

Personnel Committee – 09 September 2019

Employment Policies Review (phase 1)

1. Purpose of the report

1.1 To request Personnel Committee to approve the revised and new employment policies (detailed below).

2. Recommendations

2.1 Personnel Committee is recommended to approve the following employment policies (detailed below).

3. Background Information

3.1 This report covers the revision of 7 existing employment policies and the introduction of 1 new employment policy, as follows;

a) Social Media Policy (new policy) – (Appendix 1)

b) Probation Policy (revised policy, previously probation guidance notes) – (Appendix 2)

c) Leave and Time Off Policy (revised policy, previously special leave guidelines and employee volunteering procedure) – (Appendix 3)

d) Family Friendly Policy (revised policy) – (Appendix 4)

e) Code of Conduct for Employees (revised code) – (Appendix 5)

f) Gifts & Hospitality Policy (revised policy) – (Appendix 6)

g) Market Supplements Policy (revised policy) – (Appendix 7a) and accompanying revised request form (Appendix 7b)

h) Performance & Ill Health Capability Policy (revised policy) – (Appendix 8)

Aim

3.2 In order to ensure the Council is enabled to deliver against its priorities it is imperative that the council has an effective employment framework of policies, procedures and guidance and that these align to the vision and values of the Council. It has been agreed that the current suite of employment policies be reviewed across the board to provide the opportunity to ensure they are up to date, fit for purpose and support and enable the development of the Walsall Proud Programme (WPP) ensuring a consistent approach that reinforces the councils standards and behavioural framework. This report covers phase 1 of the employment

policies review and includes the 8 policies outlined in section 3.1. As part of the review all of the policies have been re-formatted and/or designed to reflect the following principles;

- Alignment with Walsall Proud Programme and vision;
- Clear identification of accountabilities in line with behaviours;
- Clear, consistent and concise policy containing easily identifiable principles and procedure;
- Streamlined detail in the policy document with more in-depth guidance provided in the supporting documents where applicable.

Know

3.3 Policy a), Social Media Policy whilst it has been designed in line with WPP principles, it was requested by members and is a new employment policy aligned to the Email and Internet Usage Policy. It focuses on the use of social media and its relationship with work and employment. An initial draft version of this policy was considered by CMT (4th July 2019) prior to wider senior management and trade union consultation. The new Social Media Policy specifically includes the following;

- Using corporate social media accounts;
- Personal access to social media during the working day;
- Accessing social media from council equipment;
- Monitoring social media use on council equipment;
- Using social media in a personal capacity;
- Social media and the recruitment process;
- Misuse of social media.

3.4 Policy b), Probation Policy has been designed in line with WPP principles and provides a framework for the integration and assessment of employee suitability into a new role at the council. The current probationary process is outlined in a set of guidance notes with no formal policy and/or procedure. Consequently there is a need to further formalise the probationary process and align this to the suite of employment policies already in existence to ensure a robust, consistent and effective method for managing periods of probation. The probation policy has been through consultation with management and trade unions and the key revisions contained in the policy are as follows;

- All new entrants to the council, including those who have already completed probation with another modification order body, will be subject to the probation process;
- The initial probation meeting between the line manager and the new employee should take place during the first week of employment to ensure purposeful aim setting and appropriate induction support;
- Review meetings (a minimum of 4) will be scheduled at monthly intervals in order to facilitate continuous feedback and monitoring of progress with a further final review prior to the 6 month expiry;
- Introduction of a probation performance form to streamline the process and enable effective communications.

3.5 Policy c), Leave and Time Off Policy this is a review of the existing special leave guidelines (last updated in 2014) and brings together all types of leave into one document (excluding family friendly provisions and sickness absence as these are both detailed in separate policies). The reformatted and newly named Leave and Time Off Policy now includes;

- A brief introduction to annual leave (Appendix 3 section 5.1) supplemented by the existing annual leave and bank holiday entitlement guidance (signposted in this policy) – no changes are proposed to annual leave entitlement;
- Employee volunteering leave (Appendix 3 section 5.10), which is currently a separate procedure, which will be discontinued as a document, although no changes are proposed to the entitlement or process;
- Medical appointments (Appendix 3 section 5.14), previously included in the Attendance Procedure, although removed from the more recently reviewed Sickness Absence Policy and instead intended for inclusion here, in the Leave and Time Off Policy as a more appropriate fit, alongside other types of leave and not sickness absence (by definition).

