



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 12 September 2023
Subject	Employment and Health & Safety Policies
Wards affected	None
Accountable member	Councillor Joe Harris, Leader of the Council
Accountable officer	Robert Weaver, Chief Executive Email: Robert.Weaver@cotswold.gov.uk
Report author	Zoe Campbell, Assistant Director, Organisational Effectiveness Email: democratic@cotswold.gov.uk
Summary/Purpose	To update the Cabinet relating to the refresh of all Human Resources and Health & Safety policies for CDC. No changes have been made to employee Terms and Conditions, only to clarify and enable policies to be used concurrently with employee relations matters, giving clarity and usability to both employees and managers alike.
Annexes	Annex A – Updated Employment and Health & Safety Policies.
Recommendation(s)	<i>That Cabinet resolves to:</i> <i>1) Agree the twenty-eight employment and Health & Safety Policies included in Annex A.</i> <i>2) Delegate authority to the Chief Executive to approve subsequent amendments to any Cotswold District Council employment policies that may be necessary in line with legal changes and best practice to ensure the Council's policies remain compliant.</i>
Corporate priorities	<ul style="list-style-type: none">• Deliver the highest standard of service• Support health and wellbeing
Key Decision	NO
Exempt	NO



COTSWOLD
DISTRICT COUNCIL

Consultees/ Consultation	<p>A Task & Finish Group was set up to support the Chief Executive in ensuring that the 28 Cotswold District Council employment policies were updated. Publica worked with XpertHR and its recommended legal counsel, Markel LLP in order to update the policies. This approach ensured that all the policies could be used simultaneously and there was cohesion to mitigate future risk.</p> <p>Following this full refresh, in accordance with current employment law and in line with the Advisory, Conciliation and Arbitration (ACAS) Code, Cotswold District Council employed an external HR Consultant, Evelyn Fearon who worked with Publica's HR team, Head of HR, Assistant Director of Organisational Effectiveness with oversight from the Chief Executive to make additional amends to the six core policies and procedures to further clarify. These encompassed the policies identified by Overview & Scrutiny, as needing particular attention, namely: Anti-Harassment and Bullying, Disciplinary, Grievance, Equality, Diversity and Inclusion, Unauthorised Absence, Sickness Absence and Performance Management, and also Long Term Sickness Absence</p> <p>Publica's HRBP team consulted with trade unions on behalf of Cotswold District Council alongside the Counter Fraud & Enforcement Unit and the South West Audit Partnership before presenting them to Cabinet for approval.</p> <p>The Health and Safety Policy has been reviewed by the trade unions and Director of Governance and Legal Services.</p>
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1. EXECUTIVE SUMMARY

- 1.1 At Full Council on 21 September 2022, it was recommended that a Task & Finish Group be set up under the Overview and Scrutiny Committee to oversee the progress and completion of updating and renewing the Council's employment policies.

2. BACKGROUND

- 2.1 The Overview and Scrutiny Committee on 4 October 2022 agreed to establish a Task and Finish Group to oversee a review of the Council's key HR policies. These are the policies which apply to those employees directly employed by Cotswold District Council including the statutory officers, the Counter Fraud & Enforcement Unit and those members of staff within Legal Services employed directly by Cotswold District Council. These policies do not apply to Publica employees for which a separate suite of policies exist.
- 2.2 Although outside of the Task & Finish Group's remit, the corporate Health & Safety Policy has also been reviewed and updated for consideration by Cabinet. Unlike the HR policies, the Health & Safety Policy includes elected members in its scope.

Core policies identified for update, but not limited to, included:

- Capability
- Grievance
- Harassment & Bullying
- Equality Diversity & Inclusion
- Performance Management
- Sickness Management
- Unauthorised Absence Management

- 2.3 The Task & Finish Group agreed to the following action plan:

- Terms of Reference were agreed November 2022 for Task & Finish Group with regular reporting to the Overview and Scrutiny Committee on progress.
- Officer oversight would be provided by the Chief Executive
- Publica HR team to work with XpertHR's Lawyers to ensure ACAS compliant, up to date, clear policies developed. XpertHR are an external organisation who offer dedicated HR support including comprehensive employment law and HR practice guidance.
- HR Team to consult CDC's external HR Advisor, Evelyn Fearon, to discuss changes/suggestions.
- Complete 'in-house' amends



- Consult with the recognised trade unions, GMB and Unison.
- Present to Cabinet for final approval
- Implementation
- Training for management on the core policies and requirements of them, working with HR to ensure risk of employee relations matters mitigated

- 2.4** Publica HR engaged XpertHR Lawyers, Markel, November 2022, to support in the production of a suite of 28 human resources policies to ensure consistency and transparency across all policies, mitigating employment risks.
- 2.5** Initial work was completed by March 2023 on a full suite of policies ensuring no employment terms and conditions were altered which conflicted with the Council's existing terms.
- 2.6** Following consultation with the Chief Executive, Evelyn Fearon external HR consultant was employed to review the core six policies.
- 2.7** Further amends and alterations to strengthen/clarified points were made to the policies and procedures in conjunction with Evelyn Fearon, the Chief Executive, and Publica's HR team.
- 2.8** The final, amended policies and procedures were sent to Markel LLP and signed off in August.
- 2.9** Publica's HR Team met with the Trade Unions to respond to comments made on the suite of 28 human resources policies in August.

