



Northamptonshire



## Human Resources Newsletter

*ISSUE 1    DECEMBER 2009*

Welcome to the first HR Newsletter support by The Big Lottery – Basis Fund. We are pleased to announce The Big Lottery have funded CVS Northamptonshire, for five years to deliver a range of training courses on IT, Finance, Human Resources and other topics plus a HR Newsletter. We will be producing the HR newsletter at regular periods providing you with up-to-date information as well as helpful tips.

If you would like to receive the HR Newsletter please e-mail Janice at [finance@cvscommunityfinance.org.uk](mailto:finance@cvscommunityfinance.org.uk).

To help support Trustees across the County we have launched a Trustees Network. Some of you may remember CVS ran a very successful network for many years, but due to lack of funding had to withdraw the support service.

CVS resurrected this network and the first meeting was held in October; the next planned meeting will be 25<sup>th</sup> February 2010. It's free so please contact John [john@cvsnorthamptonshire.org.uk](mailto:john@cvsnorthamptonshire.org.uk) if you would like to come along.

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Several organisations have requested confirmation of the new Minimum Wage Rates which came into effect on 1<sup>st</sup> October 2009. Because this is a national minimum wage it is illegal to pay employees less than these rates per hour.

Age	Change from	Change from 1st October 2009
16 and 17	£3.53	£3.57
18 to 21	£4.77	£4.83
22 and over	£5.73	£5.80

## **DATA CONTROLLERS' FEE INCREASE**

From 1 October there is to be a new fee structure for notification to the Information Commissioner's Office by data controllers' under the Data Protection Act 1998.

At present there is a current flat fee of £35. This is to be significantly increased for larger organisations. Data controllers' with an annual turnover of £25.9 million or more and 250 or more members of staff (which includes employees and workers) will have to pay renewal notification fees of £500.

There are some exceptions for charities and small occupational schemes. Most other data controllers' will continue to pay £35.

For more details see:

[http://www.ico.gov.uk/what\\_we\\_cover/data\\_protection/notification/fees\\_consultation.aspx](http://www.ico.gov.uk/what_we_cover/data_protection/notification/fees_consultation.aspx)

## **VETTING AND BARRING SCHEME GOES LIVE**

From 12 October the Vetting and Barring Scheme came into force introducing a centralised vetting and barring system for people working with children and vulnerable adults.

It is designed to ensure that anyone who presents a known risk to vulnerable groups is prevented from working with them. On 12 October the 3 current barring lists (POCA, POVA and List 99) were replaced by 2 new lists: the new "Children's" and "Vulnerable Adults" lists.

From 26 July 2010 those people who apply to work or volunteer with children or vulnerable adults will have to apply to be ISA (Independent Safeguarding Authority) registered.

More information in our next newsletter.

## **PERSONAL ACCOUNT PENSIONS**

The roll-out of Personal Account Pensions (PAS), the planned replacement for SERPS will be slower than expected, with auto-enrolment staggered over three years from 2012 and the 8% minimum contribution not fully phased in until 2016.

Employers will be brought into the auto-enrolment duty by size, starting with the largest and ending with the smallest. The staging will be done on a monthly basis, with a regular service break of one month to allow for any backlogs etc.

Large and medium-sized employers can expect to join PAS in the first year, while small and micro employers (less than 50 employees) will be more likely to join 18 months plus after the scheme's launch in October 2012 (although, it should be noted that 'a small group of randomly selected employers with fewer than 50 workers' will be chosen to join the scheme earlier.) Employer size will be determined by the number of employees in a PAYE scheme.

### **Sick leave while on Annual Leave**

This subject seems a little bit like ping pong – first we do, then we don't - now we do!

It all started again with a European Court of Justice (ECJ) case **HM Revenue and Customs v Stringer**. Although the court ruled holidays accrue whilst an employee is on sick leave, it didn't say what happened if this coincides with a period of annual leave.

This issue was considered in the case of **Pereda v Madrid Movilidad SA 2009**. In this case the employee was injured, which merited six weeks sick leave this would overlap pre-arranged annual leave. Pereda requested he take his leave later in the year the employer said no. Pereda brought a claim under the **Working Time Directive** and won.

Reason – ECJ pointed out the purpose of annual leave is to ensure an employee can rest. By contrast, sick leave allows a person to recover from an illness or injury.

Whilst this decision has clarified the law, it leaves the employer with a problem open to abuse.

***Tip – Change your policy on sick leave insist on proof if an employee wishes to reclaim holiday even if it is less than seven days, state you will require a doctor's, hospital certificate or documentation from insurers even if they are in a foreign country. A self-certificate will not be acceptable. Where they can't supply this, you can safely refuse to reimburse them their entitlement.***

***You must have this in your policy to action.***

On behalf of the CVS team I would like to take this opportunity to thank you all for your support during the year and wish you all season's greetings.

Brenda