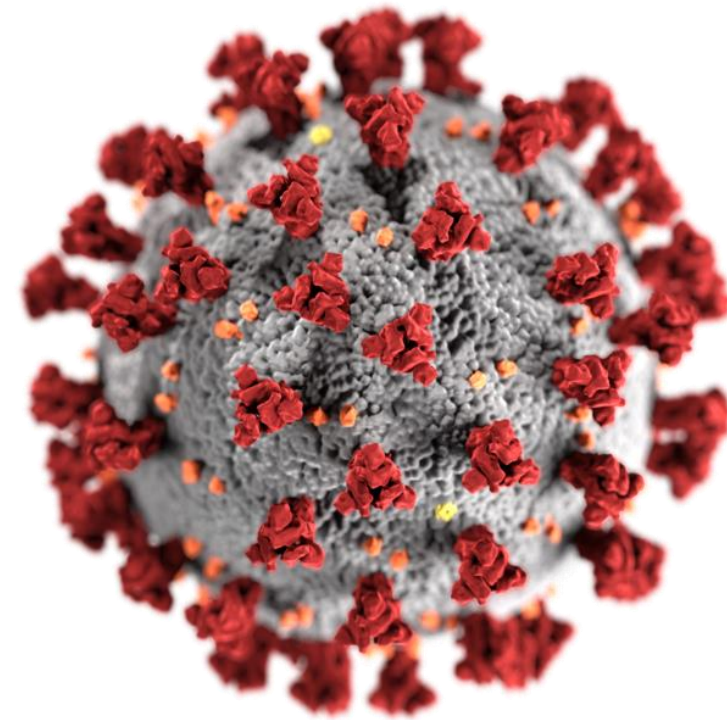


Coronavirus Update and Employment Questions Webinar

7th May 2020



Today's Webinar Panel



- **Monica Puri**, Principal Consultant



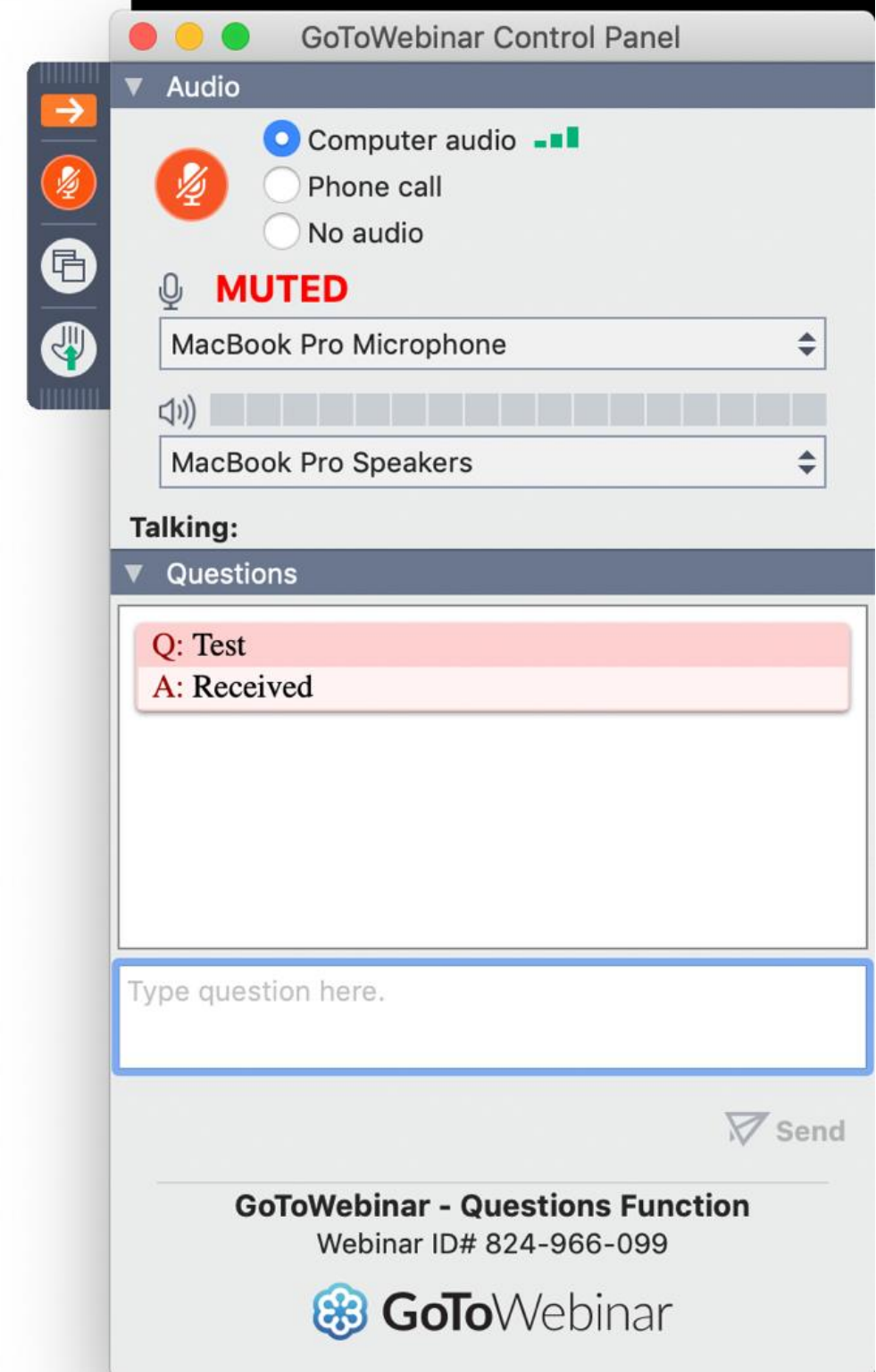
- **Darren Newman**, specialist Employment Lawyer

