

Tribunal Fees Abolished

On 26th July the Supreme Court ruled that the charging of fees for bringing Employment Tribunal Claims was unlawful.

Fees ranging from £250 to £1,200 were introduced in 2013 with the aim of reducing the number of malicious or weak claims.

This chart shows that the introduction of fees had an immediate and lasting impact on claim volumes. Trade Unions and employment lawyers fought the introduction of the fees and the Supreme Court's judgement is a result of their combined actions. A deciding factor in this latest (and final) appeal was the discriminatory impact of the increased fees on women.



Justice Minister Dominic Raab immediately accepted the Court's ruling and said the Government would cease taking fees for employment tribunal. He went on to say that they would begin the process of reimbursing claimants dating back to 2013, the cost of which is estimated to be £32 million.

To bring a tribunal claim, employees must submit it within three months of their employment ending or of the problem happening.

It's important to remember that a tribunal will focus closely on the processes and procedures followed by an employer prior to the situation escalating to a formal claim. That's why it's essential to have the right documentation in place and that management practices are carried out in accordance with a clear and fair protocol.

If you have any questions about your documentation and processes please don't hesitate to contact Lynn - lynn@penninebusinesspartners.com 01484 841776

Employment Tribunal Judgments Now Available Online

Earlier this year the Ministry of Justice made all employment tribunal judgements available on line. The website covers all decisions made in England, Wales and Scotland and is searchable by name, date, judge or jurisdiction code.

<https://www.gov.uk/employment-tribunal-decisions>



Pennine Business Partners

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Pennine Business Partners provide HR support, guidance and advice which is delivered by qualified and experienced professionals who understand your business. We work closely with our clients to ensure our advice is accurate, timely and above all practical.

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We take the stress out of managing people. Whether you are taking on your first employee or have an established workforce, we can help you through the day to day challenges of managing people.

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We provide specific training to help your employees become better managers. Our practical courses are tailored to your business and help your management team become even more valuable employees.

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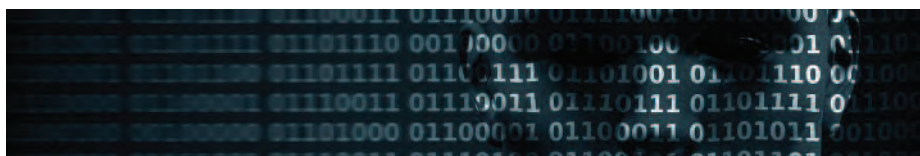
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What will GDPR mean for Human Resources?

We are going to hear a lot more about the General Data Protection Regulation (GDPR) before it comes into effect in May 2018.



The new European Union data privacy regulation will have major implications for companies worldwide, so whatever happens with Brexit it will affect businesses in the UK. The prime aim of GDPR is to unify data protection for individuals and shift control of personal data to the public.



The regulation will give everyone the right to know how any company (whether public or private and regardless of location) is handling his or her personal data. This includes anything that can be used to identify an individual such as genetic, cultural or social information. It could also cover cookies and IP addresses.

Employers already have a legal commitment to collect and maintain personal data in a secure manner, but this new regulation will add an additional burden of compliance on them and their HR teams. At the forefront of this compliance is obtaining permission to store and use personal information and being clear about how and why it's used.

Naturally, this will apply to employees but it will also include past employees, job applicants, volunteers etc.

Employers will have to provide electronic copies of private records to people who request details of what data is stored, where and for what purpose. They will not be allowed to charge an administration fee for providing this information.

Modernising or reviewing employee information management processes and systems may be a good starting point for many. We advocate the BreatheHR online management system and would be happy to advise whether that would be beneficial for your business.

However, business owners who don't respond to the demands of GDPR need to be aware that it's not a toothless piece of legislation. Regulators will be empowered to impose fines of up to 20 million Euros or 4% of a company's global revenue – whichever is the greater.

Workplace Pensions UPDATE

Implementation of the Workplace Pensions scheme will be complete in February 2018 when the last batch of businesses to be included will reach their staging date. Contribution levels are currently set at 1% of qualifying earnings for employers and 1% for employees.



Contributions will then increase in stages in the next two years:

Change Date	Employer Contribution	Employee Contribution
6th April 2018	2%	3%
6th April 2019	3%	5%

Employers will need to budget for the increases and should also make staff aware of the impact the changes will have on their take home pay.

Want to find out more?

Simply call **01484 841776**

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We are proud to support the Forget Me Not Children's Hospice.



We were founder members of their 99 Business Club and have pledged our ongoing support. They do an amazing job, here's

what they do in their own words:

"Forget Me Not Children's Hospice provides care and support to children with life shortening conditions and their families across West Yorkshire and North Manchester.

