

Good Work Plan – Proposals to Support Families: Consultation

The Government has issued a consultation document on various proposals which aim to support families. There are effectively three separate consultations on:

- parental leave and pay;
- neonatal Leave and Pay; and
- transparency in flexible working and familyrelated leave and pay policies.

The closing date for the parental leave and pay consultation is 29 November 2019, whereas the closing date for the other two is 11 October 2019. We will therefore cover the consultations on Neonatal Leave and Pay and Transparency in Policies in this [July/August] bulletin and cover the parental leave consultation in September's bulletin.

Details of these consultations are set out below, including the consultation questions with our comments, and the LGA will be responding to the consultation. To assist with this we should be grateful if authorities could send us their views on the points and questions set out below. Please send your comments to eru@local.gov.uk by 13 September. Should authorities want to respond directly to the consultation then details of how to do so are on the consultation website. We should be grateful if you would send us a copy of any such response, again to eru@local.gov.uk.

Transparency in flexible/familyrelated policies

As part of its drive to reduce the gender pay gap and to assist employees with achieving a better work/life balance, the Government is consulting on measures aimed at enabling job applicants and existing employees to make more informed decisions about job opportunities and access the flexibilities they may need to stay in the labour market.

The Government is therefore consulting on whether to require employers to publish their family-related leave and pay and flexible working policies, and whether or not there should be a requirement for employers to consider advertising jobs as flexible.

Question 1 Do you agree that large employers (250+ employees) should publish their family-related leave and pay policies on their website?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please give reasons for your answer.

LGA comments We do not foresee that this would cause significant problems for authorities. There may be benefits in terms of widening the pool of potential applicants.

Question 2 Do you agree that large employer (250+ employees) should publish flexible working policies on their website?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please give reasons for your answer.

LGA comments Again, this should not cause significant issues and may help with attracting applicants.

Question 3 Do you agree that transparency of these policies will help employers to recruit and retain staff?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please give reasons for your answer.

LGA comments Yes, we would agree that in some circumstances this may widen the pool of applicants and provide access to information which may lead to changes to an existing employee's working pattern who may otherwise have left the organisation.

Question 4 Do you agree that, where the employer has a policy on family-related leave and pay which extends the statutory minima, reworking and publishing an internal policy document on a public-facing website would be simple and inexpensive?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please give reasons for your answer.

LGA comments It is likely that there would be some time and therefore cost involved in reviewing the wording of the policy and putting it into an appropriate format, but this would in most cases not be a significant cost.

Question 5 Do you agree that, as for family-related leave and pay, reworking and publishing a flexible working policy on a public-facing website would be simple and inexpensive?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please give reasons for your answer.

LGA comments See answer to question 4.

Information available In considering the value of the information organisations might publish, it is important to know what information people would find most useful.

Questions 6 (a), (b), (c) and (d)

How helpful would the following information be if it was held and viewable on a central database – for instance the Gender Pay Gap Reporting Portal:

- a)** Whether flexible working may be available from the start
- Very helpful
 - Quite helpful
 - Neither helpful nor unhelpful
 - Not very helpful
 - Not at all helpful
 - Don't know

LGA comments If a prospective employee was aware that they could access such information on a central database it may be of some use in highlighting that flexible working opportunities do exist. However, in the case of large organisations such as local authorities, with a variety of different jobs, it would have to be made clear that this would not necessarily be the case in all circumstances. This may limit the usefulness of such a database, particularly if more specific information were already published on the organisation's website.

- b)** approach to place, hours and time of work
- Very helpful
 - Quite helpful

- Neither helpful nor unhelpful
- Not very helpful
- Not at all helpful
- Don't know

LGA comments Given the range of jobs in organisations such as local authorities, it would be less likely that the information that could be provided on such a database about these issues would be sufficient to be helpful.

c) Approach to informal flexible working (such as later starts to accommodate health and other appointments)

- Very helpful
- Quite helpful
- Neither helpful nor unhelpful
- Not very helpful
- Not at all helpful
- Don't know

LGA comments Again, the policies in relation to such issues may vary with the type of employment and therefore such a database may not be able to provide the detail necessary for prospective employees.

d) Enhancements to different types of family-related leave and pay, for example: Maternity Leave and Pay; Paternity Leave and Pay; Adoption Leave and Pay; Shared Parental Leave and Pay; parental leave taken in respect of older children; or, any other contractual enhancements to family-related leave and pay.

- Very helpful
- Quite helpful
- Neither helpful nor unhelpful
- Not very helpful
- Not at all helpful
- Don't know

Please give reasons for your answers.

