



EMPLOYMENT  
LAWYERS  
ASSOCIATION

[www.elaweb.org.uk](http://www.elaweb.org.uk)

# Annual Report

## 2018 - 2019

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A large, bold, black lowercase letter 'a' is centered on the right side of the olive green background.

Employment Lawyers Association  
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## Honorary Presidents of ELA

The Honourable Mrs Justice Simler (until December 2018)  
The Honourable Mr Justice Choudhury (from January 2019)

**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 2018 - 2019

**Chair**

Juliet Carp

**Deputy Chair**

Marian Bloodworth

**Treasurer**

Daniel Pollard

**Secretary**

Judith Harris

**Editor, ELA Briefing**

Alex Lock

**Chair, Training Committee**

Jo Broadbent

**Chair, Legislative & Policy Committee**

Paul McFarlane

## ELA Management Committee 2018 - 2019 *cont.*

## ELA Support

### Chair, International Committee

Kathleen Healy

### Chair, Pro Bono Committee

Natasha Joffe

### In-house Representative

Richard Stovell

### Regional Representatives

**Lower South East** – Claire Merritt

**Midlands** – Elizabeth Hodgetts

**North East** – Donna Anderson (until February 2019)  
– Leonora Morgan (from March 2019)

**North West** – Daniel Northall

**Northern Ireland** – Ciara Fulton

**Scotland** – Eleanor Mannion

**South West** – Julian Allsop

**Upper South East** – Michael Duggan QC

**Wales** – Daniela Mahapatra

**Yorkshire & Humberside** – Marie Walsh

### Members at Large

Adam Creme

Jessica-Alice Curtis

Caspar Glyn QC

Claire McCann

Naomi Owen

### Law Society Council Seat

Clive Dobbin

### Vice President

Gareth Brahams

### Life Vice Presidents

Dame Janet Gaymer DBE QC

Jane Mann

Fraser Younson

### Head of Operations

Lindsey Woods

### Finance Officer

Angela Gordon

### Website Manager

Cynthia Clerk

### ELA Administration Office - provided by Byword

Manager: Charley Masarati

Sandra Harris

Emily Masarati

Nick Walsh

### Website Support

Bronwen Reid, BR Enterprises Ltd

### PR Consultants

Kysen PR

### Publishers – ELA Briefing and ELA Newsfeed

Thomson Reuters



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## Chair

Juliet Carp, Keystone Law

## Deputy Chair

Marian Bloodworth, Kemp Little LLP

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## Chair's Report

Employment lawyers are not alone. The type of work we do, our work levels and the day-to-day challenges we face are so closely tied to the economy, politics and what the business World is doing, that it is impossible to make plans without keeping a close eye on the news. 2018/19 has been no exception. In what seems like the blink of an eye we have returned from the quiet pre-UNISON Tribunal fee years to bursting in-boxes and worries about how we will get it all done.

### Equality

ELA is proud of its a-political status and I have always been impressed by how hard we work to reflect the full range of fellow members' views; by how well we listen; and by how much common ground there is between employment lawyers with very different practices. This year has been exceptional. Members have worked incredibly hard to ensure that ELA still leads the way on equality, from:

- Claire McCann's and Jessica Curtis' work to support female barristers and ensure that we have our own ELA equality, diversity and harassment policy;
- Marie Walsh's, Dan Pollard's and Lindsey Woods' careful behind-the-scenes review of the wider range of ELA's policies and practices (we too have employees);
- Jo Broadbent's steely determination to keep our panels and topics diverse;
- Regional Reps and Charley Masarati's tireless work to ensure that regional needs and perspectives are taken into consideration;
- Paul McFarlane, Marian Bloodworth, Kiran Daurka, Joanne Owers, Catrina Smith, Beth Hale, Jane Mann and Clare Murray, and the many members of L&P working parties who have made sure that the voices of employment lawyers are heard on equality; through to
- Emily Chalkley's efforts to ensure ELA involves and meets the needs of our newer members.

So many have worked behind the scenes for all of us that it is hard to say thank you to everyone.

## Chair's Report *cont.*

### **Brexit**

We have all been challenged in trying to prepare for and respond to Brexit, not just the exceptionally difficult legal developments that Paul McFarlane's L&P team have worked so hard to engage with, but the increasing impact of populism on our day-to-day work. Who hasn't noticed the development of a greater freedom to 'be rude and call people names' at work or a rise in misleading reporting? This context is a challenge for employment lawyers – and not just for us here in the UK. I was touched by comments made by lawyers at the May European Employment Lawyers Association's annual conference, and by how hard so many European lawyers are working to make a difference. From the Eastern European lawyer who told me that he spoke out against fascism whenever he could because he wouldn't be able to face his children otherwise, to the Spanish lawyer who flew home early to cast her vote, European employment lawyers are engaged.

### **A-political?**

ELA is of course a-political and our role is clearly set out in our constitution: we must support employment lawyers in their work and promote good employment laws and practices. How to do that 'a-politically' in such a political World? Actually, it is not so hard for us if we concentrate: it is what we have always done and we do it well. We just need to keep working at it.

### **Sexual harassment and ethics**

Our challenges come most closely into focus when we consider sexual harassment and press complaints about our ethics (yes ours). Employment lawyers are working hard, as we have always done, to help our clients. Many of our members have been working equally hard in their 'pro bono lives' to make things better, and still more engage in public debate about the best way forward. Examples of things that ELA, and individual employment lawyers have done, include:

- engaging with other interested parties such as the Equalities and Human Rights Commission, ACAS, Law Society and SRA (thank you Clive Dobbin, Nick Denys and Max Winthrop), Parliamentary Women & Equalities Select Committee (huge thanks to the many employment lawyers including Marian Bloodworth and Clare Murray who have helped inform the Select Committee), Fawcett Society etc;

## Chair's Report *cont.*

- offering pro-bono Tribunal services through ELIPS and opening new ELIPS services up in Birmingham and Bristol as well as the existing Cardiff and London Central schemes – huge thanks to Natasha Joffe's Pro Bono team and ELIPS administrator, Nick Walsh (and do watch the new ELIPs video); supporting the other pro bono organisations such as Advocate, Maternity Action and Working Families; and helping an endless stream of family and friends in need;
- Richard Fox's work to help ensure that price transparency guidelines are workable;
- offering information and talking to people via organisations such as Mumsnet (thank you Natasha Joffe) and in schools (thank you Catrina Smith);
- speaking and writing in so many different ways (thank you to Alex Lock and his ELA Briefing team – still ELA's most valued member benefit).

### **Money**

If you take the time to read the following pages you will see that a huge amount of work has been done, especially by Jo Broadbent's Training Committee whose efforts have propelled ELA's finances back to good health. A quick look at this year's and last year's accounts shows just how big the contribution of our Training Committee is (and of Lindsey and Charley supporting them).

### **Thank yous**

We can't call out the thank yous individually in this space: the numbers of members who have shared their time in many large, small, and often in thankless, behind-the-scenes ways is huge – but the collective results of all that work are visible. ELA is thriving and doing what we do best, well.

But I would like to offer extra special thanks to Marian Bloodworth (Deputy), Jude Harris (Company Secretary) and Dan Pollard (Finance), and especially Lindsey Woods and her team, both for all the extra work done this year to manage ELA's risks and processes and for the things they always do to make things work for us behind the scenes.

## Chair's Report *cont.*

### **What next?**

The things we need to do are not new. First and foremost, we need to continue to meet members' needs for quality information, training and debate to help us do our jobs well. But we also need to rise to the challenge of improving our working practices – and that is a big challenge, not least because fixing this requires some acceptance that we haven't always got things right. Employment lawyers are generally decent people and we naturally don't like being criticised for our hard (and generous) work - or feeling like hypocrites when we call out things we have done ourselves in the past. We do have to raise standards, though, despite the personal discomfort (I feel it too!). We need to talk about ethics, and keep talking, because ELA offers a unique space where people can do that with people who properly understand the challenges and options for resolution. We do not regulate our members but we can support each other with dialogue and we can contribute to the wider debate. And be under no illusion, if we don't try to improve practices ourselves, someone else will. Thoughtful, considered and voluntary improvement would be better for us, as well as employers and employees.

### **2019/20 – the year of the happier lawyer?**

And while we carry on doing the things we need to do to for others, we could also take time to try to make things better for ourselves. The current uncomfortable focus on ethics, surge in personal workloads and increasingly stressful nature of some of our work takes its toll on employment lawyers. Let's try to anticipate that and make 2019/20 a year in which we also look after ourselves better. There is no harm in reminding ourselves both that we won't be able to do our work well if we don't look after ourselves, and that our work is unusually stressful. Rewind to our focus in earlier years on employee mental health and think of the many lawyers and clients who have become ill through trying to do too much. Our members include 6,000 experts on the World of Work: perhaps ELA should also lead in finding ways to make our work not only more effective, profitable and flexible, but also happier.

