

BASSETLAW

DISTRICT COUNCIL
NORTH NOTTINGHAMSHIRE

JOINT EMPLOYEE COUNCIL

AGENDA

Meeting to be held in
The Council Chamber,
Town Hall, Retford

on

Wednesday, 19th June 2013

at

2.30 p.m.

(Please note there will be no pre-meeting)

**(Please turn off mobile telephones during meetings.
In case of emergency, Members/officers can be contacted on the
Council's mobile telephone: 07702 670209)**

Bassetlaw - Serving North Nottinghamshire

District Council Offices, Potter Street, Worksop, Notts. S80 2AH.

JOINT EMPLOYEE COUNCIL

Membership 2013/14

Councillors C. Entwistle, S. A. Greaves, J. A. Leigh, S. May and J. B Rickells

Substitute Members: In the event of any member of either side being unable to attend any meeting, another representative may be appointed to attend in his/her place, provided that the substitute is drawn from the same area of representation as the member unable to attend

Quorum: 2 Members

Lead Officer for this Meeting

Mr. L. Hull - Ext. 4136

Administrator for this Meeting

Cara Crossland - Ext. 3254

JOINT EMPLOYEE COUNCIL

Wednesday, 19th June 2013

AGENDA

1. NOMINATIONS FOR THE ELECTION OF CHAIRMAN
2. NOMINATIONS FOR THE APPOINTMENT OF VICE-CHAIRMAN
3. APOLOGIES FOR ABSENCE
4. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS *
(Members' and Officers' attention is drawn to the attached notes and form)
 - (a) Members
 - (b) Officers
5. MINUTES OF MEETING HELD ON 12th MARCH 2013 * (pages 7 – 10)
6. MINUTES FOR ACTION * (pages 11 – 12)
7. OUTSTANDING MINUTES LIST * (page 13)

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None

Other Decisions

8. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES*
 - (a) Employee Suggestion Scheme (pages 15 – 26)
 - (b) Annual Employee Award Scheme (pages 27 – 34)
 - (c) Work Life Balance Agreement – Legal Updates (pages 35 – 40)
 - (d) Appeals Procedure (pages 41 – 48)

The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.

SECTION B - ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None

Other Decisions

9. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES *
 - (a) Review of Agency Workers (pages 49 – 56)

10. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

* Report attached

NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
 2. Copies can be requested by contacting us on 01909 533249 or by email:
cara.crossland@bassetlaw.gov.uk
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DECLARATION OF INTEREST

COMMITTEE

DATE

NAME OF MEMBER :

Type of Interest

- 1. **Disclosable Pecuniary**
- 2. **Non Pecuniary**

| Agenda Item No. | REASON * | Type of Interest (1 or 2) |
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Note:

* When declaring an interest you must also state the nature of your interest.

Completion of this form is to aid the accurate recording of your interest in the Minutes. The signed form should be provided to the Minuting Clerk at the end of the meeting.

A nil return is not required.

It is still your responsibility to disclose any interests which you may have at the commencement of the meeting and at the commencement of the appropriate Agenda item.

DECLARATION OF INTERESTS

HOW TO USE THIS FORM

There are now only two types of Declaration of Interest:

| | | |
|---------------------------------|---|---|
| Disclosable Pecuniary Interests |) | Details can be found in the Councillors Code of Conduct which is contained in the Council's Constitution (a summary is printed below) |
| |) | |
| |) | |
| Non Pecuniary Interests |) | |

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

Disclosable Pecuniary Interests

May relate to employment, office, trade, profession or vocation carried on for profit or gain
May relate to sponsorship
May relate to contracts
May relate to interests in land
May relate to licences to occupy land
May relate to corporate tenancies
May relate to securities

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- withdraw from the room
- not seek improperly to influence a decision on the matter

Non Pecuniary Interests

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

Action to be Taken

Must disclose to the meeting
- existence of the interest
- the nature of the interest
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

JOINT EMPLOYEE COUNCIL

Minutes of the meeting held on Tuesday, 12th March 2013 at Worksop Town Hall

Present:

Employer's Representatives:

Councillor G Wynne (Chairman for the meeting)
Councillors C Entwistle, S May, D R Pressley and J B Rickells

Employee Representatives:

P Rodgers and J Rose

Officers in attendance: D Armiger, C Crossland and L Hull

ACTION BY:

(The Chairman welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure.)

33. NOMINATIONS FOR THE ELECTION OF CHAIRMAN

RESOLVED that Councillor G Wynne be elected Chairman for the meeting.

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Greaves and Employee Representative, K Circuit.

35. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

There were no declarations of interest by Members.

(b) Officers

There were no declarations of interest by officers.

36. MINUTES OF MEETING HELD ON 11TH DECEMBER 2012

RESOLVED that the Minutes of the meeting held on 11th Decmeber 2012 be approved.

37. MINUTES FOR ACTION

RESOLVED that the Minutes for Action be received.

38. OUTSTANDING MINUTES LIST

In relation to Outstanding Minute Number 10(a), Review of Agency Workers, the Head of Human Resources advised that he has met with K Circuit regarding undertaking an exercise to look at the number of consultants. They have agreed to meet on a monthly basis and report any concerns to the Joint Employee Council.

RESOLVED that the Outstanding Minutes List be received.

39. CHANGE OF AGENDA ORDER

The Chairman advised a change in Agenda order so that Items No. 7, Items for Discussion in Private, would be considered first.

40. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agree that the following items of business involve the likely disclosure of exempt information as defined in Paragraph 1, 2 and 4, and, therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

- Agenda Item 7(a) – Staff Car Parking – Paragraphs 1 and 2
- Agenda Item 7(b) – Living Wage Supplement – Paragraph 4
- Agenda Item 7(c) – Review of Agency Workers – Paragraph 4

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

41. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) **Staff Car Parking**

Members were presented with a report which outlined proposed changes to staff car parking. The Head of Community Prosperity advised that following discussions with the trade unions it is proposed to defer the report to the next meeting of the Joint Employee Council after further consultation has taken place.

RESOLVED that the report be deferred to the next meeting of the Joint Employee Council to give the unions the opportunity to consult members.

(b) **Living Wage Supplement**

Members were presented with a report which outlined the proposed adoption of a Living Wage supplement to enhance pay rates for staff earning below the living wage. The Living Wage is different from the minimum wage; it is a discretionary scheme and is a subjective value test to define to socially acceptable minimum standard of living for workers and their families.

Members commended the proposal.

RESOLVED that the report be noted and the adoption of a Living Wage Supplement, effective from 1st April be recommended to Cabinet.

(c) Review of Agency Workers

The Joint Employee Council were updated on the use of agency workers for the period 1st October 2012 to 31 December 2012.

