



EMPLOYMENT
LAWYERS
ASSOCIATION

www.elaweb.org.uk

Annual Report

2015 - 2016

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Employment Lawyers Association
P.O. Box 353
Uxbridge UB10 0UN

Tel/Fax: 01895 256972
Email: ela@elaweb.org.uk

Honorary Presidents of ELA

The Honourable Mr Justice Langstaff (to March 2016)

The Honourable Mrs Justice Simler (from April 2016)

President

Employment Appeal Tribunal

England & Wales

Lady Stacey (to February 2016)

Lady Wise (from March 2016)

Chair

Employment Appeal Tribunal

Scotland

Judge Doyle

President

Employment Tribunals England & Wales

Judge Simon

President

Employment Tribunals Scotland

ELA Management Committee 2014 - 2016

Chair

Bronwyn McKenna

Deputy Chair

Gareth Brahams

Treasurer

Catherine Taylor

Secretary

Fiona Bolton

Editor, ELA Briefing

Alex Lock

Chair, Training Committee

Marian Bloodworth

Chair, Legislative & Policy Committee

Jonathan Chamberlain

ELA Management Committee 2014 - 2016 *cont.*

Chair, International Committee

Juliet Carp

Chair, Pro Bono Committee

Ruth Badrick

Representative of the Bar

Paul Epstein QC

In-house Representative

Mark Hunt

Regional Representatives

Lower South East – Claire Merritt

Midlands – Tariq Sadiq

North East – Anjali Sharma

North West – Bridget Tokhai

Scotland – Eleanor Mannion

South West – Harry Parker

Wales – Nick Cooksey

Members at Large

Lucy Bone

Christopher Edwards

Karen Mortenson

Nadia Motraghi

Daphne Romney QC

ELA Law Society Council Seat

Clive Dobbin

Vice President

Richard Fox

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

Jeanette Masarati

Finance Administrator

Angela Gordon

Website Manager

Cynthia Clerk

Website Support

Bronwen Reid, BR Enterprises Ltd

PR Consultants

Clare Turnbull, Kysen PR



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Chair
Bronwyn McKenna, UNISON

Deputy Chair
Gareth Brahams, BDBF LLP

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Chair's Report

Employment Law Landscape

As I write my final annual report, reflecting on the past two years and looking ahead, it is difficult to predict the future of employment law in the UK.

On the larger political stage the EU referendum on 23rd June may result in profound change for our employment law jurisprudence for instance in the areas of discrimination law and transfer of undertakings. Greater devolution may well lead to significant differences between Employment Tribunals in England and Wales and Scotland in relation to the appointment of judges, appeal rights and the role of fees. Northern Ireland, of course, still has Industrial Tribunals and remains a fee free zone.

While we may consider that the past few years have ushered in significant changes the future is likely to bring changes of an even greater order. Sir Ernest Ryder, the Senior President of Tribunals, describes the case for reform of the courts and tribunals as compelling in his 2016 Annual Report. Lord Justice Briggs has been tasked to look at the overall structure of civil justice to provide a "modern, efficient and accessible civil dispute resolution service. He published an interim report in January 2016. LJ Briggs' focus was on the civil courts but in relation to Employment Tribunals he has provisionally recommended the creation of an Online Court for lower value disputes and the location of Employment Tribunals and the EAT within the court judicial system.

Reform will therefore be a constant for the next decade.

ELA's role will remain to equip members to both influence and deal with change through all our activities including high quality training, updating members in ELA Briefing and regular email bulletins and engaging with Government and other stakeholders both formally and informally.

The Future of Employment Tribunals

The sterling work carried out by Jonathan Chamberlain, my successor as Chair of the Legislative & Policy Committee and Stephen Levinson, Chair of the Employment Law Oversight subcommittee, over the past year ideally enables ELA to engage in discussions on employment law.

Chair's Report *cont.*

I am delighted therefore that my final weeks as Chair include the publication of an excellent paper on Tribunal and court reform from the Legislative & Policy Committee. A working party ably chaired by Richard Fox of Kingsley Napley has continued and developed the debate started by the Law Society in September 2015 with its publication of a paper on a single employment jurisdiction. ELA contributed to this document via our representative on the Law Society Council, Clive Dobbin of Paris Smith.

Meetings with External Organisations

Over the past year, ELA has held meetings with HMCTS, the EHRC, ACAS and several government departments. Good relationships have been fostered with civil servants in BIS in particular and meetings have taken place at least every three months.

Liaison with Judiciary

In my annual report last year, I noted our pleasure that so early after his appointment, HHJ Doyle, the incoming President of Employment Tribunals in England and Wales, together with Judge Simon, the President of Employment Tribunals in Scotland, made time to meet ManCo members. Since then Judge Doyle has spoken many times at ELA regional events in England and Wales. I am very grateful to both ET Presidents for their engagement with ELA members. I would also like to express thanks to Mr. Justice Langstaff, President of the EAT, and Lady Stacey for their attendance at ELA events during their terms of office. A warm welcome is extended to our new Presidents Mrs. Justice Simler and Lady Wise. I am confident that there will be opportunities for them to attend ELA events.

Pro-Bono

The Pro-Bono Committee chaired by Ruth Badrick of BDBF has been one of ELA's great successes over the last two years. ELA's reach has been extended through a number of innovative schemes. That there are simply too many to describe in my brief report is a tribute to the work of Ruth and her committee members. Initiatives include a pilot scheme to provide advice at London Central ET and

Chair's Report *cont.*

participation in the Thomson Reuters Foundation TrustLaw whereby lawyers are put in touch with non-profits and social entrepreneurs seeking free legal help. The committee has continued its work with partners such as FRU and the Bar Pro Bono Unit including training on short notice advocacy delivered by Sean Jones QC of 11KBW.

Arbitration and ADR group

In the last year, ELA has established an Arbitration and ADR group co-chaired by Paul Goulding QC of Blackstone Chambers and Peter Frost of Herbert Smith Freehills. This is to reflect the increased use of arbitration to resolve employment disputes in recent years. The group is also considering the scope for mechanisms such as Early Neutral Evaluation in employment law.

Regional Employment Tribunal User Group Meetings

Participation in regional Employment Tribunal user group meetings has remained an important aspect of ELA's work at regional level over the last 2 years. These meetings allow ELA to track trends at regional level and engage with local judiciary and tribunal administration on issues of concern to ELA members. This vital work which was previously expertly coordinated by Stuart Brittenden of Old Square Chambers was taken over by Nadia Motraghi, also of Old Square. Thanks are due to Nadia and of course to the ELA members, who give up their time to attend meetings, write blogs and prepare reports of the meetings.

Improving Communications

Improving communication to and from members in a variety of ways including social media has continued to be an important objective over the past year. The Association's LinkedIn page has been used to garner members' views and to stimulate debate; a LinkedIn group has been set up for pro bono work. We have also sought to make greater use of @employers to promote courses, talks and social events and to encourage members to participate in consultations.

I would like to thank Daphne Romney QC of Cloisters for her contribution as a member at large in ensuring that ELA has a strong presence in the #ukemplaw world.

