



# HR in the East Midlands

February 2021

A significant event this month was the Government's revocation of the exit pay cap regulations, and this is the subject of Darren Newman's article. We have also seen developments with national pay negotiations and you can be involved by joining the pay consultation event we are hosting virtually next month – details below. We also provide highlights of regional offers and national news in this bulletin, which we hope will be of interest.

## Regional Pay Consultation

Earlier this month, the joint trade unions submitted their claim for 2021, a copy of which can be located here: [TU Pay Claim](#). It comprises a claim relating to pay, as well as a claim for changes to terms and conditions, including a working from home allowance and a reduction in the working week.

The National Employers met on 18<sup>th</sup> February and agreed that they will not be able to respond to the unions' claim until after the elections on 6 May. Members are unable at this stage to give a more specific indication of a timetable beyond that date.

EMC is hosting a **virtual regional pay consultation event** on **15<sup>th</sup> March** at 10.00am. The meeting will provide an opportunity for senior Members and HR leads to meet with national negotiators to input views to inform the national negotiations. To register a place, email Mila at [mila.pereira@emcouncils.gov.uk](mailto:mila.pereira@emcouncils.gov.uk)

## Career Transition/Outplacement

EMC has been partnering with local authorities to support individuals with their next career move. We aim to assist both the organisation and the individual - with tailored practical and useful support. The feedback from people who used the service has been great.

Using our extensive experience, our approach includes an initial 1:1 development planning discussion to explore the aspects and type of support that would be most useful. The tailored support is then provided and may include:-

- CV and application form advice/ support
- Interview Preparation including research, interview (and presentation) skills and simulations
- Assessment Centre advice
- Career assessment exercises/diagnostics – to raise awareness of strengths and for career option plans.

We can also provide support to individuals and remaining colleagues on coping with change and developing resilience. For information, contact Lisa at [lisa.butterfill@emcouncils.gov.uk](mailto:lisa.butterfill@emcouncils.gov.uk)

## Projects with Local Authorities

This month, we have supported councils with:-

- Investigation of harassment & bullying
- Chief Executive appraisal facilitation
- Mediation

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

[Sam.Maher@emcouncils.gov.uk](mailto:Sam.Maher@emcouncils.gov.uk)

[Lisa.Butterfill@emcouncils.gov.uk](mailto:Lisa.Butterfill@emcouncils.gov.uk)



# Learning & Development

Below we are sharing some examples of support being provided to local authorities across the region that you may be interested in for your own organisation.

## Supporting Leadership & Resilience

EMC is currently supporting an authority's ILM **leadership development** programme equipping participants with the knowledge and skills to recognize their leadership strengths and potential blind spots, identify and use values that promote effective leadership, and create a development plan for enhancing their leadership effectiveness using the principles of Myers-Briggs® personality type.

**Resilience** is another important area on which gaining insight is proving very useful. EMC has provided support that not only increases understanding of resilience and the impact of taking control but also practical strategies for building personal resilience.

Depending upon your needs and outcomes you are looking for, the above type of support can be provided on a team and/or individual basis through workshops, coaching or action learning type environments.

For more information or an informal discussion about what could be possible please contact [lisa.butterfill@emcouncils.gov.uk](mailto:lisa.butterfill@emcouncils.gov.uk).

## Something new – a Refresher for Qualified Coaches

EMC is supporting an authority in the East Midlands with a series of workshops with the aim of developing confidence and refreshing coaches who have previously successfully completed an ILM 5 Coaching and Mentoring Programme.

The goal of the workshops is to build confidence in coaching practice and will

- Recap what coaching is and to remind coaches about what they valued in coaching originally
- Explore the elements of a coaching programme – contracting, goal setting, coaching models, coaching tools
- Provide practical exercises designed to refresh and build confidence focused on coaching skills

- Provide an opportunity for coaches to reflect on their coaching and identify coaching goals and opportunities
- Provide an open forum to ask questions

Delivered as two half day sessions a couple of weeks apart to provide time and space to practise coaching. For more information on our coaching and mentoring contact [Kirsty.lowe@emcouncils.gov.uk](mailto:Kirsty.lowe@emcouncils.gov.uk)

## Solution Focused Brief Coaching

East Midlands Councils will host a virtual workshop on 24 March exploring Solution Focused Brief Coaching.

Solution Focused Brief Coaching is an evidenced-based approach where the coach helps the client to build their own solutions by helping them:

- Identify clearly what they want
- Focus on what is working already
- Identify the strengths, qualities and resources they already have
- Recognise those small changes that can lead to larger changes at a pace they can handle.

The session will introduce coaches to solution focused brief coaching and provide an opportunity for coaches to try out the approach in a safe environment.

**Date and time** - 24 March 2021, 9:30 - 12:30  
To find out more about the session visit [here](#).

## East Midlands Kickstart Scheme

EMC has been approved as a gateway organisation for the Government's Kickstart Scheme, which funds work experience placements for young people (16-24 year olds) who are claiming Universal Credit and at risk of long-term unemployment. As well as being the gateway for councils, EMC is also offering to provide the training and development elements of the scheme to support employability. For further information contact Suzanne at [Suzanne.boulty@emcouncils.gov.uk](mailto:Suzanne.boulty@emcouncils.gov.uk)

### 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 considers the Government's decision to revoke the public sector exit pay cap

I don't think I've ever seen a Government U-turn like it. On 12 February, the Government suddenly announced that it was withdrawing the £95,000 cap on public sector exit payments. While the mechanics of formally revoking the Regulations take place, a new Treasury Direction has been issued. This essentially provides for a blanket mandatory waiver of the cap across the public sector (in England at any rate) with immediate effect. What on earth has prompted this extraordinary turnaround?