3. MAIN POINTS

- 3.1** The review of the Human Resources (HR) Policies was to ensure that the Council's policies reflected and complied with existing / new regulation and case law, reflected best practice and importantly were clear and concise to allow managers to implement them as and where necessary. Updating all policies together, ensures flow and for policies to be used in conjunction when complex cases arise, ensuring matters are dealt with in a timely fashion and thereby mitigating risk for the Council.
- 3.2** HR Policies provide legal protection for the Council. HR policies and procedures give guidance on a range of employment issues and are written guidance on how a wide range of issues should be handled.
- 3.3** HR Policies provide clear guidance that reflects employment law and regulations and can help avoid involvement from employment tribunal claims.
- 3.4** Even when a policy or procedure is not specifically required by law, employers often find it helpful to have a policy in place to provide clear guidance that reflects the legal framework for handling the issue in question and it also helps employees be clear about the Council's stance on a particular subject, setting clear expectations.



- 3.5 HR Policies play a key role in supporting fairness and consistency across the Council, as well as potentially helping to protect the Council against legal claims and costly exit payments.
- 3.6 HR Policies provide general and practical advice and guidance for managers and staff on a range of employment issues and the procedures give a step-by-step account of specific arrangements that apply in particular circumstances.
- 3.7 Clear Health & Safety policies, which are current and in line with legislation are the backbone to strong safety performance and compliance. These bring a variety of benefits including ensuring a safe working environment and places obligations on employers to meet with their legal obligations.
- 3.8 Under 'common law' all employers have a duty of care which is an obligation to protect their employees. A term is implied into all employment contracts requiring employers to take care of their employees' health and safety.
- 3.9 For example, employers must provide a safe place of work, a safe system of work, adequate equipment.
- 3.10 Employees also have responsibilities and should work with their employer to ensure a safe place of work.
- 3.11 Health and Safety Policies help to mitigate risks, through early warning and ensuring sufficient precautions are taken to prevent damage or injury, thereby reducing the risk of claims against the Council.

4. DELEGATING AUTHORITY

- 4.1 Employment legislation and case law can change on a yearly or bi-annual basis. Therefore, in order to maintain a current, up to date, and working set of HR policies, expediting changes to the suite of policies is key to ensure the Council is within the legal framework.
- 4.2 Overview and Scrutiny Committee requested that a report be made on an annual basis, indicating which policies have been updated in line with changing or updated legislation.
- 4.3 Regular policy review and revision is an important part of procedure management which needs to be carried out on a regular basis and in line with employment law updates in April and October. The HR team now has Employment Legislation update training on this basis to ensure policies can be amended accordingly.
- 4.4 To ensure expedience, it is proposed that delegated authority to make reasonable amends be given to the Chief Executive of Cotswold District Council.

5. ALTERNATIVE OPTIONS

- 5.1 Retaining existing, outdated policies places the Council at risk of challenge.



6. CONCLUSIONS

- 6.1 Further to the Overview and Scrutiny request that all HR policies are updated - this work has concluded. Publica's HR team was supported by XpertHR, external lawyers and an HR consultant to develop a clean and clear set of policies that mitigate risk for the Council. This suite of policies are up to date and legally compliant.

7. FINANCIAL IMPLICATIONS

- 7.1 Whilst there are no financial implications arising directly from this report, it is important that the Council's HR policies are reviewed regularly to ensure they comply with relevant legislation and best practice guidance.

8. LEGAL IMPLICATIONS

- 8.1 Adopting up to date policies will help the Council manage employees more effectively. In addition, if subject to any legal action, will help to demonstrate that the Council has complied with the law.
- 8.2 The Health & Safety policy statement is written for the activities that are carried out by our staff and incorporates the organisation and arrangements, which are in place to meet the requirements of the legislation. This is in accordance with section 2.3 of the Health and Safety at Work etc. Act 1974.

9. RISK ASSESSMENT

- 9.1 By not updating and implementing the new suite of policies, the Council may fail to comply with new laws and regulations and leave itself exposed to costly employment law cases.

10. EQUALITIES IMPACT

- 10.1 Each policy has been considered to ensure compliance with the Equality Act 2010 and the Public Sector Equality Duty. These policies apply equally across the Cotswold DC workforce.

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 11.1 There are none arising.

12. BACKGROUND PAPERS

Annex A

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