



Darren Newman on
Maternity Redundancy
Regulations



Roll out of LG Recruitment
Advertising Campaign



L&D and Networking



HR-Inform – Regional Deal
for Councils in the East
Midlands

UPDATE: EAST MIDLANDS JOBS AND RECRUITMENT ADVERTISING CAMPAIGN

The toolkit of resources for the national recruitment advertising campaign was sent out to councils on 17th October and a revised version of the toolkit was issued on 29th October 2024. We have also been updating East Midlands Jobs to improve its look and ensure that it will offer the functionality that councils and candidates are looking for. Soon the regional portal will be able to automatically load vacancies from councils' websites – avoiding vital admin time and duplication, while increasing the reach of your adverts. While this functionality is being tested before going live, councils can put their vacancies on East Midlands Jobs. The platform is free for councils to use during the national campaign – until February. An annual subscription to East Midlands Jobs will be £295 (district/boroughs), £495 (county/unitaries), £885 for non-member organisations.

To maximise the impact of the national campaign, we need to have as many vacancies as possible on East Midlands Jobs, so that candidates responding to the campaign can see that it will be a useful source for finding jobs in this region and your locality. To load your vacancies, please contact Lisa Bushell and she can provide log-in access and information to your nominated user(s) lisa.bushell@emcouncils.gov.uk

ALTERNATIVE ONLINE HR INFORMATION SYSTEM – CIPD'S HR-INFORM

Several local authorities have expressed an interest in the CIPD's HR-Inform online portal that provides HR professionals with access to employment law updates, a legislation tracker to highlight important dates and changes, unlimited advice line and over 1,500 user friendly templates, documents, calculators and line manager training. CIPD HR-Inform differs from CIPD membership which offers HR professionals qualifications, networking opportunities and limited employment law advice. To support this interest, EMC has arranged a demonstration and information meeting via **MSTeams on Tuesday 12th November at 2.00pm- 3.30pm**. Current users of HR-Inform will be there to give their feedback from their experience of using HR-Inform. We are mindful of the challenging financial situation councils face and have been able to negotiate a regional deal for EMC members, which represents a significant discount from the current regional HR information system pricing. To attend the demonstration and/or for any questions, please email Lisa Butterfill.

CONTACT LISA

PROJECTS WITH LOCAL AUTHORITIES

During October, EMC has supported councils with:

- Mediation
- Disciplinary investigations
- Psychometric testing

CONTACT SAM

CONTACT LISA

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



LEARNING & DEVELOPMENT

LEARNING AND OD – E-LEARNING OFFER

At our October L&OD Network, attendees benefitted from a timely presentation on the Skillgate learner management system (LMS) which includes a training delivery system, vast number of courses (including learning pathways) and is supported by dedicated customer service. Users of the system were also on hand to give their feedback too. For those EMC member authorities interested in exploring the system further, we have agreed with Skillgate a waiver of their implementation fees – which equates to a saving of £1,800.

Appraisals was also on the agenda and generated some very useful sharing and learning, which is one of the main values of attending the network. There was interest in a separate working group on this topic, please let

lisa.butterfill@emcouncils.gov.uk know if you would like to take part in this.

CONTACT LISA

EMPLOYMENT LAW UPDATE – BACK BY POPULAR DEMAND!

THURSDAY 7 NOV 2024 | 2.00PM – 4.15 | VIRTUAL – PLEASE NOTE THE TIMING CHANGE

We have needed to change the time of the Employment Law Update with Darren. In case you haven't had the chance to book yet, or can attend at the revised time, we've extended the closing date for bookings to end of Tuesday 5th November. Darren will focus on the implications for local government employers of changes proposed in the Employment Rights Bill, as well as the new duty to prevent sexual harassment and notable case law. Take advantage of our "buy one get one free" offer too! For more information and to book, click on the link:-

