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# HR in the East Midlands

October 2018

Pay remains a key theme for this month's bulletin, covering support with the pay spine implementation – see our Learning & Development page for details - benchmarking, and Darren Newman's insights on the Government's consultation on ethnicity pay reporting. Other topics in this edition include training opportunities to support mental wellbeing and developments with apprenticeships.

## Planning Roles – Pay, Recruitment & Retention

EMC and counterparts in other region have recently published a new Epaycheck Report entitled 'Planning Roles: Pay, Recruitment and Retention'. We are sure that this will be of great interest and value to councils with planning responsibilities.

Epaycheck is national pay benchmark service for the public sector. It allows councils who have joined to share and compare their data across many roles within the sector in a secure way, and extract pay benchmarking reports at the touch of a button.

For those councils who subscribe to Epaycheck, the report is available to download from the **Epaycheck** website. Thanks to all the councils' Super Users who helped ensure that the data used in the report was comprehensive and up to date. Similar reports will be

available soon for Building Control and Environmental Health.

## Regional Employers Board Work Plan

The Regional Employers' Board recently agreed EMC's work plan for the forthcoming year, seeing a focus on:-

- Apprenticeships - maximising return on the levy and addressing skills shortage, workforce development and skills to support growth.
- Pay and rewards – with particular focus on pay spine implementation
- Recruitment and retention in planning, building control and social care.
- Addressing the Gender Pay Gap.
- Health and social care integration.

## Projects with Local Authorities

During October we have provided support to councils on the following projects:-

- Team development
- HR Advice to a disciplinary hearing
- In-house recruitment and selection training

To find out 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), Lisa Butterfill at [lisa.butterfill@emcouncils.gov.uk](mailto:lisa.butterfill@emcouncils.gov.uk) or Sarah Short at [sarah.short@emcouncils.gov.uk](mailto:sarah.short@emcouncils.gov.uk)



## Learning & Development

As the clocks go back EMC are looking to the future, with an increased focus on supporting our HR colleagues across the East Midlands. Pay is at the forefront of our Autumn work with a range of workshops designed to support the implementation of the new National Pay Spine.

## Mental Health First Aid

5 & 6 December 2018

Mental Health First Aid (MHFA) training teaches people to spot the symptoms of mental health issues, offer initial help and guide a person towards support. MHFA does not teach people to be therapists, but it does teach people to listen, reassure and respond, even in a crisis - and even potentially stop a crisis from happening. The two day course provides the following:

- An in depth understanding of mental health and the factors that can affect wellbeing
- Practical skills to spot the triggers and signs of mental health issues
- Confidence to step in, reassure and support a person in distress
- Enhanced interpersonal skills such as non-judgemental listening
- Knowledge to help someone recover their health by guiding them to further support

### What is Mental Health First Aid and How will becoming a Mental Health First Aider help?

Mental Health First Aid (MHFA) is an internationally recognised training course. Independent research and evaluation shows that taking part in an MHFA course:

- Raises awareness and mental health literacy
- Reduces stigma around mental ill health and feel confident guiding people towards appropriate support
- Boosts knowledge and confidence in dealing with mental health issues - Encourages people to start a conversation with a person who may be experiencing a mental health issue
- Promotes early intervention which enables recovery MHFA won't teach you how to be a therapist, but you will be able to say you're a Mental Health First Aider.

For more information on this two day workshop visit here <http://bit.ly/2yjc1Zd>

## Support with Implementing the new National Pay Spine

EMC is supporting councils to prepare and plan for the implementation of the new national pay spine. The initial workshop held in May was attended by national negotiators, Simon Pannell and Harry Honnor and helped inform the LGA's FAQs and gave an insight into the main areas of concern for councils.

Pay modelling was one such concern and EMC is offering a discounted pay modelling service as well as a workshop. Further workshops are being run on other themes identified – equality impact assessments and local consultation.

- **Pay modelling** – 5<sup>th</sup> November
- **Equality Impact Assessments and Equal Pay Audits** – 22<sup>nd</sup> November
- **Consulting and Negotiating Locally to Implement Change** - date to be confirmed shortly

A free place is available for each council at every workshop. As well as providing expert insight, the workshops provide an opportunity to share information and approaches from across the region.

EMC is also collating information on how councils are implementing the pay spine to feed into a national survey and a short questionnaire is being circulated this week.

For further details contact [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk)

### 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.

### Ethnicity pay reporting

Now that the duty to report on the gender pay gap has been established, the Government is turning its attention to the reporting of the pay gap between employees of different ethnicities. Consultation is now underway, but don't hold your breath. This will be a much more complicated project than gender pay gap reporting and even with a fair wind, drafting and implementing a new law will take quite some time.

