



EMPLOYMENT  
LAWYERS  
ASSOCIATION

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

# Annual Report

## 2017 - 2018

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

Employment Lawyers Association  
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## Honorary Presidents of ELA

The Honourable Mrs Justice Simler

**President**

Employment Appeal Tribunal  
England & Wales

Lady Wise

**Chair**

Employment Appeal Tribunal  
Scotland

Judge Brian Doyle

**President**

Employment Tribunals England & Wales

Judge Shona Simon

**President**

Employment Tribunals Scotland

## ELA Management Committee 2017 - 2018

**Chair**

Gareth Brahams

**Deputy Chair**

Juliet Carp

**Treasurer**

Catherine Taylor

**Secretary**

Lucy Bone

**Editor, ELA Briefing**

Alex Lock

**Chair, Training Committee**

Marian Bloodworth

**Chair, Legislative & Policy Committee**

Paul McFarlane

## ELA Management Committee 2017 - 2018 *cont.*

### **Chair, International Committee**

Ming Henderson

### **Chair, Pro Bono Committee**

Ruth Gamble

### **Representative of the Bar**

Paul Epstein QC

### **In-house Representative**

Mark Hunt

### **Regional Representatives**

**Lower South East** – Claire Merritt

**Midlands** – Tariq Sadiq

**North East** – Donna Anderson

**North West** – Daniel Northall

**Northern Ireland** – Ciara Fulton

**Scotland** – Eleanor Mannion

**South West** – Greg Chambers

**Wales** – Daniela Mahapatra

**Yorkshire & Humberside** – Anjali Sharma

### **Members at Large**

Judith Harris

Dee Masters

Jennifer Wright

Ijeoma Omambala

Daniel Pollard

### **Law Society Council Seat**

Clive Dobbin

### **Vice President**

Bronwyn McKenna

### **Life Vice Presidents**

Dame Janet Gaymer DBE QC

Jane Mann

Fraser Younson

### **ELA Support**

#### **Head of Operations**

Lindsey Woods

#### **ELA Administration - Byword**

Manager: Charley Masarati

Sandra Harris

Emily Masarati

Nick Walsh

#### **Finance Officer**

Angela Gordon

#### **Website Manager**

Cynthia Clerk

#### **Website Support**

Bronwen Reid, BR Enterprises Ltd

#### **PR Consultants**

Kysen PR



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## Chair

Gareth Brahams, BDBF LLP

## Deputy Chair

Juliet Carp, Keystone Law

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## Chair's Report

We have all come across them. They are everywhere in law firms, businesses, the public and third sector. We have colleagues and clients who are such loathsome creatures.

The reality is that wherever people work together there will be "credit stealers" – people who claim the credit for other people's efforts. Becoming one is very tempting when you are Chair of ELA because ELA as an organisation and employment lawyers as a breed do really good work.

I am thinking how my head swells with pride when I reflect on:

- The tenacity and diligence of employment lawyers in defeating the barriers to justice that in the form of ET Fees were the subject of the UNISON challenge and changing constitutional law in the process
- The amazing training programme we run, where face to face attendance is standing up despite online challenges and indeed our own webinar offering
- The attitude of the International Committee to treat Brexit as a reason to engage yet more with our colleagues from overseas rather than a reason to withdraw into ourselves
- Our tireless contribution to the better quality of employment law through the work of the legislative and policy committee
- How this year we fully got the programme for more junior employment lawyers off the ground with the representation on Manco via Emily Chalkley, the mentoring programme and the socials, thereby securing the engagement of the next generation with ELA
- How in almost all committees and regions the process of succession this year has been smoother than ever and is leading to natural progression within the organisation in part due to the structural changes we have made
- The reinvigoration of our pro-bono efforts through the ELIPS scheme
- The publication of another year's worth of excellent ELA Briefings and the refresh of the website; and

## Chair's Report *cont.*

- How we have turned around the finances of ELA to a return to profit after a couple of years of "investing our reserves".

But the reality is most of this has nothing to do with me! To the extent it does, my contribution is tiny compared to the chairs and members of the sub-committees and regional teams who really have the ideas that change things on the ground.

And, of course, ELA had nothing to do with the UNISON decision at all (apart from the fact that its members argued the case).

It has been a halcyon year for employment lawyers and the ELA and I am indeed proud to have been Chair during this period but in reality more humbled by the experience of seeing how much others contribute and care rather than feeling I should claim the glory.

But it is not all plain sailing for employment lawyers. In the recent hearings of the Women and Equalities Parliamentary Select Committee, I was called upon to give evidence on the use of confidentiality clauses in settlement agreements in sexual harassment cases with the Harvey Weinstein incidents being a focus. You could see how easy and tempting it was for some to blame the employment lawyers who drafted the confidentiality agreement for Miramax and the lawyers who advised one of Weinstein's British early victims of serious harassment to be held responsible for conspiring to hush up criminal actions causing a stream of others to suffer that might not have done had Weinstein's antics been exposed. And there were one or two MPs tempted down that path. The reality, of course, as I explained to the committee, was that the situation was much more nuanced and had to be viewed in the context of the regulatory environment of the time and lawyers simply trying to do the best for their clients subject to their other professional duties.

There will always be corners of the press and politics and in wider public life that will mischaracterise what we do, how and why we do it and how we charge. But the reality is that it has been honour to represent a body of lawyers with so much integrity and emotional intelligence. I must also say that I think I have been very fortunate that true public servants like Brian Doyle and Shona Simon have been Presidents of the ETS during my period of office.

## Chair's Report *cont.*

I sometimes reflect on how pleasant home life would be if it were like being ELA Chair. Imagine if you were to have an idea (like it would be nice if the bathroom were tidier) and you mentioned it and, as if by magic, it were done. And when you were short of good ideas or otherwise committed, someone else were ready and willing to stand in your place. But of course, it is not magic, it is actually Lindsey, Charley and the Byword team who turn our wishes into action and it has been Juliet Carp, my deputy who has stood in for me when I have needed it which is plenty often enough. It has been a privilege to work with such an effective team in these past two years as chair, and the years before that as Deputy Chair and Chair of the ELA Training Committee.

