



Darren Newman looks at
contract variations



Recruitment Campaign 2025
event update



EMC Learning &
Development Programmes



National Pay Negotiations
Update

LOCAL GOVERNMENT RECRUITMENT CAMPAIGN 2025 UPDATE

On 9th July EMC hosted an event with the LGA on the national recruitment campaign – looking back at the roll-out of the national campaign during 2024/25 and its impact, understanding any key lessons and feedback from councils and hearing about how councils across the region used the resources to share ideas. The event was well attended and very positive, and also provided the opportunity to look forward – feeding views into the development of the recruitment campaign for 2025/26 and exploring how we can work together within the region to support recruitment and retention challenges.

To follow up, EMC will be arranging further meetings to develop and progress the suggestions put forward at the meeting. We will also provide update events which will take place virtually to find out how the campaign for this year is progressing and continue the opportunities for councils to influence.

The presentations from the event can be accessed [here](#).

LEADERSHIP & MANAGEMENT DEVELOPMENT SUPPORT IN PREPARATION FOR LGR

Based on our previous experience of LGR, and using feedback from our networks, EMC has developed programmes to support managers and senior leaders in preparation for LGR – for their own personal development and their leadership of others through transition. See the L&D page of this Bulletin and contact Lisa Butterfill to discuss the leadership development support you are looking for.

CONTACT LISA

PROJECTS WITH LOCAL AUTHORITIES

During July EMC has supported authorities with:

- Member Grievance Appeal
- Restructuring
- Mediation

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

CONTACT SAM

CONTACT LISA



LEARNING & DEVELOPMENT

LEARNING AND DEVELOPMENT TO BUILD INDIVIDUAL AND TEAM COMPETENCE AND CONFIDENCE IN THE CONTEXT OF CHANGE AND TRANSITION

To support the current and future leadership and management needs in a quality, relevant and cost effective way, we have provided a range of accredited leadership and management and coaching and mentoring courses designed with the uncertain, challenging and ever changing local government landscape in mind.

The themes of development include:

Leadership and Management and Transformation and Change – this includes accredited leadership programmes at ILM levels 3, 5 & 7 to support both aspiring and experienced managers; skills workshops on managing change and collaboration skills and in house facilitated support for senior teams to work together and lead effectively both now and in the future.

Coaching and Mentoring Qualifications and Skills Development – there are a range of accredited coaching and mentoring skills programmes at ILM Levels 3, 5 & 7 available to support both the new coach and the more experienced coach to become effective workplaces coaches. There are also bitesize coaching and mentoring fundamental workshops to equip leaders and manager to adopt a coaching style of leadership.

Workplace Mediation Skills – this two day course is ideal for people professionals, team leaders and managers who are looking to understand and incorporate key mediation principles and skills into their practice. ACAS and other research confirms that early informal resolution is key to good workplace relationships and avoids more costly and time consuming formal interventions; this programme equips managers to be confident and competent in facilitating productive workplace conversations between work colleagues at an early and informal level.

You can view the learning objectives and content for each course/programme here: [Learning and Development Programmes](#)

What is different about these programmes and how will they benefit you?

- They can be delivered in your locality, across a county area and EMC will co-ordinate interest and work with local authorities to agree the logistics such as dates, timings and venue. This helps where you may only have small numbers of people interested and gives the opportunity to learn with people external to your organisation to facilitate ideas, knowledge sharing and networking.
- This locality-based approach represents significant savings for local authorities on all of the programmes by working together in this way. For example, using this approach, the cost of the ILM 7 in Strategic Leadership and Management is £1695pp + Vat representing a saving of £900.00pp from the advertised website. Savings on the ILM 3 & 5 programmes range from £200pp to £560pp.
- We only use quality expert training providers who have received excellent feedback.
- In house options are also available.

Contact lisa.butterfill@emcouncils.gov.uk for further information.



