

**HR POLICY DEVELOPMENT AND REVIEW**

**18 July 2024**

**Report of the HR Policy and Strategy Lead**

**PURPOSE OF REPORT**

To enable the Committee to consider and approve the introduction of revised recruitment and selection, domestic abuse, maternity, partner, adoption, and shared parental leave policies and the introduction of a special leave (consolidating the emergency dependant leave, bereavement leave, compassionate leave, unpaid leave and carers leave policies) and parental leave policies.

This report is public.

**RECOMMENDATIONS**

**That the draft policies appended to this report are considered by the committee and approved.**

**1.0 Introduction**

- 1.1 The council has undertaken a phase four review of HR Policies which fall into the category of Special Leave, Family Friendly Leave, Domestic Abuse and a minor subsequent update to the Recruitment and Selection Policy which was approved more recently.
- 1.2 The policy review continues to concentrate on standardising format and branding of all the HR policies; bringing them in line with the branding selected to produce the employee handbook.
- 1.3 The policy review also concentrates on simplifying, consolidating and shortening policies where possible, so that they are easier to follow and digest for employees, trade unions and managers. Each policy makes clear the scope, the responsibilities of each party and the process to be followed and any rights and/or entitlements of employees.
- 1.4 It is considered that a lot of information currently in these policies would be better served in guidance documents to ensure that the policy is focused on the fundamentals of principles, entitlements and process. It is the intention that each of these policies will be introduced alongside a suite of supporting documents provided to both managers and employees to ensure they each feel equipped and prepared to engage with the processes.
- 1.5 The policies are appended to this report, as well as a policy amendments tracker which focuses specifically on amendments to the relevant policy.

**2.0 Recruitment and Selection Policy**

- 2.1 The existing LCC Recruitment and Selection Policy was recently reviewed, but a minor amendment is suggested following the implementation of the People Manager Essentials training, which was designed to improve line manager capability in undertaking interviews with all candidates.
- 2.2 During consultation, it was highlighted that the Guaranteed Interview Scheme has been replaced by the Disability Confident scheme, but there were still references within the policy to the Guaranteed Interview Scheme which have now been updated.
- 2.3 The policy previously required HR to be present during all interviews with candidates who were selected for interview in connection with the relevant Scheme. However, we consider that the introduction of another person in an interview may lead to increased pressure for the interviewing candidate, and following the roll-out of the People Manager Essentials training on recruitment and selection line managers should feel confident to undertake interviews, and to be clear on what reasonable adjustments are necessary in advance of the interview.

### **3.0 Domestic Abuse Policy**

- 3.1 The LCC Domestic Abuse Policy and Procedure had not been reviewed since 2019.
- 3.2 The previous policy was fit for purpose and was consistent with the policies for other local authorities, however, we consider that this version is improved, with a much greater focus and emphasis on education, and spotting the signs of domestic abuse and also encouraging all staff members to encourage open conversations.
- 3.3 There is a greater focus on what adjustments can be put in place to ensure that victims of domestic abuse feel supported that they can ask for these specific things, and do not need to come up with the suggestions themselves (although they would be encouraged to do so in addition to that list in any case).
- 3.4 We have also introduced two days paid leave for victims of domestic abuse to use as they need to, to ensure that they do not feel any financial impact of having to take time out of work to make arrangements.
- 3.5 The policy makes reference to our existing White Ribbon Ambassadors as another support mechanism internally for victims of domestic abuse to discuss their circumstances with and to ensure that they feel they are speaking with someone who is equipped to discuss their situation and to point them in the most appropriate direction.
- 3.6 The policy also makes clear that domestic violence is a workplace issue. Not only an issue to be identified in the workplace and which can have a significant impact on a victim's ability to perform their roles (which we are clear will be taken into account when considering managing absence/performance) but also acknowledges that we may have perpetrators of domestic violence who work with us and that if their conduct outside of the workplace is considered relevant to their role, that this may be dealt with as a disciplinary issue.
- 3.7 The policy already included signposting to a number of relevant external sources of help, however we have taken a fresh look at these and included networks/organisations which cater more appropriately to the diverse group of people that we work with, to ensure that their specific needs are adequately reflected on, as we acknowledge that domestic abuse is more prevalent with certain groups of people. We have also included an organisation which provides help and support to perpetrators of domestic abuse and encourage any staff members who may be perpetrators of domestic abuse to get help.

