

Editorial

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in dealing with proceedings efficiently and fairly; to set out the reasons for making the application; and to inform the other side at the same time that they have a right to send written objections to the tribunal within seven days. Also, claims are being rejected because of non-compliance with the statutory grievance procedures. Finally, as Clive Howard reports in In brief, the EAT has had to issue a practice statement to remind practitioners of the need to lodge the ET1 and ET3 at the same time as the notice of appeal, failing which the appeal will not be regarded as validly presented.

The theme for this year's annual conference is age discrimination. The AGM and dinner takes place in Newcastle on 27 April; booking information was sent out last month by e-mail. The Department for Work and Pensions is supplying copies of its Age Diversity at Work pack to all delegates. If you would like a copy before then, they are available at www.agepositive.gov.uk, or by calling 08457 330 360.

Readers should not forget the information available on the ELA website at www.elaweb.org.uk. Under the slightly strangely named 'ELAKOL' (an acronym for ELA Knowledge On Line) you will find copies of the notes from ELA lectures and courses from the past five years, together with back copies of *ELA Briefing*. If you have forgotten your login details, please contact Jeanette on mail@byword.org.

We recently saw two conflicting decisions on compensation for unfair dismissal. In *Morgans v Alpha Plus Security* (EAT 0438/04), the president of the EAT held that tribunals must give full credit for incapacity benefit received by claimants, or otherwise they will benefit from a double-recovery windfall. Just a week later, in *Voith Turbo v Stower* (EAT 0675/04), a different division of the appeal tribunal held that it was not necessary for a claimant to give credit in respect of monies received during his notice period. The implication of these inconsistent decisions, and possible distinctions between them, will be considered in a future edition of the *Briefing*. We will also consider the recent ECJ decision in *Junk*, which held that notice of dismissal cannot be given while collective redundancy consultation is ongoing.

Also last month, the Court of Appeal heard argument in three conjoined cases on the complex issue of the burden of proof in discrimination claims. Judgement was handed down last month, and we will consider the decision in a future edition.

Finally, two cries for help! First, Paul Quain explains the work of the pro bono committee in this month's *Briefing*. The committee does sterling work but needs support from lawyers. Please consider offering your time. Despite asking readers to write in with details of forthcoming appellate cases in which they are involved and to send copies of interesting decisions dealing with the statutory dismissal and grievance procedures for publication, we have not had a single response. There are lots of interesting cases out there, but we cannot report them if nobody tells us about them.

Daniel Barnett, editor