

# Policy and Sustainability Committee

11 March 2025

## Employment Policies - HR Assurance Statement

Item number	
Executive/routine	Routine
Wards	
Council Commitments	

### 1. Recommendations

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- 1.1 To note that the Council HR/employment policies and guidance which have been reviewed in the last year.
- 1.2 To note that the commitment to complete a programme of policy review and approval for 2025/26.

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## Employment Policies – HR Assurance Statement

### 2. Executive Summary

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- 2.1 This report confirms the employment or Human Resources (HR) policies, which have been developed, consulted on and approved by Policy and Sustainability Committee in the last 12 months.
- 2.2 The report also outlines a proposed programme of employment policy work for 2025/26 based on corporate requirements such as legislative updates, Internal Audit recommendations, delivering our People Strategy, work to support our accreditation towards Equally Safe at Work and as part of a regular review cycle.

### 3. Background

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- 3.1 Council policies are key governance tools. They help realise the Council's, vision, values, pledges, and outcomes. They are critical to the Council's operations, ensuring that statutory and regulatory obligations are met in an efficient and accountable manner which underpins our culture.
- 3.2 HR policies are reviewed as and when a change is necessary, primarily as a result of: changes to legislation or statute; agreement of new national terms and conditions of service or Government policy; organisational change; internal audit or resulting from changes agreed through Trade Union Consultation.
- 3.3 The Policy and Strategy Committee agreed the approach detailed above, for HR policies, on 5 December 2017.
- 3.4 Each year a Policy Review Plan is agreed which takes into consideration legislative requirements, Council motions, corporate priorities and requirements as well as considering date of last review of the policy. In the event of no material changes, external factors or legislative changes, policies will be subject to a desktop review at least every 5 years to ensure they remain fit for purpose. Non-material changes will be discussed with our Trade Unions and reported to Committee for information, for example date of review, change in personnel, etc.

### 4. Main report

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- 4.1 A critical element of our People Strategy is to ensure that our employment policies are fit for purpose, that they support our culture, reflect best practice and meet our legal obligations.

#### Work to date

- 4.2 In the period since the last policy assurance report to this committee (March 2024), policy development activity has continued at pace to ensure policies are compliant with new legislation as well as reviewed within a timely manner.
- 4.3 The following policies and guidance have been reviewed, revised and approved at Policy and Sustainability Committee in the last 12 months:
- 4.4 **Special Leave Policy**
- 4.5 In 2024, legislation was introduced which provides additional time off for carers. In addition to this, a Council motion requested that colleagues were provided with time off for Volunteering. These are now incorporated into our revised Special Leave Policy.
- 4.6 In addition to the above leave types, we also added in leave for Kinship Care and Fertility Treatment as well as enhancing our Parental Bereavement Leave to cover pregnancy loss.
- 4.7 The policy was approved at Policy & Sustainability Committee in March 2024 and launched in April to allow us to meet the legislative deadline for the introduction of leave for carers.
- 4.8 **Chief Officer Disciplinary Policy**
- 4.9 The previous Disciplinary for Heads of Service Policy outlined how misconduct of senior officers was to be managed and addressed within the Council; however, it did not include misconduct by the Chief Executive.
- 4.10 In March 2022, Policy & Sustainability Committee approved the adoption of the Scottish Joint Negotiating Committee (SJNC) Model Framework (the “Gold Book”) into practice in situations where misconduct by the Chief Executive occurs, this framework outlines the protocols to follow in cases of potential misconduct as well as appropriate delegation of responsibilities.
- 4.11 To streamline the policy landscape for Chief Officers in terms of discipline, it was agreed to review the arrangements and bring together the two processes into one new policy.
- 4.12 The new Chief Officer Disciplinary Policy aligns the process with the ACAS Code of Practice on Disciplinary Procedures as well as taking into account the Scottish Joint Negotiating Committee (SJNC) for Chief Officials Scheme of Salaries and Conditions of Service for Chief Officials (the “Gold Book”). It also aligns the process with the Council’s Behaviours and policies relating to conduct, such as the Employee Code of Conduct and Disciplinary Code.
- 4.13 The new policy also outlines the process that will be followed where the Chief Executive is unable to take part in the process for example if (but not limited to) a conflict of interest occurs.

