



## Top items this month

MAY 2024



Local Government  
Recruitment Campaign



Upcoming  
Networks



Potential Implications of  
AI



The latest National  
Developments

## HOLD THE DATE!!! EAST MIDLANDS ROLL-OUT OF LOCAL GOVERNMENT RECRUITMENT ADVERTISING CAMPAIGN - 11TH JULY

Following a successful pilot in the North East, EMC is working with the LGA to roll-out a recruitment campaign for local government in the East Midlands. We are jointly hosting a half-day event on 11th July at a venue in Leicester which will be confirmed shortly for HR and Communications colleagues to learn about the campaign and input on how it would be tailored for you. Further details will be shared soon, but to book a place register here:

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## IMPROVED WORKFORCE AND PAY INTELLIGENCE & BENCHMARKING

You will have seen in last month's bulletin that EMC is offering councils in the region the opportunity of improving their ability to benchmark pay and other HR metrics, through an online system called Infinistats, which was specifically developed for local government. 29 people attended a demonstration of the system EMC arranged last week and already one council has signed up!

Infinistats is easy to use and data inputting is simple and scheduled across the year, with flexibility in the amount of roles that you include for benchmarking. There is an initial £500 set up cost, then the cost per year for the system for EMC member organisations is £1,850 for County Councils, £1,400 for Unitaries and £850 for Districts/Boroughs.

We have arranged a further opportunity to see a demonstration of the system at a virtual session on Tuesday 18 June at 10.30am. To register your interest in Infinistats and/or book a place at the demo session or if you'd like any further information, email Mark

[CONTACT MARK](#)

## PROJECTS WITH LOCAL AUTHORITIES

During May, EMC has supported councils with:

- Mediation
- Chief Executive appraisal facilitation
- Psychometric testing

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

[CONTACT SAM](#)

[CONTACT LISA](#)

[CONTACT MARK](#)





## NETWORKING AND LEADERSHIP AND COACHING PROGRAMME OPPORTUNITIES

Building on the positive feedback we receive from you about our learning and development programmes and networks, here are some further opportunities in June.

### EQUALITY DIVERSITY AND INCLUSION (EDI) NETWORK - 11TH JUNE

Following a successful re-launch at an in-person event in November, there will be a virtual meeting of the EDI Network on 11th June 2024 from 9.30 to 11.00am. At the meeting, we will hear from West Northamptonshire Council and their experience and learning from establishing employee groups. There will also be an opportunity to hear back from the Special Interest Groups on priorities such as the LGA Framework, Equality Impact Assessments, Disability Confident, Leadership and Accountability, Recruitment. Further details will be shared soon, but for more information or to book a place email Sam.

[CONTACT SAM](#)

### LEARNING & DEVELOPMENT AND O.D. NETWORK, THURSDAY 20TH JUNE 10AM

This virtual L&OD network meeting will focus on the topic of Talent Management with a presentation from North East Derbyshire on their Talent Management Pipeline Strategy and also connect with resources from organisations such as SHL, on succession planning to achieve successful leaders. As always, the network provides the opportunity to connect and collaborate with other L&OD professionals across the region on your key areas of interest and priority. To ensure you receive the agendas and updates and to advise of your attendance and/or receive a calendar invite, please contact Lisa.

[CONTACT LISA](#)

### SCRUTINY NETWORK, FRIDAY 21ST JUNE, 10AM-1PM NOTTINGHAMSHIRE CC

The regional scrutiny network supports both councillors and officers in learning and sharing in relation to overview and scrutiny. Our next network meeting will focus on Effective Budget Scrutiny and will be led by Ed Hammond, Deputy Chief Executive, Centre for Governance and Scrutiny (CfGS). This will be a face-to-face network, over a slightly longer time frame, to maximise the opportunity of learning from our speaker and each other. We will also discuss your future Scrutiny training needs. There is also the opportunity to influence our future network topic discussions to ensure the network remains valuable to you. Please book your place on this network by contacting Lisa.

