



EMPLOYMENT
LAWYERS
ASSOCIATION

www.elaweb.org.uk

Annual Report

2016 - 2017

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A large, bold, black lowercase letter 'a' is centered on a teal background.

Employment Lawyers Association
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Uxbridge UB10 0UN

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Honorary Presidents of ELA

The Honourable Mrs Justice Simler

President

Employment Appeal Tribunal
England & Wales

Lady Wise

Chair

Employment Appeal Tribunal
Scotland

Judge Brian Doyle

President

Employment Tribunals England & Wales

Judge Shona Simon

President

Employment Tribunals Scotland

ELA Management Committee 2016 - 2018

Chair

Gareth Brahams

Deputy Chair

Juliet Carp

Treasurer

Catherine Taylor

Secretary

Lucy Bone

Editor, ELA Briefing

Alex Lock

Chair, Training Committee

Marian Bloodworth

Chair, Legislative & Policy Committee

Paul McFarlane

ELA Management Committee 2016 - 2018 *cont.*

Chair, International Committee

Ming Henderson

Chair, Pro Bono Committee

Acting Chairs: Natasha Joffe and Sophie Roberts
(for Ruth Gamble while on maternity leave)

Representative of the Bar

Paul Epstein QC

In-house Representative

Mark Hunt

Junior Lawyer Representative (co-opted March 2017)

Emily Chalkley

Regional Representatives

Lower South East – Claire Merritt

Midlands – Tariq Sadiq

North East – Anjali Sharma and Donna Anderson

North West – Daniel Northall

Northern Ireland – Ciara Fulton

Scotland – Eleanor Mannion

South West – Greg Chambers

Wales – Daniela Mahapatra

Members at Large

Judith Harris

Dee Masters

Jennifer Wright

Ijeoma Omambala

Daniel Pollard

Law Society Council Seat

Clive Dobbin

Vice President

Bronwyn McKenna

Life Vice Presidents

Dame Janet Gaymer DBE QC

Jane Mann

Fraser Younson

ELA Support

Head of Operations

Lindsey Woods

ELA Administration - Byword

Manager: Charley Masarati

Sandra Harris

Kate Jones

Emily Masarati

Finance Officer

Angela Gordon

Website Manager

Cynthia Clerk

Website Support

Bronwen Reid, BR Enterprises Ltd

PR Consultants

Kysen PR



**EMPLOYMENT
LAWYERS
ASSOCIATION**

Employment Lawyers Association

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Report from ELA
In-house Representative

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Regional Representatives

Chair

Gareth Brahams, BDBF LLP

Deputy Chair

Juliet Carp, Kingsley Napley LLP

www.elaweb.org.uk

Chair's Report

When I fought the highly contested election to become Chair of ELA (against that perennial bridesmaid of candidates, Re-Open Nominations) I thought hard about my manifesto and in that long lasting refuge of the worst kind of politician (I think we are all already sick of them) I promised that once I assumed the mantle of power I would launch a strategic review.

The Strategic Review

It was time, I said, for us to think again what ELA is for? What other services can we provide to our members that we don't? (The lobbying for the ELA dating app "ELA Feeler" continues but I am not yet convinced).

What things are we just doing because we have always done them but no longer serve the purpose that they did?

Why do we run ourselves the way we do?

How can we run ourselves better?

To be honest, I actually thought ELA is pre-eminent in its role, runs well and delivers great (actually ridiculously good) value for its members so I did not think radical change would emerge, and it hasn't! It clearly ain't broke so we should not be fixing it but the world has moved on a lot in the 25 years since our formation and the organisation has grown exponentially so we cannot stay where we are by standing still (oh my Goodness, I really do sound like a politician).

Well, it transpired that this was a bigger and more real project than I had anticipated.

It seems that a root and branch strategy review of ELA had never been conducted before and there were indeed some new things we could do and aspects we could do differently.

Empowerment and Holding to Account Regions and Sub-Committees

When I started looking at it, I realised that ELA is the sum of some amazing parts. It is the job of the Chair (and deputy) and ManCo to decide what parts we should have and hold the Regional representatives and Chairs of the individual committees to account, but otherwise we need to empower the Committees (Training, Legislative and Policy, Editorial, ProBono, In-house, International) and Regions and let them get on with the job.

Chair's Report *cont.*

So the driving force of my approach (and I am pleased to say with the complete support of the Management Committee and in particular my gratitude to Lindsey Woods, our Head of Operations, our Deputy Chair, Juliet Carp, and Treasurer, Catherine Taylor, for supporting this change) has been to give individual budgetary responsibility to each Committee and Region so they have control of their own finances. At the same time, I asked each of these groups to produce a strategic plan and these were reviewed by a sub-committee of Juliet Carp, Catherine Taylor, Lindsey Woods and me.

We have analysed, challenged and endorsed these plans for every Region and Committee with the aim of ensuring there is a sustainable, adaptable and empowered ELA presence that is thinking about serving our members now and in the future in each Region and in each of our key functional areas.

Having empowered the Chairs and Regional Reps with budgets and strategic plans, there has been one area where I have sought to be more directional and that is succession planning and load sharing.

The reality is that these roles (particularly that of Regional Representative) are big, really big, and too large to be done by one person. If left to that one person, ELA members with an interest in the work of a committee or in a particular region can be left vulnerable to the key person becoming ill or losing interest. Also, inadvertently, ELA in a region or field of activity can be over-identified with one person and that can be a risk to the future of ELA in that area (whether functional or geographic). This is why I have been driving forward the practice that each of these elected roles should have a deputy and a committee so that there are no gaps when the time comes for the current incumbent to move on or become incapacitated. The people selected to do those roles and the exact size and organisation of how that support is given and how succession is planned is a matter for the elected position holder but to ensure that there is such a plan and it is sustainable, is, I believe, part of my role.

If you would like to get involved in the work of a committee or region, then you should let your committee member or regional representative know and if you think it is going really well or could do better, please let me know.

Chair's Report *cont.*

New Initiatives

Until now, I have been talking about what we have always done. Of course, strategy is not just about doing the same things better but about doing new things and in a way it is much more exciting to talk about that but I have resisted the temptation to do so, because the work of the Committees and the Regions is the core of what we do and our new initiatives cannot compete with the solid core of what have always done and will continue to do in the future (though even better and more efficiently).

However, we have developed new services and ideas and are in the process of developing more.

- We are working on providing a channel for those seeking to identify employment lawyers as mediators (either in workplace mediations or ones related to litigation)
- We are looking at running a mentoring scheme for senior members to mentor junior employment lawyers.
- Judith Harris and Dan Pollard are (with the Operations Team) leading a revamp of the ELA website

We have also created a new position on the management committee for an employment lawyer who is in the early part of their career to represent members in the same position. I was particularly pleased that competition for the role was so fierce and congratulate and thank Emily Chalkley from Charles Russell Speechly for taking up the role. I hope and believe that her presence and the presence of her successors will make the ELA constantly relevant not just to old timers like me but to every employment lawyer at every stage of their career.

My thanks

ELA is an organisation where there are a lot of ideas generated and no shortage of lawyers coming up with them but when it comes to implementing them, we leave that to Lindsey, Charley and the rest of the team. We owe our biggest thanks to them, because without their dedication, those ideas would remain just that. Implementation is the graveyard of strategy but we have great implementers, so the strategy is alive and kicking.

Gareth Brahams
Chair

Treasurer's Report

ELA's financial position continues in good health with Reserves at the end of the financial year 2016 at £321,823 albeit a reduction from start of the year when they stood at £368,715. This reflected the fact that the Management Committee continued with its planned reduction of the amount held in Reserves year on year, but had as notified last year, reduced the impact on the Reserves by its adjustment of the training fees and subscription fees. As a result, in 2016 the year on year reduction of the Reserves was less than 50% of the reduction in 2015.

The turnover in 2016 was £771,310 an increase on 2015 turnover of £59,237. Training income increased by £82,048 compared to 2015. Membership subscription income for 2016 was £348,619, a decrease of £15,913 compared to 2015.

