

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 2 July 2018
Report for: Information
Report of: Sara Saleh, Interim Human Resources Director

Report Title

Revised HR Policies.

Recommendation(s)

It is recommended that Employment Committee notes the content of this report and approves the revised: Supporting Trans* Employees; Smoking; Parental Leave, and; Flexible Retirement policies so they can be implemented.

Contact person for access to background papers and further information:

Name: Sara Saleh
Extension: x4146

Relationship to Policy Framework/Corporate Priorities	This proposal aligns with the council's Corporate Priority 'Reshaping Trafford Council'.
Financial	None.
Legal Implications:	The policies have been revised in accordance with ACAS guidelines and with relevant case law in mind.
Equality/Diversity Implications	Positive. The revised 'Supporting Trans* Employees' policy is much more inclusive now and gives more information for managers and staff.
Sustainability Implications	None.
Staffing/E-Government/Asset Management Implications	The revised policies are more comprehensive and clear and so it should be easier for managers and staff to use them.
Risk Management Implications	None.
Health & Wellbeing Implications	None.
Health and Safety Implications	None.

1.0 BACKGROUND

1.1 The current versions of these 4 policies were due full reviews.

2.0 REVIEW PROCESS

2.1 The approach taken depended on the policy and included research on the subject areas, benchmarking with other local authorities, checking on any ACAS guidelines, reviewing our internal processes and current practice. The policies have been revised on this basis and we have also simplified some of the language to make them more accessible to all.

2.2 The first drafts of the policies were reviewed internally by the HR management team. They were then considered by the policy review group which comprises representation from our Unions, Unison and GMB and also a manager from each Directorate. The group were sent the revised policies and information highlighting the key changes in advance of meeting so they could absorb the information. Then the group met to go through the key changes and had a discussion and agreed any changes as appropriate. The Interim Director of HR then undertook a final review.

3.0 KEY CHANGES TO THE POLICIES

3.1 The policies have been streamlined and simplified with more use of plain English and with reduced usage of HR terminology, wherever possible, to make them easier to understand and follow.

3.2 The policies have been created in the new generic template which all revised HR policies will use. It has a contents table so that staff and managers can find the section that they want easily. It also has a version control table so that there is a clear audit trail of different changes and versions of the policy.

3.3 Supporting Trans* Employees

The key changes to the policy are:

Current Version	Revised Version
Title is 'Policy on Supporting Transsexual Employees'	New title is 'Supporting Trans* Employees Policy. The term 'transsexual' is the legal/medical term used for a person who emotionally and psychologically feels that they belong to the opposite sex. However the term isn't liked by some of the trans* community. The preference tends to be to use 'transgender', however the term 'trans*' is more inclusive, it is an umbrella term that refers to all of the identities within the gender identity spectrum.
The introduction includes the legal position re not discriminating against transsexuals in the workplace, Gender Recognition Act.	Have taken out these references, as they are covered elsewhere in the policy and don't need to be upfront. Have added in that the general aim of the guidance is to ensure that we have appropriate support in place for trans* employees.
Scope section	Added to scope section 'raise awareness amongst employees

	of trans* issues'. Changed terminology around 'employees going through gender reassignment process' to 'employees transitioning gender'.
'General Principles' section detailed some explanations of terminology, the gender reassignment process and legislation.	Separated these sections now with one on 'Terminology' and 'Legislation'.
Limited information on different terminology.	Section now covers: Trans*; Gender Identity; Gender Dysphoria; Gender Realignment Process (now much more information on this process with possible timescales).
Legislation section	Legislation section has been updated to include all requirements to apply for a Gender Recognition Certificate. Also the fact that many trans* individuals may not choose to get a GRC. Also that if an individual has transitioned, their consultant can write a letter confirming their transition which can be used to change name and gender details on their passport (but can't change their birth certificate).
Responsibilities section	Managers – added that it may be useful for them to undertake research on the area if they have limited knowledge.
Recruitment section	Removed opening sentence which says 'in most cases the gender of an employee is of no relevance to their ability to do their job' as it doesn't need stating. Taken out some of the information relating to Genuine Occupational Requirements as couldn't find evidence of these still being in place. If there were issues when someone was being recruited we'd deal with them and get advice at the time.
Gender Reassignment procedure	<p>Re-named 'Gender Realignment (Transition) procedure. Most sections still included and mostly the same information. However there is even more emphasis on the process being led by what the member of staff wants and that different staff going through this will have different preferences, i.e. there isn't one approach.</p> <p>The 'Time Off' section has been expanded to include a summary at the beginning of the sorts of requirements that might have to be considered. There is more information on counselling and medication and a section added on 'other treatments', which may be required as part of transition and may be ongoing after the main transition. The 'Record keeping' section has had a summary added at the beginning, with a reminder that it is a criminal offence to disclose the fact that a person with a GRC has changed gender. It also details that when an employee is transitioning their manager should liaise with one appropriate named person in GMSS to ensure the process of dealing with employment records is managed in line with DP principles.</p>
There is a section on 'Media Interest' which states that gender reassignment can attract the interest of the local and national press and that the press office can prepare a	It is felt that this section isn't necessary. If any issue arose we'd use a common sense approach.

statement in consultation with the individual concerned.	
Section on 'Monitoring'	This has been taken out as it isn't in most other recently reviewed HR policies.
Section on 'Links to other Policies'	This has been taken out as it isn't in other HR policies. On the webpage links to other relevant policies can be set up instead.
Section on 'Additional sources of support'.	This has been taken out. On the webpage links to other relevant policies can be set up instead.
Section on 'Review'	This has been amended so it is the same as the other recently updated HR policies.

