

Continued from page 11.

In advance of a person's retirement, insurers will have to send them information about:

- considering the full range of retirement options available
- combining small pots and shopping around for annuities
- taking retirement income, including how to provide for dependents, lifestyles or medical conditions
- shopping around for the right pension deal, including the benefits of doing so and sources of further advice.

The ABI's director general, Otto Thoresen, said:

"Increasing life expectancy means that many people will be receiving a pension for longer than they were paying a mortgage so the need to make the right decisions at retirement has never been more important. The timely, clear and relevant information provided under the code will significantly increase the number of people reaching retirement with the confidence to make the right pension decision."

What is an Engineer?

Not for the first time have we posed this question; and those of us who have been around UKAPE long enough will know that UKAPE has been involved in a concerted and so far completely unsuccessful campaign for compulsory registration of engineering professionals in the UK. Such registration exists in other countries throughout the world and seems to work very satisfactorily elsewhere, so why not here?

In certain states in the USA the term Professional Engineer is used to describe what we in the UK would call a Chartered Engineer and it is a protected title. We are indebted to Syd Croft for providing the details of a meeting of the Texas Board of Professional Engineers:

TEXAS BOARD OF PROFESSIONAL ENGINEERS February 28, 2008 Board Meeting Disciplinary Actions

W. Gary Sokolich, Newport Beach, California !V File B-29812

It was alleged that Sokolich unlawfully offered or attempted to practice engineering in Texas. Sokolich chose to end the proceedings by signing a Consent Order that was accepted by the Board to cease and desist from representing himself as an 'Engineer' in Texas, from any and all representations that he can offer or perform engineering services and from the actual practice of engineering in Texas. Sokolich was also assessed a \$1,360.00 administrative penalty.

Could it happen here? If only.....

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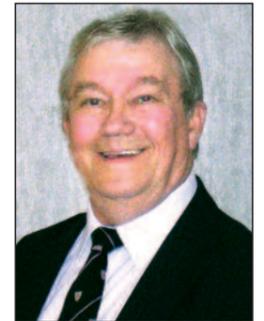
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The President's Column



Syd Croft

When I began my term as President of UKAPE, I emphasised that my first priority was recruitment. Thanks to the excellent report on the subject prepared by Vice-President Bob Simpson and ICT Officer John Gallen, plus the hard work put in by the Executive Committee, this policy seems to be bearing fruit. However it is a fact that we still need more Members.

As I see it, there are two organisations Engineers can join to facilitate their careers, UKAPE and whichever Institution is appropriate to their qualifications. The range of personal services offered by UKAPE is well known and listed on our website. The core functions of the Institutions remain the dissemination of knowledge and the award of professional qualifications. They are hampered from doing a great deal more by the legal bounds of their charitable status. Nevertheless they give the appearance of branching out these days and offering a far greater range of services than they did in the past. However, in the main, this consists of merely pointing its members in the direction of professional services, for which they will obviously have to pay.

In essence, the benefits UKAPE and the Institutions have to offer potential members are therefore dissimilar, and arguably complementary. Engineers can join one organisation or the other, both, or neither. In some cases the route they take can be decided purely on financial considerations but, rightly or wrongly, I believe the number involved is very low.

As far as UKAPE is concerned, I think a more significant factor is the reluctance some Engineers have to joining a Union. GPs join the BMA without, as far as I know, any hesitation. Similarly Dentists, Architects, Lawyers all join their professional associations as a matter of course. So why are Engineers different ?

For what it is worth, I believe that one of the reasons why some Engineers are reluctant to join a Union is associated with the fact that in their management role they often see some of their plans thwarted by unions refusing to instantly accept change without question. Over time, when faced with this scenario on almost a daily basis, their way of thinking develops into an aversion of which I have had recent experience. At a meeting of the committee of another Engineering organisation with which I am associated, I was taken aback by a vehement anti-Union outburst from a fellow committee member. This was out of context of the primary subject under discussion and regrettably that was neither the time, nor the place, to debate the issue of Union membership. Suffice to say that it would take a damascene conversion for that particular Engineer to join a Union.

