

GLAA 74th Board meeting

21 July 2021

Time 10:00

Teams

Chair Margaret Beels

Margaret Beels (MB) Simon Allbutt (SA) William Butler (BB) Linda Dickens (LD) Suzanne McCarthy (SM) Julia Mulligan (JM) Paul Williams (PW)

Ex officio attendee

Ziggy MacDonald (ZM) Chief Executive (interim)

In attendance

Elysia McCaffrey (EM) CEO
Paul Coffey (PC) Head of Communications and Engagement
Emma Coxon (EC) Head of People & Change
Darryl Dixon (DD) Head of Single Enforcement Body Programme
Frank Hanson (FH) Head of Prevent and Partnerships
Samantha Ireland (SI) Head of Governance
Nicola Ray (NR) Head of Regulation
Dan Scully (DS) Director of Resources
Justin Rumball (JJR) Head of Business & Finance
Jane Walker (JW) Risk & Information Assurance Manager/DPO
Ian Waterfield (IW) Head of Enforcement

Home Office attendees

Simon Hookins (SH) Damien Johnson (DJ) Elinor Howard (EH) Mary Hallie (MH)

BEIS attendees (SEB update only)

James Steven lan Jordan

Observers

David Camp ALP (Compliance and Op Tacit session only)

1	Welcome
	 The Chair welcomed members of the Board, Leadership Team and Home Office (HO) colleagues.
2	Apologies
	lan Walker
3	Minutes of the previous meetings
	 The minutes of the meetings held on 28 April 2021 were agreed as an accurate record.
4	Declarations of Interest
	None.
5.	Action points
	Action points closed at 21 July 2021 Board meeting: BM52(11) BM52(21) BM54(6) BM73(18) BM55(13) BM73(21)
	Action points carried forward from previous meetings BM73(16) – In Jane Thorpe's absence, SI will work with EM to arrange a meeting to agree an induction plan for new board members. SI/EM
	BM73(16) - In Jane Thorpe's absence, SI will work with EM to arrange a meeting to
	BM73(16) – In Jane Thorpe's absence, SI will work with EM to arrange a meeting to agree an induction plan for new board members. SI/EM BM73(19) – Working groups to be held once information has come back from PCS and ERT. EC BM73(5) – Draft Retention Destruction Policy to be sent out for amendments. JW BM73(8) – Improving board reporting – JJR will amend the survey to suit the GLAA. Any revisions made will be reviewed by SM. JJR/SM
	BM73(16) – In Jane Thorpe's absence, SI will work with EM to arrange a meeting to agree an induction plan for new board members. SI/EM BM73(19) – Working groups to be held once information has come back from PCS and ERT. EC BM73(5) – Draft Retention Destruction Policy to be sent out for amendments. JW BM73(8) – Improving board reporting – JJR will amend the survey to suit the GLAA. Any revisions made will be reviewed by SM. JJR/SM BM73(9) – Survey to be refined and sent to Board members by the end of July. JJR BM73(10) – DS to bring the prioritisation list to the next Board meeting. DS
	BM73(16) – In Jane Thorpe's absence, SI will work with EM to arrange a meeting to agree an induction plan for new board members. SI/EM BM73(19) – Working groups to be held once information has come back from PCS and ERT. EC BM73(5) – Draft Retention Destruction Policy to be sent out for amendments. JW BM73(8) – Improving board reporting – JJR will amend the survey to suit the GLAA. Any revisions made will be reviewed by SM. JJR/SM BM73(9) – Survey to be refined and sent to Board members by the end of July. JJR
6	BM73(16) – In Jane Thorpe's absence, SI will work with EM to arrange a meeting to agree an induction plan for new board members. SI/EM BM73(19) – Working groups to be held once information has come back from PCS and ERT. EC BM73(5) – Draft Retention Destruction Policy to be sent out for amendments. JW BM73(8) – Improving board reporting – JJR will amend the survey to suit the GLAA. Any revisions made will be reviewed by SM. JJR/SM BM73(9) – Survey to be refined and sent to Board members by the end of July. JJR BM73(10) – DS to bring the prioritisation list to the next Board meeting. DS BM73(20) – Review of Board performance results, MB to write a paper to crystalise the

Home Office Update - GLAA ONLY

MH introduced herself to the Board. MH heads up Home Office Sponsorship Unit, which has moved from Crime and Policing Group in the Strategic Centre. MH highlighted a move closer to the Permanent Secretary to provide better support to ALBs.