We are here for families from as early as pregnancy onwards. Whether that is through offering respite, hydrotherapy, music therapy, counselling or bereavement support, we are here to say "yes" to children and their families.

When we say 'yes' to a family, we begin our care not just for the child, but for the whole family. We're led by a highly specialist team of nurses & therapists who deliver our fantastic services, and they do it so well that the CQC rates our children's hospice as 'outstanding'.

Our state-of-the-art children's hospice building in Huddersfield, West Yorkshire, is the heart of all our services and is designed to be a real home from home for our families. However, virtually all of our services are also available through 'Hospice at Home' including clinical care for the children, counselling and even help with household chores."



To find out more about them, donate, volunteer or ask for help call **01484 411040** or email contact@forgetmenotchild.co.uk

Flexible working and the gig economy

Recent high-profile cases have proved that the model for using self-employed contractors is being tested. They're sending a strong signal that workers aren't self-employed just because their contracts say so. Precedents are being set that all companies using self-employed contractors need to be aware of. We will continue to update clients on changes they need to be aware of. In the meantime, here's a summary of recent cases:



The employment tribunal ruled that Uber drivers were employed rather than self-employed as they were offered and accepted trips on strict Uber terms, were unable to negotiate with passengers or use substitute replacement drivers and there were also **"repercussions"** if they cancelled pickups.

Uber have appealed this decision and that judgement is expected in late September.



This case spotlights a widely used business model where a company uses their operatives to represent them in the eyes of clients while they are classed as independent contractors for employment purposes.

Gary Smith, who had worked for Pimlico for 5½ years brought claims for unfair dismissal and disability discrimination when he couldn't fulfil the 40 hours per week he was contracted to do following a heart attack.

The employment tribunal found that he could not claim unfair dismissal because he was not an employee. However, it found that he could claim disability discrimination as a **"worker"**, whereby an individual undertakes to do or perform personally any work or services for another party to the contract.

The original tribunal decision was upheld by the Employment Appeal Tribunal and the Court of Appeal. But, the Supreme Court has given Pimlico Plumbers leave to appeal.



The tribunal ruled that a CitySprint courier should have been classed as a worker and not a self-employed cyclist. It stated that the cyclist had little autonomy over the way she performed her services and although it was possible for her to refuse a job, doing so was seen as disruptive and would impact on the amount of work available.

This has not yet gone to appeal, but there is a feeling this ruling could have wide ranging implications for other couriers to assert their rights and seek back pay.



Deliveroo couriers are treated as self-employed contractors despite having to buy and wear a Deliveroo-branded uniform and delivery box, commit to specific shifts in advance and have their pay rates set by the Company in a case that is still being determined. Deliveroo have been accused of **"deliberately fogging"** the definition of a contractor and running a campaign of misinformation in an effort to prevent riders from gaining employment rights.

We are awaiting a final decision on whether Deliveroo riders are workers, can join a trade union and therefore be entitled to holiday pay, paid rest break and the National Minimum Wage.

Pennine View

How was your Summer?

We think the idea that business slows down during the school summer holidays is a myth because it's been business as usual for us. In addition to adding three new clients to our portfolio (welcome aboard!), we have dealt with a plethora of support queries. On the right is just a taste of what we have been doing:

We love the varied nature of our job because each day is different and each query is unique because it relates to a particular business and individual. Let's see what the next few months have in store for us.

Performance Management Advice	4
Managing Long Term Absence	5
Employee Grievance Hearing	1
Staff Inductions	2
Periodic Staff Reviews (3 / 6 months)	5
Client Positions Recruiting For	9
Staff Handbooks & Documentation	3
Workforce Consultations	2
Maternity Queries & Support	3
Redundancy Issues	2
TUPE Transfer	1

Autumn Seminar Series

We are hosting a series of seminars in the coming months which focus on common challenges faced by business owners – and you are invited!

All the seminars are being held at our office in Lockwood, Huddersfield where there is plenty of free parking.

The seminars will take place at 8.00am and 4.00pm on the days in question so you can choose a session that best fits your diary.

You can book via Eventbrite or just email or phone us.

We hope to see you there.



Tuesday 10th October: **You're Hired!**

Finding the right people can be an expensive and time consuming process. This seminar will provide practical advice on the screening and selection of new employees so they are right for your business and they do the job you want them to.

Tuesday 14th November: **Develop and Prosper**

Your workforce is probably one of your most expensive overheads and should also be your most valuable asset.

We know that businesses with a workforce that's engaged with company goals and culture are more likely to be successful. Our final autumn series seminar will focus on how you can develop a team that works in harmony towards your business goals.

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