

HR Policy Update - September



Report to: Personnel Committee

Date: 26 September 2024

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Executive Summary

- A** A review of the HR policy framework was undertaken and identified that many of our current policies were 'aged'. As a result, a full review was commissioned to ensure they are fit for purpose in the modern working environment and compliant with current legislation. This report presents the first tranche of reviewed HR policies for approval. In addition, it sets out the suite of policies under review to be presented to the committee in the forthcoming meetings. All policies will be put on a planned review cycle – noting that any legislative change or issue that could impact a policy, will automatically trigger a review/new policy as necessary.
- B** All policies have been reviewed by very experienced HR professionals, bench-marked for best practice and discussed / agreed with Unions. Our 2004 UNISON facilities agreement has been reviewed, renegotiated and agreed with our regional unison team. Additional facilities time has been agreed to specifically support this significant policy re-fresh.

Recommended that:

- A** The following policies be approved:
- i) Organisational Change Policy
 - ii) Discretionary Payments Policy
 - iii) Carers Leave Policy
 - iv) Managing Sickness Absence Policy

- B** The Committee notes the work being undertaken to update other HR policies which will be submitted to future meetings.

Reason for decision

- A** It is essential that as an employer Harlow Council has up to date, modern and legally compliant policies.

Other Options

- A** The option to do nothing would place the Council at risk of successful litigation and also place the Council in a position whereby it would be less attractive as an employer

Background

1. Many of the council's Human Resources policies are 'aged'. Although key changes in employment legislation have been addressed, there are still some that need to be reflected in our policies. In addition, this review provides an opportunity to enhance our employment offer to existing and potential employees as well as simplifying processes to enable managers to manage effectively.
2. Accordingly, the Chief Executive has engaged external support to undertake this work to ensure that operational capacity within the Human Resources Team is not compromised.
3. Appendix A sets out the policies that will be reviewed. They will be brought to this committee in its meetings on 28 November 2024, 14 January and 6 March 2025 and then placed on a programmed refresh cycle.
4. All policies have been the subject of consultation with Unison who are in agreement with the new policy proposals.

Issues/Proposals

5. The following policies and procedures are now submitted for approval:

Organisational Change

6. This policy sets out the council's approach to managing organisational change including restructures/redundancies. The principal changes to the policy/procedure are as follows:
 - a) Sickness absence as a criteria for compulsory selection for redundancy is removed as this may be discriminatory against people with disabilities;

- b) Consultation periods have been shortened in line with legislative changes;
- c) The policy of not re engaging an employee who has left via redundancy has been extended to include engagement via a third party (such as an agency);
- d) Rights of employees on maternity, shared parental or adoption leave have been strengthened to reflect legislative changes; and
- e) Pay protection provisions have been improved to 12 months' full pay. The previous amounts which were cash limited had not been updated since 2011 and were significantly lower than other Councils. The 12 month period is fair to employees and also to the council.

Discretionary Payments

- 7. The council is required to produce a discretionary payments policy under the following regulations:
 - a) Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations, 2006; and
 - b) Local Government Pension Scheme Regulations 2013
- 8. The policy now includes provisions for cases where an employee leaves through business efficiency and is aged 55 and over and is in the Local Government Pension Scheme. It also clarifies the basis for making redundancy calculations and confirms that the Council will not pay any further pension enhancements.

Carers Leave

- 9. The Carer's Leave Act 2023 came into effect on 6 April 2024. The Act provides for up to 5 days unpaid leave for employees with caring responsibilities. In the light of this, a new policy has been produced. Many employers have chosen to improve on the statutory provisions by allowing up to 5 days paid leave.

Sickness Absence Policy

- 10. This policy in effect "tightens up" the previous policy and practice. In particular it:
 - a) Clarifies stages in the procedure (whilst not changing trigger points);
 - b) Places a greater emphasis on the importance of employees following the procedure including the consequences of not doing so; and
 - c) Makes managers more accountable for managing employee's sickness absence

11. In addition, a new provision allowing employees with a disability time off where both medical and non-medical appointments are needed (such as assessments for personal aids and adaptations)

Implications

Equalities and Diversity

An equalities impact assessment is not required for these policies. However it is worth noting that the new policies have the following positive provisions in respect of protected characteristics

- The Organisation Change policy sets out additional protected rights with regards to maternity, paternity and shared parental leave. The policy also removes sickness absence as a basis for selection for redundancy as it potentially discriminates against employees with a disability
- The Carers Leave Policy provides additional benefits to carers. Being a carer is a protected characteristic because they count as being 'associated' with someone who is protected by the law because of their age or disability.
- The sickness absence policy places emphasis on the need to take into account of the needs of employees who have a disability

Climate Change

No direct implications

Finance

No direct financial implications arising from this report

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Governance

The introduction of revised policies will assist the Council in providing lawful working practice whilst mitigating the risk of successful employment challenges

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Appendices

Appendix A – List of policies to be reviewed

Appendix B – Revised Organisational Change Policy

Appendix C – Revised Discretionary Payments Policy

Appendix D – Proposed Carers Leave Policy

Appendix E – Revised Managing Sickness Absence Policy

Background Papers

None.

Glossary of terms/abbreviations used

None.