

## UNION/EMPLOYEE CONSULTATION COMMITTEE (UECC)

**Minute Extract** from of a meeting of the Union/Employee Consultation Committee of the Bolsover District Council held in the Council Chamber, the Arc, Clowne, on Thursday 27<sup>th</sup> June 2019 at 1100 hours.

### **0104. DRAFT ORGANISATIONAL POLICIES**

Committee considered a report which provided information on five recently revised Council policies being:- Capability, Probation, Disclosure and Barring Service, Learning and Development and Smoke Free.

The five policies had been revised with a view to make their processes simpler and clearer for managers and employees and to fit the corporate context and supportive work environment both council's had in place and also to ensure adherence to legislation and best practice.

Human Resources had worked with managers from both councils and the unions to regularly review working practices to ensure the organisation's policies were fit for purpose and continued the ethos of being a supportive employer.

The policies had been previously considered and approved by Strategic Alliance Management Team (SAMT) in April 2019 and subject to informal consultation with the unions in May 2019.

#### Capability Policy

The Capability Policy was a new policy which had been previously linked into the Disciplinary Policy.

The Capability Policy had been designed to ensure employees were given the support, encouragement, development and guidance they needed to achieve the levels of performance required and expected in their job role. The policy provided a framework for managing underperformance in a fair and consistent manner for all employees, when an employees' work performance fell below that expected for the role.

A Unison representative queried if the indicative timescales set out in the policy may be too short to be able to identify if they were working and the process itself seemed to appear to be fairly rigid in terms of how someone progressed before potentially facing dismissal. Also, the policy appeared unclear that if someone had mostly achieved the targets they had been set, there was no discretion built in for managers to extend periods and add in more time.

The Human Resources and OD Manager replied that she would not want to extend timescales because at the point where a manager felt they needed to put the formal process in place with an employee who was not achieving targets and underperforming, the manager would have had no option but to do so, as they would have already carried out a lot of previous support work and tried to resolve problems with the employee informally.

A Member queried who set work targets and if they were realistic for employees to achieve. The Human Resources and OD Manager replied that targets were set by the employee's manager following discussion with the employee in line with the job role and in consultation with Human Resources to ensure they were realistic.

The Strategic Director – Place suggested that under 4.2 Capability Process, the following sentence could be added;

***Whilst it is recognised that each case must be considered on its own merits, the following table is indicative of the timeline.***

The Unison representative felt that this sentence in the policy would alleviate Unison's concerns on this point.

In addition to the above amendment, the Chair requested that the effectiveness of the Capability Policy be monitored and a review carried out following a suitable period subsequent to implementation of the policy. Members supported this approach and the Human Resources and OD Manager agreed to this being carried out.

### Probation Policy

The Probation Policy was designed to ensure that new employees were given the support, encouragement, development and guidance they needed to achieve the levels of performance and behaviour required in their job role. The policy ensured a fair and consistent process was followed for all employees.

The Probation Policy applied to new employees and apprentices joining Bolsover District Council and North East Derbyshire District Council and any employee who transferred employment between the two councils.

The duration of the probation period was 6 months with the possibility of an extension for a further 2 months but only in very exceptional circumstances.

The Human Resources and OD Manager requested that further wording be added under the heading 'Responsibilities', as per the bold text below;

Manager – responsible for implementing, managing, monitoring and assessing the new employee in accordance with this policy ***and ensuring that inductions and probation meetings take place.***

HR – responsible for supporting the manager and employee ***including monitoring that induction and probation meetings take place.*** Providing advice on the implementation of this policy in practice.

In addition to the above amendments, the Chair requested that the effectiveness of the Probation Policy be monitored and a review carried out following a suitable period subsequent to implementation of the policy. Members supported this approach and the Human Resources and OD Manager agreed to this being carried out.

## Disclosure and Barring Service Policy

The Disclosure and Barring Service Policy applied to all employees in both paid and volunteer positions and as an organisation using the Disclosure and Barring Service (DBS), the Council fully complied with the DBS Code of Practice.

