



EMPLOYMENT TRIBUNALS

Claimants: (1) Miss Sandra Harding
(2) Mr Pramjeet Basil
(3) Ms Sandra Cunningham

Respondent: Birmingham City Council

FINAL HEARING

Heard at: Birmingham

On: 5 to 8, 11, 12, 13 [deliberations in private] & 14 May 2026

Before: Employment Judge Camp
Mrs J Whitehill
Mr T Liburd

Appearances

For the Claimants: in person

For the Respondent: Mr A Johnston, counsel

JUDGMENT

- (1) The Claimants were not at any relevant time, and – in the case of Claimants (1) and (3) [Miss Harding and Ms Cunningham] – are not, employed on work that was or is equal to the work that a comparator of the opposite sex did or does, in accordance with sections 64(1)(a) and 65(1)(a) of the Equality Act 2010 (“EQA”). Their equal pay claims therefore fail.
- (2) Claimant (2)’s [Mr Basil’s] claim relating to the period before 5 October 2022 would anyway fail because he was not employed by the Respondent or its TUPE-predecessor until that date.
- (3) Mr Basil’s claim relating to the period before 2 November 2020 would anyway fail because his only chosen comparator was not employed by the Respondent or its TUPE-predecessor as an Account Manager until that date.

- (4) Ms Cunningham’s claim relating to the period before 1 September 2022 would anyway fail because she was not employed by the Respondent or its TUPE-predecessor until that date.
- (5) Ms Cunningham’s claim relating to the period before 7 September 2020 would anyway fail because none of her chosen comparators was employed by the Respondent or its TUPE-predecessor as an Account Manager until that date.
- (6) Ms Cunningham’s claim relating to the period before 15 February 2018 would anyway fail because, in accordance with EQA section 132, she can only claim arrears for up to 6 years before the day on which the proceedings were instituted.

SUMMARY REASONS

Introduction & background

1. We, the Tribunal, are giving summary reasons as we have not had enough time to prepare full reasons. Summary reasons do not have to do more than provide a brief explanation of why we have reached our decision in respect of each issue we have decided, but these reasons go much further than that. This is because Miss Harding and Ms Cunningham have the final hearing of the other parts of their claims against the Respondent next week and the week after and it will, we think, benefit them, the Respondent and the Tribunal dealing with that final hearing – which will have the same non-legal Members but a different Employment Judge – to have something in writing before that hearing starts which sets out and explains our decision in rather more detail than summary reasons ordinarily would. These reasons have in fact ended up being closer to full reasons than conventional summary reasons; and we make no apology for that.
2. This is a ‘like work’ equal pay claim brought by two women and one man [Miss Harding, Ms Cunningham and Mr Basil] in a single claim form that was presented on 14 February 2024. They compare their work as Business Advisers – BAs – to the work of Account Managers – AMs. Miss Harding and Ms Cunningham remain Business Advisers; Mr Basil stopped being a BA at the end of November 2023, when he became an AM.
3. The Claimants and their comparators work for the “Growth Hub” in Birmingham. See paragraph 7 of Mr J Egley’s first witness statement for what that is. In short, it is a publicly-funded single point of contact for businesses, providing them with support to help them grow.
4. The Claimants were all for a time employed by the Greater Birmingham and Solihull Local Enterprise Partnership (“GBSLEP”), which was originally the Second Respondent. They TUPE-transferred to the Respondent [the City Council] on 1 December 2023. (From this point onwards, unless otherwise indicated, when we mention the “Respondent” we mean the Respondent and/or GBSLEP.)

