

**Classification**

**Item No.**

Open

<b>Meeting:</b>	Employment Panel
<b>Meeting date:</b>	25th June 2026
<b>Title of report:</b>	Workforce Policy Review
<b>Report by:</b>	Cllr. Sean Thorpe, Deputy Leader and Cabinet Member for Finance and Corporate Services
<b>Decision Type:</b>	
<b>Ward(s) to which report relates</b>	All

**Executive Summary:**

A key component of the Council's People Services improvement and modernisation programme is the review of core HR systems, processes and policies to ensure they are fit for purpose, reflective of modern HR practice and align with the organisational culture described by the LET'S values.

This report sets out proposals for a number of new, changed, reviewed and replaced policies. Trade Union colleagues have been fully engaged in this work.

**Recommendation(s)**

That the Employment Panel agrees revisions to the following documents:

1. Consultation Toolkit
2. TU Consultation Framework
3. Family Leave Policy
4. Fixed Term Contracts Policy
5. Flexible Working Policy
6. Local Conditions of Service section 1 – appointments, transfers and leavers
7. Local Conditions of Service section 4 – hours and leave
8. Market Supplement Policy
9. Recruitment Policy
10. Redeployment Procedure
11. Redundancy Procedure, including bumped redundancy
12. Secondments Policy

### 13. Sponsorship Policy

The documents will then go for endorsement to the Council's Corporate Joint Consultative Committee on 21<sup>st</sup> July 2026 and subject to approval will then be published on the Council's intranet pages and communicated to staff.

## KEY CONSIDERATIONS

### 1. Consultation Procedure

#### Background

The Consultation Procedure ensures that any proposed changes to structures or contractual terms and conditions are undertaken lawfully, and with meaningful and appropriate involvement from trades unions and employees. It was last reviewed in July 2019.

#### Policy Headlines

There have been significant alterations to the toolkit in order to comply with changes brought by the Employment Rights Act 2025 and also to enable change to be managed more effectively within the organisation, whilst still affording trade unions and employees appropriate opportunities and timescales to be meaningfully consulted and involved.

The revised Procedure can be found in Appendix 1, but the changes can be summarised as follows:

- Clarification over the type of procedure to follow (if any), with the introduction of a streamlined procedure:

Types of change	Consultation procedure to be followed
Straightforward changes where there are no amendments to grades or contractual terms and conditions – for example: <ul style="list-style-type: none"> <li>▪ Review of a job description</li> <li>▪ Change of line management</li> <li>▪ Changes to an individual's duties or other changes that do not change the establishment</li> <li>▪ Work base relocation</li> <li>▪ Changes that can be made as operational decisions taken under Delegated Powers which are within an approved budget and do not raise any policy/employment issues (e.g. increases in hours that have no other effect/implications, creating a new position within budget outside of a restructure or reconfiguring a vacancy where there are no wider implications)</li> </ul>	<b>No formal procedure</b> needed. However, it is recommended that informal consultation is undertaken with relevant staff and trade unions to obtain agreement to the proposed change and a variation to contract issued where relevant.

Restructures, changes to the establishment (unless a straightforward change, as set out above), changes to terms and conditions or redundancies (outside of the Fixed Term Contract Toolkit) affecting up to 19 people	<b>Streamlined procedure</b>
Restructures, changes to the establishment (unless a straightforward change, as set out above), changes to terms and conditions or redundancies (outside of the Fixed Term Contract Toolkit) affecting 20 or more people <b>OR</b> Complex changes affecting less than 20 people (decision to be taken in consultation with the trade unions)	<b>Full procedure</b>

- Changes are proposed to consultation timescales in line with TULRCA and in an effort to speed up straightforward changes, but with the flexibility to accommodate longer periods of consultation where it is appropriate to do so. Previously all consultations involving 100+ employees have been for 90 days.