The updates to the Disclosure and Barring Service Policy were based on the changes that the DBS had given in relation to what constituted regulated activities and the changes in DBS practices. Other changes were in relation to the list of job posts in the back of the document to ensure that these were up to date. The Authority was now part of the DBS Update Service which enabled the Council to check electronically on an employee's DBS status. Employees had to sign up to the Update Service and also inform the Authority if there were any changes to their DBS status.

An employees' DBS status needed to be up to date as it was transferable. For example, an employee in Leisure may have multiple jobs and work for other organisations.

The Human Resources and OD Manager noted that it had been raised by a Member in the UECC pre meeting whether or not Councillors should be subject to DBS checks. The Human Resources and OD Manager agreed to investigate to see if it was appropriate to Councillors' roles and also to explore if other authorities carried this out.

## Learning and Development Policy

The Learning and Development Policy applied to all employees of the Council regardless of whether they were full time, part time, fixed term or casual employees. It also paid due regard to the principles of the Equality Act 2010, covering age, disability, gender, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The policy excluded agency workers, volunteers and Elected Members who were covered under separate policies.

The policy had been refreshed and updated to formalise the principles and practices already in place but changing the forms and templates and including the People Strategy Framework, which had not previously been included, also clarifying learner agreement and repayment of fees scheme.

A Unison representative requested that reference be included in the policy with regard to specialised support being in place for individuals taking part in training that had dyslexia or similar learning needs. The Human Resources and OD Manager replied that for external training, an external training provider would be responsible for ensuring that relevant support was in place. However, for internal training, a sentence could be included in the policy that subject to assessment, reasonable adjustments could be put in place for any individual with those types of conditions.

## Smoke Free Policy

Issues had arisen at both councils in relation to existing smoking arrangements, including suitability of existing smoking areas, increase in litter (largely cigarette butts) and lack of clear signage and communication.

Discussions had taken place with relevant officers and recommendations had been drawn up for a proposed approach moving forward. These recommendations were included in appendix 1, attached to the report.

The policy had also been refreshed and terminology added, for example, 'vaping', as this had not previously been included and also clarification of the smoking areas.

It was noted that a new area had been designated in the grounds at the Arc for smokers and vapers, which was far away from all the Council buildings, tenants in the Arc grounds and residential houses on High Street.

Committee welcomed the new designated smoking area.

It was suggested that the title of the Smoke Free Policy be amended to '**Smoke and Vape Free Policy**'.

Moved by Kevin Shillitto and seconded by Councillor Mary Dooley

**RESOLVED** that the Union/Employee Consultation Committee support the five policies as presented, subject to the inclusion of the following amendments;

### 1. Capability Policy

at paragraph 4.2 under Capability Process, the following sentence be added;

***Whilst it is recognised that each case must be considered on its own merits, the following table is indicative of the timeline.***

In addition to the above amendment, support for the Capability Policy be subject to a review of its effectiveness following a suitable period subsequent to implementation of the policy.

### 2. Probation Policy

under the heading 'Responsibilities', the following wording be added (bold text);

Manager – responsible for implementing, managing, monitoring and assessing the new employee in accordance with this policy **and ensuring that inductions and probation meetings take place.**

HR – responsible for supporting the manager and employee **including monitoring that induction and probation meetings take place.** Providing advice on the implementation of this policy in practice.

In addition to the above amendments, support for the Probation Policy be subject to a review of its effectiveness following a suitable period subsequent to implementation.

3. Disclosure and Barring Policy

the Human Resources and OD Manager to investigate whether or not it was appropriate to Councillors' roles to be subject to DBS checks and also to investigate if other authorities carried this out,

4. Learning and Development Policy

In relation to internal training, the policy to include a reference that subject to assessment, reasonable adjustments could be put in place for any person with dyslexia or similar conditions,

5. Smoke Free Policy

The Smoke Free Policy title be amended to '**Smoke and Vape Free Policy**'.  
(Human Resources and OD Manager)