The Management Committee continued the pro bono funding of £20,000 to each of the Free Representation Unit (FRU) and Bar Pro-Bono Unit.

As at 31 December 2016, ELA's reserves totaled £321,823. This comprises the Emergency Fund of £250,000 and the Development Fund of £71,823. These funds help to ensure that ELA's future remains bright. They enable future management committees to plan for the growth of existing membership services and also allow innovation of new services and one-off projects. They also provide a financial cushion against any large drop in income.

In 2014 it was agreed to extend our existing offering of discounts on our training courses and evening sessions, and to reduce the fees for our annual introductory courses. In 2015 the Management Committee considered the impact of these discounts and reductions on training income, and the follow on impact on the Reserves and decided that the drop in training income would not be sustainable in the long term. We therefore adjusted these discounts, whilst overall maintaining them. A small increase in membership subscription from £80 to £95 for full members (the rate for associate members has not been increased) has also been agreed by the Management Committee, and was applied to 2017 subscriptions – the first increase in nine years. We consider that these measures will ensure that the ELA is able to continue to provide a high quality and comprehensive range of services and initiatives, whilst ensuring that the Reserves are preserved to ensure the future economic stability of the ELA.

Treasurer's Report *cont.*

I am very grateful to the following for their help during the year:

- Angela Gordon, our Finance Officer, who is central to ELA's financial administration;
- Lindsey Woods and Charley Masarati who assist in managing and verifying ELA's income and expenditure; and
- Crowe Clark Whitehill LLP, our auditors.

Catherine Taylor
Treasurer

Summary of Accounts

Detailed Income and Expenditure Account for the Year ended 31 December 2016

	2016	2015
	£	£
Turnover	771,310	712,073
Less: overheads		
Training costs	(348,445)	(383,026)
Administration expenses	(471,963)	(440,329)
Operating loss	(49,098)	(111,282)
Interest receivable	2,757	638
Tax on profit on ordinary activities	(551)	-
(Loss) / Profit for the year	(46,892)	(110,644)

Schedule of Detailed Accounts for the Year ended 31 December 2016

	2016	2015
	£	£
Turnover		
Membership subscriptions	348,619	364,532
Event income	417,698	335,650
Other income	4,993	11,891
	<u>771,310</u>	712,073
Training costs		
Room hire and catering	275,440	273,355
Speakers' expenses	15,154	30,314
Webinar	2,402	1,791
Other training costs	55,449	77,566
	<u>348,445</u>	383,026
Administration Expenses		
Staff salaries	115,847	98,622
Staff national insurance	9,628	9,102
Social events	24,287	18,282
Consultancy fees	76,626	87,545
Web-site hosting & maintenance	8,383	14,877
PR	5,000	2,500
Pro Bono project	40,000	30,000
Publishing	112,685	112,489
Auditors' remuneration	6,675	6,675
Accountancy	2,625	1,300
Bank charges	3,352	3,087
Administration	60,318	42,950
Committee initiatives	6,537	12,902
	<u>471,963</u>	440,330

Secretary

Lucy Bone, Littleton Chambers

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Secretary's Report

The membership figures for the year to 31 December 2016 show a decrease in members of 150, from 5,993 to 5,843.

The figures break down as follows:

- **5,603 full members** (26 decrease on 2015)
- **219 associate members** (comprising trainees/pupil barristers/academics/overseas members/judiciary) (128 decrease on 2015)
- **21 correspondents** (Voluntary sector organisations with a material interest in employment law may benefit from all ELA services as correspondents) (4 increase on 2015)

The number of members per region, comparing this year and last, is set out in the table below.

	2016	2015
London	2707	2776
Lower South East	347	382
Upper South East	475	492
Midlands	533	536
North East	398	413
North West	468	474
Northern Ireland	35	25
Overseas	77	70
Scotland	224	228
South West	426	439
Wales	153	168

There have been no changes to the Constitution this year.

I would like, as always, to thank Head of Operations, Lindsey Woods, and Charley Masarati and her team at Byword, who run the ELA Administrative Office, for their hard work and support.

Lucy Bone
Secretary

Chair, Legislative & Policy Committee
Paul McFarlane, Weightmans LLP

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Legislative & Policy Committee Report

Committee

Shubha Banerjee, Leigh Day
Emma Burrows, Trowers & Hamlins LLP
Kiran Daurka, Leigh Day
Arpita Dutt, BDBF LLP
Jonathan Chamberlain, Gowling WLG (UK) LLP
James Davies, Lewis Silkin LLP
Robert Davies, Walbrook Law LLP
Felicia Epstein, ATL
John Evason, Baker & McKenzie LLP
Kate Ewing, UNISON
Richard Fox, Kingsley Napley LLP
Peter Frost, Herbert Smith Freehills LLP
Janet Gaymer, DBE QC
Anna Henderson, Herbert Smith Freehills LLP
Howard Hymanson, Harbottle & Lewis LLP
Anthony Korn, No 5 Chambers
Joanne Owers, DAC Beachcroft LLP
Eleanor Mannion, Renfrewshire Council
Michael Reed, Free Representation Unit
Brona Reeves, Barclays Plc
Bronwyn McKenna, UNISON
Catrina Smith, Norton Rose Fulbright LLP
Paul Statham, YESS
Caroline Stroud, Freshfields Bruckhaus Deringer LLP
Louise Taft, Freemans Solicitors
Peter Wallington QC
James Warren, Fieldfisher LLP
David Widdowson, Abbiss Cadres LLP
Fraser Younson, Fraser Younson Legal Ltd

Legislative & Policy Committee Report

I have loved my first year in this role. It has given me an opportunity to see, first hand, how passionate our members are to ensure employment law develops for the good of all concerned, whether that be on the employer or employee side.

It has also made me appreciate how the work we do (by this I mean our members) is valued in the places that matter e.g. government, Parliament, the Judiciary and ACAS. For example following Jonathan Chamberlain giving evidence on Corporate Governance to the BEIS Select Committee, the Select Committee's report incorporated a number of ELA recommendations seeking to address the past failings and poor board-level accountability.

However, it has been a very challenging year. This year we have taken part in 22 consultations. The details are set out in the pages following my report. Regrettably, on many occasions, we have been required to respond at very short notice and on highly controversial subjects e.g. Employment Tribunal Fees and Reforming Employment Tribunals, to name but two. This has obviously put extra pressure on the Committee and our members to pull together responses. However, I am pleased to say that we have been able to step up to the mark.

The topics we have been asked to respond to have also been ones which have the potential to polarise opinion. However, it is a testament to the work of the Committee that we have continued to provide detailed, thought leading responses which are respected by both sides of industry.

There have been too many worthy contributions from Committee members to mention this year, however, I feel I must mention two: Stephen Levinson and David Widdowson. Stephen stood down from the Committee after over a decade of dedicated service. Stephen embodies all the good things about ELA: his expertise, passion and commitment to all things employment law will be sorely missed. David has made significant contributions this year: leading our responses on such subjects as: industrial relations reform; and employment practices in a modern world. He also gave evidence to a BEIS Select Committee.

With another General Election around the corner, one thing is certain. Next year will not be dull in the field of employment law and our Committee will be at the forefront continuing to help shape the debate on how to improve it for all!

