



Darren Newman looks at discrimination and injury to feelings



Recruitment Campaign 2025 event



EMC Leadership and Coaching Opportunities



National Pay Negotiations Update

RECRUITMENT CAMPAIGN 2025 EVENT KING POWER STADIUM 9TH JULY 2025

Following the positive impact of last year's local government recruitment campaign, 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

To help shape this year's approach, EMC will be hosting a regional engagement event on 9th July at the King Power Stadium in Leicester. The event will run from 10am to 3pm and is open to HR and Communications leads from councils across the East Midlands. As with last year's successful session, the day will offer space for councils to share learning, explore challenges, and shape the next phase of activity.

The day will open with reflections from the LGA on the impact and evaluation of the 2024/25 campaign, including examples of how councils have made use of campaign resources to support both recruitment and retention. This will lead into breakout sessions, providing space for attendees to discuss what roles they'd like to see promoted in the new campaign, which media channels are proving most effective, and how the campaign toolkit can best be adapted locally.

The afternoon will shift focus to future opportunities, with updates on the next steps for the campaign and a discussion on working in partnership with other councils, Universities and the DWP. Book now to attend:

[READ MORE](#)

SICKNESS ABSENCE SURVEY – COMING SOON

Each year EMC conducts a sickness absence survey to benchmark sickness levels across the region. Many councils tell us how useful the survey is for them to understand how their absence levels compare to other councils. This year's survey will be launched over the coming weeks, and we encourage all councils to contribute and provide your absence information for 2023/2024.

We will share the results with contributors shortly after the survey closes and organise a future learning event with key speakers and opportunities for learning and sharing information.

PROJECTS WITH LOCAL AUTHORITIES

During June EMC has supported authorities with Mediation and Team Conflict; Senior Team Restructure; Coaching for Service and Senior Managers, Senior Team Transformation and Change Sessions.



LEARNING & DEVELOPMENT

ARE YOU GETTING THE MOST FROM OUR NETWORKS?

Our **Scrutiny network** met in June and officers and councillors benefitted from a presentation from the Centre for Governance and Scrutiny (CfGS) on Effective Budget Scrutiny with some excellent advice and tips. Lincolnshire County Council also kindly shared their work on the positive achievements they have made in strengthening partnership working in Scrutiny, followed by an extremely useful Q&A session for attendees.

Our **Performance network** met recently with Matt Dentten from the LGA as a guest speaker. Matt leads on Improvement, Assurance and Accountability at the LGA and the guidance and framework that supports this. A key feature of our networks is not only hearing from interesting and relevant speakers but also the opportunity to share learning and provide feedback that help shape future developments. The network also shared the systems and processes they all use in relation to performance.

EMC also facilitate networks on the themes of councillor development, learning and OD and Cyber Security – make sure your name is on our contact list!

SUPPORTING A COACHING CULTURE

Our recent coaching CPD session on **Coaching for Mental Health**, facilitated by an expert coach and practitioner in our regional coaching and mentoring network was described as “brilliant” by one of the attending coaches. Other positive feedback provided, described the reassurance and practical advice given on how to progress with coaching clients where their needs involve their own emotional and mental health.

At our recent **Coaching Champions** network meeting we were joined by Sandra Whiles, author of the newly launched Coaching Tools Compendium. Sandra shared her background and journey as a coach, the main themes from her highly acclaimed book and gave attendees the opportunity to try out some practical tools. Sandra is delivering two CPD sessions for coaches on 7th August [Coaching Tools – helping you settle, shine and stretch to support your clients confidently and creatively](#) and 30th September [Coaching Tools – Helping you settle, shine and stretch to support your clients confidently and creatively](#). These sessions are free to attend for EMC members.

Our regional coaching and mentoring network continues to go from strength to strength providing valuable coaching in a cost effective way across all levels in the organisation. Coaching skills programmes are also available, both accredited at ILM 3 and 5 as well as non accredited coaching and mentoring skills for line managers. Further CPD sessions for coaches will focus on [Coaching through Uncertainty and Change](#) on 10th September and [Confidence in Coaching Upwards](#) on 26th November. To subscribe to the regional coaching and mentoring network contact Lisa Butterfill.

COMING SOON – LEADERSHIP AND COACHING PROGRAMMES IN YOUR LOCALITY

We will shortly be releasing details of our accredited ILM 3, 5 & 7 Leadership and Management Programmes which can be delivered in your locality with a blend of face to face and online sessions.

Included in our development offer will also be Managing Change and Collaboration Skills sessions – designed to support the skills and knowledge needed both now and in the future local government re-organisation landscape

Contact lisa.butterfill@emcouncils for any further information and/or interest in the above development.



IN DEEP WITH DARREN

DISCRIMINATION AND INJURY TO FEELINGS – DARREN EXPLORES THE CASE OF EDDIE STOBART V GRAHAM

Most compensation in employment law is based on financial loss. If you have been unfairly dismissed and as a result you are unemployed for a period of time your compensation is going to depend principally on your loss of earnings. That generally means that higher paid individuals get more compensation – although in unfair dismissal claims there is an overall cap on the compensatory award of £118,223.

In a discrimination claim of course there is no cap on compensation and so financial losses can on occasion be incredibly high – especially for employees who have lost out on many years of pension accrual. But as well as financial loss, discrimination also seeks to compensate successful claimants for their ‘injury to feelings’. How much Tribunals can award under that head is more difficult to quantify.

