

<b>Committee(s):</b> Corporate Services Committee	<b>Dated:</b> 10/04/2024
<b>Subject:</b> HR policy changes (various) – April 2024	<b>Public</b>
<b>Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?</b>	2, 3, 4
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>If so, how much?</b>	n/a
<b>What is the source of Funding?</b>	n/a
<b>Has this Funding Source been agreed with the Chamberlain’s Department?</b>	n/a
<b>Report of:</b> Alison Littlewood, Executive Director of HR & Chief People Officer	<b>For Decision</b>
<b>Report author:</b> Carol Simpson, Head of Employee Services & Transformation	

### Summary

A number of significant employment law changes are due to come into force in April 2024. This report details: the policy changes to be assured of compliance with legislative/regulatory changes in UK employment law; our current policy position for context, where applicable; and the proposal to improve our employment offer i.e., to consider paid leave when taking the newly introduced Carer’s Leave.

### Recommendation(s)

The body of this report is primarily for Members endorsement to changes in City Corporation employment policies to be in line with employment law changes. However, it is proposed to improve our employment offer in regard to agreeing that the newly introduced right to take Carer’s Leave is paid at normal pay rate, as opposed to unpaid leave.

Members are asked to:

- Approve policy changes as set out in the body of the report.
- Approve the proposal of paid Carer’s Leave.
- Delegate authority to the Chief People Officer, to agree any further revisions / insertions where necessary i.e., to the Flexible Working Policy, the extension of redundancy protection in specified circumstances.

## **Main Report**

### **Background**

1. A number of employment law changes come into force in April in the UK that require our employment policies to be updated.

### **HR policy - Changes, current position (where applicable), and proposals**

2. For ease, this report sets out the relevant policy type, summarises the main policy updates (where relevant with context to existing policy), and proposals i.e., paid Carer's Leave.

### **Changes to the right to request flexible working**

3. The Flexible Working (Amendment) Regulations 2023 remove the current requirement for employees to have at least 26 weeks' continuous service, so that the statutory right to make a flexible working application will become a 'day one' right with effect from 6<sup>th</sup> April 2024.
4. In addition, the Employment Relations (Flexible Working) Act 2023 provides for changes to some of the rules on statutory flexible working requests to:
  - Allow employees to make two statutory flexible working requests every 12 months (as opposed to the previous limit of one).
  - Reduce the time limit for employers to deal with statutory flexible working requests from three to two months (although this can be extended by agreement with the employee).
  - Require employers to consult an employee before refusing a request.
  - Remove the need for employees to explain the effect of the proposed change, or how that could be dealt with when making a request.
5. Acas has consulted on a new 'Code of Practice on requests for flexible working' which is due to be published on 6<sup>th</sup> April 2024, this will replace the current 'Acas Code of Practice on handling in a reasonable manner requests to work flexibly' which was issued in 2014. A failure to follow the Code does not in itself make a person or organisation liable to legal proceedings. However, employment tribunals will take the Code into account when considering relevant cases.
6. At the time of writing secondary legislation is pending to implement the amended rights under the Employment Relations (Flexible Working) Act 2023. Furthermore, the proposed changes to the Acas Code of Practice on requests for flexible working still need to go through Parliament. Both are expected to come into force on 6<sup>th</sup> April 2024. Further revisions to the updated Flexible Working Policy (Appendix 1) may be necessary once these are available, therefore Members are asked to approve that, if necessary, the authority to make them is given to the Chief People Officer.

## Changes to the Paternity Leave Policy

7. The Statutory Paternity Pay (Amendment) Regulations 2024 change the rules on paternity leave for children born or placed for adoption after 6<sup>th</sup> April 2024.
8. The main features to note are:
  - An ability to split the two weeks of Statutory Paternity Leave as either one single block of one week, one single block of two weeks, or two separate blocks of a week each (instead of one week or two consecutive weeks).
  - The ability to take such leave at any point in the 52 weeks following birth or placement for adoption (instead of in the first 8 weeks after: birth, adoption placement for UK adoptions, or the date the child enters the UK for adoptions from abroad).
9. The Paternity Leave Policy has been updated and incorporates these changes, see Appendix 2.

## Changes to the Sickness Absence Policy

10. The definition of disability has been amended in relation to employment and occupation under the Equality Act 2010 (Amendment) Regulations 2023. In practical terms, provided a worker can show they have a physical or mental impairment with a long-term adverse effect on their ability to fully, and effectively participate in working life equally with their colleagues, it will be easier for them to establish that they are disabled.
11. The Sickness Absence Policy definition of disability is proposed to be amended to reflect this change:

Current wording

*30. The Equality Act 2010 defines disability as a “physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day to day activities”.*

New wording

*30. The Equality Act 2010 defines disability as a “physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day to day activities”. A person’s ability to participate fully and effectively in working life should be considered on an equal basis with other workers when looking at day-to-day activities.*

## Changes extending redundancy protection

12. Employees on maternity leave already have the right to be offered any suitable alternative vacancy (if there is one) when at risk of redundancy. The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 provides for greater protection against redundancy, during pregnancy and after a period of relevant leave has ended (maternity, adoption leave, and shared parental leave).

