

Merry
Christmas
and Happy New Year!



HR in the East Midlands

December 2022

Within this month's edition, we provide a round-up of regional and national news. Darren Newman's article focuses on industrial action – a topical theme, with strikes now affecting transport, post, health, and border force services. This last Bulletin for 2022 provides an opportunity for us to thank you for your support during the year. We look forward to 2023 and further opportunities to network, develop, and work together to address the workforce challenges facing our sector. In the meantime, we hope you enjoy the festive season.

Reminder: XpertHR Discount

As a member of EMC, your organisation can benefit from a significant discount to subscribe to XpertHR. EMC has negotiated a price freeze once again, saving 65% on a single user licence fee and 87% on the public sector site access fee.

To stay in or join EMC's group discount scheme for 2023/24 please contact Mila by **Friday 27th January 2023** and let her know how many user licences you would like: mila.pereira@emcouncils.gov.uk

Caretakers Lettings Fees

Caretakers' Letting Fees were reviewed by East Midlands Regional Joint Council on 30th November 2022. The Joint Council agreed to increase the rates by 4.04% with effect from 1st April 2022. The revised rates can be found [here](#).

Regional Employers' Board

The Regional Employers' Board is made up of councillors from across the East Midlands reflecting the region's political balance. The Board met on 30th November 2022 and agreed a workplan for the coming year with the following priorities:-

- Supporting Councils to attract and retain staff and promote local government as an employer of choice.
- Promotion of training schemes and "growing our own" to address skills shortage areas.
- Pay and grading – engaging and communicating on national pay developments
- Equality, diversity and inclusion
- Workforce data – to support evidence-based decision making and benchmarking
- Induction for new councillors – supporting and complementing in-house provision
- Introduction of a network for councillors leading on Adult Social Care

Projects with Local Authorities

During December, EMC has supported councils with:-

- Coaching
- Advising at a Grievance Hearing and Appeal
- Recruitment and Selection support

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

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A Review of 2022

It's always good to take time to look back and remind ourselves of all the good things we have achieved, so here's a few highlights from us!

Kickstart

- 44 placements offered
- Nearly 50% of people secured work in local authorities and others went onto higher education
- Increased awareness of local authorities as a potential employer to younger people

Virtual Exchanges

107 participants came to sessions on:-

- Growing your Own - to help address skills shortages
- Practical implications of calculating holiday pay following the - Harper Trust v Brazel judgement
- Managing Absence in the era of "Living with Covid"

Councillor Development

- Training sessions such as the Civic Head Role, Cyber Security and Neurodiversity
- Networks on Scrutiny and Councillor Development
- Personal Development Planning
- Councillor Development Charter Assessment, Advice and Support

Recruitment and Psychometric Testing

- Supporting end-to-end recruitment in various managerial roles
- Providing personality and ability testing and advice for many different roles.
- Saving costs of test licences and qualification training

Leadership Development & Coaching

- 40+ managers have attended the popular ILM 5 Leadership and Management
- Delivery of in-house Coaching Skills for Managers to help embed a coaching culture
- More organisations joined the coaching network to access qualified coaches and support for coaching worth £18,000

Hybrid Working Workshops/Programmes

- Supporting the development of skills, knowledge and behaviour aspects for managers leading their hybrid teams
- Providing briefing sessions for team members to support their transition to working effectively in a hybrid environment



Supporting Planners & Environmental Health Officers

- 12 Low Cost CPD Knowledge Based webinars/events
- 1180 delegates attended the webinars

Team Development

- We have facilitated many team development programmes and sessions at senior and function team level
- The support has helped to create and strengthen effective team working to enable teams to address the challenges ahead

Your Feedback

We focus our work on the key workforce priorities for the sector and respond to your requests so that we shape our provision on what you find most useful and helpful.

As well as the usual evaluation methods to check the quality of our support, we are thrilled to receive your unsolicited feedback. Here's some examples:-

Kickstart

"We have been really pleased with all the kickstart people who have joined us and the many of them have applied for positions or are still with us... We think this has been brilliant and provided excellent opportunities for many people."

"It really has been a success and it is rewarding to know that we have been able to support young workers in this way. Thanks for all of your valued support."

DWP have commented that EMC's gateway has been more effective in achieving employment outcomes than is typical.

Team Development Workshops

"This was one of the most helpful sessions I've had using Myers Briggs"

Chief Executive feedback on Strategic HR Support

"Thank you. We have really appreciated your input over the last 2 years. Having you on board has certainly enabled us to support colleagues with their development too, which is going really well."

Head of Service Recruitment Support

"Thank you so much for supporting the interviews for our Head of Customer Service and Transformation role. Our interviewing managers fed back how interesting and useful the tests and feedback were so thanks also for setting those up so quickly"

HR Manager's feedback on support with an investigation:

"Thank you for all your support with this case (and other matters). Your work has been most thorough, detailed and enabled the Council to progress a most complicated case to a conclusion. I hope to work with you again in the future."

