



# HR in the East Midlands

December 2020

We have faced some major challenges this year and this month's issue provides updates on many of these: exit pay cap, shielding, health & wellbeing and Brexit. Our meetings have shifted to on-line platforms, and Darren's article provides advice on holding hearings remotely. Our L&D section highlights a leadership development programme launching in 2021 for managers on leading in these turbulent times. We hope that next year brings better times and send our best wishes for health & happiness and a huge thank you for your support this year.

## The Exchange: Wellbeing

The 2<sup>nd</sup> Exchange was held last week on the theme of wellbeing and resilience, with a great attendance level. The impact of COVID, ongoing lockdown and the prevalence of remote working has seen an even greater focus on supporting employees' health and wellbeing.

The Exchange provided an opportunity for the sharing of information, questions, ideas and approaches - resulting in very useful learning and practical take-aways.

Participants also valued the input of Julie Hickton, an executive coach on resilience, wellbeing and personal & leadership development. She covered current wellbeing challenges, context and research, the relationship between selfcare, wellbeing and resilience, team resilience and organisational wellbeing.

Building on the popularity of the recent "Wellbeing Conversations for Managers" we offered recently which were led by Julie, we will provide further workshops for managers and for HR in the new year.

We will run more Exchanges next year on key issues, so please let us know what you would like to focus on next - contact Sam or Lisa (contact details below).

## Financial Wellbeing - AVC-Wise

Employers are looking to support financial wellbeing and shared contribution AVCs are a useful and cost-effective benefit for councils to provide. We have arranged a free webinar with AVC-wise to explain how it works on Monday 11<sup>th</sup> January at 10.30. To book a place, email [Mila.pereira@emcouncils.gov.uk](mailto:Mila.pereira@emcouncils.gov.uk)

## Projects with Local Authorities

During December we have provided support to councils on individual assignments including:-

- Coaching
- Disciplinary investigation
- Career transition support
- Mediation

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

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# Learning & Development

## Leading through turbulent times

We are delighted to be able to share with you details of our newly developed **Leadership Development Programme** 'Leading through turbulent times'.

The aim of this programme is to further develop senior and middle managers' skills, knowledge and capability to lead their people through turbulent times. Delivered virtually, this programme provides a flexible approach to learning through short webinars which address key issues and provide practical tools.

East Midlands Councils has partnered with Dr Suzanne Ross from 2thrive Consultancy to provide a unique leadership development programme.

### Key themes of the programme

The programme addresses the context of the challenges managers are facing - change, complexity, ambiguity and uncertainty, through the following themes:-

- Self-leadership
- Leading the organisation
- Leading people
- Leading teams

### The programme will help managers and leaders to:

- Develop self-awareness of their own leadership and resilience during turbulence and change
- Respond to the challenges a crisis and long term uncertainty create for organisations, teams and people
- Identify ways in which organisations can build their resilience, adapt to change and engage their people during turbulent times
- Address key challenges when leading and managing people during change and uncertainty
- Identify strategies and actions to support performance, engagement and wellbeing of people during change

### The programme offers

- A cohesive and integrated programme of development
- A webinar to open and close the programme

- A series of webinars of 3 hours duration addressing key issues for leaders leading during turbulent times
- Use of issues-based Action Learning Sets to facilitate application of learning, build collaboration and address challenging problems
- Ongoing Action Planning

There will be 8 webinars in total, delivered every 3-4 weeks over a period of months so that the programme is realistic and achievable for managers.

### Programme Audience

The target audience is managers who:

- Have operational responsibilities and input into strategy
- Are responsible for 'translating' the vision and strategy of the organisation into action within their functional areas
- Have teams reporting into them
- Have oversight or responsibility for performance management in their area
- Have responsibility for implementing change within their area

It would not be suitable for first time managers or those who do not input into strategy.

### Further information

The full brochure is available from [here](#), the manager version can be found [here](#).

**Costs** - The cost per place on the course will be £850 plus VAT.

Group discount is available for bookings of 5 or more, please contact [Kirsty.lowe@emcouncils.gov.uk](mailto:Kirsty.lowe@emcouncils.gov.uk) for information.

The first cohort will start in January 2021, with further cohorts starting in February and in the new financial year, dates for all cohorts will be available shortly.

### Contact Details

For further information about any of our work please contact the team:-

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## In Deep with Darren

### This month, Darren Newman advises on the practicalities of remote hearings

2020 was a year when almost everything had to be done differently – or not done at all. But employers still had to deal with day-to-day employee relations issues. Covid does not stop employees from raising grievances and employers still have to manage disciplinary issues. The normal view of a disciplinary or grievance hearing involves a number of people gathering together in a room - the employee, their representative, someone from HR and either a chair or a full panel assigned to hear and decide the issue. Witnesses may also be brought into the mix.