### **4.0 Special Leave Policy**

- 4.1 The Special Leave Policy is a new policy which seeks to consolidate Compassionate Leave, Bereavement Leave, Emergency Dependants Leave, Unpaid Leave and now includes the introduction of the statutory right to Carers Leave. Previously these were all separate policies which were due to be reviewed but combining them consolidates almost all situations for which an employee might need emergency time off work in one place.
- 4.2 All policies have been re-branded and re-formatted, but the key changes include the following:
- 4.3 Previously, when an employee submitted a request for Emergency Dependant leave, the line manager and/or HR needed to calculate how much annual leave was remaining before this could be approved. We have sought to simplify this by providing the right to two paid days' leave no matter how much annual leave is remaining and to introduce flexibility on how to report these emergencies so that employees can feel more comfortable to deal with the immediate emergency and inform us in a way they feel comfortable with. We have done so following the feedback of our internal staff networks.
- 4.4 As a result of consultation we have clarified in the policy that grandparents are included within the definition of Dependants, but LCC are committed to honouring Emergency Dependants leave for anybody that might rely on our employees for their care.
- 4.5 The Special Leave policy incorporates a new right for employees to take Carer's Leave for up to one week (pro rata) per year. The entitlements and notice requirements reflect the statutory offering, but we understand that advance notice will not always be possible, so we instead encourage employees to give as much notice as they are able to in the circumstances. We previously offered Unpaid Leave in excess of this, but this was subject to application and approval (which it continues to be but note the below changes), but Carers Leave is an *entitlement* for which LCC would only be able to delay/postpone in cases of serious disruption (which is again consistent with the statutory rules).
- 4.6 Previously, Unpaid Leave was subject to length of service criteria, and was also broken down into various types of unpaid leave based on the length of time off requested. We have sought to simplify this significantly by providing that Unpaid Leave of less than 3 weeks can be approved by a line manager, and anything 3 weeks or more needs to be approved by a Chief Officer. The only length of service requirement now is that an employee must have passed their probationary period to request a period of Unpaid Leave. A request for more than 12 weeks Unpaid Leave would be considered a Career Break.

## **5.0 Parental Leave Policy**

- 5.1 Historically, there has not been a policy in place to reflect the statutory right of parents to take parental leave so this is a brand-new policy to summarise the right of a parent with 1 years' service or more to take up to 18 weeks' unpaid leave up until their child's 18<sup>th</sup> birthday. It mirrors the statutory regime in respect of entitlements, notice, and incorporates the additional rights of parents of disabled children.

## **6.0 Maternity Leave Policy**

- 6.1 There has been little in the way of substantive change to the Maternity policy, save as to remove the limit of up to 5 working days (pro rata) holiday carryover. This is to acknowledge that it will not always be possible to take all holidays as a result of taking a period of family leave, and rather than losing any other leave, or being required to take it at a time that is not convenient for the employee, there is now no limit on carryover, but

this must be *at least* booked in the first 2 months of the following leave year. Following consultation, these matters have been further clarified in the attached drafts to ensure employees understand that there is no limit on carryover, and that they can pre-book those carried over days for *any time* in the next leave year provided this is done in the first two months after their return.

6.2 Following consultation, it has also been made clear within the body of the entitlements to leave and pay section, that an employees' maternity pay will be recalculated to reflect any pay increases during their leave (as opposed to in an FAQ section).

6.3 All other changes to the policy have been in respect of re-formatting, re-branding and re-ordering information so that it is easier to read for employees. The policy is now very clear on each parties' responsibilities and sets out in a logical order what is necessary from the employee and when. There have been no changes in respect of process or entitlement.

## **7.0 Adoption Leave Policy**

7.1 Similarly with Maternity leave, there has been little in the way of substantive change to the Adoption policy, save as to remove the limit of up to 5 working days (pro rata) holiday carryover. This is to acknowledge that it will not always be possible to take all holidays as a result of taking a period of family leave, and rather than losing any other leave, or being required to take it at a time that is not convenient for the employee, there is now no limit on carryover, but this must be *at least* booked in the first 2 months of the following leave year. Following consultation, these matters have been further clarified in the attached drafts to ensure employees understand that there is no limit on carryover, and that they can pre-book those carried over days for *any time* in the next leave year provided this is done in the first two months after their return.

7.2 Following consultation, it has also been made clear within the body of the entitlements to leave and pay section, that an employees' maternity pay will be recalculated to reflect any pay increases during their leave (as opposed to in an FAQ section).

7.3 All other changes to the policy have been in respect of re-formatting, re-branding and re-ordering information so that it is easier to read for employees. The policy is now very clear on each parties' responsibilities and sets out in a logical order what is necessary from the employee and when. There have been no changes in respect of process or entitlement.

## **8.0 Partner Leave Policy**

8.1 The Partner Leave policy has been renamed to "Partner Leave", which was previously named "Paternity/Partner" Leave. It was felt that including both was a half measure toward inclusivity, and Partner Leave is a more inclusive term to reflect the fact that all genders could be the "partner" to the primary parent.

8.2 The policy reflects the new statutory changes to how Partner Leave can be taken i.e. in 2 1-week blocks, and how much notice needs to be given of the intention to take Partner Leave (4 weeks in advance of each week if taking 2 1-week blocks).

8.3 LCC are cognisant of the disparity in the enhancement of maternity leave and pay and partner leave and pay. The existing position is that partners get one-week full pay regardless of length of service, and the second week was subject to the statutory eligibility requirements (meaning that some partners are not eligible for either pay, leave or even both in some cases) and statutory rate of pay. Now, LCC are committing to two weeks of normal pay for all regardless of length of service, which will hopefully ensure

that partners are not financially affected by taking Partner Leave, and therefore elect to take the second week to bond with their new child.

