



HR in the East Midlands

March 2016

We hope everyone is recovering from the sugar rush of all those chocolate eggs! This month we highlight a key event for your 2016 calendar - 24th November is when the Local Authority Challenge takes place in our region. This is a great development opportunity, with fantastic feedback from participants. Also in this bulletin we provide an update on national pay and employment law specialist, Darren Newman, delves deep into the Trade Union Bill and its impact on employers as well as unions.

National Pay Negotiations

Agreement has been reached with Chief Executives and a **circular** has been issued with the pay award for 2016-2018, which sees a 1% increase from 1st April 2016 and a further 1% increase on 1st April 2017.

Agreement was also reached earlier this month for Chief Officers which mirrors the pay award for Chief Executives. Click here for the: **Circular relating to Chief Officers**

Agreement could not be reached on the final employers' offer to Local Government Services Employees (those on Green Book conditions of service). GMB members voted to accept the offer

by a majority of 9:1 on a 23% turnout, but it was rejected by Unison and Unite members in recent ballots. The Trade Union Side met on 18th March to consider next steps given the different outcomes of their pay ballots. We understand that they were not able to agree a joint position. Unison and Unite have put forward a call for a revised offer.

The Employers are meeting this Friday (1st April). The meeting was already arranged before the outcomes of the ballots were known and so has not been convened in order to consider the request for a revised offer. The Employers have made it clear that any counter-proposal must be formally tabled by the full Trade Union Side.

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

Projects with Local Authorities

We have been working with local authorities on a range of activities and issues recently. These have included:-

- Top team development
- Staff survey
- Independent advice on pay
- Chief Executive appraisal facilitation

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 or Lisa Butterfill at lisa.butterfill@emcouncils.gov.uk.



Events in the East Midlands

Local Authority Challenge 2016, 24 November 2016

The challenge will offer a rare opportunity for aspiring managers across local government to gain exposure to issues outside of their normal working lives and give them a taste of what senior management is like.

The challenge is open to teams of six people from any area of local authority work. Delegates will spend the day as the management team of a fictional local authority, encountering many of the tasks that a real corporate team would deal with. They will have to work as a team, with neighbouring councils and with partner organisations to deliver a new strategy for the council.

They will have to choose which areas to prioritise, deal with politically sensitive issues and still keep their focus on how to give the public the best services with limited resource.

Important Outcomes from the Challenge

- Gain a practical insight into how a local authority management team works.
- Work with colleagues from across the organisation to improve joint working on return to the office.
- To think about their own councils transformational agenda and develop innovative ideas to take back to your organisation.
- Develop ways of managing the current financial constraints.
- Engage in partnership working and political communication to gain a better understanding of the benefits this can bring.

For more information about the event visit [EM LA Challenge 2016](#)

Coaching Conference 2016, 22 June 2016

Our 4th Annual Coaching Conference provides a range of experiences, tools and techniques for all coaches (and those thinking starting their coaching journey).

Keynote Session

"Quarky Coaching" - A fusion of Quantum Physics and Behavioural Science to inspire.

Conference Workshops

The conference will provide delegates with the opportunity to attend two out of **four** brilliant, practical and enlightening workshop designed to support coaches in their coaching practice.

- **"Enabling Genius"** - How we identify, enable and utilise those slivers of "genius" present in all of us.
- **Emotional intelligence in Coaching**
- **"Contract, Contract, Contract- when things go wrong"** - Exploring the fundamentals of contracting and how essential they are to the success of coaching outcomes.
- **Lumination in Action** - A chance to experience this fun and interactive coaching board game.

The programme will include 'Bringing mindful presence to your everyday life' session. For further information about the conference visit <http://bit.ly/EMCoaching>

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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‘In Deep with Darren’

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

The Trade Union Bill

The Trade Union Bill is now nearing the end of its passage through Parliament. The Bill makes it harder for trade unions to take industrial action and tightens the regulatory framework under which they operate. There is a danger however that the Government’s zeal for inconveniencing trade unions will have a negative influence on the industrial relations climate – particularly in the public sector. Almost at the last minute, however, the Government has proposed some amendments that all sides should regard as helpful – it has also had some amendments thrust upon it and will have to decide how to respond.

The key amendments proposed by the Government relate to the timing of industrial action and the conduct of ballots. The Bill originally provided that following an industrial action ballot a union would have just four months to take industrial action before being required to ballot its membership all over again. The problem with this was that it could actually increase the amount of industrial action taken as unions would be unlikely to be persuaded to postpone action while talks took place – they would be suspicious that the employer was just trying to play for time and run down the clock. Indeed, given the expense of re-balloting the union would have an incentive to hit the employer as hard as possible in those four months in the hope of forcing concessions without having to re-ballot. The Government has therefore proposed that the four month period should be extended to six months with the possibility of the employer and the union agreeing an extension to nine months. This is very welcome, as it will make it much easier for unions to postpone action when it appears that progress may be made in negotiations.