Paul McFarlane
Chair, Legislative & Policy Committee

ELA Standing Committees (2016-17)

ADR/Arbitration

Co-Chairs: Peter Frost, Herbert Smith Freehills LLP and Paul Goulding QC, Blackstone Chambers

ELA Working Party

Ivor Adair, Slater and Gordon (UK) LLP
Michael Anderson, Lewis Silkin LLP
Joanna Blackburn, Mishcon
Charles Ciumei, Essex Court Chambers
Maya Cronly-Dillon, Arthur J. Gallagher
Peter De Maria, Doyle Clayton Solicitors
Peter Finding, Withers LLP
David Green, Charles Russell Speechlys LLP
Shobana Iyer, Swan Chambers
Jenni Jenkins, Memery Crystal LLP

Sue Kelly, Winckworth Sherwood LLP
Esther Langdon, Vedder Price LLP
Stephen Levinson, Keystone Law
Jane McCafferty, 11KBW
Ken Morrison, Kingston University
Susannah Perry, Threadneedle Asset Management
Malcolm Pike, Addleshaw Goddard LLP
Mary Siddall, Workplace Solutions
David Widdowson, Abbiss Cadres LLP
Max Winthrop, Short Richardson & Forth LLP

City regulation and employment law

Chair: Caroline Stroud, Freshfields Bruckhaus Deringer LLP

ELA Working Party

Steven Cochrane, Pinsent Masons LLP
Stephen Levinson, Keystone Law
Jane McCafferty, 11KBW
Julie Morris, Slater Gordon (UK) LLP
Tom Ogg, 11KBW
Andrew Sutton, UBS AG
Andrew Taggart, Herbert Smith Freehills LLP
Alastair Windass, Clifford Chance LLP
Alistair Woodland, Clifford Chance LLP

ELA Consultation Submissions: May 2016 – April 2017

ELA Response to Review of the Introduction of fees in the Employment Tribunals

14 March 2017

Co-chairs:

Paul McFarlane, Weightmans LLP; Michael Reed, Free Representation Unit

ELA Working Party

Minal Backhouse, Backhouse Solicitors Ltd

Cyril Dennemont, Fletcher Day

David Rintoul, Slaughter and May LLP

Victoria von Wachter, 5 Essex Court

Andrew Workman, One Temple Square

Parker Review Recommendations: ELA Submissions

27 February 2017

Chair: Kiran Daurka, Leigh Day

ELA Working Party

Charlene Brown, BNY Mellon

Tilly Harries, PwC

Doreen Reeves, Slater and Gordon (UK) LLP

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA Response to BEIS consultation on Corporate Governance Reform

17 February 2017

Chair: Caroline Stroud, Freshfields Bruckhaus Deringer LLP

Committee Members

Patrick Brodie, Reynolds Porter Chamberlain LLP
Steven Cochrane, Pinsent Masons LLP
Alice Greenwell, Freshfields Bruckhaus Deringer LLP
Stephen Levinson, Keystone Law Limited
Jane McCafferty, 11 Kings Bench Walk Chambers
Julie Morris, Slater Gordon (UK) LLP
Tom Ogg, 11 Kings Bench Walk Chambers
Tim Poole, Clifford Chance LLP
Andrew Sutton, UBS AG
Andrew Taggart, Hebert Smith Freehills LLP
Alastair Windass, Clifford Chance LLP
Alistair Woodland, Clifford Chance LLP

ELA Response to Work, Health and Disability Consultation

17 February 2017

Chair: Robert Davies, Walbrook Law LLP; Louise Taft, Freemans Solicitors

ELA Working Party

Beth Bearder / Emily Pepper, Nabarro LLP
Elizabeth Davey, Legal Advice Centre
Karen Jackson, didlaw
Sally Robertson, Cloisters
Emma Satyamurti / Nick Webster, Leigh Day
Jasmine van Loggerenberg, Slater and Gordon (UK) LLP
Laura Webb, BT Legal

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA Response to Salary Sacrifice Consultation on Draft Legislation

1 February 2017

Response drafted by James Davies, Lewis Silkin, Chair of ELA's working party which responded to the HMRC Consultation on Salary Sacrifice for the Provision of Benefits-in-Kind in October 2016.

ELA Response to Consultation: Reforming the Employment Tribunal System

20 January 2017

Co-Chairs: Richard Fox, Kingsley Napley LLP; Joanne Owers, DAC Beachcroft LLP

ELA Working Party

Andrew Burns QC, Devereux Chambers

Kiran Daurka, Leigh Day

Shantha David, Unison

Kathryn Dooks, Kemp Little LLP

Anna Henderson, Herbert Smith Freehills LLP

Dominic Holmes, Taylor Vinters LLP

Katie Honeyfield, Lewis Silkin LLP

Mark Hosking, Nabarro LLP

Stephen Levinson, Keystone Law

Bronwyn McKenna, Unison

Eleanor Mannion, Renfrewshire Council

Sean Nesbitt, Taylor Wessing LLP

Kim Roberts, King & Spalding International LLP

Jennifer Sole, Curzon Green Solicitors

Louise Taft, Freemans Solicitors

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA Response to BEIS Committee Inquiry into the Future World of Work and Rights of Workers

19 December 2016

Committee Members

Lily Collyer, Baker & McKenzie LLP
Adam Creme, UNISON
Harini Iyengar, 11 KBW
Alexandra Mizzi, Howard Kennedy LLP
David Palmer, Allen & Overy LLP
Anna Sella, Lewis Silkin LLP
Catrina Smith, Norton Rose Fulbright LLP (co-Chair)
David Whincup, Squire Patton Boggs (UK) LLP
David Widdowson, Abbiss Cadres LLP (co-Chair)
Will Winch, Mishcon de Reya LLP

ELA Response to consultation on hiring agency staff during strike action in Welsh public services

6 December 2016

Co-Chairs: Daniela Mahapatra, NHS Wales; Robert Davies, Walbrook Law LLP

Committee Members

Angharad Booker, NUT Cymru
Evelyn Morgan, Vale of Glamorgan Council
Damian Phillips, Darwin Gray LLP

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA Response to Proposals for Transforming our Justice System: Panel Composition in Tribunals 21 November 2016

Chair: Richard Fox, Kingsley Napley LLP

ELA Working Party

Emma Burrows, Trowers & Hamlins LLP

Robert Davies, Walbrook Law LLP

Susan Doris-Obando, Freshfields Bruckhaus Deringer LLP

Peter Frost, Herbert Smith Freehills LLP

Anthony Korn, No 5 Chambers

Bronwyn McKenna, UNISON

ELA Response to Proposals for Transforming our Justice System: Assisted Digital Strategy 9 November 2016

Chair: Richard Fox, Kingsley Napley LLP

Working Party

Tessa Fry, GSC Solicitors LLP

Jennifer Sole, Curzon Green

James Warren, Fieldfisher LLP

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA's response to Women and Equalities Committee's inquiry on ensuring strong equalities legislation after EU exit

9 November 2016

Co-Chairs: Kate Ewing, UNISON; Paul McFarlane, Weightmans LLP

Working Party

Lucy Bone, Littleton Chambers
Felicity Carroll, A City Law Firm Ltd
Diane Doliveux, Tanfield Chambers
Kim Freeman-Smith, Berg
Philip Henson, DKLM LLP
Schona Jolly, Cloisters
Sarah Keogh, Old Square Chambers
Elizabeth Lang, Bird & Bird
Janette H. Lucas, Squire Patton Boggs LLP
Joanne Mackie, Government Legal Department
Eleanor Mannion, Renfrewshire Council
Julie Morris, Slater and Gordon (UK) LLP
Christina Morton, Withers LLP
Emma Naughton, Dentons UKMEA LLP
Sophie Park
Tamsin Rickard, King & Wood Mallesons
Louise Taft, Freemans Solicitors
Nicola Tager, Harbottle & Lewis LLP
Kelly Thomson, RPC

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA response to House of Commons BIS Select Committee Inquiry on corporate governance

26 October 2016

Chair: Jonathan Chamberlain of Gowling WLG LLP

Secretary: Serena Mohammed, Gowling WLG LLP

Working Party

James Bickford Smith, Littleton Chambers
Jonathan Exten-Wright, DLA Piper (UK) LLP
Sarah Gadd, Latham and Watkins
Tim Leaver, Herbert Smith Freehills LLP
Karen Mortenson, Howard Kennedy LLP
Emma Naughton, Dentons UKMEA LLP
Christopher Tutton, Constantine Law Ltd
James Warren, Fieldfisher LLP
Audrey Williams, Fox Williams LLP
David Widdowson, Abbiss Cadres LLP
Christine Young, Herbert Smith Freehills LLP

ELA response to HMRC Consultation: Salary Sacrifice for the Provision of Benefits-in-Kind

