



*Pictured: Jay Bhayani, Partner and head of
employment department at Watson Esam
(JPEG file attached)*

SHEFFIELD COLLEGE MUST 'FACE THE MUSIC'

In representing Sheffield music lecturer Adam White, local Solicitors Watson Esam has gained a judgement against Sheffield College which could have far reaching consequences for the College and how it employs its lecturing staff.

Adam, who worked for the College for 10 years until resigning in 2004, left to take up new employment but with the agreement of the College, retracted his resignation and returned to work there. The College, however, would only take on Adam's services via an Agency, and on less favourable terms than he had previously enjoyed.

After trying and failing to get the College to listen to his grievances, Adam resigned again in December 2005 claiming constructive unfair dismissal. The College claimed that Adam could not pursue his claim as he was not an employee, but contracted through an agency. The Employment Tribunal, however, disagreed. Jay Bhayani, Partner and head of employment department at Watson Esam said: "The Tribunal found that the College and Adam had mutual obligations to each other. The College, in its statutory

duty to provide the courses that Adam was 'employed' to teach, relied upon him to attend College and deliver the courses it offered, and Adam relied upon the College to make payment for the services he provided. Therefore the College controlled absolutely the provision of Adam's services, dictating what should be taught and when. Adam had no input into this. The Tribunal went on the find that Adam was indeed an employee of the College."

The finding is likely to have serious implications on the recruitment policies of the College, as it apparently 'employs' more than 50 percent of its staff under this type of agency agreement.

Adam says "I believe that this policy of 'employment' creates insecurity amongst the teaching staff and students and reflects badly on the college. I hope that the college will reflect upon the judgement and return to a policy of offering proper contracts of employment to its staff."

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