

JANUARY 2020 ISSUE

HR MATTERS

Apex HR Monthly Newsletter, By Lisa Lynch

STEPPING INTO 2020.....

WELCOME TO OUR NEW LOOK NEWSLETTER

Apex is stepping into 2020 with a positive year ahead. Looking back on 2019 we had a good year in terms of business growth, new connections and clients, supportive work and exciting projects. We continue this work into 2020 with exciting times ahead, for both our clients and our business alike. Stay connected to find out more in the coming months...

APEX HR

will celebrate 2 years in business

in February 2020

keep a look out for celebratory invites to follow.....



In this issue

- Employment Law updates coming soon
- Top Tips
- Tribunal case relevant to support we carry out
- Recommended good reads

EMPLOYMENT LAW UPDATES 2020.....

CHANGES IN EMPLOYMENT LAW FROM APRIL

Every year there is updates and changes made to employment law, whether these are annual or have been passed by parliament through a parliamentary system. This year sees some significant changes in employment law and employers should make themselves aware and update relevant literature as applicable.



TOP TIPS.....

HOW TO IMPLEMENT UPCOMING CHANGES...

Tip 1- Preparation is key, seek advice and guidance and the full changes and start to make amendments to any policies ready for the change to come into effect

Tip 2- On the changes that are due to happen such as 'written statement of terms' IR35 rules, you can start to implement these now

Tip 3- communication is key, make sure your wider workforce are aware of the changes and updates to policies and entitlements, make them feel included in the changes.

Key employment law changes 2020 consist of the following:

The Parental Bereavement(Leave & Pay) Act 2018

The new act gives parents or carers a day one right to two weeks leave when they lose a child under 18 or suffer stillbirth after 24 weeks of pregnancy.

Entitlements of statutory pay will be given according to eligibility.

Written statement of key terms

All workers , including employees starting work on or after 6th April 2020, will be entitled to a written statement of key terms on or before the date they start work and must include key entitlements.

Holiday Reference Period

The holiday pay reference for determining a week's pay is changing from 12 to 52 weeks.

IR35 and Off payroll rules

Tax legislation will be extended to the private sector from April 2020. The responsibility for determining employment status for tax purpose will shift to the employer.

Information & Consultation thresholds

The threshold required for a valid request to negotiate an agreement will be lowered.

National Living/Minimum Wage Increases

From 6th April increase to statutory wages take effect and must ensure all employees are paid the legal minimum for their age and status.

*Contact us for
Further
information on
compliance.*



**For all your HR,
culture and people
management
needs, come and
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AVOIDING TRIBUNALS

Apex has supported many clients during January on tricky situations, here's a tribunal outcome that relates to situations that end up in a tribunal that could have been avoided

Epsom & St Helier University hospital V Starling |Constructive Dismissal |April 2019

Facts of the case

The Claimant, a nurse of 40 years working for the trust, was asked to switch on the incubators in readiness for the following day. The claimant had to leave work early due to feeling unwell and a suspected mini-stroke and did not complete the task asked of her. After later realising her error she informed the doctor, however by that time it was too late to do the procedure. It was accepted by all that this incident could have had significant consequences for the patient and resulted in substantial costs for the trust.

The Trust disciplinary policy stated that where there were issues of performance, in the first instance an informal meeting would be held and an 'improvement notice' may be issued. In this case the claimants manager made the decision to issue the 'improvement notice' without having the informal meeting and therefore the manager was unaware of the reasons why the claimant had left early. The claimant disputed the notice, stating that a meeting should have been held first but the manager decided it should stand.

The claimant later resigned and claimed constructive dismissal.

The Employment Tribunal (ET) upheld her claim finding that there was no reasonable explanation not to speak to the claimant before issuing the improvement notice. Had the manager followed the policy and had the meeting, she would have established the full facts and the manager would have been able to make a decision in full knowledge of the facts surrounding the circumstances.

The trust appealed the decision, however the Employment Appeals Tribunal agreed with the ET decision and this was upheld based on failure to follow the correct procedure for issuing the improvement notice.

Guidance For Employers

This case is a common example of how dispute can result in ET1 claims against them. Alongside complying with the ACAS code of practice, all disciplinary matters within an organisation must be followed according to their policy and procedure and should be applied consistently. By doing so this allows for a fair process and limits the risk of potential claims. Failure to do so may result in a successful claim for unfair dismissal or constructive unfair dismissal, as with this case.

RECOMMENDED GOOD READS FOR HR

Apex are consistently finding new and innovative ways to support our clients, in doing so we are passionate about culture and people within workplaces, and we get a lot of our inspiration from like minded people who have published books....

This months recommended read is '**HR Disrupted**' by **Lucy Adams**

She talks about how HR and business needs to change and be more inclusive and supportive of employees in the workplace in this ever changing business world.....