

ABERDEEN CITY COUNCIL

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| COMMITTEE | Staff Governance Committee |
| DATE | 4 September 2023 |
| EXEMPT | No |
| CONFIDENTIAL | No |
| REPORT TITLE | Family Friendly Policies Project Update |
| REPORT NUMBER | CUS/23/244 |
| DIRECTOR | Andy MacDonald, Director - Customer |
| CHIEF OFFICER | Lindsay MacInnes, Interim Chief Officer – People and OD and Customer Experience |
| REPORT AUTHOR | Darren Buck, People & OD Advisor |
| TERMS OF REFERENCE | 2.5 |

1. PURPOSE OF REPORT

- 1.1 To update the Committee on the progress made towards the Family Friendly Policies Project.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Notes the progress made towards the Family Friendly Policies Project;
- 2.2 Approves the project next steps as outlined in section 3.8;
- 2.3 Instructs Chief Officer – People and OD and Customer Experience to report back to Staff Governance Committee in summer 2024 with updated policies and documentation for approval;
- 2.4 Approves interim changes to the Supporting Carers in the Workplace Guidance and Special Leave Policy to ensure early compliance with the Carer's Leave Act as outlined in section 3.9.

3. CURRENT SITUATION

3.1 Current Offering for Staff

- 3.1.1 Currently, the Council's family friendly policies & guidance documents include:

- Family Friendly Policy
- Maternity Leave Guidance
- Paternity Leave Guidance
- Shared Parental Leave Guidance
- Adoption Leave Guidance
- Managing Employees Undergoing IVF Treatment Guidance
- Supporting Carers in the Workplace Guidance

3.1.2 In addition, the Council also has a Special Leave Policy which includes special leave and flexible working provisions that employees can use which includes:

- Parental Leave
- Time Off for Dependant / Family Emergencies
- Parental Bereavement Leave
- Time Off for IVF Treatment

3.1.3 The Council's Guidance for Situations of Adverse Weather also covers time off for primary care givers in situations where there are school closures due to adverse weather.

3.1.4 There are also a number of Flexible and Smarter Working options that employees may benefit from such as flexi-time, term-time working, part-time working, amongst others.

3.1.5 It is worth noting that those on Scottish Negotiating Committee for Teachers (SNCT) terms and conditions, [under Part 2 Section 7 of the SNCT Handbook](#), have separate provisions for:

- Maternity Leave and Pay
- Adoption Leave and Pay
- Shared Parental Leave and Pay
- Surrogacy Leave
- Maternity and Adoption Support Leave and Pay (including Ordinary Paternity Leave and Pay)
- Parental Leave
- Leave of Absence
- Time Off for IVF Treatment
- Compassionate Leave

3.1.6 Currently, the entitlements that employees have are:

| Entitlement | Leave | Pay |
|--------------------|--------------|--|
| Maternity | 52 weeks | Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) for a maximum period of 39 weeks as follows:- <ul style="list-style-type: none"> • For the first 6 weeks 90% of average weekly earnings. • For the following 12 weeks a sum equal to 50% of normal pay. • In addition, employees get the flat rate of SMP or 90% of average weekly earnings if this is less than the flat rate of SMP. |

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| | | <ul style="list-style-type: none"> • For the following 21 weeks flat rate of SMP (or 90% of average weekly earnings if this is less than the flat rate of SMP). • The remaining 13 weeks of maternity leave, if taken, is without pay. <p>Eligibility criteria applies.</p> |
| Maternity (SNCT) | 52 weeks | <p>Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) for a maximum period of 39 weeks as follows:-</p> <ul style="list-style-type: none"> • For the first 13 weeks OMP and SMP to equal normal salary. • For the following 26 weeks the flat rate of SMP. • The remaining 13 weeks of maternity leave, if taken, would be without pay. <p>Eligibility criteria applies.</p> |
| Paternity | 2 weeks | <p>Full pay</p> <p>Eligibility criteria applies.</p> |
| Maternity and Adoption Support Leave incl. Paternity (SNCT) | 2 weeks | <p>One week full pay, one week at the Statutory Paternity Pay rate.</p> <p>Eligibility criteria applies.</p> |
| Adoption | 52 weeks | <p>Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) for a maximum period of 39 weeks as follows:-</p> <ul style="list-style-type: none"> • For the first 6 weeks 90% of average weekly earnings. • For the following 12 weeks a sum equal to 50% of normal pay. • In addition, employees get the flat rate of SAP or 90% of average weekly earnings if this is less than the flat rate of SAP. • For the following 21 weeks flat rate of SAP (or 90% of average weekly |

