



Scottish Information
Commissioner

Paper: Employment Policy Update
Related Document: Draft Employee Handbook VC218438
Meeting date: 16 April 2026
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Purpose of Paper

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

Recommendation and actions

- i. The SMT notes the contents of this paper
- ii. The Commissioner acknowledges the partial assurance provided, and considers whether any additional action, beyond what is already outlined in the paper, is necessary.
- iii. SMT consider whether this paper should be published in full.

Executive Summary

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

This paper outlines the key employment law changes during the reporting period 1 April 2025 to 31 March 2026 and, given the timing, also highlights relevant changes that came into effect on 6 April 2026. All of these changes have been incorporated into the Employee Handbook at present.

Summary of Key Changes and Work Undertaken 1 April 2025-31 March 2026

2025 was a transitional year in employment law with the introduction of the Employment Rights Act 2025. Most reforms are not yet in force but will require significant policy development and review from 2026 onwards.

Statutory Updates

- Implemented annual statutory rate changes, including pay, sick pay, family-related entitlements, and redundancy awards.
- Introduction of neonatal leave and pay.
- Implementation of the strengthened legal duty to prevent sexual harassment, including training, risk assessment, and development of an action plan.

- All updates have been added to the Employee Handbook as an initial step to ensure up to date information is accessible to staff.

Sexual Harassment – Worker Protection Act

In response to the Worker Protection (Amendment of Equality Act 2010) Act 2023, effective 26 October 2024, the organisation has implemented measures to prevent sexual harassment, in addition to actions previously reported:

- Delivered sexual harassment training for all staff (100% completion), now mandatory in induction.
- Undertaken a robust risk assessment to identify and assess workplace risks.
- Developed an action plan to support ongoing improvements, including policy updates and guidance for staff and managers.
- Ran an organisation-wide poster awareness campaign to reinforce prevention and promote a respectful workplace.
- These actions strengthen the organisation’s preventative approach and support compliance with the legal duty.

Compliance

The changes were considered and agreed by WorkNest to support compliance.

Additional Update – Grievance Against Commissioner

Information was added to the employee handbook outlining the process for raising a grievance concerning the Commissioner, should this be necessary, including appropriate handling procedures to ensure clarity and proper escalation routes.

Key Changes Effective 6 April 2026

The below are mandatory for next year’s reporting period and included here for completeness as they have already been incorporated in the updated draft employee handbook.

Unpaid parental leave

Has become a day one right.

Paternity leave

- Has become a day one right (although the service requirement for paternity pay remains in place).
- Shorter notice of entitlement provision of 28 days if the Expected Week of Childbirth falls between 5 April and 25 July 2026 to allow newly qualifying employees enough time to provide notice.

- Removal of the prohibition on taking paternity leave or receiving statutory paternity pay after a period of shared parental leave and pay.

New statutory right to bereaved partner's paternity leave

Employees entitled to take up to 52 weeks' of unpaid bereaved partner's paternity leave after a child's birth/adoption, in order to care for the child where the child's mother/primary adopter has died during that period, and the employee is the child's father or partner of the deceased with main responsibility for the child's upbringing.

Statutory sick pay

- Removal of 3 day waiting period so that eligible employees are entitled to SSP from the first day of sickness absence rather than the fourth.
- Removal of the requirement to earn at least the Lower Earnings Limit to qualify.
- Rate of SSP will be 80% of the employee's weekly earnings or the statutory flat rate, whichever is lower.

Whistleblowing – sexual harassment disclosures

Reporting that sexual harassment “has occurred, is occurring or likely to occur” is expressly protected under Whistleblowing law.

Annual Leave Recording

Updates to requirements for recording annual leave and holiday pay, with employers now required to maintain detailed records (including leave taken, carry forward, holiday pay and payments in lieu) for a minimum of six years. Associated retention guidance will also be updated to reflect these requirements.

Compliance Recommendation

The changes have been recommended and agreed by WorkNest to support compliance with these new laws.

Assurance

Taking the above into account, partial assurance can be given that the organisation's employment policies reflect the employment law updates required over the past year. These changes have been incorporated into the employee handbook as an initial measure to ensure current information is made available.

Business Support Team colleagues who support the application of these policies are aware of the updates in the context of providing frontline guidance to staff. The key changes will also be shared across the organisation to raise awareness and will be brought to the attention of managers at the next monthly Managers' Group meeting.

However, it should be noted that there remains a recognised risk of duplication, outdated content, and difficulty in locating and interpreting information contained in the employee handbook, where it has previously been identified by SMT as a risk due to its length, the presence of overlapping and inconsistent information, along with accessibility issues.

This is a legacy issue that has developed over a number of years, and programme of work, approved by SMT, is now underway to address this. This includes progressing the gradual dissolution of the handbook, the development of updated standalone policies, and the creation of a more accessible repository of policies for staff. This is a significant and resource intensive programme of work, which will take time to fully implement. Progress will continue to be monitored through the organisation's risk register, and staff will be kept updated as this work progresses.

It should also be noted that The Head of Business Support took up post in August 2025 and is therefore unable to provide full assurance for the period prior to this date. To mitigate this limitation, Business Support Managers who were in post during that time have been consulted as part of the assurance process. In addition, WorkNest, the organisation's external employment law advisors, have been engaged to provide further input and assurance for this period.

Risk

Maintaining the Commissioner's reputation and public confidence depends on demonstrating robust governance and good practice. Consequently, the project to update the employee handbook and develop standalone employment policies is considered a priority.

The employment policies the Commissioner has in place provide a good foundation for managing strategic and operational risks related to governance and human resource arrangements, and ongoing improvements will further enhance their robustness and accessibility.

Equalities impact

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

The employee handbook 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.