



East Midlands Challenge
Outcomes



Darren Newman's advice on
Whistleblowing cases



Coaching and Mentoring
Development Opportunities



National Developments

BENCHMARKING SICKNESS ABSENCE

Most Councils are keen to benchmark sickness absence levels and EMC's annual regional survey has been a valued way of benchmarking against similar types of organisations. We will be emailing next week requesting your sickness absence data for the last year (1st April 2025 to 31st March 2026) and the previous year.

As well as providing participating councils with the anonymised results, the information is required for the Regional Joint Council to provide an understanding of how employee wellbeing can be supported jointly.

We will also be asking you to let us know what support could be provided regionally to assist with sickness absence. For example in previous years we have hosted free workshops on the issues you have raised with us from leading experts.

Given the value of this information, we would be grateful for your support by responding to the short survey that we will send out.

LGR - INSIGHTS & LEARNING FOR HR LEADS

On 23rd April EMC organised an on-line event for HR leads to hear from colleagues who have experienced LGR in Northamptonshire. The meeting provided an opportunity to understand the key issues and the main learning points and ask questions. Feedback from delegates was very positive and we want to take this opportunity of thanking Marie and Alison from North Northamptonshire and from West Northamptonshire for their presentation. We will continue to offer support on LGR and if there are specific aspects of LGR that you would like to be covered, please let us know.

CONTACT SAM

PROJECTS WITH LOCAL AUTHORITIES

During April EMC has supported authorities with:

- 360 degree feedback facilitation
- Mediation
- Chief Executive Selection

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

CONTACT LISA

CONTACT SAM



LEARNING & DEVELOPMENT

PERSONAL SKILLS DEVELOPMENT OPPORTUNITIES IN COACHING AND MENTORING

DEVELOPING YOUR MENTORING SKILLS – HALF DAY VIRTUAL WORKSHOP

On Wednesday 3rd June from 09:00 – 13:00 we are providing an opportunity to develop your mentoring skills by:

- Achieving a common understanding of the role of the mentor
- Having increased awareness of mentoring skills and behaviours, including ethical boundaries
- Developing skills and confidence to feel able and equipped to take on the role of a mentor

This practical workshop will invest in your understanding of the mentor role and the key mentoring skills required with opportunities for hands on learning!

For booking and further information on the learning objectives, outline content and facilitator please read more below.

[READ MORE](#)

INTRODUCTION TO COACHING SUPERVISION – ONE DAY FACE TO FACE WORKSHOP

On Wednesday 24th June 2026 – 9.30am – 4.30pm at Pera Business Park, Melton Mowbray we are providing a fundamental introduction to coaching supervision in the workplace.

This is ideally suited to people experienced in coaching at a senior level with ILM 5 or 7 qualifications and/or senior L&OD managers/partners and organisational coaching champions who undertake in house coaching supervision as part of their role.

This introductory day will provide participants with a central understanding of the importance of coaching supervision and two key models to work with. The morning is focused on the process of 1:1 Supervision, and the afternoon covers the essentials of group supervision.

For booking and further information on the learning objectives, outline content and facilitator please read more:

[READ MORE](#)

ILM 7 IN COACHING AND MENTORING STARTING 2ND JUNE – JUST 2 PLACES LEFT!

Support your personal development and gain an internationally recognised qualification in executive coaching and mentoring. Ideal for those aspiring to develop a career path in coaching and mentoring at this level and/or who are coaching/mentoring at a senior level. For more information and to book – please click read more:

[CONTACT LISA](#)

[READ MORE](#)

DON'T FORGET OUR NEXT VIRTUAL LEARNING AND OD NETWORK WILL TAKE PLACE ON 21ST APRIL 2026 AT 10.00AM. HOPE TO SEE YOU THERE!



EAST MIDLANDS CHALLENGE 2026

On Wednesday 29 April 2026, 100 aspiring leaders from across the region took part in the East Midlands Challenge, testing and developing their skills in strategy, prioritisation, and teamwork!

