

# Leaders' Committee

## Report from the Greater London Employment Forum – 11 February 2016

Item no:

**Report by:** Selena Lansley      **Job title:** Head of London Regional Employers Organisation  
**Date:** 17 March 2016  
**Contact Officer:** Selena Lansley  
**Telephone:** 020 7934 9963      **Email:** Selena.lansley@londoncouncils.gov.uk

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**Summary:** Summary of the minutes of the Greater London Employment Forum held on 11 February 2016.

**Recommendations:** For information.

**1. In Attendance:** Cllr Irma Freeborn (Barking & Dagenham), Cllr Sasi Srinivasan (Brent), Cllr Tim Stevens (Bromley), Cllr Alison Kelly (Camden), Cllr Doug Taylor (Chair) (Enfield), Cllr Sophie Linden (Hackney), Cllr Osman Dervish (Havering), Cllr Katherine Dunne (Hounslow), Cllr Andy Hull (Islington), Cllr Joanna Gardner (Kensington & Chelsea), Cllr David Glasspool (Kingston), Cllr Mark Allison (Merton), Cllr Kam Rai (Redbridge), Cllr Fiona Colley (Southwark), Cllr Richard Clifton (Sutton), Cllr David Edgar (Tower Hamlets), Cllr Guy Senior (Wandsworth), Sean Fox (UNISON), Mary Lancaster (UNISON), Sue Plain (UNISON), Jon Rogers (UNISON), Kim Silver (UNISON), Simon Steptoe (UNISON), Vicky Easton (UNISON), Roger Stocker (Sub) (UNISON), Susan Matthews (Unite), Dave Powell (GMB), Jackie Neald (GMB), Peter Murphy (GMB) and Vaughan West (GMB).

**In Attendance:** Selena Lansley (London Councils), Debbie Williams (London Councils), Mehboob Khan (Political Advisor to the Labour Group, London Councils), Jade Appleton (Political Advisor to the Conservative Group, London Councils), Julie Kelly (UNISON) and Mathew Egan (UNISON)

**2. Apologies for Absence:** Apologies were received from Cllr Twomey (Barking & Dagenham), Cllr Pavey (Brent), Cllr Letts (Croydon), Cllr Johnson (Ealing), Cllr Seaman-Digby (Hillingdon), Cllr McGlone (Lambeth), Cllr Bonavia (Lewisham), Cllr Clark (Newham), Cllr Harvey (Westminster), April Ashley (UNISON), George Binette (UNISON), Bridget Galloway (UNISON), Simone McKoy (UNISON), Esther Rey (UNISON), Helen Steel (UNISON), Onay Kasab (Unite), Gary Cummins (Unite), Danny Hogan (Unite), Kath Smith (Unite), Jane Gosnell (Unite), Pam McGuffie (Unite), Mick Callanan (Unite), Wendy Whittingham (GMB) and Penny Robinson (GMB).

**3. Minutes of the Meeting held on 9 July 2015:** The minutes of the meeting held on 9 July 2015 were agreed as a correct record.

**4. Matters Arising:** Vicky Easton (UNISON) enquired under item 6, Matters Arising – Collective Investment Vehicle (CIV), whether London Councils had responded to the government's pooling criteria and guidance and investment regulations consultation.

Cllr Fiona Colley (Southwark) informed colleagues that she had attended the Pensions CIV Sectoral Joint Committee on 10 February 2016 where a response to the consultation was agreed.

A copy of the full report is attached for information.



**Item 6 – Care Act 2014 and the Workforce Related Aspects:** Sue Plain (UNISON) asked whether London boroughs had any plans to employ additional social workers.

Selena Lansley (Employers Side Secretary) responded that this information was unknown at present.

There were no further matters arising from the minutes of the 9 July 2015.

**5. GLPC Job Evaluation Refresh:** Selena Lansley (Employers Side Secretary) informed colleagues that last year all three Union Side GLPC Joint Secretaries agreed that a “light touch” refresh of the GLPC Job Evaluation scheme should be undertaken in partnership with London Councils. The scheme is widely used in London and across the UK.

