



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES
DATE:	29 JULY 2021
REPORT OF THE:	HEAD OF HUMAN RESOURCES HAROON RASHID
TITLE OF REPORT:	HR POLICY REVISION – LOCAL GOVERNMENT PENSION SCHEME EMPLOYER DISCRETIONS, FAMILY LEAVE POLICY AND PROBATION POLICY
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To approve revised HR Policies:

- LGPS Employer Discretions Policy.
- Family Leave Policy
- Probation Policy

2.0 RECOMMENDATION(S)

2.1 It is recommended to Council that:

- (i) The revised policies are agreed for implementation.

3.0 REASON FOR RECOMMENDATION(S)

3.1 LGPS Employer Discretions Policy

All employers who participate in the Local Government Pension Scheme (LGPS) are required to formulate a discretions policy in accordance with Regulation 66 of the Local Government Pension Scheme (Administration) Regulations 2008, and Regulation 60 of the Local Government Pension Scheme Regulations 2013.

There is no evidence of an updated policy after 2012.

3.2 Family Leave Policy

A number of previous policies existed covering different aspects of family leave, such as maternity and paternity leave. These policies were not up to date in terms of legislation.

3.3 Probation Policy

The probation policy and procedure is a new policy to provide structure and consistency to the probation process.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks identified with the revised policies. Outdated policies however, can leave an organisation at risk. Old policies may fail to comply with new laws and regulations and may not address new systems or technology, which can result in inconsistent practices.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 Full trade union consultation has taken place and the revised policies have been approved by Strategic Management Board. Final ratification by Elected Members will complete the consultation process prior to implementation.

REPORT

6.0 REPORT DETAILS

6.1 HR policies are a written description of rights and responsibilities of employers and employees. If a policy is well developed and clearly written, it helps communication with employees, clarifies expectations and makes sure that everyone is treated in a consistent and fair way. These are all important factors for creating a desirable culture for the organisation, and they minimise exposure to legal risk.

LGPS Employer Discretions Policy

6.1 Background to Legislation

The LGPS (Amendment) Regulations 2018 introduced some new rules for scheme members who left before 31 March 2014 and Councillor Members. The change to the scheme rules means that they no longer need our consent (as their former employer) to take their pension benefits between the age of 55 and 60.

The draft discretions policy contains all of the 'legacy' discretions for the

scheme rules prior to 1 April 2014 as well as the current discretions from 1 April 2014. Discretions are classed as:

- **Mandatory:** the employer must formulate, publish and keep under review a policy on these discretions
- **Recommended:** there is no requirement for employers to publish a written policy on these discretions. However, as these matters arise fairly frequently it may be appropriate, so that members can be clear on their employer's policy
- **Less common:** there is no requirement for employers to publish a written policy on these discretions

The draft policy contains discretions classed as mandatory and recommended.

6.2 Policy Requirements

In formulating and reviewing the discretions policy RDC are required by the regulations to have regard to the extent to which the exercise of discretionary powers unless properly limited, could lead to a serious loss of confidence in the public service, and be satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

Exercising the major discretions may result in a cost to the employer (commonly called 'pension strain'), the policy has been formulated taking this into consideration.

Family Leave Policy

6.3 The Family Leave Policy combines all elements of family leave in one document for consistency and ease of understanding. Previously, separate policies existed for Maternity, Paternity and Adoption Leave. In addition to these, the new policy covers Shared Parental Leave, Unpaid Parental Leave, Surrogacy and Parental Bereavement Leave. For ease of reference a comparison table is provided with the policy.

Probation Policy and Procedure

6.4 This is a new policy to ensure a consistent and supportive approach to probation. This policy is closely aligned with the Council's People and Culture Plan and supports our priorities, values and behaviours in delivering a robust and consistent approach to performance with clear expectations, so a supportive performance culture can develop and be embedded.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial

Discretionary powers come with a cost attached - policies must not lead to a loss of confidence in public services and therefore have to be affordable.

- b) Legal
As above
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)

All policies should pay due regard to equality legislation and care has been taken to make sure that policies do not discriminate on the grounds of any protected characteristic, either directly or indirectly.

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Background Papers:

- Appendix A: Policy Change Log
- Appendix B: LGPS Employer Discretions Policy
- Appendix C: Family Leave Policy
- Appendix D: Probation Policy and Procedure