Periods covered by the claims

5. The Claimants claim arrears of pay for the duration of their time working as BAs in the Growth Hub: Miss Harding from 29 November 2021; Mr Basil from 8 June 2020; Ms Cunningham from July 2015 or some time in 2016.
6. Mr Basil and Ms Cunningham were not, though, employed by GBSLEP (or the Respondent or any associate or other employer that is or might be relevant for equal pay purposes) from those dates. Their employments with GBSLEP began, respectively, on 5 October 2022 and 1 September 2022. Before then, they were secondees, employed by Aston University (Mr Basil) and Birmingham Chamber of Commerce (Ms Cunningham). Mr Basil's and Ms Cunningham's claims in respect of the periods before those dates therefore necessarily fail.
7. In addition, Ms Cunningham's claim relating to the period before 15 February 2018 would anyway have failed because, in accordance with EQA section 132, she can only claim arrears for up to 6 years before the day on which the proceedings were instituted.
8. Miss Harding and Ms Cunningham have three comparators: Mr O'Donnell, Mr S Harris, and Mr Sanghera. Of the three, Mr O'Donnell began his employment as an AM first: on 7 September 2020. Ms Cunningham therefore has no comparator – and has put forward no basis for claiming – for the period before that date.
9. Mr Basil is not making a so-called 'piggy-back' claim and has one comparator: Ms Bowden, whose employment as an AM began on 2 November 2020. He therefore has no comparator – and has put forward no basis for claiming – for the period before that date.

Issues

10. The 'headline' issues we have to decide are:
 - 10.1 whether the work of the Claimants and their comparators is the same or broadly similar ["was" rather than "is" in the case of Mr Basil – for stylistic reasons we shall use the present tense when referring to the Claimants together];
 - 10.2 if so, having regard to the frequency with which differences between their work occurred in practice and the nature and extent of the differences, whether such differences as there are between their work are not of practical importance in relation to the terms of their work.
11. Our decision on those issues is:
 - 11.1 the work is not the same or broadly similar;
 - 11.2 in so far as the work is the same or broadly similar, such differences as there are between their work are of practical importance in relation to the terms of their work.
12. The main subsidiary issue is: what work did the Claimants and the comparators do.

What “work” is relevant & what is not relevant

13. There is one question of law we need to answer in order to explain our decision: for the purposes of equal pay, what is the “work” of the Claimants and the comparators? In relation to this, we adopt paragraphs 27 to 33 of the decision of Lavender J in **Beal v Avery Homes Ltd** [2019] EWHC 1415 (QB). In summary, in most cases (and certainly in the present case):
 - 13.1 what we have had to decide is what the Claimants and the comparators do as part of their jobs as BAs and AMs;
 - 13.2 this is not necessarily the same as, e.g., what their contracts say or even what they do in practice (although what they do in practice is always the starting point);
 - 13.3 something is part of their jobs if they are in practice required or expected to do it, even if only infrequently and/or if it is something the Respondent approves of them doing and/or encourages them to do, tacitly or otherwise.
14. Throughout the hearing and in the rest of these Summary Reasons, we have been and will be using what the job holder was “*required or expected to do*” as a shorthand for the more complicated and nuanced legal test we have just summarised.
15. That is, then, what this case is about. It is not, we note, about:
 - 15.1 whether having in a Growth Hub a ‘two-tier’ structure involving BAs and AMs is a good or bad idea;
 - 15.2 whether Miss Harding and Ms Cunningham would be able to do the job of an AM competently;
 - 15.3 the competence of the comparators;
 - 15.4 the degree to which the comparators truly have adequate knowledge and experience in the areas in which they are designated specialists.
16. With that in mind, we turn to the question: what work do the Claimants and the comparators do?

The Claimants’ concessions

17. We note that during the hearing, the Claimants effectively made a number of concessions, which mean that their case in practice is different from their case on paper. (We use the word “case” rather than “cases” because, as best we can tell, they are all pursuing the same case and they do not disagree with each other on any relevant point.)

18. The Claimants have all conceded:
 - 18.1 that the work that each of them as BAs do is the same – none of them is suggesting that there are any relevant differences in terms of what they are required or expected to do;
 - 18.2 similarly, that the work each of the comparators (and all the other AMs) do is the same, i.e. that there are no relevant differences in terms of what they are required or expected to do;
 - 18.3 that the BA job description at pages 274 to 276 of the Respondent's bundle was the job description each of them was recruited to and accurately reflects the role they do in practice, and that there is nothing they are required or expected to do not in that job description.
19. Mr Basil and Ms Cunningham conceded that (and Miss Harding did not in her oral evidence dispute this):
 - 19.1 the AM job description at pages 268 to 270 of the Respondent's bundle accurately reflects the role the comparators do in practice.
20. We emphasise that, whatever their positions on paper, it has not been the Claimants' case at this hearing that the relevant work of either a BA or an AM has changed in any significant way at any relevant time. In particular, the concessions they have made about the job descriptions accurately reflecting the work done were not limited to a particular time period. For example, they are no longer saying that the job descriptions were accurate at one point in time but potentially not so at some other point. (Some such suggestion seemed to be being made, particularly in connection with the job evaluation exercise completed in August 2021.)

