



work place news

by *Chloe*



Staffing Crisis Solutions

Last month we talked about the Great Staffing Crisis, possible causes and how employers could look at their own processes and offering to start to address some of the issues.

This month we take a look at some of the solutions the government has made available, some with cost savings (and even incentives) attached to them.

Apprenticeship Scheme

It's been around for several years but the apprenticeship scheme is worth mentioning, especially if you haven't considered it because perhaps your business isn't liable to pay the levy.

Even if you don't have to pay the apprenticeship levy, the scheme is still available for your business to benefit from.

Using the apprenticeship service, you can source an apprentice to suit the specific needs of your business. For example, if you have a gap in your IT team, an IT apprentice can provide an excellent resource.

Whilst there will be training and development needed, you have the opportunity to develop that person to grow with and as part of your business.

If you don't pay the levy, you will only pay 5% towards the cost of training and assessing your apprentice, and the government will pay the remaining 95%.

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The editor's welcome

Happy 2nd birthday newsletter!

November 2019 was our inaugural issue and it feels like a lifetime ago. It's strange reading that issue now - at the time of putting it together we were all blissfully unaware of how popular phrases like 'covid', 'furlough' and 'you're on mute' would become.

The world full stop, let alone of work, is a different landscape now. Everything has been touched by the pandemic, and as we look to reconnect we're finding that new challenges, like social anxiety, are a more significant problem than we could have imagined.

Check out our guest article this week from Ayda, who's put together some great insight and tips on this.

As always, please follow us on [LinkedIn](#) for our latest updates and latest news.

Chloe Pereira

Senior Employment & Business Immigration Lawyer

[01622 606 422](tel:01622606422) | Email me
outsetuk.com

This month...

Re-learning how to be social

Guest article from Ayda looking at interaction post-pandemic

[Read more >](#)

Recent case law

Are you prepared to pay your employee to drive a Tesla?

[Read more >](#)

Work disconnect continued

Portugal bans employee working outside office hours

[Read more >](#)

You could also be eligible for additional funding. For those who manage to apply by 30 November 2021, there's an incentive payment of £3,000 available for apprentices who started between 1 April and 30 September 2021.

The scheme is available to use with new or existing employees and enables the individual to gain skills and knowledge for a particular job role. They get time off during the working week for study or training (at least 20%). Apprenticeships can last between 1 and 5 years. [Find out more online here.](#)

Innovation Strategy

As part of its strategy to boost innovation, jobs and competitiveness, the government announced three new visa routes due to be available in Spring 2022.

High Potential Individual

With no job offer or sponsorship required, this route will allow 'internationally mobile individuals' who have graduated from a top global university to come to the UK. The finer details remain to be seen...

Scale-up

A fast track visa available to highly skilled individuals with a job offer from a scale-up in the UK. The scale up must be able to show:

- 20% annual average revenue or employment growth rate over a 3 year period
- A minimum of 10 employees at the start of the same period
- It will pay a minimum of £33,000 for the role

It's not clear yet whether employers will need a sponsor licence for this route or what the costs will be.

Global Business Mobility

A mish mash route, which seems to combine the now mostly redundant intra-company transfer route with that of the Representative of an Overseas Business, along with some of the activities business visitors are allowed to perform without sponsorship.

This route should help those businesses overseas both with and without UK presence, to send workers more easily to the UK for work activities. Again, we wait for further detail to see how helpful it will really end up being.

Kickstart Scheme

We've reported previously about the extensions to the Kickstart scheme which provides government backed funding for new roles. Aimed at 16-24 year olds in receipt of Universal Credit, you'll need to create a new, 6 month Fixed Term Contract role to be eligible.

The government will fund 100% of National Minimum Wage for 25 hours per week, plus employer National Insurance and minimum pension contributions. There is also an additional £1,500 payable per job to help its set up and skills development.

Employers must apply to the scheme by 17 December 2021, but job start dates can be delayed up to 31 March 2022. The role must be aimed at developing the individual, helping them to move on once the role finishes.

Sector-based Work Academy Programme

SWAP is available to all job seekers aged 18 years and above. There is no cost to the employer and the individual remains on benefits throughout the work placement, which can be up to 6 weeks.