There may come a time when gathering so many people into a single room once again becomes an everyday occurrence. But for now it still seems downright reckless. It can of course be done with social distancing – a bigger room, all the participants being well spaced out and masks worn by all. But that is not a very satisfactory way to conduct matters.

What is the alternative? Many employers have resorted to conducting internal hearings online. There is nothing in employment law to stop this. There is nothing magical about being physically present that makes a 'live' hearing more fair than a virtual one. But there are particular issues to watch out for.

Whenever a disciplinary or grievance process cannot be conducted as you would want it to be, it is a good idea to think about what the fundamental aspects of a fair procedure are. What is the procedure designed to achieve? In a disciplinary context you want to make sure that the employee is given all the information needed to respond to the charge against them and has a fair opportunity to put their case across to an impartial decision-maker. In a grievance procedure you want to make sure that the employee can explain the basis of their grievance and have it fairly considered. These are the standards against which the fairness of any online hearing has to be assessed.

Perhaps the most important point is that the technology should not get in the way of the employee's ability to explain their side of the case. The technology that makes online meetings a workable option is not equally familiar to all. Some people have spent most of 2020 bouncing between Zoom and Teams meetings. Knowing when your microphone is muted and whether your camera is on are now everyday concerns. Sharing your screen and adjourning to separate 'rooms' for break out discussions have become second nature to many.

But this is not true for all. A front-line worker who has not spent most of 2020 working from home will not necessarily be familiar with online meetings in the same way as an office worker or manager. It is important that such employees are not simply thrown into an online meeting environment without being given an opportunity to become familiar with the platform being used and have a chance to practice using it. Ideally someone not involved in the matter in question should conduct a technical rehearsal for the meeting showing them how to operate the various controls and pointing out who can see and hear what.

Often an individual will have a right to be accompanied. Unless they happen to live with a union official or colleague, that will generally mean a virtual accompaniment. There is no reason to believe that this is a problem as far as the statutory right to be accompanied is concerned. Generally, the companion can simply be another attendee at the meeting. They do however have the right to confer with the employee during a hearing. They may not feel confident that an online breakout room is sufficiently private so the chair may want to end the meeting and reconvene when the employee wants to discuss an issue with their representative. They could also be encouraged to have a separate channel of communication, perhaps via Facetime or some equivalent on their phones.

Most employers would not want to give permission for an employee to be accompanied by someone other than a trade union official or colleague. Family members, for example are not usually accepted as companions in disciplinary and grievance meetings. Employers can still ask employees to ensure that they are alone in the room when conducting a meeting, but it



is probably wise not to get too hung up about this. There is no way of stopping a family member listening in just out of sight of the camera and this possibility should perhaps just be accepted as one of the drawbacks of an online meeting.

Of course the employee may not have the space at home to participate in the meeting in a private room. Not everyone has a study – however makeshift – from which they can do their work. Employers should talk to employees about whether there is a suitable place for them at home that will allow them to participate in the meeting without being distracted by family members of housemates. If there is not, then it may be best to book a meeting room for the employee to use for the meeting – even if all the other participants log in remotely.

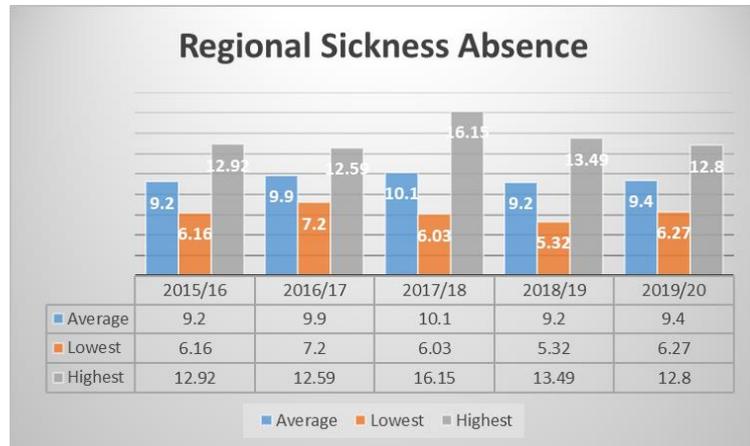
It is also worth thinking about timings. Many of us have found that one hour of an online meeting is rather more exhausting than one hour of a meeting in real life. I am generally in favour of hearings not dragging on for too long in any event, but with an online meeting this is an even more important issue. The meeting should not be rushed, but do think about taking appropriate breaks to allow everyone to look away from their screen for a meaningful period.

One issue that crops up with online meetings is how easy it is to record them. Recording disciplinary and grievance meetings has both benefits and drawbacks. Obviously if there is a recording of what went on than that can settle any argument that might arise over how the meeting was conducted. On the other hand a recording can lead to an obsessive examination of every word that was said and lead to an unwieldy transcript running to many pages. It is very much up to the individual employer to weigh the advantages and disadvantages of the approach.