The review aims to modernise the support materials used with the Greater London Provincial Council (GLPC) Job Evaluation (JE) Scheme and bring forward recommendations for minor amendments to the guidance within the scheme where appropriate. The review is being undertaken in consultation with regional trade union representatives with a view to issuing joint advice on JE.

The redraft aims to recognise changes in the ways of work since the scheme was introduced – for example project work, flatter management structures, mixed economy provision, flexible working, and commissioning such as Public Health. The job profiles for training will allow greater choice and have been amended to include project management, facilities management, and housing/neighbourhood management. Some minor changes to the introductory pages of certain factors will be made as the world of work has developed since 2000.

It is intended that the 2016 refreshed Scheme materials will be launched following the notification of GLPC scheduled for the 17 March 2016. Subject to further feedback, the intention is to launch the new materials on the London Councils website as well as writing individually to all existing GLPC licence holder clients. London Councils will roll out the changes by training the associate trainers to support consistency of training taking place after 1 April 2016.

**6. Children's Social Worker Memorandum of Understanding – Nick Hollier, Head of HR, LB Bexley and Andreas Ghosh, Head of HR, LB Lewisham:** Nick Hollier (Bexley) and Andreas Ghosh (Lewisham) presented the collaborate work being undertaken between

London boroughs to respond to long standing workforce issues in relation to children's social workforce.

A copy of the presentation is attached for information.



Microsoft PowerPoint  
97-2003 Presentation

Mathew Egan (UNISON) raised the following concerns:

- Social workers are facing a time of real uncertainty.
- Individually social workers can be named in court hearings.
- They can be prosecuted for neglect resulting in five years imprisonment.
- Marked expansion to attract new social worker schemes – not known if these are effective.
- There are a lot of very valid reasons why social workers are leaving and joining agencies.
- Messages need to be taken back to central government.

Vicky Easton (UNISON) raised the following concerns from the Memorandum of Co-operation:

*6.7 Develop a policy between the Boroughs to refrain from retaining as agency workers staff who are leaving permanent employment with the Boroughs for a designated period.*

The Unions understand that employers are trying to stop people moving from permanent direct employment contract to employment via agencies and highlighted that these social workers may be leaving for another reason e.g. childcare responsibilities. The unions were concerned that these proposals should not stop if those employees who wanted to come back in to work at a later date

*6.8 Investigate options for establishing a bank of suitably skilled and experienced social work professionals employed directly by the boroughs.*

The unions also emphasised without a staff bank approach it would prevent these people in furthering their development.

Nick responded by emphasising that he was aware of the adverse publicity and the consequences when things go wrong and these are a deterrent for people wanting to join this profession. The general tone and atmosphere of what people perceive the career of a social worker is something we need to promote more positively. Community Care is starting to work with boroughs to do this.

London boroughs are experiencing a high proportion of staff becoming agency staff. Boroughs are trying to do something about this and one of the key opportunities is looking at what we can do as employers to keep staff.

Boroughs are working with the LGA in relation to the Employer Standards to find a way that we can work together and work really well.

Cllr Sophie Linden (Hackney) emphasised the need to focus on retention taking forward any work on how we keep people in the profession longer

Nick responded that the DfE are revising the terms in their yearly questionnaire which they expect boroughs to complete. The new questions should highlight where people are going and why. It is shocking that people only stay in post for 8 years. We need to look at the way we design jobs.

Cllr Irma Freeborn (Barking & Dagenham) highlighted in relation to the trend in lifestyle, one of the most important things is to keep social workers in affordable housing. Also in terms of RI35 is this gross pay or not?

Nick responded that we recognise that the cost of housing is an issue and most boroughs have relocation packages in place. Although key Worker housing does not seem as prevalent as it was some years ago. There is also the issue that some social workers do not want to live in the area that they work. This is a complex issue that we need to look at and keep working at to resolve.

In relation to the RI35 query. Agency workers appear to pay less tax through agency working. Although this is not always the case in the rules are correctly followed. Bexley have been lobbying government on the point that all Social Workers working for a local authority should be taxed on PAYE. There are internal discussions in HRMC at present and we hope this issue will be discussed and resolved.

