







The agenda for today...

Topic	Speaker
Brexit: Settled and Pre-Settled Status Furlough Update	Nicola Coward Senior HR Business Partner
Winter Wellbeing Childcare and Bubble Closures	Lauren Mawson HR Business Partner
Public Sector Exit Pay Christmas Parties in the Virtual World	Paula Beck HR Business Partner
Employment Law Update	Rhys Howarth HR Business Partner
Mental Health First Aid Training	Kate Earnshaw Senior HR Business Partner
Contacting PACT HR over the Christmas Break	Kate Earnshaw Senior HR Business Partner



Nicola Coward
Senior HR
Business Partner

Brexit: Settled and Pre-Settled Status




Settled & Pre-Settled Status post Brexit:

Who needs to apply?

- Any member of staff from the EU who is living in the UK on 31st December 2020
- Not applicable for staff with indefinite leave to enter or indefinite remain to enter the UK, British or Irish citizenship (including dual citizenship)

Is there a Deadline to apply by?

- Yes, the deadline is 30th June 2021. Anyone who does not apply by that date may not be able to continue living or working in the UK as they do now.





Settled & Pre-Settled Status post Brexit:

Tasks for schools to complete:


- Are there staff on your structure that would need to apply?
- Ensure they are aware and that the application process has started, or they know to start it.
- Ask for evidence this is the case
- Ask to see the confirmation when the process is complete
- Signpost staff to the details on the gov.uk website

[Apply to the EU Settlement Scheme \(settled and pre-settled status\)](#)





Furlough Update



Furlough:

Tasks for schools to complete:

- The scheme is only open to **income generating** posts
- You do not have had to use the scheme previously
- The member of staff to be furloughed must have been on the schools payroll on **31st October 2020**
- The scheme is more flexible, meaning that a staff member can be furloughed for part of their hours, but also be able to work part of their hours if needed
- It is the **80% scheme**, with a monthly salary cap of **£2,500**
- Staff absent due to sickness / shielding can be furloughed if all the criteria above is met

If you do think your school may want to use the scheme please speak to your HR Business Partner or to your payroll provider




Lauren Mawson
HR Business Partner


Winter Wellbeing

Winter Wellbeing

Supporting your staff:

Financial Wellbeing

- Partners/other members of the household may have been furloughed and have been/are receiving a reduced salary, or have found themselves without a job and are struggling to find alternative work
- There may be pressure to splash out on gifts to make this Christmas better than ever
- Whilst working from home can bring savings for some in respect of not paying for fuel, parking etc. it can also lead to an increase in household spending




Winter Wellbeing

Supporting your staff:

Mental Wellbeing

- Being at home or working in isolation can lead to low mood and even anxiety and depression and with the nights drawing in, it is even more likely that our mental health will be affected during the winter months
- Not everyone feels, or wants to feel that this is the season to be jolly, as it can be a difficult time for some who do not look forward to this time of year and feeling disengaged can lead some to resort to unhealthy habits
- A lack of sunlight in winter can affect hormone levels in the parts of the brain that control mood, sleep and appetite




Winter Wellbeing

Supporting your staff:

Physical Wellbeing

- Flu vaccinations are being offered by a range of shops, pharmacies and GP surgeries, which are particularly important for individuals at higher risk of Covid-19, as they're also more at risk of problems from flu
- Whilst Christmas for many is the time to eat, drink and be merry, doing so in excess can impact on our physical health
- Christmas will no doubt be a well-deserved break for school staff and we often find that when we suddenly stop, the rush of the previous weeks catches up with us




Winter Wellbeing

Supporting your staff:


So, what can you do?

- Be vigilant – you know your staff and would notice any changes to their behaviour. For example, is a staff member suddenly sleeping in a lot and late to work? Is someone who is usually one of the louder team members appearing very quiet and withdrawn?
- Remember that not everyone is affected the same when their wellbeing is suffering – take the time to understand your staff members' side of things and what they feel they need.
- Think about some simple adjustments you can make – for instance if a staff member is suffering with Seasonal Affective Disorder could you provide them with a SAD lamp (a UV lamp which imitates natural light), or re-think where they are based in the school?
- Keep in touch with your staff who are working from home – it's easy to feel isolated and disengaged when out of the working environment.

Lastly, we know that having conversations about health and wellbeing with your staff can be tricky, so if you need any guidance, please contact your HR Business Partner



Childcare & Bubble Closures




COVID-19:

Childcare and Bubble Closures:

What are your options?

- Work from home (recommended)
- Annual leave
- Time off for dependants leave
- Unpaid leave (last resort)

Refer to your leave of absence policy and remember to check in regularly with your remote workers.

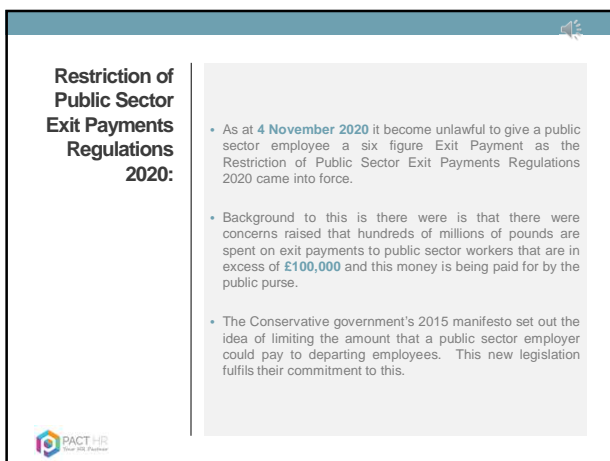




Public Sector Exit Pay

Paula Beck
HR Business Partner

PACT HR
Your HR Partner



Restriction of Public Sector Exit Payments Regulations 2020:

- As at **4 November 2020** it become unlawful to give a public sector employee a six figure Exit Payment as the Restriction of Public Sector Exit Payments Regulations 2020 came into force.
- Background to this is there were concerns raised that hundreds of millions of pounds are spent on exit payments to public sector workers that are in excess of **£100,000** and this money is being paid for by the public purse.
- The Conservative government's 2015 manifesto set out the idea of limiting the amount that a public sector employer could pay to departing employees. This new legislation fulfils their commitment to this.

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Restriction of Public Sector Exit Payments Regulations 2020:

The New Regulations State:

- Exit payments for public sector workers are to be capped at £95,000.
- The cap will apply to staff working for employers listed in the [Restriction of Public Sector Exit Payments Regulations 2020](#).

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Restriction of Public Sector Exit Payments Regulations 2020:

Who does it effect?

- It covers Local authorities, maintained and academy schools, fire authorities, the Civil Service, NHS, police, it covers Quangos, ACAS is covered the British Library.
- They are still some notable omissions. Although Schools are covered there are quite a few Colleges and Universities that are not.
- The schedule at the end of the regulations sets out who is covered.

<https://www.legislation.gov.uk/uksi/2020/1122/schedule/made>



Restriction of Public Sector Exit Payments Regulations 2020:

When does it come into effect?

- The regulations completed its process through parliament on Wednesday 30 September 2020.
- The Minister signed the regulations on the 14 October 2020. Anyone leaving their employment after 21 days from the date the minister signs the regulation will be tested against the cap.
- It came into force on the 4 November 2020.
- There are no transitional arrangements.
- Importantly, the Regulations will apply to all payments made on or after the 4 November 2020, even if the payment relates to contractual arrangements made before that date.



Restriction of Public Sector Exit Payments Regulations 2020:

What does the £95,000 cap cover?


- Redundancy payments
- Severance payments
- Payments made to reduce or eliminate an actuarial reduction to a pension on early retirement (*known as pension strain costs*)
- Compensation under the ACAS arbitration scheme (*other than those made in respect of discrimination and whistleblowing claims*)
- Payments made in the form of shares or share options on loss of employment
- Payments made in lieu of notice under a contract of employment that exceed one quarter of the payee's annual salary
- Any other payment made as a consequence of loss of employment, whether under a contract of employment or otherwise



Restriction of Public Sector Exit Payments Regulations 2020:

What are Pension Strain Costs?


- Local Government Pension Scheme stipulates that if you are over 55 you are entitled to an unreduced pension in the event of redundancy.
- The cost is not paid by the pension scheme. This cost is met by the employer and this is what is referred to as 'strain costs' these employer costs are included in the £95,000 cap.
- This is not something that will just impact your high earners. A long serving LA Officer in their mid to late 50s who has long service between 35 -39 years and earns between £31,000 and £34,000, the strain could potentially exceed over £100,000.
- Employer would be legally prevented from paying an employee what they are owed.
- Regulations do not amend the Pension Scheme. LGPS is under review.
- The regulations would mean that they would all suffer a reduced pension for the rest of their lives. Junior doctors are affected in the same way. So this not something hitting your high earners.

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Restriction of Public Sector Exit Payments Regulations 2020:

Exclusions to the Cap


- Exemptions (where higher amounts might be paid) include payments in respect of death in service, and incapacity as a result of accident, injury or illness.
- Other exempt payments include amounts in respect of annual leave not taken due under a contract of employment, contractual payment in lieu of notice (that does not exceed one-quarter of the relevant person's salary) and payments made in compliance with an order of a court or tribunal.
- If a statutory redundancy payment is included as an exit payment, that payment cannot be reduced, but, if the cap is exceeded, other elements that make up the exit payment must be reduced to achieve an exit payment of £95,000 or less.
- There is going to be further more detailed guidance from HM Treasury that will follow.


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Restriction of Public Sector Exit Payments Regulations 2020:

British Medical Association (BMA) Legal Challenge:


- The British Medical Association (BMA) is the professional body and trade union who represent and negotiate on behalf doctors and medical students in the UK. The BMA are already challenging the new regulations and are putting forward the argument that they are unlawful.
- So it remains to be seen what impact that might have on the implementation of the cap going forward.


