

Committee Report

Report to:	MSMTM
Report by:	Claire Stephen, Head of Policy and Information
Meeting Date:	26 March 2025
Subject/ Title: (and VC no)	Employment Policy Update VC226087
Attached Papers (title and VC no)	None

Purpose of report

1. The purpose of this Committee Report (CR) is to provide the annual update to the Senior Management Team (SMT) and, also, provide assurance to the Scottish Information Commissioner (the Commissioner) that the organisation's employment policies are legally compliant.

Recommendation and actions

2. I recommend
 - i. the SMT notes the contents of this CR
 - ii. the Commissioner notes the assurance provided in paragraph 19.
 - iii. the CR is published in full.

Executive summary

3. The C1 Governance and Quality Assurance Reporting Arrangements (GRA) state that the Senior Management Team (SMT) is provided with an annual update of changes in employment law and, also, that the Commissioner's employment policies are legally compliant.

Employment Law Updates

4. The most significant employment law development of 2024 was to introduce a new mandatory legal duty, effective from 26 October 2024, on employers to take reasonable steps to actively prevent sexual harassment of their employees - Worker Protection (Amendment of Equality Act 2010) Act 2023.
5. Other developments in 2024:
 - Carer's Leave Act
 - The Protection from Redundancy (Pregnancy and Families Leave) Act 2024
 - Code of Practice on Flexible Working
6. To ensure our Employee Handbook and procedures remain legally compliant, our employment law advisers, Worknest, reviewed our employment documents.

Employee Handbook

7. The changes proposed by Worknest to aid compliance with these new laws were approved by the Senior Management Team (SMT) at the quarterly senior management team meeting in February 2025.
8. Amendments to the dignity at work policy were also proposed by Worknest and approved by the SMT.
9. Other reasonable steps being taken to actively prevent sexual harassment of our employees include:

Risk Assessment

10. The Commissioner should understand what the risks are within their workplace. Unless they know where and what possible risks of sexual harassment there may be, it will be difficult to know whether reasonable steps have been taken to prevent that from happening in the future. A risk assessment of the workplace will be undertaken in April 2025 and shared with staff.

Training

11. External ½ day training completed by Managers in January or February 2025.
12. All staff training will be rolled out in Q1 2025/26.

Terms and Conditions of Employment

13. Worknest also reviewed our Terms and Conditions of Employment. The proposed amendments were mostly to comply with the Good Work Plan (GWP). The GWP does not fundamentally change anything in terms of employment rights but it does specify a further level of detail that an employer has to go into in employment contracts in relation to hours of work, benefits, family leave, holiday entitlement, training and other issues.
14. The following additions were approved by the SMT:
 - state that there is no probationary period
 - include whom a disciplinary appeal should be referred to
 - additional benefits provided by the employer
 - details of any paid leave
 - particulars of any compulsory training provided by the employer and who pays for the training.

Assurance

15. Taking the above into account, I am of the view that the organisation's employment policies are legally compliant.

Risk impact

16. The Commissioner's reputation and, also, public confidence in the Commissioner could be undermined if the Commissioner does not demonstrate good practice and good governance.

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17. The employment policies the Commissioner has in place mitigate against strategic and operational risks of not having effective and robust governance, policies and human resource arrangements in place

Equalities impact

18. The Commissioner is committed to promoting equality of opportunity and treatment and to ensuring that there is no discrimination in employment practices. The employment policies the Commissioner has in place encourage equality, manage the risk of discrimination, promote diversity and ensure employees are managed fairly.

Privacy impact

19. The EH refers to the relevant data protection policies and guidance that the Commissioner has in place. The Commissioner's Privacy Notice provides information on the processing of employees' personal data and is updated as required.