Juliet Carp  
Chair



## Diversity Report

This year, ELA's Management Committee appointed two diversity champions (Jessica-Alice Curtis, of Addleshaw Goddard, and Claire McCann, Cloisters) to review ELA's core activities from an equality and diversity perspective. Their first step was to conduct a diversity survey to better understand ELA's demographic with a view to increasing involvement and participation across the Association. Jessica and Claire chose to focus on a few key areas, such as age, sex, race, disability and (albeit not a protected characteristic) region. There were certain protected characteristics that they did not ask questions about for two key reasons: firstly, the survey was intended to be short to maximise the response rate; and, secondly, the aim was to focus on areas where ELA could more feasibly effect change across its core activities.

The diversity survey has recently closed and we are pleased to report an impressive response rate. The result responses are being analysed to inform a review on how representative and inclusive ELA activities really are. The review will focus on the following activities: speaker participation at training events; authoring of articles for ELA Briefing; attendance at the Annual Conference and various social events.

In parallel with the survey, the Association has implemented a Diversity Statement which is now published on the ELA website: [www.elaweb.org.uk/content/ela-diversity-statement](http://www.elaweb.org.uk/content/ela-diversity-statement)

This year has seen various steps being taken by the Employment Law Bar to assess and better understand why there continue to be disproportionately fewer applications for Silk from female employment law barristers. ELA was represented by Marian Bloodworth (Deputy Chair, ELA) at the first of these initiatives, namely the meeting organised in September 2018 by HHJ Eady QC and other members of the judiciary where the matter was discussed in more detail by both existing and aspiring QCs and other interested parties and supporters. ELA is keen to support the momentum flowing from this meeting. One current initiative is to evaluate the extent to which female employment law barristers are instructed by solicitors. Accordingly, Marian has been working with Claire McCann to implement a Pilot Monitoring Scheme to monitor the gender breakdown of employment law counsel instructed by the firms represented on the Association's Management Committee. That Scheme has not yet concluded and, therefore, the results have yet to be analysed.

## Diversity Report *cont.*

Separately, ELA as an organisation is keen to recognise the success of its members (male and female) and members will have noticed a number of emails to the membership as a whole, marking QC and other judicial appointments in particular. Members are encouraged to contact ELA at [ela@elaweb.org.uk](mailto:ela@elaweb.org.uk) with news of any other professional successes so that ELA can ensure that these are more widely reported.

Marian Bloodworth  
**Deputy Chair**

Jessica-Alice Curtis  
**Member at Large**

Claire McCann  
**Member at Large**

**Treasurer**  
Daniel Pollard, GQ Littler

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## Treasurer's Report

ELA's financial position continues in good health. ELA's total reserves held as at 31 December 2018 were £445,707. This reflects an annual surplus of £65,514 over the reserves held on 31 December 2017 of £380,193.

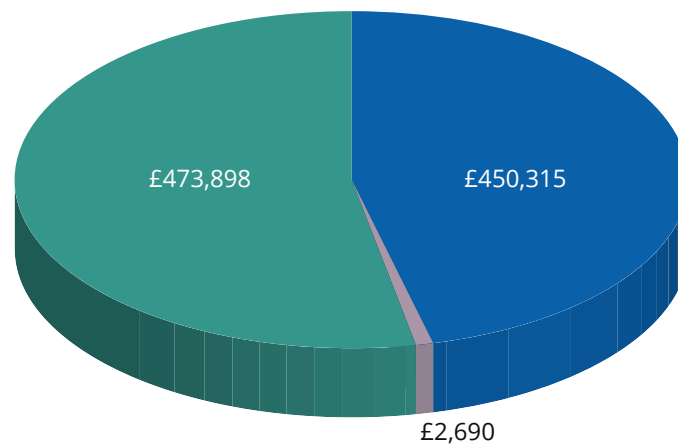
The Management Committee have sought to maintain the strategy notified in 2015 of maintaining its reserves without a substantial surplus or a deficit. The Management Committee set a budget at the beginning of the year which envisaged a modest deficit of £8,000. The reason for the unbudgeted surplus was that ELA's training income was higher than expected (c£20,000 after costs) and subscription income was c£12,000 higher than expected. ELA also spent c£28,000 less than the budget provision on direct membership services (mainly accounted for by less spent on ELA Briefing production costs and social events) and c£12,000 less on overheads.

The Management Committee have, as result, undertaken a number of initiatives to improve the process of management accounting so that the Management Committee is better able to accurately predict the end of year position during the course of the year. This is intended to give the individual committees better visibility over ELA's financial position during the year so that ELA's funds can be appropriately applied towards its objects.

The turnover in 2018 was £926,903 representing a modest increase on 2017 turnover of £15,009. The increase in subscriptions of £52,231 was partially offset against a reduction in event income of £36,018. The increase in subscription income was mainly a result of the changes to the group discount scheme introduced during 2018. The reduction in event income was as a result of the (biennial) Transatlantic Conference not being run in 2018.

## Treasurer's Report *cont.*

### Sources of ELA Income



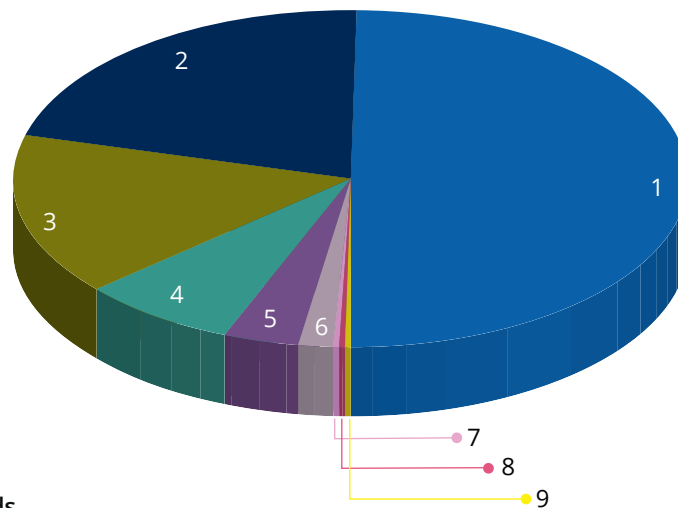
During 2018 the source of ELA's income was:

- Event income £473,898
- Membership subscription income £450,315
- Other income £2,690

We estimate that ELA made a net surplus on training events of approximately £45,000 after all costs and allocation of staff time are taken into account.

## Treasurer's Report *cont.*

During 2018 ELA applied its funds to:



### Allocation of Funds

Direct costs plus estimate allocation of overheads\*

- 1** Training & Events £428,876 49.8%
- 2** Membership administration and governance £181,416 21.1%
- 3** Publishing (ELA Briefing/IDS Bulletins), £134,325 15.6%
- 4** Pro Bono £65,385 7.6%
- 5** Social & networking events £29,547 3.4%
- 6** Legislative & Policy £14,510 1.7%
- 7** Webinars £4,351 0.5%
- 8** In House £1,807 0.2%
- 9** International (excluding events) £1,215 0.1%

\* Estimated allocation of staff/contractor time and allocation of general overheads not audited

## Treasurer's Report *cont.*

During 2018 the Management Committee reviewed its training course fees. The cost of many training courses has not increased for a number of years and the Management Committee were conscious that these should periodically be increased to take into effect the effect of inflation. The Management Committee also expect an increase in the costs associated with hosting many of the full and half day courses as a result of the Royal College of Obstetrics and Gynaecologists no longer being available during 2019. As a result, a general increase in training course fee of around 6% was approved during 2018, although the impact of these increases will not be felt until 2019. No increases were applied to NQ level courses and nor to the Annual Conference so as to allow maximum participation in these events. The Management Committee do not envisage any further increases to either training course fees or subscription prices during 2019.

The Management Committee have carefully considered the financial impact of the extension of the ELIPS scheme. The ELIPS scheme is supported financially by ELA which provides both the equipment and an allocation of staff time to manage the scheme. During 2018 the total costs attributed to ELIPS were estimated to be £22,000 including an allocation of staffing costs and other overheads. During 2019 the Pro Bono Committee has opened a fourth ELIPS clinic in Bristol. This is in addition to the Birmingham ELIPS clinic (opened in September 2018) and the already established Cardiff and London Central ELIPS clinics. The Management Committee are budgeting for one off set up costs of £8,000 to equip the four ELIPS clinics with computers and the IT infrastructure needed to operate them efficiently. The annual running cost of the four clinics is estimated to be £30,000 including an allocation of staffing and overhead costs. The Management Committee have debated whether ELA should continue to fund ELIPS on an ongoing basis or whether alternative funding sources should be sought once the initial set up phase has been completed but no conclusions have been reached.

The Management Committee also continued the pro bono donation to the Free Representation Unit (FRU) and Advocate, totalling £40,000. In light of the increased funding for ELIPS this donation was closely reviewed by the Management Committee during 2018. A further donation in the same amount is budgeted for in 2019 but a financial decision on the full amount of this donation will not be made until later in the year when the financial position of ELA is clearer.

## Treasurer's Report *cont.*

Behind the scenes, Lindsey Woods and her team have been busy with a number of initiatives to help ensure best practice and these include work on GDPR compliance, IT security, supplier contract reviews and a review of ELA's insurances. Further work on these and other governance activities is continuing in 2019.

The reserves held comprise the Emergency Fund of £250,000 and the Development Fund of £195,707. In light of the unbudgeted for surplus in 2018, as mentioned above, the Management Committee have earmarked approximately £7,000 from the Development Fund to purchase proper IT equipment for ELIPS during 2019.

