

To: Council

Date: 8th October 2012

Item No:

Report of: Head of HR & Facilities

Title of Report: New Employment Policies

Summary and Recommendations

Purpose of report: To present for approval and adoption a revised Disciplinary Policy and Procedure, and Alcohol and Drug Misuse policy

Key decision? No

Executive lead member: Cllr Bob Price

Report approved by:

Finance: Nigel Kennedy
Legal: Jeremy Thomas

Policy Framework: Efficient & effective Council

Recommendation(s):

- 1) That the Disciplinary policy and procedure agreed with the Trade Unions (appendix A) be approved with immediate effect.
- 2) That the Alcohol and Drug misuse policy agreed with the Trade Unions (appendix B) be approved with immediate effect.
- 3) That the Head of HR & Facilities be authorised to implement these policies and procedures within an appropriate time frame, making changes as required in accordance with best practice and relevant legal frameworks.

INTRODUCTION

1. The Council is continuing to progress its people management initiatives and this includes the periodic review of existing employment policies (in consultation with trade unions) in addition to the introduction of new policies to support the Council's Organisational Development Strategy, 'Good to Great'.
2. The changes to the Disciplinary policy and procedure result in a reduced easy to follow document which contains all the key information. The policy is supported by supplementary documents outlining the procedure for investigation, hearing and appeal. The key emphasis is placed on the investigatory process to ensure the facts presented lead to effective and appropriate decision making.
3. The introduction of the Alcohol and Drug misuse policy replaces the existing 'alcohol and drug abuse problems in employment' information. The key emphasis of the policy is to provide support to employees who acknowledge they have drug or alcohol problems. Within the policy provision is made for the Council to conduct searches for related substances and carry out screening where it is deemed necessary in the interest of the Council, its employees and the public.
4. Trade unions have been consulted and the attached documents reflect any changes agreed with them. There were no unresolved areas of dispute and both Unison and Unite agree with the introduction of the revised policies.

SUMMARY

1. The **Disciplinary Policy & Procedure** is summarised as follows:

- Replaces the previously agreed version.
- Policy simplified and based on ACAS guidelines
- Supplementary documents included to clarify procedures for investigation, hearing and appeal
- Key emphasis is placed on the investigatory process to ensure facts presented allow decision making to take place effectively and appropriate decisions made
- Identification of 4 key roles within the process – Commissioning Manager, Investigating Officer, Disciplinary Meeting Chair, and Disciplinary Appeal Meeting Chair
- No one person may hold more than one key role for any individual case – to ensure objectivity and fairness throughout the process
- Elected Members retain an observers role at appeal
- Each stage will have been supported through representation from HR
- There are two categories of appeal:
 1. Dispute re: sanction issued – Review of case
 2. Dispute of facts and evidence within original hearing or new evidence which may effect sanction (Re-hearing of the case – most appeals expected to be a rehearing)

2. The Alcohol and Drug misuse policy is summarised as follows:

- provides a clear policy
- clarifies the responsibilities of the organisation, its managers and employees
- outlines support available to employees
- clarifies requirements of relevant legislation (e.g. drink-driving)

- introduction of the right to search
- introduction of screening and testing 'for cause' – i.e. where there is a reasonable suspicion that an employee may be under the influence of alcohol or drugs. The tests are to be conducted by a third party specialist company who can conduct the tests appropriately and guarantee the integrity of the evidence chain

Assessment of Risk

3. A risk management framework is attached at Appendix C.

Climate change / environmental impact

4. There are no climate change or environmental impacts.

Equalities impact

5. An Equalities Impact Assessment form is attached at appendix D.

Financial implications

6. Cost of administering the tests estimated to be £50 each, and expected to be no more than 20 tests per year, so £1,000 to be met from existing budgets.

Legal Implications

7. These policies form part of the council's governance arrangements for all employees, requiring all staff to adhere to their contents. Managers are required to ensure consistent, fair and equitable application of these policies to meet employment law requirements and good practice.

Name and contact details of author:

Simon Howick, Head of HR & Facilities,

List of background papers:

None

Version number: 1.0

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