<b>Number of affected staff</b>	<b>Minimum consultation period</b>
<b>Streamlined procedure</b>	
0-19	Consultations are encouraged to progress as quickly as possible, with 2 weeks being a reasonable period. This would be extended as appropriate to cater for holidays, service requirements etc.
<b>Full procedure</b>	
0-19 (complex changes)	At least 30 calendar days
20-99	At least 30 calendar days
100 +	At least 45 calendar days. In consultation with trade unions this can be extended when required to up to 90 days.

- Removal of the termination and re-engagement content in light of the 2025 Employment Rights Act changes.

## **2. Trade Union Consultation Framework**

### **Background**

The Trade Union Consultation Framework sets out the different ways in which the Council consults with the trades unions and employees in order that they may provide

input into the development of policies or initiatives that affect the workforce. It was last reviewed in August 2015.

### **Policy Headlines**

The changes made to the Framework are primarily job and meeting title updates, with the exception of:

- Part 3: New and revised policies are no longer taken to the Local Government Consultation Meeting (s188) but are discussed directly with the Branch Secretary of Unison.
- Part 3: Although policies are formally approved at Corporate JCC, the need for formal sign off being obtained electronically from the Chair has been removed.
- Part 3: Health and Safety JCC meets 5 times per year rather than once.

### **3. Family Leave Policy**

#### **Background**

The Family Leave Policy sets out the support available for employees who are new parents or who are expecting a child either by birth, adoption, surrogacy and/or foster care. It also explains the arrangements for family related pay and leave, and for compliance with health and safety requirements. It was last updated in February 2026.

#### **Policy Headlines**

The following minor changes have been made to the Policy:

- Part 4: Pension Implications. The paragraph relating to unpaid leave has been removed as it is no longer relevant. Since 1 April 2026, changes to the LGPS Regulations mean Assumed Pensionable Pay (APP) applies to the entire period of child related leave.
- Part 4: Pension Implications. The following provision has been added:  
*“If you are a member of the 50/50 scheme, you will be moved into the main scheme at the start of the pay period after you enter a period of no pay.”*  
This is a standard procedure to ensure that a member’s pension benefits continue to build up as they would have in the main scheme.
- Part 8: Maternity Support Leave now has to be taken within 52 weeks rather than 3 months. This more generous provision is in line with Paternity Leave and has been amended for reasons of consistency and to simplify processing.

### **4. Fixed Term Contracts Policy**

The Fixed Term Contracts Policy has been reviewed to ensure it remains fit for purpose and reflects current organisational needs and employment practices, recognising that the previous version was last updated in 2013. As part of this review, the content has been refreshed and streamlined to improve clarity, consistency, and ease of use for managers and employees. The wording has been updated to make the policy more accessible and user-friendly, while also ensuring alignment with related policies, including

Recruitment and Redeployment, to support a consistent and cohesive approach across the Council.

## **5. Flexible Working Policy**

### **Background**

The Flexible Working Policy provides choices to help employees achieve a healthier work/life balance and enables them to combine their work responsibilities with other commitments or personal aspirations. Services benefit too with more flexibility, extended opening/cover arrangements and supported employees with increased morale and motivation who are more productive. It was last updated in February 2024.

### **Policy Headlines**

The following minor changes have been made to the policy:

- General process related updates throughout.
- Section 5.10 has been updated to reflect amendments to the LGPS Regulations with effect from 1 April 2026. It now reads:  
*“LGPS 2014 Regulations state that pension contributions are compulsory for any authorised period of unpaid absence of less than 15 consecutive days. If the period of authorised unpaid leave is more than 14 days no pension contributions will be made. Therefore, if flexible working options result in unpaid periods of absence greater than 14 days pension benefits will be reduced. Active members of the Scheme can recoup lost benefits by paying Qualifying Additional Pension Arrangements (QAPAs)”*  
Previously, no pension contributions were paid for unpaid absence.
- Part 7.6.3 updated to clarify that career breaks should not be used to cover long term sickness absence.

## **6. Local Conditions of Service: Section 1 – Appointments, Transfers and Leavers**

### **Background**

Local Conditions of Service: Section 1 relates to appointments, transfers and leavers. It was last reviewed in April 2017.