19 October 2016

Chair: James Davies, Lewis Silkin LLP

Working Party

Nick Logan, Ernst & Young LLP
Özlem Mehmet, Fox Williams LLP
Emma Naughton, Dentons UKMEA LLP
Clare Primett, NHS Wales
Sally Robertson, Cloisters

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA Response to GEO consultation: Mandatory Gender Pay Gap Reporting - Public Sector Employers

30 September 2016

Chair: Kiran Daurka, Leigh Day

Working Party

Elaine Banton, 7 Bedford Row
Marian Bloodworth, Kemp Little LLP
Felicia Epstein
Annabel Gilham, Herbert Smith Freehills LLP
Colin Leckey, Lewis Silkin LLP
Jane Russell, Essex Court Chambers
Khurram Shamsee, DAC Beachcroft LLP
Andrew Taggart, Herbert Smith Freehills LLP

ELA Response to the Review into increasing progression in the labour market for BAME workers: call for evidence

22 August 2016

Chair: Kiran Daurka, Leigh Day

Working Party

Charlene Brown, BNY Mellon
Arpita Dutt, BDBF LLP
Tilly Harries, PwC Legal LLP
Sonal Khimji, Reading Council
Paul McFarlane, Weightmans LLP
Doreen Reeves, Slater and Gordon (UK) LLP

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA response to Off-payroll working in the public sector: reform of the intermediaries legislation

18 August 2016

Chair: : Stephen Ratcliffe, Baker & McKenzie LLP

Working Party

Susie Al-Qassab, Howard Kennedy LLP

Phillippa Canavan, Squire Patton Boggs (UK) LLP

John Moore, Bevan Brittan LLP

Clare Primett, NHS Wales

Doreen Reeves, Slater and Gordon (UK) LLP

ELA's response to the Low Pay Commission Consultation: National Living Wage and National Minimum Wage: 2016 evidence

29 July 2016

Co-Chairs: Shubha Banerjee, Leigh Day; Michael Reed, Free Representation Unit

ELA Sub-committee

Emma Cousins, Addleshaw Goddard LLP

Michael O'Donoghue, Bradford Law Centre

Kate Ewing, Unison

Eirwen Pierrot, Field Court Chambers

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA Response to Department for Business Innovation & Skills Call for Evidence On Non-Compete Clauses

21 July 2016

Co-Chairs: Paul Goulding QC, Blackstone Chambers; David Widdowson, Abbiss Cadres LLP

Working Party

Susan Doris-Obando, Freshfields Bruckhaus Deringer LLP

Matt Jenkins, Harrison Clark Rickerbys

Laura McNair-Wilson, Littleton Chambers

Jennifer Millins, Mishcon de Reya LLP

Catrina Smith, Norton Rose Fulbright LLP

ELA Response to Government Consultation on Tipping, Gratuities, Cover and Service Charges

28 June 2016

Co-Chairs: Laura Farnsworth, Lewis Silkin LLP; James Warren, Fieldfisher LLP

Working Party

Lydia Christie, Howard Kennedy LLP

Tessa Fry, GSC Solicitors LLP

Teresa Harrison, RIAA Barker Gillette (UK) LLP

Melanie Lane, Olswang LLP

Emma Naughton, Dentons UKMEA LLP

Eirwen Pierrot, Field Court Chambers

Katie Selves, Archon Solicitors Limited

Nick Tsatsas, Fladgate LLP

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA's response to Compensation for Loss of Pension Rights in Employment Tribunals

20 May 2016

Working Party

Hannah Beacham, Gowling WLG

Robert Davies, CMS Cameron McKenna LLP

Anthony Korn, No. 5 Chambers

Richard Lee, Gowling WLG

Adrian Lynch QC, 11 KBW

Paul McAleavey, Brahams Dutt Badrick French LLP

ELA Response to HM Treasury Consultation on reforms to public sector exit payments

3 May 2016

Chair: Emma Burrows, Trowers & Hamlins LLP

ELA Sub-Committee

Dena Benzie, CSC Computer Sciences Ltd

Rachel Broughton, Averta

Lindsay Gallagher, Morton Fraser LLP

Robert Lewis, Farrer & Co LLP

Eleanor Mannion, Renfrewshire Council

Gemma Ranson, CSC Computer Sciences Ltd

Doreen Reeves, Morgan Manning Ltd

Andrew Uttley, Capsticks Solicitors LLP

ELA Consultation Submissions: May 2016 – April 2017 *cont.*

ELA Response to the Civil Service and Cabinet Office Consultation on reforms to the CSCS

3 May 2016

Chair: Emma Burrows, Trowers & Hamlins LLP

ELA Sub-Committee

Gemma Ranson, CSC Computer Sciences Ltd

Dena Benzie, CSC Computer Sciences Ltd

Zoe Jackson, CSC Computer Sciences Ltd

Acting Co-Chairs, Pro Bono Committee

(for Ruth Gamble, BDBF LLP)

Natasha Joffe, Outer Temple Chambers and Sophie Roberts,
Publicis Groupe

www.elaweb.org.uk

Pro Bono Committee Report

Committee

Bhavika Badola, Bolt Burdon	Cyril Dennemont, Fletcher Day LLP
Caroline Baker, GQ Employment Law	Emma Delap, Lewis Silkin LLP
Talia Barsam, Devereux Chambers	Sean Jones QC, 11KBW
Phillip Chivers, Osborne Clarke LLP	Edward Kemp, Littleton Chambers
Ben Collins QC, Old Square Chambers	Rolleen McDonnell, BDBF LLP
Sharon Corbett, Southwark Council	Jennifer McGrandle, Dechert LLP
Tom Croxford, Blackstone Chambers	Polly Rodway, BDBF LLP
Paul Daniels, Slater and Gordon (UK) LLP	Ian Winrow, Bangor Law School

Over the last year, the Pro Bono Committee has continued to offer members the opportunity to engage in meaningful pro bono work through offering a range of pro bono initiatives to members.

In particular:

- The Employment Tribunal Litigant in Person scheme (ELIPS) in London has continued to grow in London Central Employment Tribunal. The scheme has received formal approval and is now an established and heavily used scheme. The scheme continues to have the support of the President of the Employment Tribunal as well as the judiciary and tribunal staff at London Central Employment Tribunal.
- Last year the decision was taken to roll out ELIPS to Cardiff. Since October 2016 ELIPS has been successfully running in the Cardiff Employment Tribunal. The scheme runs on the third Friday of every month. The scheme is heavily supported by Regional Employment Judge Barry Clarke and Employment Judge Sian Davies. The scheme has received incredibly positive feedback from both the litigants and the judiciary to date.
- The committee has expanded the respondent-focussed pro bono opportunities on offer to ELA members by teaming up with Advocates for International Development (A4ID). ELA members can now take on national and international pro bono projects for NGO and social enterprises.

Pro Bono Committee Report *cont.*

- The committee continues to have a close and supportive relationship with FRU, the Bar Pro Bono Unit and LawWorks. FRU recently presented ELA with a certificate of thanks for its support over the years at its recent office move event. FRU, the Bar Pro Bono Unit and LawWorks provide critical support, not least in relation to the provision of insurance, to enable members to undertake pro bono work.
- The committee continues to help provide the Employment Law Telephone Advice Line (ELTAL), which is run by BPP, with a steady stream of volunteers.

Looking forward to the coming year we hope that:

- We will increase the number of days that ELIPS is able to run in Cardiff to twice a month
- We will be able to roll out ELIPS in another region
- We can work with FRU to increase the pro bono offerings to ELA members, including, in particular, to ELA's more junior members.

We would like to thank all the committee members for their fantastic efforts over the past year, particularly Jennifer McGrandle and Ed Kemp who have driven forward pro bono initiatives. We would also like to thank all those who have volunteered for ELIPS, 100 days, One Case and / or ELTAL. Please see the list of volunteers at the end of this report.

Although a mention here doesn't seem like enough, we would also like to thank Lindsey Woods for her continue support and incredible organisation of the ELA pro bono initiatives. Without Lindsey the schemes simply wouldn't run. We would also like to thank Cynthia Clerk, Charley Masarati and Kate Jones for their continued support and assistance, which is invaluable to the committee.

