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New rules regarding the employment of illegal workers

New rules regarding the employment of illegal workers came into force on 12 July 2016, meaning that employers will now be guilty of a criminal offence if they employ someone whom they know, or have reasonable cause to believe, is an illegal worker.

According to the Government, the change, which is part of a number of changes being introduced under the Immigration Act 2016, is designed to make it easier to prove that employers have committed an offence.

Under previous legislation, the Government had to prove that an employer was aware that it was employing an illegal worker, before it could successfully prosecute them. With this new change to the law, they must only be able to prove that the employer had reasonable doubt about the employee's immigration status. This is aimed to ensure that employers no longer "turn a blind eye" to employing illegal immigrants.

The regulations are applicable to employees whether they have been employed through a written contract or an oral agreement. Any employer convicted of this offence, can now face a substantial financial penalty and a maximum prison sentence of between two to five years.

The Government will also have the power to close businesses for up to 48 hours that continue to flout the law through the use of illegal labour. During that time the employer must prove that they have conducted the

right to work checks and then the closure notice may be cancelled. Where they cannot, the business may be placed under special compliance requirements as directed by the courts and can mean that there is a continued closure for a period followed by re-opening subject to compliance inspections and the requirement to conduct right to work checks.

Companies that apply for, or hold, a licence to sell alcohol or late night refreshments will be conditional upon not breaching immigration laws, including employing illegal workers.

A new offence of illegal working for employees is also being introduced, meaning that illegal employees will be subject to a fine and a prison sentence of up to six months.

This legislation is part of a broader move by the Government to crack down on illegal working. Other changes include the expansion of immigration officers' powers to search premises and confiscate evidence.

We urge employers to ensure that these checks are carried out at interview and at offer stage and we can provide an Asylum and Immigration document to ensure that you are conducting the right checks from the start.

For more information the Government has produced a Factsheet called Illegal Working that can be downloaded from the Gov.uk website.

We are 15!

This July we celebrated a huge milestone here at HR Solutions, our 15th Anniversary. The business has gone from strength to strength over the last 15 years, and we still continue to grow and offer new and exciting services in order to meet our clients' requirements and support them in the most efficient way possible.




It all started back in 2001 when Carol left her position in Formula One and decided to embark on the exciting new venture of HR Solutions. Carol grew the business and gained a multitude of clients through recommendations and networking, and a few years later HR Solutions were ready to expand. Carol's son Greg, an experienced HR Consultant, joined the company in January 2008 as Operations Director; Greg with his wealth of experience in HR used his skills and experience to further grow the client base.

We soon decided that we wanted to further support our clients and therefore decided to expand our services to include Payroll, Recruitment, Performance Appraisal Software and a HR Database. This meant we could offer an all-round HR service and with this our team started to grow with various employees across HR, Payroll, Accounts and Business Development.

In 2014 Carol decided to pass over the Managing Director title to Greg, and Carol became Director of Consultancy. However, shortly after this in 2015 Greg became CEO of the new venture that merged with Business HR Solutions Limited becoming Business HR Solutions (Consultancy) Limited. The expansion increased our team to 24 employees, which meant new premises were needed, which we moved into at the end of 2015.

Greg Guilford, CEO, said: 'We are very proud of the business we have been able to build in the last 15 years. In many cases, this has been achieved through the high quality of service provided by HR Solutions, resulting in our clients referring us to their colleagues within their business networks. We would like to take this opportunity to thank our clients for supporting us over the last 15 years, and we look forward to continuing to work with you for many more years to come.'



What is SOSR?

SOSR stands for a dismissal under 'some other substantial reason'. It is a very little used potentially fair legal reason because employers are baffled as to what constitutes SOSR.

This is a catch all reason and sometimes is hard to establish and often relies upon the facts in each case.

Some examples for such a dismissal could be for:

- The non-renewal of the fixed-term contract of an employee recruited as maternity cover leave.
- The dismissal and re-engagement of an employee to impose new contractual terms and conditions that the employee has refused to agree to.
- Imprisonment.
- Personality clashes where it makes it impossible for the parties to work together
- Third party pressure - see below for an expanded overview.
- The dismissal of an employee where there are concerns relating to the safeguarding of children or vulnerable adults but where the employer does not have grounds for a misconduct dismissal.

There are other reasons where you could potentially use SOSR, such as protecting yourself against unfair competitions, i.e. conflict of business interest, but each case is unique and must be carefully thought through and advice taken on this type of dismissal if you wish to rely on it.

In all the above you need to be able to justify that you dismissed for a potentially fair reason and that you acted reasonably in all the circumstances.

SOSR is only used where none of the other potentially fair reasons for dismissal, i.e. capability, conduct, redundancy, statutory duty or restriction, apply.

Third party pressure is more common although you need to have evidence from the client. An example of this could be where one of your employee's works at the client's place of work and the client has requested that the employee is removed for a valid reason (ensuring no discriminatory reasons), a valid reason being where they are required to

hold a security licence or valid DBS, and where you are unable to reassign the employee to another vacant position.

Unfair dismissal claims can only be brought if the employee has accrued 2 years continuous service but any dismissal under 2 years is still a potential risk for any discriminatory issue under the protected characteristics of age, disability, gender reassignment, race religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

There is a full process related to doing this therefore please speak to us or take advice before you follow that process.

Also, with a dismissal, where the employee has under 2 years' continuous service, it is still best to take advice.

We are happy to guide you through any dismissal to ensure there is a potentially fair reason for dismissal.



HR Solutions' Wedding

As you may well know, HR Solutions is a family run business with Carol Guilford, Director of Consultancy, starting the business in 2001. Her son, Greg Guilford, CEO joined in 2008 and his then girlfriend Toni Shoyer later joined in 2011.

The family business expanded following Greg's engagement to Toni in December 2014, and we are very pleased to announce that they 'tied the knot' and celebrated their big day surrounded by family and friends in Kettering, Northamptonshire on 9th July. They carried on the celebrations and had a fantastic time on their child-free honeymoon in Venice, the City of Love.

We hope you will join in with us all at HR Solutions in congratulating the new Mr & Mrs Guilford and in wishing them all the happiness for the future.



"Responsive and effective with practical good advice"

"Very prompt, really helpful and informative support and advice. Would highly recommend HR Solutions as reliable, professional and cost effective support."

"Excellent service, high level of expertise of all team members who are ready to respond to all sorts of enquiries."

"HR Solutions ran rings around a very expensive City Lawyer, just the people you need in an HR emergency."

"Prompt, efficient and personal service"

Client Survey Responses 2016

In May 2016 we ran our Annual Client Survey. We do this every year in addition to seeking feedback throughout our interactions with our clients. We find the Client Survey a useful mechanism for improving our service to you.

We value this feedback, as we want to ensure that we continue to add value to your business as well as to hear of any ideas for service improvements, or indeed new services required that will assist you in your business.

We have already made some changes to our service over the last 12 months by offering new products and services, and we are pleased to see your responses so that we can improve the way we work even more over the next 12 months.

We would like to thank all of our clients who took the time to complete our survey as we appreciate that you have busy roles within your organisations.

Our typical client services are focused on providing timely and expert advice and therefore the responses to these questions are of paramount importance to us.

Response Times

Our survey results indicate that 100% of our clients find our response times either Excellent or Good. We are always growing our team of Consultants in order to provide you with the best response times. We now assign a secondary Consultant who will always be up to date with your account, and will be able to help should your main Consultant be out of the office. Our office is always manned, and in the unlikely event of your main and secondary Consultant being out of the office our team of highly knowledgeable and experienced consultants will be on hand to support you.

Our Professionalism

We are pleased to hear that the survey results indicate that 100% of our clients find our approach either Very Professional or Professional. It is important to us that you receive a professional service from us as we want to maintain long term relationships with you. We are very pleased to say we

still have relationships with clients who have been with us from day one, 15 years ago!

We will continue to improve our staff training and professional delivery and if you have any further suggestions we would be happy to hear from you.

Consultants' Knowledge

Our survey results indicate that 100% of our clients find our knowledge either Expert or Knowledgeable.

