

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PERSONNEL COMMITTEE

meeting date: 22 MARCH 2023
 title: HR POLICY UPDATE
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1 PURPOSE

1.1 To provide an update on the Council's HR policies.

2 BACKGROUND

2.1 The Council have reviewed all policies and their retention/review dates. This report will cover:

- Ongoing policies that are currently being reviewed.
- Council policies detailing revision dates.
- Horizon scanning of law changes that would result in policy revisions.

3 RVBC CURRENT POLICIES UNDER REVIEW

3.1 The following policies or sections of policy are currently under review. Once they are in a format for sharing, these will be brought back to Personnel Committee for ratification.

- Sickness Policy.
- Code of Conduct relating to Business Interests.
- Disturbance Allowance.
- Recruitment & Selection Policy - in line with revised recruitment system agreed as part of the Capital Bid.

4 LIST OF RVBC HR POLICIES WITH REVIEW DATES

| HR Policy, Forms and Procedures Index 2023 | Date Last Updated Red: Requires Review Amber: Review in Progress Green: Review Completed | Next Review (Date) |
|--|--|--------------------|
| Absence Policy and Procedure | April 2012 & Sept 2019 | |
| Absence Policy and Procedure - Return to Work Form | April 2012 & Oct 2018 | |
| Bank Holidays 2021/22 | 2021/22 | |
| Capability Procedure | Apr-11 | |
| Code of Conduct for Staff | Sep-12 | |
| Coronavirus (COVID-19) Guidance | No Date | |
| Disciplinary Procedure | Apr-12 | |
| Drug and Alcohol Policy | Oct-13 | |
| Early Retirement Policy | Jun-13 | |

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|--|--|-----------------------|
| Equal Opportunity Oppertunities Policy | Jul-21 | |
| Equality Strategy 2022-2026 DRAFT | Draft | |
| Gender Equality Scheme 2009-2011 | Dec-09 | |
| Data Retention Policy - Retention of HR Records | Jan-23 | Jan 2028 |
| Harassment Policy | Jul-15 | |
| Homeworking Scheme | No Date | |
| Introduction to Staff Handbook | Sept 2019 & July 2021 | |
| Job Share Policy | Apr-14 | |
| Long Service Award (25 Years) | | |
| Long Service Award (retirement) | | |
| Maternity, Paternity and Adoption Policy | Jan-21 | |
| Office Security and Visitors Policy | Nov-16 | |
| Osteopathy Policy | Nov-17 | |
| Parental Leave Policy | Sept 2016 & April 2014 | |
| Pay Policy Statement 2022/2023 | Jan-22 | |
| Politically Restricted Posts Policy | Apr-22 | |
| Probationary Period Procedure | No Date | |
| Procedure for Requests for Work Placements | Jan-11 | |
| Recruitment and Selection Policy | Sep-17 | |
| Redundancy Policy | Jan-11 | |
| Regrading Application | Jan-03 | |
| Removal and Disturbance Scheme | No date | |
| Request for a Contractual Change | Oct-13 | |
| Request for Flexible Retirement Form - 2014 | No date | |
| Request to Re-appoint | Aug-17 | |
| Retirement Policy | Jun-20 | |
| Right to Request Flexible Working | Jan-11 | |
| Right to Request Time Off For Study or Training | Jan-11 | |
| Ring Fence Procedure 2014 | No Date | |
| Shared Parental Leave Policy | Sep-16 | |
| Smoke Free Policy | Jun-13 | Reviewed periodically |
| Time Off In Lieu Policy | Dec-20 | |
| TRA1 - Travel and Subsistence Claim Form (Public Transport and Subsistence Claim (NOT TRAINING)) | No date | |
| TRA2 - Training Travel and Subsistence Claim Form | No date | |
| Training Policy | Apr-19 | |

5 PLANNED EMPLOYMENT LAW CHANGES 23/24

5.1 From horizon scanning, below are the significant policy changes we will see over the next 18 months with will affect Council Policies and practices. These are:

- Changes to Retained EU Law policies.
- Family related policies.
- Disability and sickness.

In more detail the below Bills are now with Government for progressing.

Retained EU Law (Revocation and Reform Bill)

- The Bill provides for EU derived law to expire on 31 December 2023 unless the Government takes steps to retain it (the deadline can be extended to 31 December 2026). The Bill also includes provisions on how previous EU case law should be treated.
- Affected employment law includes, working time and annual leave, fixed-term workers' rights, part-timeworkers' rights, agency workers' rights, TUPE, equal pay and discrimination.

FAMILY RELATED POLICY

Extended Redundancy Protection to Pregnant Employees and those Returning from Family Leave

The Government has confirmed that it will be backing a Private Members' Bill.

- Currently, any employee who is on maternity, adoption or shared parental leave is entitled to be offered any available suitable alternative vacancy if they would otherwise be made redundant during their leave.
- A dismissal due to failure to comply with such a requirement will be regarded as automatically unfair.
- This change allows protection to be extended from the point that a woman informs her employer that she is pregnant to 18-months after birth. This would ensure all women would have at least six month's protection following return to work.
- A similar approach would be taken for adoption and shared parental leave.

Introduction of Carers Leave

The Government has confirmed that it will be backing a Private Members' Bill.

- The right to a week's unpaid leave for carers.
- Right from day one of employment.
- Can be requested yearly.
- The leave can be used to provide or arrange care for a dependant with a long-term care need.
- An employee will be able to make a claim for compensation to an employment tribunal if their employer unreasonably postpones a period of carers leave or prevents or attempts to prevent them from taking it.

