

FULL COUNCIL REPORT

Date Written	11 th March 2020
Report Author	Fran Donnelly
Service Area	Human Resources
Exempt/Non Exempt	Non Exempt
Committee Date	25 th March 2020

To: Mayor, Ladies and Gentlemen

Human Resources Policies 2020-2021

1.0 SUMMARY OF THE REPORT

- 1.1 All workplace policies and procedures must be kept under review in order to take account of changes to law and practice and changes to the employer's circumstances.
- 1.2 In particular, the EHRC recommends that the equal opportunities policy, as well as other policies, should be reviewed at least annually, and that employee's needs should be considered as part of the process.
- 1.3 Ideally a named individual should be responsible for this review, and if there is a Trades Unions consultative body they should be consulted.

2.0 RECOMMENDATIONS that

- 2.1 The updated policies listed in this report at paragraph 6 be approved.
- 2.2 The updated policies listed in this report at paragraph 6 be implemented with immediate effect.
- 2.3 Delegated authority be given to the Head of Human Resources for any future amendments to the policies listed in this report at paragraph 6, in consultation with the Portfolio Member, be approved.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 There are very few legal requirements on employers in Great Britain to have written policies. For the most part, policies set out in this report are as a matter of good practice, to set out standard expected of employees, to assist the running of the Council, and to

reduce legal risk by making sure employees and managers understand the legal rights and responsibilities inherent in the employment relationship.

- 3.2 However, there is a minimum level of information that must be given to employees in writing. Much of this must be given in a single written statement of terms under section 1 of the Employment Rights Act 1996 (ERA 1996), which may be given in the form of a statement, a letter of engagement or a written employment contract. However, some information can be (and usually is) given in a staff handbook or the council policies which are located on the intranet.
- 3.3 There are also areas where a written policy is not compulsory but can bring significant legal protections for the employer, beyond merely setting out standards of behaviour or employees' entitlements.
- 3.4 The Human Resources Department has worked with the Advisory, Conciliation and Arbitration Service (ACAS) and Trade Unions in order to update all the policies. ACAS is the UK government funded independent body that provides advice and guidance on workplace issues to individuals and employer offers free, impartial advice on workplace rights, rules, policies and best practice.

4.0 POLICIES REQUIRED BY LAW AS IDENTIFIED IN THIS REPORT

- 4.1 Disciplinary procedures and rules must set out any procedures for taking any decision as to disciplinary action or dismissal, including any appeals.
- 4.2 Grievance procedures must set out the steps that will be taken on submission of a grievance.
- 4.3 Sickness absence policies must set out terms relating to incapacity for work due to sickness or injury, including any provision for sick pay.
- 4.4 Pensions must set out terms as to pensions and pension schemes.
- 4.5 Health and safety. If an employer employs five or more people, it must have a written statement setting out its general health and safety policy with respect to its employees and organisation (a health and safety policy statement), and the arrangements for carrying out the policy. An employer also has a duty to bring the written statement to the attention of all its employees. (Section 2(3), Health and Safety at Work Act 1974 and The Employers' Health and Safety Policy Statements (Exception) Regulations 1975 (SI 1975/1584).)

5.0 POLICIES THAT CAN HELP AVOID CIVIL OR CRIMINAL LIABILITY AS IDENTIFIED IN THIS REPORT

- 5.1 There are some areas in which, while a written policy is not required by law, there are strong legal arguments for having such a policy in order to meet other legal obligations or possibly to provide a defence to criminal or civil liability where things go wrong.
- 5.2 Equal opportunities. Employers are not generally required by law to have an equal opportunities policy (or equality policy, as they are sometimes known). However, the Equality and Human Rights Commission (EHRC) recommends it at paragraph 18.1 of the

EHRC Employment Statutory Code of Practice (EHRC Code). Chapter 18 of the EHRC Code contains guidance on preparing an equal opportunities policy and what should go in it. The EHRC Code does not impose legal obligations but can be taken into account by an employment tribunal in deciding whether discrimination has taken place. An equal opportunities policy may in some cases reduce the likelihood of an employer being found liable for discrimination.

- 5.3 The Policies aim to be user friendly to managers who are usually not experienced in managing staff related issues. It is critical that managers are confident in managing their staff, and to support these Policies have been written to set out each step of the process, who does what, template letters and tips on effective management.

6.0 LIST OF UPDATED POLICIES

- 6.1 For ease of reference for Council managers, each policy now contains a version control list at the start of the policy indicating when it was first approved by Council and the subsequent amendments that have been made by Delegated Authority.
- 6.2 The updated reviewed policies have included consultation with Trades Unions with advice and guidance taken from ACAS. Policies named below are the subject of this reports approval. Not all of the policies that have been reviewed are named below a further report will be presented for approval. The Human Resources department will offer training to managers on the policies as required.

Scheme for the Payment of Injury Allowances	Early Retirement & Discretionary Compensation Schemes
Flexible Retirement Policy	Additional Pension Policy
Special Leave Policy	Disciplinary Policy
Redundancy Policy	Redeployment Policy
Recruitment & Selection Policy & Procedure	Dignity and Respect at Work Policy
Capability Policy	Timekeeping and Attendance Policy
Employee Code of Conduct	Adverse Weather Policy
Flexible Working Policy	Employee Expenses Policy
Provision & use of Work Equipment Policy	Risk Assessment Policy Procedure and Guidelines
Accident Reporting Policy	Display Screen Equipment Policy
Drug and Alcohol Policy	No Smoking Policy
Manual Handling Policy	First Aid at Work Policy
Minibus Policy	Health & Safety Policy
Pregnancy Risk Assessment Procedure & Guidelines	Control of Substances Hazardous to Health Policy (COSHH)
Lone Worker Policy	Working At Height Policy
Noise at Work Policy	Hand Arm Vibration Policy
Asbestos Management Policy Arrangements & Procedures	Workplace Stress Policy
Hot Work Policy	

7.0 FINANCIAL IMPLICATION(S)

7.1 None.

8.0 INTEGRATED IMPACT ASSESSMENT

Integrated Impact Assessment (Summary)

	Positive Impacts	Negative Impacts	Not Applicable
1. Merthyr Tydfil Well-being Objectives	0 of 4	0 of 4	4 of 4
2. Sustainable Development Principles - How have you considered the five ways of working: <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	5 of 5	0 of 5	0 of 5
3. Protected Characteristics <i>(including Welsh Language)</i>	0 of 10	0 of 10	10 of 10
4. Biodiversity	0 of 1	0 of 1	1 of 1
<p><u>Summary:</u></p> <p>The main positive impacts are... the proposal has a positive impact on the sustainable development principles, and doesn't impact the Well-being Objectives</p> <p>The main negative impacts are ...No negative impacts have been identified</p>			

ELLIS COOPER
CHIEF EXECUTIVE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
& CORPORATE SERVICES

BACKGROUND PAPERS

Title of Document(s)	Document(s) Date	Document Location
All policies Listed in paragraph 6	Various	Members Lounge and the Intranet
Does the report contain any issue that may impact the Council's Constitution?		

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.