Chair's Report *cont.*

HHJ McMullen Memorial Debate

Jeremy McMullen's unique contribution to the employment law world in his diverse roles as trade unionist, writer, barrister and judge were marked in an event jointly organised by ELA, ELBA and the Industrial Law Society and stylishly moderated by HHJ Eady QC. Thanks are due to the four advocates who took part – Rachel Crasnow QC, Christopher Jeans QC, Gavin Mansfield QC and Rebecca Tuck - and to all those who helped to organise the event. The proceeds were donated to the charity founded in Jeremy's memory.

ABA/ELA Transatlantic Conference

September marked a highly successful conference with speakers from the ABA and ELA. A greater than usual number of sessions were held. Feedback has been excellent.

Regional ELA Groups

Huge gratitude is owed to the regional representatives who work so hard, ably supported by Charley Masarati, to set up courses, talks and social events and then to encourage attendance and to all our speakers many of whom travel from region to region.

In-House Forum

Last year, Mark Hunt of BNY Mellon who represents in-house lawyers on ManCo established a forum for in-house members. A number of successful events have been held to build on a survey carried out to ascertain the ways in which ELA can best support its in-house members.

ELA's Financial Position

Our high level of activity has resulted in additional costs in a number of areas. These have included

Chair's Report *cont.*

the cost of holding a greater than usual number of regional meetings to facilitate discussions around the vital question of the future of Employment Tribunals and employment disputes in the civil courts. The Transatlantic Conference which the ELA International Committee hosts every other year in London too carried higher costs as we wished to put on a wider than usual number of breakout sessions and had offers to speak from very high quality speakers.

Changes made to the cost of training courses have resulted in some anomalies and unanticipated draws on our funds; the level of discounts has therefore been looked at closely by the Training Committee. Expenditure on training room hire is a constant high cost.

Ensuring that we provide value for subscriptions given the challenging environment many practitioners face whilst also equipping members to meet those challenges requires a delicate balancing act. Membership subscriptions have remained unchanged for many years. This is an area for future study.

And finally...

Leading ELA at a time of such change has been an immense privilege. During this time, Richard Fox, my predecessor, has been a valuable source of advice, guidance and support as has Gareth Brahams, Deputy Chair. I know that Gareth will be an excellent Chair of ELA.

ELA's wide range of activities would not take place without the dedicated staff at ELA and Byword. Lindsey Woods' calm efficiency, her attention to detail and energy continue to inspire my awe and gratitude. There is no aspect of ELA's work which could take place so successfully without her. My thanks go to them all.

Finally, I wish Gareth our new Chair and the incoming members of the Management Committee all the very best for the future.

Bronwyn McKenna
ELA Chair

Treasurer

Catherine Taylor, Olswang LLP

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Treasurer's Report

ELA's financial position continues in good health with Reserves at the end of the financial year 2015 at £368,715 albeit a reduction from the start of the year when they stood at £479,359. This reflected the fact that the Management Committee planned to reduce the amount held in Reserves this year by reducing some of the training fees and by introducing new projects and initiatives of benefit to its members. It has also held some additional training events this year for the benefit of the members, which increased training costs overall.

The turnover in 2015 was £712,073, a reduction on 2013 turnover of £57,172. Training income fell by £59,900 compared to 2014. Membership subscription income for 2015 was £364,532, a slight increase of £2,457 compared to 2014.

Expenditure on training was higher than some previous years due to the biennial ELA/ABA Transatlantic conference and a series of Regional Roadshows on the future of the employment tribunal system. Both of these ventures were considered by the Management Committee to be very worthwhile.

The management committee continued the pro bono funding of £20,000 to each of the Free Representation Unit (FRU) and Bar Pro Bono Unit. The figure for 2015 shows as £30,000 instead of £40,000 because the final instalment to FRU was not made until 2016, pending year end reports. The 2014 figure reflects a similar payment pattern.

As at 31 December 2014, ELA's reserves totaled £368,715. This comprises the Emergency Fund of £250,000 and the Development Fund of £118,715. 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.

Last year it was agreed to extend our existing offering of discounts on our training courses and evening sessions. Our Early Bird fees were enhanced and we reduced the fees for our annual introductory courses. This is in addition to our current offering of 30% 'out of region' discounts on our course fees, along with free places on all evening/breakfast sessions around the UK for trainees/pupil barristers and members working in the not for profit and voluntary sectors. The Management Committee believes that this has resulted in a drop in training income which would not be sustainable in the long term. We have therefore adjusted these discounts, whilst overall

Treasurer's Report *cont.*

maintaining them. The outgoing management committee is also proposing a small increase in membership subscriptions to the incoming committee, to apply from the start of the next financial year.

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

- Angela Gordon, our Financial 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 2015

| | 2015 | 2014 |
|--------------------------------------|-----------|-----------|
| | £ | £ |
| Turnover | 712,073 | 769,245 |
| Less: overheads | | |
| Training costs | (383,026) | (340,544) |
| Administration expenses | (440,331) | (430,438) |
| Operating loss | (111,284) | (1,737) |
| Interest receivable | 640 | 3,846 |
| Tax on profit on ordinary activities | - | (769) |
| (Loss) / Profit for the year | (110,644) | 1,340 |

Schedule of Detailed Accounts for the Year ended 31 December 2015

| | 2015 | 2014 |
|--------------------------------|-----------------------|-----------------------|
| | £ | £ |
| Turnover | | |
| Membership subscriptions | 364,532 | 362,075 |
| Event income | 335,650 | 395,550 |
| Other income | 11,891 | 11,620 |
| | <u>712,073</u> | <u>769,245</u> |
| Training costs | | |
| Room hire and catering | 273,355 | 248,015 |
| Speakers' expenses | 30,314 | 16,668 |
| Webinar | 1,791 | 2,854 |
| Other training costs | 77,566 | 73,007 |
| | <u>383,026</u> | <u>340,544</u> |
| Administration Expenses | | |
| Staff salaries | 98,622 | 91,534 |
| Staff national insurance | 9,102 | 8,454 |
| Social events | 18,282 | 30,200 |
| Consultancy fees | 87,545 | 85,190 |
| Web-site hosting & maintenance | 14,877 | 6,437 |
| PR | 2,500 | 8,250 |
| Pro Bono project | 30,000 | 30,000 |
| Publishing | 112,489 | 111,566 |
| Auditors' remuneration | 6,675 | 5,150 |
| Accountancy | 1,300 | - |
| Bank charges | 3,087 | 2,863 |
| Administration | 42,950 | 50,794 |
| Committee initiatives | 12,902 | - |
| | <u>440,331</u> | <u>430,438</u> |

Secretary
Fiona Bolton, Eversheds LLP

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Secretary's Report

Membership remained fairly stable for the year to 31 December 2015 at a total of 5,993, a small decrease compared to the 2014 figure of 6093.

The figures break down as follows:

- **5629 full members**
- **347 associate members** (trainees/pupil barristers/academics/overseas members/judiciary)
- **17 correspondents** (voluntary sector organisations with a material interest in employment law)

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

| | 2015 | 2014 |
|------------------|-------------|-------------|
| London | 2776 | 2776 |
| Lower South East | 382 | 393 |
| Upper South East | 492 | 521 |
| Midlands | 536 | 575 |
| North East | 413 | 417 |
| North West | 474 | 510 |
| Northern Ireland | 25 | 23 |
| Overseas | 70 | 52 |
| Scotland | 228 | 228 |
| South West | 439 | 428 |
| Wales | 168 | 170 |

The spread of members across the regions has remained stable.