ELA's reserves help to ensure that ELA's future remains bright. They enable the Management Committees to plan for the growth of existing membership services and allow innovation of new services and one-off projects. They also provide a financial cushion against any large drop in income.

Daniel Pollard  
**Treasurer**

**Secretary**  
Judith Harris, DLA Piper LLP

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## Secretary's Report

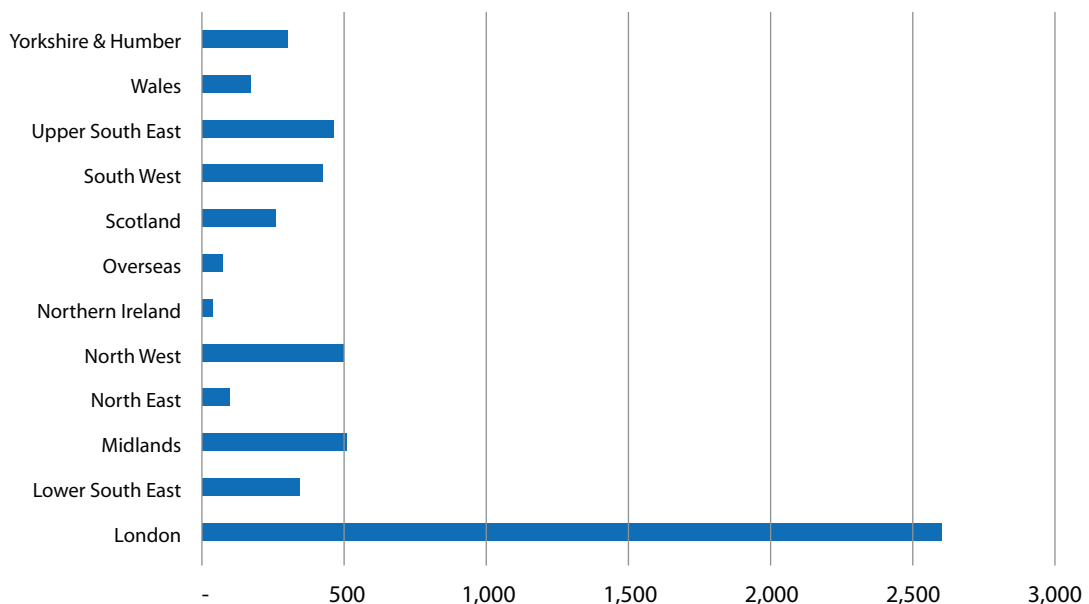
As at 2 January 2019, ELA had 5862 members comprising:

- 5517 Full members – the same number as the same time in 2017
- 345 Associate members (comprising trainees/pupil barristers/academics/overseas members/judiciary) - an increase of 80 compared to 2017

ELA also had 71 Correspondents (Voluntary sector organisations with a material interest in employment law may benefit from all ELA services as correspondents) – an increase of 42 compared to 2017.

The chart below shows the spread of members around the UK.

### Regional Spread of ELA Members





## Secretary's Report

At the 2018 AGM, proposals to amend the Articles of Association in relation to the tenure of Management Committee members were rejected by the membership, largely on grounds of process.

The Committee has debated the question of limiting the tenure of positions on the committee again during the year, recognising the importance of both ensuring robust succession planning, whilst safeguarding continuity. There was no clear consensus on the Committee and it was decided to defer the decision to make any changes until the 2020 AGM, to coincide with the next Management Committee elections.

We will use this period of time to work on an information and recruitment campaign to encourage more members to participate as candidates in the Management Committee elections.

Judith Harris  
Secretary

**Chair, Legislative & Policy Committee**  
Paul McFarlane, Capsticks Solicitors LLP

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## Legislative & Policy Committee

### Committee

Ivor Adair, Fox & Partners  
Shubha Banerjee, Leigh Day  
Emma Burrows, Trowers & Hamblins LLP  
Kiran Daurka, Leigh Day  
Shantha David, UNISON  
Arpita Dutt, BDBF LLP  
Jonathan Chamberlain, Gowling WLG (UK) LLP  
James Davies, Lewis Silkin LLP  
Robert Davies, Gummer & Co  
Elizabeth Drake, Metropolitan Police Service  
Felicia Epstein, ATL  
John Evason, Baker McKenzie LLP  
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, MacRoberts LLP  
Michael Reed, Free Representation Unit  
Brona Reeves, Barclays Plc  
Catrina Smith, Norton Rose Fulbright LLP  
Caroline Stroud, Freshfields Bruckhaus Deringer LLP  
Louise Taft, Freemans Solicitors  
David Widdowson, Abbiss Cadres LLP  
Fraser Younson, Keystone Law

## Legislative & Policy Committee Report

The L&P committee is tasked with "...monitoring legislative and other developments in employment law which are being consulted about or which require ELA intervention on behalf of its members...". We are a broad church: with solicitors and barristers who represent Claimants and Respondents respectively; City practitioners and representatives from regional practices, including Scotland; in-house lawyers representing a large police force and a large trade union. We have three black Asian and minority ethnic members of the committee, including me!

As ever, it has been a busy year for our committee. We have responded to consultations on a wide range of subjects from: ethnicity pay gap reporting to possible changes to the gender recognition legislation; from further consultations on the 'gig economy' after the Taylor Review to extending redundancy protection for women and new parents. Over the last year, we responded to 17 consultations, many of these at a very short notice, and you can see the wide range of topics at the end of my report below.

### **A plea - please get involved**

I would like to thank all of those who have taken part in the working parties that have been set up to respond to these consultations. The level of knowledge on all things employment law and practice, never ceases to amaze me. From the discussions I have with government officials and members of the judiciary, I know they really value what we have to say. I would also like to use this as an opportunity to encourage those who have not taken part in one of our working parties to do so. What we say can make a difference and we would like you to help us contribute to make positive changes to employment law and practice.

### **What have we done this year?**

As well as doing the bread and butter work i.e. responding to consultations, we have built on the excellent relationships with the key stakeholders in the employment policy and practice world, including: key officials in the Department of Business, Energy and Industrial Strategy (BEIS), the Presidents of the Employment Tribunals for England & Wales (Brian Doyle) and Scotland (Shona Smith), ACAS, the Law Society's Employment Committee. Further, we are starting to develop relationships with those responsible for employment policy in both the CBI and TUC.

## Legislative & Policy Committee Report *cont.*

With so much political uncertainty at present I consider it key that we strengthen and maintain these relationships so we are seen as one of the 'adults in the room' who through the depth of our experience as employment practitioners are able to provide a calm, dispassionate view to both sides of industry on what will and will not work in terms of further employment law reform.

We have also ensured that ELA's voice is heard in the national, legal and HR press on a variety of topics including: tackling sexual harassment and racism in the workplace, Brexit and its implications for 'workers rights', and the surge in employment tribunal claims following the abolition of fees its impact on access to justice.

The two areas which I particularly wish mention this year have been: Brexit and so called NDAs (Non-Disclosure Agreements) and the fallout from the #MeToo and the clamour from many parts of the press and some politicians to ban what are colloquially described as Non-Disclosure Agreements (what employment lawyers know as Settlement Agreements).

### **Brexit**

Brexit, being the emotive subject it is, has been a difficult one for us to deal with, given we are an apolitical organisation. We set up a standing committee, co-chaired by Shubha Banerjee and Louise Taft, whose aim has been to seek clarity from government on what various aspects of employment law will look like post Brexit.

The standing committee has: met with government officials to discuss this subject; drafted Briefing Papers on various topics where Brexit is likely to impact on employment law e.g. the role of the Court of Justice of the European Union; Working Time, the implications for employment law in Northern Ireland; and written an article for the Employment Law Journal on this subject. The ELA paper 'Brexit – Court of Justice of the European Union ('CJEU'): View of Employment Lawyers' has been published and is on the ELA website ([www.elaweb.org.uk](http://www.elaweb.org.uk) - Law and Practice/Publications and Surveys)

Brexit is a complex issue which has been made all the more difficult by the lack of clarity in government on what it wishes to see come out of it. I would like to pay a special tribute to Shubha and Louise for all of the hard work they and the Standing Committee done on this subject.

## Legislative & Policy Committee Report *cont.*

### **#MeToo & NDAs**

In the wake of the Harvey Weinstein case over the past year we have all seen politicians and the media show an increasing interest about the use of confidentiality clauses in settlement agreement. Despite the publication a warning notice on the use of NDAs by the SRA

[https://www.sra.org.uk/solicitors/code-of-conduct/guidance/warning-notices/Use-of-non-disclosure-agreements--\(NDAs\)--Warning-notice.page](https://www.sra.org.uk/solicitors/code-of-conduct/guidance/warning-notices/Use-of-non-disclosure-agreements--(NDAs)--Warning-notice.page)

scrutiny on their use continues. The Women's & Equalities Select Committee had a further call for evidence and the government recently conducted a consultation exercise on their use.

