



Darren Newman looks at pregnant employees' rights in redundancy situations



Recruitment Campaign 2025 event



EMC Leadership and Coaching Opportunities



National Pay Negotiations Update

RECRUITMENT CAMPAIGN 2025 EVENT KING POWER STADIUM 9TH JULY 2025

Last year, EMC supported the roll-out of a national recruitment campaign for local government across the East Midlands. In addition to media advertising, the campaign provided a toolkit of resources for councils to use and adapt to meet local needs. Those resources remain available for councils to continue to use to help promote the sector as an employer. Feedback from councils in our region about the resources was very positive and its effectiveness was outlined in an independent evaluation.

Based on these positive outcomes, Government funding for a new campaign for 2025/26 has been provided, and EMC is pleased to be working with the LGA again on a joint basis to support and co-ordinate the roll-out of the campaign for our councils over the coming year.

We will be hosting an event on 9th July 2025 to discuss the campaign and provide an opportunity for HR and Communications lead officers to come together to help shape the new campaign. We had great feedback from the launch event held last summer, attended by over 60 participants, and we will therefore be returning to the King Power Stadium in Leicester. The event will run from 10.00 until 3.00pm and provide an opportunity for networking over lunch.

Further information will be shared shortly but, in the meantime, if you would like to secure your place please visit our website via the link below.

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PROJECTS WITH LOCAL AUTHORITIES

During May, EMC has supported councils with:

- Psychometric Testing
- Member Code of Conduct investigation
- Job evaluation appeal

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

[CONTACT LISA](#)

[CONTACT SAM](#)



LEARNING & DEVELOPMENT

DEVELOPING OUR PEOPLE AND TEAMS NOW AND FOR THE FUTURE

Our aim is to provide you with a range of learning and development support options, complementing your own programmes, that help develop individuals and teams within your organisation to grow in capability and confidence both now and to meet the future challenges ahead.

We are well placed to co-ordinate training interventions on a regional (or sub regional) basis which is particularly valued in supporting wider collaboration and where it may be more cost effective for you than running an in-house course.

We have seen a recent interest and increase for support regarding leadership development, change and transformation, coaching and mentoring and senior leadership team development. Outlined below are just some ways in which we can help with these priorities.

COACHING AND MENTORING – we can provide qualification based training in Coaching and Mentoring Skills. Our next ILM 5 Programme is starting on 19th June and is now being offered at £1600.00 + VAT. We can also provide coaching fundamentals training (options for 1,2 & 3 days) for those who want to adopt a coaching style of management without the qualifications. We also offer executive coaches who can support career transition, change, leadership, resilience and well-being coaching goals and we are supporting some local authorities with coaching for their senior leadership teams. It's also an important time to be part of our regional Coaching and Mentoring Network where you can access reciprocal coaching in a quality cost effective way.

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LEADERSHIP DEVELOPMENT – To support the development of leadership skills at all levels, we offer ILM qualification based courses at levels 2, 3, 5 & 7 on a regional basis. Again, leadership coaching at all levels is also available and 360 facilitated feedback for the senior leadership teams.

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MANAGING CHANGE – Developing Middle Managers to manage and lead change alongside business as usual and

COLLABORATIVE WORKING for anyone working across teams with internal/external stakeholders on multiple projects and tasks are just two ways in which we can further support individuals both now and in the future.

UNDERSTAND YOURSELF AND OTHERS BETTER to maximise your strengths and plan for your development needs. EMC have expert facilitators of the Myers Briggs Type Indicator (MBTI) with a track record in supporting individuals and teams to increase their effectiveness.

NEW CPD SESSIONS FOR COACHES – HOT OFF THE PRESS!

Coaching Tools – to help Coaches Settle, Shine and Stretch 7th August 2025 & 30th Sept 2025

Sandra Whiles, from Sandra Whiles Coaching will be providing guidance, wisdom and insight from her book **The Coaching Tools Compendium, (CTC)** to support coaches whatever level of experience. In this development session for Coaches, Sandra will share themes and tools from her book with case studies and practical tools to bring it to life, to enable a space to reflect and further build coaching confidence and presence. This session is open to all and is free to coaches in the Regional Coaching and Mentoring Network.

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IN DEEP WITH DARREN

REDUNDANCY AND THE RIGHTS OF EMPLOYEES WHO ARE PREGNANT, OR ON/HAVING RETURNED FROM FAMILY LEAVE

As a rule, in discrimination law employees are entitled not to be treated less favourably than others on the grounds of a protected characteristic such as sex or race. They do not generally have a right to be treated more favourably than comparable employees – although you could argue that the duty to make reasonable adjustments for disabled employees is a limited exception to that.

Sitting apart from the Equality Act, however, is a provision that does require more favourable treatment in relation to those who are pregnant or on maternity, adoption or shared parental leave. Under the Maternity and Parental Leave Regulations 1999 if someone who is pregnant, on family leave or who has returned to work but is still within 18 months of the birth or adoption of their child is made redundant then they are entitled to be offered any suitable alternative work that may be available.