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.

Fiona Bolton
Secretary

Chair

Jonathan Chamberlain, Gowling WLG LLP

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Legislative & Policy Committee Report

Committee

Saphieh Ashtiany, Ashtiany Associates
Shubha Banerjee, Leigh Day
Trevor Bettany, Speechly Bircham LLP
Emma Burrows, Trowers & Hamblins LLP
Kiran Daurka, Slater and Gordon (UK) LLP
James Davies, Lewis Silkin LLP
Robert Davies, CMS Cameron McKenna LLP
Felicia Epstein, ATL
John Evason, Baker & McKenzie LLP
Richard Fox, Kingsley Napley LLP
Peter Frost, Herbert Smith Freehills LLP
Janet Gaymer, DBE QC
Sarah Gregory, Baker & McKenzie LLP
Anna Henderson, Herbert Smith Freehills LLP
Anthony Korn, No5 Chambers
Stephen Levinson, Keystone Law Ltd
Paul McFarlane, Weightmans LLP
Bronwyn McKenna, UNISON
Eleanor Mannion, Renfrewshire Council
Joanne Owers, Fox Williams LLP
Brona Reeves, Barclays plc
Paul Statham, Your Employment Settlement Service (YESS)
Caroline Stroud, Freshfields Bruckhaus Deringer LLP
Ellen Temperton, Lewis Silkin LLP
Maeve Vickery, Pardoes LLP
Peter Wallington QC
James Warren, Fieldfisher LLP
David Widdowson, Abbiss Cadres LLP
Fraser Younson, Squire Patton Boggs LLP

Chair

Jonathan Chamberlain, Gowling WLG LLP

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Legislative & Policy Committee Report

Last year, writing before the General Election, I commented that the Conservatives were the only party without proposals for employment law in their manifesto but speculated they were unlikely to leave the field alone if elected. How right I was. As I leave office, nothing less than radical reform of the whole employment litigation process is on the agenda, as much driven by the judges as the politicians.

This year, we have taken part in 24 consultations. The details are set out in pages 14 - 25, but Members will immediately see the extraordinary range of topics covered. As a Committee, we never cease to be grateful for the commitment and expertise of the Members who volunteer to take part.

Are our views acted on every time, all of the time? No, nor could we reasonably expect them to be. However, our contacts with civil servants and other policy-formers have broadened and deepened throughout the year. We know we are listened to and our advice valued. In the relation, for the example, to the Trade Union Bill, we were part of an informal consultation at a very early stage.

Once again it is invidious to single out contributions from the Committee but I have to mention Paul Macfarlane, Richard Fox and Joanne Owers for the Herculean task of collating and editing our thinking on the new litigation landscape. They exemplify all that is best about the work the Committee does, producing rather more than a mere response but a striking piece of thought-leadership that mean that the Association will help set the agenda in this area which is central to all our work as practitioners.

Richard and Joanne have already done sterling service in holding office in ELA. It is now Paul's turn and I wish him in the best in what, in my view, is the best job in the Association and a real privilege for any employment lawyer to hold.

Chair

Jonathan Chamberlain, Gowling WLG LLP

ELA Standing Committees (2015-16)

Employment Law Oversight Sub-Committee

Chair

Stephen Levinson, Keystone Law Ltd

Sub-Committee

Michael Elks, RadcliffesLeBrasseur LLP

Chucks Golding

Jennifer Harper, Gowling WLG LLP

Anna Henderson, Herbert Smith Freehills LLP

Judith Hogarth, Excello Law Ltd

Anthony Korn, No5 Chambers

Bronwyn McKenna, UNISON

Jemma O'Reilly, Gowling WLG LLP

Peter Wallington QC

Chris Wellham, Virgin Media

Arbitration and ADR Group

Co-Chairs

Peter Frost, Herbert Smith Freehills LLP

Paul Goulding QC, Blackstone Chambers

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 Ltd

Jane McCafferty, 11KBW

Ken Morrison, Kingston University

Susannah Perry, Threadneedle Asset Management

Malcolm Pike, Addleshaw Goddard LLP

Mary Siddall

David Widdowson, Abbiss Cadres LLP

Max Winthrop, Short Richardson & Forth LLP

ELA Consultation Submissions: May 2015 – April 2016

ELA Paper on Proposals for a Single Employment Court

12 April 2016

Committee Chair

Richard Fox, Kingsley Napley LLP

Brief Review of ETs

Co-chairs:

Anthony Korn, No5 Chambers

Stephen Levinson, Keystone Law Ltd

The tiers/Levels of the proposed new unitary Court

Co-chairs:

Paul McFarlane, Weightmans LLP

Joanne Owers, Fox Williams LLP

Working Party Members

Jacqueline Ashley, Securitas Security Services

Philip Chivers, Osborne Clarke LLP

Shantha David, UNISON

Felicia Epstein, ATL

Dominic Holmes, Taylor Vinters LLP

Tom Kerr Williams, PricewaterhouseCoopers Legal LLP

Louise Mankau, Prolegal Ltd

Michael Reed, Free Representation Unit

Paul Statham, YESS

ADR, ENE, Arbitration and Judicial Mediation

Co-chairs:

Peter Frost, Herbert Smith Freehills LLP

David Widdowson, Abbiss Cadres LLP

Technology

Chair:

James Warren, Fieldfisher LLP

Working Party Members

Jacqueline Ashley, Securitas Security Services

Claire Darwin, Matrix Chambers

Louise Taft, Prolegal Ltd

Foreign Experience

Chair:

John Evason, Baker & McKenzie LLP

Working Party Members

Employment Law Association of Ireland

Peter Finding, Withers LLP

Brigid Maher, Baker & McKenzie LLP

Ken Morrison, Kingston University

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

ELA's Response to the Consultation by the Prudential Regulation Authority on Buy-outs of variable remuneration (PRA CP2/16)

12 April 2016

Co-chairs: Stephen Levinson, Keystone Law Ltd; Caroline Stroud, Freshfields Bruckhaus Deringer LLP
Steven Cochrane, Pinsent Masons LLP
Alice Greenwell, Freshfields Bruckhaus Deringer LLP
Jane McCafferty, 11KBW
Tom Ogg, 11KBW
Andrew Taggart, Herbert Smith Freehills LLP
Alastair Windass, Clifford Chance LLP
Alistair Woodland, Clifford Chance LLP

Consultation on Draft Order in Council for the Transfer of Specified Functions of the Employment Tribunal to the First-tier Tribunal for Scotland

24 March 2016

Chair: Eleanor Mannion, Renfrewshire Council
Russell Bradley, Ampersand Stable
Stephen Connolly, Miller Samuel Hill Brown LLP
Elouisa Crichton, Shepherd and Wedderburn
Eric Gilligan Stronachs LLP
Tony Hadden, Brodies LLP
Karen Harvie, Shoosmiths
Amanda Jones, Maclay Murray Spens LLP

Mandy Laurie, Burness Paull LLP
Lynne Marr, Brodies LLP
Jillian Merchant, Thompsons
Jennifer Murphy, Glasgow City Council
Claire Nisbet, Maclay Murray & Spens LLP
Jennifer Skeoch, Burness Paull LLP
Peter Wallington QC

