

**Agenda Item No:** 6 **Report No:** 16/09  
**Report Title:** Employment Legislation Update  
**Report To:** Employment Committee **Date:** 19 January 2009  
**Ward(s) Affected:** All  
**Report By:** Head of Business Services  
**Contact Officer(s):** John Clark, Head of Business Services

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### **Purpose of Report:**

To inform the committee of a number of forthcoming changes in legislation that will require changes to a number of the Council's procedures and policies

### **Officers Recommendation(s):**

- 1 That the Head of Business Services is authorised, after consultation with Unison, to make any changes necessary to the Council's policies and procedures to ensure that the forthcoming legislation changes are included.

### **Information**

- 1 On 6 April 2009 a number of employment legislation changes will take effect that will require a number of the Council's policies and procedures to be amended with possibly separate advice notes to managers and staff. The Council has no option but to comply with these changes.
- 2 Many of the amendments will be minor textual alterations, but the basic changes needed are outlined below for information.

### **Flexible Working Extended**

- 3 The right to request flexible working will be extended to parents up to the age of 16 years. At present, the age limit is 6 years unless the child is disabled.

### **Time Off for Public Duties**

- 4 There is a statutory right for unpaid time off for certain public duties including councillors and health authority board members. This is being extended to several other bodies including probation boards, youth offender panels and board members of tenant management organisations.

### **Minimum Statutory Holiday Entitlement Increase**

- 5 The statutory holiday entitlement will increase from 24 to 28 days a year (including public or bank holidays) and additional rules about accruing leave and carrying leave across leave "years" will come in force. This change will require the most work as there will be a number of associated procedures such as sickness and maternity for example, that may need to be updated.

- 6** Previously the level of statutory holiday was so far below our contractual entitlement that it had little effect on our existing practices about paying for untaken leave (rarely done, but possible), carrying over leave and “banking” leave for a number of years. Now, although our minimum assuming 8 bank holidays a year is still 32 days, the statutory level will be close enough that all our policies that may affect leave arrangements will need to be checked and updated if necessary.

### **Repeal of the Statutory Dispute Resolution Procedures**

- 7** The Council’s Dismissal and Disciplinary policy is based on the requirements of these statutory procedures. These will be replaced by a revised statutory code of practice from Acas. As a result our existing policy will need to be redrafted and adopted again. Because of the sensitivity of any changes to disciplinary procedures I will bring the full policy to the next meeting of the Committee for adoption. The changes to the policy are not expected to change the role of councillors in disciplinary cases, so the recent information and training received by the committee should still be valid.

### **Financial Implications**

- 8** There are no direct financial implications from these changes.