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| | | <p>earnings if this is less than the flat rate of SAP).</p> <ul style="list-style-type: none"> The remaining 13 weeks of adoption leave, if taken, is without pay. <p>Eligibility criteria applies.</p> |
| Adoption (SNCT) | 52 weeks | <p>Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) for a maximum period of 39 weeks as follows:-</p> <ul style="list-style-type: none"> For the first 13 weeks Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) to equal normal salary. For the following 26 weeks flat rate of SAP. The remaining 13 weeks of adoption leave, if taken, is without pay. <p>Eligibility criteria applies.</p> |
| Shared Parental Leave and Shared Parental Leave (SNCT) | 50 weeks | <p>As per Government guidance. Up to 37 weeks of pay between parents.</p> <p>The actual amount depends on how much maternity or adoption leave and pay (or Maternity Allowance) the employee and their partner take. If eligible can:</p> <ul style="list-style-type: none"> take less than the 52 weeks of maternity or adoption leave and use the rest as Shared Parental Leave (SPL) take less than the 39 weeks of maternity or adoption pay (or Maternity Allowance) and use the rest as Statutory Shared Parental Pay (ShPP) <p>Eligibility criteria applies.</p> |
| Parental Leave and Parental Leave (SNCT) | Up to 18 weeks' leave for each child and adopted child up to their 18th birthday. | <p>Unpaid</p> <p>Eligibility criteria applies.</p> |

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| Time Off for Dependant / Family Emergencies | Reasonable time off granted. | Unpaid however can be discussed with management to make the time back or use of annual leave, flexi time. |
| Leave of Absence (SNCT) | Up to 2 days | Paid This may be used for a number of situations but for family purposes, this relates to illness of a child, attending family events, being a birthing partner, supporting dependents at national or international sporting events, as well as anything under discretion of a Head Teacher. |
| Surrogacy Leave (SNCT) | 52 weeks | <ul style="list-style-type: none"> • 13 weeks at normal salary • 26 weeks at a sum equivalent to Statutory Adoption Pay. • The remaining 13 weeks of leave, if taken, is without pay. |
| Parental Bereavement Leave and Parental Bereavement Leave (SNCT) | 2 weeks | Paid |
| Time Off for IVF Treatment | Reasonable time off granted. | Unpaid, however can be discussed with management to make the time back or use of annual leave, flexi time. |
| Time Off for IVF Treatment (SNCT) | Reasonable time off granted. | Paid leave will be granted for related absences during one cycle of treatment. |
| Adverse Weather | Up to 1 days' leave per weather situation. | Paid. |
| Compassionate Leave | Reasonable time off up to 10 days' (pro-rata) | Paid. Note that this is not normally intended to be used for childcare purposes but is specified as an option within our Supporting Carers in the Workplace Guidance. |

3.2 Data

3.2.1 According to our latest [Progress Report](#) in March 2023, the make-up of our workforce is 69.9% female and 30.1% male.