I wish my successor every success and all the support that I was so lucky to enjoy.

Gareth Brahams  
**Chair**

## Treasurer

Catherine Taylor, CMS Cameron McKenna Nabarro 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 2017 at £380,193 an increase from start of the year when they stood at £321,823. This reflected the fact that the Management Committee continued with its planned reduction of the amount held in Reserves year on year, but had, as part of its strategy notified in 2015, reduced the impact on the Reserves by its adjustment of the training fees and subscription fees. As a result, £58,370 has been added to the reserves at the start of 2018.

The turnover in 2017 was £911,894 an increase on 2016 turnover of £140,584. Training income increased by £92,218 compared to 2016. Membership subscription income for 2017 was £398,084, an increase of £49,465 compared to 2016.

The Management Committee continued the pro bono funding to the Free Representation Unit (FRU) and Bar Pro Bono Unit, totalling £50,000.

The reserves held comprise the Emergency Fund of £250,000 and the Development Fund of £130,193. 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 allow innovation of new services and one-off projects. They also provide a financial cushion against any large drop in income.

In 2015 it was agreed to adjust discounts on training fees which had been implemented the previous year, whilst overall maintaining the discounts. A small increase in membership subscription from £80 to £95 for full members (the rate of £40 for associate members was not increased) was also agreed by the Management Committee, and was applied to 2017 subscriptions – the first increase in nine years. During 2017, an adjustment to the group membership discount was agreed and has been applied to subscriptions for 2018. We consider that these measures will ensure that the ELA is able to continue to provide a high quality and comprehensive range of services and initiatives, whilst ensuring that the Reserves are preserved to ensure the future economic stability of the ELA.



## Treasurer's Report *cont.*

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

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

Catherine Taylor  
Treasurer

## Summary of Accounts

### Detailed Income and Expenditure Account for the Year ended 31 December 2017

	2017	2016
	£	£
Turnover	911,894	771,310
Gross Profit	911,894	771,310
<b>Less: overheads</b>		
Direct membership services	(180,240)	(180,168)
Administration expenses	(312,009)	(294,197)
Training costs	(363,051)	(346,043)
<b>Operating Profit/Loss</b>	56,594	49,098
Interest receivable	2,548	2,757
Tax on profit on ordinary activities	(772)	(551)
<b>Profit / (Loss) for the year</b>	<b>58,370</b>	<b>(46,892)</b>

## Schedule of Detailed Accounts for the Year ended 31 December 2017

	2017	2016
	£	£
<b>Turnover</b>		
Membership subscriptions	398,084	348,619
Event income	509,916	417,698
Other income	3,894	4,993
	<b><u>911,894</u></b>	<b><u>771,310</u></b>
<b>Training costs</b>		
Training room hire	280,153	275,440
Speakers' expenses	24,949	15,154
Other training costs	57,949	55,449
	<b><u>363,051</u></b>	<b><u>346,043</u></b>
<b>Direct Membership Services</b>		
Social events	10,222	18,544
ELA Briefing/Newsfeed	114,088	112,685
Pro Bono Project (donations to FRU/BPBU)	50,000	40,000
Committee initiatives	5,339	6,537
Webinar production	591	2,402
	<b><u>180,240</u></b>	<b><u>180,168</u></b>
<b>Administration Expenses</b>		
Staff salaries	129,447	125,475
ManCo thank you reception	-	5,743
Administration office	79,526	76,626
Website hosting and maintenance	18,835	8,383
PR	8,000	5,000
Auditors' remuneration	7,000	6,675
Consultancy accountants	2,098	2,625
Bank charges	5,058	3,352
General overheads	33,443	31,896
Depreciation	164	164
Bad debt expense	28,438	28,258
	<b><u>312,009</u></b>	<b><u>294,197</u></b>
Bank interest receivable	<b><u>2,548</u></b>	<b><u>2,757</u></b>

**Secretary**

Lucy Bone, Littleton Chambers

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## Secretary's Report

As at 31 December 2017 ELA had 5,811 members comprising:

- **5,517 Full members** - a reduction of 86 compared to 2016
- 265 Associate members (comprising trainees/pupil barristers/academics/overseas members/judiciary) - an increase of 46 compared to 2016
- **29 Correspondents** (Voluntary sector organisations with a material interest in employment law may benefit from all ELA services as correspondents) – an increase of 8 compared to 2016

We therefore saw a small overall reduction in membership numbers of 32 during 2017.

The number of members per region, comparing 2017 to 2016 is set out in the table below.

	<u>2017</u>	<u>2016</u>
London	2625	2707
Lower South East	355	347
Upper South East	484	475
Midlands	510	533
North East	99	398
Yorkshire & Humberside	315	-
North West	483	468
Northern Ireland	41	35
Overseas	80	77
Scotland	226	224
South West	435	426
Wales	158	153

**Secretary**

Lucy Bone, Littleton Chambers

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## Secretary's Report

There are three proposals for amendment of the Articles of Association this year:

1. Definitions – an inserted definition of Sub Committees.
2. Article 5.3 – a correction to clarify that UK trainee lawyers are accepted as Associate Members
3. Articles 14 and 15 concerning election to and tenure of the Management Committee. The proposal is to limit the tenure of all Management Committee positions to 3 terms (6 years), and to limit overall tenure on the Committee to 4 terms (8 years). The Chair and Deputy Chair may hold those offices for one term (2 years) only. The above tenure limitations do not apply to Members at Large or the Junior Lawyer Representative. The rationale behind these proposals is to ensure the Management Committee has succession planning in place, whilst still safeguarding continuity and allowing for progression from Member at Large/Junior Lawyer Representative to other roles on the Management Committee.

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

Lucy Bone  
**Secretary**

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

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## Legislative & Policy Committee Report

### Committee

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

## Legislative & Policy Committee Report

This is my second year in post and once again what continues to strike me is how passionate our members are to ensure employment law develops for the good of all concerned, whether that be on the employer or employee side.

The depth and breadth of knowledge on all things employment law related means that we can draw on unparalleled expertise when responding to government consultations. The government and other key stakeholders e.g. ACAS, EHRC, the employment judiciary frequently invite us to meetings/events to discuss initial thoughts/proposals for reform of employment law and practice.