We have set up a standing committee, co-chaired by Kiran Daurka and Joanne Owers, to co-ordinate oversee the work we are doing in this area. As well as responding to the government consultation paper we have sort to engage with other relevant stakeholders e.g. Law Society, SRA, ACAS, TUC, CBI etc. Whilst we can see merit in changes being made to tighten up on the use of so-called 'NDAs' we do not consider a ban on their use would be desirable.

### **Other matters – Employment Tribunal resources our recent survey**

We were pleased to see that the results from the survey ELA conducted last year into the ET resources helped persuade the government to fund the recruitment of 54 full-time equivalent salaried Employment Judges. We are also pleased to see that a competition is currently taking place for the recruitment of fee-paid Employment Judges.

However, we continue to hear reports on the failure of Employment Tribunals to respond to calls/correspondence etc. Hence Shantha David, Elizabeth Drake, Richard Fox and Louise Taft have devised a short survey, which recently went out to members, seeking their opinions on the level of administrative resources available to Employment Tribunals. In broad terms whether the service members have received over the last 12 months has: improved/stayed the same/got worse.

We will review the results of this survey and keep members updated on what steps we propose to take to persuade government/HMCTS to increase administrative resources for Employment Tribunals.

Paul McFarlane  
**Chair, Legislative & Policy Committee**

## ELA Standing Committees (2018-19)

### Brexit working party

**Co-Chairs:** Shubha Banerjee, Leigh Day and Louise Taft, Freemans Solicitors

Kiran Daurka, Leigh Day  
James Davies, Lewis Silkin LLP  
Robert Davies, Walbrook Law  
Arpita Dutt, BDBF LLP  
Anna Henderson, Herbert Smith Freehills LLP  
Anthony Korn, No 5 Chambers  
David Widdowson, Abbiss Cadres LLP

### City Regulation Committee

**Chair:** Caroline Stroud, Freshfields Bruckhaus Deringer LLP

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

### Sexual Harassment Committee

**Co-chairs:** Kiran Daurka, Leigh Day and Joanne Owers, DAC Beachcroft LLP

Jane Amphlett, Howard Kennedy LLP  
Colleen Cleary, Collen Cleary Solicitors  
Louise Coyne, Coyne Partners LLP  
Kathleen Heycock, Farrer & Co LLP  
Julian Hoskins, Bevan Brittan LLP  
Holly Insley, Freshfields Bruckhaus Deringer  
Tamsin James, Menzies Law  
Joanne Mackie, Government Legal Department  
Dee Masters, Cloisters  
Elizabeth McGlone, Bindmans  
Richard Miskella, Lewis Silkin  
Aggie Salt, Denton UK and Middle East LLP  
Louise Skinner, Morgan, Lewis & Bockius UK LLP  
Homa Wilson, Hodge Jones & Allen Solicitors

## ELA Consultation Submissions: May 2018 – May 2019

You can view the response papers by following the links to each submission below:

ELA response to Off-payroll working rules from April 2020  
**28 May 2019**

ELA response to BEIS consultation: Confidentiality clauses: measures to prevent misuse in situations of workplace harassment or discrimination  
**29 April 2019**

ELA response to the BEIS Consultation on extending redundancy protection for women and new parents  
**5 Apr 2019**

ELA response to Banking Standards Board Consultation on Best Practice Guidance on Implementing the Certification Regime  
**20 Mar 2019**

ELA response to BEIS Consultation: National Minimum Wage – Salaried hours and salary sacrifice  
**1 Mar 2019**

ELA response to the Law Commission Consultation on Employment Law Hearing Structures  
**24 Jan 2019**

ELA response to BEIS consultation: Ethnicity pay reporting  
**11 Jan 2019**

ELA response to the Women and Equalities Select Committee Inquiry into use of Non-Disclosure Agreements in discrimination cases  
**28 Nov 2018**

ELA response to the GEO consultation on reform of the Gender Recognition Act 2004  
**19 Oct 2018**

## ELA Consultation Submissions: May 2018 – May 2019 *cont.*

You can view the response papers by following the links to each submission below:

ELA response to the Proposed Directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law

**13 Jul 2018**

ELA response to BEIS Parental bereavement leave and pay consultation

**8 Jun 2018**

ELA response to consultation "Good Work: The Taylor Review of Modern Working Practices": Part 4: Employment status

**1 Jun 2018**

ELA response to Low Pay Commission Consultation

**1 Jun 2018**

ELA response to consultation "Good Work: The Taylor Review of Modern Working Practices": Part 3: Increasing transparency in the labour markets

**23 May 2018**

ELA response to consultation "Good Work: The Taylor Review of Modern Working Practices": Part 2: Enforcement of employment rights recommendations

**16 May 2018**

ELA response to Good Work: The Taylor Review of Modern Working Practices

**9 May 2018**

Written evidence from the Employment Lawyers Association to the Business, Energy and Industrial Strategy (BEIS) Committee inquiry on executive pay

**4 May 2018**



**Chair, Pro Bono Committee**  
Natasha Joffe, Outer Temple Chambers

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## Pro Bono Committee Report

### Committee

Bhavika Badola, Bevan Britten LLP	Spencer Keen, Old Square Chambers
Caroline Baker, GQ Employment Law	Ed Kemp, Littleton Chambers
Gus Baker, Outer Temple Chambers	Sarah Keogh, Old Square Chambers
Philip Chivers, Osborne Clarke	Shefali Lamba, Freshfields LLP
Shane Crawford, 5PB	Jenny McGrandle, Dechert LLP
Cyril Dennemont, Fletcher Day LLP	Sophie Roberts, Publicis Resources
Ruth Gamble BDBF LLP	Polly Rodway, BDBF LLP
Ben Gray, Littleton Chambers	Kate Sutherland, Morton Fraser
David Hopper, Lewis Silkin LLP	Daniel Wise, Osborne & Wise
Matt Jackson, 10 Kings Bench Walk	Katie Wood, Maternity Action

### Structure and governance

In response to a growing workload, the Committee has expanded this year and we have benefitted from the enthusiasm and energy of new members. We are in the process of formalising responsibilities for particular projects and portfolios, which have previously fallen to less formalised subgroups and individuals. Sophie Roberts and Jenny McGrandle act as deputy chairs (Jenny alone in Sophie's absence on maternity leave).

We scrutinise each new project for regulatory and insurance issues and also refer to ManCo. We have suspended 100 Days / One Case partly in order to ensure we are giving members the best possible guidance on any regulatory implications of the pro bono opportunities on offer. We have also been working to ensure that ELIPS is GDPR compliant as described further below.

### Diversity

We have been striving to ensure ELIPS is extended across the regions and we have a regionally diverse membership. We have several very junior members as well as in-house solicitors and a number of barrister members.

## Pro Bono Committee Report *cont.*

### ELIPS

As was the case last year, much of the Committee's time and energy has gone into maintaining the existing ELIPS schemes and rolling the scheme out to new regions. Overall, 612 litigants in person were assisted in the year April 2018 – March 2019 by the ELIPS scheme.

The scheme has considerable support from the employment law judiciary, most notably President Doyle, REJ Barry Clarke, REJ Potter, Acting REJ Wade and Judge Sian Davies and now EJ Findlay (Birmingham) and REJ Rohan Pirani (Bristol). The scheme would not be possible without the support of our partners, LawWorks, the Free Representation Unit (FRU) and Advocate.

### Regional catch-up

With the proliferation of ELIPS clinics, we have instituted regular catch up calls to allow the regional organisers to exchange tips and issues. These have proved invaluable.

### New technology and GDPR

To meet the challenge of GDPR we have been brainstorming a better way to deal with scheme documents, particularly concluding letters. We are very grateful to Lindsey, who sourced a tech solution which allows ELA tighter control of handling and storing advice documents. We are also very grateful to Jenny McGrandle from the PBC for leading on GDPR and to Dan Pollard for consulting with us.

### Video

Lindsey organised the production of the really inspiring ELIPS recruitment video which is available on the ELA website ([www.elaweb.org/probonoopportunities/ELIPS](http://www.elaweb.org/probonoopportunities/ELIPS)). We have circulated the video via various forms of social media and hope it will assist with volunteer recruitment.

### The volunteer banks are as follows:

London – 117  
Cardiff – 55  
Birmingham – 22  
Bristol – 29

### The number of litigants assisted April 2018 – March 2019

was:  
London: 527  
Cardiff: 52  
Birmingham: 33

## Pro Bono Committee Report *cont.*

**London ELIPS** continues to provide assistance to large numbers of litigants in person at London Central E. It operates weekly on Thursday. It enjoys the ongoing support of the judges and staff there, to whom we are very grateful.

We continue to benefit from the invaluable assistance of law students provided via City of London University and FRU who triage the litigants and manage the (growing) queue.

We held a drinks event in March 2019 to say thank you to volunteers and others and to recruit new volunteers. We are very grateful to Lewis Silkin for providing the venue. The event was well attended and we were especially grateful to REJ Barry Clarke for travelling from Wales to give a really excellent talk about why people should volunteer for ELIPS. We also launched the ELIPS mug, which is hopefully now adorning offices across the country.

We are exploring a closer relationship with the PSU to increase referrals of litigants to the Personal Support Unit (PSU – [www.thepsu.org](http://www.thepsu.org)) and/or to have a PSU volunteer available at LCET on ELIPS days. We hope to have this partnership up and running within the next month or so.

