



Supporting Change and Transformation in the context of LGR



Darren Newman's advice on disciplinary action against trade union representatives



LGR Learning and Development Support



National Developments

SUPPORTING CHANGE AND TRANSFORMATION IN THE CONTEXT OF LGR

EMC has provided a range of tailored change and transformation development for leaders, managers and change champions, helping authorities navigate complex change and uncertainty more effectively.

For **senior leadership teams**, we have provided bespoke facilitated sessions focus on leading strategic change and transformation in complex environments. Using a coaching and facilitation approach rather than traditional training, these sessions have helped SLT's reflect on previous change initiatives, gain new insights, strengthen collective leadership, and plan future action. Programmes have been delivered to senior leadership teams, wider leadership groups and heads of service, with participants reporting improved team purpose, collaboration and organisational communication. Sessions can be delivered as part of an ongoing programme or as stand-alone events.

For **supervisory and middle managers**, the workshops focus on leading through change while maintaining business-as-usual operations. It covers practical change management approaches, embedding and sustaining change, overcoming common barriers, influencing others through change, and supporting teams during uncertainty. Delivered both regionally and in-house, the workshops also provide opportunities for shared learning and networking. Feedback we have received, highlights an increased understanding of organisational change, practical tools and techniques, and the value of engaging with other managers facing similar challenges.

For **change champions**, we have delivered a development programme that builds the knowledge, skills and confidence needed to support organisational change effectively. Change models and frameworks, people's responses to change, communication and feedback skills, and practical strategies for supporting colleagues through transition are features of the development. Programmes have also incorporated MBTI-based learning to help understand different reactions to change and adapt their approach accordingly. Feedback has been highly positive, with attendees reporting greater confidence and understanding in their change champion role.

PROJECTS WITH LOCAL AUTHORITIES

In addition to the support highlighted above, in July EMC has supported authorities with:

- HR policy development
- Chief executive appraisals

Contact Sam or Lisa to discuss how EMC can support your organisation.



LEARNING & DEVELOPMENT

OPPORTUNITIES TO SUPPORT TRANSFORMATION AND CHANGE

We have a range of learning and development interventions to support professional and personal development, particularly relevant in the changing local government landscape.

Here is just a snapshot of what is available for you...

Leadership

- ILM accredited leadership and management programmes from Team Leader (Level 3) Middle Manager (Level 5) and Senior Management (Level 7)

Coaching & Mentoring

- Benefit from being a member of our regional coaching and mentoring network where you can access coaching for your authority and ensure your coaches and mentors receive ongoing CPD support.
- Access our pool of executive coaches and mentors.
- ILM 5 and ILM 7 Coaching and Mentoring Skills Development Programmes

Change and Transformation

- Facilitated bespoke sessions for the senior leadership team in leading strategic change and transformation in an unfamiliar and complex space.
- Leading through change and uncertainty sessions to support those in supervisory and middle manager roles
- Supporting change champions to be effective in their roles

Skills Development

- We can provide individual skills development opportunities in areas such as collaboration and relationship dynamics; handling difficult situations; workplace mediation skills; effective communication skills.

Career Support

- We can support the growth of your confidence and competence to aid your career progression through individual career coaching sessions; group sessions on key themes (eg, relationship building/change/communications).
- Recruitment & selection process support including CV/application form review; interview and presentation skills practice; career strengths inventory.

Personal Development

- Supporting personal self awareness and growth using a range of psychometrics including Myers Briggs Type Indicator, SHL's Occupational Personality Questionnaire and leadership and Emotional Intelligence reporting; Belbin Team Roles and Thomas DISC profiling including personal development planning.

If you would like to explore any of these areas further for yourself and/or your organisation please do get in touch with Lisa Butterfill, HR & Development Manager.