Delegate on a development session for Employee Representative Group to support the team's development and awareness of strengths

"I really enjoyed the session we had yesterday. I find it really interesting and it's a subject area that I'm keen to explore further. Thank you for all your help and for delivering such a great session yesterday."

Employment Law Update Seminar Delegate

"This was the first event I have been able to attend with Darren – I really enjoyed it! Cogent and fun, it has given me the January 'boost' I needed."



CPD Programmes

“All the presenters were superb. Their content was complimentary with each other and carefully not repetitive.”

“These events are always excellent and the work that goes into arranging and running them on the day is very much appreciated.”

“Always look forward to these events. Current and relevant information.”

Equality, Diversity and Inclusion (EDI) Network – 7th December

The network discussed how progress could be made with EDI priorities. Action learning is a strand of support to network members, and there was positive feedback from the first action learning set that took place recently. The network received a presentation from the LGA on a pilot project and funded support to assist councillors and prospective councillors who have disabilities.

Learning & Development

LA Challenge 2023: Early Bird Extension!

Details of the 2023 LA Challenge were set out in last month's HR Bulletin. This month we wanted to remind you of the opportunity to save £245 per team through our early bird offer – this has been extended to **Monday 16th January 2023**. Names of individual participants aren't required at this stage.

The LA Challenge is on 16th March 2023 at Leicester Racecourse in Oadby. It is a showcase event – a day that provides the opportunity to learn through experience and fun working as a team. Successful teams and individuals are recognised at the awards dinner held that evening. Full details are available [here](#).

Network Updates

Scrutiny Network – 2nd December

Councillors and officers on the network received a presentation from the Centre for Public Scrutiny on their key work and the Cost of Living Crisis and Financial Scrutiny. Attendees were also able to share their key scrutiny work areas and priorities and influence the network programme for 2023.



In Deep with Darren

This month, Darren Newman looks at the debate around industrial action.

As we head for the end of 2022 one of the main news stories is the industrial action sweeping across the country. It is a long time since industrial action had such a prominent place in the public debate and part of that debate is about what new laws might be brought in to limit strikes in the future.

The fact that this is the solution that politicians often reach for when faced with industrial action is a legacy of the particular way in which our law is framed. The starting point – the underlying assumption – in our law of industrial action is that it is illegal. When a union calls on workers to strike it is inducing them to act in breach of their contracts of employment. That is a tort – an unlawful act for which a union could be sued. The fact that a union could be sued was not initially clear but was established by the House of Lords in the case of *Taff Vale Railway Company v Amalgamated Society of Railway Servants* in 1901. In response Parliament passed The Trade Disputes Act 1906 which said that a union could not be sued for taking industrial action if it was acting ‘in contemplation or furtherance of a trade dispute’. Essentially this did not change the underlying legal principle that inducing someone to act in breach of their contract of employment was unlawful – it merely conferred a legal immunity on trade unions giving the impression that they were being granted some sort of privilege not given to others.

The idea that industrial action would be unlawful but for a special immunity is still in our law today and is found in S.219 Trade Union and Labour Relations (Consolidation) Act 1992. For much of the 20th Century that immunity was left largely undisturbed, but then things began to change in the 1970s. The Heath Government sought a wholesale reform of Industrial Action law with the Industrial Relations Act 1971 but those changes were reversed as soon as Labour came back into power in 1974. The Thatcher Government elected in 1979 adopted a more subtle strategy. Instead of trying to reframe the law of industrial action completely, it embarked on a series of step-by-step reforms. Unions continued to enjoy the immunity

they were given in 1906 – but that immunity could now be lost if certain conditions were not met. Those conditions initially focussed on limiting secondary action, but the requirement to hold a ballot was introduced with the Trade Union Act of 1984. Further restrictions were then introduced in 1988, 1989, 1990 and 1993 until the current framework was established of fully postal ballots conducted with independent scrutiny - coupled with extensive rules about how the ballot should be conducted and what notices must be given to the employer.

When Labour came to power in 1997 it made no attempt to unpick all of these rules – though it did tweak them slightly. A fully Conservative Government was then elected in 2015 and promptly passed the Trade Union Act 2016 imposing minimum turnout requirements for industrial action ballots and increasing the notice of industrial action that unions must give.

So if the Government wants to limit industrial action further, the template for doing so is already in place. They can simply continue the process established from 1980 onwards of adding more legal hoops for unions to jump through in order to retain their ‘immunity’. Without that immunity an employer is able to sue the union for damages or – more importantly - take out a court injunction preventing the action from taking place.