Neonatal Care Bill

- The Government has confirmed that it will be backing a Private Members' Bill.

- The Bill provides for a day one right of at least one week's additional leave for parents whose baby requires care in a hospital or other setting for seven days or more within 28 days of the day following the birth. However, statutory neonatal care pay (yet to be defined) will also be made available for that leave for those with 26 weeks' service by the week before the child starts to receive neonatal care. Statutory pay will be available for up to 12 weeks. Neonatal leave must be taken within 68 weeks of the birth of the child.

Changes to the Right to Request Flexible Working

- The Government will continue to support the Bill as it progresses through Parliament.
- Making the right to request flexible working a day one right.
- Retaining the reasons for refusing flexible working requests.
- Consulting with employees about their requests (this will require primary legislation in the Employment Rights Act 1996 to be amend).
- A more responsive process for making and administering requests. Currently, eligible employees can only make one statutory flexible working request within a 12-month period and employers have three months to respond (this will require primary legislation in the Employment Rights Act 1996 to be amend).
- Setting out the effects of flexible working.
- Under the current regulations when making a flexible working request the employee is required to set out in the application what effect, if any, they think making the change applied for would have on the employer and how, in their opinion, any such effect might be dealt with (this will require primary legislation in the Employment Rights Act 1996 to be amend).
- Requesting a temporary arrangement and informal flexibility.

DISABILITY AND SICKNESS

HSE – Disabilities and Long-Term Absences

- HSE have published new guidance to assist managing employees with disabilities and long-term health conditions.
- HSE While it will remain committed to addressing safety and the prevention of accidents and injury at work, this reflects the evolution of its strategy People and Places, which for the next ten years has added a focus on health at work, recognising that work-related ill health causes significant absence and that the number of deaths caused by work-related ill health far exceeds deaths caused by accidents at work.

ACAS Campaign and Government Employee Health and Disability Service

- With sickness absence rates increasing for many employers, Acas has launched a campaign to highlight its guidance on this issue.
- The Government has also launched a new service: Support with employee health and disability.

The Government's Health is Everyone's Business

The measures outlined in the response are designed to minimise the risk of ill-health related job loss through providing employers with access to good quality information and advice; supporting employers and employees during sickness absence; enabling small and medium sized enterprises (SMEs) (ie organisations with fewer than 250

employees) to reap the benefits of occupational health (OH) and making better use of the fit note.

- The Government intends to refine the information and advice given to employers on health, work and disability to make it easier to navigate and more readily usable, especially for SMEs.
- The Health and Safety Executive will develop non-statutory guidance to help employers to support disabled people and people with long-term health conditions to remain in work, and also manage any related sickness absence.
- Ways of increasing access to OH advice for SMEs are also to be considered. The Government is to test and evaluate the impact of a subsidy for SMEs and the self-employed, which should reduce the cost of accessing suitable advice.
- The Government is exploring extending fit note certification to a wider group of healthcare professionals and introducing digital certifying of fit notes, as well as looking towards further opportunities to make the fit note interactive.

The Government's Shaping Future Support: the Health and Disability Green Paper

- This explores how to improve employment support for disabled people and people with health conditions. It includes details of the trialling of an Access to Work Adjustments Passport, which is a document that sets out the needs of the passport holder which should assist with transitioning from education to work and between jobs. It will provide greater flexibility and reduce the need for repeated workplace assessments. Changes have also been made to enable Access to Work support to be provided in more than one location and a flexible application process has been introduced which will reduce bureaucracy.

The Government's National Disability Strategy

- This sets out the actions the Government will take to improve the everyday lives of disabled people. In Part 1 of the Strategy, under 'Jobs: Making the World of Work More Inclusive and Accessible', the Government provides further details on a number of policies, some of which, such as the Access to Work Adjustments Passport and the Disability Confident scheme. However, in the general employment context, the Strategy does also refer to 'strengthening rights in the workplace, encouraging flexible working and introducing carers leave, and improving access to advice on employment rights for disabled people and employers.

In relation to advice, Acas, in conjunction with BEIS (Business Energy and Industrial Strategy), has launched a new Disability Advice Hub providing advice on supporting disabled workers and fair treatment.

- Reasonable adjustments.
- Supporting mental health at work.
- Disability discrimination.
- Employment law.
- Improving equality, diversity and inclusion in the workplace.
- Protected characteristics.
- Coronavirus (COVID-19) guidance.
- Flexible working, including working from home and hybrid working.

OTHER

Duty to Prevent Sexual Harassment

- The Government acknowledges that increasing employer understanding and awareness of the preventative steps they should be taking to comply with the law and make workplaces safer is vital if a preventative duty is to have the desired impact. To this end, the Equalities and Human Rights Commission (EHRC) will produce a statutory code of practice which will complement the technical guidance on sexual harassment and harassment at work published in 2020. The EHRC has also published Preventing Sexual Harassment at Work: A Guide for Employers, which employers may find helpful when revisiting this area in anticipation of the new duty.

Extension of Period Required to Break Continuous Employment from One Week to Four Weeks

- Contracts and entitlement calculations to be updated.

Information Commissioner's Office – Information about Workers' Health (NSD)

- New guidance on how to keep information relating to workers' health.
- This will be an amendment to a section in the HR Data Retention Policy.
- Following the publication last month of its first draft topic-specific guidance on employment practices and data protection, the Information Commissioner's Office (ICO) has now published draft guidance on information about workers' health.

5 **CONCLUSION**

- 5.1 For Committee to be aware of ongoing policy work.

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P13-23/DS/AC
13 March 2023

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