- 3.2.2 Part-time working is undertaken by 41.8% of the workforce. 88.53% of these are female, 11.47% are male. Of all the female employees in the organisation, 52.87% work part-time hours.
- 3.2.3 As of 31st March 2023, the gender pay gap in the organisation is 6.17% in favour of female employees. The top 5% of earners in the organisation are 54% female and 46% male.
- 3.2.4 Maternity leave has been used 707 times in the last 5 years with an average of 299 days being taken. In addition, we have 82 employees currently on maternity leave.
- 3.2.5 Ordinary paternity leave has been used 192 times in the last 5 years with an average of 13 days being taken. Additional unpaid paternity leave has been used 6 times with an average of 8 days taken.
- 3.2.6 Adoption leave has been used 7 times in the last 5 years with a small number of employees using it with an approximate even split between male and female. The male employees took an average of 14 days' leave, while the female employees, on average, took 329 days. In addition, a small number of female employees are currently on adoption leave.
- 3.2.7 Shared Parental Leave has been used 12 times in the last 4 years¹ with 6 male and 6 female employees using it. On average, male employees took 122 days' leave whilst female employees on average took 113 days' leave.
- 3.2.8 Paid special leave provisions in scope for this project were used 2342 times in the last 4 years² with an average of 1.8 days being taken. Of those who took these provisions, 1973 were female (84%) and 369 were male (16%).
- 3.2.9 Unpaid special leave provisions in scope for this project were used 1472 times in the last 4 years³ with an average of 2.6 days being taken. Of those who took these provisions, 1321 were female (90%) and 151 were male (10%).

3.3 Research

- 3.3.1 The Equalities Office commissioned [academic research](#) as part of a Workplace and Gender Equality (WAGE) Research Programme, looking at the theme of Family Friendly policies. Through their research, the Equalities Office states that one of the biggest drivers of the gender pay gap is that women tend to spend more time out of the labour market or work part time, often due to caring responsibilities. They argue that family-friendly policies, provisions and guidance including flexible working, enhanced parental leave and additional childcare provision are the key tools to enable more equal sharing of work and childcare responsibilities between men and women.

¹ Please note that available data covers 4 years, as Shared Parental Leave was not its own category in our previous HR and Payroll System, PSe

² Please note that available data covers 4 years, as Special Leave categories were not specifically separated out in our previous HR and Payroll System, PSe

³ As above

3.3.2 The Equalities Office [guidance](#) suggests that employers focus on improving their offering of family friendly provisions, supporting employees and their managers to get the most out of them, promoting the offering in the workplace and integrating it throughout the organisation.

3.3.3 The Equality and Human Rights Commission conducted [research](#) to determine the prevalence of pregnancy discrimination and disadvantage in the workplace. One of its key findings was that one in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working from their employer and /or colleagues.

3.3.4 The Equality and Human Rights Commission produced a [toolkit](#) to help inform employers of their responsibilities and guide them to achieve best practice during their employees pregnancy, maternity leave and upon their return to work.

3.4 Legislative Changes

3.4.1 New family friendly legislation is due to be introduced following their receipt of Royal Assent in 2023. These are:

- **The Neonatal Care (Leave and Pay) Act.** This will allow eligible employed parents whose new-born baby is admitted to neonatal care to take up to 12 weeks of paid leave to spend with their baby. This will be in addition to other leave entitlements, such as maternity and paternity leave. This is expected for implementation in April 2025.
- **The Carer's Leave Act.** This will create a new statutory unpaid leave entitlement (a week of flexible leave a year) for employees who are caring for a dependant with a long-term care need. This is expected for implementation in May 2024.
- **The Employee Relations (Flexible Working) Act.** This will create new statutory entitlements which allow two flexible working requests in any 12-month period from day one of employment. It also covers other changes to make it easier for employees to request flexible working, as well as increase responsibilities on employers around consultation and decision-making. This is expected for implementation in 2024.
- **The Protection from Redundancy (Pregnancy and Family Leave) Act.** This will extend existing protections for new parents, protecting them from redundancy from the moment they inform their employer to six months following return from maternity, paternity, adoption or shared parental leave.

