

Individual Executive Decision Notice

Report title	People Services Update: Revisions to the Leave Policy following legislative changes	
Decision designation	GREEN	
Cabinet member with lead responsibility	Councillor Paula Brookfield Governance and Equalities	
Wards affected	Not applicable	
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 Carers Leave 2023 will be in force.

The changes in legislation have resulted in amendments to the Leave Policy and Leave Table.

The Carers Leave Act 2023 allows for one week (pro-rata) of unpaid leave in a rolling 12-month period for employees providing or arranging care for a dependent with a long-term care need.

SEB have agreed to proceed with the revisions to the Leave Policy 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 Leave Policy for adoption within City of Wolverhampton Council.

1.0 Background

- 1.1 The Carers Leave Act received royal assent on 24 May 2023. The draft Carer's Leave Regulations 2024, to implement these reforms were laid before Parliament on 13 December 2023 and are due to come into force on 06 April 2024.
- 1.2 The legislation provides a 'day one' right for one week (pro-rata for part time employees) of unpaid leave within a rolling 12 month period for employees who are providing or arranging care for a dependent with a long term care need.
- 1.3 The leave can be taken in a consecutive, or non-consecutive, half days or full days.
- 1.4 Employers cannot refuse a request for Carers Leave but can consult with an employee for the leave to be postponed to no later than one month after the first day of the original leave period request.
- 1.5 As a result, the Leave Policy and Leave Table have been reviewed and amended.
- 1.6 On 19 March 2024, SEB approved the revisions and agreed to proceed with approval via IEDN.
- 1.7 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 and removing reference to Mandatory Unpaid Leave (MUL) following the removal of MUL deductions.
- 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, and policy amendment record detailing the changes are available in appendix 1-3.
- 2.6 Leave Policy and Leave Table amendments**
- 2.7 A Carers Leave section has been added to the Leave Table providing detail on carers leave entitlement, circumstances and approval.
- 2.8 The Leave Table details that from 6 April 2024 employees will be entitled to take one week's unpaid leave (pro rata) in a rolling 12-month period to provide or arrange care for a dependant who has a long-term care need. This right to take this leave is irrespective of length of employment. The definition of dependent and long-term care need are provided.
- 2.9 Details how employees must notify their manager and provide the required notice period (if the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave). Included in the leave table that wherever possible this notice should be provided, however, managers should apply discretion according to the request.
- 2.10 Confirms that a manager cannot reject a request if it meets the eligibility criteria but can postpone the leave if it would unduly disrupt the business. In these instances, managers should contact People Services.
- 2.11 Reference to Mandatory Unpaid Leave (MUL) has been removed from the Leave Policy following the recently agreed proposal to remove MUL but retain the Christmas Closure period.
- 2.12 A section on Christmas Closure has been added to the Leave Policy to reflect the removal of MUL and the associated changes to the Terms and Conditions of employment. The Policy confirms the period of Christmas closure, the requirement for employees in non-essential or non-emergency services to use their annual leave entitlement to cover the closure and that Directors will determine these services on an annual basis.
- 2.13 Formatting and minor revisions have also been made throughout the Policy and Table, 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 ensures 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/B]

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.

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 Leave Policy
- 8.2 Appendix 2: Revised Leave Table
- 8.3 Appendix 3: Policy amendment record