## **9.0 Shared Parental Leave Policy**

- 9.1 There has been little in the way of substantive change to the Shared Parental Leave policy, save as to remove the limit of up to 5 working days (pro rata) holiday carryover. This is to acknowledge that it will not always be possible to take all holidays as a result of taking a period of family leave, and rather than losing any other leave, or being required to take it at a time that is not convenient for the employee, there is now no limit on carryover, but this must be *at least* booked in the first 2 months of the following leave year. Following consultation, these matters have been further clarified in the attached drafts to ensure employees understand that there is no limit on carryover, and that they can pre-book those carried over days for *any time* in the next leave year provided this is done in the first two months after their return.
- 9.2 All other changes to the policy have been in respect of re-formatting, re-branding and re-ordering information so that it is easier to read for employees as it is such a complex process. The policy is now very clear on each parties' responsibilities and sets out in a logical order what is necessary from the employee and when but this scheme already mirrors the statutory offering and no changes have been made to entitlements or process.

## **10.0 Comments and amendments following the JCC on 10 July 2024**

### *Recruitment and Selection*

- 10.1 Fixed typo at paragraph 4.5.
- 10.2 Clarified that LCC are responsible for the cost of DBS checks at paragraph 7.9.
- 10.3 Fixed typo at paragraph 15.1.

### *Domestic Abuse*

- 10.4 Fixed typo at paragraph 7.3.

### *Special Leave*

- 10.5 There was some discussion around the name of the policy, as Special Leave is a catch all term used in other Local Authorities. This author considers this is valid feedback and proposes that it be dealt with by efficient signposting on the intranet so that employees are aware of specifically what it covers.
- 10.6 The matter of a "wellbeing day" and a discussion around an increase in the number of paid days of emergency dependant leave was discussed. The author considers that LCC has improved on the existing position which was impacted by the number of holidays an employee had, but HR have also committed to reviewing the data in 12 months' time to get an accurate gauge on how often this is used, and what increasing this further may cost. We propose to introduce a Chief Officer discretion within the guidance for exceptional circumstances (which is likely to be where there is little flexibility in the employee's role).
- 10.7 Further clarified that bereavement leave is paid, and re-worded entitlement to parental bereavement leave following feedback from UNISON.

### *Parental Leave*

- 10.8 Committed to postponing applications for parental leave in exceptional circumstances only.

### *Maternity Leave*

- 10.9 Clarified that imposed maternity leave, will only be in cases of pregnancy related ill-health or suspension during the 4 weeks prior to the expected week of childbirth as requested by UNISON.
- 10.10 Included a sentence regarding a return-to-work conversation where line managers work with employees to agree how to use annual leave effectively. This will be reinforced in the manager guidance about what options could be suggested i.e. reducing working days by 1 day and using holidays to ease employees back in.

### *Adoption Leave*

- 10.11 Included protection from redundancy to mirror maternity and shared parental leave at new paragraph 9.4.
- 10.12 Included a sentence regarding a return-to-work conversation where line managers work with employees to agree how to use annual leave effectively. This will be reinforced in the manager guidance about what options could be suggested i.e. reducing working days by 1 day and using holidays to ease employees back in.

### *Shared Parental Leave*

- 10.13 Included a sentence regarding a return-to-work conversation where line managers work with employees to agree how to use annual leave effectively. This will be reinforced in the manager guidance about what options could be suggested i.e. reducing working days by 1 day and using holidays to ease employees back in.

## **11.0 Options**

- 11.1 The options available to the Committee are to approve the revised policies as drafted, to approve the policies with amendments, or not to approve the policies.
- 11.2 However, if substantial changes in respect of any Policy are proposed at the People and OD Committee meeting, it may be appropriate for consideration of that Policy to be deferred to a future meeting to enable Officers to consider the proposed amendment in more detail and to consult further with the trade unions.

## **12.0 Conclusions**

- 12.1 Members are asked to consider and accept the Officer recommendations set out above in respect of the draft policies appended to this report.

### **CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

Please see associated Equality Impact Assessment in respect of the proposed policies. There is no notable impact however I would always encourage the use of reasonable adjustments where any formal process is followed due to a disabled employees' ability to purposefully interact with a meeting.

**LEGAL IMPLICATIONS**

There are no legal implications, save for compliance with legal requirements to implement and update policies.

**FINANCIAL IMPLICATIONS**

There are increased entitlements to leave with a slight financial impact for days' pay not worked, but rather than this being an additional "cost" this will be dealt with by an absorption of work in that employees' absence.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

Chief Officers and their delegates, managers and HR have significant roles to play in these procedures. It would be recommended that as many managers as possible are upskilled in mediation and investigation so that more lower-level managers are able to be utilised.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments to add.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments to add.

**BACKGROUND PAPERS**

Policies and policy amendment tracker are appended.

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