

HUMAN RESOURCES & COUNCIL TAX COMMITTEE
30 July 2024

REPORT OF ASSISTANT DIRECTOR OF PARTNERSHIPS

A.2 LEAVE POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Human Resources & Council Tax Committee on the review of the Council's Leave Arrangements for Employees Policy following the implementation of the new Payroll and HR system and in line with identified best practice and employment legislation.

EXECUTIVE SUMMARY

Tendring District Council is committed to developing and maintaining working arrangements that enable employees to achieve a better work-life balance. Annual leave and other types of leave are important elements in achieving a positive approach to work.

There are several types of leave entitlement, and it is essential that an employee gains authorisation for the type of leave that suits their need for absence from the workplace. All requests for leave will be dealt with fairly and consistently, in accordance with the Council's Equality and Diversity Policy (*Employment*).

The updated policy incorporates the new provision for time off for Carers which was introduced in April 2024. The new provision is intended to allow employees to provide or arrange care for a dependent with a long-term care need.

The background section of this document contains a detailed summary of the key policy changes.

The updated policy applies to all employees of Tendring District Council.

The purpose of this report is to inform the Committee of the requirements of the Carers Leave Act 2024, however the changes made to the Payroll and HR system, in respect of the administration of staff's entitlement to leave could have been done under the Officers' delegated powers.

RECOMMENDATION(S)

It is recommended that the Human Resources & Council Tax Committee: -

- a) Endorses and adopts the Council's updated Leave Arrangements for Employees Policy.**
- b) Notes that the Human Resources team will regularly monitor and review this policy's implementation and will report to the Council's Human Resources & Council Tax Committee as part of future Workforce Reports.**

REASON(S) FOR THE RECOMMENDATION(S)

As it is considered that the changes made to the Leave Arrangements for Employees Policy go beyond the delegated authority that the AD for Partnerships has to make minor amendments to Human

Resources Policies and Procedures necessary as a result of legislation, national guidance, or best practice, it is considered appropriate that the HR & CTAX Committee approve these changes in line with Part 3 of the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

There is an option of not making the changes recommended, however, this would not be in line with current best practice and the current supportive culture of the Council and would not support the implementation of the new Payroll and HR System.

Furthermore, if the Council does not accept these changes, it may be at risk of breaching employment legislation.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Positive people-related practices will ensure that high standards of conduct and commitment to service are observed by officers, thus contributing to the Corporate Plan 2024-28 priorities of 'Financial Sustainability and Openness' and 'Pride in Our Area and Services to Residents'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Council must comply with relevant health and safety and employment legislation, including the Working Time Regulations 1998, which set out statutory leave provisions, and other employment laws that set out other special leave provisions.

The other relevant legislation is listed below:

- Equality Act 2010
- Carers Leave Act 2024
- Parental Bereavement (Leave and Pay) 2018
- Employment Rights Act 1996

The Human Resources & Council Tax Committee has responsibility for the discharge of Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (*Functions and Responsibilities*) (*England*) Regulations 2000 (*as amended*) and as detailed in Appendix 1 to Part 3 of the Constitution; including the 'decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers. This extends to the agreement on key personnel policies.

FINANCE AND OTHER RESOURCE IMPLICATIONS

No specific risks have been identified. This is a policy review and update that is needed to ensure best practice and continued legal compliance. Individual service budgets will cover these costs.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;

By ensuring best practice is applied to our people policies and procedures, including the application of annual and special leave, the authority will ensure it attracts and retains the resources required to

	sustain high levels of service delivery for residents.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Regular monitoring of the implementation of this policy and review of the authority's people policies (<i>in line with recognised best practice</i>) also ensures compliance with employment legislation and NJC terms and conditions.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As a major employer in the District, the Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice. Tending District Council is also an 'Anchor' organisation; Anchors play a key role in shaping and developing the skills of the local workforce.
MILESTONES AND DELIVERY	
<ul style="list-style-type: none"> (a) Agreement by Management Team 9 July 2024 (b) Human Resources & Council Tax Committee 30 July 2024 (c) Officer Decision 6 August 2024 (d) Publication to TDC intranet 3 September 2024 	
ASSOCIATED RISKS AND MITIGATION	
The updated Leave Arrangements for Employees Policy will ensure that the authority meets its statutory obligations with regard to employment and Health and Safety legislation.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
Full consultation has taken place with the local Unison Branch Executive, and they are fully supportive of the implementation of the updated policy and have welcomed the Council's approach to supporting Carers employed by the Authority.	
EQUALITIES	
<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, and victimisation to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>The Council is committed to being an inclusive employer and a 'Disability Confident Leader', in all its people policies and practices.</p> <p>The revised Leave Arrangements for Employees Policy will ensure that the Council continues to comply with all relevant employment legislation and identified best practice.</p> <p>The Leave Arrangements for Employees Policy is explicit in that all cases will be dealt with in a non-discriminatory and consistent manner, in accordance with the Council's Diversity and Equality Policies.</p> <p>Having undertaken an Equality Impact Assessment, the conclusion is that the proposal does not impact the protected characteristics.</p>	

