

Personnel Committee 04 March 2024

Employment Policies – Statutory Changes April 2024

1. Purpose of the report

- 1.1 To gain Personnel Committee approval for the revised employment policies, as detailed in 3.1 of this report, as endorsed by CMT at its meeting of 15th February 2024.

2. Recommendations

- 2.1 Personnel Committee is recommended to approve the revised employment policies, as detailed in 3.1 of this report.

3. Background Information

- 3.1 This report covers the revision of 3 existng employment policies as follows;
 - a) Redundancy Policy (Appendix 1)
 - b) Family Friendly Policy (Appendix 2)
 - c) Leave and Time Off Policy (Appendix 3)
- 3.2 Revisions are required to the above polices due to changes in legislation and statutory entitlements which are due to come into force from 6 April 2024.
- 3.3 In addition, a business case has been co-developed with Children's Services which supports increased employee volunteering in their Independent Visitor Service, and which also compliments the council's employee benefits and health and wellbeing offer (delivering actions set out in our Workforce Strategy).

Aim

- 3.4 The aim is to ensure that the council is able to deliver against its priorities and has an effective and legislatively compliant employment policy framework that align to these priorities.

Know

- 3.5 Policy a) The revised Redundancy Policy (Appendix 1) includes the forthcoming legislation change in relation to the extension of the special redundancy protection. Currently where an employee is at risk of redundancy during maternity leave, they have a legal entitlement to be

offered any suitable alternative vacancy (if one is available). The special redundancy protection now covers employees who are;

- pregnant (from the date they notify their manager of their pregnancy);
- on maternity leave, adoption leave or shared parental leave (where shared parental leave is for 6 weeks or more);
- in the six-month period following their return to work from maternity, adoption or shared parental leave.

Amendments outlining these updated legislative requirements has been made at section 3.13 of the policy.

3.6 Policy b) The Family Friendly Policy (Appendix 2) includes the forthcoming legislation changes related to paternity leave and redundancy protection (as at 3.5 above). Changes to the paternity policy (section 7.0 of the Family Friendly Policy) are as follows;

- employees can now take their two-week paternity leave entitlement as two separate one-week blocks (rather than having to either take one week in total or two consecutive weeks).
- paternity leave can be taken at any time from birth up to 52 weeks after the birth (rather than within the first 56 days following birth).
- employees will only need to give 28 days' notice of their intention to take paternity leave (rather than 15 weeks before the Expected Week of Childbirth).

An amendment has also been made at section 5.6.15 maternity rights (unfair treatment and dismissal) with regards to the extended special redundancy protection (covered in 3.5 of this report).

3.7 Policy c) The revised Leave and Time Off Policy (Appendix 3) includes the forthcoming legislation on the introduction of a statutory right to one weeks' unpaid carer's leave to provide or arrange care for a dependent with a long-term care need. The changes to the policy (as laid out in the legislation) include;

- a definition for a dependent and long-term care need.
- confirmation that the employee is required to give notice when making a request and the length of notice time required.
- confirmation that a manager may only postpone a request and that they must reschedule (for the leave to be taken within a month of the original request) in consultation with the employee.

Amendments outlining these updated legislative requirements has been made at section 5.8.1 to 5.8.5 of the policy.

3.8 Currently Walsall Council offers up to 12 months unpaid carers leave under its existing policy. The revised policy has been amended to split out the statutory allowance (1 week) from the 12 months offered by the

council, with the other 51 weeks now called extended carers' leave (see sections 5.8.6 to 5.8.11 of the policy).

- 3.9 Extended carer's leave now uses the same definitions as the regulations which extends who can meet the criteria as a dependent for extended leave. The main difference between the 1-week statutory leave and the additional 51 weeks extended leave is that under the regulations the statutory leave cannot be declined (only postponed and rescheduled), whereas the extended leave is discretionary, and could be refused or postponed depending on the circumstances. The extended leave is intended for longer time off for care needs (usually blocks of weeks/months) for example an employee requesting time off to support / care for a dependent through a period of cancer treatment for example.