CONTACT LISA

*IN DEEP WITH DARREN***DISCIPLINARY ACTION AND DISMISSAL AGAINST TRADE UNION REPRESENTATIVES**

Employees are entitled to carry out their activities as union members or officials without fear of retribution from the employer. To be specific, it is unlawful under S. 146 of the Trade Union and Labour Relations (Consolidation) Act 1992 for an employer to subject workers to any detriment with the 'sole or main purpose' of preventing or deterring them from participating in the activities of a trade union or penalising them for doing so. Under S.152 of the Act it is unlawful to dismiss someone if the principal reason for dismissal is their union activities.

The activities do of course have to be conducted at an appropriate time. This means outside working hours or at a time agreed with the employer.

Many employers with recognised trade unions enter into specific agreements allowing employees to devote some of their working time to their trade union activities. Indeed, it is not uncommon to agree that some workers will operate as full-time union officials. They remain employed and paid by the employer, but they spend all of their time devoted to union duties. Many employers find that this is an efficient way of ensuring that workers have the representation they are entitled to and that union officials are available to participate in the negotiations and consultations that take place on a regular basis.

One difficulty this creates is judging the extent to which the activities of such an employee are subject to the same standards of performance and conduct that would be applied to an employee carrying out their normal duties. In the 2018 case of *Morris v Metrolink RATP DEV Ltd* the employee was dismissed for breaching the employer's policy in relation to the handling of confidential information. The Court of Appeal held that while the employee may have been in breach of the employee's code of conduct, he had been acting as a union official and what he had done was within the bounds of what one might expect a union official to do. His dismissal was therefore unfair.

Nevertheless, the Court of Appeal held that there will be circumstances where what the employee has done can be separated from their role as a trade union official because their conduct is 'wholly unreasonable, extraneous or malicious'. In those circumstances the employee can be disciplined for their conduct just like any other.

But where is the line to be drawn? In the recent case of *Holmes v Kirklees Council*, the employee had for many years been on full-time release as the branch secretary of UNISON. He was accused of making a physical threat to another employee who at the time was the UNISON Chief Steward. An investigation unearthed complaints from a number of employees alleging bullying, intimidation and 'manipulative behaviour'. The employee was dismissed and he claimed that his dismissal was unfair.

Despite a flawed investigation process the Tribunal rejected his claim. The employer was primarily concerned with the allegation that he had threatened a colleague with violence and had not simply taken an opportunity to get rid of a troublesome union



official as he had alleged. Nor had the HR representative overstepped the mark in suggesting changes to the draft investigation report. The first draft of the report had categorised the employee's misconduct as 'low level in nature' and this comment was removed from the final draft of the report. A finding that there was insufficient evidence to support a finding of any threat of violence was removed and replaced with a finding that there had indeed been 'threatening behaviour'.

The employee relied on the 2015 case of *Ramphal v Department of Transport* in which the EAT found a dismissal to be unfair because of changes to a manager's investigation report made by the HR and legal departments. In that case, however, the investigation report also incorporated the final disciplinary outcome (not a good idea) and so the HR department was essentially overruling the finding of the manager who was supposed to be the decision maker. This case was quite different. The Tribunal was satisfied that the changes made at HR's insistence were intended to assist the disciplinary hearing by ensuring that the investigation reflected the evidence that had been gathered. There were real problems with the way in which the first draft of the investigation report was structured and the HR representative was simply trying to make sure that the report properly reflected the evidence that had been gathered and which was set out in the appendix.

Nor was there any interference with the disciplinary hearing or outcome. Indeed, the Tribunal found that the disciplinary hearing itself had been conducted independently and with very careful consideration of the evidence. There was no evidence that the procedure had been manipulated in order to penalise the employee for his trade union activities and the decision to dismiss was a reasonable one.

The EAT dismissed the employee's appeal and upheld the finding that the dismissal was unfair. The employee's conduct was just the sort of behaviour that was envisaged in the *Morris* case as being separable from the employees' role as a union official.

Darren's Advice to Councils

This seems like common sense. An employee remains an employee even if acting full time as a union official and so it is not unreasonable for basic standards of behaviour required of employees to continue to apply. If an employee threatens actual violence against a colleague then that is something that most employers will not tolerate even if the employee is acting as a trade union representative at the time the threat is made.