The Chair expressed thanks to Nick and Andreas for a helpful and illuminating presentation.

## **7. Update on Employment Tribunal Practices and the Impact on the World of Work - Regional Judge Hildebrand:** Regional Judge Hildebrand gave the following update on employment tribunal changes and the world of work.

Introduction of fees in July 2013:

- Approximate reduction in number of cases is in the upper 60% - we now have one third of the caseload we previously had.
- There was a perception that there was an increase in individual claims prior to the introduction of fees. This is not the case. The number of claims received decreased to 16,000 after the introduction of fees.
- The fees are for claiming loss of wages in an ET case - £390.00 for issue and hearing.
- It was said that remissions would be available but the current level is about 20%.
- In unfair dismissal and discrimination the fees are £250 on issue and £950 on hearing the case  
If the claimant is successful then the Respondent will normally be ordered to reimburse the fee.
- The House of Commons produced an excellent briefing paper on the fees – link to document <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN07081>

Complaints upheld:

- Success rates are difficult to measure. Unfair dismissal cases in 2014-15 were 18,000 cases. 5,000 of these cases got to hearing and about half of these cases were successful that is 14% of those issued.
- The proportion of successful cases has if anything reduced slightly since the fees were introduced.

How much is award in cases?

- Unfair dismissal – the maximum award made in the last complete year was £23,000 but in 2013/4 the maximum was £3.4 million. Awards are now capped at one year's pay in most unfair dismissal cases.
- In the last financial year the average award for unfair dismissal was £12,000.
- In terms of discrimination the injury to feelings award has been measured in relation to the type of discrimination:  
£1,080 – maximum median and average award for religious discrimination  
£13,500 – is the median for sex discrimination  
£7,500 – is the median for age discrimination  
£6,000 – is the median for sexual orientation discrimination

Much has been made to the power to award costs at tribunals. Parties now apply for costs much more frequently. The medium award on costs was £1,000, maximum £23,000. Of these 536 applications were made by claimants and 334 made by respondents.

By the end of December 2015 there were 53,000 cases received nationally. In London the figures are approximately 4,000 single cases and 10,000 multiple cases.

There is pressure to ensure that Employment Tribunals make the best use of the reduced resources available.

ACAS Early Conciliation requires claimants to contact ACAS before the claim is presented.  
ACAS:

- Received more notifications than tribunal claims.
- Settle around 15% of the larger cases
- 22% come to tribunal
- In 62% of cases outcome is unknown – these could be privately settled.

There have been recent developments in case law dealing with:

- Voluntary over-time
- Holiday pay
- Travelling pay for care workers
- Disability discrimination and reasonable adjustments

In relation to a query under Item 5 previously (MoU), relating to IR35, whether an individual is an employee or independent contractor has troubled the courts for many years. There is a mismatch between tax status and employee protection. Tax treatment is not determinative. Contractors may seek tax advantage and then argue they are in fact employees when they seek protection.

A recent concern for Respondents is that if in a claim of discrimination, individual respondents are named the tribunal currently lacks jurisdiction to apportion awards between the respondents.

In the context the Civil Justice Reform programme, Lord Justice Briggs in his interim report raised the question of whether the Employment Tribunal should remain in the Tribunal system or move closer to the civil courts. He does not appear to envisage any significant change to the employment tribunal until after the digital reform process has been completed.

The Chair thanked Judge Hildebrand for his interesting and fascinating presentation.

**8. Any Other Business:** There was no further business

**The meeting was concluded at 13.12**

**8. Date of Next Meeting: Wednesday 29 June 2016**

Party Group meetings: 10am

Employers Side meeting: 10.45am

Joint Meeting: 11.30am

**2017 Meeting Dates**

**GLEF**

9 February 2017

Group Meeting: 10am

Joint Meeting: 11.30

**GLEF AGM**

22 June 2017

Group Meeting: 1.30pm

Joint Meeting: 3pm