

Explanatory Notes to the Letter of Engagement for Casual Pool Worker for the GLA's Children and Young People's Unit

Paragraph 1.1 of the letter of engagement

This paragraph notes that you have been added to the GLA's "list" of Casual Pool Workers. The GLA operates a list of workers who are willing and able to perform peer outreach work for the GLA's Children and Young People's Unit, as and when they wish to do so. The reason why there is a "list" is because all the casual workers are free to accept work or to decline work as it suits them. Operating a list allows this flexibility because, if there is work to be done, the GLA can ask anyone on the list if they would like to do it.

Paragraph 2.1 of the letter of engagement

[REDACTED] of the GLA's Children and Young People's Unit is a GLA employee who has overall strategic management of the GLA's Peer Outreach Workers. From time to time, [REDACTED] may contact you either by telephone or in person to ask you if you want to do any peer outreach work for the GLA.

You are not obliged to work if you do not want to.

Paragraph 2.2 of the letter of engagement

If you have not been asked if you would like to work on the project, as a member of the list, you are entitled to request work. You should do this by contacting [REDACTED] on 0207 983 [REDACTED]

There is, however, no obligation on the GLA to provide you with work and so, if you request it, [REDACTED] may or may not agree to this. This really will depend on how much work there is to be done and whether another worker on the list is already doing it.

Paragraph 2.3 of the letter of engagement

This is self-explanatory and has already been explained further in these notes.

Paragraph 2.4 of the letter of engagement

There may be situations where you have agreed to work on a particular day in the future. Although there is no obligation upon you to work on this project, clearly the GLA needs to know if you are going to turn up for work as agreed. Consequently, if you agree to work on a particular date in the future, but then decide that you do not want to work it, the GLA would ask you to notify [REDACTED] as soon as possible. Although, as a casual worker, you cannot and will not be disciplined for non-attendance, it is a matter of courtesy to enable the GLA to contact another worker on the list to work the date in question.

Paragraph 4.1 of the letter of engagement

Blank weekly timesheets should have been enclosed with your letter of engagement. Whenever you work you must complete the times and amount of hours that you worked in a week, in the relevant spaces.

At the end of the week you must get these signed off by [REDACTED]. An electronic version will be available for you to fill in and forward on or you can post it to [REDACTED] at the GLA by the specified time.

Paragraph 4.2 of the letter of engagement

Your pay is subject to PAYE Income tax and national insurance contributions. Whilst, for the purposes of employment law you are a casual worker, for the purposes of tax law you are not. Indeed, the Inland Revenue regards anyone who works for the same organisation on more than 5 separate occasions in one year as not casual, and therefore subject to PAYE and national insurance. If you are entitled to any tax rebate, the Inland Revenue will process this.

Paragraph 5.1 of the letter of engagement

In the eyes of the law, "casual workers" are distinct from "employees." In very broad terms, for a relationship of employer and "employee" to exist in law, essentially there must be continuing mutual obligations existing between the parties: an obligation on the employer to provide the employee with, and pay them for, work; and a reciprocal obligation on the employee to attend and perform work for, and on the direction of, the employer. If these mutual obligations do not exist, an individual will not, as a general rule, be an employee. Given that you are not required to work or accept work on the project and the GLA is not obliged to provide you with work, you are not an employee but are a casual worker.

Employees are entitled to various statutory employment law rights. Examples include, but are not limited to the following: the right to access employers' dismissal and disciplinary policies; the right to access employers' grievance procedures; the right not to be unfairly dismissed; and the right to a redundancy payment. As you are not an employee you are not entitled to any of these rights, or any other statutory rights to which only employees are entitled. In addition, the GLA's employees are entitled to various contractual entitlements. As you are not a GLA employee you are not entitled to these either.

Paragraph 5.2 of the letter of engagement

Although you are not entitled to various statutory employment law rights afforded to employees, casual workers are entitled to paid annual leave under the Working Time Regulations 1998.

Paragraph 6.1 of the letter of engagement

The provisions in the Working Time Regulations to do with paid annual leave apply to all workers except those under the school leaving age. However, the Authority has

decided to treat children who are under school leaving age the same as those who are over school leaving age, and provide all its casual workers with the opportunity to take paid annual leave, as if the Working Time Regulations applied.

Under the Working Time Regulations, a worker's entitlement to annual leave is calculated over, and must be taken within a year. This is known as a "leave year." Under the Regulations employers are permitted to set the date on which a worker's leave year starts. Your leave year will start when you work your first day. It does not start on the date when you sign your letter of engagement.

Paragraphs 6.2 and 6.3 of the letter of engagement

Under the Regulations all workers are entitled to 20 days paid annual leave a year. The 20-day a year entitlement is, however, calculated on the basis of a worker working a full time, 5 day working week. For workers that are not full time, their leave is adjusted in accordance with the amount of time they work or are required to work. For example, a part time worker, who works 3 days per week, is entitled to 12 days paid holiday a year.

As you are casual workers, it is not known on how many occasions or for how many hours you may work over the duration of the project. For this reason, your annual leave entitlement will be calculated on an hourly basis. For every hour that you work, you will be entitled to 0.077 hours paid annual leave.

This has been calculated on the following basis. A full time working week at the GLA is 37 hours. 37×52 (i.e.: 52 weeks in the year) = 1924 working hours per year.

37 (full time week) / 5 (days of the week) = 7.4 (hours per day).

7.4×20 (i.e.: the maximum entitlement under the Working Time Regulations) = 148

So, an individual working a full time year will work 1924 hours in the year.

Under the Regulations, the individual will be entitled to 148 hours leave in the year.

$148 / 1924 = 0.077$ (i.e.: the amount hour's leave, accrued per hour worked).

So, purely by way of example, if you worked 4 hours per week for 6 months (26 weeks), your entitlement will be as follows:

$4 \times 0.077 = 0.307$ hours leave for the week

0.307×26 weeks = 7.982 hours paid annual leave.

Under the Working Time Regulations, workers in their first leave year (explained above) accrue annual leave on the first day of each month. So, your hourly annual leave entitlement will be calculated on the first day of each month, by determining how many hours you have worked in that month and then multiplying that by 0.077.

Paragraph 6.4 of the letter of engagement

If you want to take any period of paid annual leave to which you are entitled, you must tell [REDACTED] at least 5 days before the date on which you intend to take it. Provided

you have accrued the leave, and it is authorised, you can take the paid leave on any date during which you remain on the GLA's list of Peer Outreach Casual Pool Workers. You do not have to be scheduled to work on a particular day and then ask to take leave from that day. Even if there is no work for any of the casual workers to do on a particular day, you could ask to take paid annual leave on that day.

[REDACTED] will not allow you to take paid leave if you have not accrued it, and are not therefore entitled to it. However, if this does happen, you may be required to repay the excess money paid to you.

Paragraph 7.1 of the letter of engagement

This is self-explanatory.

Paragraph 8.1 of the letter of engagement

Your letter of engagement sets out all of the terms upon which you are engaged by the GLA on its list of casual pool workers. These notes are designed purely to help you understand the terms of your engagement.

Paragraph 8.2 of the letter of engagement

Under the Working Time Regulations, employers are able to vary some of the requirements of the Regulations, provided the workers have signed a relevant agreement. A relevant agreement is a legally enforceable agreement. The letter of engagement constitutes a relevant agreement.

Letter of engagement for casual pool worker for Children and Young People's Unit at the Greater London Authority

Introduction

- 1.1 I am delighted to inform you that approval has been given for your name to be added to the Greater London Authority's ("GLA") List of Peer Outreach Casual Pool Workers that have been approved to perform 'peer outreach' work for the GLA's Children and Young People's Unit (CYPU).

General arrangements as to obtaining work

- 2.1 As a member of the pool, The strategic Development Officer for the Children and Young People's Unit may contact you from time to time to ask if you would like to do any 'peer outreach' work for the GLA. It is entirely a decision for you, if you would like to work or not.
- 2.2 Equally, you are free to contact [REDACTED] to ask for any peer outreach work. It is, however, entirely up to the GLA whether to let you work at any time, including on days or times when you have asked for work.
- 2.3 Essentially, there is absolutely no obligation on the GLA to provide you with peer outreach work and you are under absolutely no obligation to work, if asked if you would like to.
- 2.4 If, however, you have agreed to work on a particular date, which you then subsequently decide you do not want to work, we would ask you to advise of this as soon as possible as a matter of courtesy.

Nature of the work

- 3.1 Peer Outreach work involves visiting individual external officers, projects, organisations and groups that work with children and young people; reviewing and evaluating services and projects, attending when possible monthly Peer Outreach Team meetings and training, presenting to funders and the CYPU, report writing and admin, monitoring hours worked and updating your personal development plans.

Remuneration

- 4.1 For any work that you do on the project, you will be paid at an hourly rate of £8.50. You will be required to complete and submit timesheets for any work that you do in a week. The project manager must sign these by 11.00am on the Monday of the following week.

- 4.2 You will be paid monthly directly into your bank account on the 28th of every month. Your pay will be subject to appropriate tax and national insurance deductions.

Worker status

- 5.1 You are a casual worker. You are not an employee of the GLA and will not, therefore, accrue any statutory rights to which employees are entitled. In addition, you will not be entitled to any of the contractual rights to which GLA employees are entitled.
- 5.2 Under the Working Time Regulations 1998 ("the Regulations") as a casual worker for the GLA we are providing you with paid annual leave.

Paid Annual Leave

- 6.1 Your leave year will commence on the date that you work your first day.
- 6.2 As you are a casual worker, you do not have any set hours per week. Indeed, you are free to work as and when you choose. This means that the amount of annual leave that you will be entitled to will depend on how many hours you work.
- 6.3 For every hour that you work, you will accrue 0.077 hours paid annual leave. Given that this is your first leave year, you will accrue your annual leave on the first day of each month.
- 6.4 You will be required to give at least 5 days notice of any annual leave you wish to take. You will not be permitted to take more annual leave than you have accrued. However, in the unlikely event that this happens, you will be required to repay the excess.

Removal of your name from the GLA's list of Peer Outreach Casual Pool Workers

- 7.1 The GLA is free to remove your name from its list of Peer Outreach Casual Pool Workers at any time and for any reason. You will, however, be given one week's written notice of any such decision. Once your name is removed from the list, you will not be permitted to perform any peer outreach work for the GLA.

Status of this letter

- 8.1 This letter comprises the terms of your engagement as a casual worker. There are also some explanatory notes, which are attached, that further explain the working arrangements that apply to you as a casual pool worker. The explanatory notes do not, however, contain any terms of your engagement.
- 8.2 This letter constitutes a relevant agreement for the purposes of the Working Time Regulations 1998 and by signing this letter, you accept the terms of your engagement as a casual pool worker, as contained in this letter.

Statement of acceptance

I have read the contents of this letter and the explanatory notes attached to it. I understand that I am a casual worker and, by signing this letter, accept that it is a relevant agreement and the terms of engagement contained in it.

Signed.....
(NAME *in capitals*)

Dated.....

Human Resources Group

City Hall
The Queen's Walk
More London
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk

«Title» «Name1» «Name2»
«Add1»
«Add2»
«Add3»
«Add4»
«Add5»

Our ref: POW / CRB
Your ref:
28 December 2007

Dear «Name1»,

Your engagement as a Casual Pool worker for Children and Young People's Unit at the Greater London Authority

I am pleased to confirm your engagement as a pool worker for the Children's and Young People's Unit and have enclosed the following:

- 1) A letter of engagement confirming that you have been added to the Greater London Authority's List of Casual Pool Workers for peer outreach work
- 2) Explanatory Notes to the letter of engagement
- 3) Criminal Records Bureau (CRB) form

Since your role involves contact with Children, the law requires you to complete a Criminal Records Bureau (CRB) application. You will need to complete a CRB form on behalf of the GLA even if you have already made an application with another organisation. You should be aware that the work you can do will be limited in scope if you do not promptly complete the enclosed CRB form. Additionally, please understand that payment for any work undertaken may be delayed if the CRB form is not completed. Please complete the enclosed CRB form in black ink and capital letters. Only sections A-D and the Declaration in Section H need to be completed by you. Please refer to the enclosed guidance notes for details of how to complete the form and required ID's. I will arrange for a CRB Officer to be present at one of your next team meetings in order to complete the administration and will contact you shortly with further details.

In the period before you receive your CRB clearance it will be necessary for you to also complete the enclosed Child Protection Self-Declaration Form and return this to [REDACTED]

Please return a signed copy of your letter of engagement for your personal file, the other copy is for your own records. I look forward to meeting you soon.

Yours sincerely,

[REDACTED]
HR Officer

Direct telephone: 020 7983 [REDACTED] Fax: 020 7983 4229 Email: [REDACTED]



-----Original Message-----

From: Mark Roberts
Sent: 19 February 2010 13:19
To: Juliette Carter
Subject: FW: Einy Shah (EinyShah) on Twitter

Is she an employee? Might be an intern in the Mayor's Office?

Mark Roberts
Director of Secretariat
Tel [REDACTED]

-----Original Message-----

From: Sharon Edwards
Sent: 19 February 2010 12:54
To: Mark Roberts
Subject: Einy Shah (EinyShah) on Twitter

<http://twitter.com/EinyShah>