**Cardiff ELIPS** under the stewardship of Daniela Mahapatra, Wales representative, continues to go from strength to strength and to be an exemplar of best practice for other ELIPS schemes. Cardiff ELIPS operates monthly on the third Friday of the month.

Two new ELIPS schemes have been set up in the past year:

**Birmingham ELIPS** launched in October 2018. It was set up by Liz Hodgetts, Midlands representative and Naomi Owen, member at large, with support from Linden Thomas, University of Birmingham Law School. It operates monthly on the first Friday of the month.

**Bristol ELIPS** launched in April 2019. It was set up by Julian Allsop, south west representative, with help from Pro Bono Committee members Matt Jackson and Philip Chivers. It operates monthly on the second Friday of the month.

## Pro Bono Committee Report *cont.*

### Mumsnet / Maternity Action project

This is a project to provide online advice on maternity and parental issues. We have now teamed up with Maternity Action so that ELA members can volunteer to take part in this project under the auspices of MA. A pilot in November 2018 was very successful and we have now finalised the scheme documentation with a view to advertising for volunteers to run the scheme on a quarterly basis. This would involve volunteers answering questions posted by Mumsnet users to a dedicated thread on the Mumsnet website over the period of a week.

We are pleased that this project is now up and running because it gives ELA members who do not want to or are not able to take days out to provide face-to-face advice or advocacy an opportunity to do pro bono work in their own time which meets a real need. It also gives volunteers the opportunity to hone their knowledge of this particularly technically complex area under the supervision of Maternity Action. We are particularly grateful to Pro Bono Committee member Katie Wood for spearheading this project.

We continue with the respondent-focussed pro bono opportunities on offer to ELA members through our partnerships with Advocates for International Development (A4ID) and Trust Law. ELA members can take on national and international pro bono projects for NGO and social enterprises. These pro bono opportunities are non-contentious and they assist international and local NGOs and social enterprises with the UK employment law aspects of the day to day running of their operations.

## Pro Bono Committee Report *cont.*

### Looking forward to 2019 /2020

We know there is great enthusiasm to launch an ELIPS in Scotland and the Committee has been exploring how insurance for volunteers could be provided in that jurisdiction. In England and Wales we benefit from our partnership with LawWorks.

We suspended 100 Days / One Case last year pending a review to relaunch the scheme in an improved form by the end of 2019. Two Committee members are now working towards relaunch in a form which we hope will include partnerships with Working Families, Maternity Action and law centres.

None of our work would be possible without the support of Lindsey Woods and her colleagues at Byword and ELIPS would not function without the dedication of Nick Walsh, its expert administrator.

Natasha Joffe  
**Chair, Pro Bono Committee**

**Editor / Chair, Editorial Committee**  
Alex Lock, DAC Beachcroft LLP

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## Editorial Committee Report

### Editorial board

Kathleen Bada, Leyton Legal

Susan Belgrave, 7BR

Sarah Fraser Butlin, Cloisters

Bernadette Daley, Cummins Limited

Clive Howard, Slater and Gordon

Marc Jones, IBB Solicitors

Douglas Leach, Guildhall Chambers

Ann Leigh-Pollitt, Xerox Europe

Stephen Levinson, Keystone Law

Richard Linksell, Gunnercooke LLP

John McMullen, Stone King LLP

Roseanne Russell, University of Bristol

Charles Wynn-Evans, Dechert LLP

The publishing committee's main work is to ensure that ten months of the year ELA Briefing is published and arrives on members' desks. It must contain readable, informative and incisive articles on employment law.

This is no mean feat. Readers want articles that not only reflect the latest decisions of the Employment Appeal Tribunal and the appellate courts, but also want articles that are wider ranging and more thoughtful. We have been helped in this by the abolition of fees for employment tribunal and employment appeal tribunal cases. These have significantly increased and, in the absence of major legislative change, provide the lifeblood for what we write and read about.

We rely on employment practitioners to give up their time to write articles that get pulled about, poked and chopped, with the only reward being publication of the photo they supplied and the grudging respect of their peers. If your article has been published in ELA Briefing it has gone through the most rigorous scrutiny and testing.

Principal thanks are therefore due to the authors: to those that put their efforts out for examination by both the editorial board and the readership. Without them ELA Briefing would not exist.

Next up for thanks is the editorial board itself. Ten times a year they read, scrutinise and argue about what is submitted, always ensuring only the highest quality articles make it through.

## Editorial Committee Report *cont.*

I will take this opportunity to thank two out-going members of the board: Bernadette Daley and Stephen Levinson. Both have given many years of service to ELA Briefing, both as board members and contributors. Thank you both.

This does leave us needing some more board members and if you are interested please do let me know.

Thanks also to the team at Thomson Reuters for producing ELA Briefing and ensuring it does actually end up on members' desks, following excellent work by Matthew Bell, who edits, formats and designs and Anisha Radia, Production Manager.

It is a collective effort by all these individuals that has ensured that ELA Briefing remains one of the best employment law journals over the past 12 months.

Alex Lock  
**Editor, ELA Briefing**

## Chair

Jo Broadbent, Hogan Lovells International

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## Training Committee Report

### Committee

Julian Allsop – South West Rep	Tracy Luke, Eversheds Sutherland LLP
Harriet Bowtell, Jones Chase	Annabel Mackay, Baker McKenzie LLP
Patrick Brodie, RPC LLP	Nigel Mackay, Leigh Day
Anthea Christie, Penningtons Manches LLP	Daniela Mahapatra, NHS Wales - Wales Rep
Emma Clark, Keystone Law	Hannah Mahon, GQ Littler
Michael Duggan QC - Upper South East Rep	Eleanor Mannion, MacRoberts LLP– Scotland Rep
Sheila Fahy, Allen & Overy LLP	Adrian Martin, Burges Salmon LLP
Ceri Fuller, DAC Beachcroft LLP	Claire Merritt, Paris Smith LLP – Lower South East Rep
Ciara Fulton, Jones Cassidy Brett Solicitor - Northern Ireland Rep	Alexandra Mizzi, Howard Kennedy LLP
Sam Gage, Thomson Reuters	Leonora Morgan, DAC Beachcroft LLP - North East Rep
Rachel Hearn, Charles Russell Speechlys LLP	Daniel Northall, Littleton Chambers - North West Rep
Elizabeth Hodgetts, St Philips Chambers - Midlands Rep	Ian Pettifer, Davies and Partners Solicitors
David Hunt, Farrer & Co	David Regan, Squire Patton Boggs (UK) LLP
Penny Hunt, Bird & Bird LLP	Catherine Richmond, Worden Richmond
Mhairi Letcher, The British Museum	Marie Walsh, Consilia Legal LLP – Yorkshire & Humberside Rep
Lisa Lewinsohn, Withers LLP	Anna West, Travers Smith LLP

In last year's annual report, the Training Committee's outgoing chair, Marian Bloodworth, noted that the employment law landscape continues to change at pace and that a key part of the Training Committee's role is to help ELA's membership acquire and develop the knowledge and skills they need to serve the needs of their clients at a time of political and economic uncertainty. I can only echo that sentiment.

The Committee's members are drawn from firms of different sizes and sector focus, as well as from in-house positions, and we continue to try to ensure that we reflect as far as we can, the diverse nature of ELA. We continue to engage quarterly with 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 and with the Junior Representative on ELA's Management Committee to assess the particular needs of recently qualified members. Hannah Mahon has volunteered to act as deputy chair of Training Committee.



## Training Committee Report *cont.*

During 2018 the Training Committee ran 16 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. Two day long courses in 2018 addressed areas where we perceived a particular appetite for training. The first dealt with equal pay risk, in light of the then-new gender pay gap reporting requirements and increasing numbers of equal pay claims in the private sector. The second focussed on tribunal procedure, to support members handling increasing numbers of tribunal claims following the abolition of employment tribunal fees. The Training Committee hoped that this would be of value to more junior members, who have not necessarily had the same exposure to tribunal practice and procedure as those qualifying before tribunal fees were introduced.

In addition to the full and half day courses, we have run seven evening sessions in London and many more around the country covering a wide range of topics, including whistleblowing, injunctions and some of the issues surrounding fitness and propriety in the financial services sector. We recorded six webinars / podcasts in 2018 that were designed either to deal with "hot topic" issues such as GDPR and the 2018 changes to tax on termination payments, or to repeat popular sessions from national courses to facilitate access for all ELA members. Webinars continue to be offered on a no-charge basis.

The willingness of external speakers to share their experience with us also enables us to put legal issues into their wider context. Marian Bloodworth organised and chaired the plenary session at the 2018 annual conference, at which Schona Jolly QC, Cloisters, Dr Roger Miles, Doctor of Risk at UK Finance, Sasha Scott, Inclusive Group, and Keith Warburton, Global Business Culture, explored the challenges of the modern workplace and its culture from a variety of different perspectives, including behavioural science, globalisation, diversity and inclusion and whether employment law is fit for purpose in the 21st century. It was a fascinating and thought-provoking session.