Amendment to employee volunteering allowance

- 3.10 A business case was received from Children's Services, to increase the time off for employee volunteering, to support the Independent Visitor Volunteer Service. Independent Visitors are volunteers within Children's Services who are there to "befriend and support children and young people in care". Independent Visitors are generally considered for children and young people in care aged 8 and over. An Independent Visitor can be a significant person in a child's life where there may be few constant or stable relationships, or Independent Visitors may be important and significant for a child at a particular point in their lives. Independent Visitors provide consistency within the lives of young people who may be experiencing a number of changes. They will be a source of information and guidance, encouraging and supporting young people to achieve their full potential and access the full range of support and opportunities that are available to them, for example helping young people develop new interests, skills and hobbies or participating alongside them in leisure interests. Independent Visitors are truly 'independent' as they are outside the care system but provide the young person with continuity (a minimum 2 year commitment is required).
- 3.11 In order to become an Independent Visitor it takes approximately 15 hours of training before you can then work with a young person. Following this the Independent Visitor may then meet the child on a monthly basis thereafter for anything between 2-5 hours to provide support and assistance. Given the authority's corporate parenting responsibilities and in order to support the Independent Visitor volunteer service within Children's Services, it is proposed that where volunteering is specifically undertaken for and within the authority that an additional amount of paid leave be granted without the matching requirement (of employees own time). This benefit would be applicable across the authority to any other areas who utilise volunteers. In addition to the organisational benefits of this approach, granting paid volunteer time is seen as an employee benefit and contributes to social

value. Walsall Council's Health and Wellbeing offer sets out the importance of volunteering (theme 5) stating that it promotes the mental health of employees, improving mental wellbeing, increasing confidence and esteem and enabling employees to make a difference and have fun. The health and wellbeing offer set outs the expectation that Walsall Council will promote opportunities and support staff choosing to volunteer.

3.12 The amendments to the employee volunteering section 5.10 of the Leave and Time Off Policy (Appendix 3) include that:

- Employees no longer have to match the 15 hours per year with their own time (through flexi or annual leave) in order to be granted the paid time off.
- Volunteers for Walsall Council's Independent Visitor Service will be granted paid time off to complete the initial one-off training required to become a volunteer in addition to the 15 hours per year.

Our Council Plan priorities

3.13 The policy is directly aligned to the council's strategic priority of internal focus ensuring all council services are customer focused, effective, efficient and equitable and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.

Response

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

Review

3.15 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 the statutory changes.

4.2 Any additional paid time off for volunteering would be covered by the individual service areas budgets.

5. Legal Considerations

- 5.1 There are no specific legal issues anticipated from this report as statutory changes have been incorporated into the policies and the amendments made help to ensure that the council continues to meet its legal obligations.

6. Risk Management

- 6.1 Relevant equality impact assessments are attached:

- EqIA Leave and Time Off Policy (Appendix 4);

7. People

- 7.1 Employment policies include a scope section (where applicable) and in each policy it clearly sets out who the policy applies to and who it does not (Section 2 of Appendices 1, 2 and 3).
- 7.2 There is no direct impact on our residents as a result of this policy. However, as part of the employment framework, helps to ensure that residents of Walsall get the best possible services from Walsall Council and its employees. In addition, should employee volunteer leave be extended as a result of this report, this would serve as a positive benefit to those receiving support from Walsall Council volunteer services as well as the wider social benefits for community and charitable organisations.


8. Consultation

- 8.1 As only statutory changes have been made to the Redundancy Policy and the Family Friendly Policy formal consultation has not been undertaken, however a revised version of the policies has been submitted to trade union colleagues for information (15 January 2024) and briefed at ERF (6 February 2024).
- 8.2 The Leave and Time Off policy (section 5.8 – carer’s leave) has been consulted upon with trade union colleagues and senior managers across the organisation between 16 – 31 January 2024.
- 8.3 Feedback from senior manager consultation was that the updated carer’s leave section was understandable and clear, no queries, issues or further suggestions/comments were raised.
- 8.4 Trade union colleague’s raised no particular issues or queries that were not either addressed or incorporated into the policy reviews.

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