There are three key features:

1. The aim is to provide pre-employment training, matched by sector
2. It is a work experience placement
3. At the end of the placement you must either give the individual a guaranteed job interview if you have an available role, or help them with their recruitment process elsewhere

Traineeship

A skills development programme aimed at 16-24 year olds, up to 25 in the education and healthcare sectors.

Placements are typically 6 months long, but can be anywhere between 6 weeks and 1 year. Once a minimum of 70 hours has been completed, the employer can claim a £1,000 incentive payment, that can be spent on anything.

The employer works with a training provider but in a more flexible way than an apprenticeship. At the end of the training placement the employer must offer an interview if a job role exists, and if not provide an exit interview.

Contact the National Apprenticeship Service to find out more.

The disconnect conversation continues

In September we wrote about calls for the legal right to disconnect from future of work think tank, Autonomy.

Whilst there doesn't look to be any sign yet from the government to move in that direction, pressure will undoubtedly grow as Portugal becomes the latest country to announce a ban on employees working outside office hours.

Employers with over 10 employees will be penalised for calling or emailing employees during evenings and on weekends.

In further changes to support employees, parents will be entitled to work from home until their child turns 8, without needing specific permission from their employer, and companies will have to pay for expenses incurred as a result of working from home.

New guidance

Here are links to new and updated guidance issued in the last month that are relevant for employers:

NEW [Acas guidance about making changes to employee contracts](#) – as a result of its evidence gathering exercise into 'fire and rehire' practices, Acas has published new guidance for employers to promote better employee relations when considering contractual changes. This includes tips on how to handle discussions and how to make proposed changes more likely to be agreed.

UPDATED [Right to Work Check Guidance for Employers](#) - updated earlier this year, this comprehensive booklet provides helpful guidance for employers on all aspects of right to work checks, including what to do about EU nationals who haven't applied under the Settlement Scheme, and how to approach checks for existing employees who are EU nationals.

Extension of the Youth Mobility Scheme

Previously commonly known as a Tier 5 visa, the Youth Mobility Scheme (YMS) has been around for a while. It's a popular route for entering the UK for those who qualify, as there are very few criteria.

An individual can apply for a YMS visa if they:

- Are aged 18-30
- Have £2,530 in savings
- Are from Australia, Canada, Monaco, New Zealand or San Marino. Nationals of Hong Kong, Japan, South Korea and Taiwan are subject to selection from a ballot system. British overseas nationals and citizens can also apply

Those who obtain a YMS visa can work in virtually any role, for any employer.

It does however have its limitations. It's only valid for 2 years' and can't be renewed, and time spent in the UK on a YMS visa won't count towards permanent residency.

It costs £244 to apply, and the individual also has to pay the healthcare surcharge which is typically £470 per year (so £940, paid upfront).

Ultimately, it remains a great option for those who qualify to be able to work for any employer in the UK without having to find a sponsor.

From 1 January 2022 it's being extended to nationals of India and Iceland.

Mandatory vaccinations extended to front line health and social care workers

Health and Social Care Secretary Sajid Javid confirmed health and social care providers in England will be required to ensure workers are fully vaccinated against COVID-19.

Whilst almost 90% of NHS staff are already double jabbed, health and social care workers, including volunteers who have face-to-face contact with service users, will need to provide evidence they have been fully vaccinated against COVID-19 in order to be deployed, unless exempt.

The measures will also apply to ancillary staff such as porters or receptionists who have contact with patients but not directly involved with their care and will apply across the CQC regulated health and social care sector.

The vaccine mandate has been extended to ensure patients and staff are protected against infection and protect the most vulnerable people in society who use NHS services.

The requirements will come into force Spring 2022, with a 12-week grace period between the regulations being made and coming into force, to allow those who have not yet been double vaccinated to have both doses.

Subject to parliamentary approval, the new regulations will come into force on 1 April 2022.



Believe it or not?

With Brexit finalised and the end of free movement complete, many more employers have tightened up their right to work checking procedures. And it's just as well, because if you inadvertently do employ someone without the legal right to work, that check can be the difference between forking out thousands of pounds, or not.