RESOLVED that the report be noted

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

42. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Employee Suggestion Scheme

Members were presented with a draft proposed Employee Suggestion Scheme and were asked to comment. A revised Employee Suggestion Scheme has been developed to encourage improvements in delivery of Council services. Three types of awards were proposed, the rewards have yet to be determined. The Head of Human Resources suggested that the reward could be in the form of vouchers or annual leave. The Head of Human Resources advised that he would like a union representative on the assessment panel.

Members commented that the scheme is a good idea and that employees have good ideas which should be valued and recognised. It was suggested that a ceremony could be held annually to recognise Valued Awards. Members suggested that employees with 100% attendance could also be acknowledged at the ceremony.

RESOLVED that the Scheme be finalised and a further report be submitted to the next Joint Employee Council to recommend the final version of the Scheme to Cabinet for approval.

(b) Annual Leave Policy and Procedure

Members were presented with the proposed Annual Leave Policy and Procedure. The Policy details the management of annual leave which reflects employment legislation and recent case law and provides clarity for employees and managers. Recent case law with regard to long term sickness has established principles in relation to statutory leave.

RESOLVED that the Annual Leave Policy and Procedure be referred to Cabinet for adoption, with an implementation date of 1st April 2013 to co-ordinate with the new leave year. This will ensure that the Council meets its legal obligations in relation to annual leave and sickness, whilst mitigating the financial cost burned associated with the changes.

(c) Employee Survey Results – 2012/13

Members were presented with the results of the 2012 corporate wide Employee Attitude Survey and were invited to make comments/ suggestions to feed into the responding action plan. The survey was sent to all employees and 62.5% of employees responded. The majority of results were positive; there was similarity to some of the outcomes of the latest Investors in People (IIP) Assessment in terms of improvement areas and actions.

Members highlighted areas of concern: appraisals; team briefs; training; and the weekly newsletter. Members felt that different areas of the Council working together needed improvement.

The Head of Human Resources advised that similarly to the outcome of the IIP assessment appraisals are a concern and Managers will be supported to ensure that they complete the appraisal process in a timely manner. He advised that the appraisal round has commenced and suggested that an update report be presented to the next meeting giving a general summary and outlining how they are fed into training and service delivery plans.

RESOLVED that:

1. The report be noted.
2. The Communications Manager advise Members in relation to the staff weekly newsletter and the possibility of the newsletter being sent to all employees with an option to unsubscribe if an employee wishes to.
3. A report be presented to the next meeting in relation to the 2013 appraisal round.

(d) Appeals Procedure

Members were presented with a report which proposed to review the working of the Appeals Procedure which was adopted in 2011. Members were asked to consider the Appeals procedure and comment as appropriate as part of the review process.

The Chairman advised that the review is timely as it has been proposed to revert to the previous appeals procedure which allowed Members to sit on the Appeals Panel. This will hopefully be presented to the Council AGM in May and amended in the constitution.

Employee representatives commented that currently the Chief Executive and a Director sit on the Panel and they would feel more comfortable with Councillors sitting on the panel as they have a neutral view.

RESOLVED that a further report be submitted to the next meeting of the Joint Employee Council and bringing forward the conclusions of the Appeal Procedure review.

(e) Social Media Policy

Members were presented with the proposed Social Media Policy for use by all employees of the Council to ensure they are aware of the requirements when using social media. Social media is changing the shape of communication and is already used by sections of the Council to engage with residents. It is important that the Council has a policy in place, based upon the principles and requirements of the Harassment and Bullying Policy. The Authority is entitled to take action against an employee who brings their employer into disrepute.

RESOLVED that the contents of the report be noted and the Social Media Policy be referred to Cabinet for adoption.

43. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

As there was no other urgent business to discuss, the Chairman closed the meeting.

MINUTES FOR ACTION AND IMPLEMENTATION SHEET

JOINT EMPLOYEE COUNCIL

12/03/13

FROM: Democratic Services Officer TO: Head of Human Resources

The following decisions are brought to your attention for action by the appropriate Officers within your Service:

41. REPORT(S) OF THE EMPLOYERS REPRESENTATIVES

(a) Staff Car Parking

RESOLVED that the report be deferred to the next meeting of the Joint Employee Council to give the unions the opportunity to consult members.

(b) Living Wage Supplement

RESOLVED that the report be noted and the adoption of a Living Wage Supplement, effective from 1st April be recommended to Cabinet.

42. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES

(a) Employee Suggestion Scheme

RESOLVED that the Scheme be finalised and a further report be submitted to the next Joint Employee Council to recommend the final version of the Scheme to Cabinet for approval.

(b) Annual Leave Policy and Procedure

RESOLVED that the Annual Leave Policy and Procedure be recommended to Cabinet for adoption, with an implementation date of 1st April 2013 to co-ordinate with the new leave year. This will ensure that the Council meets its legal obligations in relation to annual leave and sickness, whilst mitigating the financial cost burned associated with the changes.

(c) Employee Survey Results – 2012/13

RESOLVED that:

1. The report be noted.
2. The Communications Manager advise Members in relation to the staff weekly newsletter and the possibility of the newsletter being sent to all employees with an option to unsubscribe if an employee wishes to.
3. A report be presented to the next meeting in relation to the 2013 appraisal round.

(d) Appeals Procedure

RESOLVED that a further report be submitted to the next meeting of the Joint Employee Council and bringing forward the conclusions of the Appeal Procedure review.

(e) Social Media Policy

RESOLVED that the contents of the report be noted and the Social Media Policy be recommended to Cabinet for adoption.

JOINT EMPLOYEE COUNCIL**Wednesday, 19th June 2013****OUTSTANDING MINUTES LIST**

Members please note that the updated positions are shown in bold type following each item.
(HHR = Head of Human Resources)

| <u>Min. No.</u> | <u>Date</u> | <u>Subject</u> | <u>Decision</u> | <u>Officer Responsible</u> |
|------------------------|--------------------|-----------------------------------|--|-----------------------------------|
| 41(a) | 12.03.13 | Staff Car Parking | That the report be deferred to the next meeting of the Joint Employee Council to give the unions the opportunity to consult members. Report to be presented to a future meeting | HCP |
| 42(a) | 12.03.13 | Employee Suggestion Scheme | That the Scheme be finalised and a further report be submitted to the next Joint Employee Council to recommend the final version of the Scheme to Cabinet for approval. See Agenda Item No. 8(a) | HHR |
| 42(c) | 12.03.13 | Employee Survey Results – 2012/13 | (3) A report be presented to the next meeting in relation to the 2013 appraisal round. Verbal update to be given at the meeting | HHR |
| 42(d) | 12.03.13 | Appeals Procedure | That a further report be submitted to the next meeting of the Joint Employee Council and bringing forward the conclusions of the Appeal Procedure review. See Agenda Item No. 8(d) | HHR |

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

19 June 2013

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL
DEVELOPMENT**

Employee Suggestion Scheme

Cabinet: Policy
Contact: Len Hull
Ext: 3266

1. Public Interest Test

1.1 The author of this report has determined that this report is not confidential.

2. Purpose of the Report

2.1 To present to JEC for comment reward structure update and proposals in respect of the new draft Employee Suggestion Scheme for Bassetlaw Council.

