



HR in the East Midlands

January 2020

Happy New Year! In our first bulletin of 2020 we summarise key issues developing in HR and set out our learning and development opportunities over the next few months. We cover information on pay negotiations and changes to employment law on contracts and parental bereavement leave/pay. With Veganuary being a hot topic, its timely that Darren Newman's article looks at vegans & discrimination.

Update on Local Government Pay Negotiations 2020

The National Employers met on 21st January 2020 and it has been agreed that lead members will meet with national union representatives at a meeting of the NJC Executive on 5 February. The circular issued to confirm this update can be accessed [here](#).

We will keep you informed of any developments as they arise.

Reminder Alert!

31st January 2020 is the deadline for joining or renewing your subscription to the on-line HR information system - XpertHR - at rates specially negotiated by EMC. Contact Mila at mila.pereira@emcouncils.gov.uk



Changes to Legislation on Issuing Contracts

We have received a number of queries about the new requirements that are due for introduction from April 2020 relating to written statements of particulars.

We have asked the LGA to provide guidance on the new provisions, including the concerns that people have raised about the need to include mandatory training information. We are pleased to confirm that this guidance is being provided in the LGA's next Advisory Bulletin [[here](#)].

Projects with Local Authorities

During January we have provided support to organisations on the following projects:-

- Introducing competencies
- Top team development facilitation
- Coaching

To find out how EMC could support an area of work for you, then please contact Sam or Lisa:

sam.maher@emcouncils.gov.uk

lisa.butterfill@emcouncils.gov.uk



Learning & Development

This month, we are highlighting the following development opportunities on offer in the region:-

East Midlands PA Conference 2020

The East Midlands PA Conference is a one day event designed to support Office Managers, Secretaries, PAs, Team Administrators – in fact anyone who organises others to achieve their goals. It's a development and networking day, based on the theme of building confidence in a changing world. It's for everyone working in the public and voluntary sectors whose role is to support and organise the work of others - from a single person to a whole team. Our conference programme includes a keynote from Edd de Coverley, Chief Executive from Melton Borough Council, a;

Building Confidence workshop with Jo Jones, from Barefoot Coaching

A practical and interactive workshop to develop confidence and self-belief for delegates.

- What is confidence?
- Speaking positively about yourself
- Exercise – blow your own trumpet!
- Limiting and empowering beliefs
- Exercise - How to change limiting beliefs about yourself
- Assertiveness (Passive Aggressive and Assertive communication)

The day will include a Building Resilience workshop, in this session we will:

- Explore your own approach to stressful situations
- Understand your own motivators and stress triggers and your typical response to these to help build resilience
- Develop strategies for handling pressure and building resilience

For more information visit [here](#).

Transition Coaching 18th March 2020

EMC offers practical CPD sessions for coaches, our next Coaching CPD session will focus on transition coaching - how, as coaches, we can support people to successfully transition into more senior roles with confidence. The CPD sessions are free to attend

for network coaches, £40 per place for delegates from organisations that subscribe to the coaching network, and places are also available for £95 for all other delegates.

For more information contact kirsty.lowe@emcouncils.gov.uk

Don't miss out!

Accredited Coaching Programmes

A new cohort will start in February for both ILM 5 and ILM7, and a small number of places remain. If you are interested in learning more about the programme and what is required, feel free to get in touch with Kirsty at kirsty.lowe@emcouncils.gov.uk.

Links to details on the programmes are at: [Coaching ILM5](#) and [Coaching ILM7](#)

LEAN Practitioner Training 26 & 27 Feb 2020

LEAN Practitioner Training is a two-day module to develop your understanding of how using a variety of LEAN thinking and improvement tools can achieve improved services and outcomes.

East Midlands Challenge 2020

The East Midlands Challenge will return again in 2020 on 26 March 2020 (closing date 7/2/20).

Early bird offer - Register your team by 31 December 2019 and the cost is held at last year's rate of £1,500 plus VAT. After this date, the cost is £1,750 plus VAT. Further information is [here](#)

EMC Employment Law, 11 March 2020

Only a few places left on this event where Darren Newman will deliver the 2020 Employment Law update on 11th March 2020. If you book a place before the end of **January 2020**, the cost per delegate is just £99 +VAT for EMC members - *saving £76 on each place*. To book a place click [here](#)

All of our other events can be found [here](#)

Contact Details

For further information about any of our work please contact the Team. Either call 01664 502 620 or email:-

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In Deep with Darren

Darren Newman's in-depth analysis of a topical HR issue and its implications for local authorities.