3.5 Engagement to Date

3.5.1 Our employee network for sex as a protected characteristic identified the below key points:

- Various family circumstances and situations should be taken into consideration, particularly around single parent families and same-sex relationships;
- Normalising more men taking flexible and smarter working options, as well as promoting equal sharing of childcare responsibilities, is important;

- Manager buy-in is important to allow for equality, and particularly to reduce barriers to career progression of taking family leave;
- It is important for employees to be made aware of their entitlements and to feel supported in taking their full entitlements should they wish to.

3.5.2 Our LGBTQIA+ employee network identified the below key points:

- It is perceived that those going through adoption, kinship caring processes or IVF processes do not receive as much support flexibility as those who are pregnant;
- Options, entitlements and provisions around flexible working and special leave for family circumstances should be made clearer, for both employees and managers;
- There is a perceived lack of consistency in the application of flexible working and special leave provisions and entitlements;
- Language in policies, guidance documents and procedures needs to reflect the trans community.

3.6 Links to Other Outcomes, Agreements and Pledges

3.6.1 The Council currently has two equality outcomes as an employer. These are:

- Improve the diversity of our workforce and address any areas of underrepresentation, ensuring that there are equal opportunities for all protected groups (with consideration for both internal employees and external applicants), with a particular and prioritised focus on Age, Disability, Race and Sex.
- Ensure that all of our employees who have protected characteristics feel fully valued, safe and included at work, with a particular and prioritised focus on Age, Disability, Gender reassignment, Race, Sex and Sexual orientation.

3.6.2 Within the Working in Partnership for Aberdeen Joint Statement, there is a commitment to doubling paternity leave for employees of Aberdeen City Council. It is worth noting that SNCT employees have their entitlements for paternity leave, and other family friendly provisions, agreed at a national level and will be reviewed separately.

3.6.3 In November 2022, Aberdeen City Council committed to sign the [Pregnancy Loss Pledge](#) which was subsequently done in 2023. This committed Aberdeen City Council to:

- Encourage a supportive work environment where people feel able to discuss and disclose pregnancy and/or loss without fear of being disadvantaged or discriminated against
- Understand and implement the rules around pregnancy-related leave, ensuring staff feel able to take the time off they need
- Show empathy and understanding towards people and their partners experiencing pregnancy loss

- Implement a pregnancy loss policy or guidance, or ensure it is included in sickness, bereavement or other workplace policies – being mindful of the needs of partners, too
- Encourage line managers to access in-house or external guidance on how to support someone experiencing pregnancy loss
- Support people back to work by being responsive to their needs and showing flexibility wherever possible

3.6.4 Aberdeen City Council joined the [Equally Safe at Work Accreditation Programme](#) in January 2021. Equally Safe at Work is run by Close the Gap and is intended to provide a framework for employers to create an inclusive workplace culture for women which also prevents violence against women.

3.7 Outcomes

3.7.1 Based on the data trends, research, benchmarking and current engagement, a number of key outcomes have been identified as part of this project as follows:

- i. All of our in scope and available policies, provisions and guidance documents are consolidated, streamlined, readily available, easy to understand and clear for those who need it at point of need, packaged within a family friendly 'suite';
- ii. The documents within the family friendly 'suite' are updated so that the language is inclusive and contemporary, reflecting the organisation's Guiding Principles as well as all family types and circumstances, such as LGBTQ+ couples and kinship carers;
- iii. In line with the Working in Partnership for Aberdeen Joint Agreement, occupational paternity leave provisions will be doubled to increase to four weeks' leave for eligible employees;
- iv. Employee entitlements will be easily understood so that employees make the most informed choices and managers are able to provide consistent and appropriate support and decisions;
- v. Job Families are considered so that information is accessible in a way that suits the needs of different employee groups;
- vi. The family friendly 'suite' is well-connected to, and makes the most of, government websites and toolkits that are available for employees;
- vii. A communications and engagement plan will be developed to encourage more male employees to make use of family leave provisions;
- viii. Support provisions, such as entitlements around pregnancy loss and counselling services, will be readily available at point of need so that employees will be have easy access to support;
- ix. The organisation will maintain its compliance with the Equality Act (2010) and any other legislative updates.