3.4 Smoking Policy

The key changes to the policy are:

Current Version	Revised Version
Short introduction	Introduction includes: national context, Council's commitment to eliminating smoking on premises; what smoking is and that e-cigs will be treated in the same way as tobacco cigarettes, pipes and cigars.
No aims section	Comprehensive aims of the policy
Who the policy applies to is covered in the introduction.	New 'scope' section, like other HR policies, which makes it clear who the policy applies to and which areas it applies to.
No policy statement	Clear 'policy statement' section regarding the Council's obligations under H&S at Work Act and promoting public health.
A lot of responsibilities in relation to the policy are implied.	New 'responsibilities' section which makes them explicit. This has been added due to ongoing issues in relation to adherence to the policy.
Managers must ensure suitable signage is displayed in their service areas supporting smoke-free working environment and ensure the enforcement of the total smoking ban.	Managers must: ensure that staff, service users and staff comply; use disciplinary or appropriate process if they don't; make staff aware of the policy; provide support and information to staff.
Employees must not smoke on Council grounds or in Council vehicles.	Clarification around this: 'smoking is not allowed in any vehicle owned, leased or rented by the Council. In addition, staff who use their private vehicles to carry patients or equipment are not allowed to smoke or to allow passengers to smoke whilst on council business. Employees are not allowed to smoke whilst in their own vehicle on Council premises'.
Detail around smoking during work time, which states that can't smoke during working time (logged on flexi- system) when working at off-site locations.	Added that the same applies whilst working at home.
Detail around refraining from smoking around the perimeter	Have added to this by saying 'Employees are expected to have consideration for local neighbours. This includes avoiding

of Council buildings, not causing a nuisance to passers-by through excessive smoke and crowding pavements. Sensible disposal of cigarette butts and if not disposed of correctly risk of being fined.	smoking directly outside a neighbouring house, discarding cigarettes in neighbouring gardens and littering the neighbouring community'. Also in relation to littering, have added 'where management is aware that an employee has received a fine for littering on or around Council grounds, then disciplinary action may be taken'.
Some information on how we make the Council smoke-free which includes that staff are authorised to ask those who breach the policy to leave the premises.	New 'eliminating smoking' section which details: rules around smoking; how new starters are made aware; signage; that there are no smoking facilities on Council grounds; no smoking added into contracts between Council and service providers; staff helping to reinforce the policy by asking service users/visitors to not smoke (where comfortable to do so).
Short smoking cessation section.	More comprehensive section now called 'support with stopping smoking' to use more simple language. This has been updated with current support available. Occupational Health has been taken off but the Employee Assistance Programme added on. Highlights the fact that smoking cessation is promoted through staff health and wellbeing events and resources signposted via intranet and internet.
No specific section on service users and visitors.	Specific section on them detailing that the Council provides information and sign-posting and that staff should assist any visitor who asks for help to stop smoking by providing information or directing them to the appropriate source of information.

3.5 Parental Leave Policy

The key changes to the policy are:

Current Version	Revised Version
No 'scope' section (covered under title)	Scope section added in to be consistent with other recently reviewed HR policies.
'What is parental leave' section	Expanded this section to include examples of why it might be used and clarification that when taking parental leave staff cannot work for another employer (this was in later section).
'Eligibility' section had a lot of information about what constitutes parental responsibility.	In line with the national guidance this has now been simplified and mirrors the information on the gov.uk website. Rather than listing what constitutes parental responsibility staff are signposted to the website.
'Entitlement' section detailed different entitlement for adopted children	Reference to different entitlement for parents of adopted children has been taken out in line with national change to the entitlement. Information about moving entitlement between employers has been moved from later section into this one.
Section on 'Applying for parental leave' detailed old process with registration form required.	New processes detailed. Staff on MiTrent book it through the system like they do annual leave. Staff not on MiTrent get their manager to complete the relevant GMSS form and they submit it via the portal.
Section on 'Postponing parental leave' detailed	Now details reasons for which it can't be postponed in line with the gov.uk website as it shouldn't be postponed unless it would

reasons why it can be postponed	cause serious disruption to the business.
Section on 'Sickness Absence'	Amended this so in line with the Attendance Management Policy. If employee is on parental leave and they are sick and wouldn't have been fit to attend work they can sign off sick provided they follow the normal reporting requirements and get a fit note from GP for the period. Removed reference to needing a fit note if employee is sick on the first day after parental leave.

3.6 Flexible Retirement Policy

The key changes to the policy are:

Current Version	Revised Version
Policy and Guidance with some overlap.	Merged into one policy.
There was some contradiction around funding the cost of flexible retirement, with one section saying they would not be approved if there is a cost to the Council.	This has been clarified in line with custom and practice and that they can be considered however the cost will be borne by the service and the maximum payback period should be three and a half years.
No 'Review' section	Review section has been added in line with other recently reviewed HR policies.

4.0 **IMPLEMENTATION PLAN**

- 4.1 We plan to implement the new policies on 16th July 2018 when they will go on the relevant intranet page and the contents of the pages will be updated. The web pages will have information to make it clear that the new policy has been launched.
- 4.2 As the key principles or processes for these policies haven't changed there isn't a critical issue regarding ensuring that there is a transition process for employees using the current version to the new version. However communications will go on the 6 boxes so that staff are aware that they have been updated, which will also increase awareness of them generally.
- 4.3 In relation to the Smoking policy after the new version has been implemented we will do separate communications for staff to reinforce the key messages within the policy.

5.0 **RECOMMENDATIONS**

- 5.1 Employment Committee are recommended to support the new policies and the implementation plan.

Appendix 1

4 policies.