

**Personnel Panel – 29 June 2009****REVIEW AND UPDATE OF PERSONNEL POLICIES AND PROCEDURES****Report of the Head of Human Resources**

**Statutory Powers:** Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2008, Employment Act 2008 (Commencement No.1, Transitional Provisions and Savings) Order 2008 (SI 2008/3232), Acas code of practice on disciplinary and grievance procedures, Discipline and grievances at work: the Acas guide.

**Financial Implications:** There are no perceived financial implications in introducing the proposals.

**Purpose**

To inform Members of the proposed amendments to the stated policies and procedures.

**RECOMMENDATIONS**

**That the Personnel Panel RESOLVES to:-**

- (a) approve the proposed amendments to the procedures as detailed in this report and attached documents;**
- (b) grant delegated authority to the Head of Human Resources or such position or body as it sees fit, to make minor amendments due to job title or committee title changes referred to in the policies and procedures, e.g. due to shared services and management teams; restructures or similar changes.**

**Background**

1. The Disciplinary and Grievance procedures and the Managing Attendance Policy were all subject to major reviews in 2008 and it was stated at the time that there would be further reviews after 12 months.
2. There have, in the meantime, been changes in the law relating to these policies and procedures. This particularly affects dismissals of any kind and as a result ACAS have revised their code of practice and guidelines. Although the new provisions are less stringent than the old Statutory Dismissals Procedure, nevertheless our policies and procedures need to reflect the changes including the increased emphasis on using mediation where appropriate.
3. The policies and procedures referred to have thus been subject to some redrafting to reflect the changes referred to above and in the case of the disciplinary procedure in particular, there are also changes to clarify certain areas where questions were raised during the course of the serious cases which have taken place in the last year.

4. Fortunately, the policies and procedures are robust and the changes required are not too extensive. The biggest change is the inclusion of specific sections on mediation in the Disciplinary and Grievance procedures. In the case of the Managing Attendance Policy they are extremely minor being just the change of title due to the formation of the Joint Management Team with West Devon Borough Council as it otherwise referred to mediation and there have been no real problems encountered during its operation over the last year or so.
5. Copies of the proposals are attached which show all changes from the existing policies and procedures in red. These have been discussed and approved at SMT, the Trade Union / Management forum and Staff Forum as required for the introduction or major updates of policies and procedures. It is proposed that these be approved with a review to take place in 12 months time in which case the dates in the footer will be amended accordingly.

### **Risk Assessment**

The following are the significant risks and opportunities identified:

Opportunity	Issues / Obstacles	Benefits
This is an opportunity to ensure that managers have up to date policies and procedures to work from and that they are actively managed and reviewed to meet statutory and Council requirements.	There have been no major obstacles to the operation of the policies and procedures which have proved robust and meet all essential requirements of even the latest changes.  However, if we do not ensure that the latest statutory changes and ACAS guidelines are taken into account then there is an increased risk of being unable to defend an unfair dismissal or discrimination claim.	The changes will demonstrate to managers and staff that we are actively keeping up with changing requirements; will encourage managers to use the policies and procedures effectively and will help to reduce the risk of being unable to effectively defend claims for unfair dismissal or discrimination. .

### **Conclusion**

The Panel is asked to approve the amendments as proposed in the report and appended documents and create suitable provision in the Scheme of Delegations to allow for minor changes to these Personnel policies and procedures to be made.

Roger Adams  
Senior Personnel Officer

Personnel Panel  
29 June 2009

Jan Montague  
Head of Human Resources

### **Background Documents:**

Disciplinary Procedure  
Grievance procedure  
Managing Attendance Policy