13. On 5<sup>th</sup> March 2024, the government published the finalised Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 which extend the right to be offered available suitable alternative employment in a redundancy situation. The main features of this change are:
  - To employees who have informed their employer that they are pregnant.
  - To employees who have returned to work from statutory maternity leave, statutory adoption leave, or a period of at least six consecutive weeks' statutory shared parental leave. The protection applies for a period of 18 months from the child's date of birth, or placement for adoption.
14. HR Business Partners and line managers implementing a redundancy process will need to ensure that they take account of the extended redundancy protection period where any employees at risk of redundancy are pregnant or have recently returned to work from maternity, adoption or shared parental leave.
15. The Maternity Policy, Adoption Policy, Shared Parental Leave Policy, Redeployment Policy and Managers Guide to Organisational Change will be updated to reflect these extended redundancy protection rights. It is proposed that the Chief People Officer is given the authority to make these changes.

### **Changes to the Special Leave Policy – Carer's Leave proposal for paid leave**

16. The Carer's Leave Act 2023 provides for one week of unpaid leave per year for employees who are providing or arranging care for a dependant with a long-term care need (i.e., expected to need care for more than 3 months). On 4<sup>th</sup> March 2024 the government published the final version of the Carer's Leave Regulations 2024 to implement these reforms.
17. Carer's Leave comes into force on 6<sup>th</sup> April 2024. The main features to note are:
  - The introduction of one week's unpaid leave each year for employees who are carers, for the purpose of caring for a dependant, or arranging care for a dependant, with long-term mental or physical health needs.
  - Carer's leave will be a 'day one' right, meaning that staff will not require a minimum period of service.
  - Carer's leave can be taken in one continuous block, as individual days, or as half days.
  - Entitlement will depend on the relationship between the carer and the person being cared for, with a focus on dependants with a long-term care need or a terminal illness.
  - Employees will self-certify that they are eligible, with no evidential requirements (for example details of the dependant's condition or caring activities being undertaken).

18. Members are asked to consider making the one week's Carer's Leave eligible for pay at normal pay. This does not incur additional budgetary costs, as salary would have otherwise been paid when working. In so doing, this would be viewed as advantageous to employees who are also unpaid carers for dependants and potentially help retain them in the workplace.
19. There are presently 58 employees who have declared themselves as having caring responsibilities for dependants in City People (the City Corporation's HR and payroll system). However, according to Carers UK, there are over 7 million people in paid work who also provide unpaid care (Carers UK, 'Right to carer's leave', 2023), invariably we are not capturing data on all our staff with caring responsibilities. Work to encourage the disclosure of caring responsibilities is planned with an equality and diversity data capture campaign.
20. The Special Leave Policy will be updated to incorporate Carers Leave, see extract for insertion at Appendix 3.

### **Key Data**

21. See the Carers Leave section above.

### **Corporate & Strategic Implications**

- Strategic implications – The changes cited in this report will support improving our employment offer as part of the City Corporation's People Strategy.
- Financial implications – None.
- Resource implications – None.
- Legal implications – Updates to HR policies and procedures to ensure compliance with changes in employment law.
- Risk implications – None.
- Equalities implications – The changes cited in this report are in direct response to legislative/regulatory changes to ensure compliance, please refer to the UK government's impact assessments:
  - [Proposals to reform flexible working regulations \(The Flexible Working Regulations 2014\): Impact Assessment \(publishing.service.gov.uk\)](#)
  - The Statutory Paternity Pay (Amendment) Regulations 2024, a full [Impact Assessment](#) has not been produced for this instrument as no, or no significant, impact is foreseen.
  - The Equality Act 2010 (Amendment) Regulations 2023, a full [Impact Assessment](#) has not been prepared for this instrument because there is no impact as a result of its implementation. Its effects are to maintain existing legal principles, thus having no impact on business.
  - [The Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023 Impact Assessment](#)
  - [The Carer's Leave Act 2023](#)

- Climate implications – None.
- Security implications – None.

## **Conclusion**

The policy changes detailed in this report are required to be assured of compliance with legislative/regulatory changes in UK employment law.

The proposal to make the newly introduced Carer's Leave paid leave is made on the premise of improving our employment offer and help to retain key staff who also care for dependants, whilst aiding their wellbeing.

## **Appendices**

Appendix 1 - Flexible Working Policy

Appendix 2 - Paternity Leave Policy

Appendix 3 - Carer's Leave [Insert to Special Leave Policy]

## **Background Papers**

Flexible Working Policy: the policy appendices are available upon request, these include: the flexible working application form, management decision letter templates, and FAQs).

## **Carol Simpson**

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