Today's discussion

1. Furlough/Agency/Casual Workers – current regional picture update and questions
 2. Processing Furlough, notification and timelines
 3. ACAS guidance on disciplinary and grievance procedures during furlough.
 4. PPE and refusal to work
 5. COVID-19 and BAME staff
 6. Over to you – open questions session
- Please type your questions and we will get through as many as possible during the webinar
 - Abbey will go through how to do this next.
 - If you don't get a chance to ask your question, we will respond to you by email

GoToWebinar - Questions Function

Organizer: WME Webinar Organiser | Presenter: WME Webinar Organiser



The screenshot shows the GoToWebinar Control Panel interface. It features a sidebar with navigation icons and a main content area. The 'Audio' section is expanded, showing options for 'Computer audio', 'Phone call', and 'No audio'. The 'Computer audio' option is selected, and the microphone is muted. The audio output is set to 'MacBook Pro Speakers'. Below the audio settings, there is a 'Talking:' section and a 'Questions' section. The 'Questions' section displays a log of a question and answer: 'Q: Test' and 'A: Received'. At the bottom, there is a text input field with the placeholder 'Type question here.' and a 'Send' button. The footer of the panel includes the text 'GoToWebinar - Questions Function' and 'Webinar ID# 824-966-099', along with the GoToWebinar logo.

GoToWebinar Control Panel

Audio

- Computer audio
- Phone call
- No audio

MUTED

MacBook Pro Microphone

MacBook Pro Speakers

Talking:

Questions

Q: Test

A: Received

Type question here.

Send

GoToWebinar - Questions Function
Webinar ID# 824-966-099

GoToWebinar

Furlough/Redundancy/Agency/Casual Worker Regional Update

- **33** responses to survey (**12** met/unitary/county and **21** districts)
- Currently 1 redundancy process has started linked to covid-19 – Could this increase in the future?
- **5/33** respondents stated that they were intending to **furlough** staff that were not publicly funded
- **71%** have indicated that they will be paying **casuals** using the reference period
- **Agency Workers** - **15%** Full pay, **15%** agency to furlough, **15%** to terminate, **15%** - 80%/£2500 cap. The rest N/A
- **IR35** – Full pay **33%**, Terminate **4%**. The rest N/A
- **Furloughs** being considered not yet applied for:
 - Leisure services
 - arts/theatres

Furlough/Redundancy/Agency/Casual Worker Regional School Update

- **10** responses to survey From School Leads in the West Midlands
- Currently there are no redundancy processes initiated linked to covid-19 – Could this increase in the future?
- **3/10** respondents stated that they were intending to **furlough** staff that were not publicly funded – Wrap around services
- **86%** have indicated that they will be paying **casuals** using the reference period, **12%** will furlough casuals
- **Agency Workers** - **38%** Full pay, **13%** agency to furlough, **15%** to terminate, **14%** - 80%/£2500 cap. The rest N/A
- **IR35** – Full pay **38%**, Terminate **4%** 80%/£2500 cap **13%** The rest N/A

Processing Furlough, notification and timelines

-can I furlough my staff retrospectively?
- Facts about Furlough
- Furlough applied
- What HMRC require
- Part 1 - HMRC [guidance](#) (see under 'Agreeing to furlough employees').
- Part 2

Disciplinary processes during Furlough

Can a furloughed employee take part in a disciplinary or grievance process?

- Yes and Yes
- Factors to consider:
- Assess each case
- WME - framework of guiding principles.
- ACAS - guidance on furloughed employees

“during a period of furlough employees can take part in a disciplinary if it is on a voluntary basis and can be carried out in line with current public health guidance.”

PPE and Statutory service delivery

What is the legal position for a council if they have staff not agreeing to work which leads to a statutory service not being delivered?

- Raised by a council outside of West Midlands
- Action against the Employee
- Action against the Organisation for not providing a statutory service
- [Section 236](#) of the Trade Union and Labour Relations (Consolidation) Act 1992
- N.B: this has not been an issue in the West Midlands

COVID-19 and BAME staff

- NHS effect of COVID-19 and BAME staff
- The link to information on NHS Employers website is [here](#).
- Birmingham City Council and Lewisham Council have [announced a joint review to gather insights on health inequalities](#) within Black African and Caribbean communities in the two areas, asking '*how do we break the cycle of inequality?*'.
- WME could offer risk assessment templates and guidance for the region

Open employment questions – it's over to you.....

Questions submitted: What are the employment law implications for school staff over the coming months as decisions to reopen schools are made?

Next Steps

WME will:

- Continue to review FAQs in line with changing guidance (including separate school guidance and FAQs)
- Run webinar as needed and weekly virtual meetings for Heads of HR
- Continuing regional dialogue with TUS
- Looking at some focus and working groups in both LAs and Education sector re: planning for BAU/moving out of lockdown
- Guidance on risk assessment for returning to the office
- Special webinar on Health and Safety' issues relating to Covid19 including Riddor reporting (Date TBC)

West Midlands Employers



A reminder of how to contact us:

Please call or email us for any advice or support needs:

L.young@wmemployers.org.uk

m.puri@wmemployers.org.uk

Or

Info@wmemployers.org.uk

Use our website: www.wmemployers.org.uk/coronavirus - realtime updated FAQs



Twitter - @wmemployers OR @rebeccadavisWME