



Compliance update

February 2016

Licence holders: 980

Ongoing applications: 37 (with 25 undergoing an inspection)

Ongoing compliance inspections: 63 (Including compliance, new business and change of Principal Authority)

Common areas of non-compliance

Licensing Standard	Title	Non-compliance
1.4 Changes	Failure to report	We are still coming across issues within inspections of LPs failing to advise of changes from those named on the licence to contact and address details.
2.1 PAYE/NI/VAT	Non-payment or no NI numbers	Increased allegations in this area lack of NI numbers, and associated PAYE/VAT issues Cash payments, false accounting etc.
2.2 Paying Wages	Umbrella Companies T&S Schemes AWO	T&S schemes are still a concern but we anticipate a reduction once the HMRC rules on this change from April A number of LPs still use Umbrella Companies or T&S schemes and believe that the GLA will not have any interest as long as these are operating outside of the regulated sector. The GLA look at the way businesses are run as a whole so all details will be examined for compliance. Lack of knowledge about the Agricultural Wages Order, rates etc. and the fact that it still applies in Scotland & Wales

	<p>Deductions</p> <p>Self-Employment</p>	<p>In particular for transport and accommodation</p> <p>Workers being classed as self-employed when they are clearly not</p> <p>GLA are working more closely with the NMW teams around the UK in order to deal more effectively with what we are finding or is alleged.</p>
2.3 – Benefits	Holiday pay	Details of accrued holiday/balance not made available to workers.
3.1 Physical & Mental Mistreatment	Verbal abuse	A worrying increase in allegations within this area includes verbal abuse of workers, racial abuse and threats of the sack if complaints are made. These are critical issues and subject to high priority action at all times
3.3 Withholding wages	Various	<p>Non-payment, part payment or incorrectly calculated.</p> <p>P45s are not being issued or delayed and holiday pay is not met.</p> <p>Deliberate retention of workers holiday pay entitlement by some LPs.</p> <p>Holiday pay not being met on TUPE transfer</p>
4.1 Accommodation	Quality	<p>A number of allegations have been received and actioned over poor quality accommodation with few services (caravan sites) and issues of overcrowding.</p> <p>Workers are reporting concerns over being immediately ejected from accommodation if found not suitable within the job or following termination.</p>

5.1 Working conditions	Rest periods, breaks and annual leave	Workers are not able to take all their entitlement before the end of the year so lose it with some having no idea when the end of leave year occurs.
5.5 - Confidentiality	Information Commissioner	<p>Still an ongoing and common problem</p> <p>Organisations are required to register with the Information Commissioners Office if they process personal information. Many LPs are not aware of this fact (see link)</p> <p>https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/</p>
6.2 – Instruction & Training	Inductions	Some LPs are still not paying workers for training which forms part of the induction process. As the GLA Standard indicates <i>“Any time spent on training should be treated as an extension of time at work”</i>
6.3 – Safety at Work	Accidents	<p>Failure to record accidents</p> <p>Failure to report accidents</p> <p>Lack of H&S knowledge (RIDDOR)</p> <p>Allegations of PPE charges being made</p>
7.1 Fees & Services	Optional fees	<p>This is an area that we continue to address especially with overseas businesses as workers report having to pay for services that may appear to be work finding fees</p> <p>GLA Brief 38 refers</p>
7.3 Contractual arrangements and records	Agreeing terms with workers	<p>Workers not being advised how much holiday they are entitled to or how to request it</p> <p>No formal arrangements to apply for holiday.</p>

Other issues reported or identified

- Cleaning companies continue to make applications for GLA Licences following the issue of GLA Brief 45. If in doubt as to whether or not a licence is required contact the GLA immediately. As a general rule if it is part of the process then it requires a licence.

- We are seeing an increase in reports of non-compliance outside of the GLA sector and these are always referred on to partner agencies
- GLA inspectors continue where possible to work with Labour Providers and Labour Users to educate and reduce risk of non-compliance and to ensure that any inspection activity is proportionate and necessary