

EHCC pay and Policy Paper – July 2022

Appendix 7 – Summary of outstanding government consultations

Disability Workforce Reporting

1. The government consulted between December 2021 and April 2022. This consultation sought evidence of current practice by employers and views on the potential for mandatory disability workforce reporting. The Council already voluntarily reports disability workforce data through the Annual Workforce Report.

Making Flexible Working the Default

2. The government consulted between September and December 2021 seeking views on several proposed changes to regulations that provide the statutory right to request flexible working. The consultation is asked questions on the following:
 - The impact of allowing all UK employees to request a flexible working arrangement from day one with their employer
 - Whether the list of reasons an employer can refuse a request are still valid
 - Requiring an employer to demonstrate that they have considered alternatives to the request, rather than a simple refusal
 - The frequency with which employees can request to work flexibly (currently limited to once in a 12-month period) and how fast employers need to respond to such a request
3. The Council recently introduced an Open Workplace Policy that sets out how managers and employees can reap the benefits of working flexibly in roles where this can be accommodated. The Open Workplace policy is in addition to the Council's Right to Request Flexible Working policy, which is a statutory requirement. Several of the proposals in the consultation would necessitate a change to the Councils' Right to Request Flexible Working policy if legislation is amended.

Ethnicity Pay Gap Reporting

4. The government consulted between October 2018 and January 2019, seeking views on what ethnicity pay information should be reported to allow meaningful action in this area.
5. The government is yet to formally respond to this consultation, however the government responded in March 2022 to the Commission on Race and Ethnic Disparities. This response recognised that reporting on ethnicity will need to be very different to gender reporting, which uses just 2 categories and would

therefore be more complex for organisations to implement. The government are expecting to publish guidance to employers on voluntary ethnicity pay gap reporting in Summer 2022.

Measures taken to address one-sided flexibility

6. The government consulted between July 2019 and October 2019 in relation to measures to address “one-sided flexibility”. This consultation sought views on introducing new rights for workers to be given reasonable notice of their working hours and to be compensated where their shifts are cancelled or curtailed without reasonable notice.

Exit Payment Reform

7. There are several potential reforms in this area, in addition to the statutory Special Severance Payment guidance issued in May 2022, as described in the main body of this report.
8. The consultation on ‘public sector exit payment recovery regulations’ opened in December 2015 and closed in January 2016. Government are yet to respond. This consultation sought views on the requirement to repay exit payments on a sliding scale if;
 - an employee left with an exit package, and
 - they had a salary of £80k or more, and
 - they re-entered a public sector employment within 12 months of leaving
9. The consultation on ‘reforming local government exit pay’ concluded in November 2020 and involved proposals that would
 - restrict the number of weeks’ pay that could be paid to individuals when they exit a local government employer
 - place a cap on the value of a weeks’ salary that could be used in making exit payments
 - place a cap on the total value of exit payments that could be made – to £95k.
10. Proposals in this consultation could necessitate changes to the Enhanced Voluntary Redundancy scheme currently in use in the Council, the extension of which was approved by EHCC in March 2022.
11. In November 2020, new regulations were introduced that capped the value of exit payments to £95k, as proposed in the consultation described in paragraph 9. However, in February 2021 these regulations were revoked. This followed an extensive review that the cap may have had unintended consequences.

12. While there is no formal consultation open on the £95k cap, the consultation described in paragraph 9 remains open. In addition, local authorities were required to report exit payment data from 2016 onwards and are now required to report this as part of the annual accounts. It is understood that further announcements on exit payment reform are to be expected, however there are no known timescales.