3.6 The main proposed new addition/entitlement included within the Leave and Time Off Policy is Parental Bereavement Leave and is proposed in response to the implementation of the Parental Bereavement Leave and Pay Act expected to come into force April 2020. The act enables parents/primary carers two weeks leave following the death of a child under the age of 18 (or still birth after 24 weeks of pregnancy), which can be taken within 56 weeks of the death. The legislation entitles those with 26 weeks service, paid leave at statutory rate and those with less service the same period of unpaid leave. As part of the consultation managers were asked to consider the councils proposal for Parental Bereavement Leave (Appendix 1 section 5.3), which states that such leave will be granted to parents/primary carers following the death of a child under the age of 18 (or stillbirth after 24 weeks) and the entitlement will be full pay for 2 weeks (with no service qualifying period). The rationale for this proposal is that it is hoped cases of child death would be minimal and that in the event such a devastating situation does occur the council would wish to support its employees through such a period (which realistically is likely to result in occupational sick pay being paid at any rate for an initial period, which this entitlement could help to offset). The consultation raised no queries / issues with the proposed entitlement or qualifying criteria. The inclusion of this entitlement will only be inserted into any live version of the policy once the legislation is implemented (expected April 2020). Should the legislation or statutory guidance (excluding effective date) be amended affecting the proposal above then this would be subject to further consultation and CMT/PC approval. In the interim the Leave and Time Off Policy will be published without section 5.3 and will be renumbered appropriately pending the approval of this report and the legislative implementation date being confirmed at which point it will be updated (expected April 2020).

3.7 Policies d), e), f), g) and h) (reference para. 3.1) have no significant amendments and have primarily been reviewed in line with WPP principles (reference para. 3.2), as such, it was agreed with trade union colleagues that there would be no requirement for consultation and instead these policies would be shared with trade unions for information. Some of the key revisions to ensure consistency and reference to updated legislation include;

- Clarification of occupational maternity / adoption pay entitlement being based on Walsall Council service with an easy read table inserted at appendix 2 of the Family Friendly Policy;
- Legislative requirements / references updated in the Family Friendly Policy relating to childcare tax savings and salary sacrifice;
- New Parental Bereavement leave referenced in the Family Friendly Policy (when legislatively implemented);
- Removal of duplicate reference relating to time off for IVF treatment from Family Friendly Policy as it is already included in the Leave and Time Off Policy;
- Updated reference to GDPR and Data Protection Act (2018) in the Code of Conduct;
- Updated reference to the new Social Media Policy in the Code of Conduct;
- Market Supplements request form reviewed to support a more easily readable and streamlined procedure.

Council corporate plan priorities

3.8 These policy reviews are directly aligned to the people priority within the Corporate Plan, reference 12, developing 'a resilient council', and employees who 'embody council values'.

Response

3.9 Subject to approval, HR will finalise all associated guidance/forms (where relevant) and prepare a workforce communications and implementation plan ready for publication.

Review

3.10 Employment policies will usually be reviewed on a three yearly cycle, unless legislation or internal organisational need prompt a review earlier.

4. Financial Implications

4.1 There are no intended financial implications arising from this report with the exception of the introduction of parental bereavement leave (two weeks full pay per period of leave), however the costs of such leave are difficult to assess and quantify, although the requirement for such leave is hoped to be minimal.

4.2 Any paid leave and associated costs for cover arrangements, where necessary, will be borne by the service area in which the employee works.

5. Legal Considerations

- 5.1 There are no legal implications on, nor consequences for the council arising from this report. The amendments proposed continue to ensure that the council meets its legal obligations and updates reference to the Data Protection Act 2018 and GDPR as well as the new parental bereavement leave regulations (proposed April 2020). In regards the revised probation policy, employees on probation have the same core rights and protections as all other employees. No particular legal issues therefore arise in respect of the probation policy.