3. Background and Discussion

3.1 JEC previously expressed a desire for Bassetlaw Council to consider development and introduction of an Employee Suggestion Scheme. In response Human Resources brought to JEC, at its March 2013 meeting, a draft proposed Employee Suggestion Scheme, including early consultation on potential reward amounts/types and levels.

3.2 Following JEC support for the draft Scheme, at the March 2013 meeting, further consideration and TU consultation has subsequently taken place in terms of appropriate reward types/levels.

3.3 Employee Suggestion Schemes are well established in many organisations, due to their perceived benefits, including, for example:

- Staff feel valued if their ideas and suggestions are sought, listened to and acted upon, more valued staff feel more engaged and motivated and motivated staff perform more productively;
- Employees at all levels may have good, positive ideas on how the organisation can improve its efficiency or effectiveness and/or customer experience, which may get missed if there is not an effective tool/process in place to actively encourage and enable such ideas to be fed into management for consideration and implementation.
- Appropriately rewarding positive suggestions, via a suggestion scheme reward structure, is recognised to incentivise staff to make suggestions.

4. Employee Suggestion Scheme- Potential Reward Structure

4.1 In terms of reward structures for employee suggestions research shows that the vast majority of organisations have a lower level(s) of reward recognised as an 'encouragement' reward(s) and a higher level 'financial benefit' reward(s). The vast majority reward in gift vouchers, as this is flexible and simplifies administration and arrangements when considering NI and Tax rules and implications. A few offer alternative reward options which support work life balance, for example, allowing additional flexi credit/annual leave to the equivalent value of the reward/voucher which would have been payable.

4.2 There are important Tax and NI declaration and contribution considerations to be taken into account in proposing and agreeing reward structures. Basically awards granted under employee suggestion schemes are (only) exempt from Tax and NI declarations and payment *if* they meet the following criteria:

- *Encouragement Awards* – an award(s) up to a maximum value of £25 can be made under Tax and NI exemptions (any such award above £25 would become liable to Tax and NI procedures and payments)
- *Financial Benefit Awards* – these must relate to an improvement in efficiency or effectiveness and the Council must have decided to adopt the suggestion and reasonably expect its implementation to lead to a financial benefit for the Council. Additionally the value of the reward made must also be up to the greater of the following:
 - 50% of the financial benefit the Council reasonably expect the suggestion to lead to in the first year following its adoption, or
 - 10% of the financial benefit the Council reasonably expect in the first five years following adoption

(any part of an award in excess of or totally outside of the above criteria would count as earnings and become liable for Tax and NI).

4.3 In view of the above and the outcome of further TU consultation it is now proposed that appropriate approval be pursued (including identification/establishment of the necessary associated budget) for the following for Bassetlaw Councils Scheme:

Encouragement Award – A memento award (e.g. Pen/Certificate of Recognition/thanks)

Special Award- £20 gift voucher or up to 1 day additional leave

Annual Valued Award- £200 in gift vouchers or up to 1 day additional leave

The draft Scheme incorporating/reflecting the above reward structure is attached at Appendix 1.

4.4 It is envisaged that the 'encouragement' and 'special awards' would be the awards normally/most regularly issued, with the 'valued' award being an annual award option for more exceptional suggestions which are implemented and have significant and real impact. The level of activity in practice would need to be monitored and reviewed in this regard, as appropriate.

5. Implications

a) Financial – 14/819

A budget of £5k will be needed for this initiative. There is currently no Employee Suggestion Scheme budget.

b) Legal – 162/06/13

c) Human Resources.

The Human Resource implementations are as detailed throughout this report.

d) Community Safety, Equalities, Environmental.

There is equal access to all staff regarding the opportunity to raise suggestions and receive benefit under the Scheme.

6. Options, Risks and Reasons for Recommendations

5.1 The options are:

a) Not to have a Scheme, or

b) To implement a Scheme with a rewards structure, as appended

c) To propose alternative reward value structure under the Scheme

5.2 Option b) is recommended as benchmarking of other organisations indicates this to be a fair and appropriate reward structure, in the context of local government, and additionally this takes into account Tax and National insurance rules and recommendations in relation to employee reward structures.

7. Conclusions

7.1 Employee Suggestion Schemes are a positive tool to engage staff and encourage new and additional efficiency and effectiveness suggestions, in terms of service improvements and economical use of available resources. The potential benefits of implementation of an Employee Suggestion Scheme, with the reward structure proposed, are considered to outweigh resources required to run the Scheme.

8. Recommendations

8.1 That JEC note the report and comment as appropriate on the proposed reward structure/values (which are subject to establishment of appropriate budget and appropriate Council approval of the Scheme).

Background Papers

Location

Bassetlaw Council

Draft/Proposal:

Employee Suggestion Scheme

SCHEME POLICY AND PROCEDURE

1. INTRODUCTION

Aims of the Scheme

1.1 The aim of the scheme is to encourage all employees to develop and submit ideas (for example, a change to processes or procedures), which lead to one or more of the following:

- Improvements in our service to customers
- Improvements in productivity or efficiency
- Achieving cost savings/economies
- Improvements in working methods and use of our Council's spending
- Safer working conditions

Constructive suggestions will be welcomed on any topic and will not be limited to the above headings.

Benefits of the Scheme

1.2 The expected benefits include:

- Encouraging employee participation
- Identifying opportunities for improving services and making savings
- Giving employees recognition for good ideas
- Ensuring that there are no obstacles which prevent employees from putting forward suggestions
- Assuring employees that their idea will be given detailed consideration and be judged on its merits

2. ELIGIBILITY

Who the scheme is open to

2.1 The scheme is open to all employees, with the exception of the Chief Executive and Directors/Corporate Management Team (CMT).

Suggestions excluded from scheme/awards

2.2 Generally employees will not be eligible for an award if they put forward an idea which falls within their own area of responsibility. Eligibility can be determined by answering the following:

- Could the employee reasonably have been expected to put forward such a suggestion as part of their duties? If the answer is no, then the suggestion could be eligible for an award.

Each suggestor will be required to declare any involvement in the area referred to by the suggestion.

2.3 Ideas will not be eligible if they deal with any suggestion, which it can be demonstrated has been previously already been suggested by another employee and/or decided upon by management, but not yet put into practice.

