



# HR in the East Midlands

May 2021

As we start a bank holiday weekend, this month's issue has a number of items on the holiday theme. Darren Newman's article looks at the employment law implications of holidays in the COVID era, in terms of quarantine requirements etc and our national news section includes the circular on working arrangements for the Christmas & New Year bank holidays along with updates on pay negotiations and other developments nationally. Our L&D page highlights development opportunities that have been arranged in response to your requests. We hope you find this bulletin useful and that you enjoy the bank holiday weekend.

## Exit Pay Information Request from MHCLG

There are no further developments to report in terms of exit pay cap proposals, however, MHCLG has finalised and issued today its request to Councils for exit pay data. This follows on from an initial letter sent by MHCLG on 9<sup>th</sup> April, in which the data request was being proposed and asking for comments. Following feedback, the data requirements have been reviewed and finalised and these are available to download as an Excel workbook from [here](#).

The data collection is also being formally launched on the online data collection system, DELTA (<https://delta.communities.gov.uk>). The easiest way

to submit the data will be to upload this Excel workbook into DELTA. The deadlines are as follows:

- data for 2019-20 and 2020-21 should be uploaded by Monday 14th June.
- data for the years of 2014-15 to 2018-19 should be uploaded by Wednesday 30th June.

Those who already have a DELTA account need to go to My Account and then My Profile and select the data collection 'Exit packages payments data. Those who do not already have a DELTA account will need first to register for one. Guidance on getting set up in DELTA can be downloaded from: [here](#)

## Projects with Local Authorities

In May we have supported councils with: -

- Job evaluation training
- Mediation
- Coaching and in-house coaching confidence development sessions

**To find out how EMC could support an area of work for you, then please contact Sam or Lisa.**

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# Learning & Development

## EMC Leadership Development Programme

Our exciting new leadership development programme was launched earlier this month and we are pleased to have this opportunity to provide you with information on how the programme is running so far.

This 8 part virtual leadership development programme kicked off on 13<sup>th</sup> May. The focus of this initial onboarding workshop was on **Action Learning sets**, a key feature of the programme. As part of the programme delegates will have an opportunity to work on a collectively identified problem using action learning methodology. In the introduction workshop delegates were invited to spend time identifying the challenges that they wanted to explore, these included;

- Fostering team working in disparate locations
- Change
- Agile and flexible working, motivation and resilience
- Future ways of working

**A new way of leading: Adaptive Leadership** - The first full workshop in the programme centered on Adaptive Leadership, exploring; how people change and adjust to new circumstances, leadership behaviours and mobilising people to do adaptive work, tackle tough challenges and thrive.

Whilst technical problems may be complex and critical they typically have known solutions. Adaptive challenges need greater interaction between stakeholders and a change in priorities, beliefs and habits.

**We plan to start a new cohort for the programme in Autumn 2021, if you are interested in places please contact Kirsty [Kirsty.lowe@emcouncils.gov.uk](mailto:Kirsty.lowe@emcouncils.gov.uk) for more information.**

The cost per place to include all webinars, action learning sets and access to the resource library is be £850 plus VAT (group discounts also available), for bookings of 5 or more). Full information on the programme can be found [here](#).

## Report Writing Workshop, 30 June 2021

EMC is hosting a highly interactive 3-hour virtual workshop on report writing. The session will look at how to build a logical structure of a report helping participants to communicate their ideas clearly and concisely. For more information visit [here](#).

## Coaching Confidence workshops

During April and May we've been working with an authority to deliver a two part 'coaching confidence' programme, designed to support qualified coaches to return to coaching after a COVID-19 sized gap.