The government has published its anonymous regional report of penalties. Although a full name and shame of the employers liable is also available, we've set out the high level figures below

	London & SE	Midlands & East	NE, Yorkshire & Humberside	NW	Scotland and NI	Wales and SW
Number of penalties	38	25	6	27	10	8
Number of illegal workers found	65	48	9	33	14	11
Total value of penalties issued	£810,000	£530,000	£100,000	£405,000	£160,000	£110,000

RECENT CASE LAW

Augustine v Data Cars Ltd

Are you prepared to pay for your employee to drive a Tesla?

The National Minimum Wage (NMW) Regulations make clear that certain costs an employee incurs in connection with their employment will reduce their pay for NMW purposes.

For example, if an employee is required to wear a uniform, and they have to pay for it, the reduced amount of pay will be what is used to determine whether they've received at least NMW for the pay period in question.

If the reduced amount is below NMW, the employer must top it up to avoid being in breach of the NMW Regs.

In this particular case, Mr Augustine was a taxi driver who incurred a number of costs in connection with his employment, including:

- Uniform which he had to purchase (because he wanted access to the better paid fares)
- Specific insurance
- Rental of a car (which he chose, rather than using his own car)
- The fuel he used while working

The decision

The Employment Appeals Tribunal found that all of the costs Mr Augustine incurred, including the optional uniform he purchased, and the car he chose to rent, reduced his pay for NMW purposes.

Comment

Some may find this a difficult decision to swallow in relation to some of the expenses, for example,

the uniform Mr Augustine chose to purchase (but didn't have to), and the car he chose to rent. What if he'd hired a Tesla?

The NMW Regs are clear – the expenses simply have to be 'in connection with the employment', there is no need for them to be a requirement of the employment.

Arguably an employer could be faced with scenarios where employees incur such lavish expenses of their choice in connection with employment that it entirely reduces their pay and employer ends up paying double.

Sure, that seems unlikely, but we're here to look out for the possible pitfalls and hopefully help you avoid them. A good start would be a clear expenses policy that requires employees to seek approval before incurring expenses, for example, above a certain value.



Guest article

How can I re-learn to be social post-pandemic?

The lack of social stimulation affects levels of hormones associated with stress and social bonding. One effect may be a greater propensity to depression and paranoia. Prolonged isolation also affects memory and verbal recall.

We humans are social creatures and need plenty of interactive stimulation to keep the brain in good and functioning order.

For some socialising comes naturally, they thrive in big groups, for others it is utterly exhausting and overwhelming. Sitting in a room with another human being is daunting when we have been forced to be anti-social for almost two years.

The points opposite apply to socialising both at work and in your personal life. Although seemingly simple, they have worked effectively for me, I hope you find them useful too.



AYDA KHANCHI
EMPLOYMENT TEAM

Read more about Ayda [here](#) or click here to send her an [email](#).

outset.

01 Keep it brief to start with

If attending social events seems too daunting, just start by saying hello to a colleague in the office, someone in the supermarket or your neighbour passing by. Though it may not seem like much, even brief interactions can help you feel connected to people.

02 Re-adjust slowly and don't set high expectations

If you're more of a one-on-one person, try phoning a friend or colleague and setting up a time for a meet up. You don't need to make an elaborate activity for enjoying each other's company. If there is someone you miss and would like to spend more quality time with, then pick up the phone and make a plan.

03 Schedule regular activities

Organising some routine activities can help take the stress out of trying to decide what you're going to do each time. This could involve having friends over for a weekly games night or signing up for a weekly sports activity with colleagues.

04 Be a good listener

We all like to feel seen and heard. One of the best and undervalued ways of connecting with others is by thoughtfully listening to what they have to say. Try asking natural follow up questions to show that you're listening carefully.

05 Give compliments freely

When in doubt, say something kind. For example telling a colleague that you enjoyed their webinar or presentation. The right words at the right time can make someone's day significantly better and can also open the door to a conversation. Make sure you're being sincere.

06 Say yes more and get involved

If you're ready to take a step towards putting yourself out there, consider finding a hobby that is social. Participating in activities you enjoy can help alleviate feelings of inadequacy when meeting new people. You already know at least one thing you'll have in common with others interested in the same activity, whether that be a love for gardening, animals, golf or a passion for political reform.