

GLA 35/10.1

Minutes of GLA Board Liaison Groups

17 October 2012

BOARD PAPER REFERENCE – GLA 35/10.1– Minutes of GLA Board Liaison Groups

Issue

1. To update the Board on the work of the GLA Board Liaison Groups.

Recommendation

2. The Board is invited to note the minutes of the Labour User/Labour Provider meeting.

Background

3. The Labour Provider/Labour User group met on 12 July 2012. Draft minutes of the meeting are attached at Annex A.

Annex A

GLA Labour Provider and Labour User Liaison Group Meeting

12 July 2012 - Nottingham

MINUTES

ATTENDEES

GLA Representatives: Margaret McKinlay (Chair), Darryl Dixon, David Nix.

Labour Provider Representatives: David Camp (ALP), Terry Godfrey (Gangmasters Alliance), Chris Gorton (Heds), Ben Farber (REC), Adrian Birdsey (Staffline), Joanne Young (GI), Rafiq Chohan (Goldteam), Kevin McCormick (KHS Personnel Ltd), Jane Fielden (OSR Recruitment Services Ltd), Matthew Pearl (Red Rock Partnership), Tony Boorman (Stafforce), Terry Waite (Vital Recruitment), Mark Straw (Abbey Personnel) David Segust (First Call Contract Services)

Labour User Representatives: Shayne Tyler (Manor Fresh), Sian Thomas (FPC), Fergus Morgan (2SFG), Tracey Clark (Vion), Jayne Garner.

Apologies: Mark Boleat (ALP), Marshall Evans (Staffline), James Potter (NFU), Colin Hall (50 Club), Doug Mitchell (Forestry), Nigel Jenney (FPC), Claire Joyce (Langmead Farms), Wendy Woolfe (Lincs FP), Hayley Cambell-Gibbon (NFU), Sarah Brooksbank (Industrious), Sharon Cross (NFU/G's), Tom Easson (Ringlink Scotland), Jon Tugwell (Fyffes),

MINUTES

1. Declarations of interest - None
2. Minutes of last meeting - No adjustments to previous minutes were requested.
3. Outstanding Actions

Meeting	Action	Comment
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7/7/11	GLA to review media policy and stakeholder communication and to consider whether short and frequent releases should be made to the GLA Brief distribution list.	<p>19/4/12 - MM accepted that GLA was not where it would like to be on Communications and would take personal ownership of this. DC reiterated that the focus should be on providing ongoing stakeholder communication.</p> <p>12/7/12 – As yet no change to GLA media and stakeholder communication policy. GLA has made case to Defra for new Press & Communications Officer.</p>
7/7/11	GLA to work with industry representatives and trade associations to explain its scope across “grey areas”. N.B. To include GLA position on voluntary disclosure of unlicensed activity	<p>19/4/12 - Initial meeting with working group took place on 19 January. The scope of the GLA would be one of the areas considered under the RTC. Following the RTC outcome further work would be needed to clarify the scope and to draft amended Exclusion Regulations.</p> <p>GLA will take a proportionate view when there is voluntary disclosure of unlicensed activity. When, in the view of the GLA there was a genuine and reasonable unawareness of the need to be licensed and there was no worker exploitation or tax evasion then there would be no criminal prosecution. The law says it is illegal to supply labour without a licence so whether the business decided to continue to trade is a risk for it to decide. The GLA does not have a ‘stop’ power. It is also an issue for a labour user who is using an unlicensed supplier. The GLA will consider the impact on workers of any decision it makes in a Community Impact Assessment</p> <p>24/7/12 – RTC has concluded that activities or sectors which are low risk, including: apprenticeships, forestry, cleaning contractors, land agents and voluntary workers will be removed from scope of the GLA. This will require consultation and amendment to the Exclusion Regulations which is a Defra responsibility.</p>
7/7/11	GLA to produce guidelines regarding release of information to retailers as part of Retailer/Supplier protocol and discuss with FPC/ALP	<p>19/4/12 – The draft Retailer/Supplier protocol was still under discussion and legal advice was being sought on release of information to labour users and retailers whilst an investigation was ongoing.</p> <p>12/7/12 – GLA still taking legal advice.</p>
19/4/12	GLA to consider ALP request to	12/7/12 - GLA considering this request.