LGA comments It would be possible to provide this information as it would apply organisation wide, although if it was already published on the organisation's website the value of publishing it in another database may be limited.

Question 7 To what extent do you believe that a job applicant's decision on whether to apply for a job would depend on the publication of the information mentioned above?

- A lot
- Somewhat

- Not at all

Please give reasons for your answer.

LGA comments The information made available may affect the decision of which jobs to apply for in the case of a person who needs more flexible working arrangements.

A requirement to report or a voluntary approach?

The consultation document identifies a number of issues to weigh in the balance with regard to whether or not employers should be required to publish information or whether a voluntary approach should be adopted. Clearly, easy access to such information will assist job applicants who may often be reluctant to ask about such issues at interview. This may also lead to more effective recruitment exercises. However, the Government is concerned about imposing further reporting requirements on businesses without testing a voluntary approach first.

Question 8 How effective do you believe a voluntary approach to encourage greater transparency about an organisation's approach to flexible working and familyrelated leave and pay (e.g. through the Gender Pay Gap Reporting Portal) might be in providing information about employers' policies?

- Very effective
- Fairly effective
- Not very effective
- Not at all effective
- Don't know

Please give reasons for your answer.

LGA comments: Encouraging employers to publish their policies whether it be on their websites or the portal may be fairly effective in the long term. It would serve to highlight the issues and benefit those employers who already recognise the importance of such policies. Ultimately, this may have a knock on effect in encouraging those employers who currently do not have such policies to adopt them.

Questions 9 (a) and (b)

How effective do you believe creating a facility on the Gender Pay Gap Reporting Portal on GOV.UK to record details about an organisation's policies on flexible working and family related leave and pay would be:

- a)** To provide a central point of information for employees or prospective employees?
 - Very effective

- Fairly effective
- Not very effective
- Not at all effective
- Don't know

Please give reasons for your answer.

LGA comments It would be fairly effective in that it would be a central point of information. However, most prospective employees would look for information on the website of the employer that had a vacancy rather than necessarily looking to search such a Government database.

b) To let employers record the information as a part of the annual cycle of Gender Pay Gap Reporting?

- Very effective
- Fairly effective
- Not very effective
- Not at all effective
- Don't know

Please give reasons for your answer.

LGA comments Such a facility would be fairly effective if there was a requirement to record such information as part of gender pay gap reporting. However, such a requirement would be seen as adding to the administrative burden of reporting.

Question 10 How effective do you believe it might be to encourage employers to set out how they are using greater transparency about their employment policies as part of their gender pay gap action plans?

- Very effective
- Fairly effective
- Not very effective
- Not at all effective
- Don't know

Please give reasons for your answer.

LGA comments This may be fairly effective in increasing transparency as it would help to highlight the issue.

Question 11 Do you agree that it would make sense to enforce a reporting requirement of this kind in the same way as gender pay gap reporting (i.e. a requirement to provide this information as part of the gender pay gap reporting process)?

- Strongly agree
- Agree

- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please give reasons for your answer.

LGA comments We do not believe that enforcing a requirement to report such information is appropriate, as this would further increase the administrative burden on organisations.

Requirement to state jobs flexible in advert

If employers were required to say in a job advert whether flexible working was available, there would be a need to strike a balance between what it was practical to provide and what a candidate would find helpful.

Question 12 Thinking about the balance between what it is practical to provide in a short job advert and what is useful to a candidate, which of the following is the best option (please select one)?

- A simple statement (such as "Happy to Talk Flexible Working")
- A short statement covering the organisation's approach to place, hours and times (e.g. "core hours") of work
- A simple statement and a link to a published policy
- A short statement covering the organisation's approach to place, hours and times of work and a link to a published policy
- Other (please set out)

Please give reasons for your answer.

LGA comments Given the range of jobs in local authorities it would be misleading to have anything other than a simple statement and a link to a published policy. If such a requirement was introduced, it would need to be backed up by an effective and proportionate means of enforcement.

Question 13 If a requirement was introduced to state in job adverts whether flexible working may be available or not:

- a) Who might the enforcement power sit with? Please describe.
- b) What should be the process for reporting a breach? Please describe.
- c) What should be the penalty for a breach? Please describe.

LGA comments We would welcome authorities' views on these issues.

Question 14 If a requirement to provide a link to your flexible working policy on the gender pay gap reporting portal was introduced, do you agree that it

would be helpful also to ask employers to record whether they had advertised jobs as open to flexible working?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please give reasons for your answer.

LGA comments We agree that this would be helpful to the extent that it would show whether or not an employer followed its policy and did or did not allow some jobs to be worked on a flexible basis. However, there would be administrative costs associated with such a requirement.