Work not included

21. As we have explained, the work we are looking at for the purposes of undertaking the equal pay comparison exercise does not include work done by the Claimants: that they are not required or expected to do; and that is not tacitly approved of. All the Claimants have done some work of this kind. It is work that is not condoned or approved or encouraged; it is positively discouraged – and they know it is; and it is even, potentially, in some respects, misconduct for the Claimants to do this work.
22. The clearest example of the Claimants doing this kind of work is:
 - 22.1 there are types of clients that only AMs are supposed to deal with, i.e. that BAs are not supposed to deal with. (There are no types of clients that AMs are not supposed to deal with; BAs are not allowed to deal with certain types of client; AMs are allowed to deal with all types of client.);

- 22.2 what is supposed to happen is that if a BA finds themselves, for whatever reason, dealing with a type of client they are not supposed to be dealing with, the BA should refer the client to an AM;
- 22.3 all three of the Claimants confirmed in their oral evidence that –
- 22.3.1 they knew they are supposed to refer these types of clients to AMs;
- 22.3.2 they each, to a lesser or greater extent, have or have had these types of clients;
- 22.3.3 they have not been referring them to AMs (or, in Mr Basil’s case, did not refer them to AMs when he was a BA) and instead have dealt with them themselves;
- 22.3.4 they do/did not tell the Respondent they were doing this (although the Respondent has subsequently found out in general terms that they were doing this) and they accept that the Respondent, had it known at the time, would have disapproved of what they were doing and would have instructed them to refer the clients to AMs.
23. There was always a threshold as to the size of business that was the cut-off point in terms of which types of businesses were deemed suitable only for AMs. (In some circumstances businesses below the threshold were also supposed to be referred to AMs, but we do not need to consider that complication for the purposes of this decision.) As we understand it, the threshold has for a few years been: turnover of £200,000 plus and 5 or more employees. The Claimants have mentioned the fact that the threshold has changed over time, as indeed it has, but that is not relevant. What is relevant is that there has always been a threshold; and that the Claimants have not passed on clients above the threshold that applied, as they knew they should have done; and, in Miss Harding’s case at least, she retains, as what she thinks of as ‘her’ clients, a number of businesses above the threshold that she will not pass on to an AM.
24. Another thing each of the Claimants as BAs have done that they were not supposed to be doing – albeit this is discouraged rather than actually prohibited – is deliberately to create and maintain an ongoing relationship with clients. What BAs are supposed to do is to meet with a client (always or almost always online) and prepare something called a “general diagnostic”, which will include an “action plan”. The work they do is helpfully summarised in the last sentence of paragraph 16 of Mr Roberts’s witness statement. After they have done this they should then ordinarily have no further dealings with that client, unless the client happens to contact the Growth Hub again.
25. There are good reasons for having these limitations on what BAs do, namely: that there is very high demand from smaller businesses (i.e. those below the threshold) and for a BA to spend a lot of time with one such business means less time to spend on others and leads to capacity problems; (we infer) that it is unlikely to be a good and proportionate use of the Growth Hub’s limited resources for lots of time to be devoted to a smaller business that lacks growth potential, particularly not the kind of micro-businesses with sub-£10,000 per annum turnover that Miss Harding told us makes up the overwhelming majority of the businesses she deals with.

26. However, what Miss Harding and Ms Cunningham have been doing (and what Mr Basil may have done; the evidence is unclear in this respect) is routinely to arrange, as part of an action plan, for the client to report back to them and/or for them to contact the client after a period of time for some kind of progress report and, potentially, for the Claimants to provide further advice and assistance on an ongoing basis.
27. Something that may well be a related issue is that Miss Harding has been spending significantly more time than she is supposed to dealing with particular clients. BAs should not spend more than 3 hours doing a general diagnostic and action plan and recording it on the Respondent's computer system – and doing that, together with “grant diagnostics”, are pretty much all they are supposed to be doing, in terms of dealing with ‘their’ clients. (There is a description of what the different kinds of diagnostics are in paragraphs 26 to 31 of Mr Roberts's witness statement.)
28. The picture the evidence has painted for us is that Miss Harding and Ms Cunningham want (and Mr Basil wanted), to be doing different work from the work of a BA, i.e. they want / wanted to do in-depth work with clients with whom there is an ongoing relationship and not to do high-turnover work that largely involves a short meeting with a client before referring them to AMs or external agencies, and then moving onto the next client.

