



Darren Newman on  
Harassment & his Update  
Event on 5<sup>th</sup> March



Update on the Recruitment  
Advertising Campaign



L&D and  
Networking



National Pay Claims and  
Regional Pay Briefing on 13<sup>th</sup>  
February 2025

## NATIONAL RECRUITMENT CAMPAIGN UPDATE

HR and Communications Colleagues from across the region came together earlier this month for an update meeting on the National Recruitment Campaign for Local Government. The campaign, which concludes at the end of this month, promotes the benefits of working in Local Government across the country. All councils can access the campaign materials and the meeting enabled participants to discuss how they have used the resources and tailored them to their local needs.

East Midlands Councils is supporting the LGA with the rollout of the campaign regionally and has updated the functionality of the East Midlands Jobs platform, a hub for all public sector jobs in the region, to reflect the national campaign.

Feedback from attendees about the resources and East Midlands Jobs has been positive, with increased applications, and participants agreed to maintain the momentum beyond the campaign by continuing to meet and collaborate as a regional forum. If you have any queries about East Midlands Jobs or the advertising campaign, you can contact Sam [sam.maher@emcouncils.gov.uk](mailto:sam.maher@emcouncils.gov.uk) or Rachael at [Rachael.pengelly@emcouncils.gov.uk](mailto:Rachael.pengelly@emcouncils.gov.uk).

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## EMPLOYMENT LAW UPDATE WITH DARREN NEWMAN

WEDNESDAY 5 MARCH 2025 | 10.00—12.00 | VIRTUAL

Darren's updates are always popular, as he tailors the content for our sector and offers pragmatic advice on employment law issues. This session will focus on key cases and employment law issues, including developments arising from the Employment Rights Bill. The cost to attend is £70 per delegate for EMC member organisations. We are offering an additional place at half-price for every member place booked. To book, please use the link below.

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## PROJECTS WITH LOCAL AUTHORITIES

During January, EMC has supported councils with:

- Disciplinary and grievance investigations
- Mediation
- Policy review

Contact Sam or Lisa if you would like any support in your organisation.

[CONTACT LISA](#)

[CONTACT SAM](#)



### QUALITY LEADERSHIP AND COACHING TRAINING DISCOUNTED FOR EMC AUTHORITIES

East Midlands Councils continues to work with Challenge Consulting due to the positive feedback received, to provide a quality learning and development offer for EMC members to attend at discounted rates only when booking through ourselves. Below is just a snapshot of the training available to support leadership development and soft skills;

- ILM2 Award in Leadership
- Presentation Skills
- Influencing and Persuading Others
- The Effective Team Leader
- From Friend to Supervisor

Full information on the content, dates, venue and booking process can be found on our website.

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### DISABILITY CONFIDENT FRAMEWORK LEVEL 3 VALIDATION – BRIEFING SESSION

The lead officers for the Disability Confident Framework Special Interest Group (SIG), organised a free virtual briefing session on understanding the expectations of achieving the Level 3 validation service on 29<sup>th</sup> January 2025 which was attended by over 20 authorities.

The briefing session was led by Julian John from Delsion who is a huge advocate for the scheme and has achieved great success including helping Swansea to become the first disability town. Julian shared his considerable experience and provided helpful examples for those authorities interested in achieving the level 3. There are slides available from the session – please contact [lisa.butterfill@emcouncils.gov.uk](mailto:lisa.butterfill@emcouncils.gov.uk) for a copy of these and/or further information.

[CONTACT LISA](#)

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### SAVE THE DATE AND FIND OUT MORE - LOCAL GOVERNMENT APPRENTICE OF THE YEAR 2025

Preparations are well underway for the next Local Government Apprentice of the Year virtual event which takes place on **20 May 2025**, with a short awards ceremony on **21 May 2025**. This is a national event to showcase the incredible apprenticeship talent we have in our sector, so the more apprentices and councils that participate from across the country, the better!

To help Councils decide if the event is for them, a **'Find Out More' session** for apprentices and officers involved in L&D, HR or apprenticeships is taking place at 1.30pm – 2.30pm on **Wednesday 5 February 2025**, which is free for all to attend. This will be an opportunity for anyone who is not familiar with the event, is thinking of taking part, or wants to learn more before promoting it to their apprentices, to come and hear a presentation about what's involved and to ask any questions. Whether you are ready to sign up or want to explore before committing, this session has no strings attached. It's also a great way to introduce all your apprentices to the event before deciding who will represent your Council.

