

**STRATFORD-UPON-AVON TOWN COUNCIL
PERSONNEL COMMITTEE**

7 May 2024

Town Clerk's Open Report

1) Changes to employment legislation

- **To note the update**

New legislation has come into force from April 2024 Employment Relations (Flexible Working) Act 2023 which sees the introduction of several new employment rights for Town/ Parish council employees, namely: -

Changes to Flexible Working Requests

The changes are: -

- Employees can now make two (not one) flexible working requests in any 12-month period.
- Requests must be dealt with by the council within two (not three) months of receipt of a request if no extension is agreed.
- Councils are not able to refuse a request until they have consulted with the employee.
- Employees will no longer, in their application, have to explain what effect the employee thinks agreeing to the request would have and how any such effect might be dealt with.

Redundancy and Maternity

Those returning from maternity leave have accrued new rights to be protected from being made redundant, from April 2024. Once an expectant mother informs the council that they are pregnant they automatically get first choice of any vacancies, should their post be at risk of redundancy.

Similarly new mothers returning from maternity leave are entitled to first choice of any posts for up to 18 months after their child's birth or adoption date, if their post is at risk of redundancy.

Where an employee suffers a miscarriage before 24 weeks of pregnancy, they will have protection during their pregnancy and for a two-week period following miscarriage. If they miscarry after 24 weeks of pregnancy this is classed as a still birth and they are entitled to maternity leave and will have the same protection as any other employee taking maternity leave.

Carers Leave Entitlement

- Employees who have caring responsibilities can request up to 4 weeks unpaid leave in a 12 month period.
- This entitlement has no qualifying period and will be available from day one of employment

Paternity Leave

New dads can take two week paternity leave entitlement as two separate one week blocks (rather than having to take just one week in total or two consecutive weeks)

This can be taken any time in the 52 weeks after birth (rather than having to take leave in the 56 days following birth)

Failure by the Council to consider any of the request would be a breach of statutory rights and could result in claims for unfair / constructive dismissal. The Town Council can, following due consideration of any request, reject the request for the following reasons, if it can be justified.

- Additional Costs.
- Potential damage to Parishioner service.
- Detrimental impact on recruiting staff.
- Detrimental effects on other aspects of the Council.
- Lack of work.

October 2024 – New legislation Changes

From October 2024, the Workers (Predictable Terms and Conditions) Act 2023 is introduced. This allows anyone with 26 weeks continuous service who is engaged on a zero hours contract, or fixed term contract, will be able to request:

- Regular hours
- Regular Days
- If they are engaged on a fixed term contract of 12 months or less, they can request that the contract be extended for a longer period or made permanent

2) Sickness Absence Policy

- **To agree a new Sickness Absence Policy**

3) Annual Leave Policy

- **To agree a new Leave Policy**

To introduce a revised Sickness Absence Policy and Leave Policy. These policies have been developed using the National Association of Local Council's (NALC) templates. Copies of these policies have been circulated to all staff for feedback and any comments received will be reported to the meeting.

Employment Law requires that employers have clear policies related to sick leave, detailing entitlements, notification procedures, and valid reasons for absence. Similarly, employment regulations often specify minimum annual leave entitlements.

Having both a Sickness Absence Policy and an Annual Leave Policy addresses these legal requirements and helps with various operational needs. It provides clear guidance on what employees should do if they are unwell, including how to inform their employer, what documentation to submit, and how their sick leave impacts pay and benefits. Additionally, it aids in workforce planning and operations management by setting out the rules for requesting and taking annual leave.

In using the NALC templates, we are assured that these comply with relevant employment law and legislation.