EH had no news on Board member recruitment. This is still with ministers for approval following interviews. EH is hopeful that the names will be confirmed very soon. Recruitment of the Chair is still awaiting minister approval before interviews can take place.

Board members stated their disappointment following the recruitment delays, raising that when this previously happened the Sponsor Unit reassured them it would not happen again.

MH reassured the Board that this is considered a significant risk. MH thanked Paul, Bill, Linda, and Simon for their willingness to stay on, remarking that it is unfortunate that they have felt presumed upon.

EH reported that the business plan and strategic plan are with ministers and that she will feedback to the Board when there is an update.

SEB Update, James Steven and Ian Jordan

James Steven of BEIS gave a presentation about SEB. The following was noted:

Background:

The pattern over the last ten years has been getting bodies to work closer together. SEB is the culmination of this work. There was a consultation in 2019 that was broadly supported albeit with differing views, concerns, and caveats. Ensuring enforcement is resourced adequately, the remit of body and losing expertise were some of the issues raised. There is a political impetus – SEB was included in the 2019 Conservative manifesto. The government response was published in June 2021. This set high-level principles in four broad areas:

- Remit of the Body three core bodies plus new areas of state enforcement.
- Broad approach protecting workers and supporting businesses to comply.
- Powers a spectrum of powers would be given to help tackle all forms of noncompliance.
- Supply chains licensing, hot goods, joint responsibility.

The next steps:

Two formal processes are taking place in the next few months that will determine what kind of body SEB will be – the public bodies approval process and the spending review.

The policy will be put into practice through legislation and operational preparation. Although the Employment Bill was not in the Queen's speech, there is a government commitment to it.

Operational preparation will detail what needs to be worked out to underpin the high-level principles set out in the government response. This will include staffing, where it will be based, how it will work geographically and standard operational procedures.

The Programme Board will be brought back from Autumn to oversee the programme. There will be working groups focussing on key issues like data, powers, operations and bringing the bodies together.

As operational preparation is a key challenge, it is important to gather the resources needed to build a team able to deliver the technical operational planning needed for the body.

Key challenges:

Bringing three different bodies together will be the biggest challenge, both operationally and legally (powers in particular).

Another challenge is that new areas that the state has never enforced will be added into the SEB. It is yet to be seen how holiday pay and sick pay enforcement will work.

People and locations are a third key challenge – people's jobs, how and where they work hinge on the type of body the SEB is. Within this there is a specific technical issue regarding devolution. Different enforcement bodies have different geographic remits. Although changing this has not been proposed, it will be considered when deciding how the SEB works, its powers utilised, and resources distributed.

The fourth challenge is data. National minimum wage enforcement is currently done from within HMRC with access to tax and business data. The question is how this will be done when enforcement is no longer done from within HMRC.

The final big challenge will be the technical details and range of departments. This will be the operational detail and legal legislation underpinning the SEB. A lot of government departments and external partners have an interest in SEB.

Q&A:

Board asked the following:

- What kind of body does James think SEB will be?
- How long will the process take?
- Is it a certainty that the Employment Bill will contain the basis for SEB?
- Is there going to be a clear strategy around culture and behaviours?
- How much money will be needed?
- What services will be available to the new body to support victims?
- To what extent will the Employment Bill deal with things pertinent to worker's rights?
- How important is SEB in terms of minister's priorities?

James's response:

- The Employment Bill is a manifesto commitment and as such remains a priority for the secretary of state.
- SEB is at the heart of the Employment Bill. BEIS will bid for and expect to get the bill. As more details shape up, BEIS can return to talk about them.
- Agrees there needs to be a focus on culture. Although SEB is an opportunity to create a new and better culture, a risk to the programme is not retaining expertise.
- SEB must be proactive rather than just reactive, with the right mechanisms to be victim focussed. A major challenge to this will be the lack of resources in the enforcement area.
- James reassured the Board that Home Office would not do what DEFRA did to GLAA. There will be a spending review process where bidding activity will be looked at. It is clear there will be significant transition costs.

