

Report to:	QSMTM Q1 2024-25
Report by:	Kim Berry, Corporate Services Manager
Meeting Date:	6 September 2024
Subject/ Title: (and VC no)	Employment Policy Update VC214237
Attached Papers (title and VC no)	None

Purpose of report

1. The purpose of this Committee Report (CR) is to provide the annual update to the Senior Management Team (SMT) and, also, provide assurance to the Scottish Information Commissioner (the Commissioner) that the organisation's employment policies are legally compliant.

Recommendation and actions

2. I recommend
 - i. the SMT notes the contents of this CR
 - ii. the Commissioner notes the assurance provided in paragraph 13.
 - iii. the CR is published as set out in paragraph 30.

Executive summary

3. The C1 Governance Reporting Arrangements (GRA) state that the Senior Management Team (SMT) is provided with an annual update of changes in employment law and, also, that the Commissioner's employment policies are legally compliant.

Employment Policies

Employee Handbook

4. The Employee Handbook (EH) is split into 2 parts:
 - Part 1 sets out the sections of the revised Employee Handbook which are incorporated into employment contracts (except where specified) and the benefits that a member of staff may be entitled to as an employee of the Commissioner.
 - Part 2 contains the policies and procedures that apply to employees during their employment:
 - a number of policies are now incorporated into Part 2 instead of formerly being stand-alone policies and these included:
 - Security Vetting Policy and Procedure
 - Health Living Scheme
 - Performance and Development Framework

- Anti-Harassment, Bullying and Victimisation Policy – this is replaced by the “Dignity at Work” policy in the revised Employee Handbook
5. The policies and procedures in the EH are kept under review and monitored on an ongoing basis, taking account of legislative requirements, recommendations, guidance and good practice.

Wellbeing

6. Updated wellbeing guidance has been circulated to all staff and a Wellbeing Resources Note is filed in VC140686 which can be viewed by all members of staff.
7. Line managers should also be discussing wellbeing with each of their team members in their regular monthly 1:1 catch ups.

Employee Assistance Programme

8. Two new resources can now be accessed through the Employee Assistance Programme (EAP) and the Wellbeing Resources Note (see above) provides details of how these can be accessed. (Staff were also notified of these resources by email):
- MyMindPal
 - GP Helpline
9. These resources are additional to the existing services the EAP provides to all members of staff which include:
- a. 24/7 access to counselling and information advice via a freephone number provided by accredited counsellors and trained advisors
 - b. structured counselling sessions
 - c. information services, including Citizens Advice based guidance, such as debt management, legal and tax consumer issues, dependent care
 - d. wellbeing resources
 - e. articles, tips and self-assessments.
10. Line managers should sign post their team members to the EAP where required and/or necessary.
11. Monthly EAP updates containing advice on different subjects are circulated to all staff.

Employment Law Advice

12. Worknest provides a contracted service for employment law advice and this contract has been renewed until May 2025. Worknest also provides regular employment law updates and advice on legal compliance when required.

Assurance

13. Taking the above into account, I am of the view that the organisation’s employment policies are legally compliant.

Employment law updates - 2024

Carer's Leave Act

14. This Act received Royal Assent on 24 May 2023 and introduces a new and flexible entitlement of one week's unpaid leave per year for employees who are providing or arranging care. This came into effect on 6 April 2024.
15. From day one of employment employees can take up to one week of unpaid carers leave every 12 months.
16. Worknest have reviewed the EH and incorporated the new guidance which will be circulated to all staff by 30 September.

The Protection from Redundancy (Pregnancy and Families Leave) Act 2024

17. The above Act received Royal Assent on 24 May 2023 and came into force on 24 July 2023. The implementing regulation, the Maternity Leave, Adoption Leave and Shared Parental leave (Amendment) Regulations 2024, came into force on 6 April 2024.
18. Worknest have reviewed the EH and incorporated the new guidance which will be circulated to all staff by 30 September.

Code of Practice on Flexible Working

19. The Code reflects changes to the statutory regime for requesting flexible working. It provides guidance to ensure flexible working requests are considered within the boundaries of the regulations.
20. The Statutory changes to be aware of are:
 - I. Employees will be able to request flexible working from day one of their employment.
 - II. Employees can now make two flexible working requests within a 12 month period.
 - III. Employees no longer need to explain the effects of the flexibility requested and how that might be dealt with, but still need to explain the change they want and when they want it to come into effect.
 - IV. Before rejecting a flexible working request, there is a new requirement to consult with the employee.
 - V. Employers need to give their decision within two months.
21. Worknest have reviewed the EH and incorporated the new guidance which will be circulated to all staff by 30 September.

Risk impact

22. The Commissioner's reputation and, also, public confidence in the Commissioner could be undermined if the Commissioner does not demonstrate good practice and good governance.
23. The employment policies the Commissioner has in place mitigate against strategic and operational risks of not having effective and robust governance, policies and human resource arrangements in place

Equalities impact

24. The Commissioner is committed to promoting equality of opportunity and treatment and to ensuring that there is no discrimination in employment practices. The employment policies the Commissioner has in place encourage equality, manage the risk of discrimination, promote diversity and ensure employees are managed fairly.

Privacy impact

25. The EH refers to the relevant data protection policies and guidance that the Commissioner has in place. The Commissioner's Privacy Notice provides information on the processing of employees' personal data and is updated as required.

Resources impact

26. If there are new legislative requirements that come into effect in 2024-25 there may be a resources impact but this will depend on the requirement and what is action is required.

Operational/ strategic plan impact

27. There is none at present.

Records management impact (including any key documents actions)

28. There is none at present.

Consultation and Communication

29. QSMTM Q1 minute

Publication

30. This CR should be published in full.