IN DEEP WITH DARREN

DISMISSAL AND RE-ENGAGEMENT AND VARIATIONS TO CONTRACTS

The provision that I have been most critical of in the Employment Rights Bill is the effective ban on dismissal and re-engagement (fire and rehire). This makes it automatically unfair to dismiss someone for refusing to agree to a variation in their contract of employment or to replace employees with others to do essentially the same work on varied terms and condition. As originally drafted, there was just one very narrow exception to the rule – where the employer faced financial difficulties that posed an immediate threat to its ability to continue operating the business. One problem with this was that it was difficult to see how employers in the public sector would ever be able to come within that exception.

At the Report Stage in the House of Lords, the Government made sweeping amendments to this provision – some aimed specifically at local authorities. Two key things have changed. First of all, the automatic dismissal provisions no longer apply to all dismissals designed to impose a variation in contract – they only apply to ‘restricted variations’. Secondly the Government has introduced complex provisions seeking to define ‘financial difficulties’ in such a way as to cover public sector organisations in general and local authorities in particular.

Let’s deal with the contractual variations point first. A dismissal will be automatically unfair only in so far as the reason for it is that the employee has refused to agree to a restricted variation or the employer wants to replace them on terms that include a restricted variation. A ‘restricted variation’ is essentially any variation that affects the employee’s pay (including pension entitlement), working hours or rights to time off (including holidays). It also includes the insertion of a variation clause to prevent employers from sneakily changing the contract so that they could impose restricted variations by the back door.

So what variations are left out? The most obvious one is location. If an employer needed an employee to relocate and the contract did not allow for that then it could argue that it was reasonable to dismiss an employee who did not agree to a variation changing the place of work. That represents an important change in approach because in the coming years many civil servants are likely to be asked to change location and local government reorganisation may well involve requiring employees to work in areas beyond the scope of their current contract. For such changes, the normal principles of reasonableness will apply.

Other changes that would not be protected by the new law would include any change to a job description that did not affect other pay and conditions. In a restructuring exercise the employer could propose to ‘slot in’ an employee to an alternative role provided pay was not affected; if the employee refused and was then made redundant, that dismissal would not be automatically unfair.

One note of caution. The new provisions allow for Regulations that could extend the scope of restricted variations, so issues like relocation could end up being included after all. We will have to wait and see what the Government decides following a period of consultation.

Let’s turn now to the question of ‘financial difficulties’. For public sector bodies that are not local authorities (such as fire and rescue services) the exception will apply where the financial difficulties are likely in the immediate future to affect ‘the financial sustainability of carrying out the employers’ statutory functions’. This strikes me as rather carelessly worded and I foresee litigation in the next few years as to exactly what that means.



IN DEEP WITH DARREN

For local authorities however, the position is much clearer. The general financial difficulties exception does not apply to local authorities at all. Instead, the provisions making a dismissal automatically unfair will not apply to a local authority if at the time of dismissal there is a 'relevant intervention direction' in place.

For an English local authority, a 'relevant intervention direction' is a direction under S.15 (5) or (6)(a) of the Local Government Act 1999. That means that the Secretary of State has either directed the local authority to take specific action to ensure that it is complying with its 'best value' duties under the Act or has directed that certain functions of the local authority should be exercised by the Secretary of State or a nominated person (as with the appointment of commissioners). The reason for the direction must be that the local authority is 'undergoing financial difficulties' and the reason for the local authority seeking to make the restricted variation must be to alleviate those financial difficulties.

So if, for example, a local authority were to issue a notice under the Local Government Finance Act stating that it could not meet its financial obligations and the Secretary of State then appointed Commissioners to oversee the Council's functions and control its spending, then the exception would apply. Changes to terms and conditions could be proposed with a view to improving the financial position of the local authority and the dismissal of employees for refusing to agree to those changes would not be automatically unfair provided the council could show that there was no reasonable alternative to that variation.

Note that the exception only applies when there is a direction already in place. If the local authority was of the view that it needed to impose a variation in order to avoid intervention by the Secretary of State, then that would not be good enough. The change in terms must be aimed at dealing with a financial disaster that has actually occurred –not to prevent one.