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

GEO Consultation on Mandatory Gender Pay Gap Reporting – draft regulations

11 March 2016

Chair: Kiran Daurka, Slater and Gordon (UK) LLP

Elaine Banton, 7 Bedford Row

Marian Bloodworth, Kemp Little LLP

Felicia Epstein, ATL

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

Civil Courts Structure Review: Interim Report by Lord Justice Briggs of December 2015

26 February 2016

Co-Chairs: Paul McFarlane, Weightmans LLP; Joanne Owers, Fox Williams LLP

Kiran Daurka, Slater and Gordon (UK) LLP

Sarah Fraser Butlin, Cloisters

Anna Henderson, Herbert Smith Freehills LLP

Harini Iyengar, 11KBW

Stephen Levinson, Keystone Law Ltd

Sean Nesbitt, Taylor Wessing LLP

Louise Taft, Prolegal Ltd

David Widdowson, Abbiss Cadres LLP

David Williams, Kemp Little LLP

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

Draft Repayment of Public Sector Exit Payments Regulations

25 January 2016

Chair: Paul McFarlane, Weightmans LLP

Catherine Rayner, 7 Bedford Row

Helen Cookson, Trowers & Hamlin LLP

John Moore, Bevan Brittan LLP

European Commission Consultation on CRD IV Remuneration Requirements

14 January 2016

Co-Chairs: Alistair Woodland, Clifford Chance LLP; Fraser Younson, Squire Patton Bogg LLP

Lucy Bone, Littleton Chambers

Purvis Ghani, Stephenson Harwood LLP

Richard Leiper, 11KBW

Jennifer McGrandle, Dechert LLP

Kate Pumfrey, Freshfields Bruckhaus Deringer LLP

Eleanor Roswell, Farrer & Co

Jane Russell, Essex Court Chambers

Andrew Taggart, Herbert Smith Freehills LLP

Sam Whitaker, Shearman & Sterling (London) LLP

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

Strengthening accountability in banking and insurance: regulatory references

7 December 2015

Co-Chairs: Caroline Stroud, Freshfields Bruckhaus Deringer LLP; Stephen Levinson, Keystone Law Ltd

Jane McCafferty, 11KBW

Tom Ogg, 11KBW

Kate Pumfrey, Freshfields Bruckhaus Deringer LLP

Andrew Taggart, Herbert Smith Freehills LLP

Alistair Woodland, Clifford Chance LLP

BIS/Home Office joint consultation: Tackling Exploitation in the Labour Market

7 December 2015

Chair: Jonathan Chamberlain, Wragge Lawrence Graham

Tessa Fry, GSC Solicitors LLP

Kate Henry, Reculver Solicitors

Sarah Lovell, Shoosmiths LLP

Laurence Mills, Lewis Silkin LLP

The Women and Equalities Select Committee Inquiry to Inform Government Strategy on Reducing the Gender Pay Gap

4 December 2015

Chair: Kiran Daurka, Slater and Gordon (UK) LLP

Felicia Epstein, ATL

Annabel Gilham, Herbert Smith Freehills LLP

Andrew Taggart, Herbert Smith Freehills LLP

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

The Scottish Government Consultation: Introduction of diversity succession planning for board appointments

30 November 2015

Co-Chairs: Eleanor Mannion, Renfrewshire Council; Jonathan Chamberlain, Wragge Lawrence Graham

Lynne Marr, Brodies LLP

Jillian Merchant, Thompsons Solicitors

Elaine McIlroy, Weightmans (Scotland) LLP

Jennifer Murphy, Glasgow City Council

LauraAnne Murray, Thompsons Solicitors

BIS Recruitment sector: changes to the regulatory framework including stopping EEA-only recruitment

24 November 2015

Co-Chairs: Robert Davies, CMS Cameron McKenna LLP; David Ludlow, Barlow Robbins LLP

Phillippa Canavan, Squire Patton Boggs LLP

Tessa Fry, GSC Solicitors LLP

Philip Harman, DWF LLP

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

Civil Courts Structure Review - A review by Lord Justice Briggs

16 November 2015

Co-Chairs: Paul McFarlane, Weightmans LLP; Joanne Owers, Fox Williams LLP

Ivor Adair, Slater and Gordon (UK) LLP

Shubha Banerjee, Leigh Day

Caroline Field and Sarah Chilton, Fox Lawyers

Anthony Korn, No5 Chambers

Jennifer Sole, Curzon Green Solicitors

Louise Taft, Pro Legal Ltd

James Walters, Lewis Silkin LLP

James Warren, Fieldfisher LLP

HM Revenue & Customs and HM Treasury consultation on Simplification of the Tax and National Insurance Treatment of Termination Payments

16 October 2015

Chair: Stephen Levinson, Keystone Law Ltd

Timothy Brennan QC, Devereux Chambers

Claire Dawson, Slater and Gordon (UK) LLP

Holly Insley, Freshfields Bruckhaus Deringer LLP

Marc Jones, Turbervilles

David Reade QC, Littleton Chambers

Geoffrey Richards, Farrer & Co LLP

Sally Robertson, Cloisters

Merran Sewell, Gateley Plc

Adam Turner, Berwin Leighton Paisner LLP

David Whincup, Squire Patton Boggs LLP

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

HMRC Intermediaries Legislation (IR35): discussion document

30 September 2015

Chair: Stephen Ratcliffe, Baker & McKenzie LLP
Ian Deakin, Pinsent Masons LLP
Anya Duncan, Raeburn Christie Clark & Wallace
Lisa Gettins, BPE Solicitors LLP
Kate Kelleher, Linklaters LLP
Stephen Levinson, Keystone Law Ltd
David Ludlow, Barlow Robbins LLP
Chris Thompson, Gateley Plc

BIS Consultation on implementing the Posted Workers Enforcement Directives

28 September 2015

Chair: Juliet Carp, Dorsey & Whitney (Europe) LLP (Chair of ELA's International Committee)
Caroline Carter, Ashurst LLP
Peter Frost, Herbert Smith Freehills LLP
Annabel Mackay, Addleshaw Goddard LLP

BIS consultation on devolving powers to regulate Sunday trading

17 September 2015

Chair: Paul Statham, Your Employment Settlement Service
Rebecca Reid, Smith Partnership
Robert Thomas, Charles Russell Speechlys LLP
William Addis, Keystone Law Ltd

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

BIS Consultations: Hiring agency staff during strike action: reforming regulation consultation