Sophie Roberts & Natasha Joffe

Acting Co-Chairs, Pro Bono Committee

(whilst Ruth Gamble was on maternity leave)

ELIPS volunteers (May 2016 to April 2017)

ELIPS at London Central Employment Tribunal

Bhavika Badola, Bolt Burdon	Eleena Misra, Old Square Chambers
Daniel Barnett, Outer Temple Chambers	Jack Mitchell, Old Square Chambers
Talia Barsam, Devereux Chambers	Dan Myers, Thomson Reuters
Sky Bibi	Adam Ohringer, Cloisters
Caroline Buckley, Charles Russell Speechlys	Raoul Parekh, GQ Employment
Tom Coghlin, Cloisters	Laura Pearce
Miranda De Savognani, Outer Temple Chambers	Tom Perry, No5 Chambers
Elizabeth Davey, Legal Advice Centre	Samantha Prosser, BDBF
Bruno Gil, Old Square Chambers	Michael Reed, FRU
Ben Gray, Littleton Chambers	Sally Robertson, Cloisters
Tim Gooder, Gordons	Sophie Roberts, Publicis Groupe
Chris Hadrill, Redmans	David Seals, Downs Solicitors
Rachel Hearn, BDBF	Shireen Shaikh, Thomson Reuters
Joanna Hopton, BT	Mukhtiar Singh, 6 Pump Court
Mark Hosking	Madeline Stanley, Old Square Chambers
Natasha Joffe, Outer Temple Chambers	Louise Taft, Freemans
Sean Jones QC, 11KBW	Melanie Tether, Old Square Chambers
Sarah Keogh, Old Square Chambers	Emma Thomas, K&L Gates
Changez Khan, Farrars Building	Victoria von Wachter, 5 Essex Court
Stephen Levinson, Keystone Law	Victoria Webb, Old Square Chambers
Chesca Lord, Cloisters	Catriona Weir, BP International
James Macdonald, 7 Bedford Row	Gill Williams, Gregsons Solicitors
Rolleen McDonnell, BDBF	Hilary Winstone, Old Square Chambers
Jennifer McGrandle, Dechert	Will Young, Outer Temple Chambers
Louise Mankau, Prolegal	Emma Zarb, Decherts

ELIPS at Cardiff Employment Tribunal

Sarah Alford, Berry Smith	Adam Parsons, DG Legal Services
Emma Allchurch, Eversheds Sutherland	George Pollitt, Clerksroom
Sioned Eurig, NHS Wales	Nathan Vidini, Howells
David Harris, Iscoed Chambers	Jonathan Walters, Rivers Chambers
Christopher Howells, Civitas	Joanne Williams, Civitas Law
Daniela Mahapatra, NHS Wales	

100 Days volunteers (May 2016 to April 2017)

Shehna Amin, Farrer & Co
Tess Barrett, Didlaw
Gabor Bognar, Outer Temple Chambers
Zoe Dudgeon, Charles Russell Speechlys LLP
Robert Lewis, Farrer & Co
Alexander Macmillan, St Philips Chambers
Navid Pourghazi, Cloisters
Nathan Roberts, Cloisters
Mukhtiar Singh, Six Pump Court Chambers
Rachel Walsh, Charles Russell Speechlys LLP

Editor / Chair, Editorial Committee

Alex Lock, DAC Beachcroft LLP

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Editorial Committee Report

Editorial board

Susan Belgrave, 9 Gough Square

Bernadette Daley, Mayer Brown International LLP

Sarah Fraser-Butlin, Cloisters

Ginny Harrison, Ginny Harrison Legal Limited

Clive Howard, Slater and Gordon (UK) LLP

Mark Hunt, BNY Mellon

Marc Jones, Turbervilles

Douglas Leach, Guildhall Chambers

Richard Linksell, Ogletree Deakins

Stephen Levinson, Keystone Law

Camilla Palmer, Leigh Day

Roseanne Russell, Cardiff University

Tariq Sadiq, St Philips Chambers

Mohinderpal Sethi, Devereux Chambers

Charles Wynn-Evans, Dechert LLP

The publishing committee of the Employment Lawyers Association focuses its attention on producing ELA Briefing ten times each year. It is recognised as being one of the major benefits of membership of the Association, keeping practitioners up-to-date with the latest developments in employment law and providing incisive commentary on an ever-changing legal landscape, from employment lawyers in all parts of the country and operating from chambers, law firms, law centres, corporates and the judiciary.

It is also recognised as being practical, high-quality and readable. This is the case whether you are a QC or an NQ.

The challenge for us is to find sufficient high-quality material in a time where there is significantly less employment law produced. Employment tribunal fees have reduced the number of cases and in turn the number of appeals. This has stemmed the development of the law through the courts.

The output of employment legislation from the government, for the time being at least, has also reduced, leaving less to analyse and comment upon.

To meet this challenge we have discussed being less reactive to developments in the law and to give greater prominence to more in-depth analysis areas within employment law. We will be experimenting with the concept of 'themed' issues, focussing on areas such as discrimination, contractual issues, TUPE and pay and tax. We aim to run a number of these throughout the year, starting in the Autumn.

Editorial Committee Report *cont.*

We are also responsible for some of the Association's digital output, both on the web-site and e-mail alerts on new cases. We remain alive to greater use of this technology, including making ELA Briefing more interactive as a digital edition. The timing and extent of this is more in your hands than ours and we welcome views and feedback on what we produce.

Considerable thanks must go to Matt Bell, our sub-editor; Lee Gillies and team at our publisher, Thomson Reuters and Cynthia Clark, our web-site administrator, without whom no issues would appear on your desks.

No issues would appear without our authors either, so thanks to them for their unpaid toil, content with only the fame that being published in ELA Briefing provides.

Finally thanks from me personally to the editorial board members who give so freely of their time to read, debate, discuss and challenge what we receive.

Alex Lock
Editor, ELA Briefing

Training Committee Report

Committee

Donna Anderson, Sintons LLP	Annabel Mackay, Addleshaw Goddard LLP
Jo Broadbent, Hogan Lovells International LLP	Nigel Mackay, Leigh Day
Harriet Bowtell, Slater and Gordon (UK) LLP	Daniela Mahapatra, NHS Wales - Wales Rep
Patrick Brodie, RPC LLP	Hannah Mahon, GQ Employment Law
Greg Chambers, Osborne Clarke LLP – South West Rep	Eleanor Mannion, Renfrewshire Council– Scotland Rep
Kevin Charles, Crossland Solicitors	Adrian Martin, Burges Salmon LLP
Simon Cheetham, Old Square Chambers	Emma Naughton, Dentons UKMEA LLP
Anthea Christie, Pattinson & Brewer	Claire Merritt, Paris Smith LLP – Lower South East Rep
Emma Clark, Abbiss Cadres LLP	Alexandra Mizzi, Howard Kennedy LLP
Elizabeth Drake, Metropolitan Police Services	Ian Pettifer, Davies and Partners Solicitors
Sheila Fahy, Allen & Overy LLP	David Regan, Squire Patton Boggs (UK) LLP
Ceri Fuller, DAC Beachcroft LLP	Catherine Richmond, Cloisters
Sam Gage, Thomson Reuters	Tariq Sadiq, St Philips Chambers - Midlands Rep
Rachel Hearn, Brahams, Dutt, Badrick & French LLP	Anjali Sharma, DAC Beachcroft LLP – North East Rep
David Hunt, Farrer & Co	Daniel South, South Wales Fire and Rescue Service
Penny Hunt, Bird & Bird LLP	Nicola Tager, Harbottle & Lewis LLP
Tom Kerr-Williams, PwC Legal LLP	Dan Northall, Littleton Chambers - North West Rep
Mhairi Letcher, The British Museum	Kathryn Weaver, Lewis Silkin LLP
Lisa Lewinsohn, Withers LLP	Anna West, Travers Smith LLP
Tracy Luke, Eversheds LLP	

The Training Committee has once again been hard at work this year, seeking to deliver a high quality training programme that meets the needs of all of our members.