- 4.14 There is clarification of the appeal process and notes that appeals from Chief Officials and the Chief Executive are to be made to the Personnel Appeals Committee (PAC) and the decision of PAC is final.
- 4.15 The new policy was approved by Policy & Sustainability Committee in March 2024 for approval and launched in May 2024.
- 4.16 **Employee Code of Conduct**
- 4.17 Following publication of the Edinburgh Tram Inquiry Report in September 2023, a response to the report was considered by Full Council on 14 December 2023. One of the recommendations from the response was to review the Employee Code of Conduct to ensure it was clear on the expectations from colleagues with respect to honesty.
- 4.18 The definition of Honesty within the Code of Conduct was updated to clarify and strengthen aspects related to officer candour.
- 4.19 The revised Code was approved by Policy & Sustainability Committee in March for approval and reissued to colleagues in April 2024.
- 4.20 **Family Leave Policy**
- 4.21 The Family Leave policies of Maternity, Adoption and Partner Support were last reviewed in 2016 with the introduction of Shared Parental Leave.
- 4.22 In 2024 new legislation was introduced which changed how Paternity Leave (Partner Support within the Council) can be taken. In addition to this, in 2025, new legislation will be introduced which provides additional rights for new parents. The Neonatal Care (Leave and Pay) Act 2023 provides parents with a right to 12 weeks' leave and pay when their baby requires neonatal care in addition to the existing parental leave entitlements.
- 4.23 With these changes in existing and new legislation, we undertook a review of the Family Leave policies to seek to streamline and provide clear guidance to colleagues on the variety of leave options available to them.
- 4.24 We streamlined the policy and produced 4 user guides on the leave options, so colleagues had more accessible information that was relevant to their situation. We also introduced neonatal care leave a year earlier than required.
- 4.25 The new policy was approved by Policy & Sustainability Committee in May 2024 and launched in June.
- 4.26 **Flexible Working Policy**
- 4.27 From April 2024, the Employment Relations (Flexible Working) Act 2023 came into legislation which outlined a number of required changes to how flexible working requests were to be managed by employers. The Act was originally intended to come into effect from the summer, however was suddenly brought forward by the Government. This meant that the Council was unable to get the draft policy to Committee in time for these changes. As such, the changes they were

communicated to all colleagues in April and followed by the Council noting that the policy would be reviewed to reflect these later in the year.

- 4.28 The new policy allows colleagues to make up to two requests a year for flexible working, they are not required to inform the Council of the reason for their request or what impact it will have on the Council and where a line manager is going to refuse a request, they must meet with the person to discuss.
- 4.29 To support the work towards of accreditation for Equally Safe at Work, we also took the opportunity to introduce a new digital form for all flexible working requests which will allow us to corporately report on how many applications are approved or rejected, and why.
- 4.30 The policy was approved by Policy and Sustainability Committee in August 2024 and launched in October 2024.
- 4.31 **Death Benefit Scheme**
- 4.32 The Death Benefit Scheme is a payment made to local government employees upon their death in service. It is a separate to the employees' pension scheme and the administration of the payment is dealt with separately.
- 4.33 A decision was made to review the Death Benefit Scheme. The reason for the review was following receipt of legal recommendations about some of the terminology used in the current version and the impact it could have on the application of the scheme, especially with regards to the definition of Next of Kin. It was agreed that reviewing the Scheme will remove any risk associated with administering the benefit to the employee's family.
- 4.34 In line with good practice, it was agreed that the benefit will now be paid to the executor of the employee's estate upon submission of the appropriate legal documentation.
- 4.35 The policy was approved by Policy and Sustainability Committee in October 2024 and launched in December 2024.
- 4.36 **Sexual Harassment Policy**
- 4.37 In May 2023, an amendment was made to a paper at Policy & Sustainability Committee on Harassment policies within the Council to:
- “Confirm that a separate gender informed sexual harassment policy, with appropriate training and toolkits, is expected to be put in place within two years and requests that an update of progress towards that goal is provide to [P&S Committee] within 12 months.”*
- 4.38 Work commenced on the policy in April 2024 with extensive engagement across the Council including a colleague survey, meetings with front line management, knowledge experts, Colleague Networks and Elected Members, as well as engaging with external organisation who lead in this area.
- 4.39 This engagement helped shape and inform the policy development. The policy outlines the preventative work that the Council and all colleagues can do to prevent

sexual harassment in the workplace and encouraged a positive, inclusive and safe working environment. The policy takes a trauma informed and gender sensitive approach to the management of any sexual harassment disclosures.

