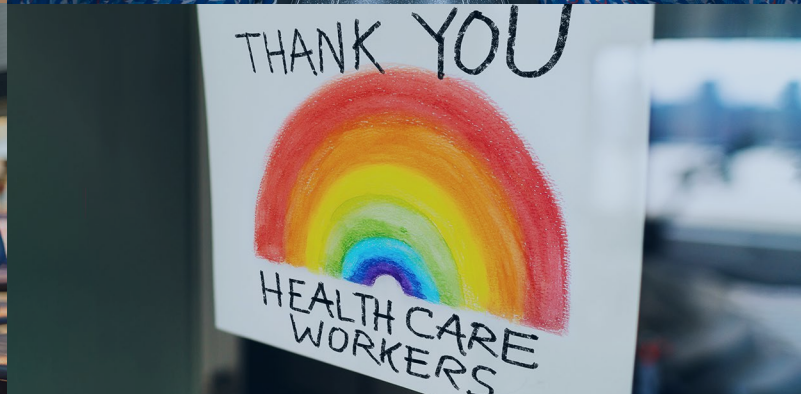


# Annual Report 2020 - 2021

ela

EMPLOYMENT  
LAWYERS  
ASSOCIATION



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## Honorary Presidents of ELA

The Honourable Mr Justice Choudhury

**President**

Employment Appeal Tribunal

England & Wales

Lady Wise

**Chair**

Employment Appeal Tribunal

Scotland

Judge Shona Simon

**President**

Employment Tribunals Scotland

Judge Barry Clarke (from May 2020)

**President**

Employment Tribunals England & Wales

## ELA Management Committee

**Chair**

Marian Bloodworth

**Deputy Chair**

Paul McFarlane

**Treasurer**

Daniel Pollard

**Secretary**

Judith Harris

**Editor, ELA Briefing**

Marc Jones

**Chair, Training Committee**

David Regan

**Chair, Legislative & Policy Committee**

Caspar Glyn QC

## ELA Management Committee *cont.*

**Chair, International Committee**  
Kathleen Healy

**Chair, Pro Bono Committee**  
Jennifer McGrandle

**In-house Representative**  
Paul Singh

**Junior Lawyer Representative**  
Sophie Lockwood

### **Regional Representatives**

**Lower South East** – Sarah Hayes

**Midlands** – Julie Duane

**North East** – Leonora Morgan

**North West** – Lindsey Knowles

**Northern Ireland** – Shirley Blair

**Scotland** – Fiona Herrell

**South West** – Debbie Grennan

**Upper South East** Michael Duggan QC

**Wales** – Jonathan Walters

**Yorkshire & Humberside** – Marie Walsh

### **Members at Large**

Emma Clark  
Beth Hale  
Claire McCann  
Jessica Shemmings  
Ben Jones (Junior Member)

### **Law Society Council Seat**

Clive Dobbin\*

### **General Counsel**

Fraser Younson\* (from March 2020)

### **Vice President**

Juliet Carp\*

### **Life Vice Presidents**

Dame Janet Gaymer DBE QC\*  
Jane Mann\*  
Fraser Younson\*

*\* N.B. Those individuals marked with an asterisk have not been appointed as statutory directors during the period 2020 to 2021*

## ELA Operations

**Head of Operations**  
James Jaynes

**Finance Officer**  
Angela Gordon

**Website Manager**  
Cynthia Clerk

**Pro Bono Administrator**  
Christine Wheeler

**ELA Administration Office** - provided by Byword  
Manager: Charley Masarati  
Penny Moorman  
Eloise Paley  
Nick Walsh

**Website Programmer**  
Bronwen Reid, BR Enterprises Ltd

**PR Consultants**  
Kysen PR

**Publishers – ELA Briefing and ELA Newsfeed**  
Thomson Reuters

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## Chair

Marian Bloodworth, Deloitte Legal, Deloitte UK

## Chair's Report

Welcome to this annual report, which for a second year reports on ELA's achievements and developments against the backdrop of a pandemic. The report aims to give you a summary and a flavour of all of our activities and initiatives – for more details please do get in touch with any of the Management Committee.

As I commented last year, the challenge of taking up post as Chair in the middle of a pandemic was not lost on me, but I am very proud of what we have achieved this year. Whilst a number of the previous Management Committee have stayed on, last September we welcomed several new members, all of whom have done a sterling job in navigating their new roles against the backdrop of virtual meetings and the constraints presented by repeated lockdowns. As members will be aware, this year also saw the retirement of an ELA stalwart in our Head of Operations, Lindsey Woods, the appointment of our interim Head of Operations, Rebecca Churchill, and the subsequent arrival of our new Head of Operations, James Jeynes.

Sadly, as I have reported previously, this year also saw the passing of three much respected employment lawyers, Stephen Levinson, Adam Hartley and Andrew Williamson. We remember and thank them all for their contribution to employment law (and Stephen in particular for all that he did for ELA) and once again, extend our condolences to their family and friends.

### Our aims for 2020/21

In order to give us a framework against which to operate, when I took over, I created a Chair's plan for the first 12 months and I report below on our achievements against the plan. In summary, the aims I had identified for us to focus on, in conjunction with meeting ELA's twin policy aims of: a) promoting the best practice of employment law; and b) supporting the work and representing the interests of UK employment lawyers, were to:

1. **Steer ELA through Covid**
2. **Steer ELA through Brexit**
3. **Develop our Diversity & Inclusion initiatives**
4. **Build membership and wider member engagement**
5. **Ensure ELA is fit for 2022 and beyond**

1. **Steer ELA through Covid**

A key aim was to ensure that members' training and information needs were met in order to allow them to navigate the employment law challenges of the pandemic and support their clients. As David Regan reports separately, under his leadership the Training Committee has run a full training programme designed to do exactly that. In addition, the In House and Junior Committees were also very active, working to identify and

## Chair's Report *cont.*

provide specific support for their members. We also set up a Pastoral Committee within ManCo with responsibility for providing members with softer skills support, and to help them navigate the ongoing pressures posed both by the pandemic generally, and the related high workloads for many. The Committee has arranged a variety of sessions on wellbeing and resilience as well as signposting external and financial support for all members, including those impacted by restructurings and financial pressures, and I am very grateful to the Committee and to Charley Masarati for all of their hard work. This is an area of support that I feel has been long overdue and as the Pastoral Committee reports, we have been delighted to receive such positive member feedback for the events to date. I was also able to make reference to this in my interview with The Times in February 2021, when responding to the article it published regarding tribunals and employment judges.

Another of our aims was to ensure that ELA's voice was heard in relation to the impact of Covid on the tribunal system and its users. Caspar Glyn QC reports on this in more detail in his L&P report, but the success of the ELA wide survey conducted during April and May 2021 is already being seen, with positive press coverage. ELA has continued to maintain engagement with the Presidents of the Tribunals in both England and Scotland on this and related issues and will continue to do so.

As Dan Pollard reports in his Treasurer's report, our finances and risk profile have been well managed once again this year, notwithstanding the pandemic. We have continuity plans in place within the Operations team in the event of any future lockdown or pandemic related impacts, and these will be kept under review as we work with James Jaynes as our new Head of Operations to ensure ELA remains well positioned for any future challenges.

### **2. Steer ELA through Brexit**

Key to achieving this was to ensure that members' information and training needs were met, which fell largely to the International Committee. They have run a variety of events in relation to Brexit, all of which have been well attended with good feedback. The Training Committee also continues to keep Brexit implications on its radar. In addition, it is important that ELA has a channel and voice for engagement with BEIS and Caspar and the L&P Committee have ensured that ELA has continued its strong links with BEIS throughout the year.

In light of Brexit, it is more important than ever that ELA also maintains links and good relationships with EELA and other international employment law networks, including with the American Bar Association's Section of Labour and Employment Law, until recently chaired by Samantha Grant, of Sheppard Mullin. Both Kathleen and I have participated in a new network initiated by Samantha Grant which has linked employment law associations across the world and offered members the opportunity to network remotely with peers in those global associations. Closer to home the International Committee are planning an event in conjunction with both Irish and Northern Irish employment law associations further cementing our strong and existing links.

## Chair's Report *cont.*

As our economy continues to feel the impact of both Covid and Brexit, many ELA members will be focussing their efforts on helping businesses and their workforces to survive, and hopefully thrive, in spite of the on-going challenges. ELA will play its part in supporting members to do so.

### 3. Developing our Diversity and Inclusion initiatives

We have continued to build on previous initiatives, under the supervision of Paul McFarlane (Deputy Chair) and Claire McCann (Member at Large with an interest in diversity and inclusion). As Paul McFarlane reports in more detail, since the last AGM, we have created the Race and Equality Committee which sits as a sub-committee of L&P. The committee's terms of reference includes ensuring that ELA's responses to consultations properly reflect the views of ethnic minority colleagues and clients, and ensuring that our Training offering is inclusive both in terms of topics and speakers. Further initiatives are being planned to build on the feedback and interest expressed by members following the successful 21-Day Racial Equity Habit Building Challenge © which took place in January this year. We have also reported on our Equitable briefing of counsel project and will be considering how best to build on the project outcomes including by engaging with sets of chambers, and by looking at existing challenges around ethnicity and the role it may play in counsel selection. We also continue to support and celebrate member successes, such as judicial appointments and promotions. This initiative was set up in order to encourage members (including those who are under-represented) to aspire to and apply for such positions themselves.

### 4. Build membership and wider member engagement

Recognising the challenges presented by the pandemic and the fact that we could not meet in person, I have been keen to ensure that we retained engagement with our members and so have used regular video messaging to keep in touch with members and to report on our work over the year. We are a membership organisation and ensuring that we serve, and where we can, anticipate member needs remains very important to me. We have also reviewed the way in which we report in ELA briefing and increased the range of topics on which we report in order to ensure it remains a useful member resource.

Over the last 12 months we have reached out to the heads of departments in some of the larger US and UK firms, as well as focussing efforts on engaging with our in house and junior members, with thanks due here in particular for the hard work done by Paul Singh (In house representative) and his committee, and Sophie Lockwood (Junior Lawyer representative) and her committee.

We have also reminded members of the opportunities to volunteer and to support others through the work of the Pro Bono Committee and the ELIPs scheme, which Jenny McGrandle (Pro Bono Chair) reports on in more detail. We were delighted that we were able to expand the range of ELIPs services and are very grateful to the many ELA members who have volunteered their services.

## Chair's Report *cont.*

Going forward we intend to do more work to ensure that we build on our membership offerings and will continue to review them to ensure we meet member needs. As a key part of this we will be undertaking a website and virtual content review and redesign over the next year.

I will also be working with James Jeynes to review our membership reach and scale and exploring what more we can do to attract new and potential members. As James reports, as at 2 January 2021, ELA had 6,205 members. Given the overall number of employment lawyers nationwide, we would welcome the opportunity to expand this number in order to ensure that we properly reflect and represent the views of more of the UK employment lawyer demographic.

### 5. Ensure ELA is fit for 2022 and beyond

A key part of the role of Chair is ensuring that we meet our stated aims. It is also one of stewardship; it is important to ensure that ELA remains fit for the future. Much of what I have reported on here has been done with that in mind. We are currently undertaking a review of the Articles, as Jude Harris (Secretary) reports on further, in order to ensure that they remain current and appropriate for our needs. We also continue to ensure that we follow good governance and apply rigour around our finances and internal systems. For this I am very grateful to Dan Pollard who as Treasurer has ensured that we operate as efficiently as we can, including introducing automation of our systems where appropriate.

I also found myself needing to speak up for the role of both the employment tribunals and recently appointed tribunal judges, following the investigation in the Times newspaper in February this year. ELA, the Industrial Law Society (ILS) and Employment Bar Association (EBA) wrote jointly to the Times to rebut the points made. Whilst the letter was not in fact published, a subsequent opportunity to speak up presented itself with my interview with the Times and I was keen to make clear that we did not recognise (nor support) the criticisms that had been made in particular of employment judges. The role of employment tribunals and judges is vital in ensuring that both employers and employees/workers have access to means to resolve workplace issues. It is also critical that the public maintains trust in the system. ELA will continue to remain alert and respond where appropriate to any issues which could lead to that trust being damaged.

It goes without saying that we could not do any of the work recorded in this report without the support of the Operations team and the Byword team headed by Charley Masarati, to all of whom I extend my grateful thanks.

I would also like to record once again our special thanks to Lindsey Woods for all that she has done in her 27 years as our Head of Operations and very much hope that we will be able to see her in person next year to properly thank her. We have reproduced Fraser Younson's tribute to Lindsey later in this report.



## Chair's Report *cont.*

Our interim Head of Operations, Rebecca Churchill gave us sterling support whilst we recruited for the role and thanks also go to her for ensuring the transition went so smoothly. I would also like to thank Jude, Dan, Paul and Fraser for all of their support and commitment during the recruitment and interview process. We welcomed James Jeynes as our new Head of Operations in June 2021 and he has already made an excellent start in the role and we are looking forward to working with him.