	update the press release policy to cover general principles on confidentiality and releasing information to cover Press Releases, FOI requests, release of information as contained in the Suppliers and Supermarket Protocol and by Inspectors during investigations.	
19/4/12	GLA confirmed that it would monitor feedback from operations on vehicle safety and report back at the next meeting.	12/7/12 – GLA did not have any information to provide to the group. Closed
19/4/12	GLA to ask Ian Walker to attend the next meeting to brief members on how GLA collects and uses intelligence	12/7/12 - Ian Walker provided an informative update to the group. Closed
19/4/12	GLA confirmed that it will take further advice from VOSA on Hire or Reward insurance and when received issue a Brief to confirm its position on LS 6.4.	12/7/12 - GLA propose to issue this Brief in the next few weeks.
19/4/12	GLA measurement and publishing of outcomes	12/7/12 - Further discussion at next meeting once GLA have developed their position on performance measurement and reporting.
19/4/12	GLA to review Brief 12 and if necessary update to include information on 'Pay day by pay day' tax relief models.	12/7/12 –GLA confirmed that it had taken a number of decisions to refuse and revoke licences. GLA will await the outcome of appeals before considering whether any amendment to Brief 12 may be required.
19/4/12	GLA to produce and issue Brief detailing its approach to enforcing compliance with AWR.	12/7/12 To be developed.
19/4/12	REC to approach its contacts in BIS to obtain an update on the review of workplace-rights, compliance and enforcement.	12/7/12 -Ben Farber confirmed that there would be no radical review. There would be a consultation on the Conduct Regulations.

1. Written Ministerial Statement – a) Application Inspections and b) Balance between Compliance and Enforcement Activity.

MM advised that the written ministerial statement issued on 24th May by Jim Paice, Minister of State at DEFRA detailed the outcome of the Government's Red Tape Challenge review of the Gangmasters Licensing Authority. The written ministerial statement is government policy and must be taken as a given.

MM made clear that GLA licensing is not an accreditation scheme, it is not an ethical audit nor a badging scheme. The GLA will focus on areas of greatest harm.

The GLA would consult on the removal of the general requirement for an application inspection and associated fee. Removal of this general requirement would reduce the number of application inspections by 200 per annum and free up 600 man days for the GLA to reallocate to areas of greatest risk to workers.

The GLA would also be considering ways in which it could test the competence of the Principal Authority and the factors to take into account which demonstrate "earned recognition".

The liaison group expressed mixed views. A number felt that removal of the general requirement for an application inspection would lead to a perception that anyone could get a licence and that the GLA would then be trying to shut the stable door after the horse has bolted. Others believed that if the GLA were able to demonstrate the appropriate evidence then it should be able to allocate its limited resources to the greatest protection of workers.

2. GLA Closure meeting and Revised Inspection Information Sheet.

The ALP asked the GLA when the Inspection Information Sheet and Compliance Policy would be updated to include Closure Meetings. Specifically "GLA Inspectors will in future hold a closing meeting with the Principal Authority. At this meeting the inspectors will identify the issues that they have found and invite the licence holder to comment and present any evidence. The evidence and responses given, plus any action taken at that point, will be included in the inspection report, which the licensing team will review in making a decision on the licence."

GLA confirmed that a Closure Meeting did not refer to a separate meeting on a separate date; DC accepted this point.

ACTION – GLA to update Inspection Information Sheet to include how closing meetings will operate.

3. Supply Chain Protocol

ALP put forward its position that the review of the "Suppliers and Supermarket Protocol" be reviewed and be widened to become a "Supply Chain Protocol".

4. GLA position on Low Pay Commission call for evidence on the accommodation offset level

ACTION –GLA confirmed that it would review the Low Pay Commission call for evidence before determining whether it would be appropriate for the Authority to make a submission.

5. Updates

- a. Progress of new GLA strategy – To be developed following the written ministerial statement.
- b. BIS review of workplace-rights, compliance and enforcement – As per comments in Actions.

6. Any other business

7. Next meeting – Thursday 18 October, GLA, Nottingham.

The meeting was closed.