
MANAGEMENT REVIEW COMMITTEE

Tuesday, 20th March, 2018

Present: Councillor Miles Parkinson (in the Chair), Councillors Paul Cox and Tony Dobson

373 Apologies for Absence

There were no apologies for absence.

374 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

375 Minutes of Last Meeting

The Minutes of the meeting of the Management Review Committee held on 28th November 2017 were submitted for approval as a correct record.

Recommended **- That the Minutes be received and approved as a correct record.**

376 Draft Communications Policy

The Head of Human Resources submitted a report and presented a draft Communications Policy, as appended to the report and drew attention to the proposed main changes set out in Paragraph 3.2 of the report. Consultation had taken place and the Trade Unions were in agreement with the proposed changes. The current Policy had been due for review, having last been updated in February 2014. The review had been carried out by the Head of Human Resources, the Head of Audit and Investigations and the Principal ICT Officer. The cases dealt with under the current Policy and the need to keep it up to date with ICT security measures had been borne in mind as part of the review. Reference was made to the Social Media Guidelines set out at Appendix 1 to the draft Policy.

Resolved **- That the proposed Communications Policy be agreed.**

377 Proposed Amendment to the Pensions Discretion Policy Statement

The Head of Human Resources submitted a report relating to a proposed amendment to the Council's Pensions Discretion Policy Statement. The proposed amendment, as set out in Paragraph 3.6 of the report, was the addition of the sentence "This will not include any employer's pension contributions" at the end of the Section headed Redundancy and Compensation Payments.

The Head of Human Resources referred to a recent case heard by the Employment Appeals Tribunal (University of Sunderland v Drossou). The Tribunal held that when assessing the amount of a week's pay under section 221(2) of the Employment Rights Act 1996 for unfair dismissal compensation, a week's pay was the amount of remuneration payable under the contract of employment and could therefore include not only wages / salary, but also the employer contribution made in respect of the employee's membership

of a pension scheme. Until the Drossou case the notion of a week's pay was restricted to wages / salary and most of the authorities who applied that discretion simply chose actual week's pay. Following the Drossou judgement, the Local Government Association had advised authorities to revisit their discretionary policies in order to assess whether it had any impact. If authorities wished to make additional payments by including pension contributions, the Association recommended amending the wording and stating more explicitly how any payment would be limited by, for example expressly stating which elements of pay would be included and / or stipulating that payments by way of pension contributions would not be included.

Resolved **- That the proposed amendment be accepted and added to the published Policy Statement.**

378 Draft Workplace Smoke-Free Policy

The Head of Human Resources submitted a report and presented a draft Workplace Smoke-Free Policy, as attached at Appendix 1 to the report. The Policy had been amended to better reflect the use of electronic cigarettes and to remove out of date information about the locations of stop-smoking clinics etc, as the health provision had changed. The Council was committed to promoting health and preventing disease for all its employees and the Policy contributed to ensuring and improving the health and safety of those employees by making all Council Offices / Occupied Buildings and Vehicles smoke-free and by minimising the risk to employees who worked in other people's homes / accommodation. Trade Unions and Staff had been consulted and the Trade Unions had no objections to the proposed Policy.

Resolved **- That the proposed Workplace Smoke-Free Policy be agreed.**

379 Draft Drugs and Alcohol Policy

The Head of Human Resources submitted a report and presented a draft Drugs and Alcohol Policy, as attached at Appendix 1 to the report. The current Policy had been introduced in April 2014 with the agreement of the recognised trade unions and following briefings to all staff. The Policy had introduced testing for "just cause" when there was some evidence that an employee might be "under the influence". The testing arrangements for both alcohol and drug screening were explained to the Committee.

The Head of Human Resources referred to the responsibilities of the Council, as employer, which were set out in Paragraph 3.5 of the report and it was for those reasons that the Council proposed clarification of Policy aspects and extension of the testing arrangements to include random testing for safety critical roles. Legal implications, including the right to privacy had been considered and were set out in the Privacy Impact Assessment attached to the report as Appendix 2. The proposed key changes and areas of added clarity which included the key principles to be followed with random testing were set out in Paragraph 3.7 of the report.

The Head of Human Resources reported that all staff had been invited to comment on the draft Policy and there had been extensive consultation with the recognised Trade Unions. Only Unison had commented and their comments had led to a number of relatively minor changes to the draft. However, Unison, supported by advice from their Regional Officer, had confirmed that it was not prepared to agree to the changes and had requested that the Committee consider a number of points before reaching a decision on whether the revised draft Policy should be implemented. The points raised were set out in Paragraph 3.8 of the report and the Hyndburn Unison Branch Secretary and Branch Treasurer were in

attendance to answer any queries the Committee might have. Issues were raised in relation to the definition of "safety critical roles", impingement on people's private lives, focus on impairment as opposed to traces of drugs, disability medication, defined level of alcohol and progression to second testing, exclusion of sections of the Council's workforce from random testing, job evaluation and salary levels, policies implemented by other public sector organisations and the legality of the proposed draft Policy in its entirety. The Head of Human Resources indicated that the list of employees defined as safety critical posts could be looked at again in relation to job evaluation results.

Resolved

- That a decision on the approval and implementation of the proposed draft Drugs and Alcohol Policy be deferred pending the receipt of information relating to similar Policies adopted by other public sector organisations such as the Police and Fire Service and to the receipt of Unison's view on the fairness and legality of the draft Policy in its entirety, including the possibility of all Council staff being subject to random testing.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed