



Solutions

Monthly Newsletter | July 2023

Hot topics

On 24 May 2023 Royal Assent was given to three pieces of legislation. The Neonatal Care (Leave and Pay) Act 2023, Carer's Leave Act 2023 and Protection from Redundancy (Pregnancy and Family Leave) Act 2023. The latter came in to force on 1 July 2023 and extends the existing redundancy protections whilst on maternity leave, adoption leave, shared parental Leave, to also cover pregnancy and a period of time after the maternity leave has ended.


The exact duration of this is due to be set out in secondary legislation. At present if you have an employee on Maternity, Shared Parental or Adoption Leave and they are being considered for redundancy, you must offer them 'suitable alternative employment' where such a vacancy exists. In essence the employee on leave has a right to be prioritised for another role with your business over other candidates, sometimes called 'bumping'. The Act will extend these rights to pregnant employees, and it is expected that this protection will last for six months after returning to work from maternity leave.

A similar provision will also apply to those employees who are taking adoption or shared parental leave. Employers must prepare for three family-friendly legal changes due over the coming months. For employees who experience a miscarriage or still birth, they will also benefit from protection under the Act. If you are considering making redundancies and need any advice on the process or template documents and guidance through the process, we can provide support as required.

Getting the Basics Right – next steps

In our [May edition](#) of the HR Solutions, we outlined the importance of Privacy Notices during recruitment and after an individual starts employment; completing Right to Work checks prior to a new employee starting work; and the right to written terms from day one if an individual is going to be employed for one month or more. But what are the next steps?

At its heart the concept of employment rights encompasses the legal protections and entitlements that guarantee fair treatment and ensure the well-being of workers. It is essential to champion these rights to foster an environment where both employers and employees thrive. Equal opportunities outline how every individual deserves equal access to employment opportunities, irrespective of their race, age, gender, religion, disability, or other protected characteristics. Encouraging Diversity and Inclusion is not only the right thing to do but also benefits organisations by fostering innovation and growth. In HR solutions we would always advise you to include an Equal Opportunities and Diversity Policy to help foster a fair and inclusive work environment from recruitment to employment. If you do not currently have any written policies, we can advise on core policies such as Disciplinary, Grievance, Leave and Sickness along with an Equal Opportunities and Diversity policy.



What happens when you get it wrong?

Claims of discrimination at Employment Tribunal vary year-on year. As an award for cases of discrimination and harassment is uncapped, these cases often attract media attention, which can be detrimental to a company's brand and reputation. Not having appropriate policies and practices in place that advocate equality, diversity and inclusion can lead to unclear guidance for individuals and difficulty maintaining at Tribunal that individuals are appropriately trained. An Employment Tribunal can award damages not only for compensation for financial losses but also for injury to feelings. The bands of awards for injury to feelings are known as the Vento bands after the case in which guidance was first set out [Vento v Chief Constable of West Yorkshire](#).

In respect of claims presented on or after 6 April 2023, the Vento bands are:

Lower band of **£1,100 to £11,200** (less serious cases);

Middle band of **£11,200 to £33,700** (cases that do not merit an award in the upper band);

Upper band of **£33,700 to £56,200** (the most serious cases), with the most exceptional cases capable of exceeding **£56,200**.

To help ensure that you are advocating equality, diversity and inclusion within your organisation you might want to consider ways to;

- Promote a culture that does not tolerate or encourage any form of discrimination
- Ensure that robust policies and procedures are in place
- Provide training on induction and refresh training on a regular basis
- Ensure that such training is up to date and effective
- Take appropriate disciplinary action if an employee discriminated against another
- Learn from any incidents of discrimination to prevent them from re-occurring.

For support with any of the above HR Solutions are able to work with you to help write policies, design and deliver training, and offer ongoing support.

Should you find yourself in a position where a claim has been raised against you HR Solutions are able to support you by liaising with ACAS, supporting the drafting of documents and helping to guide you to a resolution.

Please see below some examples of the work that we have completed recently.

 **London**

Drafting of a business case to support discussions for potential redundancy

 **Northampton**

Guidance through ACAS early conciliation

 **Northampton**

Advice on maternity queries and bonus calculation

 **Northampton**

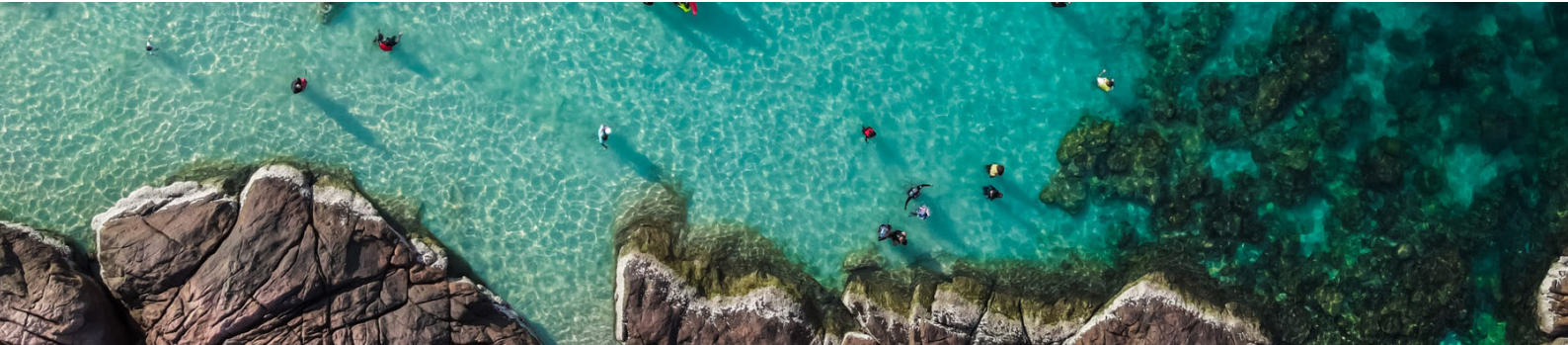
Guidance through ACAS early conciliation

 **Swansea**

Drafting of information for a report on the National Minimum Wage in relation to working time

 **London**

Application for a Sponsor Licence for Immigration purposes



How we can help?

If you have any clients who you think may require HR support, please contact us at HRsolutions@mhllp.co.uk to discuss how we could assist them (please do not send enquiries to our individual email addresses).

We can provide support on an hourly, fixed-fee or retainer basis so there are a number of options available for clients according to their needs; as you can see from the above examples, we can assist with a large project or a one-off piece of advice.



Stephanie Pote
Senior HR Consultant



Joanna Rose
HR Consultant

E: HRsolutions@mha.co.uk

Now, for tomorrow