- 4.40 To support the policy, supporting Orb content and toolkits for managers have been developed working with organisations such as Close the Gap to raise awareness, better educate and support people in making and managing disclosures. E-learning and in person training will also be available to colleagues.
- 4.41 The policy was approved by Policy and Sustainability Committee in October 2024 and launched in January 2025.
- 4.42 **Time off for Trade Union Representatives Policy**
- 4.43 At the November Joint Consultative Group (JCG), the local government unions (Unite, Unison and GMB) requested to stand down their Staff Side arrangements. In doing so, this required amendments to some user guides which called out the Staff Side role.
- 4.44 The Time off for Trade Union Representatives Policy also required a small amendment to page 2 to advise that the Trade Unions would be required “to work together to present a common position...” removing reference to the Staff Side role.
- 4.45 Due to the minor language change, this policy is attached as an appendix to this paper for approval by the Policy and Sustainability Committee today.

### **Ongoing Work Programme**

#### 4.46 **Pay Policy**

This policy outlines the current pay protocols and assurances in place to ensure colleagues are paid correctly and on time each month in line with their agreed terms and conditions. It also outlines the process to be followed should there be an over- or underpayment. Following colleague and Trade Union feedback, we have sought to provide more clarity on the over/underpayment process as well as the responsibilities of colleagues, line managers and HR. The policy is to be considered by Policy & Sustainability Committee in March 2025

### **Upcoming Work Programme**

#### 4.47 **Anti-Bribery Policy**

Following the recommendations of an Internal Audit in February 2024, it was agreed to review the Anti-Bribery Policy and supporting anti-bribery procedure to ensure it was updated to reflect the Council’s current risk management approach. The policy will be considered by Policy & Sustainability Committee in May 2025

#### 4.48 **Driving for the Council**

Following the recommendations of an Internal Audit in September 2024 into the Safety of Council Operated Heavy Goods Vehicles (HGVs), it was agreed that the Driving for the Council Policy would be reviewed to ensure it is updated to reflect current practices as well as aligns with other Council policies, priorities and environmental commitments.

- 4.49 To meet the other recommendations of this Internal Audit in relation to safe driving practices, further engagement will take place with Trade Unions, Elected Members and Services, led by HR specifically in respect of Alcohol and Drug testing. This will be in addition to national engagement with Heads of HR and other Scottish local authorities.
- 4.50 **Equally Safe at Work**  
In 2024, the Council began its application process to achieve Equally Safe at Work Gender Bronze Accreditation. As part of this application, we will be required to review a number of existing policies and create a new Gender Based Violence (GBV) Policy to demonstrate our proactive commitment to addressing GBV and embedding gender equality into workplace policies and practices.
- 4.51 **Performance Management Policy**  
We will be reviewing the Performance Management Policy, including the performance framework and the procedures for managing underperformance. The purpose is to ensure these are reflective of our People Strategy ambitions but also provide clarity for line managers in supporting colleagues, develop capability and build exceptional leaders
- 4.52 **Managing Change Policy**  
Ensuring the Council is able to effectively support managers and colleagues through times of change, our Managing Change Policy will also be reviewed to ensure it continues to meet good practice, our legal requirements in terms of consultation as well as the management of Redeployees.

## 5. Next Steps

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- 5.1 A programme for the policy review, consultation and approval has been drafted and shared with our Trade Unions through the Partnership At Work Forum.
- 5.2 The priority for 2025-26 is to meet our corporate commitments following the Internal Audits, and progress work in line with Equally Safe at Work.
- 5.3 Due to school holidays, consultation with the Trade Unions has to be paused over July and August, and we will take this time to continue development on the other identified policies for consultation to commence in September.
- 5.4 A revised policy review programme for 2026-27 will be developed by the end of this year.

## 6. Financial impact

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- 6.1 There is no direct financial impact arising from this report.

## 7. Stakeholder/Community Impact

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- 7.1 Consultation was undertaken, where appropriate, with recognised trades unions as part of the Council's Working Together Protocol and local collective consultation arrangements concerning employment policies.
- 7.2 Integrated Impact Assessments were carried out for all new and revised policies, and are available on the Council website for review.

## **8. Background reading/external references**

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8.1 None

## **9. Appendices**

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9.1 Time off for Trade Union Representatives Policy