- 2.4 Anyone will be able to submit a suggestion, not previously adopted, provided that one whole year has elapsed since the same suggestion was last submitted.
- 2.5 Ideas that conflict with Trade Union Agreements, legal rights and obligations and equal opportunities will be excluded from the scheme.
- 2.6. Normally, employees who have left the Council between submitting a suggestion and the evaluation will be excluded from any award unless there are exceptional circumstances (CMT's decision). It will be up to the employee to ensure that they are contactable.

3. HOW SUGGESTIONS ARE SUBMITTED

- 3.1 Suggestions may be made online, via completion of a simple suggestion slip/form, located within the Councils Intranet site. Alternatively, if employees prefer to complete a hard copy/manual version of the suggestion form/slip they may do so, via their line manager, who will ensure this is notified to Human Resources for coordination with all other online suggestions. (If an employee requires support in submitting a suggestion or, for example, needs to submit a suggestion in an alternative format this can be reasonably accommodated, following consultation with Human Resources).

4. ASSESSMENT OF SUGGESTIONS

- 4.1 The evaluation of an idea and the determination of the award for a suggestion are separate processes, which involve different considerations.
- 4.2 The evaluation of each suggestion is carried out initially by the relevant line manager, in consultation with their Director, as appropriate, using objective and predetermined Assessment Criteria. This ensures that suggestions are dealt with in a fair and consistent manner and that CMT are supplied with quantifiable information to assist in making the appropriate award.
- 4.3 When assessing suggestions the following factors should be considered:
 - The amount of time and effort devoted to developing the suggestion
 - The originality and innovation of the suggestion
 - The costs and practical implementation
 - The improvements in the level of service provision likely to be achieved as a result of the suggestion
 - The improvements in the quality of service and human relations
 - The level of capital and / or revenue savings likely to accrue directly from the suggestion and over what period
- 4.4 Where a valued award is recommended it is the responsibility of the Director to provide quantifiable supporting information to assist the CMT in making the most appropriate award.

5. AWARDS

Types and Levels of Awards

| | |
|---|--|
| <p>1. <i>Encouragement Award</i> Suggestions that are not implemented but merit recognition. Normally presented by Directors.</p> | BDC Memento/Certificate |
| <p>2. <i>Special Award</i> Suggestions that can be implemented and result in practical benefits to the Council, but have no significant financial saving. Normally presented by Chief Executive</p> | £20 voucher (or up to 1 day additional leave) |
| <p>3. <i>Valued Award – Annual ‘Award of the Year’</i> For suggestions leading to quantifiable savings and/or identifiable significant and sustainable improvements ie in performance, efficiency and level of service provision. Normally presented by Chief Executive.</p> | £200 voucher (or up to 1 day additional leave) |

- 5.1 In considering making an award and the level of award, members of CMT will consider the information supplied by the appropriate Director following the evaluation process.
- 5.2 Where awards have been made but circumstances have changed (i.e. benefits to the Council have exceeded expectations), a review may be carried out within 12 of the initial award or a period specified by CMT. It is the responsibility of the Suggester or Management to inform CMT of any changes in circumstances.
- 5.3 It should be noted that there is no contractual right or guarantee to awards for suggestions made under the scheme and the amount of any award is dependent entirely on the discretion of Bassetlaw Councils senior management.

6. TAX AND NATIONAL INSURANCE IMPLICATIONS

- 6.1 The Awards (under 1. and 2. above) are exempt from Tax and NI contributions, as these are recognised as ‘encouragement awards’ and are within the maximum (£25) value set for such awards within current Tax and NI related rules and regulations.
- 6.2 Awards under 3. above will need to meet the following specific criteria (as set within current Tax and NI exemption rules and regulations) to be regarded as exempt from Tax and NI reporting and payment liabilities:
- It relates to an improvement in efficiency or effectiveness
 - The Council have decided to adopt the suggestion
 - The Council reasonably expect the suggestion’s implementation to lead to a financial benefit, and

The award is regarded a 'Financial Benefit' Award and its value (i.e. £200 is up to the **greater** of the following:

- 50% of the financial benefit the Council reasonably expect the suggestion to lead to in the first year following its adoption, or
- 10% of the financial benefit the Council reasonably expect in the first five years following adoption.

Note: Any part of an award in excess of or totally outside of the above criteria would count as earnings and become liable for Tax and NI.

7. IMPLEMENTATION

- 7.1 The CMT determines if a suggestion can be realistically implemented. Suggestions which are supported, but which cannot be implemented can receive an Encouragement Award.
- 7.2 Where a suggestion is to be implemented the appropriate Director will be responsible for ensuring implementation takes place as agreed in order that the full potential of the suggestion is realised. Human Resources will also notify the Suggester that the suggestion is to be implemented.
- 7.3 CMT and Human Resources will monitor the progress of all supported suggestions to ensure that the agreed actions have been undertaken. The impact of suggestions following implementation will be measured, monitored and formally reported, as appropriate.

8. ADMINISTRATION

- 8.1 Human Resources will be responsible for the overall maintenance of the scheme, which involves responsibility for:
- Acknowledging suggestions, normally within 5 working days
 - Logging each suggestion and allocating a unique reference number
 - Filtering out duplicate suggestions
 - Separating complaints from ideas
 - Ensuring Line Managers and/or Directors (as appropriate) respond on time and provide the necessary paperwork
 - Monitoring and evaluating the scheme, ensuring all deadlines are adhered to.
 - Ensuring suggesters are informed of progress/the outcome of each suggestion.
 - Arranging suggestions to CMT meetings and ensuring all the necessary information is available
 - Supporting arrangements to ensure appropriate and timely presentation and celebration of awards to suggestors.
 - Re-evaluating this scheme periodically.
- 8.2 CMT will consider each employee suggestion placed before them. They will decide whether the suggestion should be recommended for implementation and the level of award (if appropriate).
- 8.3 Where a member of CMT declares a direct involvement with a particular suggestion they will be required to leave the meeting whilst the item is discussed.

9. ANONYMITY

- 9.1 Each suggestion is given a unique reference number for identification. This maintains the anonymity of the suggester and prevents potential for personal bias entering the assessment process.

10. APPEALS PROCEDURE

- 10.1 If a suggester feels aggrieved in any way about the manner in which a suggestion has been dealt with, they can write to the Chief Executive asking for the case to be reviewed, giving the reasons for the request.
- 10.2 The Chief Executive must receive any appeal within 30 days of the date stated on the original correspondence.

11. PATENTS

- 11.1 Any improvements suggested will normally become the property of Bassetlaw Council. If, however, a suggestion received has applications outside of the organisation the intellectual Copyright will remain with the suggestor, unless a legal agreement can be reached on how the benefits of the suggestion can be shared.