Whilst the number of consultations we have had to respond to has reduced (nine responses to government consultations plus two reports from our ADR/Arbitration standing committee – compared to 22 responses last year), we have not been shy of work. Why? Well Brexit, the Taylor Review on the so called ‘Gig-economy’ and the removal of ET fees following the Supreme Court decision in UNISON are just three of the issues we have had to grapple with this year.

### **Brexit**

Whatever your views on this highly emotive subject, the lack of clarity for us as practitioners has not been helpful. We have set up a standing committee in order to assess what impact Brexit will have on employment law and engage with government to try and obtain clarity on this issue. Co-chairs Shubha Banerjee (Leigh Day) and Kate Ewing (UNISON) have been discussion with various government officials. Standing committee members have been tasked with drafting briefing papers on some of the issues that may need to be addressed on Brexit e.g. are there any plans to place a cap on discrimination awards and importance/relevance of CJEU judgments post Brexit.

### **Gig economy**

Last summer Matthew Taylor published his long-awaited report ‘Good Work – A review on Modern Working Practices’, the so called ‘Gig Economy’. The review covered a wide-range of subjects and made a large volume of recommendations including: the creation of a new category of worker called a “dependent contractor”; changing the law so that ‘substitution’ was no longer relied on as a material factor when deciding whether a person was a ‘self employed’ and not a ‘worker’. The government has recently responded to the review and issued four further consultation papers. Our working party on this issue, co-chaired by David Widdowson (Abbiss Cadres) and Catrina Smith (Norton Rose Fulbright), is busy as we speak pulling together our responses on this complex and contentious subject.

## Legislative & Policy Committee Report

### Unison – surge in claims – impact on Employment Tribunals

Last but by no means least are fees. Introduced in 2013 they led to claims falling off a cliff – with up to a 70% decrease. This also led to a significant reduction in the resources (Judges and administrative staff) used by ETs. The Supreme Court held last summer that their introduction was unconstitutional and they were immediately withdrawn. The subsequent spike in claims led to lots of anecdotal complaints about poor ET services.

Led by Richard Fox (Kingsley Napley) a small group of our committee devised a survey to get hard evidence on what the problems are and if they were wide-spread. As we feared the lack of resources in Employment Tribunals is causing significant issues for members and their clients. Headlines were:

1. Over ¾ of our respondents have experienced an increase in the time ET's are now taking to deal with service of claims
2. A massive 90% of respondents have experienced increased delay in dealing with interim paper applications and other correspondence.

Other issues may be a little more nuanced, but still significant.

3. Just over a half of our Respondents (53%) have found delay in having their telephone calls answered. This does not reflect well on the administrative resource of the ETs at the present time.
4. Likewise just over 57% of respondents are experiencing delay in receiving reserved judgments (presumably a mixture of a judicial and administrative resource issue here).
5. Postponement may not be quite the issue we thought, although some 45% of Respondents have been experiencing postponement of a hearing due to lack of judicial resource, which is worrying.

Particular Tribunals seem to be most affected. The London ones in particular (London Central, London South, London East and also Watford). These results have been sent to Judges Doyle and Simon, along with anonymised comments. This issue has also gained attention in the press with articles in the Times, Law Society Gazette and our own ELA Briefing.

We will continue to keep a watching brief on this issue.

All of the above (and doubtless more employment law proposals) will mean that we will continue to remain busy over the coming year.

Paul McFarlane  
Chair, Legislative & Policy Committee



## ELA Standing Committees (2017-18)

### Brexit working party

**Co-Chairs:** Shubha Banerjee, Leigh Day and Kate Ewing, Unison

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  
Louise Taft, Freeman Solicitors

### City regulation and employment law

**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

## ELA Standing Committees (2017-18)

### Employment Tribunal resource working party

**Chair:** Richard Fox, Kingsley Napley LLP

Kiran Daurka, Leigh Day

Paul McFarlane, Weightmans LLP

Eleanor Mannion, MacRoberts LLP

Louise Taft, Freemans Solicitors

## ELA Consultation Submissions: May 2017 – April 2018

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

Consultation by HM Courts and Tribunal Service on Transforming the Court and Tribunal Estate  
29 March 2018

ELA Response to IPO consultation on draft regulations concerning trade secrets  
16 March 2018

ELA Response to EHRC Consultation: "Our plans to enforce the gender pay gap regulations"  
2 February 2018

ELA Response to HMCTS Flexible Operating Hours Pilots  
29 November 2017

ELA response to Individual Accountability: Extending the Senior Managers & Certification Regime to all FCA firms (CP 17/25)  
3 November 2017

ELA Response to MAC call for evidence: "EEA Workers in the UK Labour Market"  
27 October 2017

ELA Response to Government Equalities Office consultation: Caste in Great Britain and Equality Law  
18 September 2017

ELA Response to Judicial Consultation on Employment Tribunal awards for injury to feelings and psychiatric injury following *De Souza v Vinci Construction (UK) Ltd* [2017] EWCA Civ 879  
31 August 2017

ELA response to the Taylor Review on Modern Working Practices  
16 May 2017

ELA Response to Employment Rights Act 1996 (NHS Recruitment – Protected Disclosure): consultation on the draft regulations  
3 May 2017

### **ELA Publications**

ELA Report: ADR and Employment Disputes  
ELA Reports: Arbitration and Employment Disputes  
30 November 2017

**Chair, Pro Bono Committee**  
Ruth Gamble, BDBF LLP

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## Pro Bono Committee Report

### Committee

Bhavika Badola, Bevan Brittan LLP  
Caroline Baker, GQ Employment Law  
Talia Barsam, Devereux Chambers  
Phillip Chivers, Osborne Clarke  
Ben Collins QC, Old Square Chambers  
Paul Daniels, Slater and Gordon (UK) LLP  
Cyril Dennemont, Fletcher Day LLP

Ben Gray, Littleton Chambers  
Natasha Joffe, Outer Temple Chambers  
Edward Kemp, Littleton Chambers  
Rolleen McDonnell, BDBF LLP  
Jennifer McGrandle, Dechert LLP  
Sophie Roberts, Publicis Groupe  
Polly Rodway, BDBF LLP

The Pro Bono Committee's efforts over the past year have been focussed almost solely on the ELIPS scheme.

### The ELIPS scheme – latest

The scheme is now running in two tribunals: London Central (on a weekly basis) and, since October 2016, Cardiff (on a monthly basis). In terms of statistics:

- We have 110 ELA members in the volunteer bank for London and 34 in the volunteer bank for Cardiff. Of these 144 ELA members, 113 have undertaken at least one ELIPS session since it began in 2015.
- Volunteers range from junior solicitors, to partners and QCs.
- Since ELIPS began in 2015 a grand total of 810 advice sessions have been delivered over London and Cardiff, with 242 of these sessions being to returning litigants. In the past year alone ELIPS delivered 428 sessions – so 53% of all advice sessions were delivered in the past year.

Feedback from litigants in both regions is overwhelmingly positive.

## Pro Bono Committee Report *cont.*

The scheme has considerable support from the employment law judiciary, most notably President Doyle, REJ Barry Clarke, REJ Potter, Judge Joanna Wade and Judge Sian Davies. REJ Barry Clarke and EJ Sian Davies nominated the scheme for a Law Society Excellence Award at the end of 2017 and the scheme was Highly Commended in the Pro Bono category.

The Committee held two drinks events in 2017 (one in Cardiff and one in London) to promote the scheme, thank those members who have volunteered and encourage more members to sign up. At each event, one or more of the Judges mentioned above spoke about the importance of the scheme.

We have recently finished a complete overhaul of all of the ELIPS documentation. This overhaul incorporates feedback from the volunteers and Judges, learnings to date, comments from FRU, the BPBU and LawWorks.

We have obtained free access for ELIPS volunteers to LexisNexisPSL (by virtue of being a LawWorks clinic) and PLC Employment (by virtue of ELA's relationship with Thomson Reuters).

We have also arranged for students from City of London University and FRU to provide administrative support to volunteers at the ELIPS London clinic and triage those litigants who are waiting to be seen.

We have been publicising the scheme (and those members who volunteer) via social media and ELA Briefing and we have a dedicated ELA Pro Bono group on LinkedIn.

### **Looking forward to 2018/2019**

There is appetite within the Pro Bono Committee, and the employment judiciary to roll-out the scheme to additional regions. A key task in the coming months is to identify the most suitable regions and implement this roll-out.

We also intend to focus on increasing the number of cases that are successfully referred on to FRU and the BPBU such that between ELA and the Pro Bono charities, we are offering a more joined-up pro bono service. This is an area that the Judges at London Central are keen for us to focus on.

We are also going to be working with FRU to try and ensure that more litigants are provided with pro bono representation at judicial mediations.

## Pro Bono Committee Report *cont.*

Finally, we are keen to try and plug the gaps in the insurance currently provided by LawWorks so that employment lawyers who do not have practising certificates (such as those returning from family leave or career breaks, or those employed in-house) can volunteer for ELIPS. We have had enquiries from lawyers who fall within both of these categories.

### Other initiatives

The Pro Bono Committee offers a range of other initiatives to members:

- We have expanded the respondent-focussed pro bono opportunities on offer to ELA members by teaming up with Advocates for International Development (A4ID) and Trust Law. ELA members can now 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.
- We continue to work with BPBU and FRU to offer the 100 Days project to ELA members.

In terms of new projects for 2018/2019, we intend to explore:

- A project in conjunction with the website Mumsnet to provide online legal advice and support to women who have experienced maternity discrimination. Volunteers drawn from the ELA membership would provide written answers to questions posed by Mumsnet users on a dedicated thread. We are keen to pursue this project because research shows this is a particular area of need and because we feel it would attract a different subset of ELA members from those who volunteer for our existing projects.
- A project with FRU aimed at assisting litigants to enforce judgments.

I would like to thank all committee members for their 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. I would also like to thank Lindsey Woods at ELA for all of her assistance over the past 4 years – without her hard work and support, it simply would not be possible for us to operate the ELIPS scheme. Thanks also to Lindsey's colleagues at Byword. Finally, I was on maternity leave for the first quarter of 2017 and would like to thank Sophie Roberts and Natasha Joffe for doing a fantastic job of chairing the committee in my absence.

Ruth Gamble  
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, Wrigleys Solicitors

Roseanne Russell, University of Bristol

Charles Wynn-Evans, Dechert LLP

ELA Briefing is consistently cited as being one of the major benefits for members of the ELA. It is readable, practical and accessible.

The editorial committee of the Employment Lawyers Association is responsible for producing ELA Briefing ten times each year. This involves finding, reviewing, editing and publishing articles that are of sufficient quality and relevance to our readership. These are usually on developments in employment law, but also encompass other aspects of our practice. We have included analysis of employment tribunal statistics as well as articles from Brian Doyle, President of the Employment Tribunals, on the development of employment courts and the latest exercise in judicial recruitment.

We also act as mouthpiece for various parts of the Association, whether that is the chair giving his thoughts on topic issues, or chairs of some of the various committees reporting on their activities.

The abolition of employment tribunal fees has seen a big increase in the number of employment tribunal claims and a consequent increase in the number of appeals to the Employment Appeal Tribunal. This has meant that more law is 'produced' and gives us more to report on.

In addition employment law has been more in the headlines, with topics from Brexit, to sexual harassment, to the 'gig' economy giving us plenty to think and write about.

## Editorial Committee Report *cont.*

Finally, in relation to the printed version of ELA Briefing, I am concerned about the use of plastic wrappers on each copy sent out and am working with our publishers to see what alternatives there are to minimise our environmental impact, what the cost of change would be and how quickly we can do it. And before all the digital whizz kids say that the change should be to an electronic format, the paper version is still the most popular by a large margin.

Considerable thanks must go to Matt Bell, our sub-editor; Anisha Radia and team at our publisher, Thomson Reuters and Cynthia Clerk, our website manager, without whom no issues would appear on your desks.

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

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

Alex Lock  
**Editor, ELA Briefing**



**Chair, Training Committee**  
Marian Bloodworth, Kemp Little LLP

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## Training Committee Report

### Committee

Donna Anderson, Sintons LLP - North East Rep	Tracy Luke, Eversheds Sutherland LLP
Jo Broadbent, Hogan Lovells International LLP	Annabel Mackay, Addleshaw Goddard LLP
Harriet Bowtell, Slater and Gordon	Nigel Mackay, Leigh Day
Patrick Brodie, RPC LLP	Daniela Mahapatra, NHS Wales - Wales Rep
Emma Carter, Dentons UKMEA LLP	Hannah Mahon, GQ Employment Law
Greg Chambers, Osborne Clarke LLP – South West Rep	Eleanor Mannion, MacRoberts LLP– Scotland Rep
Simon Cheetham, Old Square Chambers	Adrian Martin, Burges Salmon LLP
Anthea Christie, Penningtons Manches LLP	Claire Merritt, Paris Smith LLP – Lower South East Rep
Emma Clark, Keystone Law	Alexandra Mizzi, Howard Kennedy LLP
Elizabeth Drake, Metropolitan Police Service	Daniel Northall, Littleton Chambers - North West Rep
Sheila Fahy, Allen & Overy LLP	Ian Pettifer, Davies and Partners Solicitors
Ceri Fuller, DAC Beachcroft LLP	David Regan, Squire Patton Boggs (UK) LLP
Sam Gage, Thomson Reuters	Catherine Richmond, Worden Richmond
Rachel Hearn, Charles Russell Speechlys LLP	Tariq Sadiq, Temple Gardens Chambers - Midlands Rep
David Hunt, Farrer & Co	Anjali Sharma, DAC Beachcroft LLP – Yorkshire & Humberside Rep
Penny Hunt, Bird & Bird LLP	Daniel South, South Wales Fire and Rescue Service
Mhairi Letcher, The British Museum	Anna West, Travers Smith LLP
Lisa Lewinsohn, Withers LLP	

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

During 2017 we ran 18 day and half day courses, including the regular introductory course for newly qualified lawyers, and two-day courses on discrimination, High Court litigation, TUPE and introduction to advocacy. Separately, we have run nine evening and breakfast sessions in London and many more around the country covering a wide range of topics.

The Committee's members are drawn from firms of different sizes and sector focus, as well as from in-house positions, and we have constantly tried to ensure that we reflect as far as we can, the diverse nature of ELA. We have also continued 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.

## Training Committee Report *cont.*

We know that the employment law landscape continues to change at pace, with the abolition of tribunal fees, the increased focus on workplace behaviours and the overall increase in different ways of working. We are mindful of this when planning our training sessions and are constantly trying to ensure that we help ELA's membership to acquire and develop the skillsets that best allow them to serve the needs of their clients. We also recognise the ongoing challenges facing businesses across the sectors, including Brexit uncertainty, immigration pressures and increasing regulation and accountability. We have continued to review our offerings in relation to Financial Services – with a two-part training course aimed at those wanting an introduction to financial services and an overview of the key issues facing the sector. As I hand over the reins of the Training Committee to Jo Broadbent, I know the Committee will be looking to expand on this with more sector themed training in the year to come, including for our more junior members.

We also remain keen to ensure we understand a wider perspective and have continued to welcome external speakers to our training sessions. At last year's Annual Conference, the sell-out plenary session on the employment law and tax implication of the gig economy delivered expert contributions from Maria Ludkin, GMB Legal Director, Professors Judith Freedman and Jeremias Prassl from the University of Oxford, Will Hutton, Principal of Hertford College Oxford and Chair of the Big Innovation Centre as well as the inestimable Caspar Glynn QC. This year we have again been delighted to have contributions at evening sessions from The Hon. Lady Wise, Judge of the Supreme Courts Scotland; President of Employment Appeal Tribunals (England and Wales) The Hon. Mrs Justice Simler; the President of the Employment Tribunals (England and Wales) Judge Doyle, Matthew Taylor (who kindly spoke both in Bristol and London); David Thorneloe from the Department for Business, Energy and Industrial Strategy (BEIS) and Keith Brown MSP, Cabinet Secretary for Economy, Jobs and Fair Work.

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 fortunate to be welcoming three further highly regarded external speakers for our plenary session on the issues facing the modern workplace, alongside Schona Jolly QC. In addition, we look forward to the contributions of a number of external speakers during the breakout sessions on offer at Conference.

## 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, and Charley Masarati’s unstinting efforts in coordinating the sessions. In particular, we thank Daphne Romney QC, Simon Cheetham QC and Jeremy Lewis and Martin Fodder for their extensive roadshow of sessions on the Gender Pay Gap (Daphne), the GDPR (Simon) and Whistleblowing (Jeremy and Martin).

In addition, we continue to provide webinars on a range of topics and I am pleased to remind members that these are available free to all members. We are delighted to announce that in addition to his evening session, and his contribution to the Annual Conference this year, Judge Doyle has also participated in a podcast with Nicholas Robertson from Mayer Brown LLP which is now available. Current and past webinars can be accessed by members via the Training section of the ELA website.

Last year, responsibility for the Annual Lecture moved to the Training Committee and we were delighted and honoured to commemorate ELA’s 25th anniversary with the words and wisdom of Michael Rubenstein. Michael gave his expert perspective on employment law over the last 25 years, and an insight and vision of what we can all expect going forwards.

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 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.

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, courses and webinars happen! Their enthusiasm and can-do attitude is an invaluable support both for the Chair and the Committee as a whole. As I move on and pass on chairmanship of the Committee to Jo Broadbent, I do so confident in the knowledge that the Training Committee will continue to go from strength to strength and I wish Jo and the members every success going forward.

Marian Bloodworth  
**Chair, Training Committee**

Chair, International Committee  
Ming Evans, Moodys

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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

Kathleen Healy, Freshfields Bruckhaus Deringer LLP

Toni Lorenzo, Lewis Silkin LLP

Frank Morton, Morton Law

Amy Rogers, 11KBW

Nicola Whiteley, Orrick Herrington LLP

Alistair Woodland, Clifford Chance LLP

Fraser Younson, Keystone Law

2017/18 was yet another successful and busy year for ELA's International Committee. As my second and final year as Chair of the International Committee I focused on expanding the relationships that the International Committee has developed with international employment lawyers and build the strong reputation of the International Committee with our members here in the UK and overseas organisations. In December 2017, I appointed Kathleen Healy, Partner at Freshfields, as Deputy Chair, to ensure continuity in our projects and help with the growing burden of leading the International Committee. The committee meets 10 times a year and is very active in between monthly meetings. In the last twelve months, it has hosted six training events and one entire day devoted exclusively to international employment law.

**Transatlantic Conference:** The highlight of the International Committee's activity this year was undoubtedly the Fifth Transatlantic Conference held in London on 3 October 2017. Jointly hosted by the American Bar Association (International Committee, Section of Labor and Employment), this was the most successful Conference of its kind. We welcomed over 200 attendees and speakers from North America (US and Canada), UK regions and many European countries. The event included two Plenary Sessions and nine breakout sessions on topics of international interest ranging from whistleblowing, equal pay, international mobility and the Gig economy, to name just a few. To welcome overseas attendees and speakers, the International Committee hosted a welcome reception and cultural tour in the heart of the City. This year we were delighted to also welcome several members of EELA's steering committee, a token of the great relations ELA continues to have with like-minded peers and practitioners across Europe.

## International Committee Report *cont.*

**International standalone sessions:** International training sessions continue to be part of the International Committee's regular agenda. During our monthly sessions, Committee members brainstorm and draw on their network to design a comprehensive international programme. Our sessions include comparative sessions, specialist sessions on one or two jurisdictions, and cross border topics as we strive to interest all members, whether in-house or in private practice lawyers, experienced or just starting in international employment law. This year, the Committee has been able to host a record number of training sessions on a broad range of international topics, notably inviting experienced speakers from France, Germany, Luxembourg, Poland, Republic of Ireland, Romania, UAE, the US, to share their knowledge with ELA. We also had our own international Brexit session in March with a very insightful introduction from Lord Hill, former European Commissioner for Financial Stability, Financial Services and Capital Markets Union. The International Committee noted a growing number of members signing up to attend our international sessions, which is extremely encouraging and shows the important contribution the International Committee makes to the membership. Finally, the International Committee has, as in the past, offered several options to the Training Committee for the Annual Conference. This year, as a continuation of last year's presentation and in view of the ongoing Brexit process, the International Committee has proposed a practical session on international mobility. We are, as usual, particularly grateful to the overseas and in-house speakers for their time and dedication. The Committee would like to hear more suggestions from members for training topics next year.

**Strengthening relationships with overseas Employment Lawyers Associations:** We have continued to focus on broadening our relationship with other employment lawyers associations, whether in Europe or further afield. In the last twelve months, the International Committee has been instrumental in strengthening ELA's ties with like-minded organisations. EELA and ABA have had long standing relationships with ELA and it was a delight for the International Committee to welcome a delegation from both organisations to London this year. In addition, for the first time, Avosial (the largest French employment lawyers association) jointly hosted a well-attended French law update in London for ELA members and a return session is being organised for Avosial members on English law for Avosial members. As Chair of the International Committee, I was also invited to the Irish Employment Law Association Annual Dinner in December 2017 to represent the Committee.

## International Committee Report *cont.*

**ELA Briefing:** The Committee has contributed throughout the year to ELA Briefing by proposing articles and book reviews. As an example, the April issue included an article by Becci Emmett on International Settlement Agreements and a review by Fraser Younson of the latest edition of Juliet Carp's book on international mobility.

**More international events:** The International Committee has several sessions in preparation which will be released in the coming months. The Committee would also like to explore the possibility of providing more international webinars, thus exploiting the opportunities new technology offers.

As my term comes to an end, I would like once again to thank the Committee members for their hard work and support this year. We have been very fortunate to have Paul Goulding QC join our committee this year and we are sad to see Katie Williams, Pinsent Mason, leave the committee as she prepares to relocate her practice to Australia. The International Committee continues to be a very dynamic and diverse group. Regular attendance to monthly meetings and a commitment to the cause of ELA and international matters is expected of all members – we aim to have “no passengers” within the International Committee.

Ming Henderson  
**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 Legal and Risk Services), Maya Cronly-Dillon (Arthur J Gallagher), Anne McFarlane (Glasgow City Council), Alexandra Ward (Shell International Ltd) and Mark Hunt (BNY Mellon), has continued to work for the benefit of ELA's 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 21 November 2017 in London. The conference was attended by about 40 delegates and included sessions on the gig economy (led by Caspar Glyn QC, Cloisters Chambers) and legal privilege (led by Catherine Taylor and Omar Qureshi of CMS Cameron McKenna Nabarro Olswang LLP and Maya Cronly-Dillon). In addition, there was a discussion on how to boost your social capital as an in house lawyer, which was led by Kelli Read of beyond Blackletter Limited (assisted by Paul Hodgson and Mark Hunt). 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 the Andaz Hotel in London's Liverpool Street on 26 April 2018. Mark Hunt led a discussion on the lessons learned from the first round of gender pay gap reporting. This was followed by drinks and an opportunity to network with fellow in house employment lawyers.

We welcome further ideas and input from in house members on possible further initiatives. There is also an ELA LinkedIn site that is dedicated to in house members who wish to initiate or participate in on line discussions on issues and in house members are encouraged to use this facility, should they wish to.

Finally, it has been my great honour to have been involved in ELA as the In House Representative on the Management Committee for the last 6 years. However, it is time for some fresh impetus and new ideas and I welcome my successor, Richard Stovell of Royal Mail PLC, and wish him well in this role. I am sure that Richard will welcome any support that he can get from in house members and if anyone does 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 Junior Lawyer Representatives

The Junior Steering Committee, which comprised Emily Chalkley (Charles Russell Speechlys), Damian Babic (Skadden Arps Slate Meagher & Flom), Josie Beal (Birketts), Nicola Bell (Fox Williams), Chris Boyle (Slaughter and May), Fiona Campbell (Squire Patton Boggs), Kate Fellows (Gateley Plc), Robert Frampton (Herrington Carmichael), Chris Hovenden (Cripps), Sophie Keene (Lamb Brooks), Georgina Leadbetter (Littleton Chambers), Theo Nicou (Slater and Gordon), Elliot Park (Baker & McKenzie), Eirwen-Jane Pierrot (Field Court Chambers), Matthew Sellwood (Devereux Chambers), Brogon Solomon (Clarks Legal), Harriet Swan (Cooley), Sarah Berrecchia (Harbottle & Lewis), was formed in March 2017. The Committee has met every quarter to discuss the training needs for the junior members, as well as social events and pro-bono opportunities.