### **Policy Headlines**

The policy has generally been tidied up and clear references made to other policies/guidance – all changes are tracked (see Appendix 2).

It has been reviewed to improve clarity, consistency, and ease of use. The revisions ensure that the content is presented in a more logical order, uses clearer and more concise language, and is easier for both managers and employees to understand and apply in practice. The updated wording also aligns more closely with the style and approach used across other Council policies, helping to ensure a consistent and coherent framework of employment guidance.

## **7. Local Conditions of Service: Section 4 – Hours and Leave**

### **Background**

Local Conditions of Service section 4: Hours and Leave was last reviewed in 2024. It details the different provisions for working hours and leave that employees are entitled to.

However, it does not currently reference term time only working, and there is little detail on this elsewhere beyond it being referenced as a voluntary option in the Flexible Working Policy. Voluntary term time working relates to employees who work during school term times and take unpaid leave during periods of school holidays, whilst remaining on a permanent contract of employment. This is different though to employees who have term-time only (TTO) posts (e.g. school based, when the employee's service is not required in the school holidays). Consequently, there was a small gap in our policy provision.

In Bury, we did however standardise payments for TTO staff in 2023 on the basis that employees are paid for the 38 weeks they work on the basis of the number of hours they actually work (pro rata reduced for less than 37 per week) and receive a full (not pro rata reduced) entitlement to holidays. Unfortunately, and somewhat unfairly, this means that an employee working 37 hours per week all year around therefore receives an identical paid annual leave allowance to an employee working 37 hours per week Term Time Only.

Bury's approach to TTO and the potential application of the pro rata principle to TTO holiday pay was reviewed following the Supreme Court decision in the Brazel v Harpur Trust case (2022) which found that holiday payment for a TTO worker should not have been pro rata reduced to the time she worked, but should be calculated by looking at the average pay received for weeks worked. This was against the then ACAS advice that the minimum holiday due (based on statutory minimum) was 12.07% of hours worked in a pay period.

The LGA provided advice and a model calculation at the time providing a compliant way to pay TTO employees in accordance with the judgement. The approach allowed for the pro rate reduction of holiday pay for TTO staff, provided a minimum of 5.6 weeks holiday was paid. Advice issued at the time was the model was advisory and should not supersede local arrangements where these are more favourable. On the basis of this, as Bury pay arrangements were compliant with Brazel and more favourable than the LGA model, no changes were made to our approach to TTO holiday pay.

Working Time regulations were subsequently amended by the government from 1<sup>st</sup> January 2024, with application from leave years commencing from 1<sup>st</sup> April 2024.

These regulations essentially undo the implications of the Brazel case and allow for the pro rata of holiday entitlement for TTO and other irregular hours employees on the basis of minimal accrual of 12.07%. LGA advice that this calculation is advisory and should not supersede local arrangements where these are more favourable, remains in force.

There is a general feeling of unease, shared by trade unions, that employees working comparatively few weeks in the year are receiving what appear to be overly generous holiday pay entitlements.

An approach of seeking to consult on the application of the pro rata principle to the holiday pay of employees working for less than the full year would appear a logical resolution to the issue. However, this would result in:

- Contradiction of the LGA guidelines of replacing more favourable arrangements that exist locally.
- A need to amend the policy/ working practice for all staff (including those in Council maintained schools), which would inevitably result in pay reductions for all staff impacted. School leadership and trade unions would likely to be significantly opposed.
- Taking action prior to the development of a national school support staff negotiating body in the medium term which may require a review and revision of term time working pay and holiday arrangements for in scope staff.

A pragmatic solution is proposed – that we, as a Council, consider TTO to be a minimum of 38 weeks worked, for which we do not apply the pro rata of holiday pay in line with current arrangements. For employees working less than 38 weeks, the principle of pro rata could be applied, or the Council, as a matter of policy, does not engage workers on contracts of less than 38 weeks per year duration. The risks/implications of this could be:

- The 38 weeks could be seen as arbitrary, and it would be difficult to defend the differential treatment of holiday pay to employees working below his number of weeks from an equal pay perspective.
- Application of the pro rata principle of contracts below 38 weeks would create a “cliff edge” in payments, with staff nominally working 37 weeks per year being significantly financially disadvantaged for not having reached the threshold.
- Preventing the issue of contracts for under 38 weeks per year may have unforeseen service implications and would need to be carefully assessed. For example, alternative contract configurations for Adult Tutors would need to be developed and deployed; these may be subject to challenge depending on how they are designed and their impact.