Don't miss out – book your place now: <https://www.eelga.gov.uk/events/find-out-more-local-government-apprentice-of-the-year-2025/>



## IN DEEP WITH DARREN

### DARREN NEWMAN'S INSIGHTS ON THE EMPLOYMENT RIGHTS BILL – EMPLOYERS' LIABILITY FOR THIRD PARTY ACTS OF HARASSMENT

One of the most significant employment law reforms introduced by the Employment Rights Bill is the extension of an employer's liability for harassment to acts of third parties. If an employee, while acting in the course of their employment, is subjected to harassment by someone who is not an employee then the employer will be liable for that unless it has taken all reasonable steps to prevent the harassment from occurring in the first place.

Unlike the recently imposed duty on employers to take reasonable steps to prevent sexual harassment this extension of liability applies to all forms of harassment whatever the protected characteristic at issue.

The initial reaction I have seen from many employers is one of concern – how can they possibly prevent all forms of harassment from customers and members of the general public over whom they simply have no control? Think of a street cleaner subjected to racial abuse by a passing group of schoolchildren – how on earth can an employer be expected to prevent that?

We must remember however that the employer is not required to possess supernatural powers of foresight or control. It is only obliged to take reasonable steps. That has been interpreted by the courts as meaning such steps as are 'reasonably practicable'. My view is that we have a pretty good idea of what that means and employers should already be doing what they can to prevent their employees being exposed to harassment from third parties. We are used to seeing signs in train stations and ticket offices telling members of the public to treat employees with respect. Employers can also empower individual employees to challenge unacceptable behaviour when they see it and protect themselves from further harassment by withdrawing from situations where they don't feel safe. Taking concerns seriously and dealing with complaints effectively can also be seen as part of a suite of measures to prevent future harassment by making sure that those known to have harassed employees are not given the opportunity to do so again.

So I was slightly surprised to read in the press that the Equality Commission had come out in opposition to these proposals. The Times reported that in written evidence to the Commons Committee dealing with the Bill, the Commission had warned that employers – particularly in hospitality settings – might feel obliged to curtail the freedom of expression of their customers in order to prevent employees from overhearing conversations that might amount to harassment. That had the potential to amount to a breach of the customers' right to freedom of expression under Article 10 of the European Convention on Human Rights. The Commission concluded that the Government should "undertake further analysis to understand how to balance third parties' rights to freedom of expression under Article 10 and employees' protection from harassment". The Commission added that this should take account of "any additional complexity that may arise if the third party is expressing a philosophical or religious belief that is protected under the Equality Act 2010".

I respect the work that the Equality Commission does with the limited resources it has – but this is just nonsense. It is proposing that the Government holds back from providing employees with additional protection against harassment because of an entirely theoretical problem.



## IN DEEP WITH DARREN

It is true that it is possible for an employee to be harassed in the course of overhearing a conversation between two members of the public. Harassment involves unwanted conduct related to a protected characteristic, but the conduct does not need to be specifically directed at the employee concerned. On the other hand, a Tribunal will only find that harassment has occurred if it is reasonable to regard the conduct as having the effect of violating the employee's dignity or creating an offensive or hostile environment for them. The fact that the conduct was not directed at the employee would certainly be a factor that the Tribunal would take into account in deciding that issue. So too would be evidence that the overheard conversation in question was the expression of a philosophical belief protected by either the Equality Act, the Human Rights Convention or both!

Given that, I don't think there is a serious risk that employers are going to try to police the conversations of third parties except when they become so loud and disruptive that they are causing a disturbance. I certainly don't think that a Tribunal would find that doing so is a reasonable step that an employer must take in order to protect itself from liability. The human rights of pub-goers are not under serious threat.

What frustrates me is that the Equality Commission is not some helpless bystander in determining how employers might go about protecting employees. It is a player. It has the power to adopt codes of practice which must then be taken into account by tribunals. It could, for example, amend its employment Code of Practice to say that while employees do need to be protected against third party harassment, it would not be reasonable to expect an employer to adopt a blanket ban on customers or service users discussing topics that might give offence to passing members of staff. If there is a tricky path to navigate between protecting employees from harassment and respecting the free speech of members of the public then surely the Commission is the best body to help employers do just that. I genuinely do not see what sort of 'further analysis' the government could do that would actually help.

