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# HR in the East Midlands

August 2016

This month has seen the launch of a number of consultation exercises on proposals to change employment legislation. Therefore, we have given Darren Newman a well-deserved summer break in order to bring you an update on all the key proposals affecting local government.

## Exit pay cap and recovery regulations

One of our most frequently asked questions recently has been from authorities asking for any news on the progress and anticipated implementation of the £95,000 cap on exit payments and the recovery of exit payments for those earning £80,000 or more who return to the public sector within 12 months.

At the time of writing, the position remains that we still do not have final regulations nor implementation dates. The Government has previously talked in terms of a 1<sup>st</sup> October 2016 implementation date for the exit payment cap, but bearing in mind the limited Parliamentary time in September, the LGA's advice is that a 1st October implementation date looks unlikely and later that month or indeed the following month appears to be more probable. In terms of the recovery regulations, we would expect them to follow a similar timetable.

We will let you know as soon as we have more information.

## Member Involvement at Appeals

Following a request from an authority in the region, EMC carried out research into your appeal processes and whether Members are involved in hearing appeals. Thank you for your responses which so far show that a majority of councils have Member Appeals for disciplinary and capability dismissals. 30% of respondents do not have Member appeals for these matters and some respondents only involve Members when Chief Officers are involved. Your responses showed that it was less common to have Members involved in appeals relating to grievances.

Click on the following links to see the full [response](#) and [Copies of Grievance Policies](#)

## Projects with Local Authorities

This month, we have been providing individual authorities with support on a range of projects and issues, including-

- Mediation
- Outplacement support
- Coaching
- Training on Senior Management Job Evaluation
- Advice to a Chief Executive Appointment Panel

If you would like to know how EMC could support an area of work for you, then please contact Sam Maher at [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk) or Lisa Butterfill at [lisa.butterfill@emcouncils.gov.uk](mailto:lisa.butterfill@emcouncils.gov.uk).



## Events in the East Midlands

August is a quieter time for EMC in terms of delivering events for local authorities, so this provides us with a valuable opportunity to reflect on local authority needs in the future months.

We provide a range of development support, including training and events offered regionally, delivery of in-house sessions or support with coaching or mediation to name but a few. We're always keen to receive feedback and to hear directly from you what you would find beneficial to be delivered at a regional level.

## Support for PAs and Team Secretaries this Autumn

For the last 3 years EMC has provided development support to PAs across the region with two separate one day courses.

### Executive PA Skills, 22 November

This programme is for Secretaries who work with one or two bosses – ie are not team secretaries. This is a very interactive, developmental programme with lots of opportunities to get to meet and share ideas with colleagues. We will also include a joint session with your manager if required to discuss the work-related issues raised by the programme.

<http://bit.ly/ExecutivePASkills>

### Team Secretarial Skills, 23 November

This programme is aimed particularly at secretaries who work with multiple managers – perhaps team secretaries – rather than those who work to one or two managers. This is a very practical event in which we pay attention to hints and tips to assist with using key secretarial skills. <http://bit.ly/TeamSecretarial>

**What delegates said about the sessions held in 2015...**

*“Very interesting and fabulously delivered by Clare. Certainly gave me a lot to think about”*

*“It was excellent”*

*“It will help me to be more organised with tasks as well as prioritisation”*

## EMC's Employment Law

In June's edition of the HR Bulletin we announced the date for EMC's annual Employment Law Seminar, which in 2017 will be held on 15 March. The latest Employment Law news, analysis and advice will be again brought to you by Employment Law Specialist Darren Newman.

EMC are delighted to be able to offer authorities the opportunity to take advantage of **an early bird offer**, if you book a place before the end of January the cost per delegate is just **£99 + VAT** for EMC members

[Employment Law Event](#)

## East Midlands Local Authority Challenge 2016

15 teams have now registered for the Local Authority Challenge, every county area in the East Midlands now has at least one authority entered. The closing date is still some way off, 10 October 2016, but don't leave it too late, we only have 5 team places left!!

For those authorities that have signed a team up or thinking about it, here's a look at the competition!

- Bassetlaw District Council
- Boston Borough Council
- Charnwood Borough Council
- City of Lincoln Council
- Corby Borough Council
- Derbyshire Dales District Council
- East Northamptonshire Council
- Gedling Borough Council
- Mansfield District Council and Ashfield District Council
- Melton Borough Council
- North Kesteven District Council
- Oadby and Wigston Borough Council
- Rushcliffe Borough Council
- South Holland District Council

To register your team visit [LA Challenge 2016](#)



## Employment Law Consultation Exercises

This month has seen a number of consultations being launched on employment law changes. Here, we provide a one-stop compendium of the key proposals affecting local government and how you can take part in consultation responses.