My thanks also go to all of the Management Committee, all of whom are volunteers who give their time, ideas and creativity so willingly for the benefit of ELA and its members. We will be working together to continue to support ELA and its members, with further initiatives and ideas for our remaining 12 months, and I very much look forward to another busy but productive 12 months.



Marian Bloodworth  
Chair

## Deputy Chair

Paul McFarlane, Capsticks

## Deputy Chair's Report

Over the past year my role has been to provide support to our Chair, Marian, in achieving her aims and objectives during her tenure in office. I know it sounds trite, but this has been one of the most challenging years during all my time involved with ELA. Not only have we had to deal with challenges that the pandemic has presented us (which have been huge), but we also faced the departure of our long standing Head of Operations, Lindsey Woods.

All of you who have any involvement with ELA will know that Lindsey was the beating heart and guiding soul of ELA. Often she would be the one to gently point out issues the Management Committee needed to consider or explain why a particular stance/decision had been taken in the past. So when, at the beginning of the year, Lindsey informed us that she was resigning it was a great shock to all of us.

Throughout February – June, Marian, Daniel Pollard (Treasurer), Judith (Jude) Harris (Secretary), Fraser Younson (General Counsel) and I regularly met to discuss and takes the steps necessary to recruit both an interim and then a replacement Head of Operations. This was by no means a small task and one we were concerned could take a considerable amount of time.

However, we are very pleased to report that we were able to recruit a very experienced interim Head of Operations, Rebecca Churchill, in March. As well as keeping the show [that is ELA – with our events, training, responses to consultations etc.] on the road, Rebecca was able to help us devise a rigorous selection process to find Lindsey's permanent replacement. I am very pleased to say this resulted in us recruiting James Jaynes whose skills and experience working in similar roles for other membership organisations will I am sure stand ELA in good stead going forward.

### Diversity & Inclusion

Marian has clearly stated that she wants ELA to be a more diverse and inclusive organisation. The killing of George Floyd and the rise of the Black Lives Matter movement brought this sharply into focus last year. However, as can be seen from regular features in the media, the issue of race is not going anywhere soon and therefore it is important that ELA is seen as being at the forefront and ensuring it strives for improved diversity and inclusion.

During the past year I have:

#### Helped to set up the Race & Ethnicity Committee

I worked with members Shubha Banerjee, Bina Patel and Raoul Parekh, to set up this sub-committee, which reports to the Legislative & Policy Committee. As well as assisting in responding to government consultations (to ensure that any issues of race are considered and covered) this Committee has a wide remit including aims to bring about

## Deputy Chair's Report *cont.*

positive change within ELA. It aims to support ELA's Diversity and Inclusion initiatives and to:

- improve access to careers in employment law for people from BAME backgrounds;
- create a network of BAME employment lawyers and non-BAME allies who can share insight, experiences and provide mutual support to those already within the profession;
- provide support for career development and progression for members (e.g. mentoring schemes);
- ensure that the REC is an inclusive committee across ethnicity and geographical location;
- help members to enable non-BAME colleagues to support our aims through allyship or otherwise;
- lead on other race discrimination-related work within L&P.

### 21-Day Racial Equity Habit Building Challenge ©

Working with members at large, Emma Clark and Claire McCann, we put together ELA's 21 day race equity challenge – which took place over 21 days in late January/early February 2021. The challenge is the brain-child of Dr Eddie Moore Jr. As so eloquently put by the ABA when they produced their challenge last year: 'The goal of the Challenge is to assist each of us to become more aware, compassionate, constructive, engaged people in the quest for racial equity.'

I am very pleased that over 1,000 of our members voluntarily took part in the challenge and we received overwhelming positive feedback on how taking part had been a very eye-opening experience.

### Link with key stakeholders

ELA is rightly seen as the leading voice of employment lawyers. That is in no small part due to the relationship we have developed over the years with key stakeholders. Over the past year I (and others primarily from the Legislative & Policy Committee) have attended various meetings with the Presidents of the Employment Tribunals for England & Wales and Scotland, representatives of the Department of Business, Enterprise and Industrial Strategy, ACAS, and others to put forward ELA's views on a range of policy and legislative matters affecting our members including the impact of COVID on the Tribunal system and the lack of resources in the Employment Tribunal. We will continue to raise these issues on behalf of our members.

## Deputy Chair's Report *cont.*

### Next steps

All in all it has been a very busy year. As we move into the next phase of the pandemic, I plan to play my part in ensuring that ELA plays a leading role in the development of employment law and practice which is clear and works in the best interests of our members.



Paul McFarlane  
Deputy Chair

## Treasurer

Daniel Pollard, GQ Littler

## Treasurer's Report

The headline news is good from a finance perspective as although income is down on previous years, our overheads costs have been significantly reduced and we also enjoyed an increase in membership income due to growing numbers. This change is due to the expansion of our online training offerings which have attracted a large number of delegates and allowed more of our members to access this valuable membership offering.

Overall, the Covid-19 crisis and resultant impact on the events industry has made this a challenging period in which to manage ELA's finances but at the end of the period ELA's financial position remains in good health. ELA's total reserves held as at 31 December 2020 were £582,149. This reflects an annual surplus of £67,560 over the reserves held on 31 December 2019 of £514,589. ELA's total reserves are nominally divided into a £332,149 development fund and a £250,000 emergency fund.

The Management Committee have sought to maintain the strategy notified in 2015 of maintaining its reserves without a substantial surplus or a deficit. The Management Committee set a budget at the beginning of the year which envisaged a total loss of £23,026.

The reason for the unbudgeted surplus was the lower level of expenses incurred during the Covid-19 situation and a cautious approach to planning during the year for the reasons discussed below.

The main item in ELA's accounts that requires judgement is the provision applied to bad debts. During recent years, ELA has undertaken significant work to streamline credit management and adopted an improved accounting policy during 2019. As at 31 December 2020, there were no unpaid debts from members relating to prior years and just £12,105 relating to 2020.

### Income

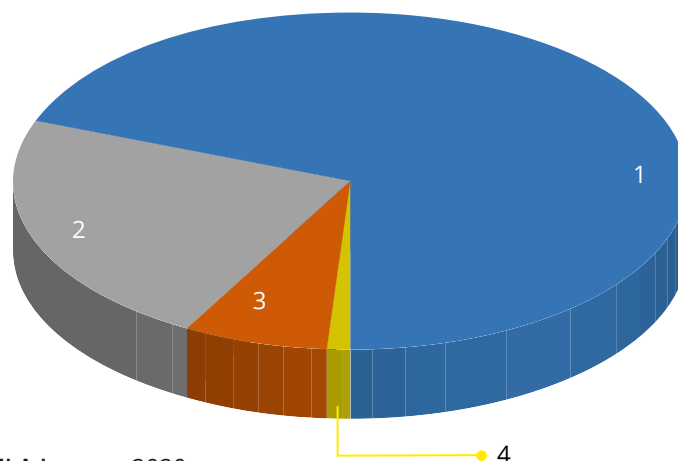
The turnover in 2020 was £653,221 compared to £971,431 in 2019 representing a significant reduction of £318,210.

The main driver for this was the reduction in event income. Event income in 2020 was just £194,487 (£525,988 in 2019) representing a reduction of £331,501. This was mainly caused by the cancellation of most online events (including the annual conference). A decision was made to reduce the fees charged for online events to maximise participation and significantly increase the number of online events for which no charge was made. ELA held its last in person event on 9th March 2020 and during the year there was significant uncertainty about the appetite for online training events and resultant income. With thanks to the amazing efforts of the training committee led by Jo Broadbent and subsequently David Regan, the online training offering turned out to be hugely appreciated by the membership and income was better than expected. By the end of 2020 78% of event income was attributable to online events. When comparing year on year financials, it is worth noting that in 2019 ELA's income was bolstered by appropriately £44,096 in income from the (biennial) Transatlantic Conference.

## Treasurer's Report *cont.*

The reduction in event income was offset by a modest increase in subscription income of £14,808 which was a result of a further increase in our membership (ELA's membership increased by 192 over the period).

As a result the proportion of income attributable to subscription income increased from 45% in 2019 to 69% in 2020.



Sources of ELA Income 2020

- 1 Membership income £455,461 70%
- 2 Webinar income £151,328 23%
- 3 Face-to-face event income £43,159 7%
- 4 Other income £3,273 0%

Although there was a significant reduction in event income this was offset by a reduction in training costs (mainly in the form of event hire charges). As a result our estimated surplus on training activities remained relatively constant at £40,503\* after all costs and allocation of staff time and overheads are taken into account (compared to £42,000 in 2019).

*\*Estimate; not audited*

There was a significant concern during the year that ELA would not be able to recover the deposits paid to venues and would have further liabilities towards venues in respect of cancellation fees. The Management Committee had previously debated whether it should obtain event cancellation insurance in respect of the annual conference but had concluded that the premium was out of proportion to the cost and that ELA's

## Treasurer's Report *cont.*

reserves allowed it to “self insure” this risk. The maximum total liability here would have been £85,840. The Management Committee are pleased to report that following negotiations with ELA’s main venue providers (Etc Venues and BMA House) ELA has been able to defer all our bookings and have suffered no material cancellation fees. In the case of Etc Venues the booking has been further carried forward to 2022 and as at 31 December 2020 ELA’s balance sheet includes the sum of £39,564 for venue hire fees. This includes a pre-payment of £25,752 held by Etc Venues which will not be utilised until 2022. The Management Committee continue to carefully consider the credit default risk of these providers.

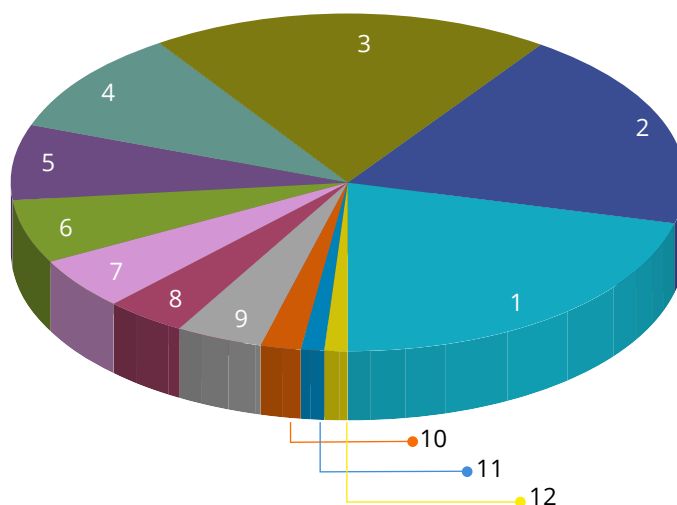
Huge thanks here are due to Jo Broadbent (Training Chair), Lindsey Woods (Head of Operations) and Angela Gordon for their considerable efforts in managing this situation.

### Expenditure

ELA’s total expenditure during 2020 was £585,767 (2019: £904,552) and the reduction was mainly a result of the reduction in venue costs discussed above but also a reduction in expenditure more generally. Our annual report and accounts set out on page 19 the detail of those expenses but as a significant portion of ELA’s cost base is direct and outsourced staff cost (£293,848) the Management Committee has sought to allocate those costs between ELA’s various activities. Our estimated allocation of ELA’s resources for 2020 (not audited) is set out below:

#### Allocation of direct costs and estimated allocation of staff and overheads (*not audited*).

1	Membership Admin	£121,255	21%
2	Publishing	£111,640	19%
3	Online events	£110,852	19%
4	Pro Bono & ELIPS	£56,547	10%
5	Face-to-face events	£43,132	7%
6	Governance	£36,553	6%
7	Socials	£29,511	5%
8	Pastoral Committee	£24,025	4%
9	L&P Committee	£22,830	4%
10	International Committee	£12,782	2%
11	Diversity Initiatives	£8,375	1%
12	In-House	£6,149	1%



## Treasurer's Report *cont.*

The Management Committee have continued to consider the financial impact of the extension of the ELIPS scheme. The ELIPS scheme is supported financially by ELA which provides both the equipment and an allocation of staff time to manage the scheme. During 2020 the total ongoing costs attributed to ELIPS were estimated to be £56,547 including an allocation of staffing costs and this included costs associated with taking ELIPS online (the equivalent costs in 2019 were £33,000 and in 2018 were £22,000).

The Management Committee also continued the pro bono donation to the Free Representation Unit (FRU) and Advocate, totalling £40,000.

The Management Committee continue to look at creating efficiencies in processes and during 2021 the process for carrying out group renewals is expected to take place fully online.