### DARREN'S ADVICE FOR LOCAL AUTHORITIES

I see no sign that the government will abandon its plans to introduce liability for third party harassment. Importantly this is not one of the measures in the Employment Rights Bill that can only be introduced following extensive consultation and secondary legislation – it will be ready to be brought into force when the Bill is passed later this year. While the Commission urges the Government to think again, employers should be getting ready.

Local government employers will be aware of the various settings in which employees might come into contact with third parties and where there may be a risk of harassment. Most will already have considered what can be done to prevent third party harassment because even when employers are



not directly liable for such incidents, they still owe employees a duty of care and want them to be safe from harassment in the workplace.

But it is worth reviewing measures currently in place and seeing if anything more can be done to protect staff. There is a big role for common sense here. Employers need to do what they can, but there is no need to panic and start overreacting. I hope that the Equality Commission shifts its focus and starts giving practical advice rather than over-complicating matters.

**Don't forget that you can hear directly from Darren and ask him your burning questions at our employment law update on 5<sup>th</sup> March 2025. See the front page for more information and links to book.**

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### EMPLOYMENT LAW DEVELOPMENTS:

#### NEONATAL CARE ACT 2023 TO BE INTRODUCED FROM APRIL

This month the Government confirmed that the Neonatal Care (Leave & Pay) Act 2023 will come into effect on 6<sup>th</sup> April 2025. This will see parents with babies in neonatal care being entitled to additional time off as a day-one right, and extra pay subject to certain criteria. Up to 12 weeks' extra leave can be used, on top of other leave they are entitled to, including maternity/paternity leave and shared parental leave. This is paid, providing minimum service requirements and earnings thresholds are met. The provisions may be subject to exceptions, and we await publication of the regulations, which will be needed to set out the full detail of how the right to leave and pay will operate in practice.

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#### INFORMATION COMMISSIONER'S REPORT ON AI IN RECRUITMENT

The ICO has published a report with guidance and recommendations on the use of AI tools in recruitment, following an audit. The ICO also hosted a webinar on the topic, a recording of which is available at [here](#).

You can look at the report by following the link below.

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## EAST MIDLANDS REGIONAL PAY BRIEFING

From the information below, you will see that some claims have received from unions and representatives of local government employees as part of national pay negotiations for 2025. A claim from Craftworkers is expected next week. East Midlands Councils will be hosting a **regional pay consultation briefing** on the negotiations on **Thursday 13th February 2025** from **10.00am -12.00 noon**. Chief Executives, Finance Directors, HR Directors and Leaders are particularly encouraged to attend the meeting, which will be held virtually on MTeams.

The briefing is an opportunity to meet with the national negotiators to discuss the claims (see below) and to inform the National Employers' response. It includes updates on the national pay spine review and the new schools support staff negotiating body. The format of the briefing will be a pre-meeting at 10.00 to hear from trade unions about their claim, followed by the Employers' pay briefing at 10.15, so participants will receive two Teams links. To book a place please email [mila.pereira@emcouncils.gov.uk](mailto:mila.pereira@emcouncils.gov.uk).

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## NATIONAL PAY CLAIMS FOR 2025 & AGREEMENTS FOR 2024

The NJC unions, representing **Local Government Services (Green Book) employees** have submitted their claim for 2025. To see the claim in full, click on the link below. In summary it seeks: an increase of at least £3,000 across all NJC spinal column points; a clear plan to reach a minimum pay rate of £15 an hour; one extra day of annual leave for all staff; a reduction in the working week by two hours, with no loss of pay; the ability for school staff to take [at least] one day of their annual leave during term time, with no loss of pay.

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A claim has also been received for local authority **Chief Executives**. In summary, it seeks a pay increase that reflects the percentage increase awarded to the top point of the national pay spine in any award for Green Book staff; for that link to be provided on an ongoing basis; for annual leave to be reviewed and any increase for Green Book staff to be matched. A copy of the pay claim can be found here:

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The claim from unions representing **Chief Officers** is for an increase of 6 per cent or an increase that is no less favourable than the NJC claim, and an additional day of paid leave, in line with NJC terms. A copy of the pay claim can be found here:

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National agreement has been reached for **Youth & Community workers on a pay award for 2024**, comprising an increase of £1290 on pay points effective from 1st September 2024. **Caretakers' Letting Fees** were revised by the Regional Joint Council, providing an uplift on the allowances of 2.5% with effect from 1st April 2024. A copy of the Youth & Community pay agreement and details of the updated Letting Fees can be found through the following link:

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