



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	EXECUTIVE – 11 OCTOBER 2023
Subject	HUMAN RESOURCES (EMPLOYMENT) & HEALTH AND SAFETY POLICIES
Wards Affected	None
Accountable Member	Councillor Andy Graham – Leader of the Council. Email: andy.graham@westoxon.gov.uk
Accountable Officer	Giles Hughes – Chief Executive. Email: giles.hughes@westoxon.gov.uk
Report Author	Zoe Campbell – Assistant Director, Organisational Effectiveness. Email: zoe.campbell@publicagroup.uk
Summary/Purpose	<p>To update the Executive relating to the refresh of all Employment and Health & Safety policies for WODC.</p> <p>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.</p>
Annexes	Annex A – Updated Employment and Health & Safety Policies
Recommendation(s)	<p><i>That the Executive Resolves to:</i></p> <ul style="list-style-type: none"><i>a) Request that the Constitution Working Group considers the expansion of the terms of reference of the Performance and Appointments Committee to include responsibility for the adoption and amendment of Employment and Health and Safety Policies.</i><i>b) Recommend that Council adopts the twenty-six Employment and Health & Safety Policies (included in Annex A).</i><i>c) Recommend to Council to delegate authority to the Chief Executive, in consultation with the Leader of the Council and the Director of Governance, to approve subsequent amendments to any West Oxfordshire District Council employment policies that may be necessary, in line with legal changes and best practice, to</i>

	<i>ensure the Councils policies remain compliant.</i>
Corporate Priorities	<ul style="list-style-type: none"> • A Good Quality of Life for All
Key Decision	NO
Exempt	NO
Consultees/ Consultation	<p>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, Publica HR's team also worked with an external HR Consultant, Evelyn Fearon in consultation with Publica Interim Head of HR, Assistant Director of Organisational Effectiveness.</p> <p>Publica's HRBP team will be consulting the eight employees in a meeting chaired by the Chief Executive and supported by the Director of Governance on behalf of West Oxfordshire District Council on Friday 22nd September at 2pm. The policies have also been through consultation with the Counter Fraud & Enforcement Unit and the South West Audit Partnership before presenting them to Executive for approval.</p> <p>The Health and Safety Policy has been reviewed by the Director of Governance and Legal Services.</p>

1. EXECUTIVE SUMMARY

- 1.1 Following a review of policies, it was recommended that there should be a refresh, and updating of the key employment policies on behalf of the Council to clarify and enable policies to be used concurrently with employee relations matters.
- 1.2 No changes have been made to Council employee Terms and Conditions.

2. BACKGROUND

- 2.1 These are the policies which apply to those employees directly employed by West Oxfordshire District Council including the statutory officers. These policies do not apply to Publica employees for which a separate suite of policies exist and have been created to ensure consistency in approach.
- 2.2 The corporate Health & Safety Policy has also been reviewed and updated for consideration by Executive. Unlike the HR policies, the Health & Safety Policy includes elected members in its scope.
- 2.3 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.
- 2.4 Publica HR engaged XpertHR Lawyers, Markel, November 2022, to support in the production of a suite of 26 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 further consultation with an external HR Advisor, Evelyn Fearon from HR Lounge, amendments were made to core policies which included Capability, Grievance, Harassment & Bullying, Equality, Diversity & Inclusion, Sickness Absence (Short and Long Term) and Unauthorised Absence Management.
- 2.7 Final amended policies and procedures were sent to Markel LLP and signed off in August 2023.
- 2.8 West Oxfordshire District Council's statutory officers, supported by Publica's HR Team will consult the eight employees directly employed by the Council and are already aware of the updated policies to allow comments. This meeting is arranged for Friday 22nd September at 2pm.

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. DELEGATED 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 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.
- 4.3 To ensure expedience, it is proposed that delegated authority to make reasonable amends be given to the Chief Executive of West Oxfordshire District Council.

5. ALTERNATIVE OPTIONS

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

6. CONCLUSIONS

- 6.1 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 West Oxfordshire District Council workforce.

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 11.1 There are none arising.

12. BACKGROUND PAPERS

- 12.1 None.

(ENDS)