

**Manchester City Council
Report for Information**

Report to: Personnel Committee – 16 February 2022

Subject: New and revised HROD policies (Annual Leave, Domestic Abuse and Special Leave)

Report of: Director of Human Resources and Organisational Development

Summary

To outline new and revised employment policies for the Committee's consideration: the new Annual Leave Policy and the revised Domestic Abuse and Special Leave Policies.

Recommendations

The Committee is requested to approve the new and revised policies attached to this report.

Wards Affected: All

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Appendix A	New Draft Annual Leave Policy
Appendix B	Revised Draft Domestic Abuse Policy
Appendix C	Revised Draft Special Leave Policy
Appendix D	Domestic Abuse Policy

1.0 Summary

- 1.1** The new Annual Leave Policy and revised Domestic Abuse and Special Leave Policies have been developed to fill a policy gap where there is no MCC policy on Annual Leave, updated in line with legislation (revised Domestic Abuse Policy) and new contractual entitlements introduced for Safe Leave and Fostering Leave (revised Special Leave Policy). Feedback from the 2019 Race Equality Review has also been incorporated in the revised Special Leave Policy.

2. New Policy: Context

2.1 Annual Leave Policy

There are several imperatives for the Council to develop this policy at this time. These include:

- Manchester City Council has a gap in its policy framework as there is currently no Annual Leave policy in place. Details about annual leave entitlements are contained in the statement of particulars, the Green Book, the Part 3 Framework Agreement and on intranet pages.
- The absence of a policy has led to increased queries to HR Business Partners and the employee life cycle team about annual leave, and some employees not taking all of their entitlement, then submitting requests to carry over significant amounts to the new annual leave year. The statement of particulars clearly notes that any annual leave not taken by 31 March in any leave year will be lost. The new policy introduces the flexibility to carry over up to one week of annual leave in exceptional circumstances to support operational requirements. The call for staff to volunteer in MCC's Covid vaccination centres is a current example of a critical situation where staff would be authorised to carry forward one week's leave to help roll out the vaccines.
- Introducing the Annual Leave policy will result in more consistent and equitable practice across Directorates in agreeing annual leave requests and authorising annual leave carryover. This also links to the Health and Wellbeing Strategy by encouraging employees to take regular breaks from work and to use their entitlement to annual leave within the annual leave year. The Working Time Regulations 1998 stipulate that employees must take four weeks of their annual leave in the year to which it relates.

Policy engagement

- Given that this is a new policy based on contractual annual leave, it was important to encapsulate all elements that are included in the statement of particulars, , the Green Book, on the intranet and legacy arrangements.
- Directorates where there can be particular operational pressures in March/April (eg Revenues and Benefits) were approached to understand how they manage annual leave and requests to carry it over.

- Discussions took place with the HROD Business Partners to understand the queries they receive to ensure these were covered in the policy and also what the understanding of annual leave carryover is in directorates to establish if there were instances of custom and practice.
- The HROD Pay and Grading team provided data on how many employees had protected annual leave entitlements.
- Data was analysed on untaken annual leave at year-end to understand how well annual leave is managed by employees and managers; HROD Business Partners worked with their allocated Directorates to encourage employees to use their annual leave allowance within the annual leave year.
- There has been Trade Union consultation throughout the different stages of the policy development process.

Feedback from all these groups has been fed into the policy.

Policy Content

- The policy defines statutory and contractual annual leave entitlements, covering legacy arrangements for those employees with protected entitlements.
- The policy highlights the need for employees and managers to actively manage annual leave so that it is taken regularly throughout the annual leave year to allow for breaks from work.
- It covers arrangements for booking annual leave, ensuring this is authorised before arrangements for using the leave are made.
- The policy stipulates that carrying over annual leave is capped at a maximum of one week's leave in exceptional circumstances and subject to Head of Service approval. Any other untaken annual leave is lost.
- The policy explains what happens when periods of sickness interrupt booked and authorised annual leave.
- It notes how periods of long-term sickness and maternity support leave, adoption or shared parental leave interact with annual leave.
- The policy is accompanied by a set of frequently asked questions to support employees and managers. These will be published on the intranet along with the policy and updated content.

Annual Leave Policy: Approach to Implementation

- There is an opportunity to raise awareness of the policy as it will be launched before the end of the leave year and is a timely reminder for employees and managers to book their annual leave or it will be lost.
- Information on the policy and updated content will be communicated on the intranet.
- HROD Business Partners have been reminding their Directorates that annual leave needs to be booked before the end of the annual leave year.
- Monitoring of untaken annual leave will continue quarterly to enable a regular review of the impact of the policy.

