievances speedily. Arranging for Directors and an HR Adviser to hear final stage grievances can be achieved much more speedily.

It is considered that Members role is to monitor and review the outcomes of officers' management of employee processes including Grievances. An informal agreement (now superseded) was previously reached with the unions that a report would be put to ECF periodically so that outcomes could be monitored.

2. A June 2007 London Councils survey of practice in London Boroughs in member involvement in people management procedures showed that the following councils operate systems where final stage grievances are heard at the officer level:

Barnet (Members consider points of policy only, not individual cases)

Barking and Dagenham

Brent

Camden

Croydon

Ealing

Enfield

Greenwich

Hackney

Hammersmith and Fulham

Havering

Hillingdon

Hounslow

Islington

Lambeth

Lewisham

Merton

Newham

Richmond

Southwark

Tower Hamlets

Waltham Forest

Wandsworth

Westminster.

Harrow Council is one of the few remaining councils that currently operate Member involvement in people management of grievance cases.

Resources, costs and risks

Resourcing

The revised approach to the structure of HR policy and procedure has no direct impact on resourcing.

Costs

There are no direct costs of introducing a revised approach. Briefings to managers and employees will be provided by the Human Resources and Development Group within existing resources.

Risks

The proposed HR Policy Framework replaces a number of key policies within the Council, some of which will be considered to be part of staff terms and conditions of employment.

Staffing / Workforce Consideration

The revised approach will apply to all staff and is intended to resolve employment issues without undue delay and provide a simpler process for managers and employees to work within.

Equalities Impact consideration

The revised approach will ensure fairness and consistency in how these staff matters are dealt with. Monitoring of the use of a new process and its impact on different social identity groups will be made and reported in the Annual Equality Report.

Legal and Financial Comments

Legal Comments

The proposed change to grievance appeals is in accordance with the requirement in the Employment Act 2002 for each step and action in the procedure to be taken without undue delay. It still conforms with the ACAS Code on Disciplinary and Grievance Procedures that recommends 2 appeal stages for large employers.

Financial Comments

There are no direct costs from the introduction of the revised approach. Briefings to managers on the new procedure will be provided by the Human Resources and Development Group within existing resources.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Name: ...Myfanwy Barrett



Chief Financial Officer

Date: 15 August 2007

Name: Jill Travers



on behalf of the
Monitoring Officer

Date: 15 August 2007

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Lesley Clarke, Corporate HR Manager, 0208 420 9309 (ext 5309)

Background Papers:

ECF reports of 1 November 2006 and 31 January 2007

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	

Fair Treatment
Policy statement covering all 6 policies

<p>Maximum number of times the process applies</p> <p>Grievance – 1 (but with Step 4 also applying)</p> <p>Harassment – 1</p> <p>Probation – 2</p> <p>Capability – 2</p> <p>Disciplinary – 3 with any dismissal appeal heard by Members</p> <p>Absence - 3</p>
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<p>Process</p> <p>Step 1 – ‘Taking stock’ stage Is there an issue that needs further exploration If yes, carry out as much investigation as is felt appropriate Aim to reach informal resolution If unable to resolve at this stage, proceed to next</p> <p>Step 2 - Formal hearing e.g. of grievance or disciplinary case Outcome reached Employee informed of outcome and next steps</p> <p>Step 3 – Appeal Employee has the right of appeal against the outcome from Step 2</p> <p>Step 4 – Second appeal In grievance cases only, the employee has the right of appeal to Director level (Members in the case of Chief Officers) against the outcome from Step 3</p>
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<p>Best Practice Standards</p> <p>Conduct (i.e. won't attend or do - 'misconduct' issues)</p> <p>Disciplinary</p> <p>Absence (e.g. where employee is AWOL)</p> <p>Probation</p>

<p>Best Practice Standards</p> <p>Capability (i.e. can't perform / attend work)</p> <p>Capability</p> <p>Absence</p> <p>Probation</p>

<p>Best Practice Standards</p> <p>Grievance</p> <p>Harassment</p>