Designed to build confidence and refresh coaches the first workshop provided coaches with an opportunity to;

- Reflect on their coaching experience to date, what you enjoyed, what you found challenging and what skills you bring to coaching
- Explore the benefits of preparing for coaching, including; how to get the most from chemistry sessions
- Understand how contracting can support the development of a coaching relationship
- Refresh on the value of developing and exploring coaching goals, including models

In the second workshop our focus was on the practical, building on coaching delegates were asked to undertake in between the workshops. The workshop focused on;

- Showcasing and providing space to try out coaching Tools,
- Coaching in the virtual environment
- Reflecting coaching practice
- Space for coaches to think about their role, approach and style

If you are interested to learn more about how we can support your organisational coaching goals please contact [Kirsty.lowe@emcouncils.gov.uk](mailto:Kirsty.lowe@emcouncils.gov.uk)

## Coaching for Role Transitions

EMC will be hosting a virtual workshop on coaching for role transitions on Friday 18 June 2021 at 9:30 - 12:30. In this session, we will focus on how, as coaches, we can support our coachees to successfully transition into more senior roles with confidence, even during a time of uncertainty. For more information visit [here](#).

### Contact Details

For further information about any of our work please contact the team:-

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# In Deep with Darren

## This month, Darren Newman looks at Covid and Holiday entitlement

We may not have had much of a Spring, but there is still hope for a summer. However, for those not willing to trust in a dramatic improvement in the weather there is now the option of a foreign holiday. The downside is that a trip to most holiday destinations (with the exception of Portugal) involves entering into some form of quarantine on your return. That means staying at home for a period of 10 days while submitting to at least two covid tests. For those taking time off work the question is whether those 10 days need to be added on to their annual leave request or whether they should be treated in some other way.

I am often struck by the number of people who do not seem to appreciate that the entitlement to 5.6 weeks' annual leave is an entitlement to take paid time off from work – it is not a right to enjoy a nice holiday. Whether or not a period counts as annual leave does not depend on whether you are able to enjoy drinks with umbrellas in them while sitting by the pool. I was working with an employer recently who was facing the challenge of a large number of employees trying to defer their annual leave entitlement beyond the end of their holiday year in April. They were seeking to rely on the amendment to the Working Time Regulations made in 2020<sup>1</sup> which allowed leave to be deferred for up to two years where it was not reasonably practicable to take it as a result of Coronavirus. But those Regulations were aimed at key workers who could not be spared from their duties as they fought the pandemic or sought to keep the economy functioning. They do not allow employees to defer their annual leave because their favourite holiday destinations are not available to them.

So an employee who seeks a two week holiday in Florida (something the Government currently advises against, even though travel to the USA is legal) will need to have enough leave entitlement available to

cover both the trip abroad and the period of quarantine that is required on their return.

What if they do not arrange that with their employer in advance? Employees are not obliged to disclose their holiday destination to their employer and so what if an employee takes a foreign trip and then simply informs the employer on their return that they are required to remain in quarantine and cannot return to work as scheduled?

To my mind, that would be a straightforward case of unauthorised absence. The period of quarantine is not something that an employee can claim as equivalent to a period of ill-health – or for that matter being required to self-isolate after coming into contact with someone who has tested positive for covid. The Government clearly draws a distinction between the two as someone who is self-isolating qualifies for SSP even if they are not themselves ill - whereas someone in quarantine after travelling abroad does not. Someone who travels abroad to countries that are not on the green list does so in the knowledge that they will have to quarantine on their return. So in general they must make sure when booking their holiday to allow enough time to cover the whole period of their absence.

The situation may be different if the employee can easily work from home – or has been doing so in any event prior to their trip. In that case the period of quarantine need not interrupt their work at all. There will be no need to apply for leave in relation to a period when they will be able to work as normal. Employees who cannot reasonably work from home, however, will have to treat their period of quarantine as part of their holiday entitlement and apply for leave accordingly.

It has been suggested that this is unfair because it tends to create a two-tier workforce and I know that some local authority employers have been reluctant to draw such a clear distinction in the treatment of employees. I have to admit that I simply do not see the problem. There are all sorts of differences in the way in which an employer treats different groups of

<sup>1</sup> [The Working Time \(Coronavirus\) \(Amendment\) Regulations 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2020/1113/contents/part-1/section-10)



employees. Some get paid more than others, some have to work additional hours with no extra pay, some sit in a comfortable office and others have to work outside in the rain and snow – even in Springtime. Similarly, some can work at home and others cannot. For those who cannot, their period of quarantine will be a period of leisure away from the workplace. For those who can, they will be carrying out their normal duties. Of course if working at home restricts what employees can do so that they cannot be regarded as performing their full role, then they will need the agreement of their employer. Since quarantine is a self-inflicted situation, the employer will not be obliged to compromise on the quantity or quality of an employee's work over the course of that period and may insist that the employee takes a longer period of leave instead.