9 September 2015

Chair: Robert Davies, CMS Cameron McKenna LLP

Susie Al-Qassab, Howard Kennedy LLP

Rupert Farr, Blake-Turner & Co

Tessa Fry, GSC Solicitors LLP

Chris Holme, Clyde & Co LLP

Dave Palmer, Gibson, Dunn & Crutcher LLP

Tariq Sadiq, St Philips Chambers

Jeanette Sainsbury, UNISON

BIS Consultations: Ballots in essential services

9 September 2015

Co-Chairs: Paul McFarlane, Weightmans LLP; David Widdowson, Abbiss Cadres LLP

Shubha Banerjee, Leigh Day

Adam Creme, UNISON

John Evason, Baker & Mackenzie LLP

Alessandra Gettins, Capsticks

David Green, Charles Russell Speechlys LLP

Joanne Oliver, Veale Wasbrough Vizards LLP

Tariq Sadiq, St Phillips Chambers

Kim Sartin, Baker & Mackenzie LLP

Paul Statham, Your Employment Settlement Service

Mark Stevens, Veale Wasbrough Vizards LLP

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

GEO consultation on Closing the Gender Pay Gap

6 September 2015

Chair: Kiran Daurka, Slater and Gordon (UK) LLP

Elaine Banton, 7 Bedford Row

Claire Darwin, Matrix Chambers

Felicia Epstein, ATL

Colin Leckey, Lewis Silkin LLP

Eleanor Mannion, Renfrewshire Council

Jillian Naylor, Linklaters LLP

Jawaid Rehman, Weightmans LLP

Jane Russell, Essex Court Chambers

Anna Sanford, PricewaterhouseCoopers Legal LLP

Khurram Shamsee, DAC Beachcroft LLP

Andrew Taggart, Herbert Smith Freehills LLP

Michael Whitbread, Freshfields Bruckhaus Deringer LLP

HM Treasury Consultation on a Public Sector Exit Payment Cap

27 August 2015

Mark Greenburgh, Partner at Wragge Lawrence Graham & Co LLP

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

EU Commission Consultation Paper on Consolidation of Information and Consultation Directives 20 July 2015

Chair: Fraser Younson, Squire Patton Boggs LLP

Colin Bourne, Kings Chambers

Shantha David, UNISON

Tom Flanagan, Tom Flanagan Consulting

Chris Harries, EEF

Mark Hunt, BNY Mellon

Holly Insley, Freshfields Bruckhaus Deringer LLP

Ming Vu-Henderson, Seyfarth Shaw (UK) LLP

James Ward, BT Legal

David Widdowson, Abbiss Cadres LLP

Insolvency Service Call for Evidence: Collective Redundancy Consultation for Employees facing Insolvency

12 June 2015

Robert Davies, CMS Cameron McKenna LLP

Catrina Smith, Norton Rose Fulbright LLP

ELA Consultation Submissions: May 2015 – April 2016 *cont.*

**Bank of England, Prudential Regulation Authority and FCA consultation on Whistleblowing in deposit-takers, PRA-designated investment firms and insurers: PRA CP6/15 and FCA CP15/4
22 May 2015**

Co-Chairs: Stephen Levinson, Keystone Law Ltd; Caroline Stroud, Freshfields Bruckhaus Deringer LLP

Alice Greenwell, Freshfields Bruckhaus Deringer LLP

Jane McCafferty, 11KBW

Tom Ogg, 11KBW

Andrew Taggart, Herbert Smith Freehills LLP

Alistair Windass, Clifford Chance LLP

Alistair Woodland, Clifford Chance LLP

Chair

Ruth Badrick, BDBF LLP

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Pro Bono Committee Report

Committee

Caroline Baker, GQ Employment Law

Talia Barsam, Devereux Chambers

Tom Croxford, Blackstone Chambers

Paul Daniels, Slater and Gordon (UK) LLP

Cyril Dennemont, Fletcher Day Ltd

Emma Delap, Lewis Silkin LLP

Ming Henderson, Seyfarth Shaw (UK) LLP

Natasha Joffe, Outer Temple Chambers

Sean Jones QC, 11KBW

Edward Kemp, Littleton Chambers

Rolleen McDonnell, BDBF LLP

Michael O'Donoghue, Bradford Law Centre

Sophie Roberts, Penningtons Manches LLP

Polly Rodway, BDBF LLP

Ian Winrow, Bangor Law School

Over the past year, the Pro Bono Committee has worked hard to increase the uptake of pro bono initiatives within ELA by making a wider range of options available to members.

In particular:

- For the last 7 months, we have been piloting a duty solicitor scheme (ELIPS) at London Central Employment Tribunal – to date, this scheme has assisted over 182 litigants in person and 43 ELA members have volunteered their time. The scheme has received praise from Judge Brian Doyle, President of the Employment Tribunals and was also mentioned in the Senior President of the Tribunals' Annual Report 2016.
- Through collaboration with TrustLaw, we are now able to offer respondent-focused pro bono opportunities to all members.

Pro Bono Committee Report *cont.*

- In order to give members the confidence to get involved in pro bono work, we ran an evening training session on short notice advocacy which was presented by Sean Jones QC. This event was well attended and has now been recorded as a webinar which is accessible through the ELA website.
- We have continued to encourage department heads to drive pro bono participation within their teams via the One Case project (whereby firms pledge that they will take on at least one pro bono case per year).
- As a result of discussions with LawWorks, in-house members are now insured and able to take on cases under the 100 days project.
- We have increased our presence on social media and have an 'ELA Pro Bono' group on LinkedIn with approximately 70 members. This allows us to target those members who have a particular interest in pro bono opportunities.
- We continue to have close relationships with FRU, the Bar Pro Bono Unit and LawWorks to ensure that we are deploying ELA's resources in the most effective way.

Looking forward to the coming year: we are hoping that the ELIPS scheme will be approved on a permanent basis, with the possibility of it also being rolled out in another region. We are planning to hold a pro bono event in either Bristol or Cardiff; and we will also be looking to recruit new committee members to ensure that the committee properly reflects ELA's diverse membership.

I would like to thank all committee members for their fantastic efforts over the past year and all those who have volunteered their time for one or more of our pro bono projects – see list of volunteers at the end of this report.

Lastly, I would like to thank Lindsey Woods, Cynthia Clerk and Charley Masarati at ELA for all of their assistance and support.

Ruth Badrick
Chair, Pro Bono Committee

ELIPS volunteers (July 2015 to March 2016)

James Arnold, Outer Temple Chambers
Ruth Badrick, BDBF
Caroline Baker, GQ Employment
Clare Battersby
Bhavika Badola, Bolt Burd
Caroline Buckley, Charles Russell Speechlys
Elizabeth Davey, Legal Advice Centre
Felicia Epstein, ATL
Bellamy Forde, McMillan Williams Solicitors
Paul Goulding QC, Blackstone Chambers
Ben Gray, Littleton Chambers
Rachel Hearn, BDBF
Alice Heatley, Travers Smith
Natasha Joffe, Outer Temple Chambers
Sean Jones QC, 11KBW
Edward Kemp, Littleton Chambers
Chesca Lord, Cloisters
Jennifer McGrandle, Dechert
Sophie McGuinness, Thomson Reuters
James Macdonald, 7 Bedford Row
Saul Margo, Outer Temple Chambers
Louise Mason, Thomson Reuters

Ravi Mehta, Blackstone Chambers
John Michell, Cloisters
Eleena Misra, Littleton Chambers
Dan Myers, Thomson Reuters
Deshpal Panesar, Old Square Chambers
Raoul Parekh, GQ Employment
Laura Pearce, JFH Law
Tom Perry, Allen & Overy
Sally Robertson, Cloisters
Sophie Robertson, Penningtons Manches
Polly Rodway, BDBF
Robert Sardo, Thomas Dunton
David Seals, Downs Solicitors
Mukhtiar Singh, 6 Pump Court Chambers
Katarina Sydow, Outer Temple Chambers
Emma Thomas, K&L Gates
Victoria von Wachter, 5 Essex Court
Catriona Weir, CMS Cameron McKenna
Gill Williams, Gregsons Solicitors
Andrew Worthley, Magdalen Chambers
Will Young, Outer Temple Chambers