Vegans & Discrimination

We need to be clear that an Employment Tribunal has not just ruled that vegans are protected under the Equality Act. There is nothing in the Act that confers special status on someone's dietary choices. What has happened in the case of **Casamitjana v League of Cruel Sports** is that the Tribunal has ruled that this particular applicant's beliefs about the rights of non-human animals was a philosophical belief within the meaning of the Act and therefore amounted to a protected characteristic. There is nothing surprising or ground-breaking about this.

The test for whether or not a particular belief qualifies as a protected characteristic was set out by the EAT in *Grainger v Nicholson* and is derived from decisions of the European Court of Justice. Essentially the belief must:

- be genuinely held.
- be more than just an opinion or viewpoint
- concern a weighty and substantial aspect of human life and behaviour.
- Have a certain level of cogency, seriousness, cohesion and importance.
- be worthy of respect in a democratic society and not conflict with the fundamental rights of others

Mr Casamitjana categorised his belief as that of an 'ethical vegan' but he met these five criteria because his beliefs went much further than not eating animal products. His beliefs shaped almost every aspect of his life from the clothing he wore, to the way in which he travelled around London – he tried to avoid public transport because buses and tube trains cause the deaths of insects and small animals. Not everyone who is a practising vegan will be able to show that their beliefs meet the *Grainger* criteria in this way.

We should also remember that the fact that someone has a belief that is protected by the Equality Act does not of itself place any kind of burden on an employer. People are entitled not to be discriminated against because of their philosophical beliefs but there are

not many employers who are going to be inherently hostile to someone who happens to be an ethical vegan. The employee in this case has shown that his belief qualifies under the Act – a point that the employer did not even contest – but the case now moves on to the rather more tricky question of whether his beliefs were part of the reason for his dismissal.

The facts are not yet entirely clear, but it appears that the dismissal arose because Mr Casamitjana objected to the investment strategy of his employer's pension fund, which he said involved investing in companies that harmed animal welfare. It seems that this led to him making statements to colleagues that the employer believed to be inappropriate and amounting to unauthorised financial advice. The employer's decision to dismiss may have been harsh – but since Mr Casamitjana had less than two years' service the actual fairness of his dismissal is not an issue.

The employer's defence is likely to be that they were not concerned with his beliefs but with his behaviour. They will argue that any employee who behaved as Mr Casamitjana did would also have been dismissed regardless of their individual beliefs. They may encounter a problem here. The written submissions made to the Tribunal on Mr Casamitjana's behalf quote the dismissal letter as saying that he is likely to persist in his behaviour 'Based on [his] understanding and belief'. The letter also says that the email that Mr Casamitjana sent to staff was 'biased because of your ethical principles'. The suggestion may be that the very deep beliefs held by Mr Casamitjana persuaded the employer to dismiss him because they saw that he was likely to persist in the behaviour they objected to. If that is the finding, then it seems that Mr Casamitjana could well succeed.

But this case is unusual. Situations in which an employee's beliefs about the rights of animals actually lead to less favourable treatment from the employer are likely to be rare – although misjudged jokes from colleagues that amount to harassment are perhaps more of a risk. Some have also argued that there is scope for indirect discrimination claims. The most obvious is the menu in a canteen. If a vegan option is not provided, then that will be likely to be put ethical vegans at a particular disadvantage. Employers who



provide work clothes for employees may also be the subject of a claim if they are made of materials that an ethical vegan will not wear. Mr Casamitjana for example obviously does not wear leather, but he also avoids wearing silk and wool. And of course, there might be many other work practices that an employer engages in that may conflict with an ethical vegan's beliefs. For example, the maintenance of public parks will give rise to issues around pest control.