EMPLOYEE SUGGESTION SCHEME

SUGGESTION SLIP:

YOUR NAME AND CONTACT DETAILS:

YOUR SERVICE AREA/TEAM:

OUTLINE OF YOUR SUGGESTION/ IDEA:

IMPROVEMENT EXPECTED IF YOUR SUGGESTION IS TAKEN ON BOARD:

(Include details where possible – e.g. type and value of change/improvement, who might benefit, how? etc.)

DATE: _____

PLEASE COMPLETE ONLINE WHERE POSSIBLE, IF COMPLETING HARD COPY RETURN TO:
HUMAN RESOURCES, QUEENS BUILDINGS, POTTER STREET, WORKSOP, S80 2AH.

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

19 June 2013

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL
DEVELOPMENT**

Annual Employee Award Scheme

Cabinet: Policy
Contact: Len Hull
Ext: 4136

1. Public Interest Test

1.1 The author of this report has determined that this report is not confidential.

2. Purpose of the Report

2.1 To present to JEC a draft Annual Employee Award Scheme in respect of the new draft Employee Suggestion Scheme for employees of Bassetlaw Council.

3. Background and Discussion

3.1 Our staff are our most valuable asset, and the Council employs a workforce which is extremely committed and skilled in delivering public services. In appreciation of this an annual awards scheme has been developed to recognise commitment and achievement both on an individual and team basis.

3.2 The encouragement of positive attitudes and commitment from staff can also lead to a wide range of positive benefits for the Council such as improvement in services to our customers and the public perception of the Council itself.

3.3 To ensure that the Council adopts the right approach with its staff as in recognising their efforts a draft scheme has been produced as a consultative document, for consideration by the J.E.C.

3.4 Members of the J.E.C. are invited to comment accordingly and contribute suggestions to the draft, so that the Policies Working Group can consider them, and report back to the next meeting of the J.E.C. with a more refined scheme ready for consideration and adoption.

4. Implications

a) Financial - Fin Ref:14/976

The £5k funding required will need Cabinet approval.

b) Legal – Ref. 181/06/13

There are no legal implications.

c) Human Resources.

The Human Resource implementations are as detailed throughout this report.

d) Community Safety, Equalities, Environmental.

There is equal access to all staff regarding the opportunity to raise suggestions and receive benefit under the Scheme.

5. Options, Risks and Reasons for Recommendations

5.1 The options are:

a) Not to have a Scheme, or b) To adopt a scheme to recognise the contributions of Council Employees'.

5.2 Option b is recommended as benchmarking of other organisations indicates this to be a fair and appropriate process for recognising employee excellence.

6. Conclusions

6.1 Employee Award Schemes are a positive tool to engage staff and encourage their contributions. The potential benefits of implementation of an Employee Award Scheme, are considered to outweigh resourcing issues required to run the Scheme.

7. Recommendations

7.1 That the Joint Employee Council note and comment as appropriate on the proposed draft Award Scheme, so as to include those comments in a finalised version to be brought to the next meeting of the JEC.

7.2 That Cabinet approval is sought for the £5k funding required.

Background Papers

Location

Bassetlaw Council

Draft/Proposal:

Annual Employee Award Scheme

1. What is this Scheme about?

Aims of the Scheme

- 1.1 The aim of the scheme is to recognise, the value of its employees and the contributions they can make to the successful delivery of services. Under this Scheme the Council would like to hear about any employees and teams that have shown outstanding achievement in or commitment and dedication to their work so that it can recognise and publicise their efforts, through an annual awards scheme ceremony.

The monetary value of any award is not intended to be a main factor within the scheme- its primary aim is to formally recognise and thank staff who 'go the extra mile' and celebrate related positive achievements.

2. Who does it apply to?

Who can be nominated?

- 2.1 Any individual or team who work for Bassetlaw Council can be nominated for an Award under this Scheme (excluding the Chief Executive and members of the Corporate Management Team).

Who can nominate staff?

- 2.2 Any employee of the Council may nominate any individual or team (other than themselves or their own team).

3. How are nominations submitted?

- 3.1 Nominations may be made at any time during the year. These can be made online, via completion of a simple nomination slip/form, located within the Councils Intranet (for staff) or Internet site (for customers who are members of the public) . Alternatively, if employees need to complete a hard copy/manual version of the nomination form/slip they may do so, via contacting Human Resources (staff). All nominations will be forwarded to Human Resources for coordination in terms of further consideration.
- 3.2 If an individual requires support or assistance in submitting a nomination or, for example, needs to submit a nomination in an alternative format this can be reasonably accommodated, following consultation with Human Resources.

4. How are nominations assessed?

- 4.1 At the end of the year each nomination will be considered by a Judging Panel who will select the appropriate employee for each award category.

The Assessment/Judging Panel

- 4.2 Judging of nominations will be via a special annual meeting of two members of the Employers side and two members of the Employees side of the J.E.C.

Judgement of Nominations

- 4.3 When assessing nominations the Panel will review the contents of the nomination, together with Line Manager comments and will consider the following factors:
- Did the employee/team exceed normal/reasonable expectations in connection with their work?
 - If so, in what regard?
 - What has been the positive benefit(s) in terms of outcomes of this action/behaviour? (e.g. exceptional customer service and feedback; cost savings or exceptional improvements to the Council/Services via commitment or ideas generated outside/beyond that expected of the job role).

5. What are the Awards?

Award categories for nominations

- 5.1 There are the following categories:
- Team of the Year
 - Directorate Team of the Year (one per Directorate)
 - Individual Employee of the Year
 - Directorate Employee of the Year (one per Directorate)
 - Outstanding Customer Services Leaders Award for Outstanding Personal Achievement
- 5.2 Normally, employees nominated who have left the Council between being nominated and considered for award, by the assessment Panel, will become excluded from any award unless there are exceptional circumstances.

6. How will the awards be celebrated and publicised?

- 6.1 The Council will organise an appropriate annual awards distribution and celebration event and will appropriately communicate and publish successful nominations. (Should any nominators or winning nominees specify that they wish to remain anonymous this will be accommodated).

7. Management and implementation arrangements for the Scheme

Implementation and Administration of the Scheme

- 7.1 Nominations under this Scheme will be coordinated through the process by Human Resources.

Human Resources will be responsible for the overall maintenance of the scheme, which involves responsibility for:

- Acknowledging nominations, normally within 5 working days of receipt
- Logging nominations received
- Ensuring Line Managers and/or Directors (as appropriate) have opportunity to comment on nominations of staff in their team/service areas
- Monitoring and evaluating the scheme in operation
- Ensuring nominees are informed at key stages in terms of their nomination.
- Supporting arrangements to ensure appropriate and timely consideration of nominations and subsequent presentation and celebration of awards to nominees.

MONITORING AND REVIEW OF SCHEME

- 7.2 The Scheme will be monitored and reviewed periodically and may be subject to change, as deemed necessary.

EMPLOYEE RECOGNITION AWARD SCHEME

Help the Council thank staff who have been exceptional.....go ahead and nominate!