The job descriptions (part 1)

29. With all that in mind, we return to: what work are BAs and AMs required or expected to do? In relation to this, the job descriptions are the best starting point and are almost the end point because, as we have already highlighted, all the Claimants accepted in oral evidence (or did not dispute) that the job descriptions accurately reflect their work as BAs and that of the comparators as AMs. Our focus is on:
 - 29.1 things that are part of AMs' work that are not part of BAs' work;
 - 29.2 differences between the job descriptions which we are satisfied reflect a significant quantitative or qualitative difference in terms of what AMs or BAs actually did (i.e. not an obligation that appears in the AM job description and not in the BA job description where the evidence is insufficient to prove there was such a difference in practice).
30. We put to one side tasks that we are not satisfied take up enough of BAs' and AMs' time to be significant for the purposes of comparing what work those jobs consist of.
31. Ignoring such tasks, BAs are required or expected to do the following work:
 - 31.1 dealing with telephone enquiries – perhaps 10 calls per day. This is something only BAs do and all the BAs are expected to do it. Although the Claimants in their oral evidence suggested that this was not a significant part of their work, we reject that suggestion. This is on the basis that it was significant enough for the Claimants to have raised a substantial concern about having to do this (and about AMs not having to do this) as part of their grievance of August 2023;

- 31.2 general diagnostics / action plans and grant diagnostics in relation to businesses below the threshold. Doing this takes up – or should take up – about half a BA's time;
- 31.3 administration, CPD activities, internal meetings, attending events organised by others.
32. The Respondent agrees that there is quite a lot of overlap between what AMs and BAs are required or expected to do, which is reflected in the fact that many of the “*responsibilities and duties*” in the two job descriptions are the same or very similar. In particular, AMs also do, or have done, general diagnostics and grant diagnostics. The general diagnostics AMs do are for clients above the threshold, and the grant diagnostics are for clients both above and below the threshold. As Mr Egley and Mr Roberts explained in their evidence, grant diagnostics for clients above the threshold tend to be more complicated and time-consuming than those for clients below the threshold, for reasons including that the grant application will usually be for larger amounts of money and require more explanation and justification.
33. In addition: grants become available around particular dates; when they become available there is a sudden short-term need for lots of grant diagnostics work; this is when AMs do most of their grant diagnostics work. AMs therefore do not do a lot of grant diagnostics work for the majority of the year.
34. Also, it is potentially misleading for the Claimants to do what they have done and simply add up the total number of different types of diagnostics that they and the comparators are recorded as having done and express the figures as percentages of the total numbers of diagnostics in pie charts. It is potentially misleading because the pie charts might, at first glance, be thought to show how much of an AM's work consists of doing, for example, grant diagnostics. They do not do this for a number of reasons, including: that the pie charts give no information about how much time is spent on each diagnostic; that an AM's work consists of a lot more than just doing diagnostics.
35. Nevertheless, we accept that these parts of AMs' and BAs' work are qualitatively the same or broadly similar.
36. The significant differences between the work in the two roles can be seen in the job descriptions too.
37. AMs have a duty “*to enable the implementation of an action plan*”, whereas the equivalent duty on BAs is: “*to agree an action plan with appropriate clients, including to make referrals internally and externally*”. In other words, BAs are supposed to come up with an action plan that essentially involves the client moving on to someone else; whereas AMs assist with the implementation of action plans which: may have been prepared by a BA; may have involved the client being referred to the AM explicitly for the AM to help implement it.
38. This is illustrative of the fact that doing general diagnostics is the core part of a BA's job – substantially, the role of a BA is doing diagnostics of one kind or another and action plans; whereas doing general diagnostics / action plans is only a small part of an AM's role and

is not necessarily a core part of it, in that there is at least one AM – Mr O’Connell – who hardly does any general diagnostics at all.