Actions:

BM74(1): EM to look at how we codify and put together things and what channels we should be using to best articulate issues between the Programme Board and other vehicles. (EM)

BM74(2): BEIS to attend next GLAA Board meeting. (BEIS)

Performance and Risk

a) Performance and risk overview, Samantha Ireland

Key performance risks – Q1: Objective 2

- Objective 2 is showing progress. Performance has improved even though we are not on target. We are still outside of agreed risk tolerance. NR to go into more detail later.
- There has been progress on licensing decision times.
- CI numbers are high which is an issue.
- There is going to be underperformance for the following months.
- The root of underperformance is a high level of application inspections and resourcing issues.

Key performance to be monitored: Objective 4

- There has been an increase in GLAA led cases compared to last month.

 Although the number is still below target, SI believes we will likely hit target.
- Delays to the criminal justice system are having a significant impact. 3 Cases have been referred this year and decision is awaiting on 12 cases.
- IW added that an agreement has been brokered with CPS. They are content with GLAA going to local CPS officers and local complex unit cases. IW confident we should see a significant decrease in time waiting for charging decisions to be made.

Objective 6

- Currently overspent against forecast.
- A limited rating was given at the last audit. No higher rating is expected at the next audit.
- The outcome of the assurance work being done currently will not be observable straight away.

Objective 5

- Below target for employees who have completed PDP. The target is 95% and currently 4% have completed.
- There has been an improvement in the volume of PDP's completed, however it is still lower than we want. SI's concern is whether this shows people's lack of engagement with development or if it is a cultural issue.
- EC added that it is mandatory for everyone to have a PDP. There is more that needs to be done to make it clear that a PDP is a discussion that needs to happen. A criticism that has been levelled is that there has been no career development on offer.

Positive performance

- Identification of victims is above target.
- The number of prevention events targeted has been surpassed. There have been positive responses above target with how working with GLAA has influenced businesses or promoted worker rights.
- Employees reporting diversity data has increased.
- Employee satisfaction is on target. There will be a discussion at the next LT to make sure that it is consistent across the years.
- Risk maturity has improved, and further work is planned. It is embedded at the leadership level, however more work needs to be done lower down.
- There has been positive progress against the busines plan.

b) Risk Management update, Jane Walker

JW talked about the following points from the paper:

- Following ARC, strategic risk around Intellishare has changed from red to black.
 Intellishare will not be supported within the organisation going forwards.
- Progress has been made with Retention and Destruction of data. JW set up a sprint process, 6 weekly meeting with LT. All LT developed a schedule of their data using the criteria, the Home Office methodology and MOPI (Management of Police Information). Because information has reduced, the risk has gone from black to red. Work is ongoing and managed through OAG. If it is not effectively managed, risk will be raised back up to LT.
- Regarding new risk, SI and DS have spoken about the number of changes.
 People might start to experience change fatigue and disengage. SI and DS are looking at how to reprioritise if this happens. This risk has not been added to the Strategic Register, JW asked the Board if they are happy for her to add it.
- Refresh of 'Impact Assessment' agreed by Board in November 2019.
- Risk management maturity model In terms of policy and process there is more to be done. Terms of reference and criteria have been developed to assess current progress. An action plan will be made. There will be live sessions around what risk is.

Board members discussed potential changes made to the Strategic Risk Register. it was agreed that the risk is wider than 'fatigue' as it relates to how change is prioritised, managed, and communicated. It was suggested that 'change coherence' might be more suitable.

Actions:

BM74(3) JW to consult SI and DS about how to deal with the risk of *change fatigue*.

BM73(4): JW to organise live sessions about what risk is. (JW)

Finance and IT update

a) Financial position/outturn, Justin Rumball

The following are key points JJR made about the paper:

- Regarding the organisation's financial position, JJR's paper shows an overspend position. There is an overspend on pay and a continuing underspend on travel and subsistence. The challenge is how to bridge the gap on a permanent basis.
- JJR's forecasts in the paper are on the cautious side.

MB talked about how the paper asked for a sub-group of the Board be delegated to provide input to the spending review on the assumption that there is going to be a time pressure. MB asks JJR how this relates to the work he is doing on getting this year's budget into balance.

JJR said the key part of the process will be early engagement with Home Office and not to bid for additional funding. It should be flagged to Home Office that GLAA is a priority, especially with the SEB. If it is a flat cash settlement, the budget deficit is there and needs to be addressed.

Decision:

1. JM, SM, SA & MB will act as a sounding board for JJR in immediate future.

JJR addressed questions from Board members:

When asked if rising inflation is a risk, JJR said Home Office assume savings will offset challenges. He suggested that this might be optimistic as the budget is tight. The challenge of rising inflation will be reflected in the SR and the base budget requirement will take it into account.

When asked whether the potential 1% increase in NI for employers and employees would be funded or found in the existing budget, JJR advised all to work on the assumption that this will not be funded.

Actions:

BM74(5): JJR to produce a progress report to the Board in September (JJR)

b) IT integration, Justin Rumball

JJR made the following key points about the paper:

 Opportunities to improve GLAA data and systems were identified. However, on review and looking at uncertainty surrounding the SEB, the conclusion was to go for the easier and quicker solution of integrating existing systems. JJR is talking to suppliers of the organisation's current systems to see what can be improved

EM argued that the project will produce long-term cost saving, reduce risk and time being wasted.

Board members had a small discussion about overspend on pay. When asked what the pros and cons are of hiring a business analyst that hasn't been budgeted and could cost 30k, JJR explained that this is a decision for the executive. JM asked if measures such as freezing recruitment had been considered. DS argued that it is a blunt tool and that it's a missed opportunity if capital is not used.

Actions:

BM75(6): JJR, DS and EM to discuss where the organisation is financially with savings. (JJR/DS/EM)

GLAA Compliance

a) Approval of Compliance Strategy, Nicola Ray

• Board members thanked NR for her work on the Compliance Strategy.

NR invited the Board to ask questions:

When asked what the protocol would be if an applicant answered no to the intent to supply question, NR explained that this isn't in the application – instead they are asked what sectors they work in and what they want to supply.

Regarding 'what will be different for our businesses and our stakeholders', the Board asked where specifically the performance indicators fit in. NR said that in the performance pack, performance is reported in terms of timeliness. This has been captured, but NR will take the point on board.

Decisions:

- 2. GLAA Compliance Strategy signed off by the Board at this meeting.
- 3. The Board agreed that the consultation response can be published on the GLAA website.
- 4. The Board agreed that the GLAA will not change its approach to businesses who have no intention to supply workers in the regulated sector in line with the counsel's advice.
- 5. The Board agreed to review the strategy annually.

b) Umbrella Companies Policy

- Some umbrella companies supply workers in GLAA's sector. It came to the organisations interest when it came up in an appeal.
- They are high risk because they often run complex business models that are hard to inspect and determine compliance.
- Mini umbrella companies are open to exploitation by criminal gangs.
- Running co-employment model they are employer of worker and supply worker as their labour provider.
- GLAA have been working on this with HMRC for a couple of years. HMRC are putting together their own strategic approach.
- This is a very complex area and difficult to enforce. The number of umbrella companies in the GLAA's sector is low but the area is expanding.

SM thanked NR for the paper written on Umbrella Companies and asked whether it should be added on our strategic risk register.

NR stated only 2 licence holders are known who operate as this model. GLAA aren't a leading company on this, it needs to be worked on with HMRC and the SEB. She also reiterated that GLAA have issued a brief to licence holders on mini umbrella companies and that we continue to work with HMRC.

Next steps:

- Under current proposals for the SEB, umbrella companies will be regulated by the Employment Agencies Standards Inspectorate (EASI).
- GLAA has issued a brief on mini umbrella companies for licence-holders.
- Continue to work with HMRC.

c) Objective 2 - performance

- GLAA performance on timeliness is still over target. Factors impacting on performance are:
 - 1. LAWS was shut down while data was transferred to GLASS. For a period of over a week licensing work could not be processed.

- 2. Increased number of applications. Some are a mistake where applicants should have applied for a renewal. Work is being done for these to be identified and processed as renewals.
- 3. Resourcing issues in the licensing and compliance team. Second manager has been employed in the compliance team.
- 4. Process issues DD has done work which is a deep dive on processes within the licensing team.
- Progressing the action plan has been slower than anticipated. It will still take a while, particularly on the licensing side. Inspection side is flowing effectively.

NR finished by answering Board member queries. The next step will be a continued focus on performance and specifically timeliness. Until recruitment has been completed, it's unlikely that a significant difference, particularly in licensing, will be noticed.

Actions:

BM75(7): NR to provide an update at the next Board. (NR)

OP Tacit - lessons learnt, Dan Scully

- There were 7 strategic lessons learnt that ranged the following points:
 - If involved in another high-profile piece of work, we would consider how GLAA could ensure differing appetites between departments were resolved in a way that doesn't leave challenges on the ground.
 - 2. Being confident around the organisation's assessment of what was happening in Leicester.
 - 3. The benefits of bulk data exploitation but also how difficult it was to make that happen.
 - 4. Recognising that GLAA are at arms-length from the submissions that go up to the department.
 - 5. The challenges around accessing data quickly enough.
 - 6. Understanding the impact of underestimating necessary capacity.
 - 7. Didn't pursue idea that what was happening in Leicester might not be dealt with as a top priority, given the organisation's assessment of what was happening.
 - 8. This was an immediate challenge that was risen to and met. In future situations, it would be good to think about the endgame earlier on.
- IW added that there needs to be a better understanding around high-risk sectors and that this is a gap for us to understand what the risk is.

The discussion was opened to Board member's questions. Board members commented on the paper. Members commented that they were shocked to read about the ways in which officials were not transparent about advice given to ministers.

Action

BM75(8): DS highlighted that BEIS are doing their own lessons learnt and once it is shared, it will be shared with the Board. (DS)

8-month People Update, Emma C

- New PDR process was rolled out. Bonus scheme was decoupled from it relatively
 early in consultation phase because it is contentious. Feedback from PCS and
 staff survey was so strong and forthright it was a potential major employer
 relations error.
- Remco have decided to not do a performance related bonus this year. There will be a small in-year reward of some kind.
- Self-nominated ED&I champions will focus on their areas.
- An ED&I Action Plan policy is with LT.
- A workshop on bullying and harassment delivered by solicitors is being organised. This will take a full day for managers and a half day for the rest of staff.
- Inclusive passport is on Morcombe. Menopause toolkit in the process of launch.
- Mental health related absence increased by 47% in this reporting period. This
 contrasts with the sharp drop in absences at the start of lockdown. This will
 inform decisions made regarding hybrid working arrangements.

EC answered questions from the Board:

There was a short discussion around mental health stats. When asked whether work to support colleagues on mental health has been effective, EC highlighted the introduction of Mental Health First Aiders and the challenges around getting analysis out of this. EC highlighted that the increase in willingness to report mental health issues could be linked to the work done around wellbeing.

As No employees were rated 'not performing' Board members wondered how this ties up with PDP. If everyone is performing well, where are the development opportunities? EC agreed and said the point being made by the report is that performance is better than a year ago. Clearly a third of individuals are not performing at an outstanding level, there is always going to be some underperformance. EC said that although the bell curve will not be pushed with forced distribution, this will be closely look at next time.

Next steps:

- The result of Allan Hurst's comprehensive health and safety audit came back in May. There were no reds – no major issues that require immediate attention. There were quite a few ambers – targets that should be worked towards over time. There needs to be a driving policy, a better formal definition of accident, incident and near miss with a clearer view of how such incidents are investigated. This is covered in the forthcoming action plan.
- There will be a Continued focus on ED&I activity. A focus on new champions getting involved in their areas.
- Lots of work to embed the PDR process and ensure consistency. Q&A will take place next week to raise PDP awareness.
- Health and safety activity related to hybrid working needs to be embedded. This
 will be discussed in more detail at the next Board.
- Action planning and working groups are now in progress regarding the Staff Survey. There is a potential for shorter-term pulse surveys as well as a long-term survey.

.

Action

BM75(9): EC to get back to JM on recruitment – whether it is growth or back fill. (EC)

BM75(10): Regarding the staff survey and review of restructure – DS and JM pick up work on action plan (DS/JM)

Stakeholder Engagement, Frank Hanson

- Both liaison groups in June had good attendance. LP/LU meeting had over 100 attendees. This has been sustained over last 3-4 meetings. Meeting participants left good feedback.
- NGO Worker Group new organisations have joined. Greater working with organisations between the 3 meetings.
- Responsible Car Wash Scheme (RCWS) awarded accreditation to two car wash operators.
- Construction Protocol Survey now published. The results and the signatories'
 desire to take the work further are encouraging and get the protocol to be more
 sector owned. This is particularly the case with the trade bodies where their reach
 is larger.

FH answered question from the Board:

Board members wanted to know how much of the GLAA's time protocols would take up. FH discussed the 'chair of chairs' model which will be pursued. The model would see trade bodies form a small group with a credible voice in an industry. A chair from each group would meet at round table discussion with chairs from similar groups where intelligence, strategic oversight and good practice could be shared and cascaded back. This will maintain other protocols and develop relationship between different industries.

Board asked for an update on the Rights Lab with Nottingham Trent University. PC said NTU can help with stakeholder evaluation to help us through a facilitated session. Board welcomed this approach.

The Board note the update and offer themselves as a future soundboard.

Governance

Covid Gold Decisions

- Paper went to ARC regarding the decisions that were made by the Gold Command.
- Paper is asking Board to retrospectively approve temporary licencing scheme.

Decision:

6. The Board retrospectively approve the decision taken by Gold in March to set up a temporary scheme in response to labour shortages around Covid-19.

Annual review of the GLAA Statement of Governance

- Board and LT have had the opportunity to review the statement and suggested the following amendments:
 - 1. Title change.
 - 2. Clarity on CEO appointment to the Board.
 - 3. New provision for the role of deputy chair.
 - 4. Targets for completion and publishing of minutes.
 - 5. New provision for appointment to Board committees.
 - 6. Performance and pay for SCS1 grade added to Remco TOR.

Decision:

7. The Board approves the statement subject to annual review.

Governance Approach

- SI has raised a highlight report that focuses on the Governance project and associated risks. Despite team recruitment issues, progress is being made. SI assessed the project as on track.
- Work on Assurance is underway and is being picked up by the Governance Officer.
- The OAG have met twice. The next meeting is in September it has been decided they will meet every 8 weeks.
- Key activities over the next quarter include:
 - 1. Finalising of the assurance audit.
 - 2. Testing of key controls.
 - 3. Documenting first and second line controls for compliance.
- DS highlighted that middle managers are now being more directly engaged in the audit.

Board members asked if SI has assessed what has worked elsewhere and highlighted that Assurance should be across the organisation, not just as a governance issue. SI said she works with GIAA on a regular basis. SI explained that more needs to be done to get higher levels of engagement with the managers at OAG. SI's team have been looking at how to get the whole group talking instead of it being led by the Governance team.

Action

BM75(11): Regarding Assurance, JM to share contacts with SI. (JM)

Complaints Procedure

- The following are minor changes that have been made to the complaints procedure:
 - 1. Improved version control.
 - 2. Included intelligence e-mail address at relevant section.
 - 3. SRO changed from CEO to Director.

Decision:

8. The Board has approved the external complaints procedure.

Timetable of meeting

- Key point was to move the Q4 Board meeting to February to give colleagues time to submit paper after Christmas.
- SM asked SI to share the proposed meetings to the Board in a written update so they can check their availability.

Decision

- 1. Board approve the Corporate Governance Framework.
- 2. The Board has approved the External Complaints Procedure.

Action

BL75(12): SI to share the proposed meetings to the Board in a written update so they can check their availability.

BL75(13): SI to include the RemCo dates in the timetable.

Audit and Risk Committee Chair's Report

- JJR stated that work on the annual report and accounts 20/21 is on track.
- SI is sending the front end to DS to review by the end of the week.

Action

BL75(14): SI and JJR to let the Board know the process that they are advocating. (SI/JJR)

BL75(15): The Board to sign off the front end of the accounts (Board)

Remuneration Committee update

- There has not been a RemCo meeting since the last Board. The next meeting is scheduled for August.
- JM recorded her thanks to EC and her team.
- At the next meeting the grievance policy will be top of the agenda and Remco are working through a list of policies to update.

AOB

- MB wanted to say thank you to BB as this will hopefully be his last meeting.
- SA is staying on until the end of the year to help onboarding the new members, for which MB is grateful.
- MB thanked ZM for his work as the interim CEO and said his work has been invaluable.
- ZM thanked colleagues and the Board.