NOMINATION FORM:

YOUR CONTACT DETAILS:

Name:

Address/Location: _____

Tel. Number: _____

E Mail address: _____

ARE YOU MAKING THIS NOMINATION AS:

(J Tick as appropriate)

An employee of the Council _____

A customer of the Council /member of the Public _____

WHO ARE YOU NOMINATING?

(J Tick as appropriate)

A) An individual Employee

or,

B) A team/group of staff within the Council

NAME OF EMPLOYEE/NOMINEE, OR TEAM/GROUP, AS APPROPRIATE:

If you are nominating a team please list their names here:

DESCRIBE THE ACTION/BEHAVIOUR THAT MADE A DIFFERENCE AND FOR WHICH YOU ARE NOMINATING THIS INDIVIDUAL OR TEAM:

DATE _____

| |
|------------------------|
| OFFICE USE ONLY |
|------------------------|

LINE MANAGER COMMENTS ON NOMINATION:

(Do you support/endorse this nomination in line with the Scheme aims? explain your answer and include comments on how the Council/your service area has benefited from this individuals/teams actions or behaviours, as per this nomination)

NAME OF LINE MANAGER _____ **DATE:** _____

PLEASE COMPLETE ONLINE WHERE POSSIBLE, IF COMPLETING HARD COPY RETURN TO:
QUEENS BUILDINGS, POTTER STREET, WORKSOP, S80 2AH- FAO HUMAN RESOURCES.

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

19 June 2013

**REPORT OF HEAD OF HUMAN RESOURCES AND ORGANISATIONAL
DEVELOPMENT**

Work Life Balance Agreement – Legal Updates

Cabinet: Policy
Contact: Len Hull
Ext: 3266

1. Public Interest Test

1.1 The author of this report has determined that this report is not confidential.

2. Purpose of the Report

2.1 To present to JEC for information recent updates to the original Work Life Balance Agreement, to reflect and incorporate recent legislative changes (increases in the amount of statutory parental leave and SMP pay rates).

3. Background and Discussion

3.1 JEC considered and gave their approval to the Councils original Work Life Balance Agreement in 2003.

3.2 The Work Life Balance Agreement basically pulls together and summarises the range of initiatives and options available within the Council which support and fall under the umbrella of work-life-balance for employees.

3.3 All Human Resource employment policies and procedures are kept under review to be updated, as appropriate, in terms of any changes necessary to incorporate any new and amended legislation arising.

4. Parental Leave - Increase in statutory parental leave rights

4.1 In March 2013 government implemented an increase in employees' rights from the previous 12 to up to 18 weeks unpaid leave. In light of this statutory change the Councils Work Life Balance Agreement provisions of 12 weeks have been increased/ updated to allow up to 18 weeks.

5. Statutory Maternity and Paternity Pay – Annual Increase in Pay Rate

- 5.1 In April 2013 the SMP rates were increased from £135.45 to £136.78 per week. The old actual SMP rate was stated in the Council’s Work Life Balance Agreement, however, as these are normally reviewed and increased on an annual basis this has led to a need to review and amend the overall Agreement on an annual basis. In response to this year’s rate increase the document has been amended to now simply refer to the ‘current SMP rate’.

6. Implications

- a) Financial – 14/327

As parental leave is unpaid should an employee choose to take the increased parental leave allowance this does not represent a cost increase for the Council. In terms of the latest annual increase in statutory maternity pay this will need to be absorbed within existing related budgets.

- b) Legal – 163/06/13.

The changes are necessary to meet statutory employment obligations.

- c) Human Resources.

The Human Resource implementations are as detailed throughout this report.

- d) Community Safety, Equalities, Environmental.

In terms of equalities the increase in parental leave further supports and enables working parents to balance work and home life, in terms of meeting childcare needs.

6. Options, Risks and Reasons for Recommendations

- 6.1 As these are statutory minimum requirements it is not a viable option not to increase the Councils Agreement to incorporate these increases.

7. Conclusions

- 7.1 The statutory changes are positive for employees, as they represent increases in the provisions.

8. Recommendations

- 8.1 That JEC note the above changes made to the Councils existing Work Life Balance Agreement, as attached at Appendix 1, to reflect the recent statutory updates.

Background Papers

Location

Work Life Balance Agreement – 2003
Employment Law Update Articles- Various

Human Resources

Worklife Balance Agreement

Purpose and Scope of the Policy

Over recent years Bassetlaw District Council and the Joint Trade Unions have jointly developed a number of Policies and Procedures designed to help employees achieve an appropriate work life balance. The purpose of this joint bulletin is to summarise existing policies and procedures, and to announce new developments.

Principles

Existing Policies/Procedures

'Family Friendly' arrangements which are already in place at the Council include:-

Maternity Leave Guidelines

For women whose expected week of childbirth (EWC) begins on or after 1st April 2007 will benefit from the new entitlements. An employee who has been employed for 26 weeks up to and including their qualifying week will be entitled to Maternity Pay consisting of 39 weeks. (The qualifying week is the 15th week before the expected week of childbirth) and is made up of:-

First 6 weeks: SMP at 90% of average weekly earnings

Next 33 weeks: SMP **at current statutory SMP weekly rate** (or 90% of average pay if less than **the current statutory SMP weekly rate**)

All employees are entitled to 52 weeks Maternity leave, made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave, regardless of how long they have worked for the Council.

An employee who wants to return to work **before** the end of her maternity leave will need to give her employer 8 weeks notice of the date she wants to return to work.

Paternity Leave

Following the birth of a child or a child being newly matched (adoption), Statutory Rights to Paternity Leave and Pay introduced in April 2003, give eligible employees the right to take paid leave to care for the child or support the mother.

Eligible employees are entitled to take up to 2 weeks paid leave to be taken before 56 days after the birth or placement for adoption, which can be taken in a single block of leave, for either 1 or 2 weeks.

Paternity Pay will be paid at Statutory Paternity Pay (SPP) rate.

Parental Leave

Parental leave is unpaid and is available to employees of both sexes. Employees who qualify for parental leave are those who have been continuously employed for a period of not less than one year and have, or expect to have, responsibility for a child (parental responsibility is defined in the Maternity and Parental Leave etc Regulations 1999, regulation 13(2)).

An employee is entitled to **18 weeks' leave** in respect of any individual child - an employee who is a parent of multiple birth children or several children of different ages under five will be entitled to 18 weeks in respect of each child. The absence from work is for 'the purpose of caring for a child'.

The parents or adoptive parents of a child who has been awarded Disability Living Allowance are each entitled to up to 18 weeks' parental leave until the child's 18th birthday.

The period of parental leave will be unpaid but is treated as continuous service.

Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled).

Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given to the Line Manager/Supervisor at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.