SOCIAL VALUE CONSIDERATIONS	
<p>As a major local employer, the Council strives to lead by example. This includes following recognised best practice and ensuring full compliance with legislation.</p> <p>Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both commit the authority to be an advocate in these areas.</p> <p>The Council is also an Anchor organisation. Anchor organisations are usually large organisations that are local and have the leverage to maximise social value through their roles as workplace developers, employers, and procurers, their core business (<i>for example, health and education</i>), and the linkages they have to the place they operate.</p>	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
<p>This report has no direct implication on the Council's aspiration to be net zero by 2030.</p>	
OTHER RELEVANT IMPLICATIONS	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>	
Crime and Disorder	Not applicable
Health Inequalities	Tendring is a major employer in the District of Tendring and employs 530 staff. Employment is a significant factor in supporting good health and contributes to the wider determinants of health agenda.
Area or Ward affected	Not applicable
ANY OTHER RELEVANT INFORMATION	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The Council's Leave Arrangements for Employees Policy has undergone a comprehensive review. The amended policy offers a fair and consistent approach to all employees.</p> <p>As a result of the implementation of the new Payroll and HR system, the revised document ensures a fair approach in terms of an employee's entitlement to annual leave and other leave provisions.</p> <p>The updated sections of the Policy cover the following:</p> <ul style="list-style-type: none"> ▪ Annual leave entitlement ▪ Annual leave calculations ▪ New employees ▪ Employees who leave ▪ Bank Holiday entitlement for Part Time Employees ▪ Compassionate leave

(minor changes have been made to some of the other sections, please see below)

In addition, a new section has been added:

- Carers Leave

Although employees' terms and conditions relating to their annual leave entitlement have not changed, they will now be recorded in hours rather than days. This is a much fairer and more flexible way to record and administer leave, especially where staff do not work the same number of hours each day. Most part-time staff and some full-time staff have previously recorded their annual leave in hours for this reason.

The updated policy outlines how annual leave is calculated in hours and gives various examples to aid the explanation.

Following recent caselaw, the Council has been able to introduce 'rolled up' holiday pay for individuals who work irregular hours (*including Casual workers*). Rolled-up holiday pay is calculated at 12.07% of all pay for work done. The extra 12.07% will be paid at the same time as pay for the work done, and the holiday pay will be itemised separately on the payslip. This has been explained in the updated policy.

The updated policy allows the immediate manager to agree to up to 3 days of compassionate leave. This was previously limited to the Head of service. In addition, the definition of when compassionate leave can be granted has been expanded to include 'someone with whom the employee has a similar close relationship'. It is felt that the current definition is too limited, and this amended wording reflects the different close relationships employees may have. The Assistant Director/Head of Department (*in consultation with Human Resources*) will have the discretion to grant compassionate leave for more than 3 days.

A new provision for time off for Carers was introduced in April 2024. The new provision is intended to allow employees to provide or arrange care for a dependent with a long-term care need. The definition of 'dependent' mirrors the definition used for the right to time off for dependents. This includes a spouse, civil partner, child, parent, or a person who lives in the same household as the employee. The legislation allows for five days of **unpaid** carers leave in a 12-month rolling period. Employees must take a minimum of half a working day at a time.

There is no requirement for the employee to take five consecutive days. However, it is recommended that the Council adopt the policy that, where employees have at least one year's service, they will be entitled to five days of **paid** carers leave. This is the position that other neighbouring Councils have adopted as a measure to support this section of the workforce. A recent study by the CIPD estimated that there are 3.7 million working carers in England and Wales. These employees are often struggling to balance their jobs with the demands of their caring responsibilities. It is hoped this would not only send a positive message of support to our employees but would also result in fewer employees leaving the Council due to their caring responsibilities and taking time off work due to the stress associated with juggling the conflicting demands.

Managers would be required to record such absences due to carers leave (*both unpaid and paid*) on the new Payroll and HR system, which will enable the Council to review the impact of the new leave provision.

As mentioned earlier, minor changes have been made to some of the other sections to update reference to the change in the name of the Intranet and to require managers to record leave on the new Payroll and HR system. It is vital that we monitor when employees take special leave in order to ensure that the policy is consistently applied across the Council. In addition, we will review whether

employees are requesting certain leave and will undertake further analysis to ensure the current leave provision is meeting the needs of the employees and is not detrimental to service delivery.

To support the Policy, the HR team will be available to provide guidance and support and will develop written guidance and training for managers, if required.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

N/A

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers or published reference material associated with this report.

APPENDICES

Appendix – Leave Arrangement for Employees Policy July 2024

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

Name	Jo Williams-Lota
Job Title	HR Manager
Email/Telephone	Jwilliams-lota@tendringdc.gov.uk