## Duty to Publish Gender Pay Gap

The Government has issued a [consultation](#) on its proposal to introduce mandatory gender pay gap reporting for public sectors employers with 250 or more employees. This is in addition to its plans to introduce such mandatory reporting in the private and voluntary sectors, and the proposal is that the public sector requirement and its timing will mirror that for the private and voluntary sector. Therefore we can expect legislation on this to be introduced later this autumn, with the first set of gender pay gap information having to be captured in April 2017, ready to be published by April 2018. A summary of the consultation, its proposals and the questions is available at the following [link](#). This includes the LGA's proposed response. If you wish to comment on the LGA's proposed response or contribute to a regional response, then please send your views to [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk) by 16<sup>th</sup> September 2016.

## Apprenticeships: proposals for funding from May 2017

Government has asked for comments and views on proposed changes to the way in which apprenticeships will be funded in England from May 2017.

The LGA is seeking the views of councils to assess what impact these changes will have on their approach to employing apprentices. A summary of the issues, questions and the LGA's proposed response is available at the following [link](#). This includes the LGA's proposed response. If you wish to respond or comment on this, or contribute to a regional

response, then please e-mail [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk)

Other useful links for the new apprenticeship regime are:

- The proposals and how you can feed in views directly: [Government Proposals](#)
- An [indicative tool](#) that government has created for employers to estimate how much the government will contribute towards the cost of training.

Government have still not published their response to their consultation on the Public Sector Apprenticeship Targets.

As well as events recently advertised in London and Leeds, an event will also be taking place on apprenticeships **within our region this Autumn**. This will be a great opportunity to find out how we can collaborate as employers and providers of apprenticeships and work together to maximize the levy.

## Changes to Tax Treatment of Salary Sacrifice Schemes

A number of authorities have put in place, or are considering rewards packages that incorporate salary sacrifice provisions to take advantage of the tax treatment of such schemes. The Government has now published proposals to change the tax arrangements of benefits in kind/salary sacrifice. In summary, these will remove the tax benefits of salary sacrifice benefits in kind except for purchasing leave, child care vouchers and cycle to work schemes. To access the consultation document, use the following [link](#). If your authority wishes to contribute to a regional response to the consultation, which closes on 19<sup>th</sup> October 2016, please email [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk)



## Tax and NI of Termination Payments

The Government's response to consultation on proposals on tax and NI of termination payments has been published. The changes are expected to come into effect in April 2018 and in summary are:-

- All pay in lieu of notice (PILONs) will be subject to tax and NI regardless of whether there is a PILON clause in an employment contract.
- All other post-employment payments which would have been treated as earnings if notice had been worked will be subject to tax and NI.
- The £30k exemption for tax and employers' NI will remain for payments directly related to termination of employment and unlimited employee NI exemption remains.

Consultation on the regulations to implement these proposals has now begun. To see the LGA's commentary on these, please see the attached [link](#). If you wish to contribute to a regional response, please email [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk) by 29<sup>th</sup> September.

**'In Deep with Darren' (Darren Newman's in-depth analysis of a topical employment law issue and its implications for local authorities) returns next month.**

## National Developments

### Working Arrangements: Christmas & New Year 2016/17

As we enjoy the height of British summer, it would only be natural for minds of negotiators to focus on Christmas! A [joint circular](#) has been issued which sets out the agreed arrangements for working over Christmas and New Year 2016/17. This year, Christmas Day and Boxing Day 2016 fall on Sunday and Monday respectively and New Year's Day 2017 falls on a Sunday. The Government has designated

Tuesday 27 December and Monday 2 January as public holidays with pay in substitution for Christmas Day and New Year's Day respectively. This circular sets out the payments to be made to employees required to work over the Christmas period.

### Review of the NJC 'Green Book' Pay Spine

As part of the 2016-18 pay deal, the NJC agreed to conduct a review of the NJC pay spine. The primary reason for this review is the introduction of the National Living Wage. The Terms of Reference for the review have now been agreed and a copy of these, along with the covering joint circular are available [here](#).

EMC's Sam Maher is a member of the national employers' steering group that will inform the employers' position on the joint review.

## Contact Details

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

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