3.7.2 In addition to the above, the family friendly 'suite' will link with updates relating to flexible and smarter working across the organisation which are currently being reviewed in line with the [Workforce Delivery Plan](#), and will take into consideration the legislative updates associated with the Employee Relations (Flexible Working) Act.

3.7.3 Further recommendations and proposals may be brought into scope following ongoing engagement and as the project develops. These proposals will be reported back to Staff Governance Committee in line with section 3.7.

3.8 Approach and Next Steps

3.8.1 Further benchmarking and research has begun and will continue with other local authorities, partner organisations as well as with other private and third-sector organisations to identify further best-practice examples of family friendly policies and provisions.

3.8.2 Eligibility for and application of the doubling of paternity leave will be scoped out with relevant negotiating bodies to ensure that the Working in Partnership for Aberdeen Joint Agreement is applied fairly and consistently for employees.

3.8.3 An employee survey has been created and will be launched to get views of employees who have used any provisions in scope for this project to embed this into the review.

3.8.4 Employee equality networks and working groups will continue to be engaged throughout so that they are co-designing improvements to our family friendly policy, guidance documents and provisions.

3.8.5 The Chief Officer – People and OD and Customer Experience will return to Staff Governance Committee in summer 2024 with the revised family friendly policy, procedures and guidance documentation along with an update on any other changes and improvements.

3.8.6 Any additional changes to provisions or documentation required prior to summer 2024, will be brought to Staff Governance Committee within appropriate timescales and cycles.

3.8.7 Ongoing feedback and data analysis will be taken to measure impact of any improvements.

3.9 Carer's Leave Act Interim Changes

3.9.1 As the Carer's Leave Act, outlined in section 3.4.1, is due for implementation prior to Summer 2024, interim changes should be made to the existing Supporting Carers in the Workplace Guidance and Special Leave Policy.

3.9.2 This will ensure that Aberdeen City Council is compliant with the legislation in advance of the planned implementation date.

3.9.3 Currently, the Special Leave Policy has no specific mention of carer's leave and our Supporting Carers in the Workplace Guidance states:

"In cases where the employee cannot attend work due to their caring responsibilities, managers can consider, where appropriate, granting special leave such as 'compassionate leave' or agreeing with the employee that any

time off required is taken as annual, flexi or unpaid leave or that hours lost are made up at a later point.”

3.9.4 It is proposed to change wording in both documents with immediate effect to:

“Employees who are caring for a dependent with a long-term care need are entitled to a week of unpaid flexible leave per year. Managers can also consider, where appropriate, granting special leave such as ‘compassionate leave’ or agreeing with the employee that any time off required is taken as annual or flexi leave or that hours lost are made up at a later point.”

3.9.5 Both documents as final versions will be included within the family friendly ‘suite’ brought back to Staff Governance Committee in Summer 2024.

4. FINANCIAL IMPLICATIONS

4.1 Increasing the offering of paternity leave for the ‘second parent’ does not directly alter the cost to the Council for employing any member of staff as it will not alter the pay received by the employee. However, this would create additional absence within services, and there could be additional cost incurred if it was determined that absence had to be covered through overtime or relief worker / agency fees. It would be a decision for individual services how to manage this additional cost pressure within existing budgets and within the confines of the Establishment Control Board.

4.2 Any other identified financial implications will accompany the Staff Governance Committee paper in summer 2024 alongside policy updates and any further proposals.

5. LEGAL IMPLICATIONS

5.1 The Family Friendly Policies Project will bear in mind all employment regulations associated with maternity, paternity, shared parental and adoption leave as well as entitlements to parental leave.