## **Policy Headlines**

Besides a few minor tweaks to policy titles, the key change to Section 4 of Local Conditions of Service is to add in the following paragraph regarding term time only working, which is not clearly defined elsewhere in Council policy:

***“Term Time Only Working***

*Term-time working relates to contracts requiring employees to work during Bury school term time.*

*Employees work during school term times and utilise paid/unpaid leave during school holidays, whilst remaining on a permanent contract of employment*

*To be considered a Term Time Only contract, employees will be required to work for a minimum of 38 weeks per year.*

*Salary is paid in equal instalments throughout the year and payment for annual leave is included in the salary calculation.*

*Employees working on a Term Time Only contract will receive a full year’s annual leave entitlement, pro rata to weekly hours worked.*

*Annual leave must be taken during school holidays. The assumption is that annual leave will be taken in the first periods of school closure from 1st April until leave entitlement is exhausted.*

*Annual leave requests will not be granted during term-time, therefore, there is no need to approve and record leave.*

*Employees working less than 38 weeks of the year are not considered term time workers, but part year workers, and annual leave entitlement will be calculated on a pro rata basis to hours worked, and the number of working weeks.”*

## **8. Market Supplement Policy**

This policy has been reviewed and updated to improve clarity, consistency, and ease of use, recognising that the previous policy had not been reviewed for some time. The revised version streamlines the structure, uses clearer and more concise language, and presents the content in a more logical format aligned to the employee lifecycle and other Council policies. The approval section has been updated to align with the revised resourcing approval process, removing the requirement for a separate application form. The employee agreement has also been removed, as employees will instead receive formal written confirmation of any market supplement.

The updated wording also aligns more closely with the style and approach used across other Council policies, helping to ensure a consistent and coherent framework of employment guidance.

## **9. Recruitment Policy**

The Recruitment and Selection Policy was last reviewed in January 2025; however, this update provides an opportunity to strengthen and clarify the Council’s approach to advertising vacancies. The policy now confirms that all vacancies will be advertised via Greater Jobs as the primary platform, while also being circulated simultaneously to

employees on the redeployment register. Greater emphasis has been placed on prioritising internal opportunities, with recruiting managers required to assess redeployees who express an interest before considering other applicants. The update also strengthens guidance during periods of significant organisational change, allowing roles to be restricted to internal applicants where appropriate at HR's discretion. In addition, these revisions align more closely with updates to the Redeployment and Fixed Term Contract policies, ensuring a consistent, joined-up approach and providing greater clarity for managers on how and when to broaden recruitment externally.

The revised policy with tracked changes (see parts 5.3 and 7) is available as Appendix 3.

## **10. Redeployment Policy**

The Redeployment Policy (Appendix 4) has been reviewed to ensure it remains fit for purpose and reflects current organisational needs and employment practices. As part of this review, the content has been refreshed and streamlined to improve clarity, consistency, and ease of use for managers and employees. The wording has been updated to make the policy more accessible and user-friendly, while also ensuring alignment with related policies, to support a consistent and cohesive approach across the Council.

The revised policy introduces more defined processes, such as the use of a redeployment tracker, regular review meetings, and weekly vacancy notifications to employees, strengthening accountability and engagement in the process. Additionally, the policy better aligns with current recruitment practices by clearly linking redeployment to the wider recruitment process, including advertising roles on Greater Jobs and prioritising redeployees before other candidates. The policy also reflects a more practical and flexible approach to assessing suitability (e.g. allowing for training potential), whereas the current version places greater emphasis on formal selection and compliance steps.