### **Auditors**

As highlighted in last year's report, new auditors were appointed to report on ELA's accounts for the year ending 31 December 2020. It has also been identified that the Management Committee do not include any members with any formal accountancy training. In order to address this gap in skills it was decided that the Treasurer, Head of Operations and Finance Officer should have access to support from ELA's accountants outside of the formal audit process. The first business review meeting took place in [September 2020] and it is intended that these meetings will take place each year at the half year point. The Management Committee would like to thank Michaela Johns and her team for their support during the year and efficiency in which they conducted their first audit.

As noted our in our report last year, the Management Committee had resolved to instruct the auditors to carry out an independent systems and controls review during 2020. This was not feasible as a result of the challenges encountered in year but this remains an action item. The auditors carried out a PAYE review and no material items were identified.

There is one post balance sheet event to discuss. This relates to the decision by Lindsey Woods to retire from her role as Head of Operations after 27 years of loyal and dedicated service. Rebecca Churchill was appointed on an interim basis and took the lead on the recruitment process leading to the appointment of James Jeynes during the summer of 2021. There were no material costs associated with this transition. The Management Committee authorised a leaving gift for Lindsey to be paid out of ELA's funds. The Management Committee wish to formally thank Rebecca Churchill for her largely unsung efforts behind the scenes during what could have been an extremely difficult period.



## Treasurer's Report *cont.*

### Reserves

ELA's reserves built up over a significant number of years (including surpluses of £65,514 in 2018, £68,882 in 2019 and £67,560 in 2020) mean that Manco are confident that ELA is able to weather the current storm with confidence. The Management Committee are conscious that ELA has made a number of unbudgeted surpluses in recent years and are actively considering - with the help of James Jaynes - how best to apply ELA's reserves and some of the surplus to its objects. This is likely to include a significant website rebuild project, the costs of which will straddle 2021 and 2022. Ideas and initiatives from the broader membership are also most welcome.



Daniel Pollard  
Treasurer

## Company Secretary

Jude Harris, DLA Piper LLP

## Secretary's Report

ELA is a not-for-profit members' organisation, established as a private company limited by guarantee. ELA is governed by its Management Committee (ManCo), elected by and from the membership every two years. ManCo steers the policy and direction of ELA and its membership services. ManCo members are statutory directors and have responsibility for, among other things:

- Governance and compliance
- Finances
- Policy
- Ad hoc projects / new initiatives
- Activities of the Committees and Regional / Sector Representatives

There are currently 26 elected positions on ManCo:

### Officers:

- Chair, Deputy Chair, Treasurer and Secretary

### Committee chairs:

- Editorial Committee
- Legislative & Policy Committee
- International Committee
- Training Committee
- Pro Bono Committee
- In-house Committee
- Junior Committee

### Regional Representatives:

- Lower South East
- Midlands
- North East
- North West
- Northern Ireland
- Scotland
- South West
- Upper South East
- Wales
- Yorkshire & Humber

### 5 Member at Large positions

## Secretary's Report *cont.*

In October 2020, as part of Marian's Chair Plan for 2020-2022, a new ManCo sub-committee – the Pastoral Care Committee - was formed to respond to members' pastoral needs during the pandemic. The Pastoral Care Committee's members are currently all drawn from ManCo (elected in other capacities - Company Secretary, Chair of In-House Committee and members at large). During the coming year, ManCo will consider the future status of this sub-committee and whether to create a new elected committee chair role to sit on ManCo alongside existing committee chairs.

ManCo and all ELA sub-committees are made up of volunteers from the membership and include barristers, solicitors, in-house counsel and professional support lawyers from a cross-section of law firms, trade unions and businesses across the UK legal sector.

ManCo is supported by ELA's administration team, led by James Jeynes, ELA's Head of Operations, who replaced Lindsey Woods in June 2021.

ELA's 2020 AGM on 9 September 2020 was an election AGM, at which the current ManCo (bar one) took office and became statutory directors. As the role of North West Regional Representative remained unfilled after the 2020 elections, a member, Lindsey Knowles was co-opted into the role following the AGM, at which point she was appointed as statutory director. Since then, there has only been one addition: Ms J T Duane - appointed 10 December 2020.

ManCo has met on 11 occasions .Since the 2020 AGM, ManCo has been discussing refreshing ELA's Articles of Association to bring these up to date, ensure that they are fit for the future and introduce a few substantive changes approved by ManCo, including a new category of membership for ELA alumni. The review process remains ongoing and ManCo will communicate more on this to members over the coming months so that members have plenty of opportunity to review and comment on the revised Articles before these are put to a members' vote at the 2022 AGM.

As ever, the work that I and others do on ManCo would not be possible without the brilliant support that we receive from the ELA team. This year, I'd like to particularly thank Lindsey Woods for her support over the many years that I have been involved with ELA, Rebecca Churchill, for handling the transition and recruitment process so effectively, and James Jeynes for all his great help so far.



Jude Harris  
Company Secretary

## Head of Operations

James Jeynes, ELA

## Operations Report

By the time this report is issued I will have been ELA's Head of Operations for 61 working days and in that time, I have been present at three Management Committee meetings and twelve team meetings. It is obvious that there is a huge amount of respect for the work that Lindsey Woods did over her 27 year tenure and I am working hard to fill those big boots. I hope I can use all the good work, along with my membership expertise to guide ELA into an exciting but stable future.

This year, we felt that ELA Operations itself should make input to the Annual Report and provide membership stats and some operational updates. Firstly, I must congratulate the ELA Operations team for maintaining such a comprehensive and valuable services throughout the most challenging period of existence ELA has ever faced.

They are:

**Lindsey Woods** (through until retirement in April 2021)

**Angela Gordon**, Finance Officer

**Cynthia Clark**, Website Manager

**Christine Wheeler**, Pro Bono Administrator

And from our hugely valued service providers, Byword Business Services Ltd, we are supported by:

**Charley Masarati**

**Nick Walsh**

**Penny Moorman**

**Eloise Paley**

We would like to say a special thanks to **Sandra Harris** who left in 2021. Sandra was front of house at ELA events for 15 years and we wish her well for the future.

Without this team and their expertise in delivering online content for the membership, ELA would have been found wanting when we entered the world of Zoom, Teams and more.

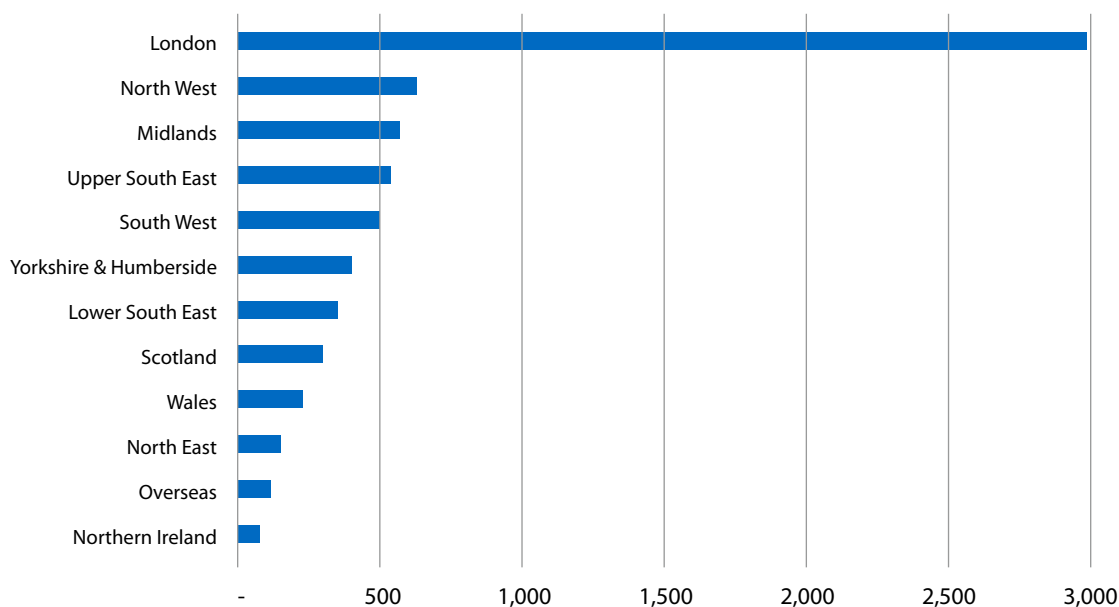
## Operations Report *cont.*

### Membership Reports

As at 2 January 2021, ELA had 6205 members, compared to 6032 at the same point in 2020. The membership comprises:

- 5775 Full Members, compared to 5584 in 2020
- 379 Associate members, (trainee, foreign, qualified lawyers engaged in researcher, members of the judiciary), compared to 380 in 2020
- 119 Correspondents, (voluntary sector organisation members with a material interest in employment law), compared to 68 in 2020

### ELA Membership



## Operations Report *cont.*

### Website Refresh

The ELA operations team have started the process of refreshing the website and we are looking to launch a new web experience for ELA members by the time of the annual conference on 12 May 2022. We have created a Digital Work Party, formed from ELA members, to work alongside the operations team on project delivery. As ever, we would be grateful for your inputs and suggestions which can be emailed directly to me at [jamesj@elaweb.org.uk](mailto:jamesj@elaweb.org.uk)

### Helping with plans for the year ahead

As I gather more intelligence about the ELA membership and eventually begin to meet some of you, I hope to be able to identify other more general areas of development which will add more value to your membership offering. It is clear that membership at ELA remains a key attribute and significant aspect of many employment lawyers' professional experience and CV. I will also be working with Marian and ManCo to seek and expand the membership, and to identify ways to reach as many new members as we can. If you want to share any bright ideas with me, please do get in touch by email to [jamesj@elaweb.org.uk](mailto:jamesj@elaweb.org.uk)



James Jeynes FRSA  
Head of Operations

**Chair, Legislative & Policy Committee**  
Caspar Glyn QC, Cloisters

## Legislative & Policy Report

### Committee

Ivor Adair, Fox & Partners  
Shubha Banerjee  
Emma Burrows, Trowers & Hamblins LLP  
Anna Dannreuther, Field Court Chambers  
Kiran Daurka, Leigh Day  
Shantha David, UNISON  
Arpita Dutt, BDBF LLP  
Jonathan Chamberlain, Gowling WLG (UK) LLP  
Robert Davies, Gummer & Co  
Felicia Epstein, Brent Legal Services  
Clare Fletcher, Slaughter and May  
Richard Fox, Kingsley Napley LLP  
Peter Frost, Herbert Smith Freehills LLP  
Howard Hymanson, Harbottle & Lewis LLP  
Esther Langdon, Vedder Price  
Anthony Korn, No 5 Chambers  
Joanne Owers, DAC Beachcroft LLP  
Eleanor Mannion, MacRoberts LLP  
Elaine McIlroy, Brodies LLP  
Paul McFarlane, Capsticks LLP  
Stephen Ratcliffe, Baker McKenzie LLP  
Michael Reed, Free Representation Unit  
Louise Skinner, Morgan, Lewis & Bockius UK LLP  
Catrina Smith, Norton Rose Fulbright LLP  
Jennifer Sole, Curzon Green Solicitors  
Louise Taft, Jurit LLP  
David Widdowson, Abbiss Cadres LLP  
Alistair Woodland, Clifford Chance LLP

This report should read like a speech at a wedding. I should just thank the Committee by name and all the members of the sub-committees in L&P, the volunteers for working groups for their hard work, freely given, expertly rendered, impactfully delivered whilst hitting impossible deadlines. Then I should declare my love for all of their work and sit down. That would take up all my space so by naming no one I give credit to you all – thank you so much for your amazing work – you are inspirationally brilliant.

## Legislative & Policy Report *cont.*

And so to our year.

**We promote the best practice of employment law by** engaging in consultations with both Government and Parliament and other stakeholders. We have responded to the 19 consultations in the year since September 2020 namely:

- BEIS call for evidence: Support in the workplace for victims of domestic abuse
- House of Lords Constitution Committee Call for evidence on Courts and Tribunals response
- Equity in the STEM workforce: Call for Evidence
- Work and Pensions Committee Call for Evidence for Disability employment gap enquiry
- DWP Call for Evidence and Good Practice on In-work Progression
- Joint Committee on Human Rights: Freedom of expression inquiry
- House of Lords COVID-19 Committee Call for Evidence Living Online: the long-term impact on wellbeing
- Commission on Race and Ethnic Disparities Ethnic Disparities and Inequality in the UK: call for evidence
- Women and Equalities Committee Call for evidence on the Gender Recognition Act
- Call for Evidence: Independent Review of Administrative Law
- House of Lords Economic Affairs Committee: Call for evidence Employment and COVID-19
- Restoring trust in audit and corporate governance
- Low Pay Commission: Consultation on April 2022 National Minimum Wage Rates,
- Flexi-Job Apprenticeships: Reshaping the role of Apprenticeship Training Agencies
- Making vaccination a condition of deployment in older adult care homes
- The Government Response to the Independent Review of Administrative Law (“IRAL”)
- COVID-Status Notification Review – Call for Evidence
- Government Independent Human Rights Act Review Consultation
- PRA Evaluation of the Senior Managers and Certification Regime December 2020 Paper
- Reform Post-Termination Non-Compete Clauses in Contracts of Employment: BEIS Consultation
- Exclusivity Clauses – Consultation on measures to extend the ban on exclusivity clauses in contracts of employment

**We promote the best practice of employment law by** engaging, often on a confidential basis, with Government in respect of, for instance, draft legislation and other discussions as to policy. Our role is not political. We do not set out to shape policy. Our sole aim is to ensure that the law is technically coherent for its users

**We support members’ work by** engaging with the Ministry of Justice over funding and resources, with the Presidents of Employment Tribunals in both Scotland and England and Wales as to practice, with Acas in respect of ‘fire and rehire’ and early conciliation issues. This year we have formed a group of Regional Representatives who attend every Tribunal regional user group. Their names are on the website. Call them, email them. We need your feedback to take problems to the hard pressed Regional Judges who are trying so hard to deliver efficient justice in the creaking system.