So far, the only concrete proposal is in the Transport Strikes (Minimum Service Levels) Bill which has been presented to the House of Commons but has yet to be debated. In broad terms this aims to ensure that strikes in the transport sector do not bring all transport to a halt but maintain some minimum level of service. More specifically it says that a union will lose its immunity if it fails to take reasonable steps to prevent a worker from taking part in strike action where that worker has been identified in a Work Notice issued by the employer. The Work Notice will identify those workers who are needed at work in order to fulfil a Minimum Service Specification applying in relation to a Specified Transport Service. I am rather sceptical about how effective this law will be as the obligation it places on a union is actually rather vague and for the obligation to even exist some quite complicated work has to be done in determining just what the minimum level of service applying in a particular part of the transport network needs to be.



There are other measures that are being floated around but which are not yet firm proposals. The last Chancellor Kwasi Kwartang was planning to announce new laws on strike ballots which would require a union to conduct a fresh ballot in response to any new offer from the employer. Earlier Grant Schapps, when he was Transport Secretary, proposed a 16 point plan to 'tackle' industrial action that would increase the turnout requirement for ballots, double the notice that must be given for industrial action and – most importantly – limit the validity of strike ballots to one 'event'. That would mean that if a union called a one-day strike it would need to conduct a fresh ballot before it could call another one. When he made these proposals, his Ministerial responsibility did not include industrial action laws – but they do now. Since October this year he has been Secretary of State for Business.

So it is possible that 2023 will see some dramatic new proposals for industrial action. That of course will not affect any of the disputes we are currently seeing. I don't see how the minimum service levels could be in place before late 2024 and any other changes would require an Act of Parliament that take a good proportion of the year to steer through Parliament.

There is also a danger that if unions are asked to jump through too many legal hoops, then lawful industrial action will become practically impossible. That would probably put the Government in breach of Article 11 of the European Convention on Human Rights which deals with the right of workers to join unions 'for the protection of their interests'. The Government may not be overly concerned about that issue but perhaps more importantly the organisation of industrial action may be driven underground with unofficial strikes being organised by local activists without the endorsement of union officials. That could result in even more disruption than we are seeing now.

Industrial action is disruptive and inconvenient – that is its whole point. But it is currently regulated quite tightly and we can at least be sure that it enjoys the support of a majority of the workforce. If we make it too difficult for unions to organise industrial action lawfully then the result may not be less disruption, but more. In the course of 2023 we may see whether that is a risk that the Government is willing to take.

National Developments

National Pay & Conditions

Green Book

NJC Circular: Guidance on Additional Bank Holiday on 8th May 2023 & Green Book Update for 2022 Award of Additional Annual Leave

The NJC circular was issued earlier this month that provides guidance relating to the additional bank holiday on 8 May 2023. A copy can be located [here](#). Attached to the same circular is updated Green Book Part 4.12 guidance that reflects the additional day of annual leave awarded to all NJC employees (with effect from 1 April 2023) as part of the 2022 NJC pay agreement.

Coroners Pay 2022-23 – Management Side Update

This week the Employers' Side issued an Update on Coroners' Pay for 2022-23 and requested information from councils. The Employers' Side offered a 1.56% increase (with effect from 1 April 2022) on local salaries and day rates for individuals, derived from the JNC arrangements and this was rejected by the Coroners' Side. A copy of their response is included as an appendix to the update and seeks an increase of 4%. As a result, the Employers' Side would like to know from the authorities that employ Coroners information on the following points by **3rd January:-**

- (a) if agreement has already been reached in your local coronial area on coroners pay for 2022; and
- (b) if so, at what level?
- (c) would you normally negotiate directly with coroners in your area, or do you apply the outcome of negotiations through the JNC for Coroners?

You can access the Circular here: [Coroners' Pay Update Circular](#)



Apprenticeship Newsletter

The December edition of the Apprenticeship Newsletter includes details a reminder of the LGA Apprenticeships Survey deadline, the Public Sector Target Data which has now been published and National Apprenticeship Week 2023: Themes and Presentation dates. Click [here](#) to view the newsletter.

T Levels news and updates – December 2022

This edition contains news and updates including to support your delivery of T Level placements, as well as inspiring stories from councils who have seen successful placements in their workplace. Click [here](#) to view the bulletin.

LGA 2022-23 Apprenticeship Surveys Reminder - Deadline 11 Jan 2023

All councils should now have received links to the Organisational Survey and Apprentices' Health and Wellbeing Survey in LGA emails sent from Jamie Saddler. If you have not received this email and/or would like it to be resent, please contact him directly on Jamie.Saddler@local.gov.uk

EMC's Arrangements for Christmas/New Year

Please note that EMC will be closed from Friday 23rd December to Monday 2nd January inclusive.