When giving notice evidence must be provided for the child's date of birth or date on which placement for adoption began, and where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to Disability Living Allowance.

Flexi-time

The flexi-time arrangements are 7.30am – 10.00am, core hours of 10.00am to 11.30am, lunch from as early as 11.30am until as late as 2.30pm, core hours from 2.30pm – 3.30pm and a latest leave time of 6.00pm.

Job Share

Job Sharing is an arrangement where two people voluntarily share the duties and responsibilities of one post. Remuneration and other benefits are shared between the Job Sharers in proportion to the hours each has worked. Its main characteristics

therefore are pro-rata terms and conditions and the deliberate division of the functions which would normally be the sole responsibility of a single employee.

Interested employees should notify their Chief Officer/Head of Service in writing of their request to Job Share and the full Policy can be located in the Human Resource Service.

Compassionate Leave

Compassionate Leave is available to all employees for 3 days or less and is authorised by the appropriate Chief Officer. Compassionate leave is used in the event of family bereavements and is 3 days for the death of immediate family members, i.e., father, mother, sister and brother. In the event of other family bereavements there is entitlement to 1 day for the funeral. This is paid leave of absence.

Extended Compassionate Leave

Appropriate Heads of Service may authorise extended compassionate leave where the request is for more than 3 days subject to a maximum of 15 days in any one year. This is paid leave of absence.

Special Leave

There is provision for employees to leave of absence without pay for a period not exceeding four weeks which may be authorised by the appropriate line manager, unit manager or Head of Service.

There is also provision for employees to request special leave (i.e., leave other than for sickness and annual leave), without loss of salary, for up to five days in any leave year. This may also be authorised by the appropriate line manager, unit manager or Head of Service.

Study Leave

Arrangements are in place for those employees who are attending an approved course of study through the Council. Time off with pay will be given to attend examinations. Time off with pay will also be given for revision time on the basis of one day per examination for an ordinary degree level or above qualification course or a half day per examination for below degree level qualification course.

For those employees pursuing training opportunities within their own time, a request for time off must be submitted to the appropriate Head of Service for approval. Full details of the Scheme of Conditions Relating to Training are available within the Human Resource Service.

Adoption Leave

Employees are encouraged, where possible, to follow the provisions laid down by the Statutory Adoption Pay regulations implemented under the Employment Act 2002, whereby adopters are entitled to up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' **additional adoption leave** - a total of up to 52 weeks' leave. Ordinary adoption leave will be paid leave at the same rate as

the standard rate of Statutory Maternity leave and additional adoption leave will be unpaid.

Statutory Adoption Pay (SAP) is payable for a period of 39 weeks:

First 6 weeks: SMP at 90% of average weekly earnings

Next 33 weeks: SMP at current weekly statutory SMP rate (or 90% of average pay if less than current weekly SMP rate)

This policy applies to all staff who have worked continuously for the Council for 26 weeks, leading into the week in which they are notified of being matched with a child for adoption, on or after 1st April 2007

An employee who wants to return to work **before** the end of their adoption leave will need to give weeks notice of the date they want to return to work.

Voluntary Reduced Work Time

This is one of the most flexible forms of reduced hours working. This has been available to some employees, on a temporary basis, to assist with caring responsibilities throughout school holidays. Any requests for reduced hours working should be made in writing to your Unit Manager/Head of Service and they will be considered on an individual basis, in line with the needs of the service.

Appointments - Hospital/Doctor/Dentist/Optician

Those employees operating on the flexi-time scheme should attempt to make medical/dental appointments within the flexi period, outside normal working hours or during annual leave. Those employees who are exempt from the flexi-time scheme are allowed the appropriate time off for medical/dental appointments during normal working hours, unless they are able to make the appointments during annual leave or outside normal working hours.

Career Breaks

A career break is an extended period of unpaid leave from work, with the intention that, at some agreed date in the future, the employee will return to work with the same employer. Any request for a career break should be made in writing to your Head of Service.

Time Off in Lieu

This is time accrued outside of the flexi-time arrangements, or normal working hours for those employees not operating on the flexi-time scheme. Time is accrued at plain time and can be taken in addition to annual leave. Any time accrued must be taken within a three month timescale and in agreement with your line manager and the needs of the service.

If employees have any queries on the above policies/procedures please contact the Human Resource Service or your relevant Trade Union Representative.

BASSETLAW DISTRICT COUNCIL

JOINT EMPLOYEE COUNCIL

19 JUNE 2013

REPORT OF THE HEAD OF HUMAN RESOURCES

APPEALS PROCEDURE

Cabinet: Policy
Contact: Len Hull
Ext. 4136

1. Public Interest Test

1.1 The author of this report Len Hull has determined that the report is not confidential.

2. Purpose of the Report








2.1 To present the new draft Appeals Procedure for consideration and agreement by members of the Joint Employee Council.

3. Background and Discussion

3.1 On 15 May 2013, the full Council approved revised committee arrangements, which included the establishment of an Appeals Committee made up of elected Members.

3.2 As a consequence of that change, the processes for hearing appeals have been reviewed, in consultation with the trade unions, and agreement reached on a revised Appeals Procedure, a copy of which draft is attached.

3.3 The Procedure sets out clearly the process to follow in lodging an appeal, preparation prior to the appeal hearing, and the procedure that will be followed during the hearing itself, as well as the possible outcomes. It establishes that appeals lodged in respect of the procedures outlined below will be heard by the Appeals Committee, with the exception of lower levels appeals lodged under those procedures, including verbal and first written warnings, which will be heard by an officer panel comprising two members of the Management Team:

-  Disciplinary Procedure
-  Grievance Procedure
-  Harassment and Bullying Policy and Procedure
-  Managing Attendance Policy and Procedure
-  Capability Procedure
-  Redundancy Procedure
-  Grading appeals (excluding NJC job evaluation appeals for which a joint employer/trade union process exists)

4. Implications
 - a) For service users
None
 - b) Strategic & Policy
As contained within the report.
 - c) Financial – Ref: 19/948
None arising from this report.
 - d) Legal – 172/06/13

The new appeals procedure is necessary to reflect the relevant amendments to the Council’s constitution (Appeals Committee).
 - e) Human Resources
As contained within the report.
 - f) Community Safety, Equal Opportunity, Environmental
None arising directly from this report.
 - g) Whether this is a key decision, and if so the reference number.
Not applicable.

5. Options, Risks and Reasons for Recommendations

5.1 Option 1

To agree to recommend to Cabinet the draft Appeals Procedure as appended. This will ensure a consistent, clear procedure is applied in each relevant circumstance.

5.2 Option 2

To suggest amendments to the attached draft document.

6. Recommendations

- 6.1 To consider the attached draft document and approve Option 1 above, which is to agree to recommend to Cabinet the draft Appeals Procedure as appended.

Background Papers

Location



Blossom In Bassetlaw...



