

**Report to: Policy and Resources Committee, 19<sup>th</sup> March 2024**

**Report of: Corporate Director - Planning and Governance**

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**Subject: REFERRAL REPORT FROM THE JOINT CONSULTATIVE AND SAFETY COMMITTEE: REVISED EMPLOYEE POLICIES FOR APPROVAL**

## **1. Recommendation**

**That the Committee:**

- 1.1 Approves the revised Family Friendly Employment Policy at Appendix 1;**
- 1.2 Approves the revised Flexible Working Policy at Appendix 2;**
- 1.3 Approves the revised Parental Bereavement Leave Policy at Appendix 3;**
- 1.4 Approves the revised Paternity Leave and Pay Policy at Appendix 4;**
- 1.5 Approves the revised Shared Parental Leave and Pay Policy at Appendix 5;**
- 1.6 Approves the revised Unpaid Parental Leave Policy at Appendix 6.**

## **2. Background**

- 2.1 The Council's management undertake periodic reviews of the Council's employment policies to ensure that they remain fit for purpose and reflective of current working practices. These policies are then referred to the Joint Consultative and Safety Committee which comprises councillors and trade union representatives. Ordinarily, recommendations are then made to the Personnel and General Purposes Sub-Committee ("JCSC") which has authority under the Constitution to approve and adopt these new versions of employment policies.
- 2.2 A special additional meeting of the JCSC was convened on 6 March to consider a suite of policies relating to parental rights and other family-friendly policies. These were in anticipation of some imminent changes in legislation, effective from 6 April, and in other cases, because the policies were due to review. The amendments, incorporated in the versions appended to this report, were agreed by JCSC. In order to make these policy changes formally effective, they are referred into Policy and Resources Committee for approval. The appendices set out the clean final drafts for approval.

## **3. Preferred Option**

### Family Friendly Employment Policy

- 3.1 The Council's Family Friendly Employment Policy was last reviewed in 2021; its purpose is to provide an overarching, accessible summary of all of the family-friendly employment policies which the Council operates for its employees and workers. The preferred option is to approve the amended Policy set out in **Appendix 1**. The key changes are as follows:

- Update of the various family friendly policies from procedures where relevant
- Highlighting entitlements across Employees and Casual workers as appropriate
- Removal of Maternity and Adoption Support Leave as this is now incorporated in the updated Paternity Leave & Pay Policy
- Inclusion of the Flex time working policy, Working Carers Policy and Hybrid Working Policy.

### Flexible Working Policy

- 3.2 The Council's Flexible Working Policy was last reviewed in 2021. The Policy sets out the mechanism by which employees can make formal flexible working requests.
- 3.3 The Flexible Working (Amendment) Regulations 2023 are due to take effect on 6 April 2024. Key changes in the legislation include the following:
- Under the current law, workers have to have been employed for at least 26 weeks before making a request to work flexibly. This will change to a day one right.
  - The Act will require employers to consult with the employee when they make a flexible working request before rejecting it.
  - It will also mean the time employers have to respond to a request will be reduced to two months, from the three months they are allowed under current rules.
  - Employees will be able to make two requests within a 12-month period, compared to the single request they are currently allowed.
  - There will also no longer be any requirement for the employee to explain what effect their request will have on the employer or how the impact might be dealt with.
- 3.4 The preferred option is to approve the amended Policy set out in **Appendix 2**. Key changes are:
- Clarification of the new legislation and its effective date.
  - Change to a day one right from 26 weeks service.
  - Change from one request to two requests in 12 months.
  - Added a section on withdrawing an application.
  - Simplification of the Application form.

### Parental Bereavement Leave and Pay Policy

- 3.5 The Council's Parental Bereavement Leave & Pay Policy was previously reviewed in 2020. The preferred option is to approve the amended Policy set out in **Appendix 3**. The key changes are as follows:
- Update of People Services to HR
  - Clarification around the different eligibility entitlements for leave and pay across employees and casual workers
  - Clarification around the differing requirements for notice and cancellation for leave and pay.

