

To: **EMPLOYMET COMMITTEE**
5 July 2023

HR POLICY REVIEW
Executive Director of Resources

1 Purpose of Report

- 1.1 The Human Resources team have an established programme in place to review/update existing HR policies/procedures. As part of this process, policies and procedures are being consolidated, wherever possible, and new policies and procedures created to reflect changes to legislation or best practice. The policies are presented to gain agreement for the updated policies to be implemented.

2 Recommendation(s)

- 2.1 That Employment Committee review and agree:
- i) The newly created Trans and Non-Binary Policy
 - ii) The revisions to the Adoption, Shared Parental Leave and Flexible working policies

3 Reasons for Recommendation(s)

- 3.1 To ensure relevant and up-to-date policies/procedures are available to assist managers throughout the Council in effectively managing and, where necessary, supporting their workforce, whilst complying with legal requirements and best practice.

To support members of our workforce who identify as non-binary and those who may be transitioning or wish to go through transition.

To ensure that requests for Adoption Leave, Shared Parental Leave and Flexible Working are handled consistently and authorised or declined in line with service need.

4 Alternative Options Considered

- 4.1 To retain the existing policies relating to Flexible Working, Adoption and Shared Parental leave.

5 Supporting Information

- 5.1 It is recognised that the HR policies require regular reviews to ensure they; remain up to date and meet current legislation, follow best practice, effectively support managers in dealing with associated cases and meet the Council's legal duties. As a result, a schedule has been established to review the current HR policies some of which have not been reviewed for some time. This has resulted in the creation of a Trans and Non-Binary policy and the revision of the following policies:

- Adoption Leave Policy
- Shared Parental Leave Policy
- Flexible Working Policy

Additionally, new policies need to be created and established to reflect changes in legislation, best practice and to support our employees' lifestyle choices.

- 5.2 A schedule has been established to prioritise policies for review and/or creation.
- 5.3 The process for reviewing the policies has included engagement with stakeholders, trade unions and our equality team, as well as checks against current legislation/best practice.
- 5.4 The following amendments have been made to the Adoption Policy:
 - Moved to new template
 - Equality statement added
 - Changes to wording for clarity and the use of more inclusive language
- 5.5 The following amendments have been made to the Shared Parental Leave Policy:
 - Moved to new template
 - Equality statement added
 - Changes to wording for clarity and the use of more inclusive language
 - Terminology updated from mother/adopter to birth parent/primary adopter
 - Link to flexible working policy added.
- 5.6 The following amendments have been made to the Flexible Working Policy:
 - Moved to new template
 - Equality statement added
 - Changes to wording for clarity
 - Appeals procedure updated - appeals will now be heard by a different manager to the line manager who originally made the decision if refused.
- 5.6.1 Additionally, for this policy there are further developments proposed later in 2023 which will provide the following changes:
 - Allowing employees to request flexible working from Day 1 of their employment – currently flexible working requests can only be made after 26 weeks of employment
 - removing the requirement for employees to explain in their applications what effect they think it will have on their employer,
 - allowing employees to make two flexible working requests per 12 months instead of the one currently allowed,
 - reducing the deadline for an employer decision on flexible working requests from three months to two months.
- 5.6.2 Rather than wait for these changes to be imposed under the direction of the legislative update, CMT have agreed to a proposal to make the changes through this policy update. This supplements the flexible arrangements already in place with the agile working procedures whilst also underlining the Council as a forward looking employer of choice for candidates.
- 5.7 The Trans/Non-Binary Policy has been created:
 - To support the Council's commitment to equality of opportunity for trans and non-binary people throughout their recruitment and employment, including supporting trans employees through any transitioning process and to ensure that they are treated with dignity and respect within the workplace.

- 5.8 It is recognised that policy and procedure alone does not provide the confidence and competence to manage workforce situations. The HR/OD Team are supporting the effective implementation of these procedures through a programme of development for managers.

6 Consultation and Other Considerations

Legal Advice

- 6.1 As a responsible employer it is incumbent upon the Council to ensure that it has in place policies and procedures which provide a framework for enabling it to discharge its legal responsibilities in the field of employment law. These responsibilities are framed around a need to ensure employees have access to fair and transparent processes HR processes. The updated policies provide a framework for decision making which (when followed) will mitigate the risk of successful legal challenges.

Financial Advice

- 6.2 Not required for this paper

Other Consultation Responses

- 6.3 The policies have been through a consultation exercise with trade unions, a cross section of managers and through the equalities team. Any comments or suggestions received have either been incorporated into the policy or an explanation provided as to why it was felt inappropriate to do so.

Equalities Impact Assessment

- 6.4 The performance of these policies is monitored and included with the annual workforce monitoring report.

Strategic Risk Management Issues

- 6.5 The policies being presented could have a significant impact on the Council where either poor people management or failure to follow due process could present legal challenges. This is aside the personal impact this can have on either individuals or wider teams where these important areas are not addressed well.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂.

The reasons the Council believes that this will have no impact on emissions are the fact that these are employment procedures in place to support attendance and fair treatment for staff at work.

Health & Wellbeing Considerations

- 6.7 It is recognised that implementation of these policies can created significant challenges for all staff involved. It is essential that consideration for the health and wellbeing for staff is always considered and the appropriate support is provided including involvement with occupational health

Background Papers

- Trans and Non-Binary Policy
- Adoption Leave Policy
- Shared Parental Leave Policy
- Flexible Working Policy

Contact for further information

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