## Legislative & Policy Report *cont.*

The Race Equality Committee was founded this year to represent the interests of UK employment lawyers. It is overdue. The committee has some very exciting plans and promises to drive our diversity agenda within the profession which is focussed not just on entry but on diverse progression to the senior levels.

We have **supported your work** by producing A practical Guide for Remote hearings in the Employment Tribunal which was a treasure trove of how to do it and how not to do it.

We have **promoted the best practice of employment law** by commissioning a survey of your experience of the pandemic and its effect on justice. 25% of the membership were represented by the responses and the message was clear – remote hearings are here to stay but funding needs to be increased. Please read our press coverage on these issues via the link on the ELA website homepage.

If we can keep up this pace of engagement and consultations next year we will be doing well. We shall continue to focus on making employment law better for its users and the employment justice system fit for purpose. As ever, our guiding principle is the rule of law: accessible and efficient employment justice for all within a reasonable period of time. My other aim is to meet up, in person with the committee, so that I can thank them for all the hard work.

Now to break my self-imposed rule of not naming anyone – I should be naming all the members of the Committee and the sub-committees and working parties. They are all heroes. It is invidious to name anyone but I am going to thank Catrina Smith and Kiran Daurka who as Deputy Chairs do all the real work, Paul McFarlane who helped orientate me when I started and still sets me back on the right path, to Marian Bloodworth who has to turn round documents overnight on review and does so insightfully. My final thanks go to Christine Wheeler who runs the Committee, our consultations, our diaries and without whom I would have to self-isolate from the workload of being Chair of the Committee.

Finally, do email me and tell me your views, do join a working party. It's hard work, great fun and hugely rewarding. We always need volunteers and although I may be a judge in my own cause on this issue, we are also very friendly.



Caspar Glyn QC  
Chair, Legislative & Policy Committee

## ELA Standing Committees (2020-21)

### Brexit Committee

**Chair:** Louise Taft, Jurit LLP  
Brian Campbell, Brodies LLP  
Kiran Daurka, Leigh Day  
James Davies, Lewis Silkin  
Robert Davies, Walbrook Law LLP  
Arpita Dutt, Brahams Dutt Badrick French LLP  
Clare Fletcher, Slaughter and May  
Eric Gilligan, CMS Cameron McKenna Nabarro Olswang LLP  
Alan Jones, Averta Employment Lawyers LLP  
Anthony Korn, No 5 Chambers  
Esther Langdon, Vedder Price  
Louise Mason, Linklaters LLP  
Dr John McMullen, Stone King LLP  
Charlotte Pettman, Leigh Day  
Bruce Robin, UNISON Legal Services  
Sybille Steiner, Irwin Mitchell LLP  
Louise Taft, Jurit LLP Chair  
Michael Whitbread, JTC  
David Widdowson, Abbiss Cadres

### City Regulation Committee

**Chair:** Alistair Woodland, Clifford Chance LLP  
Michael Anderson, Lewis Silkin  
Patrick Brodie, RPC LLP  
Steven Cochrane, CMS Cameron McKenna Nabarro Olswang LLP  
Anna Greenley, Devereux Chambers  
Holly Insley, Freshfields Bruckhaus Deringer LLP  
Corrie Leitch, Barclays Bank PLC  
Jean Lovett, Linklaters LLP  
Tom Ogg, 11KBW  
Kate Pumfrey, Freshfields Bruckhaus Deringer LLP  
Nick Ralph, Kingsley Napley LLP  
Andrew Sutton, UBS Investment Bank  
Andrew Taggart, Herbert Smith Freehills LLP  
Charlie Thompson, Stewarts Law LLP  
Olivia Toulson, Eversheds Sutherland

## ELA Standing Committees (2020-21)

### Racial Equality Committee

**Co-Chairs:** Shubha Banerjee, Raoul Parekh (GQ | Littler) and Bina Patel (Kingsley Napley LLP)

Ayisha Akamo, Leigh Day

Shehna Amin, Farrer & Co LLP

Kate Balmer, Devereux Chambers

River Clarke, Stephenson Harwood

Dami Ewedemi, Mishcon de Reya LLP

Peter Frost, Herbert Smith Freehills LLP

Rebecca Hayes, CMS Cameron McKenna Nabarro Olswang LLP

Paul McFarlane, Capsticks Solicitors LLP

Ozlem Mehmet, Kingsley Napley LLP

Abdullah Mohammed, Citizens Advice Redbridge

Melvyna Mumunie, Brahams Dutt Badrick French LLP

Tanushree Sehmbi, Sky UK Limited

Paman Singh, Law At Work Limited

## ELA Consultation Submissions: July 2020 – July 2021

**ELA Survey: Employment Tribunals at Breaking Point**

15 Jul 2021

**ELA response to Restoring trust in audit and corporate governance**

8 Jul 2021

**ELA Response to Low Pay Commission: Consultation on April 2022 National Minimum Wage Rates**

17 Jun 2021

**ELA response to Flexi-Job Apprenticeships: Reshaping the role of Apprenticeship Training Agencies**

27 May 2021

**ELA response: Making vaccination a condition of deployment in older adult care homes**

21 May 2021

**ELA response to The Government Response to the Independent Review of Administrative Law (“IRAL”)**

29 Apr 2021

**ELA response to COVID-Status Notification Review – Call for Evidence**

29 Mar 2021

**ELA response to Government Independent Human Rights Act Review Consultation**

2 Mar 2021

**ELA response to PRA Evaluation of the Senior Managers and Certification Regime December 2020 Paper**

2 Mar 2021

**ELA response to measures to Reform Post-Termination Non-Compete Clauses in Contracts of Employment: BEIS Consultation**

26 Feb 2021

**ELA response to Exclusivity Clauses - Consultation on measures to extend the ban on exclusivity clauses in contracts of employment**

26 Feb 2021

**ELA response to Work and Pensions Committee Call for Evidence for Disability employment gap enquiry**

18 Dec 2020

## ELA Consultation Submissions: July 2020 – July 2021

**ELA Response to DWP Call for Evidence and Good Practice on In-work Progression**

18 Dec 2020

**ELA response to Joint Committee on Human Rights: Freedom of expression inquiry**

17 Dec 2020

**ELA response to The House of Lords COVID-19 Committee Call for Evidence Living Online: the long-term impact on wellbeing**

11 Dec 2020

**ELA response to Commission on Race and Ethnic Disparities Ethnic Disparities and Inequality in the UK: call for evidence**

30 Nov 2020

**ELA response to Women and Equalities Committee Call for evidence on the Gender Recognition Act**

27 Nov 2020

**ELA response to Call for Evidence: Independent Review of Administrative Law**

26 Oct 2020

**ELA Response to House of Lords Economic Affairs Committee: Call for evidence: Employment and COVID-19**

9 Sep 2020

**ELA response to BEIS call for evidence: Support in the workplace for victims of domestic abuse**

8 Sep 2020

**ELA Response to Covid-19: House of Lords Constitution Committee Call for evidence on Courts and Tribunals response**

20 Aug 2020

**ELA Response to Retained EU Law Consultation**

13 August 2020

**ELA Response to Carer's Leave Consultation**

31 July 2020

**ELA Response to Employment Tribunals: BEIS Proposals Responding to Challenges in the System**

17 July 2020

## Chair

Jennifer McGrandle, Dechert LLP

## Pro Bono Committee Report

I was elected as Chair having covered the role on an interim basis when Natasha Joffe stepped down, following her judicial appointment. My stated aims during the nomination process were to provide an online ELIPS service during and beyond lockdown and to continue to oversee the excellent pro bono work done by ELA's members.

### The committee members are:

Spencer Keen, Old Square Chambers: Vice Chair

David Hopper, Lewis Silkin: Secretary

Sarah Keogh, Old Square Chambers: ELIPS Co-ordinator (London Central)

Daniela Mahapatra: Deputy Director of Legal & Risk Services, NHS Wales Shared Services Partnership: ELIPS Co-ordinator (Cardiff)

Naomi Owen, No 5 Barristers Chambers: ELIPS Co-ordinator (Midlands West)

Elizabeth Hodgetts, St Philips: ELIPS Co-ordinator (Midlands West)

Julian Allsop, Guildhall Chambers: ELIPS Co-ordinator (Bristol)

Marie Walsh, Consilia Legal: ELIPS Co-ordinator (Leeds)

Grahame Anderson, Littleton Chambers: ELIPS Co-ordinator (Newcastle)

Caroline Loving, Clyde & Co LLP: ELIPS Co-ordinator (Manchester)

Katie Wood, Maternity Action: Co-ordinator of Mumsnet/Maternity Action clinics

Gus Baker, Outer Temple Chambers

Shane Crawford, Five Paper

Benjamin Grey, Littleton Chambers

Matt Jackson, 10 King's Bench Walk

Ed Kemp, Littleton Chambers

Sophie Roberts, Re:Sources

Polly Rodway, BDBF LLP

Kate Sutherland, Harper McLeod LLP

## Pro Bono Committee Report *cont.*

We had two main objectives: (1) following the closure of the Employment Tribunal Litigant In Person Support Scheme (ELIPS) in each of the Tribunals in which it operated during the first lockdown in 2020, to set up an online version to continue assisting the unrepresented litigants who have come to rely on it; and (2) to expand the ELIPS service to other regions.

### ELIPS

Online ELIPS successfully launched in September 2020, offering up to 18 clinic sessions with three lawyer volunteers, once a fortnight. During the period to July 2021, over 50 of ELA's members volunteered and we offered over 140 appointments to litigants in person (LIPs). The flexibility of being able to access the clinic online has been attractive to both litigants and volunteers alike and we have received very positive feedback (see further below).

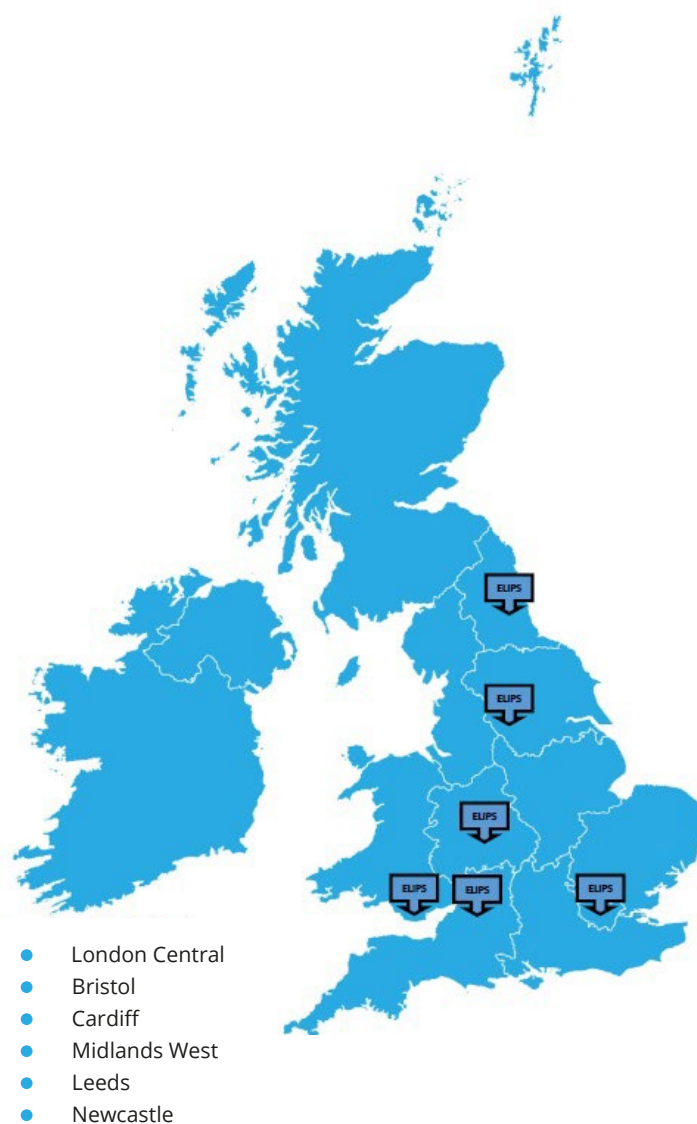
We were also keen to retain the involvement of the law student volunteers, whose assistance at the in-person clinics, triaging LIPs and keeping the queue in order, was invaluable. Each lawyer volunteer has a student accompanying the clinic sessions to take a note of the advice and to assist with research. Not only is this helpful for the volunteers but also provides useful experience to law students, for whom volunteering opportunities have been limited over the last 18 months. We are grateful to the University of Hertfordshire, the University of Law, the University of South Wales, BPP (Leeds, Birmingham & Bristol) and FRU for continuing to provide enthusiastic student volunteers.

Initially Online ELIPS covered the same Tribunals that it had as an in-person clinic, namely: London Central, Cardiff, Bristol and Midlands West. However, in April 2021, Online ELIPS was rolled out to Leeds and Newcastle Tribunals.

On 5 November 2020, dedicated ELIPS volunteers Daniela Mahapatra and Naomi Owens; Diana Kirsch from the University of Hertfordshire; and our newly appointed Pro Bono Administrator, Christine Wheeler flew the flag for ELIPS in a panel discussion on "Virtual Volunteering in a Pandemic during National Pro Bono Week. We were joined by Andrew de Mestre QC, Chair of the Pro Bono Sub-committee of the Chancery Bar Association and others on behalf of CLIPS, the Chancery Bar's equivalent to ELIPS (on which ELIPS was based). We were extremely grateful to Judge Barry Clarke, President of Employment Tribunals in England and Wales, who attended as our special guest speaker. The session offered an interesting and heartening insight into the challenges that law clinics have faced but overcome during the pandemic.

## Pro Bono Committee Report *cont.*

In terms of the next 12 months, from October 2021, Online ELIPS will cover Manchester Tribunal and next on the list, if a few regulatory issues can be resolved, is Glasgow Tribunal. Our next goal is to develop and adapt the service so that we can assist LIPs at virtual mediations and Preliminary Hearings for Case Management by CVP.



New areas coming online soon are Manchester Tribunal and hopefully Glasgow Tribunal.



## Pro Bono Committee Report *cont.*

The highlight of the year, without question, was learning that the first Online ELIPS clinic had taken place without any technical issues. There was a significant amount of planning behind the scenes to ensure that it would operate in a way that was user-friendly (for both LIPs and volunteers), secure and compliant with data protection legislation. Although we had trialled it prior to launching there was still some uncertainty as to how well it would work for the volunteers and the LIPS.

It would not have been possible to launch and run ELIPS Online without the significant assistance of Christine Wheeler, whose extraordinary efficiency has meant that it has run like clockwork, and the ELIPS Co-ordinators (listed above) all of whom played their part in getting the virtual clinic up and running.

In addition we would like to thank ELA's Management Committee for its support of Online ELIPS and in particular ELA's General Counsel, Fraser Younson who has assisted with various regulatory issues and was instrumental in putting in place a new supervision policy for ELIPS.

We would like to thank the judiciary for their ongoing support of ELIPS and, in particular, Judge Barry Clarke who has been a loyal advocate for ELIPS since its inception. Daniela Mahapatra and I were delighted to be invited to participate in a discussion on ELIPS at the Regional Employment Judges' virtual Away Day, in January of this year.

### **Mumsnet**

Although ELA does not provide direct advice, we have been publicising Mumsnet's clinics and inviting ELA members to volunteer and provide employment law advice to this valuable online legal advice service.

In 2020/21 free legal advice was provided to 46 pregnant women and new parents facing a range of problems including pregnancy and maternity discrimination at work, refusal of flexible work on return from maternity leave, loss of pay and other benefits during maternity or parental leave and issues in relation to furlough and the self-employed covid support schemes for those who have recently taken a period of statutory maternity leave or pay. The majority of those asking for advice were on a low income.

Everyone who received legal advice via the clinics was given an opportunity to provide feedback and nearly a third of those who received advice completed surveys. Feedback has been overwhelmingly positive:

- 85% were very satisfied with the service;
- 46% felt much more confident to take action following the advice and 39% felt more confident; and
- 85% either took or were going to take action.

All users said they would recommend the service to others.

## Pro Bono Committee Report *cont.*

Finally we would like to thank all the ELA members who have volunteered as part of one of our pro bono initiatives. Their time, commitment and enthusiasm have made a huge difference to those who do not have the means to pay for legal advice, helping them navigate what can be a complicated and stressful process.

We have received the following feedback:

### ELIPS Volunteers

*"It was very easy and very rewarding. I have to say it was much easier giving up the time as it was online and allowed me to still get things done".*

*"The appointments went well today and I found the day a thoroughly enjoyable and rewarding endeavour".*

*"Just wanted to say to say how much I enjoyed yesterday (even if we did get some tricky enquiries)".*

*"I thought the zoom format worked very well. It felt less frantic than in the 'in person' clinic where the room can often be noisy, and having the chance to see the documents in advance was helpful and made the sessions more productive".*

*"Perhaps once things return to 'normal' we can keep the zoom clinics going alongside the walk-in clinics"?*

*"[The student] was very helpful and it was good to know someone was there to help with research etc if needed".*

### Litigants

*"[the volunteer was] professional, [...] patient and friendly, and his legal advice has helped me a lot. I would like to express my gratitude to [the lawyer] and the volunteer law student".*

*"I am very grateful for your assistance in this matter and for the time that you kindly and voluntarily gave to me. Thank you for your help today. It was very useful and helped me to understand the purpose of the draft list of issues and referencing within the legal framework. Thanks for taking the time to assist me. It's very much appreciated".*

*"I was very impressed by the ELIPS scheme generally — which seems very well run -- and thought your input during our 40 minute session was exactly what I was looking for [...] it was great to feel that had I had to see the proceedings through to their conclusion I knew a bit better what I was doing".*

*"You helped me tremendously and I am very grateful for this so thank you from the bottom of my heart".*

## Pro Bono Committee Report *cont.*

### Student volunteers

*"I really enjoyed yesterday, it was an amazing experience for me and I learnt so much in one day. I really hope I'm able to volunteer with ELIPS again in the near future".*

### Mumsnet/Maternity Action clinic

#### Users

*"Great clinic, very happy with the help".*

*"It has been helpful. Even reading responses to others has been useful".*

*"This is an absolutely invaluable service and I was very pleased to be able to have access to it, thank you".*

We are recruiting for new members to join the Pro Bono Committee in September and they should contact Jennifer McGrandle if interested at [jennifer.mcgrandle@dechert.com](mailto:jennifer.mcgrandle@dechert.com). Anyone interested in volunteering for ELIPS should contact Christine Wheeler at [elips@elaweb.org.uk](mailto:elips@elaweb.org.uk) You do not have to live and work in the regions in which we operate – the great advantage of Online ELIPS is that our volunteers can be based anywhere.

We face a challenging year ahead. The demand for pro bono assistance is increasing whilst the pro bono services available are diminishing. As Tribunals revert to more in-person hearings, we will need to review our Online ELIPS offering but we are hopeful that we can jump on the hybrid bandwagon and continue to offer an online service alongside our in-person clinics.



Jennifer McGrandle  
Chair Pro Bono Committee

## Chair, Editorial Committee

Marc Jones, IBB Law LLP

## Editorial Committee Report

The Editorial Committee meet to ensure that for 10 months of the year ELA Briefing is published and sent as an electronic copy to members by email, and if they have not opted out, as a hard copy to their preferred address. ELA Briefing is also published on the ELA website, where all previous editions can be found.

The Editorial Committee members are:

Kathleen Bada, Herbert Smith Freehills  
Sarah Fraser Butlin, Cloisters  
Jo-Anne Graham / Nicola Taylor, Government Legal Department  
Clive Howard, Keystone Law  
Douglas Leach, Guildhall Chambers  
Ann Leigh-Pollitt, Xerox Europe  
Richard Linskill, Gunnercooke LLP  
Louise Mason, Linklaters LLP  
Sara Meyer, MAKE UK  
Roseanne Russell, University of Bristol  
Charles Wynn-Evans, Dechert LLP

The aim of ELA Briefing is to provide informative and incisive articles on employment law and related topics to a diverse membership. Members ideally want articles that not only reflect the latest appellate decisions, but also want articles that are practical, wider ranging and more thoughtful. The pandemic has for obvious reasons provided a wealth of material over the last year – where Brexit has hardly had a mention! In order to achieve this, we rely on employment lawyers and practitioners to give up their time to write articles. ELA Briefing would not exist without the contributions of the members, the judiciary, public bodies and government agencies.

During the course of the last 12 months, we have made some changes to ensure that ELA references the wide range of events and offerings for members. In her Chair's column Marian has highlighted the hard work being done by the committees and we are keen to ensure that ELA Briefing continues to signpost upcoming events and issues of interest to all members.

Principal thanks are to the authors of articles provided for inclusion in ELA Briefing, and irrespective of whether they are published or not, the Editorial Committee is extremely grateful.

Thanks also go to the Editorial Committee itself who meet virtually, read, scrutinise and argue about what articles should be included in ELA Briefing, always striving to ensure only the highest quality articles make it to publication.

Lastly, thanks to the Thomson Reuters' team for producing ELA Briefing, and in particular, Matthew Bell who edits, formats and designs and Anisha Radia, who manages production.

It is a collective effort by those named above, that has ensured that ELA Briefing is still one of the best employment law journals over the past 12 months.

**Chair, Editorial Committee**

Marc Jones, IBB Law LLP

## Editorial Committee Report

Lastly, thanks to the Thomson Reuters' team for producing ELA Briefing, and in particular, Matthew Bell who edits, formats and designs and Anisha Radia, who manages production.

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Marc Jones

**Chair Editorial Committee**

## Chair, Training Committee

David Regan, Squire Patton Boggs (UK) LLP

## Training Committee Report

When I came into the role, my aim was to help maintain the quality and consistency of our training output, as well as to consider how we can best design our training programme moving forward as we come out of lockdown.

I couldn't do my role without the help of every member of the Training Committee (and the admin team!), who give up a huge amount of time pro bono to organise and run all of ELA's Training programme.

### The other members of the Training Committee are:

Shirley Blair, A&L Goodbody - Northern Ireland Rep

Harriet Bowtell, Jones Chase

Jo Broadbent, Hogan Lovells International LLP

Patrick Brodie, RPC LLP

Emma Carter, Dentons UK and Middle East LLP

Paula Chan, BDBF LLP

Emma Clark, Keystone Law

Connie Cliff, Gowling WLG (UK) LLP

Emilie Cole, Cole Khan Solicitors LLP

Kim Crangle, Payne Hicks Beach

Niran de Silva QC, Littleton Chambers

Julie Duane, St Philips Chambers - Midlands Rep

Michael Duggan QC, Barrister - Upper South East Rep

Sheila Fahy, Allen & Overy LLP

Ceri Fuller, DAC Beachcroft LLP

Debbie Grennan, Guildhall Chambers - South West Rep

Rachel Hearn, Charles Russell Speechlys LLP

Fiona Herrell, Brodies - Scotland Rep

Sarah Hayes, Paris Smith LLP - Lower South East Rep

Katya Hosking, Devereux Chambers

Siobhan Howard-Palmer, Brabners LLP

Penny Hunt, Bird & Bird LLP

Lindsey Knowles, Brabners - North West Rep

Peter Linstead, Outer Temple Chambers

Tracy Luke, Eversheds Sutherland LLP

Annabel Mackay, Baker McKenzie LLP

Nigel Mackay, Leigh Day

Hannah Mahon, GQ Littler

Alexandra Mizzi, Howard Kennedy LLP

Leonora Morgan, DAC Beachcroft LLP - North East Rep

Catherine Richmond, Worden Richmond

Rose Smith, Doyle Clayton

Nikita Sonecha, Browne Jacobson LLP

Marie Walsh, Consilia Legal LLP - Yorkshire &

Humberside Rep

Jonathan Walters, Civitas Law - Wales Rep

Anna West, Travers Smith LLP

Katie Woller, Burges Salmon

Alice Yandle, Farrer & Co LLP

## Training Committee Report *cont.*

The Training Committee's aims for the last 12 months were to:

Ensure that ELA members' training needs across all levels and sectors continued to be met, through providing:

- COVID-related content to help members get to grips with the often sudden changes in the law;
- Our existing training programme so far as possible, even where this meant changing the format and delivery of sessions;
- Training sessions on topics of interest and changes in the law;

Engage with members on the future provision of training, given the changes to the way we are all likely to work, moving forward;

Organise the Annual Conference, which we regrettably had to cancel in 2020;

We have, so far, managed to achieve most of our objectives, which we're really proud of as a Training Committee.

In particular, we have organised our first ever online Annual Conference, which included 12 events, attracting over 3,000 attendees. As well as 14 of our excellent member speakers we were also delighted to have 16 great external speakers from CIPD, the Equality Trust, Business in the Community, Oxford University and others. The topics we covered included:

- The Future World of Work;
- Employee monitoring;
- AI in the workplace;
- Ethnicity pay reporting;
- Equal pay;
- And others.

We've also managed to create a number of fantastic online multi-day events, including An Introduction to Employment Law ("Bootcamp"), which is usually held in person in Birmingham over two days – we transformed this into a multiple-webinar event divided into three 'blocks' of webinars which could be watched 'as live' at members' convenience, with a follow-up Q&A for each 'block' to ensure that the valuable interactive elements of Bootcamp were not lost. Despite the change in format we attracted the same number of attendees as the in-person event, which was fantastic.

## Training Committee Report *cont.*

Moving forward we need to continue to look at how we can best deliver our training – offering our training online has entirely democratised both access to and the provision of training, meaning that our regional members can both attend every session but also can present throughout the UK, not just locally. We consider it is really important not to lose sight of this and intend to continue to offer virtual training moving forward.

That being said, there are some events such as Annual Conference and Bootcamp where the opportunity to meet and network with peers is recognised as being a key part of the attraction of the event, so we plan to return those types of events to 'in-person' events as soon as possible, starting this Autumn.

The key highlight for me is that we've not only managed to keep providing training but that the feedback from membership has been that the quality and content of training has continued to be excellent. That of course cannot happen without both the hard work of the Training Committee and admin teams as a whole, but also the efforts of our members who remain willing to share their knowledge and expertise across ELA.

Annual Conference was also really enjoyable – organising it as a virtual event was a real team effort, with virtually every member of the Training Committee either organising or chairing an event. There was also, as ever, a real willingness from members to open their contacts book to ensure that we got the best possible speakers, for which we're eternally grateful.

I do have a few thankyou's:

firstly to Lindsey Woods, our former Operations Director, without whose support and guidance I would have found my first few months in the role infinitely more challenging!

To Rebecca Churchill, who stepped into the Ops team in an interim role and brought humour, organisational skills and an ability to subtly get things moving when needed!

To Charley, Nick, Cynthia, Angela, James and everyone else in the Admin team, without who we really could not operate; and

Finally to the members of the Training Committee, who make my life so much easier by coming up with all the great ideas for our sessions.

We've had great feedback from our members, particularly as regards the speed, utility and responsiveness of our Covid-related training and the switch to online training. We do not have figures for how many more members we've reached with our training this year, but for the Annual Conference alone, we reached c.250% more members than our usual in-person event, which is amazing.



## Training Committee Report *cont.*

Please do continue to give us your feedback – we've had great feedback about what we're doing well, and what we're not doing so well, but we always need more! Please also continue to send in your thoughts and ideas for potential sessions.

We periodically issues requests for new members of the Training Committee, so if anyone is interested please do look out for those. If anyone would like to know more about what being part of the Training Committee involves and the commitment involved, or you just have any comments on the Training Committee's output, please feel free to contact me.

It has been a real privilege to be Chair of the Training Committee throughout the last year – whilst it's been challenging at times (as it has been for all of us), it's also been a great deal of fun. Moving forward, as we transition to a mix of in-person and online events, I can't wait to meet more of the membership and hear from you in person.



David Regan  
Chair, Training Committee

## Chair, International Committee

Kathleen Healy, Freshfields Bruckhaus Deringer LLP

# International Committee Report

At the start of 2020, the ELA International Committee came together for a working dinner. The purpose of the meeting was to discuss our Committee's purpose, aims and objectives and to see if, in light of both the passage of time and importantly the UK's departure from the EU, we needed to revisit our aims. The result of that meeting was our decision to refresh our purpose and aims.

In particular, we wanted to emphasise the importance of the International Committee undertaking to do the following: (1) to bring an international perspective to bear on the future development of UK legislation and legislation and caselaw; (2) to leverage the breadth of international experience that we are lucky enough to have on the Committee and (3) perhaps, most importantly in a post-Brexit world, to redouble efforts to build relationships with employment lawyer groups around the world.

You can find a link to our refreshed aims here: <https://www.elaweb.org.uk/content/international-committee>

We also decided to expand our Committee's membership, having said goodbye to both Alistair Woodland and Allison Brown – and huge thanks to both of them for their contributions whilst on the Committee. In particular, we wanted to ensure that we refreshed the in-house membership of our Committee and therefore we were delighted to have Qian Mou, HR Legal Counsel, UK and Europe at Alibaba Group and Paul Thompson, Senior Employment Counsel at BGC Partners come onto the Committee. We were also delighted to welcome Ingrid Nixon, Allen & Overy, Claire Darwin, Matrix Chambers and Emily Chalkley, Charles Russell Speechlys onto the Committee.

Little did we know, when meeting for dinner at the start of February 2020, that this would be the last time that we would be able to get together in person for many, many months. The arrival of Covid-19 meant that by March 2020 we found ourselves locked down and as of writing, the situation remains unpredictable in terms of any 'return' to the previous ways of working.

On the plus side, we have become very adept at Teams and Zoom meetings which have now replaced our monthly calls and which are here to stay. As with so many things, the ability to at least 'see' each other virtually (rather than the usual telephone calls) has meant that the Committee has stayed very much in touch over the last 18 months and in fact have made for better interaction at our meetings

Looking back over the last 18 months, we have stayed true to our refreshed objectives. To summarise our key activities:

### Training/leveraging Committee Members' experience

Our training programme has, as with all training, moved to online training. We have run a wide variety of training sessions for ELA members, with the particular highlights being the session we ran on the GIG economy, looking at International Perspectives on Worker Status and the session on Lockdown, Covid-19 and Return to Work.

## International Committee Report *cont.*

The aim of our international training in broad terms is to showcase and highlight key employment law trends across the world that can often impact or assist in predicting the future development of employment law trends in the UK.

Our training sessions range typically from country-focussed sessions (most recently we ran a session with colleagues from the UAE looking at the practical impact of Covid on UAE employment law trends) to discursive sessions where we invited speakers to give their views on particular caselaw or legislative developments and their likely impact on UK law.

I am grateful in particular to Amy Rogers for her support and work in organising various of the very successful training sessions we have been able to run this year and to all of our speakers for giving so generously of their time and energy to make the training sessions such high quality.

### **Building relationships**

Various Committee members have participated in discussions and round-table sessions that have been organised by both EELA and the ABA. Samantha Grant, who until recently was Chair of the ABA Section of Labour and Employment Law, has been extremely pro-active in reaching out to the Committee and suggesting ways that we can get together to talk about employment topics that are of interest to both ELA and ABA members. We have enjoyed a number of rich discussions with ABA colleagues in the US on a number of challenging topics. The highlights for me have been the session we ran on Litigating in the Covid-19 Era (where we 'leapt' from country to country to hear how labour courts across the world had adapted to the world of hybrid hearings) to the more recent discussion on the Practical Impact of Brexit, six months on from the end of the UK's transition period. We are grateful to our ABA colleagues for their renewed enthusiasm for building relationships with our Committee.

We have also sought to strengthen our links to employment law groups closer to home. In particular we have had a number of discussion sessions with members of both the Employment Law Association of Ireland (ELAI) and the Employment Lawyers Group NI (ELGNI) and hope to work together to bring to our respective members bespoke training and discussions sessions looking at the similarities and differences of our jurisdictions coming out of Covid-19.

Finally Paul Thompson has begun engaging with the In-House Employment Lawyers' network (IHELN) to discuss how we can better support ELA's in-house members, particularly those who have EMEA/international responsibilities.

## International Committee Report *cont.*

Looking forward: we are now deep into the planning stages for the Committee's key event – the Seventh ABA/ELA Transatlantic Conference 2021, which is held every two years. This year, the Conference will be held virtually for the first time ever (we decided not to take a chance that we would be able to meet in person, even in the Autumn of 2021 and as of writing, that decision is looking like a sound move!)

We will run the Conference over two consecutive days – 5th and 6th October, starting mid-afternoon UK time to accommodate our US colleagues. Please save the date if you haven't yet done so already. The theme of our 2021 Transatlantic Conference is The Global Working World – Evolution, Opportunity and Challenge. Although we are sad that we will not be able to get together with colleagues in person, the advantage of this year's Conference being online is that we hope to attract a whole new audience from the ABA, many of whom may not have been able to secure the budget to travel to previous conferences. We will be making what we hope is a modest charge for the Conference but we will also be offering discounts to more junior solicitors and bar members, again with the aim of attracting as diverse an audience as possible. We look forward to seeing as many of you as possible at this event.

As always, we welcome comments and views on the Committee and in particular how we can seek to ensure that the work we do reaches as broad an audience as is possible. The last year has taught us the importance of finding new ways to stay in touch and we very much hope that our training events and discussion sessions have contributed to the overall value that ELA has offered to help its members stay connected.

I am grateful to each of the Committee members for their time and efforts over the last year and in particular for the fun and good humour they each bring to our meetings. It is a complete pleasure to be their Chair! Special thanks also to the ELA team past and present – Lindsey, Rebecca, Charley, Cynthia and now James for all the support you give our Committee – we are very grateful.



Kathleen Healy  
Chair, International Committee

**In-house Representative**  
Paul Singh, National Education Union

## Report from ELA In-house Representative

It was my pleasure to take over as Chair of the In-house Committee in September 2020. The committee's membership had been flagging over the last couple of years so my first task was to recruit new members to support me.

I was overwhelmed with the response I received and it was clear that many ELA in-house members were keen to be involved.

**The current members of the committee are as follows:**

Sarah Dodds- Medical Defence Shield Limited  
Zoe Dudgeon, Government Legal Department  
Vidhya Jayarajah, Wycombe County Council  
Lorrelee Traynor, NHS Wales  
Katie Selves, Gattaca PLC  
Vikki Montgomery, Sodexo  
Michael Whitbread, HSBC  
Grazia Pac, Financial Ombudsman Service  
Ken Morrison, St George's University of the Arts London  
Anne MacFarlane, Glasgow City Council,  
Ajay Khandhar, Reed Group

It has been great to have committee members coming from a range of organisations, as it ensures that we have a diverse range of ideas being proposed and can ensure we are fully representing all the different types of in-house lawyers out there.

Given that we were fully in the midst of the pandemic when I took over, one of my primary aims was to continue to provide training events tailored to in-house lawyers via virtual platforms. The session on Legal and Professional Privilege for In-House lawyers was extremely well received and following feedback by attendees, we will be running a follow-up session where the issues can be considered in more depth.

However, we recognised that holding all our training events remotely would have an impact on our members. Many in-house lawyers rely upon the networking and informal interactions that take place before and after in-person training sessions and not having these would potentially have a strain on their mental health. We also recognised that many in-house lawyers will have been affected by working in isolation even more acutely, especially if they were the only lawyer in their organisation or in their particular office.

## Report from ELA In-house Representative *cont.*

We therefore proposed and delivered a program of events aimed at providing pastoral support to in-house lawyers. We held two different Resilience sessions with different speakers. The first focused on spotting the signs of burn-out and how to avoid picking up damaging coping mechanisms that we might feel tempted to turn to in such difficult times. The second looked at resilience techniques and how we can be more mentally prepared for the challenges we are facing in the current climate.

One of the events that I am most proud of hosting was a collaboration with the ELA Junior Lawyers committee. We identified that junior lawyers would also miss out on those networking opportunities that come with in-person events, so we organised an event titled “The Life of an In-house Lawyer”. In this session a panel of our in-house members from a range of different organisations (including local government, the civil service, the NHS and a large corporation), gave a talk about their experiences of working in-house (including the good and the bad) and gave advice on how to achieve an in-house role. The attendees were then given the opportunity to network with our committee members in smaller groups where they could ask more in-depth questions. The event was sold out within 24 hours of going live.

Going forward, we have engaged with our members to ask them what sort of training they would like to have and will be implementing the sessions that we can. We also already have a session on how to improve your LinkedIn and professional social media profile (which is something our members identified as something they struggle with) in September. I would be grateful if ELA’s in-house members could keep contacting us to tell us what they would like us to hold sessions on so that we can ensure that the work we do is relevant and beneficial to the membership.

I want to try and continue with the great work the committee has done so far over the last year, as well as trying to encourage our committee members to be involved in any consultation responses or reports that ELA write in order to ensure that the in-house perspective is considered properly and our in-house members’ voice is heard. As restrictions are eased I would also like to hold an in-person conference for our in-house members.



Paul Singh  
In-house Representative

## Pastoral Care Report

The Pastoral Care Committee was formed as a sub-committee of ManCo in October 2020 in response to the pandemic, to support ELA members' wellbeing at a time when many members were under extraordinary additional pressure. The Committee is responsible for initiatives that focus on member wellbeing and supporting members in their personal capacities.

To date, given the nature of its inception, the members of the committee are all members of ManCo, and the committee does not have an elected Chair. During the coming year, ManCo will consider the future status of the committee.

**The committee is currently made up as follows:**

Jude Harris, DLA Piper UK LLP & ELA Secretary  
Emma Clark, Keystone Law & ELA Member at Large  
Beth Hale, CM Murray LLP & ELA Member at Large  
Jessica Shemmings, The SR Group & ELA Member at Large  
Paul Singh, National Education Union & ELA In-house Representative  
Supported (brilliantly) by Charley Masarati of Byword

When formed, the committee set out to support ELA members in any way possible during the pandemic. From making our membership, training and courses accessible to those most in need, to signposting members to services and charities which can help them, to arranging our own events which support the wellbeing of employment lawyers. The aims have evolved slightly over time as the immediate impact of the pandemic has subsided.

We are proud that we have been able to help members in various ways in the short time that the committee has been in existence. Our achievements include:

The creation of a wellbeing directory which signposts members to charities and organisations which can offer help to those in need, such as LawCare, The Solicitors' Charity, The Solicitors' Assistance Scheme, The Barristers' Benevolent Association, etc.

The directory is accessible on the ELA website:

<https://www.elaweb.org.uk/content/organisations-offering-pastoral-support-members>

## Pastoral Care Report *cont.*

Support for employment lawyers who may have difficulty funding their membership and/or training, for example because they have lost their job and/or are unable to find work in the field, or when they are on or returning from an extended period of absence (maternity leave or sick leave) and need to access to training to get back up to speed. This scheme is not intended to provide indefinite free access; but it can provide some assistance for those in the employment law profession who need support at this time. To date, 11 people have requested and been granted help with their membership fee and 19 free places have been given on ELA's training webinars and courses.

From October 2020 to July 2021, we have organised over 25 free of charge events exclusively for ELA members, which have attracted over 2,200 member bookings, including:

- Five intensive Resilience Under Pressure 3 hour workshops
- Five coffee mornings which gave members an opportunity to connect with other lawyers and feel less isolated
- Numerous webinars, all of which are still available on-demand on the website at :  
<https://www.elaweb.org.uk/webinars>
- Who's Looking After You? (On how employment lawyers can protect and enhance their mental wellbeing)
- Your trauma is my trauma: The importance of your own emotional care as an employment law adviser
- Mental Health and Wellbeing at Work: A session on the virtual couch
- It's All Headspace – Resilience
- Resilience for In-house Lawyers
- Adapting Your BD for the Distributed World
- Creating Habits for Success in a Distributed World
- Domestic and Economic Abuse: The legal duties and how to meet them

All pastoral committee events are accessible by members, free of charge.



## Pastoral Care Report *cont.*

Going forwards, in addition to more resilience sessions and coffee mornings, we are busy planning a series of wellbeing for Employment Lawyers webinars on other aspects of wellbeing for the benefit of members including:

- How to sleep well
- How lifestyle changes – including taking a break from alcohol - can improve performance
- Perfectionism and
- Understanding the menopause and its impact on our working lives.

It is very gratifying that we have been able to support and positively impact so many members during a very challenging period. Our programme of events has attracted over 2,200 member bookings, created numerous opportunities for members to come together to share in their challenges, experiences and coping strategies, and hopefully feel a little less isolated at this time.

We have received some remarkable feedback on our events, a selection of which is below:

*“So refreshing and reassuring that ELA is arranging sessions of this kind for members highlighting how poor mental health and wellbeing is felt by all of us and we can all benefit from talking about this more openly and promoting support in a demanding profession”.*

*“Powerful - I was a little tearful at the end- not because I was hearing anything for the first time - we have known of these dangers for years, but this was the first time EVER that I truly felt in my stomach and bones and not just in my head - that the work we do is important and that I am not alone in experiencing some of its darker, emotional consequences”.*

*“This was an amazing session. I have to say it was the first time in my career of over 20 years that I have felt it has been recognised that lawyers can suffer from emotional trauma as a result of taking on their client’s stresses and personal trauma. I personally have experienced this on many occasions but have always felt I shouldn’t be affected in this way and that I should be tougher. It was incredibly validating to hear it is normal to feel this way, as it is part of engaging empathetically with clients, which is really important to do. There were some great tips on how we care for ourselves”.*

We are grateful to all of our fantastic speakers listed below. Particular thanks go to our own ELA members who have spoken so candidly and generously about their personal experiences, including Richard Martin of Byrne Dean and David Palmer and Tim Leaver of Herbert Smith Freehills.

We would also like to extend special thanks to Naila Hussain who ran multiple workshops for us on Resilience; Naila’s sessions were so well received that places were like gold dust, which is why we ran these sessions multiple times to accommodate as many members as possible.

## Pastoral Care Report *cont.*

Adam Daniel, Courageous Co  
Michelle Elstein, Courageous Co  
Elizabeth Filkin CBE, The Employers' Initiative on Domestic Abuse  
Naila Hussain, Atomic Mind  
Mary B Jackson, LawCare  
Tim Leaver, Herbert Smith Freehills  
Richard Martin, Byrne Dean  
David Palmer, Herbert Smith Freehills  
Dr Nicola Sharp-Jeffs OBE, Surviving Economic Abuse  
Leah Steele, Searching for Serenity  
Hannah Swift, at Baker McKenzie  
Petra Velzeboer, Counsellor, Psychotherapist and Coach

The Pastoral Care Committee is here to support members in their personal capacities, in any way we can. We would love to hear members' views on what else we can do to support their wellbeing, as well as ideas for events and other initiatives. We would also be interested to know if members believe that there is an ongoing role for the Pastoral Care Committee beyond the pandemic, and what type of support would be most valuable for members. Members can contact the committee by emailing [charleym@elaweb.org.uk](mailto:charleym@elaweb.org.uk).

For now, members can get involved by sharing ideas with the committee, attending events and providing feedback. Going forward, if the committee continues to remain in place, members will have the opportunity to stand for election as Committee chair and join the committee.

There are some fantastic pastoral events coming up over the coming months, watch out for invitations! As we transition to the next phase of the pandemic, we would love to hear how we can best support members going forwards, so please get in touch and share your thoughts!



Judith Harris  
Pastoral Care Committee

## ELA Junior Lawyer Representative

Sophie Lockwood, Charles Russell Speechlys LLP

### Report from ELA Junior Lawyer Representative

I have the pleasure of chairing ELA's Junior Committee. The Committee meets quarterly to discuss the needs of ELA's junior members (less than 5 years PQE), as well as organising training, social events and exploring pro-bono opportunities. The Committee is keen to ensure that it collates ideas and feedback from junior members across the country and different branches of the profession. The diverse background and experience of the Committee members helps to ensure that ELA is meeting the needs of its junior members.

The Junior Committee comprises:

Sophie Lockwood (Charles Russell Speechlys LLP)

Kafeel Azher (Addleshaw Goddard LLP)

Damian Babic (Skadden Arps Slate Meagher & Flom (UK) LLP)

Richard Beschizza (Rradar Limited)

Donall Breen (GQ Littler)

Diarra Brown (Pinsent Masons LLP)

Georgina Churchhouse (12 Kings Bench Walk)

Henry Cross (Stephens Scown)

Jessica-Alice Curtis (Baker & McKenzie)

Charlotte Fisher (NBC Universal)

Ellen Goodland (Burgess Salmon)

Katrina Hennessy (Eversheds Sutherland)

Imogen Jain (Fox Williams LLP)

Roisin Kavanagh (Loch Associates Group)

Hannah Lynn (Brahams Dutt Badrick French LLP)

David Lyons (Lewis Silkin)

Cerys Mather (DAC Beachcroft LLP)

Francis Mortin (St Philips Chambers)

Theo Nicou (Brahams Dutt Badrick French LLP)

Marguerite Perin (Miller Rosenfalck LLP)

Sophie Rothwell (CM Murray LLP)

Elizabeth Sangobiyi (Freshfields Bruckhaus Deringer LLP)

Alice Scott (Pump Court Chambers)

Sacha Sokhi (Irwin Mitchell LLP)

Ellis Jessica Walby (Harrison Clark Rickerbys Limited)

Amelia Wheatstone (Avon & Somerset Constabulary)

It is a privilege to chair this enthusiastic group of people, all of whom work together to ensure that junior members interests are represented.

My aim when appointed to the role of Junior Representative was to build on the excellent work that had already been done to ensure greater engagement from junior members and deliver training that assists junior members' professional development. I set out to ensure that the Committee's membership was truly reflective of those that it represents, and that we adapted the Committee's activities so as to accommodate lockdown measures.

The Junior Committee circulated an invitation for new members towards the end of 2020, and received an overwhelming response. This exercise resulted in an expanded Committee comprising of members drawn from a number of different regions, firms of varying sizes and sector focus, the bar and in-house.

The Committee has been proactive in organising remote speed mentoring events this term, enabling the popular initiative to continue notwithstanding lockdown measures. Holding these events remotely has not been without its challenges, however it has provided a valuable opportunity for participation by those who have previously been unable to attend face-to-face sessions. The purpose of speed mentoring events is to provide both mentees and mentors with an opportunity to meet, and expand their network, in a relaxed environment with a view to developing contacts, support amongst peers and ongoing mentoring opportunities.

## Report from ELA Junior Lawyer Representative *cont.*

The Committee is keen to ensure that this scheme remains accessible to members in different parts of the country beyond 2020/2021 and Covid-19 lockdown measures.

During this term, the Committee has worked with other ELA committees to create events focusing on areas of mutual interest (including an introduction to the world of in-house work), contribute to the ELA Briefing, and present at ELA's Annual Conference Season.

It has been heartening to witness the enthusiasm of ELA's junior members, and their willingness to give up their time to contribute, notwithstanding that it has been a busy year for all. The overwhelming response received to the Committee's call for new members was hugely encouraging, and I would encourage any junior members wishing to get involved to reach out. The remote events that the Committee has held this term have received a positive reception from the membership, and whilst the Committee hopes to return to holding in-person events in the near future, we recognise that there are benefits associated with remote events, including greater accessibility.

Looking ahead with our new and expanded Committee, we are considering how we can continue to represent and engage with junior ELA members, collaborate with other ELA committees and build relationships with other junior employment lawyer networks around the world in those places where increased connectivity and collaboration make sense. In particular we are very grateful to Clare Murray at CM Murray & Co who made an introduction for us to the junior arm of the ABA Labour and Employment Law section. We look forward to collaborating further with them.

I would like to thank Charley Masarati, together with Angela Gordon, Nick Walsh and Cynthia Clerk, for their invaluable help with organising and running remote events, and troubleshooting technical issues. I would also like to extend huge thanks to Lindsey Woods, Rebecca Churchill and James Jeynes for their support and wisdom. Last but certainly not least, I would like to thank the members of the ELA Junior Committee for their contribution during what has been a challenging year for everyone.

We welcome ideas and input from ELA's junior members on future initiatives, and should any junior members wish to get involved in the work of ELA, the Committee, and/or assist with organising/chairing any junior events, they should not hesitate to get in touch.



Sophie Lockwood  
Charles Russell Speechlys LLP

## Report from Regional Representatives

Reports from our regions which have undertaken activities in the last 12 months.

### Lower South East

It has certainly been an unusual year to take up the position of regional representative. As a region, we were fortunate that the Solent Training Day was able to take place in March 2020. Little did we know that it would be the last in person event for quite some time!

Whilst the pandemic halted our usual in person training and social events, the silver lining has been the focus upon delivering content at a national level to all members. Zoom and Remo have enabled regional members to benefit from a programme of fantastic ELA sessions which are accessible on demand to fit around busy diaries and commitments. I have been pleased to be a part of the ELA Training Committee and to help support the ongoing effort that that the committee has made.

I was delighted to organise a webinar in February 2021 in which Employment Judge James Dawson and Stephen Wyeth of 3PB Barristers shared their insights into the Southampton Tribunal and how it has adapted to the implications of Covid-19. The event was well attended and offered an opportunity for networking with other members. From a social perspective, the Lower South East had a table at a recent ELA coffee morning hosted on Zoom, giving members an opportunity to chat with others in the area. I am very much hoping that the autumn will bring an opportunity for an in person social event.

Looking forward, the last 12 months have shown that online training serves a valuable purpose and it is likely to represent an ongoing feature in the training delivered to regional members. I am always appreciative and grateful for any ideas, feedback or suggestions from local members to help support the region.



Sarah Hayes  
Lower South East Regional Representative

## Report from Regional Representatives

### Yorkshire & Humberside

I have now been in role for four years and my vision for the region was to increase cohesion, communications and availability of training and other benefits that would benefit the regional membership.

During the course of this year I have been helped enormously by members in the region who have interacted with me mainly via email in such a positive way and the various committees, Manco, Byword and the regional ET and Judges. The collaboration has been fantastic despite challenging circumstances.

My goal this year was to bring ELIPS to the region as part of its expansion. I am thrilled to report that our region went live in April this year and hopefully this will open doors to unrepresented parties in our region to good practical legal advice ultimately helping all members whether claimant or respondent focussed and the regional ET's. That was my highlight.

The membership in my region has been greatly supportive and I couldn't have done this without them. Their support is very much appreciated and it's been a regional effort.

I'd like more socials locally and would welcome hearing from members with ideas for any social events they have. If anyone wants to start a social committee regionally for Leeds, Hull and Sheffield that would be great.

After a whirlwind year I am really looking forward to seeing everyone again in the region both socially and at training events. Although the pandemic was unexpected the region has risen to the challenge and I can see great things ahead of us.



Marie Walsh  
Yorkshire & Humberside Regional Representative

## Report from Regional Representatives

### Northern Ireland

This has been a tumultuous year for employment law services in NI and as such a very interesting time to be the ELA Northern Irish Representative! The challenges presented by Covid-19 in terms of furlough arrangements, working from home accommodations, hybrid working and redundancies have kept employment law practitioners extremely busy. Unfortunately the NI Tribunals have not coped well with the lockdown and social distancing consequences and have been unable to carry out remote full merits hearings. This, combined with a huge number of holiday pay claims, means that the backlog of cases in Tribunal reportedly stands at around 80,000 cases.

One of my key aims on appointment was to try to raise awareness of ELA within Northern Ireland. I feel that, whilst a work in progress, this has been somewhat achieved through webinars and relationship building with the long-established indigenous ELG (Employment Lawyers Group). I am continuing to forge good relations with the ELG in order to help build on ELA's membership via the ELG connections already deeply embedded in the employment law community.

I am assisted in my role by a steering committee comprising Aisling Byrne (CFR), Niall McMullen (Worthingtons) and David Mitchell (Miller McCall Wylie).

As part of a collaborative event with ELG, we organised a training session on Managing Industrial/ Fair Employment Tribunals remotely and in person during Covid-10. The session received a very positive response. Special thanks to Charley Masarati and the team for keeping calm heads despite IT malfunctions in the minutes before the session started!

I also provided NI Tribunal input to the team preparing the ELA Survey on the Future of Employment Tribunals. Ultimately it made sense for the NI system to fall outside the remit of the Survey given the significant differences in practices between GB and NI. We are currently keeping in mind a survey specific to NI, perhaps once the extreme challenges currently being faced by the Tribunal have somewhat abated.

I am looking forward to getting involved with the Rounded Employment Lawyer Series team in arranging a series of one-hour webinars, pitched at mid-level lawyers, introducing a range of specialist areas and red flags to be aware of.

## Report from Regional Representatives

### Northern Ireland *cont.*

In terms of future events in NI, we are discussing the following topics:

- Covert recordings and covert surveillance in an employment context
- Mandatory Conciliation
- Practical tips for investigations / disciplinary hearings
- Industrial Relations Issues
- GPGR – yet to be introduced into law in NI

We are looking forward to a more settled year, from a Covid-19 perspective, and more socially lively 2021 !



Shirley Blair  
Northern Ireland Regional Representative



## Report from Regional Representatives

### Midlands

Having commenced my stewardship of the role as Midland Representative in January 2021, a time at which we had hoped COVID-19 would have been long behind us, the challenges of the year created a need to diversify the way in which our events were offered. Notwithstanding those challenges, the events in the Midlands region from January 2021 have included the following:

- 23 March 2021: A conversation with Regional Employment Judge Findlay and Regional Employment Judge Swann;
- 27 May 2021: Joint event with Birmingham Legal Society and panellist of speakers on The 'new normal': the employment law considerations of lifting Covid restrictions. The panel consisted of Jog Hundle, Mills & Reeve, Elaine Huttley, Irwin Mitchell, Joel Wallace, St Philips Chambers and Kam Bains, Make UK;
- 9 June 2021: The Balancing Act: employee monitoring and working from home with Timothy La Tulippe and Innes Clark; and
- Upcoming event in September 2021: Pre-hearing Tips and Tactics in Employment Tribunal Claims.

Various feedback requests for those sessions the members would like to see have been raised throughout the year, with a view to incorporating these into a number of the events ran/to be run during 2021. I continue to welcome feedback from the members on what events they would like to see more of and areas in which sessions/events can be improved. Equally, where members have found events to be beneficial, sharing this message on social media and other applicable forums would be welcomed.

I would also like to take this opportunity to thank Charley Masarati and her team for their unwavering support throughout the year.



Julie Duane  
Midlands Regional Representative

## Report from Regional Representatives

### Scotland

I had big shoes to fill in taking on the role as Regional Representative for Scotland. Eleanor Manion had held the role since June 2014 and had done a fantastic job including continuing to provide the membership in Scotland with access to training sessions and also to social events.

When I submitted my nomination form for election back in May 2020, I was clear that I wanted to continue the progress Eleanor had made during her time in the role. I wanted to continue to ensure that members in the region had access to the high-quality training sessions and conferences on relevant topics that are synonymous with ELA as well as opportunities to network with other members. I also wanted to increase ELA's profile in the region and the profile of ELA members in the region with the wider membership.

I have been overwhelmed by the support I've had from the membership in Scotland since taking on the role as Regional Representative.

A huge thanks in particular to the members who kindly volunteered to be part of a Steering Committee: Paman Singh, Law at Work; Victoria Scholefield, Gallagher; Natasha Meikle, Burness Paull; Linda Beedie, First Employment Law; Emma Johnston, Pinsent Masons; and Sarah Jackman, Dentons.

As you will see, we have a mix of Claimant and Respondent solicitors and also a mix of private practice and in-house practitioners. Hopefully the wider membership in the region will feel that their interests are represented by this group but anyone who wishes to join the steering committee should let me know.

Obviously to be able to offer training events we rely heavily on members giving up their time to prepare and deliver these sessions for us. A big thank you to Russell Bradley of Ampersand Advocates and Michael McLaughlin of Shoosmiths for their session on Managing Employment Tribunal hearing in Scotland during COVID-19.

Thanks also to Sarah Gilzean of Morton Fraser for the session she delivered alongside Jane Russell of Essex Court Chambers titled "Can no job really mean no job?" and to Innes Clark of Morton Fraser for the session he delivered along with Timothy J. LaTulippe, Director, Europe, iDiscovery Solutions on employee monitoring and working from home as part of the virtual Annual Conference.

Looking ahead, Jennifer Skeoch of Burness Paull and Elaine McIlroy of Brodies are going to be involved in the Rounded Employment Lawyer series so thanks to them in advance.

Thanks also to the experienced members of the Training Committee and Management Committee for showing me the ropes and to Lindsey Woods, Charley Masarati and the Byword team for the support they have provided to me since taking on the role. I'm hopeful that I might actually manage to meet you all in person at some point in the year ahead.

## Report from Regional Representatives

### Scotland *cont.*

It goes without saying that the pandemic has impacted on my ability to achieve the aims I set out when I stood for election. We haven't been able to hold any in-person training events nor have we been able to have any social gatherings. I did ask the membership if they'd like me to organise an online social event. It was pretty clear from the responses I received that we were all spending far too much time in front of screens as it was and that there was no appetite whatsoever for attending yet another quiz!

On the plus side, however, the fact that the packed calendar of training sessions organised by the Training Committee has been delivered online has meant that members in Scotland have been able to attend these events when pre-pandemic, they may not have been able to travel to London to do so. The Training Committee (which I sit on) is considering what format future training events will take. I'm keen to ensure that, if possible, the members in Scotland (and the other regions) can continue to attend sessions online even if others will be attending in person.

The Pro Bono Committee and, in particular, Kate Sutherland of Harper Macleod, is working hard to introduce ELA's Employment Tribunal Litigant in Person Support Scheme (ELIPS) to Scotland and, in particular, to the Glasgow Employment Tribunal. ELIPS provides advice to those who have a claim in the Employment Tribunal but who do not have any legal representation. It currently operates online as a result of the Covid-19 pandemic. We hope to be in a position to launch ELIPS in Scotland during the coming year. Thanks to Kate, and Jennifer McGrandle, Chair of the Pro Bono Committee, for all of their work on this.

I am excited for the year ahead and, restrictions permitting, being able to get some fantastic training and social events in the calendar for the members in Scotland. If any of the members in Scotland would like to join the Steering Committee, have ideas for future training or social events, would like to support ELIPS in Scotland once it launches, would like to be involved in delivering ELA training sessions or have any other suggestions or proposals they would like to put forward, please do just get in touch with me. I'd really like to hear from you.



Fiona Herrell, Brodies LLP  
ELA Regional Representative for Scotland

## Lindsey Woods: An Appreciation

We reproduce here the article which Fraser Younson, Life President ELA first wrote and published in ELA Briefing, and on the ELA website in April 2021.

Head of Operations Lindsey Woods is retiring, having served ELA for a quarter of a century and ensuring the association ran like a well-oiled machine.

Lindsey has been at the heart of ELA since almost the beginning. In fact, it is so long ago that no one can quite remember the precise date when she joined us. In 1993, we were flying by the seat of our pants, making lots of mistakes. But then Lindsey arrived to put order, structure and calm into ELA; and she has continued to do so, with authority and professionalism, for more than 25 years.

**Unflappable and professional** - Some of you may not know Lindsey or have met her. But she has always been there, behind the scenes, ensuring that ELA runs seamlessly. Her approach has been one of complete unflappability, super-efficiency, understated professionalism, 'can do' attitude and a complete devotion to the association. Lindsey has guided ELA into a much more efficient and well-run organisation, helping to make it 'the voice of employment law'.

Behind the scenes, Lindsey's many achievements as Head of Operations include: establishing good working relationships with a number of contractors (through which many of ELA's activities are delivered); creating a sound and effective infrastructure for ELA; supporting the Management Committee and the other ELA committees; ensuring compliance in an increasingly complex regulatory and compliance-driven world; building a strong and effective operations team around her; and organising ELA events such as the annual lecture, conference and dinner, debates and numerous training programmes.

It is a measure of Lindsey's success in her role that everything always went so smoothly and, even if there might have been a few anxious moments, no one ever knew about them. She was always willing to answer questions or help – so much so, that successive Management Committees have come to rely heavily on her experience and expertise.

**The voice of reason and calm** - Lindsey was also often the voice of reason and calm on those occasions when Management Committee might be contemplating taking a particular course of action. She was not afraid to give a measured word of caution when it was needed.

In the almost 30 years since ELA's inception, Lindsey has been the foundation stone upon which ELA has grown and become so effective. Lindsey is not someone who 'blows her own trumpet', preferring instead to remain in the background – so I shall do it for her. Put simply, ELA would not have become the successful organisation that it is

## Lindsey Woods: An Appreciation

today, without Lindsey as our Head of Operations. Lindsey has devoted a significant part of her life to ELA and ELA members owe her a great deal.

Lindsey has decided to retire after making such an enormous contribution to ELA. She will be sorely missed.

### Chair's note

At her final ManCo meeting, Lindsey was thanked both in person by the existing Management Committee and also by a number of former ELA Chairs and founding members who joined the virtual meeting in order to reminisce and to wish her well. As well as the memories book to which many ELA members kindly contributed, we also presented her with a gift on behalf of ELA to thank her for her many years of sterling service, and as this is a wooden, hand engraved music stand, we hope that when she plays her music- which we know she loves so much - she will continue to think of us! A number of the Operations team also joined her for a Covid-safe outside afternoon tea to mark her retirement.



Lindsey Woods

## Remembering Those No Longer With Us



**Stephen Levinson**  
former ELA Treasurer and member ELA's Editorial and L&P Committees



**Adam Hartley**  
Head of UK Employment Group, DLA Piper

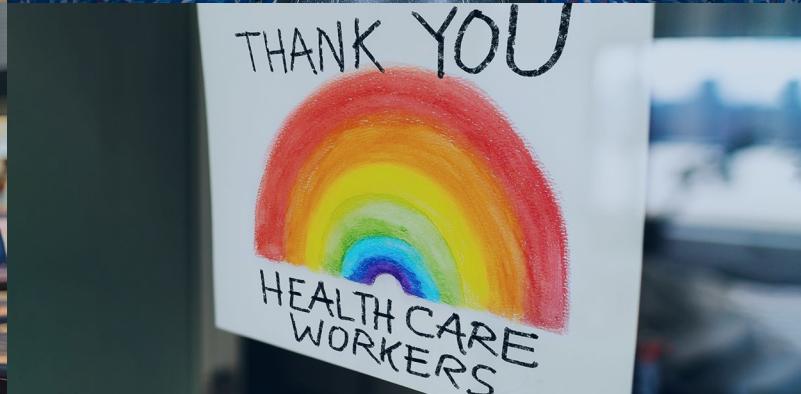


**Andrew Williamson**  
former Head of Employment, Lovells

# Annual Report 2020 - 2021

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