On a personal level, I must admit that initially I did not want to join a Union because I thought it would mean walking out on strike in support of other Unions, with whose actions I disagreed. It took quite a while for the penny to drop that that was not the case at all. In fact, in all the years I have been a member of UKAPE, I have never once been invited to join a strike.

Unpalatable though it may be, another reason why Engineers delay joining either UKAPE or their appropriate Institution is apathy. Whilst time does not matter as far as the Institutions are concerned, with UKAPE, it is critical. A Member has to have been paying subscriptions for at least six months before legal action can be taken on his or her behalf. If, for example, they want to contest redundancy, it is no good joining UKAPE the day after the proverbial axe has fallen. Since no-one knows when this is liable to happen, the best advice I can give new Engineers and potential Engineers is to join UKAPE as soon as possible, or risk facing an 'eye-watering' legal bill.

Syd Croft
President

Editorial

First of all we must apologise for the late appearance of this current newsletter which is in part as a result of a number of work-related issues with which I have had to deal and which have taken up a large slice of my time. On the UKAPE front there have been a number of significant developments since we last went to press which are summarised below.

In October we took our new and impressive exhibition stand to Manchester. This was for the annual conference and exhibition of the Institute of Healthcare Engineering and Estate Management (IHEEM). This body is a learned society specifically for people working in the Healthcare Sector. Whilst it attracts members from all professions in the sector, in the main its members are professional engineers and it is licensed by the Engineering Council as a body which nominates engineers to Chartered, Incorporated and Technician Status. It was decided by the Executive committee that this could be a fertile ground for recruiting new members, and a report of this exercise is included in this edition.

In December we received an invitation to attend the Institution of Engineering and Technology Award Ceremony for the Young Woman Engineer of the Year. UKAPE was represented by your editor at this prestigious event and a full report is included elsewhere.

Also in December at the Executive Committee (EC) meeting Kevin O’Gallagher National Officer announced that a reorganisation within UNITE meant that he would be moving to another sector, subsequently confirmed as the finance sector, which would mean parting company with UKAPE. As Kevin has been with us since March 2007 and has blown the UKAPE trumpet at every opportunity both within and without the UNITE fold, your EC expressed its gratitude to Kevin at the December meeting and we at Engineer Today add our thanks for the work he has done and our good wishes for his future.

At the February EOC meeting we welcomed Mike Smallwood, who is the National Officer for Servicing and General Industries Sector and since January this year the Electrical Engineering and Electronics Sector. As the National Officer for UNITE Technical and Skilled Workers Mike also Chairs the IndustriAll European Trade Union Lift Sector Committee, the IndustriAll European Trade Union White Goods Committee, and is a member of various UK and EU Sector Committees including the EU Commissions Lift Working Group. Mike also attends the European Committee for Standardization (CEN Comité Européen de Normalisation) TC10 meetings and is a European Works Council (EWC) Expert Advisor and EWC Coordinator for several Companies EWC’s including some since the early days of the initial EWC Directive [94/45/EC].

As ever, we welcome your comments in connection with any or all of the pieces included in the current edition and in this respect we thank member Ian Butt for his recent email in which he commented extremely favourably on our autumn edition. We also received an email from member Peter Milne in connection with the article *Public Sector or Private Sector - a Personal View* in which he points out that Margaret Thatcher demonstrated that the "Public bad, Private good" mantra need not apply, because when she privatised British Airways, it was made profitable in the public sector first! The question remains, in the old engineer’s adage, "If it ain’t broke, why fix it?"

With that, it only remains to wish all our readers belated compliments of the season with the added wish for a healthy, stress-free and prosperous 2013.