[CONTACT LISA](#)

### ILM LEVEL 5 CERTIFICATE IN LEADERSHIP & MANAGEMENT—STARTING 13TH JUNE

This course is for current and aspiring middle managers wishing to extend their skills to get the best from teams and resources within their organisation. This 9 day programme starts in June and EMC have negotiated a discounted rate for all our member authorities of £1595.00 + VAT.

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### ILM LEVEL 5 CERTIFICATE IN EFFECTIVE COACHING & MENTORING —STARTING 19TH JUNE

This course is for those who are required to coach &/or mentor others within their organisation either as a line manager or as a participant in a wider coaching pool. It is a 7 day programme over 4 months and EMC have negotiated a discounted rate for all our member authorities of £1595.00 + VAT.

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## DARREN NEWMAN HIGHLIGHTS POTENTIAL IMPLICATIONS ARISING FROM AI



As the general election looms, I am spending a lot of time thinking about the future of employment law. If there is a change in Government, there will certainly be a radical new set of proposals for rights in the workplace.

But one issue that I think most of us have not fully grappled with is the rise of AI. Its potential implications for assisting with management functions – or even carrying them out independently – are only just being realized. But if AI changes the way that individuals are managed, does that have implications for their rights at work?

Suppose AI systems are tasked with carrying out recruitment exercises – shortlisting candidates for interview or even deciding who should be offered a job. Could the algorithm the AI engine uses hide discrimination? What assumptions does the AI make when analyzing the background of candidates? Is there a danger that it replicates the prejudice it finds as it scours the internet? What if AI makes decisions about an employee's performance that affect pay and promotion? How does an employee challenge those decisions or argue for them to be reconsidered?

The issue with discrimination is particularly tricky. Direct discrimination occurs when an employer treats an employee less favourably because of a protected characteristic. The words "because of" mean that we have to ask about the reasoning of the person making the decision – was the protected characteristic something that was on their mind when the decision was taken? But if the discrimination occurs within the AI system itself – either because of the way in which it has been programmed or as a result of the data it has been trained on – then it is not at all clear that discrimination can be established. The human who makes the decision may simply be implementing a recommendation from the AI system and have no discriminatory motivation at all. Unless the AI was deliberately programmed to be discriminatory by an employee or agent of the employer, it would appear that the employer would not be liable for any direct discrimination that occurred.

The TUC has published a draft bill that is intended to tackle these issues. It requires employers to provide personalized explanations to employees about AI decisions affecting their employment and maintain a register of AI systems used in such decision-making, detailing their use and the data processed. Employees are given the right to request a human review of AI decisions and are protected from unfair dismissal in cases where AI decision-making is unfairly relied upon. The Bill also requires employers to consult with trade unions regarding the use of AI in the workplace and amends the Equality Act 2010 to safeguard against discriminatory algorithms in AI systems. Provisions for auditing AI systems are included to ensure compliance with non-discriminatory practices, and employees can bring claims to an employment tribunal for breaches of the new obligations. The use of "emotion recognition technology" that is detrimental to workers is also prohibited under the Bill.

The previous paragraph (with a few amendments from me to improve the writing) were written by ChatGPT when I asked it to summarize the Bill for me. I couldn't quite bring myself to rely on it, however, so I did check what the Bill actually says. I think the summary is a pretty good one.



The proposal on discrimination is particularly interesting. The Bill provides that discriminatory decision-making by AI systems is treated as if it were carried out by humans. It then shifts the burden of proof in discrimination cases so that if a person alleges discrimination resulting from an AI system, the employer must prove that no discrimination occurred. There is then a defence for employers who can show that they did not create or modify the AI system, that they audited the AI system for discrimination at each stage of its “value chain”, and that they had procedural safeguards in place to prevent discriminatory use of the AI system.

This seems sensible enough if we accept that AI is poised to play a significant part in management decision-making. Interestingly, the latest document from Labour on its plans for employment law, should it win the upcoming election, also deals with AI issues. Labour says that it will “safeguard against discrimination, and... will put worker voice at the heart of Britain’s digital transition”.