## Training Committee Report *cont.*

When the #MeToo movement started in 2017 we did not necessarily foresee the impact that it would have on the employment law landscape, or on the focus that would be brought to bear on the role of employment lawyers in resolving disputes involving allegations of harassment or discrimination more generally. The 2018 Annual Lecture canvassed a range of views on the impact of the #MeToo movement legally and socially. We were particularly grateful to Sam Smethers, Chief Executive of the Fawcett Society, Clare Murray, CM Murray LLP and specialist adviser to the Women and Equalities Select Committee into Sexual Harassment in the Workplace, Matthew Percival, Head of Employee Relations at the CBI, Elizabeth Prochaska, Legal Director at the Equalities and Human Rights Commission, and Juliet Carp, Keystone Law and Chair of ELA, for their insights and contributions to the panel discussion.

One of the by-products of the current focus on behaviour in the workplace is the need to be mindful that our training courses deal with ethical issues for members when advising both claimants and respondents (including in relation to sexual harassment claims but recognising that ethical considerations arise in a much wider context than this). The regular half day settlements agreement course in particular has been reviewed to ensure that it covers ethical issues and SRA and Law Society guidance on non-disclosure agreements and we continue to monitor progress in this area and address it across a range of training sessions as appropriate.

We recognise the need to ensure that the regions also benefit from the range of training topics and speakers. Once again this year, our Regional Representatives have worked hard to arrange our regional training programmes. Thanks go to them and to Charley Masarati's unstinting efforts in coordinating the sessions. We are also grateful to members who have travelled to other regional centres to give sessions.

Thanks go to everyone on the Committee for all of its hard work, good humour and enthusiasm. Huge amounts of time and effort go into deciding on topics, and then on preparing and delivering the content and I am very grateful to all those who give up their time, month in month out, to attend Committee meetings and work behind the scenes to deliver the programme.

## Training Committee Report *cont.*

On behalf of the Committee I would also like to extend our sincere thanks to all those who agree to speak at our training events, 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.

Finally, what would we do without the ELA team: Lindsey Woods, Cynthia Clerk, Angela Gordon and Charley Masarati and her team? That is a purely rhetorical question, because in simple terms we would not be able to function or run the events we do without them. They do the job with no fuss and no complaint, appear to have infinite reserves of patience and are a huge support to us all. A massive thank you to them all, personally and on behalf of the Training Committee as a whole.

Jo Broadbent  
**Chair, Training Committee**

## Chair, International Committee

Kathleen Healy, Freshfields Bruckhaus Deringer 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

Paul Goulding QC, Blackstone Chambers

Jude Harris, DLA Piper (UK) LLP

Toni Lorenzo, Lewis Silkin LLP

Frank Morton, Morton Law

Amy Rogers, 11KBW

Nicola Whiteley, Orrick Herrington & Sutcliffe (Europe) LLP

Alistair Woodland, Clifford Chance LLP

2018/19 has been a year of change and challenge for the ELA International Committee.

I took over the Chair role from Ming Henderson in June 2018. Huge thanks to Ming for doing such an excellent job during her time as Chair and for ensuring such a smooth handover.

The International Committee membership has been relatively stable for a number of years and so therefore it was perhaps to be expected that we would have some changes in composition. Most notably Fraser Younson, one of the founding members of ELA and a huge source of wisdom and encyclopaedic knowledge of employment law and lawyers, particularly through his European contacts, decided at the start of 2019 to retire from the International Committee. Impossible to do justice to his contribution over the years, I would just like to thank him for all of his input and wise counsel to successive Chairs over the years.

On the plus side, however, we have been fortunate to welcome Paul Goulding QC to the Committee. Paul's enthusiasm and energy has already been instrumental in getting a number of initiatives off the ground.

**Brexit:** In last year's annual report the ELA Chair noted how the International Committee had sought to "embrace Brexit" as a reason to engage with our colleagues overseas rather than a reason to withdraw into ourselves. We have sought to continue in that vein, organising a lively Brexit discussion session at the EELA conference in June 2018 in Bratislava together with Magnusson Law and Schoenherr. However as time has ticked on and the uncertainty has continued, we have recognised that organising

## International Committee Report *cont.*

further presentations on Brexit are increasingly rather akin to crystal ball gazing and that ELA members do not have the answers yet to many of the legal and practical questions posed by this seismic change. Instead we have sought to find other ways of contributing to the ongoing debate, including supporting Paul McFarlane and his work with the Brexit Standing Committee to produce papers giving some thought to the various employment law consequences of Brexit.

In recent months a 'no-deal' Brexit has become increasingly a possibility. That gives rise to a very significant number of practical challenges for employment lawyers. The Committee is alive to the risk of (dare I say it) 'Brexit fatigue', but this nonetheless continues to be a hugely significant political process that will have a long-lasting impact on workforces and workplaces and we continue to look for practical ways to share thoughts and knowledge from an international perspective on the options for resolution.

**Training:** We have continued to run various training sessions that focus on the international aspects of employment law, be they sessions looking at developments in other jurisdictions or training that focuses on topics that require a more in-depth look at international law. Particular highlights this year have been the session moderated by Henry Clinton Davis on immigration and international assignments and our recent session organised by Jude Harris on key employment law developments in Asia. The healthy attendance rate at our events demonstrate the increasingly international nature of many of ELA's members' practices.

**Remit:** We are also in the process of discussing the remit and purpose of the International Committee. We remain committed to ensuring as far as we can that the Committee is not seen as exclusively London-centric – however inevitably its centre of gravity does seem to lean towards London. We are challenging ourselves to ensure we are adequately inclusive as regards our colleagues in the regions, many of whom as we know have varied and thriving international practices. We plan to hold a discussion with the wider ELA Committee to debate how we ensure we are as accessible and inclusive as possible. I welcome views from any ELA member on this topic.

## International Committee Report *cont.*

**Looking ahead:** Preparations are in full swing now for the 6th ABA/ELA Transatlantic Conference, which takes place on 24th September 2019. We have now settled a fantastic program and are in the process of finalising speakers. From #Me Too and its impact on the legal profession on both sides of the Atlantic, to a debate on Brexit, Trump and the resulting growth in nationalism in the workplace, the aim of the conference is to provoke debate and discussion across our practices and to compare and contrast the challenges we each face in the fast-moving world of employment law in the US and the UK. We would love to see as many ELA members as possible attend – it is always a fantastic opportunity to build relationships with our ABA colleagues and showcase the richness and diversity of the ELA membership.

I am grateful to the International Committee members for their contributions and support. I would also like to thank Lindsey Woods for all of the help and support she provides to the Committee.

I would echo Ming' sentiments from last year – that an ongoing and active commitment is needed from each of the members to ensure that the International Committee functions effectively. That ensures we can be as effective and as influential as possible.

Kathleen Healy  
Chair, International Committee

## Report from ELA In-house Representative

The In House Sub-Committee, which is comprised of Paul Hodgson (Hampshire County Council), Nicola Middleton (Barclays plc), Clare Primett (NHS Wales), Anne McFarlane (Glasgow City Council), James Noble (Unilever) and Richard Stovell (BAE Systems) has continued to work for the benefit of ELA's in-house membership and to help ELA engage with such members.

The Committee organised a half day conference for in house members which took place on 13 February 2019 in London. The conference was attended by about 70 delegates and included an interactive session on whistleblowing (led by Akash Nawbatt QC and Alice Mayhew of Devereux Chambers); the new transparency rules for employers (led by Sarah Harrop and Nicola Griffin of Addleshaw Goddard LLP) and a session on crucial competencies for in-house lawyers (led by Kirstie Allison and Helen Samuel of Lewis Silkin LLP). Following the formal discussions there was then an opportunity for delegates to network over drinks.

We welcome further ideas and input from in house members on possible further initiatives. There is also an ELA LinkedIn group 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, we are looking for a couple of new members so please do not hesitate to get in touch in you are interested in joining the sub-committee.

Richard Stovell, BAE Systems  
**In House Representative**

## Reports from ELA Junior Lawyer Representative

The Junior Steering Committee, which comprised of Emily Chalkley (Charles Russell Speechlys), Damian Babic (Skadden Arps Slate Meagher & Flom), Josie Beal (Birketts), Fiona Campbell (Squire Patton Boggs), Robert Frampton (Herrington Carmichael), Sophie Keene (Charles Russell Speechlys), Theo Nicou (Slater and Gordon), Elliot Park (DLA Piper), Brogon Solomon (Clarks Legal), Kate Fellows (Gateley Plc), Jessica Curtis (Addleshaw Goddard), Kate Potts (GQ Littler), Lucy Duane (Slaughter and May), Sarah Hayes (Paris Smith), Ben Jones (Old Square), Shefali Lamba (Freshfields) and Georgina Voogd (Eversheds), meets every quarter to discuss the training needs for the junior members, as well as social events and pro-bono opportunities.

In 2018/2019 the Committee had a number of new committee members join from a number of different regions. The Committee has been keen to ensure that it is collating ideas and feedback from junior members across the country.

The Committee has been proactive in organising more ELA speed mentoring events, with an event taking place in London in autumn 2018 and the first regional event in Cardiff in early 2019. There has been interest from a number of Regional Representatives to host a speed mentoring event in their respective regions, which we hope to hold in from autumn 2019 and during 2020. The purpose of the event is to provide mentees and mentors with an opportunity to meet and grow their network in a relaxed and fun environment with a view to developing support amongst peers, contacts and ongoing mentoring opportunities.