READ MORE

BUILDING A COACHING CULTURE – TUESDAY 10TH DECEMBER 10AM – MIDDAY

As part of the benefits and support provided to those authorities that have signed up to the regional coaching and mentoring network, we are providing an informative and interactive virtual session on Building a Coaching Culture on Tuesday 10th December. Trayton Vance, CEO and Founder of Coaching Focus will be providing insights and answering your questions in relation to building a business case to gain senior management buy-in and the mind set for creating a coaching culture. This session is free to members of the regional Coaching and Mentoring Network. If you are not yet a member of the network but would be interested in attending, then please contact lisa.butterfill@emcouncils.gov.uk

CONTACT LISA

UPCOMING LEARNING EVENTS AND EDI NETWORK SPECIAL INTEREST GROUPS (SIG)

Throughout November and December 2024, we have a range of ILM accredited courses at levels 2,3,5 & 7 in Coaching and Mentoring, Team Leading, Leadership and Management and Customer Care available at discounted rates. Please see our website for dates, costs and further information [Events - East Midlands Councils](#)

On 7th November the Leadership and Accountability SIG from the EDI network is meeting virtually from 3.30pm – 4.30pm, please contact Suzanne.boulty@emcouncils.gov.uk if you would like to attend. On 6th November the Disability Confident SIG from the EDI network is meeting virtually from 11am – Midday – please contact lisa.butterfill@emcouncils.gov.uk if you wish to attend.

CONTACT LISA



IN DEEP WITH DARREN

MATERNITY REDUNDANCY REGULATIONS

While the Employment Rights Bill makes its way through Parliament, we should not lose sight of some of the employment law changes introduced by the last Government and which came into force earlier this year. One of them is the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024. These Regulations extend the long-standing right of those who become redundant during maternity, adoption or shared parental leave to be offered suitable alternative work (where such a vacancy exists).

From April 2024 the right to be offered such a vacancy has been widened to include employees who are pregnant as well as those who have recently returned from maternity adoption or shared parental leave. To be strictly accurate, the right persists from the time the employer is 'informed' of the employee's pregnancy to the end of a period of 18 months beginning with the birth or adoption of the child – although to qualify the employee must actually take maternity leave, adoption leave or at least six consecutive weeks of shared parental leave. This means that someone who takes a full year's leave will retain their protection for roughly 6 months after their return. Someone who only takes six months of maternity leave will be protected for about another year.

This will inevitably increase the number of employees that must be given priority for any alternative work whenever an employer conducts a restructuring exercise. So it is important to be clear about when this provision does and does not apply.

The scope for confusion is demonstrated by the recent EAT decision in **Carnival plc v Hunter**. In that case the employee was made redundant while she was on maternity leave. She was one of 21 team leaders and the employer made five of them redundant, leaving just sixteen in post. The Tribunal held that the 16 posts that were left amounted to suitable alternative work and that the employee on maternity leave should have been offered one of them. This was the wrong approach said the EAT. The 16 remaining posts were not alternatives at all. They merely represented those employed who had not been selected for redundancy. There was no sense in which all 21 team leaders were being made redundant with 16 of them being offered some alternative role with the same job title. The employer was simply reducing headcount. Once the five employees had been selected for redundancy the employer would have been obliged to look elsewhere in the business for any alternative roles and, where there was a suitable vacancy, would then have been obliged to make an offer to the employee on maternity leave. But the duty did not kick in until after the initial selection for redundancy had been made.

This contrasts with a situation – common in local government - in which there is a reorganisation requiring a number of employees to apply for roles within a new structure. In those circumstances the employer is telling all of the employees within the affected group that their role is redundant and is considering them for new, alternative roles. Essentially the employer has dispensed with the selection for redundancy stage that took place in the Carnival case and replaced it with an exercise in selecting which employees should be offered the vacancies that have been created within the new structure. Each of those vacancies might amount to suitable alternative work and so any employee who is pregnant, on leave, or anyone who has now returned to work but whose child was born or adopted within the previous 18 months will be entitled to be slotted into one of those posts. This will be so even if that means making other, more qualified or suitable employees redundant. By structuring the redundancy exercise in this way the employer has essentially denied itself the opportunity to apply any selection criteria to the protected employee.