During 2016, we ran 13 day and half day courses, including the regular introductory course for newly qualified lawyers, and two day courses on discrimination, High Court litigation and TUPE. This also includes our new Advocacy for Employment Lawyers day course which we are rolling out in several regions. Separately, we have run a total of 54 evening and breakfast sessions across our different regions covering a wide range of topics.

The Committee's members are drawn from firms of different sizes and sector focus, as well as from in-house positions, and we have taken the opportunity this year to refresh our membership to

Training Committee Report *cont.*

ensure that we reflect as far as we can, the diverse nature of ELA. We have also introduced specific conference call sessions for the regional representatives in order to share and discuss training ideas to ensure that the benefits of the national network are felt by all members.

We remain very much aware of the way in which the role of employment lawyers is changing as the effect of tribunal fees and potential further reform continues to be felt throughout the membership. We are mindful of this when planning our training sessions and are constantly looking for ways to ensure that we help ELA's membership to acquire and develop the skillsets that distinguish the professional employment lawyer from the HR consultants and advisors with whom we are competing for work. We also recognise the different business models being adopted, and the ongoing challenges facing businesses across the sectors, including increasing regulation and accountability. Reflecting these changes, we have developed our offerings in relation to LLPs, Financial Services, and also Corporate Law and Governance, all of which courses have been very well attended. We will be looking to expand on this with more sector themed training in the year to come in order to recognise some of the specific demands (and quirks) that apply when operating in certain sectors.

Recognising the value of an external perspective, we have continued to welcome external speakers to our training sessions, starting with last year's Annual Conference where the sell-out plenary session focussed on the ever topical issue of mental health. We had the benefit of very well received contributions from Meriel Schindler (Withers), Professor Tom Sensky, John Binns (Deloitte) and Paul Farmer from MIND. Perhaps we can lay some small claim to contributing to the current high profile debate around mental health and the need for open and non-judgmental discussion of the issue. This year we have again been delighted to have contributions at evening sessions from David Thorneloe of BEIS, and Anne Hurst from PwC, who joined Louise Skinner from A&O once again to revisit the Gender Pay Gap Regulations.

As I write, the Committee is in the process of putting together the final touches to this year's Annual Conference, hoping and intending to match the success of last year's event. Again, a lot of work goes into the Conference, as we seek to ensure that it delivers content of interest to all of our members. We are again fortunate to be welcoming three further highly regarded external speakers for our plenary session on the employment and taxation aspects of the modern workplace, alongside Caspar Glyn QC.

We recognise the need to ensure that the regions also benefit from the range of training topics and speakers. Once again this year, a high number of training sessions have been offered on a regional

Training Committee Report *cont.*

basis – thanks in particular to the willingness to travel of a number of London based speakers, and Charley Masarati’s unstinting efforts in coordinating the sessions. In addition, we continue to provide webinars on a range of topics and I am pleased to remind members that these are available free to all members. We are delighted to announce that we will be welcoming to our webinar programme Judge Doyle, President of the Employment Tribunals (England and Wales), kindly hosted by Mayer Brown LLP. Current and past webinars can be accessed by members via the Training & Events section of the ELA website. We are also making our webinars as accessible as possible by introducing subtitling.

This year, responsibility for the Annual Lecture moves to the Training Committee and we will be commemorating ELA’s 25th anniversary with an event that appropriately records and celebrates all that ELA stands for and has achieved since its inception. For those employment lawyers who have grown up with the benefit and support of the ELA network and training programme it is perhaps hard to imagine a time when it was not in existence.

Thanks - as ever - to the Committee for all of its hard work and creativity - a lot of thought and effort goes into thinking up ideas for our sessions and delivering the content and I am very grateful to all of the members. I also remain impressed by their continuing high levels of enthusiasm, commitment and generation of ideas.

On behalf of the Committee I would also like to extend our sincere thanks to all those who agree to speak at our training courses and evening sessions, and to chair them – the training programme simply would not exist without their commitment. We very much appreciate the time and effort they put into supporting us.

Special thanks must also go as ever to Lindsey Woods, Charley Masarati and Cynthia Clerk without whom all of our ideas and plans would come to nothing - they make the training sessions and courses happen! Their enthusiasm and can-do attitude is an invaluable support both for me and the Committee as a whole.

Marian Bloodworth
Chair, Training Committee

Chair, International Committee
Ming Henderson, Seyfarth Shaw (UK) LLP

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International Committee Report

Committee

Anna Birtwistle, CM Murray LLP
Allison Brown, Google
Henry Clinton-Davis, Arnold & Porter (UK) LLP
Rebecca Emmett, Rebecca Emmett Employment Law
Edward Gelsthorpe, BAE Systems
David Gibson, DWF LLP
Jude Harris, DLA Piper (UK) LLP
Kathleen Healy, Freshfields Bruckhaus Deringer LLP
Toni Lorenzo, Lewis Silkin LLP
Frank Morton, Burges Salmon LLP
Amy Rogers, 11KBW
Nicola Whiteley, Orrick Herrington LLP
Katie Williams, Pinsent Mason LLP
Alistair Woodland, Clifford Chance LLP
Fraser Younson, Keystone Law

2016/17 has been a busy year for ELA's International Committee. For this first year of my mandate as Chair of the International Committee I have focused on ensuring the continued work of the Committee which Juliet Carp and other predecessors initiated, while introducing changes where these seemed appropriate to the Committee to better serve ELA members and deliver first class international training.

Developing legislation: The International Committee supports the Legislative & Policy committee where appropriate. Both committees' members, and the wider ELA membership, have contributed to consultations with an international element, such as the European Commission public consultation announced on 3 March 2017 on the benefits and drawbacks of whistleblower protection.

International training: International training sessions are part of the International Committee's regular agenda. This year, the Committee has been able to host a number of training sessions with an international topic. These included: Tom Linden QC's much appreciated presentation on Jurisdiction (Scotland), organized by Katie Williams; a successful breakfast session on doing business in Japan, with speaker Kazutoshi Kakuyama, Partner at Anderson Mori & Tomotsune, Tokyo, organized by

International Committee Report *cont.*

Becci Emmett and the 'European & in-house perspective of the GDR' session smoothly coordinated by Judith Harris bringing together speakers from France, Germany and the UK, respectively Claire Toumieux, Partner and Head of the Allen & Overy Paris Employment Law Department, Klaus-Stefan Hohenstatt, Partner in Freshfields Bruckhaus Deringer's Hamburg office, Kelly Cole, Vice President Employment Law (EMEA/APAC) at Discovery Communications and Ross McKean, Data Protection Partner in DLA Piper's London office. There are several international sessions in preparation in the months to come. We are, as usual, particularly grateful for the overseas and in-house speakers for their time and dedication. The panels have received excellent feedback from attendees. The Committee is always open to suggestions and ideas of topics that members would like to hear about. Finally, the International Committee has, as in the past, offered several options to the Training Committee for the Annual Conference - this year, the International Committee has proposed a session on cross border employment law aspects of moving business overseas, with a UK, Irish and in-house perspective.

Relationships with other employment lawyers associations: We have continued to focus on consolidating our relationship with other employment lawyers associations, whether in Europe or further afield. To encourage ELA members to participate in international events, we have started communicating to all ELA members information on international events by email. The ABA International Committee mid-year meeting in Dublin (7 - 11 May 2017), also sponsored by ELA Ireland (ELAI) was a great example of international collaboration between employment lawyers associations and a good opportunity for ELA members to enjoy a negotiated registration discount. In the context of Brexit, we wish to expand our relationship with reputable international employment organizations and are looking at new opportunities with the ABA.

TransAtlantic Conference: One of the main focuses of the International Committee in 2017 is the 5th edition of our joint conference with the International Committee of the ABA's Labor & Employment Section, to be held on 3 October 2017 in London. A venue allowing more members to attend has been selected, and the Committee is currently working very hard to design the programme with the ABA whilst coordinating logistics with the ELA. The Committee has been asked to offer the same quality programme as before whilst keeping costs to a minimum.