The Committee has been delighted to see many of its suggestions in regards to training topics were taken into account and implemented, with a move towards sector focused training and more training on Tribunal litigation. The Committee is also working with the Management Committee to see how junior members can become more involved in committees, working parties, events and panels.

We welcome further ideas and input from the junior members on possible further initiatives and should any junior members wish to get involved in the work of the Committee, please do not hesitate to get in touch.

Emily Chalkley, Charles Russell Speechlys LLP  
**Junior Lawyer Representative**



## Reports from ELA Regional Representatives

### Lower South East

During the 2018/2019 year there have been numerous activities in the Lower South East Region.

We have had our usual programme of evening seminars and the annual training day.

At the annual training day, we have enjoyed talks on business protection by Gavin Mansfield QC (Littleton Chambers), talks on the current state of associative and perceptive discrimination by Kate Annand (Doughty Street Chambers), pay masterclass from Julian Allsop and Debbie Grennan (Guildhall Chambers) and finally the preparation for procedure at preliminary and substantive hearings and practical guide by Stephen Wyeth of 3PB.

We had a Solent ELA Annual Lecture & Drinks as a new event and initiative with a TUPE update from David Reade QC.

As part of our evening seminars we have had session on Settlement Agreements: an Expert's Guide, by Michael Duggan QC & Paul Tucker of Smith & Williamson in September 2018 and Pensions Law update from Stephenson Harwood LLP in March 2019.

We are well into planning our 2019/2020 programme. Our challenges continue to be bringing together the social aspects of the region but we are also now focusing on junior development.

Claire Merritt, Paris Smith LLP  
ELA Lower South East Representative

## Reports from ELA Regional Representatives *cont.*

### Midlands

I was appointed ELA Midlands Regional Representative in May 2018. I put out an invitation for members to join a steering group, and offers to assist came in from a range of practitioners, principally based in Birmingham but with a couple out in the Region. A special word of thanks goes to Naomi Owen (Member at Large), with whom it has been a pleasure to work.

The following training/social events have taken place in the period September 2018 - September 2019:

#### 2018

17 Sept 18: Restraint of Trade and Confidentiality: Capsticks, Birmingham

25 Sept 18: Launch of ELIPS: Birmingham: Judge Brian Doyle, REJ Fiona Monk, EJ Lorna Findlay, President of BLS James Turner, VP of BLS Linden Thomas

8-9 Nov 18: Boot Camp: Hyatt, Birmingham (annual event)

13 Nov 18: ELA Annual Lecture streamed: Beyond MeToo: St Philip's Chambers, Birmingham (annual event)

20 Nov 18: ET Practice & Procedure: EJ Veronica Dean: St Philip's Chambers, Birmingham

## Reports from ELA Regional Representatives *cont.*

### 2019

11 Feb 19: What is a reasonable adjustment: Elizabeth Hodgetts & Naomi Owen: No 5, Birmingham

25 Feb 19, 27 Feb 19: Fee-paid ET judge selection exercise outreach events: Birmingham & Nottingham

7 Mar 19: Confidentiality clauses and NDAs in the Wake of MeToo: HHJ Katherine Tucker & Sophie Garner: St Philip's Chambers, Birmingham

2 Apr 19: Religion & Belief: Tariq Sadiq: Eversheds, Birmingham (roadshow)

6 June 19: Understanding the National Minimum Wage: EJ Helen Milgate: Slater & Gordon, Birmingham (roadshow)

4 July 19: ELIPS thank you / recruitment / social event: Birmingham ET & Slater & Gordon

12 Sept 19: Current State of Associative & Perceived Discrimination: Kate Annand

We have also helped to set up and established ELIPS in the Midlands West ET and there is a report on that below.

In the next 12 months, I would like to put a real focus on providing events in the Midlands out of Birmingham.

Elizabeth Hodgetts, St Phillips Chambers  
**ELA Midlands Representative**

## Reports from ELA Regional Representatives *cont.*

### **ELIPS Birmingham Report**

This is my first year as part of ManCo, in the position of Member at Large, and I feel so fortunate to have joined in the year that we decided to launch ELIPS in Birmingham. It has been so rewarding to be part of the ELIPS team.

We held our launch back in September 2018 and our inaugural clinic the following month. At our 6 month review in March, all was going swimmingly, and ELIPS Birmingham is going full steam ahead. We now have 22 volunteers (12 barristers, 10 solicitors) on our books, and have been able to run a clinic on the first Friday of each month since we started. We are hoping that, in time as our volunteer base builds, we will be able to run the clinic fortnightly.

The Tribunal staff and judiciary have been incredibly supportive, even down to helping us with the technical difficulties of getting the ELIPS printer to work!

The next step in our development is to update the way we work so as to ensure GDPR compliance. We are most grateful for ManCo giving all the ELIPS clinics the go ahead to purchase the technology we need to take this step – special thanks to Lindsey for doing all the research into the most efficient and suitable laptops and software for the job.

To celebrate a successful first year (slightly before our first anniversary), we are holding a “thank you” event for our volunteers on 4 July. We will start at the ET and then move on to the roof terrace at Slater & Gordon in the city centre. The event is open to all ELA members, particularly if you are interested in signing up to volunteer for ELIPS in the future! Come along to find out more about the scheme and how it works on a practical level.

Here is to a flourishing future for ELIPS Birmingham – and thanks to everyone for your support in our first few months!

Naomi Owen, No5 Chambers  
**ELA Member at Large**

## Reports from ELA Regional Representatives *cont.*

### North East

Having only been in post for a number of weeks at the time of writing this report, my report will be brief.

We started our new season of talks with a talk on ET Top Tips, Tactics and Procedure, and look forward to many more to come over the year.

My focus this year will be to build a Steering Committee for the North East region, and I would welcome anyone with an interest in joining to get in touch. I also look forward to meeting as many ELA members from the region as I can this year, and would be pleased to hear from anyone with any ideas or suggestions for the ELA in the North East.

I look forward to the ELA North East growing and thriving over the next year.

Leonora Morgan, DAC Beachcroft LLP

**ELA North East Representative**

## Reports from ELA Regional Representatives *cont.*

### North West

The North West membership of ELA has been and continues to be a vibrant and engaged community of employment law professionals. As workloads increase in the post-fees landscape, the challenge is to present sessions which are so essential that they can pull employment lawyers away from their desk.

Consistent with this aim, we have continued to put on training sessions which are not simply the run of the mill. We were delighted to host Employment Judge David Franey who spoke about the preparation for, and conduct of, case management preliminary hearings – something which is central to the practices of most employment lawyers, but which is hardly ever the subject of training.

The regional annual lecture and dinner has firmly re-established itself as an integral part of the employment law calendar. 2018's dinner was fully subscribed and, apart from the excellent food, its attendees had the pleasure of seeing two leading employment law silks, David Reade QC and Jason Galbraith-Marten QC, in an entertaining 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), Liz Cotton (JMW), Rhodri McDonald (Equalities and Human Rights Commission), Laura Nelson-Gill (USDAW), Sara Sawicki (gunnercooke), James Pike (Squire Patton Boggs) and Charlotte Gilbert (Myerson). 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.

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.

Daniel Northall, Littleton Chambers  
ELA North West Representative

## Reports from ELA Regional Representatives *cont.*

### Northern Ireland

During the 2018 / 2019 year, there has been continuing activity in the Northern Ireland Region. Since the last Report, I have continued to try and build awareness and raise the profile of the ELA in Northern Ireland and have worked to try to deliver events of relevance for members in the Region. We are starting to see an increase in numbers of members and numbers attending events.

We held a seminar on changing Terms and Conditions of Employment Post Abraham in September 2018 and streamed the Annual Lecture live to Belfast in November 2018. This was the first social event in the region, and the reception went down well! Earlier this year we had a very informative session on Business Immigration Law and many members plan to attend the Annual Conference at the end of June.

In the meantime, I have been working with the ELA Brexit Working Party contributing to the NI aspects of their working papers on Brexit and, with the assistance of the ever helpful Charley Masarati, we have now established a Steering Group for Northern Ireland, consisting of Aisling Byrne, Cleaver Fulton Rankin, Niall McMullan, Worthingtons and David Mitchell, Millar McCall Wylie.

The steering committee have worked on an ambitious programme for the region in the Autumn including a panel session on sexual harassment in Belfast in September, a Whistleblowing talk in October and plans to stream the annual lecture live to Belfast again in November as well as further seminars for 2020.

All and all it has been a constructive year building and with the establishment of the steering committee cements the foundations of the ELA in the region in years to come.

Ciara Fulton, Jones Cassidy Brett Solicitors  
**ELA Northern Ireland Representative**

## Reports from ELA Regional Representatives *cont.*

### South West

I was very lucky to inherit a region that enjoyed considerable local support and had been well run by my two immediate predecessors, namely Greg Chambers and Harry Parker.

My time as South West Representative started with a Judicial Outreach event on 5th June 2018 that was hosted by Guildhall Chambers and which was presented by EJ Harper and EJ Pirani (as he was then). Following the summer break, on 27th September 2018 we were pleased to welcome Paul Nicholls QC to Bristol for his interactive session 'When a plan comes together' at Osborne Clarke LLP in Bristol with a live video link to Stephens Scown in Exeter.