5.2 The Family Friendly Policies Project will ensure compliance with the Council’s duties under the Equality Act (2010).

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

7. RISK

| Category | Risks | Primary Controls/Control Actions to achieve Target Risk Level | *Target Risk Level (L, M or H) *taking into account controls/control actions | *Does Target Risk Level Match Appetite Set? |
|-----------------------|--|---|---|---|
| Strategic Risk | Inability to deliver on Working in Partnership Agreement. | Ensuring that the doubling of paternity pay is captured within the review. | L | Yes |
| Compliance | Ability to meet our obligations under the Equality Act (2010) as well as legislative updates around carers leave and neonatal care leave. | Ensuring that the legislative requirements are captured within the review and implemented within relevant timescales. | L | Yes |
| Operational | Ability to provide support for employees or not competing with other organisations and industries could result in poor staff morale or higher turnover. | Ensuring that benchmarking and research is undertaken so that what Aberdeen City Council is offering is best-practice and progressive. | L | Yes |
| Financial | <p>Not complying with legislation may leave the Council open to claims.</p> <p>Many services will need to manage to redistribute work as required for the short-term period of paternity leave without backfill. In the instances where services will need a role fully covered during paternity leave then People and Organisational Development will</p> | <p>Ensuring that the legislative requirements are captured within the review and implemented within relevant timescales.</p> <p>Guidance for managers on how to accommodate leave will be available. In addition, recruitment approval governance and</p> | L | Yes |

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| | work together with them to find flexible options within the confines of our Establishment Control Board | support remains in place. | | |
| Reputational | Risks of not providing an inclusive environment could impact on Council reputation and employer brand. | Ensuring that benchmarking and research is undertaken so that what Aberdeen City Council is offering is best-practice and progressive. | L | Yes |
| Environment / Climate | No significant risks identified | | | |

8. OUTCOMES

| <u>COUNCIL DELIVERY PLAN 2023-2024</u> | |
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| Impact of Report | |
| Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u> | The proposals in this report support the Working in Partnership for Aberdeen Joint Agreement, namely to double the paternity leave provision for Aberdeen City Council employees. |
| <u>Aberdeen City Local Outcome Improvement Plan 2016-26</u> | |
| Prosperous Economy Stretch Outcomes | This report supports: <ul style="list-style-type: none"> 400 unemployed Aberdeen City residents supported into Fair Work by 2026 |
| Prosperous People Stretch Outcomes | This report supports: <ul style="list-style-type: none"> Supporting vulnerable and disadvantaged people, families and groups |
| Regional and City Strategies | This report links directly with the Council's Workforce Delivery Plan in ensuring that employees have the right support. This also supports the Council's Equality Outcomes and Equality, Diversity and Inclusion Action Plan . |

9. IMPACT ASSESSMENTS

| Assessment | Outcome |
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| Integrated Impact Assessment | Stage 1 Integrated Impact Assessment has been completed. |

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| Data Protection Impact Assessment | Not required |
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10. BACKGROUND PAPERS

- 10.1 [Aberdeen City Council's Equality Outcomes and Mainstreaming Progress Report 2021-2023](#)
- 10.2 [Equalities Office, Family Friendly Policies: Actions for Employers Guidance, 1 March 2019](#)
- 10.3 [Equalities Office, Women's Progression in the Workplace: Actions for Employers, 22 March 2019](#)
- 10.4 [Equalities Office, Women's Progression in the Workplace: Actions for Employers Guidance, 22 March 2019](#)
- 10.5 [Equality and Human Rights Commission, Pregnancy and Maternity Discrimination Research Findings, 25 May 2018](#)
- 10.6 [Pregnancy Loss Support, Staff Governance Committee, 21 November 2022, CUS/22/264](#)
- 10.7 [Equally Safe at Work Employer Accreditation Programme, Staff Governance Committee, 12 April 2021, RES/21/092](#)
- 10.8 [Workforce Delivery, Staff Governance Committee, 30 January 2023, CUS/23/035](#)
- 10.9 [Equality, Diversity and Inclusion Action Plan, Staff Governance Committee, 12 April 2021, RES/21/077](#)
- 10.10 [Equality, Diversity and Inclusion Update Report, Staff Governance Committee, 26 June 2023, CUS/23/163](#)

11. REPORT AUTHOR CONTACT DETAILS

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