6. Risk Management

- 6.1 Relevant equality impact assessments are attached as follows;

EqlA Social Media Policy (Appendix 9)
EqlA Probation Policy (Appendix 10)
EqlA Leave & Time Off Policy (Appendix 11)
EqlA Family Friendly Policy (Appendix 12)
EqlA Code of Conduct for Employees (Appendix 13)
EqlA Gifts & Hospitality Policy (Appendix 14)
EqlA Market Supplements Policy (Appendix 15)
EqlA Performance & Ill Health Capability Policy (Appendix 16)

7. People

- 7.1 The revised WPP policy principles include a scope section in all employment policies (where applicable) and in each policy clearly sets out who the policy applies to and who it doesn't (reference section 2.0 of Appendices 1-8).
- 7.2 There is no direct impact on our citizens as a result of these policies. However the policies are part of the employment framework that's helps to ensure that the residents of Walsall get the best possible service from council employees.

8. Consultation

- 8.1 **Social Media Policy** was consulted upon with senior managers and trade unions colleagues across the council between 05 – 26 July 2019. Feedback from consultation resulted in some minor wording amendments and additional sentence inclusion to provide further clarification and to ensure consistency across other corporate policies. In particular some of the key themes from consultation included;
- Clarification requested on the frequency with which management authorisations are required before posting and/or promoting companies on social media (policy wording amended Appendix 1 section 3.1.2);
 - Trade union colleagues raised concerns over employee usage being monitored and felt specific reasons should be stipulated in the

policy (policy wording amended in line with the Email and Internet Usage Policy, Appendix 1 section 3.4.1);

- Trade union colleagues felt that any monitoring should only be conducted by ICT and requested the current wording stating 'normally be ICT' be amended, this has not been amended as there may be a requirement for monitoring by others to be undertaken such as audit, feedback has been provided to the trade unions;
- Trade union colleagues requested that prospective employees be informed in advance if the recruitment process is to include social media searches (policy wording amended Appendix 1 section 3.6.2).

8.2 **Probation Policy** was consulted upon with senior managers and trade unions colleagues across the council between 18 January – 07 February 2019. Feedback from consultation resulted in the scope widening to include all new entrants be subject to probation and some minor wording amendments to aid clarification and understanding. Trade union colleagues raised no specific issues or concerns with the policy revision.

8.3 **Leave & Time Off Policy** was consulted upon with senior managers and trade union colleagues across the council between 26 July – 09 August 2019. Feedback from consultation commended the policy for clearly aligning to the Proud Programme and also resulted in some minor wording amendments to aid clarification and understanding. A further comment was made in relation to the newly proposed parental bereavement leave section asking for clarity in relation to surrogacy arrangements. The current legislation is silent on surrogacy specifically, however uses a general definition regarding parents and primary carers. It is the intention to extend the provisions to employees who are intended to become parents under surrogacy arrangements, as with other council family friendly provisions (unless the regulations specify otherwise when implemented). Trade union colleagues raised a comment in relation to those employees who do not work under the flexi-time scheme having to use annual leave or unpaid leave for medical appointments, however this has not been changed from current practice and the result is that all employees (whether they use the flexi-time scheme or not) have to take medical appointments in their own time, managers are encouraged to be flexible in both scenarios e.g. toiling or making up time or annual leave or unpaid leave and the appropriate method in each case will be service specific and results in fairness across the board. All consultation comments have been responded to.

8.4 **Family Friendly Policy, Code of Conduct for Employees, Gifts & Hospitality Policy, Market Supplements Policy and Performance & Health Capability Policy** have not been widely consulted upon with senior managers due to the reviews being predominantly administrative and of a reformatting nature, however in certain cases relevant colleagues were consulted to support specific sections and included colleagues from Information Governance, Finance, Transformation and Digital. Trade union colleagues have agreed for these policy revisions to be shared with them for information.

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