This is not a right to be merely considered for the alternative role – it is a right to be offered it. This is so, even if there are other potential candidates for the alternative role who are clearly more suited to it. This is not an obligation to create an alternative role, but if there is a suitable one available it must be offered. Making an employee redundant in breach of this requirement to offer suitable alternative work makes the dismissal automatically unfair. Note that it is unfair dismissal that must be claimed in these circumstances. A failure to offer alternative work where there is a better qualified candidate for it will not on its own amount to discrimination.

The right is about offering alternative work, not about the initial selection for redundancy. When it comes to selecting people for redundancy no special rules apply. If one person in the selection pool is pregnant then that person can be subjected to the same selection criteria as everyone else, provided she is not placed at a disadvantage because she is pregnant. It is only after the employee has been selected, that the preferential right to be offered suitable alternative work kicks in.

But it is not always easy to draw a distinction between the initial selection for redundancy and the allocation of alternative work. In recent years, there has been a marked trend towards treating redundancy situations as an exercise in recruiting existing employees into newly created roles. Sometimes that is because there has been a major change in how the business is to be conducted and the new roles are very different from the existing roles. However, I have also seen situations in which the new roles bear a marked similarity to the existing ones – there are just fewer of them. When will the duty to offer a suitable alternative role apply?

In the (relatively) recent case of *Carnival PLC v Hunter* the employee was one of five employees selected for redundancy from a pool of 21. The Tribunal held that she should have been offered one of the remaining 16 posts because each of them was a suitable alternative role to the one she was performing. The EAT held that this was the wrong approach. The 16 posts in question were not vacancies – they were occupied by those who had not been selected for redundancy. The postholders had been part of the same selection process as the employee, and had



IN DEEP WITH DARREN

simply not been selected for redundancy. The redundancy exercise did not entail making 21 people redundant and then allocating 16 alternative posts among them. If it did, then the employee would certainly have been entitled to be offered one of those posts. In reality, however, the exercise involved selecting 5 people to made redundant, with the remaining 16 continuing in their roles. The employee was not therefore entitled to any special treatment.

Contrast that with the 2014 case of *Sefton Borough Council v Wainwright*. In that case, two separate roles were being combined into one new role and both employees were told that their current roles were redundant and that they would have to compete for the new one. The employee who was on maternity leave was unsuccessful and was dismissed for redundancy. The EAT found that she should have been offered the new role. She was effectively redundant from the time when the employer made the decision that her current role would be deleted. It was at that point that the duty to offer alternative work kicked in. In the *Carnival* case only 5 people out of a pool of 21 were to be made redundant and those not selected were retained. In this case, both employees who were affected were told that their roles were redundant and they were left to compete for the newly created role.

The line between these two types of situation will not always be easy to draw – and to an extent it is down to how the employer chooses to conduct its own restructuring exercise. The employer could simply say “we are going to select people for redundancy and those who are not selected can continue in their roles”. If that is what happens, then it can select an employee who happens to be pregnant or on family leave - as long as that is not the reason that he or she is selected. But if the employer chooses to say “everyone’s role is redundant, and we need to select those people who will be offered one of these new roles”, then it seems clear that those who qualify because of pregnancy or family leave will be entitled to be offered one of the ‘new’ roles irrespective of any better qualified candidates that might lose out as a result.

The lesson is probably that it is better to be clear about what is being done than to try to dress up a redundancy exercise as a recruitment campaign. Making people compete for ostensibly new roles that in reality closely match what they are already doing is not only dispiriting for those involved – it may result in an employer being unable to offer those roles to the best qualified candidates.



NATIONAL PAY NEGOTIATION DEVELOPMENTS

Unions representing employees covered by the Green Book are consulting their members on the Employers' offers for a pay award for 2025. ALACE, representing local authority chief executives, welcomed the Employers' offer, but as in previous years, are waiting for the outcome of the Green Book negotiations.

EMC is liaising with counterparts in other regions and nationally to discuss the implications of the Coroners' Side of the JNC withdrawing from national arrangements, with a view to providing support to the local authorities that are employers of coroners. For further information, please contact Sam at sam.maher@emcouncils.gov.uk

We will continue to keep councils updated on any further developments.

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COMMITTEE STRUCTURES FOR EMPLOYMENT PROCEDURES

The JNC for Local Authority Chief Executives has re-issued a circular to remind Councils of the need to have suitable governance and structures in place for the purposes of managing employment procedures for Chief Executives/Heads of Paid Service (which may also be applicable to s151 and Monitoring Officers).

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PATHWAYS TO PLANNING

The Pathways to Planning initiative offers councils a talented pool of graduate planners ready to start work in September 2025. The programme has just secured additional funding for participating councils and is offering a limited number of £40,000 bursaries to part-fund the salary of a Pathways graduate planner over two years. Every graduate hired through the programme comes with a £10,000+ bursary for postgraduate study. Councils must register their interest by 18 June 2025 at 5.00pm. Further information about the scheme, along with a link to register interest is available through the link below.

[READ MORE](#)

LGPS CONSULTATION ON ACCESS AND FAIRNESS

MHCLG has launched a consultation on changes to the Local Government Pension Scheme (LGPS). Proposed reforms include equalising survivor benefits, making all maternity, shared parental and adoption leave automatically pensionable, enhancing data collection on opt-outs, and changes to the forfeiture rules. The consultation closes on 7 August 2025.

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