100 Days and One Case volunteers (March 2015 to April 2016)

Lyn Berry, BDTS Consultancy Ltd
Laura Binnie, Blandy and Blandy
Rob Briggs, CMS Cameron McKenna
Diarmuid Bunting, St John's Buildings
Chris Canning, 7 Bedford Row
Greg Cunningham, Westwater Advocates
Emma Delap, Lewis Silkin
Paul Esmiley, Foot Anstey
Bruno Gil, Old Square Chambers
Grant Goodlad, Farrar's Buildings
Shobana Iyer, Swan Chambers
Sarah Keogh, 5 Essex Court
Soyoung Lee, 3HR Legal Limited
Sarah Ludlam, Lyons Davidson
Carrie March, Ashton KCJ
John Mitton, PG Legal
Tom Perry, Paul Hastings
Jessica Piper, Ashton KCJ
Lucy Plumpton, Pump Court Chambers
Sejal Raja, RadcliffesLeBrasseur
Tim Randles, Pennington Manches
Nathan Roberts, Cloisters
Iqbal Sram, Gaskell Chambers
Megan Summers, Burges Salmon
Robin White, Old Square Chambers

One Case pledges for 2016

The following firms and chambers have pledged to take on at least one case from the 100 Days Project during 2016. If you want to add your firm or chambers to the list of One Case pledges, please email Rolleen McDonnell (rolleenmcdonnell@bdbf.co.uk).

12 KBW
Addleshaw Goddard
Blackstone Chambers
Bond Dickinson
Brahams Dutt Badrick French
Burgess Salmon
Charles Russell Speechlys
Cloisters
Dechert
Devereux Chambers
Farrer & Co
Freshfields Bruckhaus Deringer
Guildhall Chambers
Lewis Silkin
Matrix Chambers
Memery Crystal
Mischon
Norton Rose
Old Square Chambers
Olswang
Outer Temple Chambers
Penningtons Manches
St John's Chambers
St Philips Chambers
Trinity Chambers
Trowers & Hamlins

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

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Editorial Committee Report

Editorial board

Susan Belgrave, 7 Bedford Row
Sarah Fraser Butlin, Cloisters
Bernadette Daley, Cummins Limited
Ginny Harrison, Ginny Harrison Legal Limited
Clive Howard, Slater and Gordon (UK) LLP
Mark Hunt, BNY Mellon
Marc Jones, Turbervilles
Douglas Leach, Guildhall Chambers
Stephen Levinson, Keystone Law Ltd
Richard Linsell, Gunnercooke LLP
Camilla Palmer, Your Employment Settlement Service
Roseanne Russell, Cardiff University
Tariq Sadiq, St Philips Chambers
Mohinderpal Sethi, Littleton Chambers
Charles Wynn-Evans, Dechert LLP

The publication of ELA Briefing takes up almost all of the work of the editorial board. The digital content that is published through ELA's web-site and which is publicised through social media is all derived from the articles that are printed on paper and sent by post to our members throughout the UK. The paper dog wags the cyber tail and most – but not all – our readership prefer it that way for now.

The editorial board meets 10 times each year and considers articles that are usually unsolicited from practising employment lawyers, ranging from junior barristers to “heads of” in some of the world's leading law firms, be they in Asia-Pacific, the Americas or Europe.

What we publish goes through a thorough appraisal and scrutiny by the editorial board. It can draw on a collective experience of well over 100 years of employment law and strives to produce a journal that will be accurate, informative and thought-provoking to a wide readership. We are mindful of the fact that readers will include newly-qualified employment lawyers, with little to fall back on other than their 6 month seat in employment and the ELA “Introduction to Employment Law” two-day training session, as well as leading silks who argue the points, that make the law, that we then read about.

Editorial Committee Report *cont.*

One of the (I am sure) unintended consequences of the huge drop in claims following the introduction of fees for both employment and employment appeal tribunal cases is that there is less law being produced and therefore less to be written about. We have certainly noticed a reduction in the number of articles submitted for publication and particularly ones that report on cases. There is also significantly less employment legislation being introduced, again reducing the subject material for articles.

We have not compromised on quality, but have on occasions produced 16 page rather than 20 pages issues.

My thanks are due to all members of the editorial board for the huge amount of reading, writing, meeting and discussing they do; to Matt, our sub-editor; Lee and the team at Thomson Reuters; Cynthia, our website manager; and to all those that contribute articles, whether they are published or not.

We will be looking both for new members of the editorial board and also new writers. If you have something to contribute or you would like to discuss what is involved please get in touch.

Alex Lock
Editor, ELA Briefing

Training Committee Chair

Marian Bloodworth, Kemp Little LLP

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Training Committee Report

Committee

Jo Broadbent, Hogan Lovells International LLP
Patrick Brodie, RPC LLP
Emma Clark, Abbiss Cadres LLP
Kevin Charles, Crossland Solicitors
Anthea Christie, Pattinson & Brewer
Nick Cooksey, River Chambers
Elizabeth Drake
Sheila Fahy, Allen & Overy LLP
Sam Gage, Thomson Reuters
David Hunt, Farrer & Co LLP
Penny Hunt, Bird & Bird LLP
Tom Kerr Williams, PricewaterhouseCoopers Legal LLP
Mhairi Letcher, The British Museum
Lisa Lewinsohn, Withers LLP
Oliver Loach, The John Lewis Partnership
Tracy Luke, Eversheds LLP
Nigel Mackay, Leigh Day
Hannah Mahon, GQ Employment Law
Eleanor Mannion, Renfrewshire Council
Adrian Martin, Burges Salmon LLP
Jonathan Maude, Vedder Price LLP
Alice Mayhew / Chris Stone, Devereux Chambers
Claire Merritt, Paris Smith LLP
Alexandra Mizzi, Howard Kennedy LLP
Harry Parker, TLT Solicitors LLP
Georgina Rowley, DAC Beachcroft LLP
Tariq Sadiq, St Philips Chambers
Diya Sen Gupta, Blackstone Chambers
Anjali Sharma, DAC Beachcroft LLP
Nicholas Squire, Freshfields Bruckhaus Deringer LLP
Nicola Tager, Harbottle & Lewis LLP
Brigitta Tokhai, Weightmans LLP
Kathryn Weaver, Lewis Silkin LLP
Anna West, Travers Smith LLP

Training Committee Report *cont.*

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

This year we have run eleven 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. Separately, we have run 86 evening and breakfast sessions around the UK covering a wide range of topics. We have also worked in conjunction with the International Committee to ensure that our training programmes are complementary – increasingly there are cross-over topics of interest to all members.

The Committee's members are drawn from firms of different sizes and sector focus, as well as from in-house positions. This allows them to bring a range of views and perspectives to our meetings and planning discussions. In particular we have been cognisant 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. This is alongside other changes - both in the ways that clients (individual and corporate) are seeking advice, and in the priorities of those clients. We also recognise the other changes facing businesses, for example increasing regulation and accountability. Reflecting these changes, we have run courses and/or evening sessions this year on Financial Services updates, Managing issues affecting LLPS, and on Corporate Law for Employment Lawyers, all of which have been very well attended.