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End of Term Parties





Parties and Celebrations

How can we still embrace the festivities at a safe social distance?

There are a number of event companies that have stepped in to offer virtual solutions. Some companies are going all out and attendees are having food and drinks delivered to their home addresses as part of the overall online experience. They are also offering online comedy acts, musicians, magicians and cabaret.

A few Ideas for Virtual Parties...

- Online bingo
- Virtual escape rooms
- Quizzes
- Karaoke
- Fancy Dress
- Virtual Christmas Dinner







Riya Howard
HR Advisor


Employment Law Update

Case Law :

DBS Filtering

R (on the application of P) (Appellant) v Secretary of State for the Home Department and others (Respondents)

- Criminal Records (DBS) checks ruled unlawful following challenge to 'multiple conviction rule'
- Cautions, reprimands and warnings received under the age of 18 will no longer appear on Standard or Enhanced certificates
- Multiple conviction rule removed
- New filtering rules in effect from the 28th November 2020
- School should seek advice from their HR Business Partner in relation to certificates produced before 28th November 2020 that include rescinded information.


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Case Law :

Gender-fluid and non-binary workers protected under Equality Act

Taylor v Jaguar Land Rover Ltd

- Ruled that gender reassignment protection extends to those who identify as gender-fluid or non-binary
- Previously viewed concept of gender identity viewed from a medical perspective where an individual must have gone through or had intentions to go through a formal gender reassignment process
- Consideration of facilities if members of workforce do not identify with the gender assigned at birth


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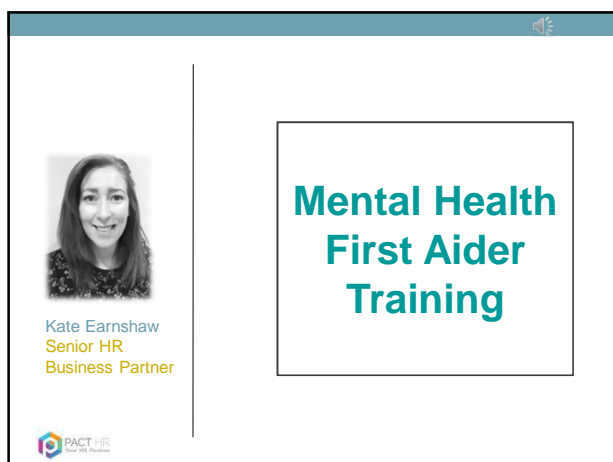
Case Law :

Dismissals and internal appeals

Phoenix Academy Trust v Kilroy

- Successful internal appeal of summary dismissal resulting in re-instatement subject to final warning.
- Refusal to return to work and continuation of unfair constructive dismissal claim
- For there to be a valid unfair dismissal claim, there must be a dismissal
- Position unchanged if employee states prior to convening appeal hearing that they have no intention of returning to work.
- Breach of the implied term of trust and confidence through the employer's conduct of the appeal process – Referred back to Employment Tribunal

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Mental Health First Aider Training

Kate Earnshaw
Senior HR
Business Partner

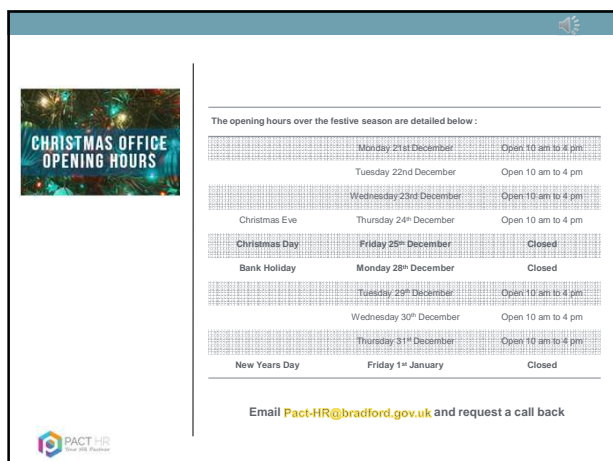
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Mental Health First Aid (MHFA):
Supporting your employees in the workplace

MHFA England INSTRUCTOR MEMBER

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CHRISTMAS OFFICE OPENING HOURS

The opening hours over the festive season are detailed below :

Monday 21st December	Open 10 am to 4 pm
Tuesday 22nd December	Open 10 am to 4 pm
Wednesday 23rd December	Open 10 am to 4 pm
Christmas Eve Thursday 24th December	Open 10 am to 4 pm
Christmas Day Friday 25th December	Closed
Bank Holiday Monday 28th December	Closed
Tuesday 29th December	Open 10 am to 4 pm
Wednesday 30th December	Open 10 am to 4 pm
Thursday 31st December	Open 10 am to 4 pm
New Years Day Friday 1st January	Closed

Email Pact-HR@bradford.gov.uk and request a call back

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