3. Existing Policies: Review approach

3.1 Domestic Abuse Policy Context

The drivers for the review of the Domestic Abuse Policy are:

- to include reference to new legislation, namely the Domestic Abuse Bill 2021.
- to introduce a contractual entitlement to safe leave, a category of paid Special Leave.
- for Manchester City Council to commit to GMB's Work to Stop Domestic Abuse Charter.

Policy Content

This is a summary of the notable changes in the policy:

- The policy references GMB's Work to Stop Domestic Abuse campaign.
- It highlights the Domestic Abuse Act 2021.
- The policy now highlights the new Third Party Abuse and Harassment Policy and the Abuse and Harassment Report Form for reporting incidents of harassment and unwanted contact at work.
- It introduces a contractual right to ten days' paid safe leave in a 12 month period for those fleeing abusive relationships.
- The policy clarifies the referral process to the Community Safety team.
- The guidance includes the impact of lockdown and the pandemic on domestic abuse.

Policy Guidance and Training

The accompanying, detailed guidance has also been updated and describes how to operationalise the policy. There is also an up-to-date list of relevant services and a managers' checklist to support employees and managers. These will be published on the intranet along with the policy and updated content.

The Community Safety Team has been engaged in updating these documents. The policy was initially launched in 2019, but the pandemic prevented it from being fully embedded. Now that it has been refreshed, there is a further opportunity to raise awareness of the policy.

HROD will work with the Community Safety Team on training and awareness raising programmes, focusing on managers (to whom most staff would report instances of domestic abuse) and HROD (in their capacity of advising managers). The domestic abuse elearning available on MiLearning for all staff will also be updated and relaunched.

3.2 Special Leave Policy

Context

The drivers for the review of the Special Leave Policy are:

- The Racial Equality Report (2019) recommended that the policy be reviewed to ensure that the definitions of family were inclusive and that where staff may need to travel abroad following a bereavement, managers were sympathetic in dealing with requests for special leave.
- The Council is working towards the Fostering Network's Foster Friendly Employer status, and the Special Leave policy has been amended to meet that standard and to introduce a new entitlement to ten days' paid special leave in a 12 month period for those with fostering responsibilities for MCC.
- The Council is also working towards GMB's Work to Stop Domestic Abuse charter, and the policy introduces a new entitlement to ten days' paid special leave in a 12 month period for those fleeing abusive relationships. 'Safe leave' is a recommendation of the Domestic Abuse Commissioner, the CIPD, the EHRC and Women's Aid. The Domestic Abuse (Safe Leave) Bill is progressing through parliament in Northern Ireland and in Scotland, South Ayrshire Council provides for ten days' paid safe leave. The provision of paid special leave is included in the draft GMCA Gender-Based Abuse Strategy.
- The modernisation of the policy to ensure accessibility through condensing and simplifying the language.

Policy Content

This is a summary of the notable changes to the policy:

- The policy has been updated to widen the definitions of family to take account of different family and cultural obligations.
- The policy now notes that some protected groups may need more special leave if travelling outside the UK when bereaved.
- The circumstances where foster carers may request paid special leave of up to ten days in a 12 month period have been defined. This is to support the Council becoming one of the Fostering Network's Foster Friendly Employers. Previously, paid special leave for fostering duties was discretionary, but it now becomes an entitlement of ten paid days in a 12 month period for specific duties outlined in the policy for those who foster for MCC.
- The policy introduces an entitlement to ten days' paid safe leave in a 12 month period for those fleeing domestic abuse. As referenced in the refreshed Domestic Abuse Policy, MCC is working towards GMB's Work to Stop Domestic Abuse Charter and this section of the Special Leave policy has been amended to introduce the new entitlement for circumstances outlined in the policy.

Policy Guidance

There will be new and clearer content on the intranet to accompany the policy, which covers all circumstances that are defined as special leave in a more logical order.

- Paid and unpaid special leave.
- Disability related special leave.
- Safe leave.
- Fostering leave.
- Time off for caring responsibilities.
- Bereavement and visits abroad.
- Parental bereavement leave.
- Divorce, separation proceedings and child custody court case.

4. Comments from Trade Unions

4.1 Unison:

It has been useful to work together to allow Trade Union expertise to improve the policies, we welcome this inclusive way of working going forward. The changes to the Domestic Abuse Policy are important not just because of the change of the law, but in order to ensure that the Council provides leading support to its employees. It will be critical that the training that we have discussed is rolled out in a timely manner and reviewed as to its value. We expect to be involved in this review and we will come back to personnel committee with any concerns. With both the Annual Leave and Special Leave policies it is clear that it is their application by services and individual managers that will be important, again we will work with officers to monitor and review this.

4.2 Unite: No further comments.

4.3 GMB: No further comments.

5. Conclusion

5.1 Personnel Committee are requested to approve the new Annual Leave Policy and the changes to the Domestic Abuse and Special Leave Policies.