All 17 participating teams showed great enthusiasm and commitment throughout the day, and all should be proud of their achievements!

Throughout the day, the teams are scored on three areas: Behaviours, Leadership, and Communication, and special nominations can be made by assessors for a 'shining star'!

AND THE WINNERS ARE...

BEST TEAM:

RUSHCLIFFE BOROUGH COUNCIL (WINNER)
BLABY DISTRICT COUNCIL
HARBOROUGH DISTRICT COUNCIL
NORTH KESTEVEN DISTRICT COUNCIL
RUTLAND COUNTY COUNCIL – TEAM 2

BEHAVIOURS AWARD

BLABY DISTRICT COUNCIL (WINNER)
EREWASH DISTRICT COUNCIL
RUSHCLIFFE BOROUGH COUNCIL

LEADERSHIP AWARD (WINNER)

RUSHCLIFFE BOROUGH COUNCIL
HARBOROUGH DISTRICT COUNCIL
RUTLAND COUNTY COUNCIL (TEAM 2)

COMMUNICATIONS AWARD

RUTLAND COUNTY COUNCIL (TEAM 2) (WINNER)
DERBY CITY COUNCIL
RUSHCLIFFE BOROUGH COUNCIL

SHINING STAR

WINNER – JEMMA HANDLEY – SOUTH DERBYSHIRE
DISTRICT COUNCIL
AYEISHA KIRKHAM – SOUTH KESTEVEN
LISA MOLE – ASHFIELD
JENNA NORTON – NEWARK AND SHERWOOD
SEBASTIAN SOAR – RUSHCLIFFE

SPECIAL MENTIONS:

BEST PRESENTATION: NORTH KESTEVEN DISTRICT
COUNCIL

MEDIA INTERACTIONS: HARBOROUGH DISTRICT
COUNCIL





IN DEEP WITH DARREN

WHISTLEBLOWING CASE

In May the Supreme Court will hear the case of Rice v Wicked Vision Ltd. This is a case about whistleblowing that has employment lawyers quite excited. But is it something that employers should be concerned about? Strap in, this gets quite complicated.

There are two distinct rights that protect whistleblowers – or to adopt the language used in the Employment Rights Act 1996, those who have made a public interest disclosure. Those rights are firstly, not to be dismissed if the principal reason for dismissal is the fact that the ‘employee’ has made a disclosure and secondly a right not to be subjected to a detriment on the ground that the ‘worker’ has made a disclosure.

That distinction between employee and worker comes from the fact that only employees can be dismissed since dismissal requires the termination of a contract of employment. Workers are a wider category including everyone with a personal obligation to perform work for the employer who are not genuinely in business on their own account. All employees are workers – but not all workers are employees.

This means that if an employee is demoted or disciplined for making a public interest disclosure they can claim that they have been subjected to an unlawful detriment and if they are dismissed they can claim that the dismissal is automatically unfair. So far, so good.

But obviously being dismissed is also a detriment. Could an employee who is dismissed claim that that amounts to an unlawful detriment as well as an automatically unfair dismissal? And why might they want to do that?

First of all there is the compensation. There has never been a cap on compensation for a whistleblowing dismissal, but damages have always been limited to the financial loss suffered by the employee. There is no equivalent of the award for injury to feelings that we get in discrimination cases. In a detriment case there is also no cap but the sum awarded is whatever the Tribunal considers just an equitable having regard not just to the financial loss suffered but also the ‘infringement’ to which the complaint relates. So that does allow for some element of compensation reflecting the emotional damage caused by the employer’s actions. Then there is the issue of causation. An unfair dismissal depends on whistleblowing being the ‘principal’ reason for dismissal but a detriment only needs to be on the ‘grounds’ of the detriment which is a slightly wider test. The disclosure does not need to be the principal reason for the detriment, only a contributing reason for it.

Finally we come to liability. The 1996 Act makes individuals acting in the course of their employment liable for the detriments they inflict on workers – and then makes their employer vicariously liable for that detriment unless they have taken all reasonable steps to prevent it. In contrast, only the employer itself can be liable for an unfair dismissal. But while a dismissal is technically carried out by the employer, the employer can only act through its employees. In any dismissal it is an employee that actually does the dismissing - and being dismissed is clearly a detriment.