Back in 2002 we had the Court of Appeal decision in Chief Constable of West Yorkshire v Vento where it was held that Ms Vento was discriminated against on the grounds of sex when she was not offered a permanent post at the end of her probationary period as a police constable. Given that she had thereby lost the chance of a long and rewarding career it was no doubt right that she should receive substantial compensation. As well as loss of earnings, however, the Tribunal awarded her a further £74,000 made up of £50,000 for injury to feelings, £15,000 aggravated damages and £9,000 for psychiatric injury.

The Court of Appeal held that this was excessive – it was considerably more than the civil courts were awarding at the time in personal injury cases for moderate brain damage or the total loss of hearing and speech. In fixing the damages for injury to feelings at £18,000 (plus £5,000 aggravated damages and £9,000 for psychiatric injury) the Court said that injury to feelings award should fall into one of three bands. The lower band was between £500 and £5,000, the middle band fell between £5,000 and £15,000 and the upper band was set at £15,000 to £25,000 with only the most serious cases warranting anything in excess of that.

Over the years these have become known as the ‘Vento bands’ and they have been increased with inflation. Every year guidance is unissued by the presidents of the Employment Tribunals in England and Wales and in Scotland setting out the updated Vento bands. From April 2025 they are a lower band of £1,200 to £12,100 (less serious cases); a middle band of £12,100 to £36,400 (cases that do not merit an award in the upper band); and an upper band of £36,400 to £60,700 (the most serious cases), with the most exceptional cases capable of exceeding £60,700.

But how do you decide what band a particular case belongs in and where on that band it should sit? There is an easy trap to fall into here of looking at how egregious the discrimination is and allocating the award accordingly. But that is not quite right. It is the extent of the injury that matters not the nature of the discrimination. Obviously the two are related. An extended campaign of harassment is likely to cause more injury to feelings than one ill-judged remark – but it is always the impact on the individual that matters rather than the culpability of the discriminator.

A good reminder of the correct approach is the recent EAT decision in Edie Stobart Ltd v Graham. Ms Graham complained about the way she had been made redundant while she was on maternity leave. She said that she had not been offered suitable alternative work that was available and that her eventual dismissal amounted to discrimination on the grounds of pregnancy. She also claimed discrimination based on the employer’s failure to deal with a grievance that she raised with them during the process.



IN DEEP WITH DARREN

The Tribunal dismissed most of her claims. They accepted that the redundancy was genuine and that there was no suitable alternative work available that she should have been offered. Her dismissal was fair and not discriminatory. However, the Tribunal did uphold her complaint about the way in which her grievance was handled. That amounted to unfavourable treatment because she was on maternity leave and the Tribunal awarded her £10,000 for injury to feelings.

The EAT held that this was manifestly excessive and substituted an award of just £2,000. In doing so they made two key points. The first was that in order to make an award for injury to feelings, there had to be evidence that the claimant's feelings were in fact injured – though cases where there was in fact no injury at all would be very rare. The kind of discrimination that had been found to have occurred was often a good guide to the kind of injury that is likely to have been suffered. Discrimination involving an abuse of power or exposing the claimant to humiliation or ridicule – particularly when this takes place over an extended period – may give a good indication of the extent to which a claimant's feelings are likely to have been injured. But this is always a matter to be determined on the evidence.

The second point was that the award had to focus on the injury caused by the behaviour that the Tribunal held was discriminatory rather than how upset the claimant was at everything that had happened. In this case, the Tribunal had found that discrimination only occurred in the handling of the claimant's grievance. In assessing injury to feelings, they had to look at what the impact of that particular issue was and disregard any injury caused by her not being given the alternative role and ultimately being made redundant - because in those respects the employer had not behaved unlawfully.

The EAT was not satisfied that the Tribunal had properly focused only on the injury caused by the employer's handling of the grievance. Looking at her evidence on that point the EAT noted that she had said she was shocked and upset by the employer's dismissive attitude, but there was no evidence that went beyond that. In particular, there was no evidence that the discrimination had adversely affected her on an ongoing basis in respect of her work or private life. The injury she suffered was real – but fleeting. The EAT said that £2,000 was the figure that should have been awarded.

READ MORE



NATIONAL DEVELOPMENTS

CONSULTATION ON SCHOOL SUPPORT STAFF NEGOTIATING BODY (SSSNB)

The government launched a [public consultation](#) to inform the structure of the SSSNB on 11th June 2025. Councils, in their role as school employers, are urged to respond to the consultation with particular focus on which staff should be in or out of scope of the new Body, and to take the opportunity to highlight any potential equal pay concerns that could arise. Please email a copy of your consultation response to the LGA's Workforce Team at workforce@local.gov.uk, which will also be responding on behalf of the sector.

You can find a summary of the consultation [here](#) with some of the LGA's considerations set out.

The consultation closes on 18 July 2025

[READ MORE](#)

LGPS CONSULTATION

The [Government has launched a consultation](#) on proposed changes to the Local Government Pension Scheme (LGPS). These changes are intended to improve access and fairness, including seeking to address the gender pension gap.

The Local Government Pensions Committee (LGPC) have provided more information on the consultation in [their latest bulletin](#) which we would encourage you to share with colleagues dealing with the LGPS.