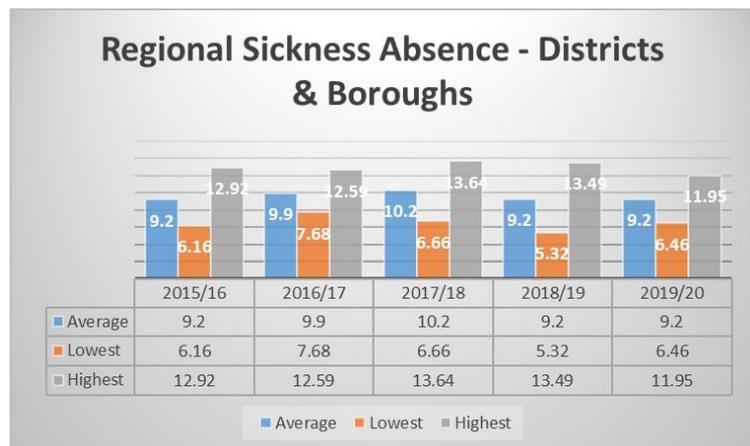
But even if the employer decides not to make a recording it may be difficult to prevent the employee from doing so. Should the matter get to a Tribunal then the recording – or a transcript of it – may well be accepted in evidence provided the Tribunal sees how it is relevant to an issue that they have to decide. It is a good rule to always treat a microphone and camera as if they are on and assume that anything you do in front of them could be played back at some stage to an Employment Judge. Now there's a sobering thought for Christmas.

## Sickness Absence Survey

Thanks to everyone who contributed to this year's annual sickness absence survey. 28 councils responded and the results are provided below for all council types.



For district and borough councils the results are:-



In terms of levels in the COVID era, most councils saw lower levels of sickness absence in the first quarters of this year compared to last year, particularly in short term absence. For one council, the level was 75% lower. Some councils are beginning to see an increase in absence relating to mental health.

We recently shared information from our survey on how you treat COVID-19 related sickness absence in the context of long COVID. Contact Sam if you would like to see these results [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk)



## National Developments

MHCLG has now issued some [guidance](#) on the way forward on exits pending changes to the LGPS Regulations.

The LGA have flagged a number of [concerns](#) about the contents and have updated their website on exits, which can be accessed: [here](#)

There has since been clarity on the question of Employer NI contributions, and it was confirmed in Parliament yesterday (21<sup>st</sup> December) that these will not count towards the exit pay cap.

You may be aware that there are 6 judicial reviews relating to the exit pay cap regulations which will be heard by the High Court. We now understand that MHCLG are likely to delay their Regulations until the outcome of the judicial reviews is known. We had expected to hear something from the Court before Christmas but that now looks less likely. So whether the Regulations get changed before Easter now looks very uncertain.

## NJC Circular – Shielding

A new NJC Circular was issued on 21<sup>st</sup> December covering shielding in the tier system. We sent a copy to all our councils, but you can also access it [here](#) under the NJC Circulars section.

## Changes to ACAS Early Conciliation

From 1st December all early conciliation cases will have a 6-week period for conciliation (rather than the previous period of one month, plus a discretionary two week extension).

Additionally, a conciliator may now contact the parties to correct errors on the notification form at any point during the early conciliation period, which will save time, reduce extra administration and help to resolve disputes more quickly. For details on the ACAS early conciliation service click [here](#). The legislation is available [here](#).

## Brexit – Employing Workers from Abroad

Earlier this month we circulated guidance and documents produced by the Government in December to support employers with the employment of workers from overseas in the context of Brexit. The information is available here: [employers' guide](#)

We have been discussing with the LGA and our counterparts in other regions what support we can co-ordinate for councils. If you would like to inform this, then please contact Sam to let her know what issues or concerns you would like to be covered - [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk)

## National COVID Workforce Survey & COVID Information

From January, the national COVID workforce survey will move to a monthly data collection and so should be less of a call on resources for councils.

The survey is continuously evolving to capture key workforce information and is actively used by MHCLG, thereby avoiding duplicate information requests to local authorities. Your co-operation with the survey is therefore much appreciated and of real benefit.

The latest report setting out the summary findings from the most recent survey data along with our regional & national workforce-related COVID information and updates are all available [here](#)

## National Graduate Development Programme

The National Graduate Development Programme attracts high calibre graduates for the sector. A guide on the Programme for Councils has been launched and is available [here](#). The Programme is seen as a mechanism developing the managers and leaders that the sector needs by recruiting graduates who are driven, passionate and committed to improving public services. More information is available [here](#).