39. That brings us to what is the core part of an AMs’ role, as set out in the AM job description, and which there is no equivalent of in the BA job description: a duty to “*maintain an active portfolio of a minimum of 50 relevant clients at any time, contributing to overall Hub targets.*” With that duty comes very different requirements on AMs from those on BAs in terms of how much time is spent with clients and what they are doing with clients in that time.
40. Growth Hubs used to be funded by the European Regional Development Fund (“ERDF”) and now, post-Brexit, are funded by the UK Shared Prosperity Fund (“UKSPF”). With the change in the source of funding have come changes in terms of how services are supposed to be delivered and how delivery is measured, but within the Respondent, the model involving having BAs and AMs has been retained, as has the distinction between what work BAs and AMs do.
41. Putting it simply (it is more complicated than this, but those complications don’t matter for present purposes):
 - 41.1 under ERDF, BAs did 3 hours of work or “outputs” for a client, consisting of a general diagnostic and an action plan, and AMs did 12 hours of work, which might have included a general diagnostic and an action plan, but would not necessarily do so. What an AM’s work would necessarily include would be outputs other than general diagnostics and action plans – usually at least 9 hours’-worth of those other outputs;
 - 41.2 under UKSPF, the work is split into low, medium and high “interventions”. BAs only do low and medium-level interventions. AMs do all levels of interventions. Completing a general diagnostic and an action plan, which should not take more than 3 hours, is a medium-level intervention. The time that AMs spend with clients is now unlimited and in practice they spend at least 12 hours working with each key client;
 - 41.3 under both ERDF and UKSPF, BAs’ targets / KPIs were and are based purely on the quantity of outputs. The main requirement was and is to do 12 general diagnostics and related action plans per month;
 - 41.4 under ERDF, AMs’ targets / KPIs were to do with carrying out 12 hours of work. Under UKSPF, targets are now largely to do with outcomes rather than outputs, as explained in paragraphs 31 and 32 of Mr Egley’s first witness statement.
42. These differences mean that BAs are expected to deal with many more clients than AMs are. In connection with this, it is notable that one of the things the Claimants raised their grievance about was the fact that they had more clients than AMs did.

43. In summary, although the percentage of their time they spend with clients overall may be similar, at around 40 to 60 percent (or, at least, in the same ball-park; although it varies, particularly for AMs), outside of grant diagnostics:
- 43.1 BAs' work with clients involves completing lots of 3-hour general diagnostics / action plans, largely with micro-businesses;
 - 43.2 AMs' main work with clients involves significantly longer interventions with far fewer and much bigger clients, largely doing things that are not general diagnostics / action plans and that are not any part of a BA's work, such as regular 'catch-up' meetings.

Missing records; one-to-many; Peer-to-Peer Network

44. This is a convenient point to deal with something the Claimants have raised that could be described as a side-issue. It is a little confusing and, possibly, somewhat confused; and it seems to be one of the things – of which there are many – that reflect the Claimants' case in theory, on paper, rather than in practice (i.e. rather than the case pursued at this hearing and any case that is consistent with the Claimants' oral evidence given at this hearing). We address it nonetheless.
45. The issue is along these lines:
- 45.1 detailed records on the Respondent's computer system (referred to as CRM) of the work AMs did before late 2023 are not available. (There is nothing odd or suspicious about this – apparently it is due to data protection rules preventing client data being passed to the Respondent as part of the TUPE-transfer process; and, possibly, also TUPE-transfer-related IT issues.);
 - 45.2 all of the Claimants, and Mr Basil in his witness statement in particular, appear on paper to be alleging that, for a significant period up to 2024, AMs did no one-to-one work with their clients;
 - 45.3 seemingly connected with this – connected in the Claimants' minds, that is – is the fact that, in response to Covid, between mid or late 2020 and March 2022, there was a shift in how the Growth Hub delivered most of its services to clients, from a one-to-one to a one-to-many model;
 - 45.4 as part of this, there was something called the Peer-to-Peer Network, which involved getting clients in similar areas and/or with similar interests together to share experiences and learn from each other;
 - 45.5 one of the suggestions the Claimants seemed to be making on paper was something to the effect that AMs were not really doing any work with their clients at all, because, allegedly: they were not (as above) doing any one-to-one work with them; their one-

to-many work consisted of clients being given talks by and having discussions with their peers rather than with the AMs.

46. Putting to one side the fact that these changes were temporary and ended around March 2022 (and not from the point where detailed records are available, from – as we understand it – late 2023):
 - 46.1 all the Claimants conceded that they did not and do not know what AMs do day-to-day because they and AMs work from home and have very little direct contact with each other;
 - 46.2 during his oral evidence, Mr Basil said something to the effect that he was not accusing the Respondent's witnesses of lying about AMs having continued to do one-to-one account management work with their portfolio of clients between 2020 and 2024;
 - 46.3 none of the AM witnesses' evidence about what work they were doing was challenged in cross-examination.
47. In those circumstances, in so far as the Claimants are seriously suggesting that no one-to-one account management work was done by the comparators between 2020 and 2024, we reject that suggestion. Moreover, if it had been the case that they did no such work for any significant period, they would not have been carrying out their duties – they would not have been doing what they were required or expected to do.

The job descriptions (part 2)

48. Returning to the AM job description and the duties of AMs that BAs do not have, two duties exclusive to AMs are: "*To work with key partners and LEP colleagues to design and specify processes (where appropriate) and deliver specific projects and initiatives to support businesses to deliver growth*"; and, "*To design and deliver an engaging events programme for businesses which provides insight and support on key topics identified as priority areas by businesses*".
49. These are duties that all of the comparators do to some extent (and we remind ourselves of the Claimants' concession that they do not distinguish between the comparators in terms of what their work as AMs consists of). In practice they include:
 - 49.1 events where workshops are delivered. Around 10 to 15 workshops per annum are delivered between 9 account managers. They will be delivered at fewer than 10 to 15 events, because there can be up to 5 workshops per event. These numbers do not, we understand, include workshops delivered at Miss Bowden's Female Leaders / Entrepreneurs events;
 - 49.2 programmes, such as the Female Leaders / Entrepreneurs programme Miss Bowden has been delivering since 2022;

49.3 particular projects, such as the ‘Winning Bids’ project Mr O’Donnell worked on in connection with the 2022 Commonwealth Games.

50. A further difference between the work of BAs and that of AMs, which is not there in terms in the job descriptions (except in so far as part of it comes within the obligation on AMs to “*design and specify processes*”) is that AMs are expected to have an area in which they specialise. When a client comes into the Growth Hub which might benefit from assistance in that area, e.g. it is a hospitality business that fits within Mr O’Connell’s “food and drink” specialist area, it is referred to that particular AM. This is something that does not happen with BAs at all. A BA’s role in connection with this is to identify as part of a general diagnostic whether the client would potentially benefit from an AM’s specialist input and then to refer the client to the AM with the relevant specialism, for that AM to decide whether or not the client would actually derive benefit from this. (As best we can tell, Miss Harding and Ms Cunningham do not do this, even though they are supposed to, seemingly because they have reservations about AMs’ capabilities and think they know better than the AMs do whether an AM’s specialist input would be of benefit to clients.)
51. Latterly, from 2023/2024, another aspect of AMs’ specialisms has been the devising of specialist diagnostics, to be completed only by an AM with that specialism. AMs have also contributed to the general diagnostic template, which is amended from time to time. BAs only complete general diagnostics and have no role in devising or otherwise contributing to the contents of diagnostic templates.
52. In addition to what has already been mentioned, the rest of an AM’s time is typically spent doing external meetings (of the kind that BAs do not have) and administration.

Comparing time spent & work done

53. On the evidence, breaking it down in terms of precise percentages of time AMs and BAs spend on their various tasks is impossible; and we suspect it would be impracticable even if a large quantity of further evidence were gathered, not least because it will inevitably vary over time and vary as between the Claimants and as between the comparators.
54. It would also probably not be a particularly helpful thing to do. Both Mr Basil and Ms Cunningham suggested that “99 percent” of the two roles is the same. That is manifestly not the case; and even using their pie charts and making the erroneous assumption that if a particular percentage of an AM’s diagnostics is, say, grant diagnostics, that means that grant diagnostics makes up the same percentage of their work, the roles would not be 99 percent the same. Even if the Claimants were able to satisfy us that, for example, 75 percent of an AM’s and a BA’s working time is spent doing the same or broadly similar work – and they have not come remotely close to satisfying us of this – that would mean that 25 percent of their working time was not spent on the same or broadly similar work; and it would not make the work in the two roles, looked at as a whole, the same or broadly similar.