We have also continued to welcome external speakers to our training sessions, starting with last year's Annual Conference where the plenary session benefited hugely from the combined wisdom and insight of Saphieh Ashtiany (known to many), Christine Lee (Regional Employment judge), Lisa Buckingham (then Head of Diversity for the IoD), and Laura Bates (author and founder of the Everyday Sexism Project). This year we have been delighted to have contributions at evening sessions from David Thorneloe of BIS, Ian Bourne from the ICO and Anne Hurst from PwC – all of whom added a valuable external perspective which was much appreciated by members.

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 Mental Health in the workplace.

Training Committee Report *cont.*

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 basis – thanks in particular to the willingness to travel of a number of London based speakers. 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. Current and past webinars can be accessed by members via the Training & Events section of the ELA website.

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

International Committee Chair

Juliet Carp, Dorsey & Whitney (Europe) LLP

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International Committee Report

Committee

Allison Brown, Google
Henry Clinton-Davis, Arnold & Porter (UK) LLP
Adam Creme, UNISON
David Cubitt, Osborne Clarke LLP
Rebecca Emmett, Rebecca Emmett Employment Law
Susanne Foster, CM Murray LLP
Edward Gelsthorpe, BAE Systems
David Gibson, DWF LLP
Jude Harris, DLA Piper (UK) LLP
Kathleen Healy, Freshfields Bruckhaus Deringer LLP
Ming Henderson, Seyfarth Shaw (UK) LLP
Stephen Levinson, Keystone Law Ltd
Toni Lorenzo, Lewis Silkin LLP
Frank Morton, Burges Salmon LLP
Amy Rogers, 11KBW
Katie Williams, Mackinnons
Alistair Woodland, Clifford Chance LLP
Fraser Younson, Squire Patton Boggs LLP

2015/16 has been a busy year for ELA's International Committee. However, next year is more important, and with my retirement as Chair there is a natural opportunity to look afresh at what the Committee does. If you have suggestions please do make them.

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, including for example in relation to financial services, the posted workers enforcement directive, restrictive covenants etc. Fraser Younson continues to work hard to ensure we maintain constructive relationships with the European Commission.

International training: A variety of informal meetings have been organised to discuss international employment law topics. We are particularly grateful to the many overseas speakers who have given their time so generously. A special mention should also be given to Judith Harris and Rebecca Emmett who have initiated, hosted and organised so many of our London meetings.

International Committee Report *cont.*

Improving our regional offering: We have focused this year on improving ELA's international offering to the regions. Kathleen Healy, Katie Williams and David Gibson have worked particularly hard to support ELA's regional representatives.

Relationships with other employment lawyers associations: ELA enjoys good relationships with both national and international employment lawyers organisations, particularly with the European Employment Lawyers Association (EELA), the American Bar Association (ABA) and the International Bar Association (IBA). Many ELA members participate in events organised by EELA, ABA, IBA, and national associations and the International Committee continues to work hard to strengthen relationships. This year we have particularly enjoyed the opportunity to become more closely involved with the Employment Lawyers Association of Ireland (ELAI) under the chairmanship of Colleen Cleary, with speakers and participants frequently travelling between London and Dublin to support our associations' events.

TransAtlantic Conference: The highlight of this year has been our joint conference with the International Committee of the ABA's Labor & Employment Section, held in October 2015. A huge amount of work is done to select panellists and topics to interest ABA and ELA members; to ensure that panellists from different countries connect in advance; and to overcome the logistical challenges of bringing people together on the day. Whilst the majority of speakers were drawn from the US, UK and Continental Europe, the event attracted participants from as far away as Africa, the Middle East and Australia. I think many will agree that this was our best ever, and I hope you will join me in thanking Ming Henderson, Amy Rogers, Susanne Foster and Nicola Whitely, in particular, for their hard work in making an international conference experience available to all ELA members "at home" and at relatively low cost. And, of course, this conference would not have happened without the support of the very generous ABA TransAtlantic team including: Gary Siniscalco, Wendy Lazar, Wayne Outten and the current committee co-chairs Maryanne Parker, Rob Stulberg and Mike Delikat.

ELA's admin team: Everybody says it but, as I am retiring as Chair, I am going to say it again loudly! Nothing we do would be done half so well without Lindsey Woods, Charley Masarati and Cynthia Clerk. They are always there to support quickly and efficiently, however big or small the request. Their knowledge of ELA's history, sensitive protection of ELA's ethos, fostering of our third party relationships; and careful monitoring of our deadlines and the quality and consistency of our communications are invaluable. We all owe you a big thank you!!!

International Committee Report *cont.*

Finally, I would like to thank our committee members for all their hard work. The team is more diverse and more effective than ever before - I think more work has been done this year than in my previous three years as Chair put together. Many of the most useful contributions for ELA have been small, efficient “behind the scenes” steps, so an extra special thank you to those whose names I have not mentioned.

Juliet Carp
International Committee Chair

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), Bona Reeves (Barclays plc), Alexandra Ward (Shell International Ltd) and Mark Hunt (BNY Mellon), has continued to seek opportunities for ELA to engage with its members who work in house.

The Committee organised a half day conference for in house members which took place on 6 October 2015 in London. The conference was attended by over 80 delegates and included sessions on equal pay (led by Michael Duggan QC from Littleton Chambers and Paul Hodgson) and whistleblowing (led by Andrew Burns QC and Alice Carse from Devereux Chambers and Mark Hunt). In addition, there was a panel discussion on the subject "Are you a Good Business Partner", which was led by Alexandra Ward, who was joined by Susan Revell (General Counsel, EMEA, BNY Mellon), Trui Hebbelinc (HR VP UK, Ireland, Norway and S Africa, Shell) and Greg Bott (Head of Client Development Centre, Addleshaw Goddard). 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 10 March 2016. Camilla Palmer QC (Hon) of Your Employment Settlement Service spoke with Mark Hunt about alternatives to litigation in resolving employment disputes, focusing in particular on avoiding disputes, ADR, mediation and negotiated settlements. 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 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, should any in house members wish to get involved in the work of the Sub-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 2015/2016 year there has been continued activity in the Lower South Region. The region combines the Solent area and Kent region. I set out the details below:-

Solent

We ran a number of successful evening sessions covering topics such as Privilege, Practice and Pitfalls - A Closer Look at Legal Privilege by Paul Epstein QC. This talk was in June. Clare Darwin and Annabel McKay provided an Update on Discrimination in Provision of Goods and Services - A Developing Landscape in October and then 2015 finalised with a Discrimination Update by Nick Siddall and Ed Kemp from Littleton Chambers.

2016 started strongly with our Solent Annual Training Day at the new venue of the Hilton Hotel, The Ageas Bowl. We had an insightful talk by Gareth Brahms of DBBF of the top 9 Thorny TUPE questions. There was an update on Partnerships and LLP law from Julian Allsop at Guildhall Chambers. An Equal Pay in the Private Sector talk by Jeo Omambala of Old Square Chambers and then finalised by a very interesting talk on Challenging Discretionary Making by Employers by Braganza by Thomas Linden QC.

This ELA year ends with a Linked Master Class on 21 April and there is a social planned for 12 May at River Cottage Café in Winchester, following from the very successful 2015 social at The Chesil Rectory also in Winchester.

Kent

The steering committee in Kent have been working with Charley Masarati in order to develop a programme. They had a dinner from Judge Doyle, President of the Employment Tribunals which was very well attended. We are now working on a programme and some networking events through the year. The geography in Kent means the area is challenging but the Steering Committee, with the assistance of Charley, are making good steps to ensure that this is a stable and sustained region.