The Government's statement is rather bland: "after extensive review of the application of the Cap, the Government has concluded that the Cap may have had unintended consequences and the Regulations should be revoked". So what were these "unintended consequences"? Could it be the fact that the main effect of the cap was to undermine the pension entitlement of long serving public sector employees? Was it the confusion caused by the fact that the cap was introduced before the Local Government Pension Scheme could be reformed? This created, after all, an impossible situation in which the pension fund was obliged to pay an unreduced pension to employees made redundant over the age of 55, but local authorities were prevented from making the pension strain payments that would fund that entitlement. Perhaps one unintended consequence was the uncertainty caused by the fact that provisions in the Regulations were contradictory or so badly drafted as to be unintelligible.

The Government might well argue that all of these consequences were unintended – but it could hardly claim that they were unforeseen. The difficulties in capping pension strain payments and the effect that this would have on modestly paid employees facing redundancy were clearly spelled out to the Government over a number of consultation exercises stretching back to 2015.

I suspect the biggest unintended consequence the Government was concerned about was the imminent

Judicial Review of the Regulations themselves. It must have become clear to the Government that they were likely to lose and the Regulations would be struck down as being incoherent and unlawfully interfering with existing contractual and pension entitlements.

So what happens now? For those employees who have already had their exit payments capped – who left employment between 4 November and 12 February - the Government is encouraging employers to pay them any sums that were withheld. While there is no formal obligation to do this, the reality is that such employees would probably have a good contractual claim for any outstanding payments that should have been made to them directly – irrespective of whether or not the cap applied. The Government is essentially making it clear that there is now nothing to prevent employers from settling any outstanding claims. As for pension strain payments, the appropriate pensions funds will presumably be able to make a fresh request for payment from employers who were previously prevented by the cap from paying the full amount. I did hear that some pension funds had actually reduced the pension payable to members of the scheme whose employer was unable to make the full pension strain payment. That was always the wrong approach in my view – there was nothing in the Exit Pay Cap Regulations that affected an employee's actual pension entitlement – but the question is now academic. Pension funds should be paying an unreduced pension in full when the scheme provides for that. Any member who has not been given the pension due to them so far should of course now be paid any sum that was previously withheld.

And what of the Government's policy of limiting public sector exit payments? I was struck by how non-committal the Government's statement was. There is no suggestion that the Regulations are merely going to be tweaked and then reintroduced. All the Government says is that "HM Treasury will bring forward proposals at pace to tackle unjustified exit payments". This suggests a complete re-think of the policy – which would be welcome. But it is worth remembering that the £95,000 cap is actually enshrined in primary legislation (The Small Business Enterprise and Employment Act 2015). Coming up with an entirely new approach will take quite some time.



In the meantime, the Government's approach to redundancy payments in local government must also be in doubt. A consultation on reforming local government exit pay run by the Ministry of Housing, Communities and Local Government closed on 9 November 2020. That consultation proposed capping the salary on which enhanced redundancy payments in local government can be based to £80,000 with the redundancy payment itself limited to a maximum of 66 weeks' pay. More importantly, however, the Government was also proposing that no enhanced redundancy payment would be made if the employer was also making a pension strain payment.

While the Government will no doubt want to do something in relation to redundancy payments, it is difficult to see how this policy can go forward. Central to the proposal that the employer could not pay both a pension strain cost and an enhanced redundancy payment was a significant change to Local Government Pension Scheme. This would have given practical effect to the exit payment cap and introduced a more flexible range of pension options for an employee being made redundant over the age of 55. With the Exit Pay Cap gone, it would seem that this whole consultation will have to go with it.

As the Government goes back to the drawing board, I hope it learns some lessons from this fiasco. The problems with the Regulations, both in terms of their overall impact and also their rather shambolic drafting were clearly pointed out time and time again. There was an arrogance about the way in which the representations made by the Local Government Association and a range of other stakeholders were simply dismissed out of hand. The insistence on rushing through the Regulations without waiting until the relevant pension schemes could be changed first was irresponsible and a recipe for chaos. While the withdrawal of the Cap is a welcome development, many public servants have had to work long and hard to try to make sense of this ill-thought out policy when there was frankly more important work to be done. The least they deserve is an assurance that before the Government revisits this policy it will listen more carefully to those who will have to implement it.

More information can be found on Twitter:  
[@daznewman](#)

## National Developments

### Gender Pay Gap Report – deadline extended

Due to the impact of Coronavirus (COVID-19), the Equality and Human Rights Commission (EHRC) have announced that employers now have until **5 October 2021** to report their gender pay gap information for the 20/21 reporting year (which uses a snapshot date of 31 March 2020 and 5 April 2020). No enforcement action will be taken if they report by then.

### Youth and community work

The National Employers will be undertaking a [workforce survey of youth and community work in both the statutory and voluntary sector](#). This is on behalf of the Joint Negotiating Committee for youth and community work.

## Apprenticeships

### LGA Apprenticeship Newsletters, February 2021

The latest LGA apprenticeship newsletter this month is in three parts and can be found [here](#). It covers the latest developments in the world of apprenticeships, including:-

#### Part 1:

- LGA Tools and Templates
- Follow-up from LGA/South West Councils Roundtable on Becoming an EPA Assessor

#### Part 2:

- Local Government Apprentice of the Year Awards 2021
- Forthcoming Webinars
- LGA Apprenticeship Surgeries

#### Part 3:

- Listen back to the webinar on Maintaining Momentum during COVID
- Levy Transfer Progress on the South Coast