A more obscure change – but actually almost as important – is being proposed to the wording of the industrial action ballot paper. The Bill originally required the voting paper to set out a ‘reasonably

detailed indication’ of the matters in dispute. The trouble was that no-one really knew what that meant. Some trade disputes can be complicated and it was feared that unions would need to write lengthy explanations of the points in issue in order to satisfy this requirement. The Government amendment replaces ‘a reasonably detailed indication’ with ‘a summary’, which suggests that only a very brief explanation is needed. It’s a sensible change – but this is still going to be a difficult area. Employers may well challenge the legality of a ballot if they feel that the union’s summary is not a fair reflection of the dispute and there remains the question of what happens if progress in negotiations means that the areas of the dispute are narrowed – can the union still rely on a ballot if the initial summary of the dispute on the ballot paper is no longer accurate?

Despite these positive changes, my key frustration with the Bill remains the fact that the Government is so keen to make things uncomfortable for trade unions that it ignores the importance of good and constructive industrial relations. It also interferes in areas where you might have thought that employers would know best whether or not there is a problem.

Implications for local government

For example, the Bill prohibits public sector employers from operating a check-off system under which the employer agrees to collect union subscriptions by making a deduction from an employee’s wages. It is certainly a rather old fashioned system – having its origins in the days when employees were paid in cash and long before direct debits were a reality for most people. However employers are not obliged to operate check-off and employees are fully entitled to opt out. Many local authorities charge the union for collecting subscriptions in this way and, of course, the extent of check-off gives a good objective measure of the size of the union’s membership. And yet the Government seems determined that it should end.

But perhaps the biggest headache the Bill gives local government employers relates to facility time. Until the Lords got hold of it the Bill contained reserve powers for limiting the amount of facility time that public sector employers can grant. That has now been removed from



the Bill – but may well be put back again when the Bill returns to the Commons. What remains however is inconvenient enough. Regulations will be introduced requiring public bodies to publish data on the amount of facility time they grant and how it is used.

Many local authorities will already be transparent about the amount of paid time off given to trade union officials. But Regulations issued under the Trade Union Bill are likely to require far more detail about how facility time is spent. Employers will have to publish 5 key pieces of information:-

- The number of employees who are trade union officials
- The total amount spent by an employer on paying union officials for facility time
- The percentage of the employer's total pay bill that that figure represents
- A breakdown of how the facility time granted by the employer was used (for example - how much of it was spent representing employees in grievance hearings and how much preparing for pay negotiations)
- Information about the facilities granted by the employer for the unions use in relation to facility time

The Government is clearly of the view that giving trade union officials paid time off to perform their duties amounts to a public subsidy of the trade union movement. There seems to be little acknowledgment that a lot of the time off granted helps both sides get things done. Time spent meeting union officials to discuss important workplace issues is not just to the benefit of the union – and collective bargaining will be more constructive and productive if the union side has been given a proper opportunity to prepare and consult with their membership. What is more, a significant part of union facility time is taken up allowing union officials to accompany employees at disciplinary and grievance hearings. It is clearly in everyone's interests that these hearings can take place promptly - and the prospect of the Government – assuming the Lords' amendment is overturned - eventually limiting how much time off

can be granted to union officials raises all sorts of problems.

Facility time is something agreed between the employer and the union and reflects the local industrial relations context. It does seem rather odd that the Government, while emphasising the importance of cutting red tape in other areas, seems keen to impose this extra bureaucratic burden on the public sector.

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

National Developments

Update on the Duty on Public Authorities to ensure customer-facing workers speak Fluent English

The “fluency duty” is in the Immigration Bill which has just concluded its report stage in the House of Lords. EMC arranged a consultation meeting on the Code of Practice relating to the duty between the Cabinet Office and local authorities in September. The Cabinet Office has now issued a statement to provide an update following the consultation.

The Code of Practice aims to take a moderate approach to standard-setting and to enable existing practices to assess communication skills, if not fluency, to align with the duty. The Cabinet Office will be exploring ideas with the LGA on how to achieve common standards in required levels of fluency. Views on this from local authorities would be welcome – please e-mail Sam Maher who will co-ordinate and send through comments to the LGA.

The Government has agreed to commence the duty 6 months following Royal Assent to allow adequate preparation time. The revised Code of Practice will be made available in the next few months to ensure authorities are effectively guided during this period.

A copy of the statement is available here [Cabinet Statement](#) and the full consultation response is at [link to consultation response](#)