Care needs to be taken, however. A full-time official must be allowed to represent their members without fear of retribution and that might involve expressing views in a forceful manner that makes those on the receiving end feel uncomfortable. It is important that such matters are not blown out of proportion and that employers do not readily interpret a belligerent or aggressive negotiating style as misconduct. Where an employee's attitude is causing genuine difficulties then these should generally be dealt with as a matter of industrial relations rather than misconduct with the matter being raised by the employer with the appropriate regional official.



NATIONAL DEVELOPMENTS

NATIONAL PAY DEVELOPMENTS

Soulbury Officers' Pay Agreement

On 28th July, a pay agreement was reached for Soulbury Officers for 2026. This is a 3.6% increase on all pay points and allowances from 1 September 2026.

[READ MORE](#)

Coroners' Pay Recommendation for 2026

Since the coroners' side of the Joint National Committee for Coroners withdrew from the national bargaining arrangement, there has been little progress in restoring the JNC. Earlier this month, the management side of the JNC (as was) has recommended that local authorities give consideration of an increase of 3.5 per cent to pay for coroners from April 2026. They have also shared recent correspondence between the Lord Chancellor and the Coroners Society for England and Wales.

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Unite Ballots for Industrial Action

In last month's bulletin we shared an update on Unite's decision to target certain authorities to ballot for industrial action in relation to this year's pay offer for Green Book employees. We can confirm that, according to Unite's website, the authorities targeted for industrial action ballots all fall outside of the East Midlands region.

ADULT SOCIAL CARE FAIR PAY AGREEMENT CONSULTATION RESPONSE

This month the Government published its response to its consultation on the 'Fair pay agreement process in adult social care' that closed on 16 January 2026. This response contains information about which social care staff will be in scope for fair pay agreements.

It will be of comfort to councils to see that those adult social care staff who are currently part of national bargaining will be excluded from fair pay agreements, alleviating concerns relating to equal pay risks. However, this exclusion will be reviewed after 3 years.

The consultation response also sets out how the body will be constituted, which organisations will be represented on the body, and how the negotiating cycle will work. The Government's response is accessed through the link below.

[READ MORE](#)



SCHOOL SUPPORT STAFF NEGOTIATING BODY CONSULTATION RESPONSE

Also this month, the Government published its response to the School Support Staff Negotiating Body (SSSNB) consultation that closed on 18 July 2025. The response contains information about which school support staff will be in scope for the SSSNB. The Government's response is available through the link below.

[READ MORE](#)

GOVERNMENT CONSULTATION ON REFORMS TO EQUAL PAY LEGISLATION

The Government has launched consultation on reforms to equal pay legislation, including coverage relating to ethnicity and disability. It also includes a requirement for employers to take all reasonable steps to uphold pay equality when outsourcing. Details of the consultation are available through the link below. The reforms would potentially have a significant impact on local government. The consultation closes at 5pm on 27th October 2026.

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REVISED TIMESCALES FOR EMPLOYMENT RIGHTS ACT 2025 IMPLEMENTATION

The Government published a roadmap which set out its implementation plan for what was then the Employment Rights Bill, outlining a staged approach would be taken. Earlier this month a policy paper, Plan to Make Work Pay and Employment Rights Act: Timeline Update was published by the Department for Business & Trade.

This sets out the latest timetable for measures to be introduced, or expected to be introduced, in 2026 and 2027, along with a statement that “All future dates remain subject to parliamentary processes and may change. Longer-term timings will remain under review as we continue to consult on and develop the details of these policies.”

The document confirms that changes to electronic and workplace balloting for statutory trade union ballots will take effect by 31 August 2026. The introduction of electronic and workplace balloting measures for recognition and derecognition ballots will take place sometime in 2027. From 1 October 2026, the time limit for bringing a claim to an employment tribunal will increase from three to six months. Some changes expected to come into force from the beginning of October have been pushed back to 30th October 2026, such as provisions relating to trade unions and to sexual harassment.

To access the timeline update, follow the link below.

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