Bob Simpson
Editor

Young Woman Engineer of the Year



When I first attended the newly formed University of Surrey back in 1964 to embark on a course in engineering, women engineers were a bit like ducks’ teeth. In fact there were two women on the course among probably 50 or so blokes, and as one of my more liberal minded cohorts pointed out, "If they want to do a man’s job, they’ll have to put up with the *!?!~#> language." Whether they did manage to survive the rigours of the language I have no idea, but 48 years on thanks to the likes of the redoubtable Germaine Greer, Anna Coote and Tess Gill we are in a somewhat different world. Today female engineers are not considered to be quite the freaks they were back then.

So it was that on 6 December last year, with a certain degree of trepidation, your editor attended the Award Ceremony of the Institution of Engineering and Technology Young Woman Engineer of the Year (YWE) held at its imposing headquarters in Savoy Place, London. This is an annual event open to all female engineers under the age of 30 working in the UK. Its purpose is to promote and encourage young women to enter the engineering profession. In setting up the award, IET has indicated the following criteria:

We are searching for a dynamic young woman who represents the very best of our profession. She’s a high achiever. A problem solver. A team player. A professional in every aspect of her work.

She should be an inspiration to her colleagues and, just as importantly, have the charisma and personality to inspire others to follow in her footsteps.

The Young Woman Engineer of the Year will have the following qualities:

- **Engineering ability and competence, regardless of level of registration**
- **Evidence of Initiative**
- **Ability to be an able ambassador, representing women in engineering and acting as an inspirational role model**



The eight finalists chosen are shown in the picture above with (in the centre) television presenter Gabby Logan who hosted the ceremony.

They are from left to right Roma Agrawal, Lydia Feasey, Gemma Whatling, Caron Malone, Yewande Akinola, Jessica Jones, Phillipa Ridoch and Charlotte Tingley.

Before the awards were presented there was a short video of each of the candidates detailing their achievements and their general interests and attitudes to engineering and life in general. The judges clearly had a very difficult job on their hands but in the end they decided that Yewande Akinola possessed all the qualities they were seeking. I have to say that in my humble opinion I agreed wholeheartedly with their choice.

Unfortunately space restricts us from providing all the details of the eight candidates but we can tell you about Yewande. Yewande is an Environmental Services Engineer with ARUP. She holds a Bachelor's degree in Engineering Design and Appropriate Technology from the University of Warwick and a Masters in Innovation and Design for Sustainability from Cranfield University.

She has a passion for innovation and sustainable water supply and enjoys the challenge of taking engineering ideas from concept right through to manufacture. She combines her career with media roles through which she shares the thrills of life as an Engineer.

Yewande also has interests in water and sanitation for underdeveloped and developing countries. In 2009 she was awarded the Society of Public Health Engineers 'Young Engineer of the Year'. In her spare time, she enjoys building models, settling into a good book, writing, travelling and exploring new places.

The picture on the left shows Yewande receiving the award from Gabby Logan after which she gave a very relaxed acceptance speech. Awards were also given to the other winners, Charlotte Tingley, the 2012 WES Prize Winner, and Jessica Jones the winner of the 2012 Intel Inspirational Award for Entrepreneurship.



Speaking entirely personally, I always enjoy the company of young achievers as I find their enthusiasm and passion for the subject, whatever it is, makes a welcome change from the cynical old codgers I generally encounter who have been there, done that, etc. and are bored by the whole business (and I include myself in this category). This was a truly inspirational evening with a truly inspirational winner.

The picture on the previous page shows not only the winner but two other attendees I met and with whom I discussed their reasons for choosing an engineering career. I also asked Yewande what made her choose engineering, and her answer left me almost speechless when she said simply, "My mum."

There are more details of the event on the IET website (www.theiet.org/ywe) together with an entry form for the 2013 award, so if any readers are aware of any likely contenders I would suggest you get the form filled in as soon as possible.

Bob Simpson
Editor

Green is Good for Growth

The 2012 TUC annual climate change conference, Green is Good for Growth, took place on 23 October and focused on how to deliver a greener and stronger UK economy.

The conference included keynote addresses from the Business Secretary Rt Hon Dr Vince Cable MP, Frances O'Grady, TUC General Secretary Designate, the Shadow Secretary of State for Energy and Climate Change Caroline Flint, and the Green Party's first ever MP Caroline Lucas. The event also included expert-led workshops and panel debates between business, trade unions, campaigners and politicians.

We have reproduced an edited version of Frances O'Grady's address to the conference.

O'Grady opened by referring to the twin challenges of economic and environmental renewal. "Increasingly," she said, "some of those in power talk as if the former were real and the latter theoretical. But resource scarcity in one part of the world directly leads to rocketing food and energy prices in another - still further squeezing living standards in the here and now."

She continued, "The two big challenges for our generation have a common cause - unregulated markets; a common victim - working people and the poor who are bearing the consequences of a twin crisis they did nothing to cause; and a common solution - a bold, imaginative and radical plan to green our economy and deliver the good green jobs that Britain is crying out for.

"With austerity hitting hard, with growth and confidence in short supply, with years of stagnation staring us in the face, we urgently need to break this cycle of decline. Even the IMF is now urging change, accepting that for every £1 cut from public spending there is a £1.30 impact on GDP - more than double what they previously assumed. Investing in green industries, infrastructure and skills is a big part of the answer.

"It's not just about equipping ourselves to meet the challenges posed by climate change, nor just about delivering economic regeneration to the regions that need it most. It's also about building a more equal and democratic economy that works for ordinary people, that offers hope to the 2.5 million unemployed that they can have good, high-skill jobs that pay a decent wage."

O'Grady then went on to make three key points.

"First: building a low-carbon future can create sustainable growth. The financial case for greening our economy is unanswerable. As research by the Department for Business has found, our low carbon environmental goods and services sector is already a huge part of our economy - but with the right policy framework, it could be even bigger. The facts speak for themselves. The green economy is now worth £122 billion - almost a tenth of total UK output. It sustains nearly a million jobs. And it is in trade surplus, with China our biggest export market. By 2015, the green economy will help us cut our trade deficit in half, rebalancing our economy away from domestic consumption and towards export-oriented investment. So when people say the green agenda is a luxury we can't afford, peripheral to the real task of economic recovery, secondary to jobs and growth, they're wrong - wrong on every count.

"And with the global market for environmental goods and services currently worth a cool £3.3 trillion and rising, we've got to make sure we are well placed to thrive in the low-carbon growth sectors of the future. Whether it's wind turbines or CCS technology, Britain needs to be where the action is in the years ahead.

"And this takes me on to my second main point: the government needs to do more to promote green growth, much more. When it came to power in May 2010, the coalition said it would be the 'greenest government ever'. Well, I'll leave you to be the judge of that; bluest government ever might be more accurate. What is clear is that no issue better underlines the tensions with the coalition than this one. Some people in government are genuinely committed to the goal of economic and environmental renewal, and they should be applauded for it. Others, however, are climate change deniers - latter-day flat earthers of the worst possible kind.

"And this intellectual schism at the heart of power is playing itself out in a shambles of ill-thought-out, half-baked policies. Criticism of the government's approach is coming from all sides. The independent Climate Change Committee recently called for much greater certainty in energy policy. A number of energy technology companies - including Siemens, Alstom and Vestas - have warned about the current political risks for long-term investment. Some 50 businesses recently published a letter urging ministers to do more to promote green growth by introducing a new emissions target for 2030. And even the CBI says the government's current approach is missing the mark, with policy uncertainty, complexity and the lack of a holistic strategy damaging investment prospects.

"For our part, we at the TUC want a fundamental change of direction from government. We want investment not cuts, so that we reverse the scandalous funding shortfalls that will see 16,000 jobs lost in the home insulation industry alone and 20,000 at risk in the solar industry following changes to the Feed In Tariff. We want a properly capitalised Green Investment Bank, not the pale imitation we have now, which is able to raise funds on the capital markets to invest in the green capacity Britain needs in the coming decades. And above all we want a smart, active Green Industrial Strategy that provides us with a clear route map showing how we get from where we are now to where we want to be in 10 or 20 years' time.

"One thing's for sure. We won't build a cleaner, greener, more sustainable economy by relying on the market to deliver. Yes, there is a role for market incentives but the scale of the transition we need to make surely demands strong, intelligent leadership from government of the kind that is common in other countries. I agree that governments can't do it on their own. That's why the TUC is launching a new project looking at how industrial policy can help us reduce carbon emissions in transport, in the energy sector and in our homes and businesses. That's why we're calling for an explicit policy focus on good green jobs that can't be offshored, that pay a decent wage, and that nurture the skills base Britain will need in the decades ahead.

"And why we're also about to publish a new report looking at how we can help our energy intensive industries - what in the old days we used to call heavy industries - make the transition to the low carbon age. These industries employ 800,000 people, are worth £95 billion to the UK economy, and can help better balance our regional economies and reverse the growing north-south divide. The government recently launched a £250 million support package for the energy intensive sector, and that's to be welcomed - but we need a long-term vision not a short-term fix."

Ms O'Grady then moved on to her third key point: the need to engage the trade union movement as equal partners in delivering green growth. "The task we face is too important, too urgent and too big to simply be left to government and business alone."

"We've got to move beyond the business-knows-best mind-set. Or, perhaps more topically, the best-know-your-place mind-set. Trade unions have a critical role to play in ensuring that we deliver a just and fair transition to green growth; helping deliver good green-collar jobs in the regions that need them most, making sure we offer the retraining and reskilling opportunities that workers will need, ensuring that the industrial upheavals that inevitably lie ahead do not hurt those communities still battered and bruised by economic change in the 1980s."

"The transition we face won't be easy, but if we work together - government, business and unions - we can maximise the gain and minimise the pain. And we should be guided by a simple principle. Working people must feel that the fight against climate change is something that is being done with them, not to them. Within our ranks, we have many experts and professionals in the field. But regardless of the jobs they do workers have a right to a voice and a big part to play, from promoting energy efficiency to green travel plans in individual workplaces and strategic decisions about the future of workplaces that nobody has a bigger stake in. There is no issue more important to ordinary working people."

"We think the government needs to do more to promote it. And we want unions fully engaged in the process of change. We can't just muddle through, hoping that business will do the right thing and the market will deliver. Let's remember that the Stern Report famously described climate change as the biggest example of market failure in human history, so it follows that we need to break free from the stifling neoliberal mind-set that got us into this mess in the first place."

O'Grady concluded by saying, "I want a green growth to be at the heart of a new economy: fairer, stronger and more sustainable in every sense of the word. And I want green growth to power our recovery out of recession, showing that there is an alternative to the false economy of austerity. So let's make our case with conviction and clarity. Let's show we have nothing to lose by being bold. And together, let's make sure that when those elusive green shoots of recovery finally do appear, they really are green."



Frances O'Grady was born in Oxford and was one of five siblings in a working class Irish-originated family. She was educated at Milham Ford School, a grammar school which became comprehensive during her time there. At Manchester University, she earned a BA in politics and modern history and she also received a diploma in industrial relations and trade union studies at Middlesex Polytechnic.

Her grandfather was a founder member of the Irish Transport and General Workers Union and her father was a shop steward at the Leyland Car Plant in Cowley.

O'Grady worked for the Transport and General Workers Union, where she opposed the abolition of the Agricultural Wages Board and campaigned for a minimum wage. She became TUC Campaigns Secretary in 1994, founded the TUC Organising Academy in 1997, became head of the TUC's organisation department in 1999, and was then elected as Deputy General Secretary in 2003, becoming the first female General Secretary on 2 January 2013.

Report on UKAPE at the IHEEM Exhibition

UKAPE, like most organisations, is always trying to recruit new members. So those members in the Health Services sectors, i.e. those of you either employed directly by the NHS or by independent suppliers of goods or services, attending the IHEEM conference in Manchester in October, may have been pleasantly surprised to see UKAPE there. It was represented in the accompanying trade exhibition on a stand manned by some of our lay members and showing the new - but now much used! - UKAPE display stand.

The lay members were obviously keen to support the event as although the exhibition was in Manchester the members came from Bristol, Leicester and Southampton! And given the professional engineer's usual appraising attitude, you may have wondered if it was a cost-effective use of members' subs. This was exactly the issue that exercised our Executive Committee when the idea was first floated by one of our members from the sector [it was me - Ed]. Having looked at the costs, the EC, deciding that "you have to speculate to accumulate", concluded it was worth a try, if only as a "learning exercise".

Well, the great thing to report is that it was very successful and well worthwhile as a recruiting exercise on its own, but also a really useful way of getting UKAPE's name in front of technology sector professionals of all professional backgrounds, as well as making contact with professionals who were already members of UNITE but unaware UKAPE was there and available for them. We suggested that they consider transferring from their Branch to UKAPE.

Although not overrun with visitors (no stand was and it was considered by previous exhibitors that there were fewer visitors than preceding years), we saw a steady number throughout the two days of the conference. And as a valuable "learning exercise"? It was certainly that, and moreover, speaking to interested people, visiting other stands or simply chatting with passing members and fellow exhibitors, it was just great fun!

Such was the success of the exercise that it was felt that we should do this again, perhaps two or three times a year. EC are now looking for suggestions for the best technical trade conferences/exhibitions for future outings. And it is here that we need your help and want your suggestions based on your recent professional business experience. The event needs to be one that definitely attracts professional engineers, though not uniquely.

Trade shows strongly associated with our professional institutions are an obvious place to look, but also knowing which are felt to be the principle shows in the various (and many!), engineering business sectors is important and something we would really like to hear from you about. So, as much information as you can, please! We really need to hear from you. We can be contacted through the usual routes - see the ET back page, or use the "Contact Us" information on our web site - or email the Branch Secretary at info@ukape.org.uk



Looking like the "Ancient Mariner" (which, in lower case, he is!), V-P Jock Currer would fix passers-by with a mesmeric eye and ask, "Are you a Professional Engineer?" He was stunningly successful with this approach!

Draft Code on Flexible Working

The government's conciliation service, ACAS, has launched a consultation on a draft code of practice on the extended right to request flexible working.

The right to request to work flexibly, currently available only to carers and parents of children under 17, is likely to be extended to all employees who have worked for their employer for at least 26 weeks by 2014.

According to ACAS, the government has asked it to produce a code of practice with an emphasis on helping businesses manage this new extended right.

It makes clear that the aim of the draft Code will be to offer short, practical advice to make it as easy as possible for employers to handle requests and fit them to their specific circumstances and procedures. The current statutory procedure through which employers consider flexible working requests will therefore be repealed and replaced with a duty on employers to deal with requests in a "reasonable manner" and within a "reasonable period of time".

ACAS will also produce a non-statutory good practice guide with practical examples of managing flexible working requests in the workplace. This will be published alongside the final code.

The right to request flexible working was first introduced in April 2003 for parents of children under six years old or under 18 if the child had a disability. The right was extended to certain carers in 2007 and further extended to parents of all children under 17 in 2009.

The consultation will run for 12 weeks and closes on 20 May 2013. Please visit the ACAS website to respond to the consultation.

Free Training for Smaller Charities

Google has launched a free initiative designed to help 30,000 small or medium-sized charities boost their fundraising by improving their digital skills. The initiative is aimed at charities with annual turnovers of £1m or less.

The Initiative, *Grow Your Charity Online*, is provided in partnership with the *Media Trust* and the *Charity Technology Trust*, and it apparently offers an online learning hub, training, free workshops and live events. In order to participate you will need to sign up through the website. Once registered you should be taught how to use the internet to increase your reach, expand your fundraising and improve engagement with volunteers. You will be able to apply for free access to online services such as advertising and business apps, which commercial companies have to pay for.

Richard Craig, chief executive of the CTT, said "Due to a lack of resources, very few of the charities we work with are able to take full advantage of what the internet has to offer to help them achieve their missions. Without the time or money to invest in it, charities might miss out on the advantages that web analytics, online communications, promotional offers or even a *You Tube* page can offer them."

Matt Brittin, vice-president of Google's northern and central European operations, said: "The web is essential for charities to access new tools to share stories, help people and raise money. Britain's charities need sustainable, practical methods with which to help themselves grow and really make a difference, and *Grow Your Charity Online* aims to help these organisations succeed."

Your Association needs a little more activity – can you help?

UKAPE is like almost all other employee associations/trade unions in that the majority of the field work is carried out by volunteers. It doesn't just all happen by magic. The objective is that there should be enough of these volunteers so no one has too much to do. The tasks fall into two basic categories, workplace activities (workplace reps) and general organisation (local centre officer).

Both of these roles can be good for your career; there are many people who have been promoted because of the skills they have demonstrated while carrying out activities for their Association. It can get you noticed and if you do the job well you are noticed for the right reasons.

The workplace roles are usually relatively easy to fill by a member at that workplace, chosen by people who know them. The Centre Officer roles are more difficult to fill because a centre covers a large area and many members find it impractical to attend centre meetings. Therefore they don't get known and do not have the opportunity to be elected as Centre Officers (including Executive Committee representatives).

We are working to improve this by setting up Centre meetings using the Unite tele-conferencing system and this will enable any member to "virtually attend" a Centre meeting from the comfort of their favourite armchair. However, while this will make things easier we still need to find members who would consider helping us to keep UKAPE running.

We particularly need volunteers in the North West, South East and Metropolitan Regions.

It is YOUR Association and we need your help for it to continue doing what you want it to do.

Please contact any UKAPE officer (see back of ET for details) either by e-mail or telephone, or complete the attached response slip.

Please return to:- Bernice White, 128 Theobald's Road, Holborn, London WC1X 8TN.

I am willing to be involved with the UKAPE Executive Committee

I would like more information about the UKAPE organisational roles

Name: _____ Membership Number: _____

Signed: _____

Transfer of Undertakings

Under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), there cannot be a service provision change when the activities that have been contracted out are "in connection with a single specific event or task of short-term duration". In **Liddell's Coaches v Cook and others**, the Employment Appeal Tribunal (EAT) said that the phrase "single specific event" stood alone and the use of "short-term duration" was therefore superfluous.

Basic facts

Mr Cook worked as a driver for Liddell's which provided school transport services for local authorities. In August 2010 it successfully tendered for five contracts to transport children from Gargieston primary school in East Ayrshire to other schools in the area while theirs was being rebuilt. The five contracts were for a period of one year each. This was unusual in that most transport contracts were for four or five years each.

Liddell's applied again in 2011 for the contracts but was only successful in winning one of them. Another contractor, Abbey, won three. Liddell's terminated Mr Cook's contract in July 2011 on the basis that his employment would transfer over to Abbey under the TUPE service provision change rules. Abbey, however, said Mr Cook was not their employee. He brought unfair dismissal proceedings.

Relevant law

Regulation 3(1)(b) of TUPE states that there is a service provision change (SPC) when an organisation engages a contractor to provide a service on its behalf or brings the service back in-house and certain other conditions are satisfied.

Regulation 3(3)(a)(ii) states that there is no service provision change if the activities that have been contracted out are "in connection with a single specific event or task of short-term duration".

Employment Tribunal Decision

Relying on guidance from the government, the tribunal interpreted regulation 3(3)(a)(ii) as disapplying TUPE where the "activities" contracted out constitute a "single specific event" and that task is also "of short term duration".

As the contract related to a single specific event (the rebuilding of the primary school) and was of short term duration (lasting only one year rather than the usual four or five years for transport contracts), there had not been a service provision change under regulation 3. It therefore upheld Mr Cook's claim of unfair dismissal against Liddell's.

Employment Appeal Tribunal Decision

The EAT dismissed Liddell's appeal. Although it was critical of the tribunal's failure to look at whether the other elements of regulation 3 were satisfied, it agreed with their conclusions.

The government's guidance indicated that there would be a service provision change when activities connected to a single specific event were nonetheless of long-term duration. However, although this approach had been endorsed in **SNR Denton UK LLP v Kirwan and another** the EAT in this case was not convinced that both elements had to be present.

In its view, the term "single specific event" stood alone. It was "a single happening or occurrence ... involving a qualitative or quantitative change or complex of changes located in a restricted portion of time". In addition, as the word "event" indicated something of short duration, there had been no need for the draughtsman to apply the phrase "of short-term duration" to "single specific event".

The EAT said that the government's guidance had conflated "activities" and "event", adding that "the fact that activities carried out in connection with an event are to be long-term does not make the event itself long-term".

The tribunal was right, though, to find that the contract was in connection with a task of short-term duration as it was only for a year when most transport contracts lasted considerably longer.

Business Red Tape

Half of the 115 regulations affecting the day-to-day running of UK businesses are to be removed, according to initial findings from the Government's Company and Commercial Law Red Tape Challenge.

The Department for Business, Innovation and Skills [BIS] believe that thousands of businesses are expected to benefit from the changes to the Companies Act 2006, which includes scrapping, merging or simplifying regulations - particularly around preparing or filing accounts. Of the 115 regulations, 37 are in line to be scrapped and 20 are to be simplified.

BIS also considers the move to cut down the so called 'dead weight' of redundant legislation would ensure remaining regulations were easier to understand. It also announced proposals to reduce the accounting requirements for micro-businesses with fewer than ten employees, simplifying annual accounts, balance sheets and profit and loss accounts.

Business minister Jo Swinson has also gone on record stating "We are always trying to make sure that companies can get on with what they're supposed to be doing - running a business and creating jobs to help make the economy stronger. These changes are common sense and make business sense. We are determined to create a flexible business environment for companies to flourish in so they can compete globally and help grow the economy."

The Government also proposed changes to:

- remove restrictions on certain company names including using the words 'British' and 'Group'
- simplify the rules regarding the display of registered company names and offices
- simplify rules around using assets to raise finance
- streamline annual reporting requirements
- repeal certain accounting obligations when changing auditors.

Unite however consider that as the current legislation listed has taken years of campaigning at times by Trade Unions and other stakeholders and has successfully made it through both the House of Parliament and the House of Lords before taking their place on the statute book and should not therefore be wiped away by website responses.

In challenging the real reason for change Unite have also highlighted that the Governments 'Red Tape Challenge should not be used as a sounding board for the Government of the day to remove and change legislation as they feel based on ad hoc website comments.

Unite also consider that the 'Red Tape Challenge is not proper consultation and would rightfully expect the Government to conduct full and comprehensive consultation, with Trade Unions and other stakeholders on any areas of proposed change and will continue to contest that this ad hoc website exercise is not only undemocratic; it completely ignores the democratic process that already exists for law creation, change or removal.

New Pension Code

A new code from the Association of British Insurers (ABI) will help people approaching retirement better understand their options when it comes to making decisions about their pension income.

According to the ABI:

- 400,000 people buy an annuity each year, of whom;
- one in four feels they do not fully understand their retirement options; and
- one in three doesn't feel informed enough to compare quotes from another provider.

The ABI Code of Conduct on Retirement Choices, which came into force on 1 March, will see insurers doing more to explain annuity options and encourage people approaching retirement to fully consider and shop around for the best pension option for their needs.

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