### Paternity Leave and Pay Policy

- 3.6 The Council's Paternity Leave and Pay Policy was last reviewed in 2017. The Paternity Leave (Amendment) Regulations 2024 will make some changes to the operation of the Council's Policy. Therefore the preferred option is to approve the amended Policy set out in **Appendix 4**. The key changes are:

- The incorporation of the Maternity/Adoption Support Leave as “Occupational” Paternity Leave/pay into this policy to ensure clarity and understanding of entitlements.
- Adding a second “Enhanced” Paternity pay week for eligible employees (in line with a number of other local councils) and inclusion of eligible casual workers receiving “Statutory” Paternity Pay.
- Incorporating planned legal changes effective from April 2024 including the option to take the two weeks as separate weeks within a 52 week period and reducing notice period to 4 weeks.
- Updated from a Procedure to a Policy in line with other HR policies
- Updated HR instead of People Services
- Included more context and detail for Surrogate Placements, as this has become more a widely available process
- Included a Keep in Touch statement.
- Increased Statutory Paternity Pay to £184.03 which will be in place from April 2024.
- Signposting to the Parental Bereavement Leave policy.
- Additional minor updates incorporated from ACAS and Government to provide clarity for the policy.

### Shared Parental Leave and Pay Policy

3.7 The Council’s Shared Parental Leave and Pay Policy was last reviewed in 2017. The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024, currently in draft, propose to bring in some changes which will affect the Council’s existing Policy and Government guidance is available on these. Therefore the preferred option is to approve the amended Policy set out in **Appendix 5**. The key changes are as follows:

- Updating from a procedure to the Shared Parental Leave and Pay Policy in line with other HR policies.
- Including staff who obtain a parental order following a surrogacy to have a baby or those who are fostering a child they are planning to adopt.
- Updating the descriptions of parents to be more inclusive.
- Clarifying who is eligible to take/share leave; the staff members must be employees, not workers e.g. casuals.
- Clarifying who is eligible to shared parental pay; the staff members can be casuals but must meet the eligibility criteria.
- Defining for each set of parents in each scenario how the parent taking the SPL must pass the ‘continuity of employment test’ and the partner must pass the ‘employment and earning test’.
- Adding the changes due in April 2024 to increase the amount of Shared Parental Pay from £172.48 to £184.03 per week.
- Adding description of how staff can take Shared Parental Leave in multiple blocks.
- Adding a section on how staff request changes to the dates of Shared Parental Leave that has been booked.
- Including some of the reasons for changing the dates of booked Shared Parental Leave and how this affects the requests.
- Adding the changes due in April 2024 (subject to Parliamentary approval) requiring the Council to offer staff returning from Shared Parental Leave a suitable alternative vacancy during a redundancy.
- Changing People Services to Human Resources
- Removing references to Orchard Health Care and Childcare Vouchers.
- Updating the list of the other Family Friendly Policies.

## Unpaid Parental Leave Policy

3.8 The Council's Unpaid Parental Leave Policy was last reviewed in 2020. The preferred option is to approve the amended Policy set out in **Appendix 6**. The key changes are:

- Updated to a Policy from a procedure
- Updating People Services to HR
- Clarification that eligible employees who have a child in receipt of a Personal Independence Payment may now take leave in blocks smaller than a week (as well as those in receipt of disability living allowance)
- Clarification where Paternity Leave may be postponed.
- Parental Bereavement Leave policy included in the list of relevant "family friendly" policies.

## **4. Alternative Options Considered**

4.1 The alternative option, to leave the Policies as they are, or only approve certain amendments, are not recommended. The amendments are intended to keep up with legislative changes, bring improvements for staff and managers and they are supported by trade unions and by the JCSC.

## **5. Implications**

### 5.1 Financial and Budgetary Implications

There are no significant financial implications; these are amendments to existing Policies. The proposed addition of a second week's fully paid paternity leave is not forecast to have a significant impact on the Council's budget.

### 5.2 Legal and Governance Implications

A fair, reasonable and enforceable set of policies is an essential foundation of the employer's legal relationship with its employees. The proposed amendments ensure the Policies keeps them in line with legal requirements and remain workable for the Council as well as employees.

### 5.3 Risk Implications

The risk of not reviewing and updating the Council's HR policies periodically is that they become difficult to enforce or apply consistently and fairly.

### 5.4 Corporate/Policy Implications

These Policies form part of the Council's suite of HR policies. If the amendments are adopted, the revised versions will be communicated to employees via email and intranet communications.

### 5.5 Equality Implications

No adverse equality implications have been identified from the review. The Policy updates ensure the Council complies with the Equality Act 2010 and that in applying these situations in the workplace, managers do not directly or indirectly discriminate

against employees or workers on the basis of a protected characteristic, for example, sex, pregnancy and maternity, sexual orientation, gender reassignment.

5.6 Human Resources Implications

As set out in the main body of the report.

5.7 Health and Safety Implications

As identified in the appended Policies.

5.8 Social, Environmental and Economic Implications

None identified.

**Ward(s):** All  
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**Background Papers:** None

**Appendices 1-6**