Our Consultants and Advisors have extensive years of experience in the HR field and have covered every situation that can arise in HR which supports us in giving you the advice you need. With the ever changing employment legislation we can deliver HR Advice that is not only legally compliant but also best practice in line with your industry sectors.

Would you recommend HR Solutions?

We are very fortunate that 100% of our clients that responded to the survey would onwardly recommend us to other organisations that are looking for HR Support.

Our reputation is very important to us and we are lucky enough to have brought many new clients on board with us that have been introduced by existing clients.

Improvements we have made over the last 12 months:

- We have upgraded our internal CRM system, this provides better continuity whilst allowing consultants to access your account from their smartphone, tablet or from a computer.
- We have considerably grown our team of consultants and advisors in order to continue to provide quick response times and to ensure we are able to spend more time interacting with our clients. We are still on the lookout for more HR Professionals to join the team.

Questions and Answers

Q My company employs over 250. What do I have to do with pay gap reporting?

A Gender pay gap reporting applies to employers with over 250 employees and this comes in October 2016.

This is where you will need to review the overall gap in pay between men and women and provide a detailed breakdown based on grade or job types or full-time and part-time roles.

You will need to publish the following:

- The percentage difference in mean pay between men and women
- The percentage difference in the median pay between men and women
- The difference in bonuses paid to men and women
- The proportion of men and women who receive bonuses

This information is split between quarterly pay bands e.g. family banding or grading categories of roles. This information will help you compare your statistics with national and international statistics.

They must be promoted on your website and uploaded to a Government website. This is likely to most affect Companies where there tend to be lots of males in senior roles and more females in junior roles.



August 2016
Legal Update

Immigration Act 2016: illegal working offences and new search and seizure powers take effect

The Immigration Act 2016 (Commencement No.1) Regulations 2016 implement several provisions in the Immigration Act 2016.

Implementation date: 12th July 2016 (refer to article on front page)

Industrial Training Levy (Construction Industry) Order (Northern Ireland) 2016

Possible levy for employers in the construction sector in Northern Ireland.

Implementation date: 31st August 2016

New whistleblowing rules for financial sector introduced

New rules on whistleblowing for financial sector introduced, including a requirement to appoint a whistleblowers' champion and for all UK-based staff and their managers to receive appropriate training.

Implementation date: 7th September 2016

Gender pay gap reporting

Employers of over 250 employees, are required to publish information showing gender pay differences.

Implementation date: 1st October 2016

National minimum wage rate for workers aged at least 21 but under 25 rises

Not to be mixed up with the National Living Wage which is for anyone over the age of 25 years. The National Minimum Wage covers anyone under the age of 25:

21 - 24 years = £6.95

18- 20 years =£5.55

16-17 years = £4.00

Implementation date: 1st October 2016

Increase to salary threshold for tier 2 migrant workers to £25,000

The minimum salary threshold for tier 2 migrant workers increases to £25,000 in autumn 2016, rising to £30,000 by April 2017.

Implementation date: Autumn 2016

What's new with HR Solutions...?



HR Knowledge Base

In July we launched our brand new HR Knowledge Base. The HR Knowledge Base is designed to provide support to companies who may not need a fully outsourced HR service.

The HR Knowledge Base has a multitude of useful documents available to download such as template letters, HR forms, policies and procedures and articles giving guidance on a range of HR topics.

In addition to the HR Knowledge Base, you are able to purchase Helpline time in order to speak to an Advisor.

Please contact Hannah Patel on 0844 324 5847 for further information and prices.

Internal Promotion!

HR Solutions are pleased to announce the internal promotion of Sheena Harris from HR Advisor to HR Consultant. Whilst Sheena has only been with us for a short while, in this time she has proved herself to be more than capable of managing a number of clients and projects across a variety of industries, therefore we welcome Sheena to her new position of HR Consultant.

Sheena has a Master's degree in HR Management and brings over 12 years HR Management experience to the role. Sheena is now formally managing a number of clients, and is excited to have more clients added to her portfolio.

Webinars

HR Solutions are now holding monthly webinars on a range of HR Topics and important changes that may affect your business. Please email us at enquiries@hrsolutions-uk.com to register your interest in our webinars and we will be sure to send you an invitation.



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