International webinars: The International Committee would like to explore the possibility of providing more international webinars thus exploiting the opportunities new technology offers, and has started to investigate potential possibilities with ManCo. Such webinars will be of particular interest

International Committee Report *cont.*

to members in the regions where access to international training is limited. They will also give overseas speakers an opportunity to share their knowledge with ELA members without incurring travel or venue expenses.

Finally, I would like to conclude this report by thanking our Committee members for all their hard work and dedication. Two new members joined us in 2017 bringing fresh ideas and connections to the Committee. Thanks to the regular attendance of all members at our monthly meetings and calls, their involvement in the many projects we have in preparation, and vivid discussions, we have been able to deliver a unique offering of international training and opportunities to ELA members.

Ming Henderson
Chair, International Committee

Report from ELA In-house Representative

The In House Committee, which is comprised of Paul Hodgson (Hampshire County Council), Nicola Middleton (Barclays plc), Clare Primett (NHS Wales), Maya Cronly-Dillon (Arthur J Gallagher), Anne McFarlane (Glasgow City Council), Alexandra Ward (Shell International Ltd) and Mark Hunt (BNY Mellon), has continued to work for the benefit of ELA's inhouse membership and to help ELA engage with such members.

The Committee organised a half day conference for in house members which took place on 6 October 2016 in London. The conference was attended by about 60 delegates and included sessions on data privacy (led by Helen Graham, Chief Privacy Officer for Shell) and management of difficult employee relations issues (led by Jason Butwick from Dechert LLP, with assistance from Paul Hodgson and Mark Hunt). In addition, there was a panel discussion on "Career opportunities for In House Employment Lawyers", which was led by Maya Cronly-Dillon, who was joined by Vicky Wickremeratne (partner in Employment, Incentives and Pensions at Simmons & Simmons), Susan Henderson (Leader - International Labor & Employment Center of Excellence at General Electric) and Carol Williams (Associate General Counsel at Mars, Inc.). Following the formal discussions there was then an opportunity for delegates to network over drinks.

A meeting of the ELA In House Forum took place at Unison's headquarters in Euston on 27 April 2017. Stuart Reid, formerly CEO of AXA UK Plc and CEO of UK Retail for Arthur J Gallagher, spoke about what a CEO and business leaders are looking for from their in house employment lawyers. This was followed by drinks and an opportunity to network with fellow in house employment lawyers.

We welcome further ideas and input from in house members on possible further initiatives. There is also an ELA LinkedIn site that is dedicated to in house members who wish to initiate or participate in on line discussions on issues and in house members are encouraged to use this facility, should they wish to. Finally, should any in house members wish to get involved in the work of the committee, please do not hesitate to get in touch.

Mark Hunt, BNY Mellon
In House Representative

Reports from ELA Regional Representatives

Lower South East

During the 2016/2017 year there has been continuing activity in the Lower South East region. The region combines the Solent area and the Kent area.

Kent

There have been some challenges around the Kent region and obtaining momentum in relation to this. Our plan for the next 12 months is to ensure that a permanent steering committee is put in place in this region and that there is a progressive programme suiting the needs of the members in the area. If you would be interested in being a member of the steering committee in Kent, please could you contact me as the Lower South East representative?

Solent

However, in relation to the Solent region we have had numerous events reflecting our usual programme of an Annual Training Day plus regular evening seminars and a social.

We had Stephen Wyeth of 3PB Chambers with an 'Update of Atypical Working'. This was very topical in June 2016 and prepared the way for some of the more interesting cases around status and the gig economy. We then had a talk in September by Cloisters Chambers on 'Proving and Disproving Discrimination'. This was well attended and provided a good set up to our Autumn programme. Then in November, we had an evening session on 'Employment in the Social Media World' by Michael Duggan QC which had been successfully delivered in other regions previously.

On 10 February 2017, our annual winter conference had attendees of around 70 and included talks by David Reade QC (Littleton), Karen Moss (3PB), Daniel Matovu (2 Temple Gardens) and Daphne Romney QC (Cloisters). The event was very well attended and the location was back in the centre of Southampton. Next year, we plan to hold this event back at the Hilton Ageas Bowl to ensure that there is diversity in attendees.

The year will continue with events programmed in for 8 June with Territorial Jurisdictions (which happens to coincide with the Snap General Election!). We have the Rescheduled talk on 'Data Protection in Employment Disputes' by Simon Cheetham, Old Square Chambers. We are looking forward to in 2017 a Solent Regional Annual dinner attended by the local judiciary and varied members of the Employment Law community in the region.

Reports from ELA Regional Representatives *cont.*

We are looking to set up a steering committee in the Solent region and if you would be interested in joining this committee, please do not hesitate to contact me.

Claire Merritt, Paris Smith LLP
ELA Lower South East Representative

Midlands

It was a busy and productive year for ELA Midlands.

Seven training sessions were arranged in the region including a successful one day course on Advocacy for Employment Lawyers. A further four sessions have already been arranged for the rest of 2017. A huge thank you to all the speakers and hosts. Your support is invaluable.

The EAT President, Mrs Justice Simler accepted an invitation to come to Birmingham and gave an engaging and informative session about reforms and developments in the ET and EAT.

Going forward, plans are in place to set up a local ELA Working Group to identify key future plans and the direction ELA Midlands should take to maximise the benefit for local members.

Tariq Sadiq, St Phillips Chambers
ELA Midlands Representative

North East

Since the last regional report, our North East Representative Anjali Sharma and I, in my capacity as Regional Sub-Representative, have continued to work together to deliver a programme of high level events for members in the cities of Newcastle upon Tyne and Leeds. Member engagement continues to grow, with members readily suggesting ideas for sessions and socials in both cities, which is great to see.

The region has experienced some cross-border issues that have hindered strong attendance at

Reports from ELA Regional Representatives *cont.*

North East *cont.*

events. Newcastle and Leeds members rarely mix at each other's events, meaning that Anjali and I have historically co-ordinated entirely distinct programmes of events for the two cities. In reality, the cities conduct ELA business autonomously and the only thread holding the two together until now has been the partnership between Anjali and myself in co-ordinating the region's events, with the invaluable support of Charley Masarati, Lindsey Woods and their team, which I would like to formally acknowledge and express my own personal gratitude for.

At Anjali's request and with my support, both of us having canvassed the views of our members over time, ELA's management committee has agreed to split the North East region into two new and distinct regions. With effect from Summer of 2017, the region will be split into (i) a Yorkshire and Humber region and (ii) a North East region.

Anjali will continue to see through the excellent work she has done for the whole region as the new Yorkshire and Humber Regional Representative, and I am delighted to have been asked to serve as the Regional Representative for the rest of the North East in the interests of continuity and until the next regional representative elections, due to take place in spring 2018.

While this move is the end of an era for our wider region, I am excited for both newly created regions that they will have a more focussed budget and approach to training and events. I strongly believe that this new approach will help to deliver, more effectively, the commitments that Anjali and I have made to strengthening engagement and increasing membership numbers in the region. We remain committed to delivering a first class and meaningful service that our members can be proud to be part of.

All that remains to be said is a huge thank you to Anjali Sharma for steering the region through the last few years so successfully, and for her kindness in reaching out to the Newcastle region and inviting me to work so closely with her for the benefit of our members over the last few years.

Donna Anderson, Sintons LLP
ELA North East Co-opted Representative

Reports from ELA Regional Representatives *cont.*

North West

One of ELA's strengths (and one of the many benefits of membership) is the very high quality training it offers to members nationally. On taking on the role of North West regional representative in May 2016, my main objective was to reinvigorate the training programme offered by ELA in the region. This has largely been achieved. Since May 2016, the North West has seen no fewer than eight training sessions hosted across Manchester, Liverpool and Preston on a range of cutting-edge topics delivered by excellent speakers.

Each session has attempted to give some added value to members through its content or the expertise on offer. The training on settlement agreements included input from a leading employment tax partner (Paul Tucker of Smith & Williamson) on the often-maligned area of taxation of payments made as part of a settlement. The Brexit session included a segment from a Partner at PricewaterhouseCoopers (Kit Dickson) on its economic and labour market implications. The gig economy session saw two of the leading silks in the area (David Reade QC and Jason Galbraith-Marten QC) slug it out in a no-holds-barred debate.