55. What we are satisfied of is the following:
- 55.1 the core part of both a BA's and an AM's work is dealing with their clients on a one-to-one basis, i.e. in the case of BAs, doing general diagnostics and related action plans. In the case of AMs, most of that work consists of doing things other than general diagnostics and related action plans – things that BAs are not required or expected to do;
 - 55.2 both BAs and AMs do grant logistics, but this is only a small part of an AM's work;
 - 55.3 outside of completing grant diagnostics and their core work dealing with clients on a one-to-one basis (and related administration), BAs and AMs quite simply do different work. For example, AMs organise and deliver workshops / events and programmes and, from time to time, work on major projects.

Summary & conclusions

56. The Claimants' case has focussed on the superficial similarities between the two roles: e.g. the fact that both roles involve direct contact with businesses, general diagnostics and action plans, grant diagnostics, using the CRM system, referring clients to external agencies, and using the so-called "Information, Diagnostic and Brokerage" model. By asking us to accept they are engaged in like work on the basis of those superficial similarities, the Claimants are inviting us to ignore a number of things:
- 56.1 we have to look at their work as a whole, not just the individual tasks that make it up;
 - 56.2 although even an approximate percentage cannot be put on it, on any sensible view there are substantial parts of the comparators' work that the Claimants are and were not required or expected to do and, whatever else, that means the work looked at as a whole is not the same or broadly similar;
 - 56.3 work can be different – i.e. not the same or broadly similar – in terms of quantity as well as quality. If a claimant and a comparator carry out the same two tasks, but the percentage of the time they each spend on those two tasks is very different, then it is likely (and becomes increasingly likely as the difference in the percentages increases) that their work, looked at as a whole, will not be the same or broadly similar. If there is a small but significant percentage difference, although the work may be broadly similar, it may well be that "*such differences as there are between their work*" are "*of practical importance in relation to the terms of their work*" (EQA section 65(2)(b)), particularly if the two tasks are very different;
 - 56.4 in light of our finding that the work, looked at as a whole, is not the same or broadly similar, the issue as to whether "*such differences as there are between [the Claimants' and the comparators'] work are not of practical importance in relation to the terms of their work*" does not, technically, arise. However, if we ignore the tasks AMs do which, on any view, are not remotely comparable to anything the BAs do, such as organising and delivering workshops, and look just at the one-to-one client work, there are substantial qualitative and quantitative differences in the work

involved in the two roles that make the work not the same or broadly similar. And even if we had accepted that the work was the same or broadly similar, we would have found that those differences are of practical importance in relation to the terms of their work.

57. It follows that the Claimants and the comparators are and were not employed on like work and that their claims fail.

Addendum – the job evaluation

58. Finally, for the sake of completeness, we turn briefly to the arguments the Claimants raised at the preliminary hearing on 21 February 2025 in relation to the job evaluation exercise that was carried out in 2021. (See, in particular, paragraph 2.6 of the list of issues that forms part of the written record of that hearing.)

59. We should make clear that this is not an equal value case and that those arguments have not been raised before us, nor can we be confident that the parties have provided all the evidence they would have provided if this were an equal value case and if those arguments were 'live'. We are therefore only expressing a provisional view. Nevertheless, our provisional view – and it is a strong provisional view – is that, particularly in light of the concessions the Claimants have made about the job descriptions being accurate and complete and in light of the fact that they were the job descriptions that were used in the job evaluation exercise, if the Claimants had brought equal value claims, their arguments relating to the job evaluation:

59.1 would not have been valid ones;

59.2 would not have prevented the Respondent successfully defending those equal value claims on the basis that there was a valid job evaluation study which had found the work not to be of equal value.

Employment Judge Camp

Approved on 14 May 2026

Notes:

- 1. Written full reasons will not be provided unless requested by any party by a written request received by the Tribunal within 14 days of the sending of the written summary reasons.*
- 2. All judgments (apart from judgments under Rule 51) and any written full reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.*
- 3. If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here: www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/Written*