That presumably means adopting an approach to discrimination along similar lines to those proposed by the TUC. As for the issue of “worker voice,” this appears to be a reference to provisions on information and consultation. The TUC Bill contains a number of specific duties that would be placed on employers to ensure that employee representatives are fully involved in any decisions about the use of AI.

Employers would be required to be transparent about their use of AI and consult employee representatives about the introduction and continued use of AI systems. As framed by the TUC this would be quite an onerous requirement. The proposed consultation process includes providing detailed information about the AI system, its value chain, the categories of decisions it will affect, the data it will process, and how it will be monitored for accuracy and risks. This information would have to be shared with the trade union representatives. Not only would consultations be required but employers would also be required to complete a Workplace AI Risk Assessment (WAIRA) and share it with their employees. They would then be required to listen to the concerns and interests of their employees and discuss how any adverse aspects identified in the WAIRA can be mitigated or removed.

The Labour Party document does not explicitly go this far – though it promises to require specific consultations over the use of “surveillance technologies” being used in the management of staff. Labour is proposing a large number of changes to employment law if it wins power – I have counted at least 36 distinct proposals in its latest policy document. It is clear that some protection against the unfair or discriminatory use of AI systems is part of that overall agenda.

For the last fourteen years a draft bill published by the TUC would not be expected to have much influence on government policy. After 4 July it may well be that this will change.

### GOVERNMENT GUIDANCE ON AI IN RECRUITMENT

EMC are signposting councils to guidance on the responsible use of AI in Recruitment that was published by the Department for Science, Innovation & Technology in March 2024 and was developed with organisations such as CIPD, EHRC and ICO. A link to the guide is available here:

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## NATIONAL PAY NEGOTIATIONS

The National Employers met on 16th May and made full and final offers to all the bargaining groups covered by the National Joint Committee. EMC circulated the offers with an accompanying Employers' Circular at that time. You can access copies here:-

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Unions have responded as follows:-

- Unison is balloting its members and recommending they reject the offer. UNISON's consultation will run from 5-28 June.
- GMB is balloting its members and not making a recommendation regarding acceptance or rejection of the offer. Their ballot runs from 3 June 2024 and close on Friday 5 July 2024 at midday.
- Unite is balloting its members with a recommendation to reject the offer.

We will keep you posted on further developments.

## SOULBURY OFFICERS – CONSULTATION WITH COUNCILS ON PAY

The Soulbury Committee covers Education Improvement Professionals, Educational Psychologists and Young People's Community Services Managers. The Committee has just started to consult local authorities on this year's national pay negotiations for this group of workers. EMC has circulated the information and a link to the survey and councils with children's services are encouraged to participate. The closing date is 6pm on 14th June. If you have not received the survey please contact Sam.

[CONTACT SAM](#)

## LOCAL GOVERNMENT APPRENTICE OF THE YEAR

On Tuesday 21 May 2024, 119 Level 2 and 3 local government apprentices from across England and Wales took part in the LG apprentice of the year challenge. Participants were either current apprentices or had qualified in the last 12 months. Apprentices enter as individuals and are allocated into teams of 6 people.

This year the event's theme was Health and Wellbeing, with each activity drawing on that theme while helping to develop successful workplace behaviours linked to a range of apprenticeship standards. The great ideas that were produced by the apprentices during the event on the theme of Health and Wellbeing will be shared more widely.

Participants described the benefits they'd gained included networking and connecting with others from across the UK, particularly where apprenticeship numbers are small in their own authority, and being able to use and develop their strengths in a constructive way. Pictured is this year's Apprentice of the Year, Sara Jenner-Akehurst, a Business Support Apprentice at Cambridgeshire County Council; she said, *"I really believe that my confidence has grown by attending this event. It has allowed me to see that I am capable and can be confident despite my disabilities and anxieties. Thank you again to everyone involved in the organisation of the event, as well as to my fellow colleagues for supporting me through this."*



**Next year's date has already been set - Tuesday 20th May 2025 for the full day and Wednesday 21st May 2025 for the hour celebration event.**

[CONTACT LISA](#)

**Save the date for next year and let Lisa know if your authority would like to attend to ensure your apprentices to benefit from this opportunity!**