

## EMPLOYMENT MATTERS COMMITTEE

**7 SEPTEMBER 2016**

### REVIEW OF THE HR POLICY ARRANGEMENTS

Report from: Carrie McKenzie, Head of HR and Organisational Change

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#### **Summary**

The report seeks agreement to amend the arrangements relating to the revision of HR Policies.

#### **1. Budget and Policy Framework**

- 1.1 Both the adoption of new HR Policies and amendment to the current suite of policies lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

#### **2. Background**

- 2.1 There are 40 HR policies listed on the Council's intranet pages. The current HR policy review consultation protocol requires a 30 day consultation with the Trade Unions and Employee Forums. Any comments received are then considered and a final draft is then circulated to the Council's Legal and Finance teams before presentation to Employment Matters Committee (EMC) for the proposed changes to be accepted (this same process is required for the adoption of any new HR policy).
- 2.2 This same process is required to be followed for any proposed amendment regardless of the scale and/or impact of the proposed change. The current arrangements are disproportionately time consuming and do not allow for minor revisions, such as catching up with changes to policies triggered by primarily administrative matters to be expedited without recourse to EMC.
- 2.3 EMC usually meets no more than five times in any calendar year and practicality dictates that no more than two policy revisions are presented at each meeting, resulting in the opportunity to agree changes to no more than 8 - 10 policies in any one calendar year.

- 2.4 Policy revisions are driven by a number of triggers, be they changes to legislation (e.g. Shared Parental Leave in 2015), an agreement with the TU's to change a term or process within an existing policy (e.g. a revision to Stage 3 capability arrangements in 2014), or that the policy is due for review as part of the two year revision cycle (this is not an exhaustive list).
- 2.5 The current arrangements are time consuming, do not allow for minor changes to be made (such as catching up with changes to post titles or reporting lines) without following the same revision process as described at 2.1, and hinder the prioritisation of reviewing the main policies that drive change and give support and protection to our staff.
- 2.6 An alternative way of dealing with change to HR policies would be to allow minor changes to be made by officers with this Committee retaining responsibility for agreeing new policies and agreeing significant changes to existing ones. The proposed new process would retain the current 30 day consultation with Trade Unions and Employee Forums and explicitly provides the Trade Unions, Chairman and Opposition Spokesperson of the Employment Matters Committee with the opportunity to request that a revised policy is referred to EMC and not agreed by officers. All proposed changes will be highlighted along with a covering note recommending that due to the nature of the changes that the policy is agreed locally without recourse to EMC.

### **3. Advice and analysis**

- 3.1 This proposed change will apply to those HR policies listed in Appendix 1 and does not apply to policies which require approval by full Council.

### **4. Consultation**

- 4.1 The concept of the proposed changes was first discussed with the Trade Unions at a meeting of the Corporate Consultative Committee (CCC) on 12 January 2016.
- 4.2 Consultation on these changes has taken place involving the Trade Unions and the employee forums using the agreed consultation protocol, within the period 18 March 2016 and 15 April 2016.
- 4.3 Responses were received from Unison and Prospect, asking that where the 30 day consultation period coincided with a school holiday period that the Council would extend the 30 days accordingly.
- 4.4 The Council responded that they were unable to commit to that as part of the revised policy as doing so would take approximately 12 weeks out of the Council's business year. However, the Council has previously committed and has restated that commitment to use the CCC meetings to share a timetable for policy reviews. This will allow for meaningful discussion where Trade Unions and the Council can (wherever practicable) timetable changes to key HR policies negating any impact of school holidays.

## **5. Risk Management**

- 5.1 It is important that all eligible staff are made aware of these changes to the HR policy revision arrangements :

| <b>Risk</b>                                   | <b>Description</b>        | <b>Action to avoid or mitigate risk</b>   | <b>Risk rating</b> |
|---|---------------------------|---|--------------------|
| HR policies are revised without consultation. | Breach of agreed protocol | Introduce a standing agenda item at CCC to highlight forthcoming policy revisions.<br><br>Maintain the current 30 day consultation window.<br><br>Allow elected Members the opportunity to refer proposed changes to the Employment Matters Committee | E4                 |

## **6. Diversity Impact Assessment (DIA)**

- 6.1 A Diversity Impact Assessment is attached at Appendix 2 to the report.

## **7. Financial and legal implications**

- 7.1 It is not envisaged that there will be any additional financial implications with the implementation of this Policy.
- 7.2 There are very few legal requirements on employers to have written policies. However some policies are required by law and legal advice may be required before making any substantive changes to such policies. Implementation of this Policy enables the Council to comply with its various statutory obligations and is within the Council's powers. It is essential that a fair and consistent approach is to be applied to all staff in order to minimise successful legal challenges.

## **8. Recommendations**

- 8.1 To agree that in respect of proposed changes to those HR policies set out in Appendix 1 which do not impact on a current condition of term of employment, process or entitlement (i.e. a revision to reflect post title changes and other changes of an administrative nature), that such changes can be agreed by officers without recourse to this Committee.

- 8.2 To agree that proposed changes to policies which fall into the scope of 8.1 would still be circulated to Trade Unions and the Chairman and Opposition Spokesperson of the Employment Matters Committee for comment along with a Diversity Impact Assessment, where appropriate, thereby retaining the 30 day consultation period, and allowing TU's and Members to refer the changes to this Committee for a decision.
- 8.3 To note that details of all polices amended by officers will be reported to the Committee on a twice yearly basis.
- 8.4 To recommend that the Monitoring Officer, who has delegated authority to make minor changes to the Constitution, amends the Employee Delegation Scheme by including the following additional delegated power to the Director of Regeneration, Culture, Environment and Transformation:

*"To agree minor changes to HR policies provided such changes:*

- a) *do not impact on a current condition of term of employment, process or entitlement;*
- b) *relate to an existing HR policy designated by the Employment Matters Committee as being within the scope of this delegation;*
- c) *have not been referred to the Committee for determination by a trade union, the Chairman or the Opposition Spokesperson of the Employment Matters Committee.*

**Lead officer contact**

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**Background papers**

None

**Appendices**

Appendix 1 - HR Policies

Appendix 2 - Diversity Impact Assessment