In organising the programme I have been ably assisted by the members of a steering committee who have each given their time selflessly. In no particular order, they are: Laura Starrett (Pinsent Masons), Charlotte Lloyd-Jones (DWF), Laura Nadel (PwC), Adam Wightman (Slater Heelis), Bernadette Worthington (Weightmans), John McArdle (Weightmans), Michael Shroot (Woodcocks Haworth & Nuttall), Liz Cotton (JMW), Tom Gilbert (9 St John Street), Martin Mensah (Atlantic Chambers), Rhodri McDonald (Equalities and Human Rights Commission), Laura Nelson (USDAW), Radhika Aggarwal (Oldham Council), Sara Sawicki (gunnercooke), Sarah Collier (Naphthens) and Kate Shawcross (Naphthens). They represent a great cross-section of the region and of the employment law profession generally and I have been grateful for their support.

I should also thank Charley Masarati for her tireless efforts in supporting the regional representatives. Literally nothing would happen without her assistance!

Over the coming year, I want to continue to provide members with the highest level of training. ELA is and should be an excellent vehicle for sharing knowledge, skills and experience between employment lawyers. In these uncertain times, a sense of community is more important than ever. Everyone is welcome.

Daniel Northall, Littleton Chambers
ELA North West Representative

Reports from ELA Regional Representatives *cont.*

Northern Ireland

This is the first year that there has been a representative in Northern Ireland for many years, so it has been a busy year trying to build awareness and raise the profile of ELA generally in Northern Ireland. I concentrated on trying to secure engagement with local members and a Round Table Meeting was held in August to compile a programme that would be of interest to local members. I have also been working closely with the Employment Lawyers Group in this region to promote events throughout the year.

We hosted the live streaming of the Brexit Round Table event in DWF Offices in October which was well attended. We then held our first live event on Gender Pay Gap Reporting with Daphne Romney QC presenting in April, which was very well received.

Future events already in the diary include a talk to be held at the end of June, a Whistleblowing talk to be held at the end of September and a Restrictive Covenants event scheduled for January 2018.

All in all it has been a busy and constructive year in which we have hopefully laid the foundations for successful programmes in years to come.

A huge thanks to Charley Masarati and Lindsey Woods for their help, support and patience in getting things off the ground in the region. I could not have done it without them.

Ciara Fulton, DWF (NI) LLP
ELA Northern Ireland Representative

Reports from ELA Regional Representatives *cont.*

Scotland

It has been another very busy year for the Scottish membership. As membership engagement grows, so too does the opportunity for further training and social events. In September 2016, Scotland hosted its first one day conference in Glasgow with a range of primarily Scottish speakers covering the hot topics of the day. The event was a great success which I am hoping to build on and potentially make the conference an annual event. To this end the speakers and topics of this year's conference is being finalised for our date in October. Another very successful event that ran last autumn was the new ELA Advocacy one day course (being rolled out across other regions), delivered by Judge Mary Kearns and Simon Allison of Blackadders to some fantastic feedback from attendees. We are lucky enough that both Judge Kearns and Mr Allison have kindly agreed to return and repeat this course in September 2017.

By the time this AGM takes place, our cornerstone event, the ELA Scotland annual lecture and dinner, will have taken place. This year the speaker is Mr Keith Brown MSP, Cabinet Secretary for Economy, Jobs and Fair Work. The lecture is entitled "Fair Work in 21st Century Scotland" and it is hoped that the Cabinet Secretary will speak in part about the Scottish Government's vision for employment law and policy in Scotland which will remain relevant irrespective of the outcome of the general election on the 8th June 2017.

Figures for attendance at events remain broadly consistent with the year before and I am always delighted to see new members and new firms at events and engaging with the organisation. It has allowed me to branch out somewhat from the evening sessions and think of what is going to work for the broad geographical territory the organisation covers. I hope to introduce breakfast networking sessions for members in Aberdeen for example as a drop in drinks type social event has been unsuccessful to date. I wish to thank the Steering Committee who have assisted me throughout the year with organising these sessions as well as the various speakers who have given their time to prepare and deliver excellent session for our Scottish members. I also wish to thank the various firms for hosting us through the year at evening sessions.

This time last year, the topic of the devolution of the tribunal function was at the forefront of Scottish members' minds. Unfortunately, there has not been any significant development and as I type this, the matter remains with the Minister for consideration. Towards the end of 2016, the Scottish Government put together an Employment Tribunal Stakeholder's Forum to provide advice and information to the Government on matters of importance to tribunal users. While the remit of this

Reports from ELA Regional Representatives *cont.*

Forum does not include the proposed structure of the devolved employment tribunal and where it will ultimately sit, other matters such as tribunal fees are being discussed. Mindful of the desire to represent members' interests where possible while retaining an apolitical stance, I take part in this Forum on behalf of ELA alongside representatives from Acas, the ELG, HMCTS, the tribunal judiciary, various unions and others.

Finally, I wish to say a big word of thanks to Charley and her team who do so much in assisting the organisation and running of the regional programmes.

Eleanor Mannion, Renfrewshire Council
ELA Scotland Representative

South West

In the South West, we have built on previous years to deliver an energetic programme of high-quality, regular events (13 since last year's report; 11 in Bristol; 2 in Exeter).

The South-West steering committee remains a valuable way to canvass members' views and tailor events according to member demand. The contributions of Laura McFadyen and Helen Dallimore (steering-committee members who are local practitioners) are extremely welcome in ensuring we deliver the appropriate number and type of events outside of Bristol.

We have seen active engagement from members, with encouraging feedback and high attendance levels (often over 40 members per event in Bristol). We recently ran a lunchtime training event as a family-friendly experiment. With over 50 attendees, we will be repeating this formula.

Over 80 members (and a team of employment judges from Bristol and Cardiff) competed in our Christmas quiz in Bristol, with local firms and chambers generously donating raffle prizes and helping us to raise funds for the Avon and Bristol Law Centre. Some participants travelled from Exeter, for which I am very grateful. I am particularly indebted to Regional Employment Judge, Jonathan Parkin, for supporting this event including keeping us all in order as "quiz master".

This year's achievements would not have been possible without the hugely beneficial contribution

Reports from ELA Regional Representatives *cont.*

South West *cont.*

of Charley Masarati of the ELA, the various South-West steering committee members, and our excellent speakers to whom I offer my sincere thanks.

Greg Chambers, Osborne Clarke LLP

ELA South West Representative

Wales

It has been an interesting and rewarding first year as the ELA Wales representative.

We have had a number of successful events over the last year including talks on Gender Pay Gap Reporting, Disability Discrimination and Employment in a Social Media World. We have an exciting programme for the rest of 2017 including a team building/networking event at Escape Rooms on 17 May 2017 (which involves teams being locked into rooms and working together to solve puzzles to get out!) and the ELA Wales Annual Lecture being held at Cardiff Castle on 15 June 2017. I am delighted that Regional Employment Judge Clarke has agreed to provide this year's lecture which is entitled, "Preparing for a Reformed Employment Tribunal in 2022".

ELA Wales events continue to be well attended and I am grateful to the Steering Group for assisting me with ideas for forthcoming events.

I am particularly proud to be part of the roll out of the Employment Tribunal Litigant in Person Support Scheme (ELIPS) to Wales. This has been running once per month since October 2016 and has been very successful. I would like to take this opportunity to thank those who have volunteered so far.

For my second year in post, I will continue to support the ELIPS scheme and I will facilitate the usual lunchtime and evening update sessions. In addition, in conjunction with the Wales Employment Tribunal, I hope to start an Observation Scheme for ELA Wales members who would have the opportunity to spend a day at the Tribunal observing a case.

The successes of this first year would not have been possible without the support from Lindsey Woods and Charley Masarati – thank you.

Daniela Mahapatra, NHS Wales

ELA Wales Representative



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Annual Report

2016 - 2017

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