

REPORT FOR: **CABINET**

Date of Meeting:	28 October 2010
Subject:	Fair Treatment Suite of Employment Procedures
Key Decision:	No
Responsible Officer:	Jon Turner, Divisional Director Human Resources and Development
Portfolio Holder:	Councillor Graham Henson, Portfolio Holder, Performance, Customer Services and Corporate Services
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix 1 – Report to Employees’ Consultative Forum 30 June 2010 – HR Policy Framework Fair Treatment Suite Review and Minute of ECF

Section 1 – Summary and Recommendations

This report sets out the recommendations of the 30 June 2010 Employee Consultative Forum (ECF) meeting in response to the Officer Report on the HR Policy Framework Fair Treatment Suite Review.

Recommendations:

Cabinet is requested to confirm the ECF recommendations that

(A) the outcomes of the pilot of the Fair Treatment Suite be noted; and

(C) Portfolio Holders receive monthly summary reports of all grievances / disciplinary appeal cases under consideration within their Directorate Services areas.

But **not** to confirm the ECF recommendation that

(B) a further pilot be implemented for one year of the Fair Treatment Suite with Stage 3 Dignity At Work Appeals being subject to consideration by Member level Personnel Appeals Panels, in line with the current Conduct Appeals process, to allow comparative assessment of such an appeals process with the previous pilot scheme;

Reason: (For recommendation)

To continue to ensure that employees are treated fairly and consistently in handling, conduct, capability and complaints in the workplace without an increase in cost.

Section 2 – Report

Introductory paragraph

The Fair Treatment Suite of employment procedures supports Council managers in effectively managing conduct, capability and complaints in the workplace. Each of the three procedures within the Fair Treatment Suite include a toolkit offering a step by step process for managers to follow and a series of best practice notes incorporating guidance.

Options considered

The options considered were whether the appeal stage of the Council's Fair Treatment Suite of employment procedures should be heard by elected members or senior managers. The Fair Treatment Suite is compliant with current ACAS guidelines, however there is no specific guidance on whether appeals should be considered by elected members or senior managers.

Background

2.1 At the Employee's Consultative Forum's meeting on 29 August 2007, members received a report recommending the adoption of a revised HR Policy framework, which included a proposal that only disciplinary dismissals be heard by a Member appeal panel.

- 2.2 The Forum agreed to recommend to the Portfolio Holder the adoption of the HR policy framework, subject to:
- (i) a formal review and evaluation of the framework after one year, following which confirmation would be required from the ECF for the framework to continue.
 - (ii) the incorporation into the framework of a procedure whereby any second stage grievance would be reported to the Portfolio Holder.
- 2.4 The Portfolio Holder subsequently agreed to implement the Fair Treatment Suite of employment procedures which took effect on 1 January 2009 (the Capability Toolkit) and 9 April 2009 (the Conduct and Dignity at Work Toolkits).
- 2.5 At it's meeting on 30 June 2010 the Forum received a report from Officers on the outcome of the review of the Fair Treatment Suite implemented in 2009 and seeking a recommendation that the Portfolio Holder agree its adoption - **Appendix 1**
- 2.6 The Forum also heard representations from the Employee's side requesting that access to elected members to hear Dignity at Work appeals be reinstated.
- 2.7 The Officer report did not include historical data on the numbers of appeals considered by elected members; nor information on the cost of supporting elected member appeal panels. For completeness this information is set out in 2.8 below and in **Financial Implications**.
- 2.8 The table below compares the number of Grievance appeals heard by members with the number of Dignity at Work appeals heard by Officers.

Year	Procedure	Appeal Body	Number of Appeals
2007/8	Grievance	Member	3
2008/9	Grievance	Member	6
2009/10	Grievance	Member	2
2009/10	Dignity at Work	Officer	10

Notes

- i) The Dignity at Work procedure also covers harassment complaints, which were previously dealt with, by Officers, under a separate procedure.
 - ii) The number of Dignity at Work complaints is expected to rise as we enter a period of significant change, with a consequent rise in the number of appeals
- 2.9 In accordance with Portfolio Holder Responsibilities (Allocation of Responsibilities) – Paragraph 2(ii) of Delegated Powers of Portfolio Holders, Appendix to the Executive Procedure Rules, Part 4D of the Constitution; the above information and the recommendations of the 30 June 2010 Employee Consultative Forum were reported for decision to

the Portfolio Holder, Performance, Customer Services and Corporate Services.

- 2.10 The Portfolio Holder decided that the decision be referred to Cabinet, on the basis of the additional information (see 2.7 above) received subsequent to the meeting of the Employees Consultative Forum.

Financial Implications

Currently, there are no direct financial implications related to the Fair Treatment Suite. However, failure to have in place effective employment policies such as those in the Fair Treatment Suite would place the Council at risk of Employment Tribunal complaints, which could result in significant costs for the Council – see **Risk Implications** below.

There is a direct financial implication of re-instating member appeals for Dignity at Work complaints. The appeals would need to be supported by Democratic Services who have advised that owing to the work involved in setting them up and the collation, printing and distribution of the documentation, a full time H5 post would be required to support member appeals. The total annual pay cost for an H5 FTE post is £29,174.

Note: Democratic Services reduced staff numbers as part of their 2009/10 budget efficiencies.

Performance Issues

The Fair Treatment Suite supports improved performance by enabling the Council to address employee issues efficiently and effectively, minimising any potential adverse impact on delivery of services. Monitoring information on Dignity at Work Appeals will be included in future Quarterly Performance Reports

Environmental Impact

There is no environmental impact arising from this report.

Risk Implications

The decisions of appeal panels may be the subject of Employment Tribunal complaints which, if upheld, could result in significant costs for the Council. To mitigate this risk elected members who may be called to sit on an appeal panel must have received up to date training prior to hearing an appeal.

There are a limited number of appeal panel members trained, which can make it difficult to arrange a panel within a reasonable timescale. Employment Appeals Tribunals can uplift compensation awards by between 10% and 25% if the employer has failed to follow the procedures. This risk can be reduced by training more members.

Risk included on Directorate risk register? No

Separate risk register in place? No

Equalities implications

Was an Equality Impact Assessment carried out? Yes

The entire workforce is equally affected. There is no adverse impact on any one group.

Corporate Priorities

The report incorporates all three corporate priorities by enabling the Council to address employee issues efficiently and effectively minimising any potential adverse impact on delivery of services.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 26 August 2010		
Name: George Curran	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 26 August 2010		

Section 4 – Performance Officer Clearance

Name: Alex Dewsnap	<input checked="" type="checkbox"/>	Divisional Director Partnership, Development and Performance
Date: 25 August 2010		

Section 5 – Environmental Impact Officer Clearance

Name: John Edwards	<input checked="" type="checkbox"/>	Divisional Director (Environmental Services)
Date: 26 August 2010		

Section 6 - Contact Details and Background Papers

Contact: Jon Turner, Divisional Director, Human Resources & Development. DD 0208 424 1225

Background Papers:

Reports to the Employees Consultative Forum, 30 June 2010

<http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=265&MId=60277&J=2>

Minutes 30/06/2010 Employees' Consultative Forum, 'Fair Treatment Suite' Portfolio Holder Report and Decision, 13 September 2010

<http://www.harrow.gov.uk/www2/ieDecisionDetails.aspx?ID=60264&J=2>

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE