

**CIVIL LITIGATION DEPARTMENT
EMPLOYMENT LAW
MAY 2010**

NATIONAL MINIMUM WAGE INCREASE

From **1st October 2010**, the NMW will be:

£5.93 per hour for low paid workers aged 21 and over

£4.92 per hour for 18-20 year olds and

£3.64 per hour for 16-17 year olds.

PUBLIC SECTOR EMPLOYEES

Sharon Shoesmith's Applications against Ofsted, the Secretary of State for Children Schools and Families and the London Borough of Haringey has inevitably attracted a large amount of media coverage given Haringey's involvement with Peter Connelly ("Baby P") in the months before his death and the subsequent criminal trial and conviction of his mother, her boyfriend and his brother of causing or allowing Peter's death. Sharon Shoesmith was the Director of Children and Young People's Services ("DCS") within Haringey. At the High Court in April 2010, the judgment spelt out the background to the application: "within a few weeks of the verdicts being returned in the criminal case, [Sharon Shoesmith] had effectively been removed from her position as DCS on the direction of the Secretary of State based upon a report prepared urgently by Ofsted and within a short while thereafter was summarily dismissed by Haringey without compensation." Ms. Shoesmith brought a claim for "judicial review", i.e. that the decision making process of the three public bodies was unfair. The applications failed.

From an **employment** perspective, however, the Judge made it clear that he believed that the appropriate venue for determining the issue of fairness surrounding her summary dismissal by Haringey is the Employment Tribunal. The Judge also said that "simply because the Ofsted report was in the terms that it was, and the Secretary of State acted as he did and he, others and various national newspapers called for [her] summary dismissal was no proper justification for taking such an approach and it created the appearance of an unfair process". It appears from the Judgment that Ms. Shoesmith already has a claim in the Employment Tribunal, but it is not known at this stage whether she intends to continue with those proceedings.

**If you require any advice or assistance about an employment matter,
please contact Deborah Driscoll in our Civil Litigation Department.**

Disclaimer

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