The Committee, pioneered ELA's first mentoring initiative, which took place on 22 March 2018, in the form of the Speed Mentoring Event. This was an informal evening, which 15 mentors and 15 mentees attended. The purpose of the event was 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 intends to organise another mentoring event in London in 2018 and eventually look to roll out the programme in the regions.

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. The feedback from the two part financial services training aimed at junior members was extremely positive.

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 LLPS  
**Junior Lawyer Representative**



## Reports from ELA Regional Representatives

### Lower South East

During the 2017/18 year there has been continuing activity in the Lower South East region. The region combines the Solent areas and the Kent sub-areas.

### Kent

We intend to prioritise the creation of a permanent Steering Committee in the following year, as this was unfortunately not achievable in the 2016/17 year. With a Steering Committee in place, we aim to foster positive communication, ensuring that demand requirements are met. In September, we held a whistleblowing session in Kent but sadly only received 14 bookings. With a Steering Committee in place we are confident that session attendance will increase, but we believe that we need to go one step further and appoint a Sub Regional Representative in Kent who can push events locally and help us to improve regional communication. Once again, if you are interested in being a member of the Steering Committee or a Sub Regional Representative in Kent, please can you contact me as the Lower South East representative?

### Solent

The Solent Region has once again had numerous events reflecting our usual programme of the Annual Training Day plus evening seminars. This year we have enjoyed speakers from Guildhall Chambers talking on Territorial Jurisdiction, followed by Simon Cheetham QC discussing Data Protection. In September 2017, we were given a whistleblowing session by Martin Fodder & Jeremy Lewis from Littleton Chambers. On 5 October 2017, we hosted the first Solent Annual ELA Dinner with the guest speaker being Acting Regional Employment Judge Olga Harper. This was a well attended event in Winchester and will set a format for coming years, with the intention that this will become a bi-annual event. We are planning for this year's event to be accompanied by an ELA talk by David Reed QC and Martin Palmer, followed by drinks and canapes in the new Southampton Harbour Hotel. The 2016/2017 year was finished off by the Solent Annual ELA Training Day held at the Hilton Ageas Bowl, at which we had 60 attendees. We had speakers Steven Wyeth of 3 PB Chambers, Alistair Hodge of Essex Court, Harriet Bowtell of Slater Gordon and Rosalie Snocken of Old Square Chambers. The day was wrapped up with an Employment Status Talk by Daniel Tatton-Brown QC of Littleton Chambers. We are looking forward to an eventful programme over the coming year and will shortly be organising, once again, the structure of the ELA Training Day in February 2019.

Claire Merritt, Paris Smith LLP  
ELA Lower South East Representative

## Reports from ELA Regional Representatives *cont.*

### Midlands

It was a busy and productive year for ELA Midlands.

Seven training sessions were arranged in the region on a range of topics including the Employment Implications of Brexit, Gender Pay Gap Reporting, Data Protection and Whistleblowing. In addition, Birmingham held a successful one day course on Settlement Agreements. A huge thank you to all the speakers and hosts. Your support is invaluable.

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

After 11 years, I am stepping down as the ELA Midlands Representative. It has been a privilege to represent ELA Midlands members over the years and I look forward to seeing you at ELA events in the future.

Tariq Sadiq, Temple Garden Chambers  
**ELA Midlands Representative**

## Reports from ELA Regional Representatives *cont.*

### North West

As my first term as North West regional representative ends, and a new one begins, it is time to reflect on what the region has achieved over the past two years.

The North West membership of ELA has been and continues to be a vibrant and engaged community of employment law professionals. In 2017, the North West saw some of the highest attendance rate for ELA events outside of London.

Members in the region attend events with a healthy expectation of debate and dialogue. In the febrile atmosphere that existed following the abolition of tribunal fees, ELA hosted a session to take stock of the future of employment tribunal litigation. The event was standing room only and it was plain that every attendee came with a desire to contribute.

2017 also saw the return of the regional annual lecture and dinner. The attendance rate was as excellent as the food and a very enjoyable evening was had at the Great John Street Hotel. I hope to develop the event into a regular (and indispensable) part of the employment law social calendar.

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), Bernadette Worthington (Weightmans), 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. Very little would happen without her assistance!

Over the coming year, I want to continue to provide members with the highest level of training. ELA is and should be an excellent vehicle for sharing knowledge, skills and experience between employment lawyers.

Daniel Northall, Littleton Chambers  
ELA North West Representative

## Reports from ELA Regional Representatives *cont.*

### Northern Ireland

During the 2017 / 2018 year, which is only the second year in which there has been an ELA Rep in Northern Ireland for many years, 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 hard to try to deliver high profile events of interest and relevance for members in the Region. We are starting to see an increase in numbers of members and numbers attending events.

We held a Whistleblowing seminar in September 2017 which was well attended and exceptionally well timed as it took place only a few days after Whistleblowing laws in Northern Ireland were amended in line with those in GB. This was followed by a seminar on Restrictive Covenants in January 2018 which was very well received and, by the date of the Annual Conference, we will have held our cornerstone event on 11 May 2018, Employment Status in the Age of the Gig Economy in the new Titanic Hotel which is to be attended by the largest number of delegates to date.

Future plans for the ELA in Northern Ireland revolve around attempting to increase membership in the region and organise social events in the Region as well as further seminars over the course of the year.

All and all it has been a busy and constructive year in which we have continued to build on the foundations for successful programmes and the establishment of the ELA in the region in years to come.

I would like to say a massive personal thanks to Charlie Masarati and Lindsey Woods for their help, support and patience in helping establish the ELA in the Region. I could not continue to do it without them.