Claire Merritt, Paris Smith LLP
ELA Lower South East Representative

Reports from ELA Regional Representatives *cont.*

Midlands

It has been a busy and productive two years for ELA activities in the Midlands.

I delivered a highlight successful and busy lecture programme with a total of 23 seminars arranged, which makes the Midlands region one of the busiest regions outside London – a huge thank you to all the speakers and the hosts.

I also arranged dinner for the President of the ET, Judge Brian Doyle, and persuaded the former President of the EAT, Mr Justice Langstaff, to come to the region to give a session followed by a dinner in his honour which was the highlight of my current term of office.

In the spirit of 'devolution' I devolved responsibility for ELA activities to sub-regional representatives in Cheltenham and Leicester, in order to make ELA more relevant and accountable to the needs of its local members.

I also promoted pro-bono activities in the region by promoting the University of Birmingham's excellent pro-bono Employment Law clinics, as well as putting on a number of social events for Midlands members

I look forward to building upon this success during my next period of office.

Tariq Sadiq, St Phillips Chambers
ELA Midlands Representative

North East

It has been another interesting couple of years in the North East region. One of the main challenges that we faced was trying to get better engagement throughout the whole region (which is South Yorkshire to Newcastle). With the invaluable assistance of Donna Hunwick, as Regional Sub-Representative, she has done a fantastic in arranging various seminars and a separate social programme in the Newcastle area. A big thank you to her and credit for getting the whole of the region more engaged – it is no easy task.

Reports from ELA Regional Representatives *cont.*

North East *cont.*

We made a concerted effort this year to focus on the seminar programme for the region and were pleased to welcome a number of QC's to the region, to whom we are very grateful for giving up their time to speak to us. One of the main challenges still remains trying to get the membership to engage with seminars and social events held by the ELA. Thankfully we seemed to have turned the corner and attendance at various dinners and seminars has improved – although there is always room for improvement in these numbers and Charley and I will be working on setting a new seminar programme for the next year.

We are trying a number of different things in the region and one of the ideas was to move away from the more traditional evenings sessions to breakfast slots, which has proved to be popular but we can only create a seminar programme with engagement from the membership, so I would encourage any members to share their views about what they would like to see in the region to ensure that we are catering to the needs of the membership. Of course, I appreciate there is always a battle to distinguish ELA seminars from other seminars but the ELA seminar (and other events) provide a great networking opportunity for members to share their views and opinions – whether that be from the voluntary, public or private sector, in-house lawyers and those in private practice, an exposure that you would not necessarily get from another event. Charley and I welcome your input into the seminars that you want to see held.

We welcomed the ELA Conference to Leeds in 2015 which was a great success and it was nice to meet so many other employment law professionals.

As always, my deepest gratitude and thanks goes to Charley Masarati and Lindsey Woods for their help and support in supporting and organising such good events in the region. Both Charley and Lindsey's support, commitment and unwavering good humour means my role as regional representative so much easier and they are both an absolute joy to work with.

Anjali Sharma, DAC Beachcroft LLP
ELA North East Representative

Reports from ELA Regional Representatives *cont.*

Scotland

The Scottish region is a busy one, covering 4 main cities – Glasgow, Edinburgh, Aberdeen and Dundee – as well as the surrounding areas. When I undertook this role in 2014 my aim was to ensure a strong programme of events across Scotland that members could access irrespective of their geographical location. I believe that by in large, this has been achieved through video linking live sessions as much as possible to other host cities and organising twice yearly social events for 3 out of the 4 main cities. In the last year, I built on the momentum from 2014/2015 and put in place a busy training calendar for the latter half of 2015 and started off 2016 with a number of excellent training sessions. Attendance at these sessions has increased over the last year by 20.6% and I have seen increased and consistent attendance at the Aberdeen sessions in particular. I am grateful to the various speakers for putting together informative and topical training sessions for the membership.

Hoping to repeat the success of last year's lecture and dinner, I was delighted and honoured that Judge Shona Simon, President of the Employment Tribunals (Scotland) and Professor Lesley Sawers agreed to deliver a lecture on the topic "Gender equality in the workplace – are we the generation to achieve it?" Tickets for this event in April 2016 were sold out by the mid-February 2016, no doubt thanks to the fantastic speakers on board. Informal drinks events took place in June and October 2015 in Glasgow, Edinburgh and Aberdeen. Unfortunately, attendance at the Aberdeen socials did not live up to attendance at the training sessions leading to the cancellation of the June event and low attendance in October. I am going back to the drawing board with Aberdeen and along with my Steering Committee, we have surveyed the members to see what type of social event is better suited to the membership there.

I wish to thank the Steering Committee for their help over the last year in putting together such a successful programme. I also want to take the opportunity to say a huge thank you Charley Masarati and her staff at Byword who do such a fantastic job supporting and encouraging the region to ensure that the programme we put together is a success.

One of the big changes to come for Scottish members is the devolution of the Employment Tribunal to Scotland as provided for in the Smith Commission and the Scotland Bill. The Scottish Government recently consulted on the jurisdiction of the devolved forum and proposed that the Employment Tribunal would sit within the First-Tier Tribunal for Scotland upon devolution. This proposal has not received support from the legal community who have raised concerns about the adequacy of an

Reports from ELA Regional Representatives *cont.*

Scotland *cont.*

administrative tribunal system to hear employment matters and the removal of the separate pillar without any meaningful explanation. I chaired the sub-committee responding to the Scottish Government's consultation and attended a number of meetings throughout the consultation period ensuring that Scottish practitioner's voices were heard on the subject. A huge amount of work was put in by the sub-committee and I wish to thank them for their time and hard work during that period. I also wish to thank the judiciary, in particular Judge Simon, for making herself available to me and members of the sub-committee to discuss and debate the legal issues raised in the consultation.

Eleanor Mannion, Refrewshire Council
ELA Scotland Representative

South West

In the South West, we have sought to build on previous years to deliver an energetic programme of high quality, regular events.

Since my last report, we have delivered 12 events in the South West (in Bristol and Exeter) and we have a further 5 events scheduled for the period to September 2016. Once again, we have deliberately encouraged solicitors to deliver events, achieving success with Burges Salmon, DAC Beachcroft, Dorsey & Whitney, and Brahams Butt Badrick & French providing excellent speakers. In so doing, we aim to complement the perspective of the excellent barristers who have kindly spoken for us.

We have also seen increasing engagement from members, with encouraging feedback and higher attendance levels (in Bristol, often over 40 members per event).

About 75 members (and a team of employment judges) competed fiercely 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. I am very grateful to our Regional Employment Judge, Jonathan Parkin, for supporting this event and keeping us all in order as "quiz master".

Reports from ELA Regional Representatives *cont.*

South West *cont.*

We continue to help the Avon & Bristol Law Centre in matters relating to its "volunteer solicitor" employment advice scheme, particularly as plans evolve to expand the scheme across the region via Skype.

This year's achievements would not have been possible without the enormous contribution made by Charley Masarati of the ELA and various South West steering committee members, to whom I am very grateful.

Harry Parker, TLT LLP
ELA South West Representative



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Employment Lawyers Association
P.O. Box 353
Uxbridge UB10 0UN

Tel/Fax: 01895 256972
Email: ela@elaweb.org.uk