BASSETLAW DISTRICT COUNCIL

APPEALS PROCEDURE

HUMAN RESOURCES



OUR POLICY

1. What is this Policy about?

1.1 This Procedure sets out the process which applies in the event that a case comes to appeal through any of the following procedures:

- + Disciplinary Procedure
- + Grievance Procedure
- + Harassment and Bullying Policy and Procedure
- + Managing Attendance Policy and Procedure
- + Capability Procedure
- + Redundancy Procedure
- + Grading appeals (excluding NJC job evaluation appeals for which a joint employer/trade union process exists)

1.2 This process supersedes and replaces any previously agreed Appeals Procedures contained within the Policies and Procedures stated in 1.1 above. In the event that a statutory or discretionary right of appeal is given that is not explicitly stated in a Policy or Procedure, then this Procedure will be deemed to apply.

2. Who does it apply to?

2.1 This Procedure applies to all employees, excluding those employed on JNC terms and conditions of service (Chief Officers and Chief Executives) for whom a separate Appeals Procedure exists.

2.2 This Procedure does not apply to appeals against the termination of employment during a probationary period, for which separate processes exist.

3. What are the policy intentions?

3.1 To ensure fair, proportionate processes are in place for hearing employment appeals..

3.2 To provide for appropriate support and representation for employees who wish to appeal against decisions made in accordance with any of the procedures set out in 1.1 above.

4. What are the underpinning principles?

- 4.1 The guiding principle of this Appeals Procedure is to ensure fairness and effectiveness in decision making.
- 4.2 All sanctions will remain in place pending the outcome of an appeal.
- 4.3 The Appeals Panel will be free to impose any decision or sanction and will not be bound by an earlier hearing.

OUR PROCEDURE

- 5 The 'procedure' sets out the basic, essential actions and requirements in terms of **who** is involved, **what** they need to do, **when** and **how**. It also enables the 'policy' to be effectively applied in practice.

5.1 Lodging an Appeal

An appeal must be submitted in writing to the Head of Human Resources and Organisational Development, within ten working days of the employee receiving written notification of the decision against which they wish to appeal. Appeals received outside of this time limit will not be considered.

The appeal must state whether the employee is appealing against:

- ✚ the severity of the penalty imposed;
- ✚ irregularities in the application of the procedure;
- ✚ the existence of new relevant evidence which it was not reasonably practicable to present previously;
- ✚ the decision is perverse, in that it is not simply a decision with which the appellant disagrees, but is rather a decision which could not have been arrived at by any reasonable person/panel, having heard all the facts.

In addition, in the case of a grievance appeal, the employee must set out the desired outcome they are seeking. This is because the essence of a grievance is that the employee has a complaint which they want to be remedied.

5.2 Preparation for Appeal

The employee will be given notification of the appeal date at least ten working days in advance of the scheduled appeal. Any documents which are to be used at the hearing by either side should be provided to the nominated contact at the earliest opportunity, and in any case not less than seven working days before the hearing. The nominated contact will be a member of the Democratic Services Team in the case of an appeal which is to be heard by the Appeals Committee, and a member of the Human Resources Team in the case of an appeal which is to be heard by Officers.

If either side intends to call witnesses it is their responsibility to arrange this, and the names of any witnesses must be notified to the nominated contact at the earliest opportunity, and in any case not less than seven working days before the hearing.

The documents, together with names of witnesses, will then be circulated to the Panel and to each side at least five working days prior to the scheduled appeal.

5.3 Roles and Responsibilities

Appeals lodged in respect of the procedures outlined in 1.1 above will be heard by the Appeals Committee, with the exception of lower levels appeals lodged under those procedures, including verbal and first written warnings, which will be heard by an officer panel comprising two members of the Management Team. The Chair of the Appeals Committee may at his or her discretion delegate responsibility for hearing an appeal to an officer panel, where it is deemed appropriate.

Advice at the hearing shall normally be provided by a member of the HR Team who has had no prior involvement in the case, or a member of the Legal Services Team. In circumstances where this is not possible, an alternative source of advice shall be provided.

The Officer presenting the management case at appeal should usually be the Officer who chaired the initial hearing/made the decision against which an appeal has been lodged.

The employee may be accompanied at the hearing by his or her trade union representative or work colleague. The person accompanying the employee may, at the discretion of the employee, present the employee's case. However, it is the employee's responsibility to answer any questions which may be put to them by the management representative or the Appeals Panel.

In any event where an employee or their representative fails to attend the Appeal Hearing, the Council reserves the right to proceed to hear the case in their absence. Where a representative, but not the employee, is present, the representative may present the employee's case either orally or in writing. Should neither representative nor employee attend the hearing, the written documents circulated by both parties will be used to establish the facts of the case, in order that the matter may be expedited.

5.4 Process

The process to be followed at an Appeals Hearing is set out in Appendix 1. Appeals in all cases shall be classed as confidential meetings.

6 Outcomes

The Appeals Panel may:

- ✚ Uphold the appeal and nullify the decision made at the previous stage;
- ✚ Modify the decision made at the previous stage,
- ✚ Refer the matter back for a re-hearing,
- ✚ Direct re-instatement, re-engagement or other appropriate action;
- ✚ Dismiss the appeal.

Does this policy and procedure link closely with any others?

This procedure links with the Policies and Procedures set out in 1.1 above and supersedes any appeals process contained within those procedures.

Need more information or support?

Professional support/advice: If you have read this document and relevant linked guidance/documents and you find you then need further clarification and/or support or advice, including if an alternative format or adjustment to this procedure is needed, to enable a particular need to be met (e.g. due to a disability) the following is available

For Managers: Contact the Human Resources Team

For Employees: Contact your Manager initially, who should be able to help you. If you need further support after this, contact the Human Resources Team. If you are a member of a trade union you can also get support and advice from your trade union representative.

The 'small print'

Legal and General points:

Nothing in this policy will override related prevailing legislation and/or regulations. It is written to comply with current statutory requirements regarding consultation. In the event that these requirements change the current statutory requirements will prevail.

This policy and procedure is written in compliance with the following legislation/regulations:

- Employment Rights Act 1996
- Trade Union and Labour Relations (Consolidation) Act 1992
- Equality Act 2010
- Employment Relations Act 1999
- Employment Act 2008
- Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

This policy and procedure is non-contractual and will be monitored and reviewed and may be subject to further change and amendment (following appropriate consultation and approval).

Forms attached to this policy and procedure do not form an integral part of it and may be modified at any time to ensure that the correct information is gathered/provided.

The latest version of this policy and procedure, and any accompanying documentation, will be available on the intranet.

Document control information:

Version number: 2

Author: Karen Childs, HR & OD Business Manager

Endorsed by: JEC On:

Approved by: Cabinet On:

Implementation 'Go-live' Date: