

**Manchester City Council
Report for Information**

Report to: Personnel Committee – 5 June 2024

Subject: Revised HR,OD&T policies – Legislative Changes

Report of: Director of Human Resources, Organisational Development and Transformation

Summary

To outline revisions to employment policies following legislative changes for the Committee’s information: the revised Flexible Working Policy, Special Leave Policy and Family Friendly Policy Framework.

Recommendations

The Committee is requested to note the changes to the policies attached to this report.

Wards Affected: All

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| Environmental Impact Assessment - the impact of the issues addressed in this report on achieving the zero-carbon target for the city |
| There will be no significant environmental impacts. |

| Our Manchester Strategy outcomes | Summary of how this report aligns to the OMS |
|---|---|
| A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities | As a major employer in the City, the Council must ensure that its employment practices are up-to-date with current legislation and reflected in its suite of HR policies. |
| A highly skilled city: world class and home grown talent sustaining the city’s economic success | |
| A progressive and equitable city: making a positive contribution by unlocking the potential of our communities | |
| A liveable and low carbon city: a destination of choice to live, visit, work | |
| A connected city: world class | |

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| infrastructure and connectivity to drive growth | |
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Contact Officers:

Name: Mark Bennett
Position: Director of Human Resources, Organisational Development and Transformation
Telephone: 07908 259971
E-mail: mark.bennett@manchester.gov.uk

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.

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| Appendix A | Flexible Working Policy |
| Appendix B | Previous Flexible working Policy |
| Appendix C | Special Leave Policy |
| Appendix D | Previous Special Leave Policy |
| Appendix E | Family Friendly Policy Framework |
| Appendix F | Previous Family Friendly Policy Framework |

1.0 Introduction

1.1 The revisions to these policies have been made to comply with employment law changes which came into effect in April 2024. Some of the secondary legislation was not published until March 2024, and with the timings of Personnel Committee, it was decided to make the changes under the delegation of the Director of HR, OD & T with Trade Union agreement. These employment policies are now being submitted to Personnel Committee to note the legislative changes that have been made.

2.0 Flexible Working Policy

2.1 In July 2023 the Employment Relations (Flexible Working) Act received royal assent. Combined with secondary legislation that was issued in December 2023 and March 2024, this introduced the following changes to flexible working:

- Making the ability to make a statutory flexible working request a day-one right (it used to be 26 weeks' service)
- Giving employees the ability to make two statutory flexible working requests during a 12 month period (it used to be one)
- Requiring the employer to consult with the employee about a statutory flexible working request before they reject it
- Requiring the employer to make a decision about a statutory flexible working request within 2 months (it used to be 3 months)
- Removing the existing requirement that the employee must explain what effect, if any, the change applied for in the statutory flexible working request would have on the employer and how that effect might be dealt with

2.2 The existing Flexible Working Policy was reviewed in the light of the above legislative changes and the above changes have been incorporated.

3.0 Special Leave Policy

3.1 Carers Leave Act 2024 sets out the right for employees who have a dependant with long term care needs to take up to one week's unpaid leave to provide or arrange care in each rolling twelve-month period.

3.2 The Special Leave Policy has been updated to reflect this new legislation; however our policy has always been more generous than the entitlements set out in the law, and has provided for both unpaid special leave and paid special leave in specific circumstances, subject to relevant authorization.

3.3 The updated Special Leave Policy sets out when both unpaid and paid Special Leave can be used by Carers who meet the definition provided in the policy. Unpaid Special Leave can be requested by a carer to provide or arrange care and in line with legislation, managers must grant a minimum of up to one week's unpaid leave every rolling twelve months.

- 3.4 Employees are entitled to apply for paid special leave in situations where a carer urgently requires time off to support a dependant in a situation that is beyond their control, and normal caring arrangements are insufficient.
- 3.5 The policy asks managers to consider carers' requests for special leave and grant the requirements set out in legislation as an absolute minimum.
- 3.6 In addition, the policy has been amended to ensure that the statutory right for all employees to take a reasonable amount of unpaid time off to deal with emergencies involving dependants in line with the Employment Rights Act 1996.

4.0 Family Friendly Policy Framework

- 4.1 In March 2023 the Government passed the Paternity Leave (Amendment) Regulations 2024 which made certain changes to the Statutory Paternity Leave scheme. Because our equivalent scheme, Maternity Support Leave, is more generous than the statutory scheme, most of the changes did not require a change to our policy or scheme. However, one change did, which was that the leave can be taken up to 52 weeks after the birth or adoption placement of a child who is born or adopted on 6 April 2024 or later.
- 4.2 The policy framework has been updated to say that Maternity Support Leave can now be taken up to 52 weeks after the date of the child's birth, or the date of placement in the case of adoption.

5.0 Comments from Trade Unions

- 5.1 Unison: UNISON is happy to support the paper to committee around legislative changes and would like to comment that Manchester tends to be an exemplar in policies for staff and we hope this will continue.
- 5.2 Unite: No comments offered for this report.
- 5.3 GMB: No comments offered for this report.

6.0 Recommendations

- 6.1 Personnel Committee are requested to note the changes to these employment policies.