Darren's Advice to Employers

Must an employer change its practices to accommodate vegan beliefs? Not necessarily. I tend to think that much of the commentary around this issue is overblown. The thing about indirect discrimination is that the employer can avoid a claim by showing that its practices are a 'proportionate means of achieving a legitimate aim' - and it is important to stress that the question is whether the practice in question can be justified rather than whether it would be reasonable to make an exception for the particular employee. When considering justification, a Tribunal has to balance the reasonable needs of the employer with the level of disadvantage caused to the employee. The greater the disadvantage, the harder it will be to justify practice in question. While most menus would benefit from a vegan option, the lack of one is unlikely to have a significant impact if employees are able to go somewhere else for lunch. If there is a vegan alternative to the work clothes or protective equipment provided by the employer, then of course the employer should make it available. But if there isn't, then it is difficult to see what the employer can realistically be expected to do. The role of a pest-control officer can hardly be changed to accommodate the beliefs of an ethical vegan, but it is unlikely that any ethical vegans would apply for such a job in the first place.

I don't anticipate a flood of discrimination claims from vegans. If issues do arise then a reasonable amount of give and take and a generous portion of common sense will usually provide the answer. Mr Casamitjana's case is important to him and interesting for the rest of us, but it is not something to panic about.

More information can be found on Twitter:

[@daznewman](https://twitter.com/daznewman)

National Developments

Chief Officer Pay Claim 2020

A claim has been lodged by GMB and UNISON in respect of local authority Chief Officers. The details of the claim are available [here](#).

Soulbury Committee Circular on Car Allowances and Work-related Stress

The Soulbury Committee, covering officers in roles such as education improvement managers, educational psychologists and young people's community service managers, has agreed to issue guidance for local authorities relating to car user schemes and to work-related stress. It reminds authorities to give appropriate consideration to the nature of these roles when determining essential car user status, and to consult with staff. In terms of work-related stress, the circular reminds authorities of the guidance documents referenced in Appendix G of the Soulbury Report which provides advice and guidance on this issue. A copy of the circular (ref 215) is available [here](#).

Joint Education Services Circular 216 - JNC Education Framework

The Joint Negotiating Committee (JNC) for Youth and Community Workers' Education Framework is due to be updated to reflect changes to the structure of qualifications for youth workers. The JNC Youth and Community Workers has issued a circular to confirm this, a copy of which can be found [here](#).

The Local Government Workforce – Infographic

The latest workforce data infographic, providing statistics on the local government workforce at a national level, has been published this month. It can be accessed here: [workforce infographic Jan 2020](#)



Latest Local Government Pension Scheme bulletin

[Bulletin 192](#) updates employers and administering authorities on current issues affecting the LGPS. The bulletin includes information about Equitable Life's transfer to Utmost Life and Pensions and the reintroduction of the Pensions Bill.

National Graduate Development Programme (ngdp)

The LGA's graduate programme - ngdp - has seen an increase in the number of applications compared to previous years. Almost 6000 candidates applied for the scheme by the January deadline. The scheme has a range of flexible options to meet different organisations' needs, and local authorities have until the end of March 2020 to receive graduates in the next cohort. For further information, visit local.gov.uk/ngdp

Public Health England – Apprenticeship Standards

Public Health England has today published an HTML update to gov.uk that provides a summary of the development of new apprenticeship standards in England supporting public health careers. The update includes the Health and Care Intelligence Specialist apprenticeship at level 7 and can be found via the following link: [PH Apprenticeship](#)

Schools Workforce News

Q&As on School teachers' pay and conditions

A set of [Q&As](#) on teachers' pay and terms & conditions has been formulated as guidance for councils and schools' HR services by the LGA Schools Sounding Board members.

School Teachers' Pay 2020

As a statutory consultee to the School Teachers' Review Body ([STRB](#)), the national employers ([NEOST](#)), submitted a response on 20 January on the latest [remit](#) for teachers' pay and conditions for 2020. The STRB has invited NEOST to answer questions at the oral evidence session w/c 16 March. NEOST continues to ask that the Government publish its decision on the teachers' pay award and any

proposed reforms as soon as possible - well before the summer break.

Apprenticeships in Schools Toolkit

The LGA has launched a toolkit to help local authorities in their work with schools on apprenticeships. It provides a simple guide for schools to follow, a set of templates to help them grow their programme, advice for councils and case studies. The toolkit can be accessed through the following link: [KHUB Group](#)