Following this, on 10th October 2018, Kate Annand and Juliette Franklin presented their popular seminar on 'Hidden Disabilities' at TLT LLP in Bristol.

The live stream of the ELA Annual Lecture on 13th November 2018 was enjoyed by members who gathered at the various locations in the region to watch it. Veale Wasbrough Vizards LLP hosted the link to Bristol, Michelmores LLP in Exeter and Stephens Scown LLP in Truro.

On 26th November 2018, Kate Annand and Claire Tait presented 'Hidden Disabilities' at Michelmores LLP in Exeter, which was well received.

Slightly earlier than usual, the annual Quiz took place on 29th November 2018. We were pleased to welcome back Chris Tickle as our quiz master, and in the face of the usual fierce competition, Veale Wasbrough Vizards LLP's 'VDUBZ' team lifted the trophy. The evening also raised £800 for the Avon and Bristol Law Centre.

On 11th January 2019, Osborne Clarke LLP hosted a lunchtime event which provided SW members with an opportunity to interface with representatives from the Law Commission in relation to its consultation on Employment Law Hearing Structures.



## Reports from ELA Regional Representatives *cont.*

On Wednesday 20th March 2019, Debbie Grennan and Allan Roberts presented an interesting lunchtime talk on the topical subject of 'Restructuring, Business Sales and Employer Insolvency: Managing the changes and avoiding adverse consequences' which took place at Osborne Clarke LLP in Bristol, with a live video link to Kitsons LLP in Exeter.

Later that month, on 26th March 2019, there was a Judicial Outreach event in support of the fee paid Employment Judge competition, coupled with the launch of Bristol ELIPS. This event took place at the Grand Hotel, followed by drinks and nibbles across the street at Guildhall Chambers.

On 11th April 2019, REJ Pirani and I presented 'Advocacy in the Employment Tribunal - top tips from the Bench and Bar', which was the first event aimed at junior lawyers in the region. This event was hosted by Veale Wasbrough Vizards LLP.

Recently, we were pleased to welcome Eleena Misra and Giles Powell to Bristol for their interesting and well received talk on 'Vicarious Liability – a round up of latest developments', which took place at Burges Salmon LLP on 23rd May 2019.

Our next event in the region is the talk by Bruce Carr QC and Gareth Brahams on 'Whistleblowing : a round-up of recent developments' which is scheduled to take place on 3rd July 2019 at TLT LLP in Bristol.

We also anticipate Debbie Grennan presenting a discrimination update in Exeter in the next few months.

After the summer holidays, we are looking forward to welcoming Patrick Halliday to Bristol on 18th September 2019 to present 'Check your privilege: recent developments in legal professional privilege' which will take place at Osborne Clarke LLP with an intended video link to the South West.

We anticipate that on 17th October 2019, Martin Fodder and Jeremy Lewis will present a session on Whistleblowing at Stephens Scown LLP in Exeter with a possible live video-link to other venues in the South West.

## Reports from ELA Regional Representatives *cont.*

In the meantime, we have also successfully launched the Bristol ELIPS Scheme, which had its first session on 29th April 2019 and is intended to run on the second Friday of each month thereafter.

I would like to end this annual report with my thanks to the people and organisations who have contributed to the successful year that ELA SW Region has had.

I have the benefit of an enthusiastic steering group who provide valuable insight, perspective and support in the decisions that are taken in this region. I am very grateful to David Baynton, Luke Bowery, Gemma Cawthray, Allison Cook, Rhodri Davey, Greg Chambers, Debbie Grennan, Alex Lyttle, Laura McFadyen, Andrew Midgley, Joseph Nicholls, Harry Parker, Kate Redshaw, Suzanne Staunton, David Thomas and Natalie Ward in this respect.

I am also very grateful to the organisations that have hosted our events this year, namely Burges Salmon LLP, Guildhall Chambers, Kitsons LLP, Michelmores LLP, Osborne Clarke LLP, Stephens Scown LLP, TLT LLP and Veale Wasbrough Vizards.

Lucy Burrows, Philip Chivers, Matthew Jackson, Natasha Joffe and David Thomas have been central to the successful launch of the Bristol ELIPS scheme and I am very grateful to them. I have also benefited greatly from the guidance of Daniela Mahapatra, Naomi Owen, Liz Hodgetts, Sarah Keogh and Jennifer McGrandle. I am also thankful for the support from Jane Emanuel of the Avon and Bristol Law Centre.

The Bristol ELIPS scheme has also had considerable judicial support from REJ Pirani, REJ Clarke, EJ Livesey, EJ Harper and EJ Davies as well as the staff at Bristol CJC, all of which is greatly appreciated. Finally, it would not have been possible to have a successful year without the tireless efforts, patience and enthusiasm of Charley Masarati, Nick Walsh and the Byword Team.

Thank you to you all!

Julian Allsop, Guildhall Chambers  
ELA South West Representative

## Reports from ELA Regional Representatives *cont.*

### Upper South East

Representation in the Upper South East was reconstituted during the 2018-2019 year, in which I have taken up the role of representative and a Steering Committee has been established. The region is expansive stretching from Norfolk to Oxfordshire with Reading, Oxford, Milton Keynes, Cambridge and Norwich now targeted at the main centres in which to deliver talks.

In March we ran a roadshow in Reading, Cambridge and Norwich on cases in 2018 and developments for 2019. We also held the following events in 2018/9:

A practical guide to the implications of recent case law on TUPE  
Employment Tribunal Remedies Masterclass  
Preparation for and procedure at preliminary and substantive hearings – a practical guide

#### Forthcoming sessions in 2019 include:

- (Date TBC) September: GDPR One Year In: what practical lessons have we learned? – Reading - Piers Leigh-Pollitt & Michael Hibberd, Doyle Clayton
- 18th October: Whistleblowing – Reading (hopefully with a Cambridge video link) - Jeremy Lewis & Martin Fodder, Littleton Chambers
- (Date TBC) November – Video Link of ELA Annual Lecture – with links venues in Norwich, Oxford, Cambridge, Milton Keynes and Reading

The main issue that needs to be considered is attendance in the centres other than Reading, as we will not get first rate speakers unless people are prepared to come along. I urge all ELA members to actively participate by coming to meetings and to the social evenings which we will be seeking to arrange during the course of the year.

Michael Duggan QC  
ELA Upper South East Representative

## Reports from ELA Regional Representatives *cont.*

### Wales

It has been another great year for ELA Wales.

We have held a number of successful events including talks on Hidden Disabilities, Religion and Belief in the Workplace, Preparation for and procedure at preliminary and substantive hearings and a View from the Bench. With the assistance of Georgina Voogd at Eversheds Sutherland, we also hosted a speed mentoring event for our junior members. At Christmas, by special request, we arranged a festive dinner at the iconic Angel Hotel in Cardiff which was great fun.

ELA Wales events continue to be well attended and I am grateful for the support.

The Employment Tribunal Litigant in Person Support Scheme (ELIPS), which was rolled out to Cardiff in October 2016, goes from strength to strength. With excellent support and assistance from the Pro Bono Committee, we continue to adapt and to improve the scheme in order to make the volunteer experience as enjoyable as possible and to ensure that we maximise the time of the volunteers to focus on appropriate cases. In this regard, we have been fortunate to have the support of students from the University of South Wales who assist with triaging clients and who provide administrative support to our volunteers. We now have three qualified volunteers and three students at each clinic. We are about to introduce new IT equipment to further reduce the administrative workload.

I must take this opportunity to thank those who have volunteered so far and I would encourage you to consider volunteering over the next 12 months if you haven't done so already. You won't regret it. For more information, check out the short ELIPS film which can be found on the ELA website ([www.elaweb.org.uk](http://www.elaweb.org.uk)). A big thank you to our judges for their patience and to the court staff, especially Rosie and Chris, who all work hard to ensure that the clinics run as smoothly as possible.

I hope that ELA Wales continues to thrive and grow. The events would not have been possible without the support from Lindsey Woods and Charley Masarati – thank you. I must also thank Nick Walsh for his support with the ELIPS clinics.

Daniela Mahapatra, NHS Wales  
ELA Wales Representative

## Reports from ELA Regional Representatives *cont.*

### Yorkshire & Humberside

It's been a whirlwind for me personally since being elected to the role of regional representative last year.

Engagement in the region has increased and we have run 8 successful training events to date with another 8 training events planned across the region to the end of 2019.

In addition to this we have arranged a half day conference in Leeds with a focus on discrimination and enlisted the assistance of our local judiciary and counsel. We also have a social event to look forward to in Leeds scheduled for June and a speed mentoring event to encourage support and guidance for our members at all levels.

Firms and practitioners in the region have been enormously supportive in terms of hosting and leading on events and also in making suggestions for event content. A massive thanks also goes out to the ELA team who have gone out of their way to assist the region this year. It truly has been a collaborative team effort and I am hoping that we can all continue to build on this as we go into the next chapter.

Marie Walsh, Consilia Legal  
ELA Yorkshire & Humberside Representative



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# Annual Report

## 2018 - 2019

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