



Northamptonshire



Human Resources Newsletter

FEBRUARY 2012

A few items that came across my desk recently

If you would like to receive the HR newsletter please e-mail Janice at finance@cvscommunityfinance.org.uk.

Firstly a reminder the Trustees Network will be meeting on 8th March 2012. If you would like to attend please contact Pat pat@cvsnorthamptonshire.org.uk.

1. APRIL: UNFAIR DISMISSAL INCREASE

Government has confirmed that the extension of service required by employees to bring a claim of unfair dismissal will rise from one to two years on 6th April this year, **BUT THIS WILL ONLY** apply to those employees who start their employment on or after the 6th April. Existing employees in post by the 5th April 2012 will retain their current one year service provision.

Thus, in future, employers will have to be very careful if they are considering dismissing an employee to determine whether it's the one or two year service requirement that applies.

2. NEW DATA SHARING CODE OF PRACTICE

Do you share any individual's personal data with other organisations?

If so, there is a new Code of Practice issued by the Information Commissioner giving guidance on your responsibilities. For many groups the simple answer is no they don't, but there could be some circumstances where you might not appreciate your need to take the Code into account.

Do you have a duty to report abuse to police or social services?

Do you have a duty to report fraud?

Do you refer service users to other organisations who may also provide help?

If so, please read the Code to understand your obligations under the Data Protection Act. See:

http://www.ico.gov.uk/for_organisations/data_protection/topic_guides/data_sharing.aspx

3. PENSION, AUTO-ENROLLMENT STAGING DATES ANNOUNCED

The “staging dates” (implementation dates) for pension Auto-enrolment for employers with less than 250 employees have been announced by the Dept. Work and Pensions (DWP).

- For those employers with 50-249 on their PAYE payroll as of 6th April 2012, they will have to start the auto-enrolling of qualifying employees from April 2014.
- For those with 30-49 employees it will be August 2015.
- For those with less than 30 employees it will be January 2016.

If you need more info on what Auto-Enrolment is, and how it will affect your group, see:

DirectGov: <http://tinyurl.com/83jb4vw>

DWP: <http://www.dwp.gov.uk/policy/pensions-reform/>

4. CHANCES TO R.I.D.D.O.R

As previously reported, from April 2012, there will be a change to the RIDDOR process of reporting workplace injuries to the Health and Safety Executive. At present employers have a duty to report all work place injuries that result in 3 or more than days of absence. In future RIDDOR reporting will only apply to injuries of 7 or more days absence.

See: <http://www.hse.gov.uk/riddor/reporting-change.htm>

5. HMRC: REAL TIME PAYE INFORMATION

HM Revenue and Customs have confirmed that starting from April through to October 2013, they will require all employers to submit “real time information” (rti) on pay, tax deductions, national insurance contributions, etc.

In practice this means that before, or at the time payments are made to employees, this information MUST be transmitted electronically to HMRC rather than submitting information at the end of the tax year on a single P14 or P35 return. Thus, if employees are paid monthly, employers will have to submit monthly “rti” returns. If employees are paid weekly, it will be weekly returns!!

For more information on why HMRC is introducing this change, see: www.hmrc.gov.uk/rti/employerfaqs.htm.

6. CASE LAW: REDUNDANCY AND ALTERNATIVE EMPLOYMENT

In a case (*King vs Royal Bank of Canada*) before the Employment Appeals tribunal (EAT), the EAT has confirmed that to avoid a claim of unfair dismissal following a redundancy, the employer must be able to produce evidence that it considered or communicated ALL vacancies available to the redundant employee throughout the whole consultation period, or the period when it should have been consulting.

In this case the Royal Bank of Canada had circulated a list of vacancies at the start of the consultation period, but they could not show they had communicated further vacancies that arose later during the consultation period.

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Regards
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