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

## Reports from ELA Regional Representatives *cont.*

### Scotland

I write this report a few days after hosting the Scottish Annual Lecture and Dinner. This event, which has been running for 4 years, has grown year on year in terms of membership engagement and quality of speakers. This year, I posed the question “Employment Law – What is it good for?” and asked the panel to consider the impact employment law has on society as a whole. The panel, made up of Judge Shona Simon, President of the Employment Tribunal Scotland, Nikki Slowey, Programme Director of Family Friendly Working Scotland and Diane Nicol, of Pinsent Masons LLP who was the sole lawyer on the Taylor Review, gave a detailed and nuanced account from their perspective of the ways in which society benefits from employment law and the extent to which legislation by itself can result in societal benefit.

The lecture and dinner was a great end to what has in fact been a difficult year in terms of training and social events in Scotland. While I ran a one-day conference in October 2017, other sessions had to be cancelled or amended at the last minute due to speaker illness or other issues outwith my control. Social events organised in Glasgow and Edinburgh in June of last year also saw low attendance levels in comparison with previous years leading me to rethink the types of event to offer to members. To this end, I organised a breakfast think tank/networking session on the topic of “Just Culture or Blame Culture” in Aberdeen.

This is the end of my second term as Regional Representative for Scotland. It is a job that has its challenges but one I have enjoyed immensely. I am proud of the increased engagement and visibility of the organisation in Scotland over the last four years. Although I am standing for election for a final two year term, I am opposed for the first time since taking up this post. By the time of the AGM when this will be published, the votes will be counted and I hope to be sitting with you all ready to take up another term as Regional Representative for Scotland. If not, I wish to thank the Management Committee, the heads of the various committees and Head of Ops, Lindsey for their support in the last four years. I also want to thank the Steering Committee in Scotland for their assistance, their suggestions for speakers and topics and offers to host events that I cannot make due to the geographical difficulties the regions presents. A big thank you also goes to my deputy Jennifer Wright of DWF LLP.

Finally, the myriad of events, evening and breakfast sessions, one day conferences and one off dinners across the UK would not take place but for the organising superpowers of Charley Masarati

## Reports from ELA Regional Representatives *cont.*

and her team at Byword. How she manages to juggle all of these things while staying so upbeat I do not know! Thank you for keeping the regions running.

Eleanor Mannion, MacRoberts LLP  
ELA Scotland Representative

### South West

Another very enjoyable and well-supported year in the south west.  
During 2017 we have delivered:

Eight live events in Bristol (one of which was broadcast to ELA members in Exeter using a video link); and two events in Exeter.

The 2 largest events of the year were in November and December:

- In November ELA South-West hosted, and debated with, Matthew Taylor regarding his Independent Review of Modern Working Practices. This excellently-received event was standing room only.
- In December, over 80 members (and a team of employment judges from Bristol and Cardiff) competed in the legendary South-West Christmas quiz, with firms and chambers kindly donating raffle prizes and helping us to raise funds for the Avon and Bristol Law Centre. I am particularly indebted to Regional Employment Judges Olga Harper and Chris Tickle for generously supporting this event by asking the questions on the night and keeping us all in line.

None of this would have been possible without vital contributions from Charley Masarati of the ELA; the South-West steering committee members, and our excellent speakers to whom I offer my sincere thanks

Greg Chambers, Osborne Clarke LLP  
ELA South West Representative

## Reports from ELA Regional Representatives *cont.*

### Wales

What a great year for ELA Wales!

We have held a number of successful events including a talk by Judge Brian Doyle, the President of the Employment Tribunals in England and Wales. We also held a Christmas social in which two teams of employment lawyers fiercely battled to be crowned skittles champions (my team came second...). Most recently, we were very fortunate to have a workshop style event on calculating pension loss in the Employment Tribunal which was delivered by our Regional Employment Judge Barry Clarke and fee paid Employment Judge Stephen Jenkins. Both speakers were members of the judicial working group responsible for the fourth edition of the pension loss guidance. The speakers were very engaging and made what could be a dry topic easy to understand and, dare I say it, 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 the excellent support and assistance of the Pro Bono Committee, we have recently produced revised documentation to support the volunteers. Due to the popularity of the scheme, we will from now on have three volunteers in attendance at each clinic. I would like to 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.

I hope that ELA Wales continues to thrive and grow. The successes of my first two year term would not have been possible without the support from Lindsey Woods and Charley Masarati – thank you.

Daniela Mahapatra, NHS Wales  
**ELA Wales Representative**

## Reports from ELA Regional Representatives *cont.*

### Yorkshire & Humberside

Since the last regional report, the North East region has been split with Newcastle upon Tyne now having its own Regional Representative in Donna Anderson – the region goes from strength to strength and I wish her the very best of luck in the role.

The Yorkshire and Humber region is now a region all of its own and it continues to be a region with great depth of talent and strength throughout. We have worked trying to deliver a programme of high level events for members in Leeds but the past few years have been challenging to engage the Yorkshire and Humber membership to attend seminar, training sessions and socials (even when I am giving away free alcohol). Whilst we were able to get good turn out for those sessions we put on there was a number of times where attendance wasn't where I would have liked it to be and I struggled to reconcile our large membership subscription with the lack of attendance at events. I would encourage the membership to continue to support the ELA in the good work that it does in the region and to actively participate in events which are organised.

Finally, it remains for me to say a good-bye as the Yorkshire Regional Rep, as I reach the end of my tenure in post. I have thoroughly enjoyed my time as Regional Representative, it has been great to meet so many fellow professionals both locally and nationally and I will very much look back on my time with great fondness. It has been very challenging at times and I would not have got through those times without the help and support of Lindsey Woods and Charley Masarati and their team. I would like to formally extend my personal thanks and gratitude for all of their help and support with my role of the past few years, it has been fun! To the new Regional Representative – I wish you the very best of luck, we have a great region and I am more than happy to work with you going forward!

Anjali Sharma, DAC Beachcroft LLP  
ELA Yorkshire & Humberside Representative





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# Annual Report

## 2017 - 2018



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