IN DEEP WITH DARREN

There may be more to come. The Employment Rights Bill gives the government the power to widen these rights even further. Under Clause 20, Ministers are given the power to issue Regulations to ‘make provisions’ about redundancy and dismissal during or after a pregnancy. This paves the way for a commitment made in Labour’s pre-election policy document on ‘Labour’s Plan to make work pay’ that a Labour Government would ‘make it unlawful to dismiss a woman who is pregnant for six months after her return, except in specific circumstances’.

This could be a significant change. Currently – subject to the entitlement to be offered any suitable alternative work – an employer is entitled to make an employee redundant while they are pregnant or on maternity leave – or indeed after they return to work. What is unlawful is selecting an employee for redundancy because of their pregnancy and it is generally up to the employee to show that pregnancy or maternity was the reason that they were selected. It is not yet clear how far the Government intends to go in changing that position. New Regulations may amount to nothing more than a requirement to demonstrate a potentially fair reason for dismissal other than pregnancy. That would not be a very significant departure from the current law on unfair dismissal. On the other hand, the Government may choose to go further than that. It could for example provide that an employee in the ‘protected period’ could only be made redundant where the employer’s continued viability is threatened. It could restrict capability dismissals while an employee is pregnant and ensure that she has adequate opportunity to improve after her return from maternity leave. I would assume that pregnant employees who were found to have committed gross misconduct could still be dismissed, but we will have to wait and see what proposals the Government comes up with.

We are unlikely to find out how radical the Government intends to be until after the Employment Rights Bill has passed – probably the middle of next year. It is only then that consultations on what the Regulations should say can begin. There will of course be other consultations on many other aspects of employment law competing for Government attention so it may be some years before a change is made. We are clearly, however, at the start of a new era for employment law. The 2024 Regulations essentially represent a moderate change to an existing entitlement. In the next five years - across the whole sweep of employment law - we can expect much more fundamental reform.

Don’t forget that you can hear directly from Darren and ask him your burning questions at our employment law update on 7th November 2024. There is still time to book places – the closing date has been extended and you can still book places until the end of 5th November 2024.



NATIONAL DEVELOPMENTS

NATIONAL PAY DEVELOPMENTS

Last week we circulated the national pay awards that were agreed for Local Government Services (Green Book) employees and Chief Executives. Copies of the Circulars are available through the link below. We are still awaiting any movement on the negotiations for Craftworkers. It was announced this week that the **National Living Wage** (NLW) from **1 April 2025** will be **£12.21**. The recently agreed 2024 pay award for 'Green Book' employees means the bottom rate of pay on the NJC pay spine is now £12.26 per hour (£23,656 per annum). We will therefore maintain headroom from the NLW, albeit by only 5p, from 1 April for the period until the 2025 pay round is finalised. The Living Wage Foundation announced its rate, which is voluntary, would increase to £12.60 per hour outside of London. Councils who have chosen to adopt the Foundation rate have until 1st May 2025 to implement to higher rate.

The impact of backpay on employees' Universal Credit tends to be raised as an issue when pay negotiations are protracted. We are emailing HR leads this week with the most up to date advice from the LGA and the detailed response from the DWP on this.

[READ MORE](#)

EMPLOYMENT RIGHTS BILL

Earlier this month, the government published its Employment Rights Bill, putting forward some of the legislative reforms flowing from the [Make Work Pay](#) agenda outlined in their manifesto. The changes proposed in the Bill are wide-ranging. EMC will support officers in understanding the proposals, starting with our Employment Law update with Darren Newman on 7th November.

EMC will liaise with councils and work through the Regional Employers' Board to develop a regional response to the consultations arising from the Bill, to ensure that the views of councils and the implications for our sector are put forward. You can access the documentation relating to the Bill through the link below.

[READ MORE](#)

REPORT ON WORKFORCE CAPACITY ISSUES IN FINANCE

Last year, EMC supported the LGA and CIPFA by hosting a focus group to understand the issues and potential solutions regarding staff shortages in finance within local government. This research has led to the production of an action plan – the Local government finance workforce action plan for England. The plan outlines four key recommendations to address critical shortages in finance staff across English councils. The LGA and CIPFA will now work together to seek to address the recommendations in the plan.

EMC will liaise with councils to understand how best we can progress the actions recommended at regional level, and what support or collaboration we could facilitate to help councils take forward recommendations locally.

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