

Forest Heath District Council

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Cabinet Member for Resources, Governance and Performance

CABINET

28 OCTOBER 2014

CAB14/169

NEW JOINT (WEST SUFFOLK) HUMAN RESOURCES POLICIES: FLEXIBLE WORKING POLICY AND ADOPTION POLICY AND PROCEDURE (Decisions Plan

Reference: OCT14/09)

1. Summary and reasons for recommendation(s)

- 1.1 The Human Resources Service is currently working through the HR Policies that are in place at each council, in order to produce and agree new joint policies for West Suffolk. This report proposes two new joint policies.
- 1.2 The new joint policies proposed are: the Flexible Working Policy and the Adoption Policy and Procedure.
- 1.3 Both of these policies have been reviewed in accordance with the current employment legislation. Policies and procedures are also written with ACAS best practice in mind.
- 1.4 The existing policies and procedure in place at Forest Heath District Council and St Edmundsbury Borough Council have been reviewed and aligned to ensure that managers have comprehensive and effective joint policies for dealing with these specific situations and their single staff structures.
- 1.5 The Joint Leadership Team and Unison have had early involvement in the development of these policies. Consultation continues at Joint Staff Consultation Panel, with Portfolio holders and finally with Cabinets, who will be asked to approve the final versions subject to recommendation from Joint Staff Consultative Panel.
- 1.6 The proposed changes in these papers are due to changes in the employment law and to align them as clear and accurate joint West Suffolk policies.
- 1.7 Where minor statutory changes are made subsequently, in consultation with Unison, policies will be amended.

2. Recommendation(s)

2.1 That the Flexible Working Policy and the Adoption Policy and Procedure are approved by Cabinet for adoption.

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3. Strategic priorities

3.1 The recommendations meet the Councils' priorities to work together to be efficient councils in the effective management of human resources.

4. Key issues

4.1 The two Councils have a Joint Leadership Team, a single pay and reward strategy, and a shared workforce. HR policies and procedures underpin the terms and conditions of employment, and are tools for both managers and employees to utilise to deal with matters when they arise.

4.2 It is important for everyone to have absolute clarity, fairness and consistency in regard to dealing with the situations covered by these policies. The adoption of these joint and up-to-date policies will be supported by information sharing and training for managers and staff, as appropriate.

4.3 A few aspects of both policies have changed in accordance with recent changes in legislation.

4.4 Flexible Working Policy

- This is an updated policy for both West Suffolk Councils.
- The statutory right to request flexible working (from 30 June 2014) is now available to all employees providing they have completed 26 weeks of service continuously, at the date of the application. The right was previously applicable in law to employees with caring responsibilities.
- Once the request for flexible working has been received, the line manager should arrange a meeting to discuss the application with the employee as soon as possible. Statute has been altered in that previously a prescribed statutory timescale was set for meetings and responses to take place, which was restrictive. Meetings had to take place within 28 days; whereas now there is a statutory total period of 3 months for resolution of the entire process.

- After the meeting, Human Resources must write to inform the employee of the outcome as soon as possible. This is altered from the previous time frame of 'within 14 days'.
- However, adjustments have also been made to state that it is important the request is dealt with in a timely manner as the law requires the consideration process to be completed within 3 months, including any appeal.
- Arrangements for flexible working in that they can be made on a temporary or trial basis have been added to the policy.
- The removal by statute of set timescales for the procedure is beneficial to the process as it means that a practical and effective timescale agreed with the manager and the employee without unnecessarily bureaucratic and statutory procedure.

4.5 Adoption Leave Policy and Procedure

- The requirement that employees have to have worked for 26 weeks continuously in order to be eligible for adoption leave will be abolished, coming into effect on 5 April 2015.
- A rise in statutory adoption pay came into effect on 6 April 2014 (£138.18 per week) or 90% of weekly earnings, whichever is lower. This figure is generally increased annually and it is proposed the policy will be reviewed annually to amend the financial figure.
- Very few employees have been eligible or taken adoption leave but it is best practice to make sure we have a policy in place in accordance with changing employment law.
- This is a new policy for Forest Heath District Council in accordance with the legislation and an updated policy for St Edmundsbury.
- The government is keen to increase the number of adoptive parents, and this policy supports that objective in providing clarity and benefits for adoptive parents that match those given in the Maternity Pay and Leave Policy.

5. Other options considered

- 5.1 To retain existing, different policies that need reviewing is not an effective option; and the policies need to meet new legislation. Lack of a policy and associated guidance is unhelpful to both employees who wish to adopt a child and to their managers.

6. Community impact

- 6.1 **Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

- 6.1.1 None.

6.2 Diversity and equality impact *(including the findings of the Equality Impact Assessment)*

6.2.1 The adoption of these joint policies supports equity and consistency in approach between the two partner employers in West Suffolk.

6.2.2 In response to the national Modern Workplace consultation, the Adoption Policy and Procedure ensures that there is an equal and fair treatment of employees wishing to take adoption leave, bringing the policy in line with maternity leave. The policy treats adoptive parents equally regardless of the sex of the adoptive parent.

6.2.3 The Flexible Working Policy allows equal opportunities for all employees to apply for flexible working in order to provide a balance between work and home commitments whilst maintaining effective service delivery.

6.3 Sustainability impact *(including completing a Sustainability Impact Assessment)*

6.3.1 Not applicable.

6.4 Other impact *(any other impacts affecting this report)*

6.4.1 Not applicable.

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

7.1 This paper is the consultation document for the Joint Staff Consultative Panel; Unison and the Joint Leadership Team has been consulted during development.

8. Financial and resource implications *(including asset management implications)*

8.1 These policies have been reviewed to ensure the efficient use of both human and financial resources at both West Suffolk Councils.

8.2 Training on HR Policies is delivered as part of the HR Bite Size programme, to ensure familiarity and compliance with the policies, associated procedures and guidance. The policies will be available on the intranet for employees and managers.

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

Risk area	Inherent level of risk <i>(before controls)</i>	Controls	Residual risk <i>(after controls)</i>
Policies affect service delivery	Medium	Sound policies and guidance provided by Human Resources; support for effective decision making	Low

10. Legal and policy implications

10.1 Flexible Working Policy complies with:

Employment Rights Act 1996
Children and Families Act 2014
Flexible Working Regulations 2014

10.2 Adoption Policy and Procedure Complies with:

Consultation on Modern Workplaces, November 2012
Paternity and Adoption Leave Regulations 2002

11. Ward(s) affected

11.1 None directly.

12. Background papers

12.1 None.

13. Documents attached

13.1 Appendix A - Adoption Policy and Procedure (2014)
Appendix B - Flexible Working Policy (2014)