So to repeat the question: could an employee who is dismissed bring a claim for unfair dismissal against the employer and a simultaneous claim for unlawful detriment against the manager who carried out the dismissal? And if so, could the employee claim unlawful detriment against the employer on the basis that it is vicariously liable for the detriment inflicted by the manager and take advantage of the potentially larger compensation and less strict test of causation?

My answer would be no. In my view the Employment Rights Act 1996 expressly rules this out. S.47B, which deals with the claim of unlawful detriment says that it does not apply 'where the detriment in question amounts to dismissal'. In my book that is as clear as it gets. You can't use the detriment provisions to complain about your dismissal, your claim is limited to one of unfair dismissal against your employer.

But if it were that straightforward the question would never reach the Supreme Court. There is a rather tangled history to this but in essence the lower courts have held that the act of a manager in arranging a dismissal and then communicating that to the employee is different from the act of the employer in actually carrying out the dismissal. The Act makes individuals liable for the detriments they inflict and Parliament could not have intended to absolve individuals of liability if the detriment in question happened to amount to dismissal. That meant that claimants were entitled to bring claims against the individual managers who dismissed them and that the employer could be held vicariously liable for those detriments as well as being liable for the dismissal itself. Until *Wicked Vision* the leading case on this was the Court of Appeal decision in *Timis v Osipov* from 2018.

DARREN'S ADVICE TO LOCAL AUTHORITIES

We don't need to worry about the facts of *Wicked Vision* or the facts of another case called *Barton Turns Developments Ltd v Treadwell* to which it has been joined. The key point is that the Court of Appeal in *Wicked Vision* expressed the clear view that *Osipov* had been wrongly decided and that claimants could not claim that a dismissal also amounted to a detriment. However, the Court of Appeal is bound by its own earlier decisions and so it was held that the principle in *Osipov* would have to stand until the Supreme Court had a chance to consider the matter.

And that is what it will do in May. The Supreme Court is, well, supreme. It does not need to worry about any of the existing case law on this and will just have to decide whether a meaningful distinction can be drawn between dismissal as the termination of the contract by an employer and dismissal as a detriment inflicted on an employee by a manager. My guess would be that the Court would regard the fact that the Act expressly says a detriment claim cannot be brought when the detriment is dismissal as definitive. The argument that the act of the manager in dismissing is not the same as the dismissal itself is just too clever by half. But my recent record



of predicting the outcome of Supreme Court cases has not been great, so I am content to wait and see.

Does this have a practical impact on employers? Well if you have dismissed someone for whistleblowing it can make a difference as to how much compensation you have to pay out and it can have a big impact on the manager who took the decision and finds themselves being made a party to the proceedings. But the advice to employers will stay the same either way – do your best to ensure that employees are not dismissed or subjected to any other detriment for making a public interest disclosure. But, of course, you knew that anyway.

NATIONAL DEVELOPMENTS

NATIONAL PAY DEVELOPMENTS

2026 Pay Negotiations – Responses to the Employers' Pay Offers

Last month we recapped on the full and final pay offers for a 3.3% pay increase made by the National Employers for Local Government Services (Green Book) employees, Chief Officers and Chief Executives. Details of the offer are available at the link below.

[READ MORE](#)

The National Living Wage (NLW) is an important factor in national pay considerations as employers want to ensure compliance with any increase that would take effect before the next round of pay negotiations. The NLW is currently £12.71 and the Low Pay Commission has issued [an initial 2027 forecast](#) saying it could be, '...in the range of £13.02 and £13.34, with a central estimate of £13.18.' The recent NJC pay offer would achieve a bottom rate of pay (from 1 April 2026) of £13.28.