The eligibility threshold for redeployment has been reduced from 12 months to 6 months' continuous service to reflect changes in employment legislation, including the introduction of the updated dismissal rules due to come into effect in January 2027.

Reference to bumped redundancy has been removed from the redeployment policy and instead included within the Redundancy policy.

For the minor changes regarding recruitment – see tracked changes in section 7.

## **11. Redundancy Policy**

This policy has been reviewed to ensure it remains clear, current, and aligned with organisational practice and legislative requirements. As part of this update, the bumped

redundancy process—previously set out separately—has been incorporated into the policy to provide greater consistency and a more streamlined approach.

A copy of the policy is appended to this report (Appendix 5) and there are tracked changes throughout.

## **12. Secondments Policy**

The Secondment Policy has been reviewed to ensure it remains fit for purpose and reflects current organisational needs and employment practices. The policy is more concise and user-friendly, with a clearer structure that separates key sections such as responsibilities, approval, terms and conditions, and return arrangements. It simplifies the guidance by focusing on the core principles of secondments—development, service needs, and governance—making it easier for managers and employees to understand their roles and responsibilities. The policy has been reviewed to ensure alignment with related policies, to support a consistent and cohesive approach across the Council.

The key changes are in section 3, in order to update the responsibilities section, which now reads:

### *3.1 Managers are responsible for:*

- *Advertising secondment opportunities, subject to appropriate approvals.*
- *Considering and approving/ declining secondment requests, balancing development opportunities with service needs*
- *Ensuring appropriate arrangements are in place for backfilling roles and service continuity, where appropriate.*
- *Supporting the employee's return to their substantive role*
- *Ensuring timely reviews and communication*

### *3.2 Employees are responsible for:*

- *Seeking approval prior to applying for secondment opportunities*
- *Engaging with the secondment process and meeting expectations of the host service/ organisation*
- *Maintaining communication with their substantive manager*

### *3.3 HR is responsible for:*

- *Advising on legal compliance and best practice*
- *Supporting managers and employees throughout the process*

## **13. Sponsorship Policy**

The Sponsorship Policy was introduced in January 2025 following the recruitment of a number of international social workers, establishing a clear framework for when the Council would support visa sponsorship. However, in light of ongoing uncertainty and changes to immigration legislation, the Council has reviewed its position and will no longer issue new Certificates of Sponsorship at this time. The Council will, however, continue to support existing employees who are currently sponsored by considering

extensions where appropriate, ensuring continuity of employment and ongoing compliance with its sponsorship obligations.

The following wording has been inserted at 4.2:

*“Due to ongoing uncertainty and changes in immigration legislation and Home Office requirements, the Council will no longer offer new Certificates of Sponsorship for prospective employees. The Council will, however, continue to support existing employees who are currently employed under a Certificate of Sponsorship by considering extensions where appropriate and in line with current legal and organisational requirements. This approach ensures continued compliance with sponsorship obligations while maintaining support for the Council’s existing sponsored workforce. Notwithstanding this position, the principles and criteria set out below will continue to apply where sponsorship is required for existing employees or in the event of any future policy review.”*

The table of costs for employers has also been updated.

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## **Community impact/links with Community Strategy**

A modern and effective employee policy framework is essential to ensuring the effective operation of the organisation and, in turn the delivery of our commitment to the Community Strategy.

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## **Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.*

**Equality Analysis** Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.

No negative impact identified.

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**Assessment of Risk:**

The following risks apply to the decision:

Risk / opportunity	Mitigation
Trade Union objection to policy changes	Prior discussions have taken place with Unison

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**Consultation:**

All of the above proposed changes have been shared with the Trade Unions, and where appropriate there have been consultations with HR colleagues, managers, the EDI Manager and the Legal Team.

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**Legal Implications:**

There are no immediate legal implications

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**Financial Implications:**

There are no immediate financial implications

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**Background papers:**

Appendix 1: Consultation Procedure

Appendix 2: Fixed Term Contracts Policy

Appendix 3: Recruitment Policy

Appendix 4: Redeployment Policy

Appendix 5: Redundancy Procedure