

Individual Executive Decision Notice

Report title	People Services Update: Revisions to the Restructure and Redundancy Policy following legislative changes		
Decision designation	GREEN		
Cabinet member with lead responsibility	Councillor Paula Brookfield Governance and Equalities		
Wards affected	All Wards		
Accountable Director	David Pattison, Chief Operating Officer		
Originating service	People Services		
Accountable employee	Sukhvinder Mattu	Head of People Services	
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Report to be/has been considered by	Core Services		13 March 2024
	Strategic Executive Board		19 March 2024
	Cabinet Member Briefing		27 March 2024
	Governance		

Summary

From 06 April 2024 the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 and The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 will come into force. This has resulted in amendments to the Restructure and Redundancy Policy and Managers guide.

The legislation allows for the protection from redundancy period to be extended to 18 months for maternity leave, adoption leave and shared parental leave.

SEB have agreed to proceed with the revisions to the Restructure and Redundancy Policy and Managers Guide for approval via IEDN

Approved at Cabinet Member Briefing for Governance and Equalities on 27 March 2024.

Recommendation(s) for decision:

That the Cabinet Member for Governance, in consultation with David Pattison, Chief Operating Officer.

1. Approve the revised Restructure and Redundancy Policy for adoption within City of Wolverhampton Council.

1.0 Background

- 1.1 The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 received royal assent on 24 May 2023. The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 were laid before Parliament on 11 December 2023 and are due to come into force on 6 April 2024.
- 1.2 The legislation extends the protection period from redundancy to 18 months from the first day of the estimated week of childbirth or actual date of childbirth, rather than the current duration of ordinary and additional maternity leave.
- 1.3 The legislation extends the protection period from redundancy to 18 months following placement for adoption leave.
- 1.4 The legislation extends the protection period from redundancy to 18 months for shared parental leave, provided the parent has taken a period of at least six continuous weeks of shared parental leave.
- 1.5 If an employee has a miscarriage or gives birth to a stillborn child before 24 weeks, they will be protected for two weeks after the pregnancy ends.
- 1.6 The legislation will come into force where the employer knows of pregnancy on or after 06 April 2024 or where the maternity leave or shared parental leave is due to end on or after 06 April 2024.
- 1.7 As a result, the Restructure and Redundancy Policy and Managers Guide have been reviewed and amended.
- 1.8 On 19 March 2024, SEB approved the revisions and agreed to proceed with approval via IEDN.
- 1.9 This IEDN seeks to make the revised policy live for adoption within the City of Wolverhampton Council.

2.0 Progress

- 2.1 A full review of the policy and guide has not been undertaken due to the changes being legislative and the tight timescales for implementation. However, whilst reviewing the policies and guides to incorporate the legislative changes, People Services have also made amendments where required to formatting and reflect operational changes, such as replacing Human Resources with People Services.

- 2.2 People Services have engaged with the following stakeholders on the revised policies and guides:
- Trade Unions
 - People Services
- 2.3 Any feedback received has been considered and changes made as a result. Trade Unions and SEB have confirmed their approval to proceed to the next stages of the approval process.
- 2.4 People Services did not engage with the wider organisation on the amendments to the policies and guides, as the information contained within it is based on legislation and secondary regulations.
- 2.5 Below details the main amendments to the policy and recommendations SEB agreed. Draft revised policy, guide and policy amendment record detailing the changes are available in appendix 1-3.
- 2.6 Restructure and Redundancy Policy amendments**
- 2.7 An additional section has been added to the policy detailing the new legislative changes for maternity, adoption and paternity leave
- 2.8 Section added to the managers guide providing full advice and guidance on the new protection from redundancy periods for maternity, adoption and paternity leave.
- 2.9 Guide states employees who are pregnant have an automatic right to be placed into a suitable alternative identified post, if available, in a redundancy situation from the point at which they inform their manager of their pregnancy, until 18 months after the birth of a child. Those on adoption leave have an automatic right to be placed into a suitable alternative identified post, if available, in a redundancy situation from the first day of adoption leave to 18 months after the date of the placement of the child. In the instance that the shared leave period is more than six continuous weeks or more, the employee has an automatic right to be placed into a suitable alternative identified post, if available, in a redundancy situation for 18 months from the child's date of birth.
- 2.10 The guide includes the protection period for miscarriage. In the instance of miscarriage, the protection is enacted from the point at which the Council is informed of the pregnancy until two weeks after the loss of the child (if the loss is before 24 weeks. Post-24 weeks stillbirths are covered by maternity rights).
- 2.11 Formatting and minor revisions have also been made throughout the Policy and Guide, such as changes to titles and services.

3.0 Evaluation of alternative options

3.1 The revisions reflect legislative changes ensuring People policies and guides are up to date and legally compliant. Without these changes, errors and delays in the associated People processes could result.

4.0 Reasons for decision

4.1 People Services review policies and procedures on a regular basis to ensure they are innovative, promote best practice, are reflective of our diverse workforce and legally compliant. The revised policies and guides ensure the information available to managers and employees is up to date and reflective of recent operational and legislative changes.

5.0 Financial implications

5.1 There are no financial implications associated with the recommendations in this report.
[SR/15032024/D]

6.0 Legal implications

6.1 Failure to follow and/or comply with these employment law changes, when in force, could result in legal implications, specifically claims being brought by employees against the Council in the Employment Tribunal.

[TC/21032024/C]

7.0 Equalities implications

7.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 Equality Impact Assessment has been completed for the changes. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly.

8.0 Appendices

8.1 Appendix 1: Revised Restructure and Redundancy Policy

8.2 Appendix 2: Revised Restructure and Redundancy Managers Guide

8.3 Appendix 3: Policy amendment record