Let's be clear from the outset that there is a genuine problem here. There is good reason to believe that members of ethnic minorities are at a disadvantage in the workplace, and that this is reflected in their hourly rate of pay. A good employer will be aware of the risks of race discrimination and take steps to monitor how members of different groups are treated – how they progress through the organisation, how they fare in redundancy selection exercise and whether they are more likely to be accused of poor performance or misconduct. Being aware of how they are paid can be an important part of that overall picture.

The idea of requiring employers to report on pay by ethnicity of employees was suggested by Baroness McGregor-Smith in her 2017 report 'Race in the Workplace'. The Government's initial response was to promote what it called a 'voluntary, business-led approach' but it is clear that this has had little impact with only a very small number of employers choosing to publish data voluntarily. The Government is now convinced that the time has come for mandatory ethnicity pay reporting and has published a formal consultation on the issue.

Promoting equality and the elimination of discrimination is one thing – and public sector employers are already under a duty to do that. But introducing a law that actually requires the publication of specific information regarding the relative pay of employees of different ethnic origins, raises some considerable challenges. The first challenge is perhaps the most fundamental.

In a diverse country, how do you categorise people, by ethnic origin? With gender pay gap reporting the Government was able to assume that an employer would know which of its employees were men and which were women – but that is clearly not the case with ethnicity. The Office for National Statistics uses 18 different classifications for the purposes of the census within the five overall groups of White, Asian, Black, Mixed and Other. Employers would have to rely on individual employees to identify for themselves which term best describes them. Some employers already do that, but the process is voluntary and many employees do not choose to give that information. It is difficult to envisage the law making it mandatory to reveal your own ethnic origin, so this means that the figures produced by an employer are likely to be incomplete, making the figures less reliable. The scheme could ask employers to divide their workforce simply into the categories of White and BAME (Black, Asian and Minority Ethnic), but while this would be less complex administratively, the resulting figures really wouldn't tell you much and the problem caused by incomplete information would still remain.

Another key difference between ethnic origin and gender is that while men and women are spread equally across the population, this is not the case for ethnicity. There are many areas of the country where the local working population is almost exclusively white – and any 'average' level of pay reported for non-white employees will in effect be determined by the pay of a very small number of individuals. How can the ethnicity pay gap be properly compared with that of an employer whose local working population is much more diverse?

There are other factors too which undermine the value of comparing simple averages. The ethnic minority population of the UK is, on average, younger than the white population. Pay is to some extent a function of age and so this factor too will distort any comparison. There is a similar problem with socio-economic group. Whereas men and women are equally distributed across society, that is clearly not the case with members of different ethnic minorities.

Given these issues, you have to wonder whether a law requiring employers to report their ethnicity pay gap will see the light of day anytime soon. To say that the



Government has other priorities at the moment is something of an understatement and introducing this change for private sector employers would take primary legislation and use up valuable Parliamentary time. Producing the figures themselves would also be time consuming and impose an administrative burden on businesses just when they are trying to cope with whatever changes they need to make as a result of Brexit.

### Darren's Advice for Employers

When it comes to the public sector however, primary legislation would not be needed. As with gender pay gap reporting the Government could simply issue regulations imposing a requirement to report on pay and ethnicity through the existing statutory duty to promote equality. Frankly the Government also has fewer qualms about imposing administrative burdens on local authorities than on businesses, so I wouldn't rule out this approach.

None of this is to say that comparing average pay between different ethnic groups is a pointless exercise, but the danger with a requirement to report specific figures – as we saw with gender pay gap reporting – is that an employer's whole approach to equality ends up being judged on the basis of a rather crude and potentially misleading figure.

To be fair to the consultation document, the difficulties with introducing a new law in this area are fairly set out and explained. What we do not see however is any real suggestion as to how these challenges might be met. Clearly the Government would welcome suggestions – and the consultation will remain open until 11 January next year.

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

## National Developments

### Pay Negotiations

This week we have issued circulars for national pay agreements for 2018 and 2019 which have now been reached for **Youth & Community and Soutbury Officers, and Teachers in Residential Establishments**. The circulars setting out the detail of the three agreements can be accessed using the following link:- [Circulars](#)

### Apprenticeships

This month's newsletter from the LGA on apprenticeships can be accessed [here](#). It includes information on:-

- Forthcoming webinars
- Public Sector Target Reporting
- Survey on Demand for Level 4 Policy Officer Apprenticeships
- Institute for Apprenticeships Review of Funding Bands
- Link to the Apprenticeship Mapping Tool

**Earlier this month**, the Government made an announcement on changes to the apprenticeship regime:-

- Enabling employers to transfer up to 25% of their apprenticeship funds to others (10% currently), including to train people working for businesses in their supply chain from April 2019.
- £5m for the Institute for Apprenticeships to introduce new standards and updating existing ones so that more courses can be offered.
- Old frameworks will be discontinued so that all new apprenticeships will be on the same higher-quality standards by the start of the 2020/21 academic year.
- The government will soon set out a process to seek views on the operation of the levy after 2020.

For more information, click [here](#)