In terms of responses to the pay offers, for Green Book employees, each of the unions' national committees met to decide their respective positions and on 14th April the NJC Trade Union Side responded formally to the National Employers. UNISON and Unite have both rejected the offer without conducting a consultation of their wider memberships. However, [GMB has decided to adopt a neutral position](#) in its consultation, leaving its members to decide for themselves whether to accept or reject the offer. Its consultation will close on Friday 22nd May. UNISON will be conducting disaggregated ballots for industrial action in some, not all, councils and schools, with ballots running from 9 July to 6 August. Unite is yet to inform the National Employers of its intended next steps.

Chief Executives will await the outcome of the Green Book negotiations before providing a formal response to the offer.



For Craftworkers, there remains no further developments on the 2025 pay negotiations.

For Soulbury staff, agreement on pay for 2025 was agreed last month. Not long after, the joint unions representing Soulbury employees submitted their pay claim for 2026, which in summary is for a pay increase of at least RPI inflation plus five per cent on all pay points and allowances. The Employers are consulting relevant councils to inform their response through a survey which EMC has circulated. If you have not received the survey and have employees covered by Soulbury, please contact Sam at sam.maher@emcouncils.gov.uk.

[READ MORE](#)

FAIR WORK AGENCY LAUNCHED & RETENTION OF ANNUAL LEAVE RECORDS

On 7th April the Fair Work Agency (FWA) was launched, marking a shift in the enforcement of many employment rights, including the national minimum wage, statutory sick pay and holiday pay. The Agency has been established to simplify access to support; streamline enforcement; and ensure that employment rights are protected more effectively and efficiently.

On launch day, the Government published a policy paper setting out the agency's strategy in its first 12 months – see the link below. 2026/2027 is described as a "transitional year" in the policy paper, which states that:

- from April 2026, initial enforcement activities will focus on [agency regulations](#), gangmasters licensing, and serious labour abuse (including [modern slavery](#));
- [national minimum wage enforcement](#) will stay with HM Revenue and Customs for a transitional year under a contracting arrangement before moving to FWA in April 2027; and
- the FWA will "prepare to commence [holiday pay enforcement](#) in 2027 and set out a clear plan to extend enforcement to other rights".

In relation to holiday pay and annual leave, on 6th April section 35 of the Employment Rights Act 2025 came into effect, which requires the retention of annual leave records and holiday pay information for 6 years from the date on which they were made.

[READ MORE](#)

CONSULTATION ON NON-DISCLOSURE AGREEMENTS

On 15th April, the government opened consultation on measures in the Employment Rights Act that will prevent the misuse of non-disclosure agreements (NDAs) in cases of workplace harassment and discrimination. The consultation considers:-



- conditions that need to be met for an NDA to still be valid (known as an 'excepted agreement'), eg where an employee requests the NDA, or if they have received independent advice on its contents
- individuals/bodies that workers can speak to about the harassment and discrimination if they are covered by such excepted agreements, such as a qualified lawyer or medical professional.
- whether the ban on NDAs should be extended to self-employed individuals.

The NDA consultation will close on 8th July, with changes to come into effect in 2027. It can be found here: [[Make Work Pay: misuse of non-disclosure agreements \(NDAs\) - GOV.UK](#)]

[READ MORE](#)

TUPE – GOVERNMENT CALL FOR EVIDENCE

The Government has issued a call for evidence on the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) which will be used to develop policy proposals for reform of the TUPE regulations. The Government wants information that will help it to:

- update its understanding of the prevalence of TUPE transfers and the experiences of those who have gone through them
- consider whether TUPE needs to change to make it easier to follow for businesses
- consider how to strengthen the existing set of rights and protections for those subject to TUPE.

[READ MORE](#)

FREE ACAS WEBINAR ON FUTURE CHANGES TO UNION RECOGNITION AND ACCESS TO THE WORKPLACE

ACAS has arranged two free webinars to help employers prepare for changes that will be coming into effect relating to the rules on trade union recognition and workplace access. The webinar covers an explanation of the changes, as well as providing information on support and advice available from ACAS. At the time of writing, spaces remain available on just one webinar on 11th May at 2.00-3.00pm. See the link below to register.

[READ MORE](#)