This all strikes me as perfectly reasonable. Everybody is being offered the same amount of paid annual leave. Not everybody is having the same holiday experience, but I don't think that is the employer's problem. Employees who feel hard done by at the prospect of spending some of their holiday in quarantine should perhaps take comfort from the fact that at this time of year Florida is far too hot - and Portugal is lovely.

More information can be found on Twitter:  
[@daznewman](#)

## National Developments

### Pay Negotiations

A meeting was held on 14<sup>th</sup> May 2021 of the Employers' Side of the National Joint Council for Local Government Services (Green Book) employees. As an outcome of that meeting, the Employers put forward a pay offer. We distributed a copy of the circular which detailed the offer straight away, and you can access it [here](#).

The National Employers have informed the staff sides of the other bargaining groups for which they have responsibility – Chief Executives, Chief Officers and Craftworkers - that they will not be able to respond to their respective pay claims until the main NJC pay agreement has been settled. A copy of the letters sent to the respective representatives of each group can be seen [here](#).

On 21<sup>st</sup> May the unions wrote to the National Employers to reject the offer and asked for urgent talks. The Employers will consider the unions' letter and respond in due course.

We will keep you informed of further developments with national pay negotiations as soon as they arise.

### Circular on Working Arrangements over Christmas and New Year

Earlier this month we circulated a copy of NJC guidance on the working arrangements over the Christmas & New Year holidays. This is customary when Christmas falls over a weekend. A copy of the circular is available [here](#).

### In-Person Right to Work Checks

On 12<sup>th</sup> May the Government announced its decision to delay the reintroduction of in-person right to work checks. Employers were initially told they would be expected to start conducting in-person checks again on 17<sup>th</sup> May, but the date has now been pushed back to 21st June 2021.

The Home Office had announced in April that it was bringing to an end coronavirus allowances that meant employers could use video calls and accept scans or photographs of documents when checking whether individuals are legally allowed to work in the UK.

### Ministerial letter about sleep-ins judgement

Following the Supreme Court's recent decision that the National Minimum Wage does not apply to hours when workers are expected to sleep, including time when care workers are paid to sleep overnight in someone's home on a precautionary basis, Department for Health and Social Care (DHSC) and Department for Education (DfE) Ministers have written to Directors of Adult Social Care and Children's Services. **The letter** shares the Department for Business, Energy & Industrial (BEIS's) Strategy and encourages commissioners to carefully consider the impacts on market and workforce stability in responses to the judgment. A copy of the revised national minimum wage guidance can be accessed here: [updated national minimum wage guidance](#).



# Apprenticeships

## LGA Apprenticeship Newsletter, May 2021

The latest LGA apprenticeship newsletter can be found [here](#). It covers developments in the world of apprenticeships, including:-

- Local Government Apprentice of the Year
- Skills and Post-16 Education Bill
- Pooled PAYE
- Replacing Business Administration Level 2
- Schools – Request for Case Studies and Roundtable
- Apprenticeships Mapping Tool Updated
- LGA Apprenticeship Surgeries May -June 2021
- Flexi-Apprenticeship Consultation
- MENCAP Accessible Apprenticeships Survey
- IDR Survey of Graduate and Apprentice Pay 2021
- Strategic Development Network Webinars: Government initiatives and your workforce planning
- LGA Webinar Round-up

## Vacancy in our Neighbouring Region

### Could you be the next Head of Regional Employers for EELGA?

**Head of Regional Employers  
East of England Local Government  
Association (EELGA)**

**Salary Grade:** £65,000 - £70,000

**There is an opportunity to take up the role on a secondment basis.**

EELGA is seeking a new Head of Regional Employers. An exciting and rare opportunity to become the “go-to” person for employers across the East of England region’s local government family. This is a combination of corporate role, member of the senior management team and HR lead for the Regional Employers Organisation supporting the 50 councils in the East of England.

Details are available [here](#)