These amendments do not solve all of the problems created by making 'fire and rehire' automatically unfair – but they do alleviate some of them. Not all contractual variations will be subject to an employee veto and changes to location or job descriptions will be possible provided that pay and other conditions are preserved. Instead of a 'financial difficulties' exception that could not really apply to local authorities, there is an exception that will apply – but only after things have gone seriously wrong so that the Secretary of State has had to intervene. If no S.15 direction has been issued, then there is literally no exception to the rule that a dismissal aimed at imposing a 'restricted variation' will be automatically unfair.

We also now have a clear indication of timing. Consultation on the scope of a restricted variation is planned for autumn this year and the Government intends to implement the new rules on fire and rehire in October 2026. That time delay reflects the fact that the ban on fire and rehire is now much more complicated than it was when the Bill was introduced. On balance that is a good thing, but in the coming years I still expect this new right to cause significant problems for local authorities.



NATIONAL DEVELOPMENTS

NATIONAL PAY NEGOTIATION DEVELOPMENTS

Please see below updates on national pay negotiations for 2025, including agreements reached for Local Government Services (Green Book) employees, Chief Officers and Chief Executives.

NJC for local government services

Agreement was reached on 23rd July on the 2025 pay award for local government services ('Green Book') employees with an increase to pay rates and allowances by 3.20 per cent per annum with effect from 1 April 2025.

For a fifth consecutive year, Unite has refused to have its details included in the pay agreement circular. This is disappointing but does not prevent a formal collective agreement from being reached as the necessary Constitutional requirement for a majority on each Side of the NJC to be in favour has been met, which means the pay award can now be implemented.

[READ MORE](#)

JNCs for local authority Chief Executives

Agreement was also reached on the 2025 pay award JNC Chief Executives with an increase to pay rates and allowances by 3.20 per cent per annum with effect from 1 April 2025.

[READ MORE](#)

JNC for local authority Chief Officers

Agreement was also reached on the 2025 pay award JNC Chief Officers with an increase to pay rates and allowances by 3.20 per cent per annum with effect from 1 April 2025.

[READ MORE](#)

JNC for local authority Craftworkers

The National Employers advise very strongly against imposing the full and final pay offer ahead of a national collective agreement being finalised. To do so would not only fragment the unity of the employers' position but would also leave councils vulnerable to questions being asked by auditors about why, in the absence of a national collective agreement, expenditure had been unnecessarily incurred. Perhaps more importantly, councils would need to consider very carefully the wider legal issues, including those arising out of the cases of [*Kostal UK Limited v Dunkley*](#) and [*INEOS Infrastructure Grangemouth Limited v Jones & others*](#).



NATIONAL DEVELOPMENTS

SOULBURY OFFICERS' PAY CLAIM

The Soulbury Trade Union Side has submitted its pay and conditions claim for 2025. The headline element of the claim is for 'a pay increase of at least five per cent on all pay points and allowances'. The National Employers are now undertaking a consultation on the claim and will aim to respond by the settlement date of 1 September. Contact Sam if you've not seen the consultation survey.

[READ MORE](#)

IMPACT – NATIONAL GRADUATE PROGRAMME

Impact is the LGA's flagship graduate programme and matches high-calibre graduate trainees with local authorities across England and Wales, providing a cost-effective solution to workforce and capacity challenges. Councils are now able to sign up to Impact and participate in Cohort 28 recruitment for an autumn 2026 intake.

[READ MORE](#)

EMPLOYMENT RIGHTS BILL – ROADMAP FOR IMPLEMENTATION

As mentioned in Darren's article, the Government has published its roadmap for the Employment Rights Bill, outlining the timescales for elements of the Employment Rights Bill to come into effect and/or further consultation.

EMC will be providing an Employment Law Update seminar (virtual) in the Autumn with Darren Newman so that you have advice and information tailored to local authorities – with Darren's pragmatic approach.

ACAS have issued a pre-recorded webinar on the Bill's implementation and what the roadmap means, which you may be interested in viewing. You can access the webinar through the following link: [View webinar](#)
