

# Making Your People Resources Work For You



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[www.morlangilhr.co.uk](http://www.morlangilhr.co.uk)



## **What our clients say about us**

*“Your invaluable help, professionalism and involvement throughout the whole recruitment process enabled me to focus my thoughts on the kind of person I was looking for and enabled me to complete the job efficiently and effectively.”*

*“Thanks for the training session on managing performance. It was well-presented and interactive. I gained a great deal from understanding the groundwork behind managing people”.*

**DETAILS OF  
TRAINING  
GRANTS  
-SEE BELOW**

Welcome to the latest issue of Morlan Gil Human Resources employment law update. 6<sup>th</sup> April brought in a number of changes to legislation.

### **1. Additional paternity and adoption pay and leave**

This change affects parents of babies due from 3 April 2011. From now fathers and partners (including same sex and civil partners) are entitled to up to six months additional paternity leave, if the mother of the child returns to work without taking her full maternity leave. In effect, it allows parents to transfer maternity leave between themselves. This is available during the second six months of the child's life and may be partly paid. Where the additional paternity leave is taken during the mother's 39 week maternity pay period, it will be paid leave, at the same rate and in the same way as Statutory Maternity Pay. Parents will be required to provide details of their eligibility for paternity leave to their employer. It can only be taken in multiples of complete weeks.

### **2. Changes to benefit rates**

The standard rates of statutory maternity, paternity and adoption pay are increased to £124.88 a week. However, the standard rate of statutory sick pay remains the same at £79.15 a week.

### **3. Right to request time off for training**

The right to request time off to undertake study or training is now in force. Similar to flexible working requests, the statutory procedure is very rigid and must be followed where a qualifying request is made. Initially this applies to organisations with 250 or more employees. Employees must have more than 26 weeks' service and requests should demonstrate that it will "help the employee to be more productive and effective at work, and help their employer to improve productivity and business performance". It is compulsory for employers to seriously consider these requests. However, they can refuse them if they have a good business reason. Employers are not obliged to meet the training cost or salary for a request for time off to train.

An employee who feels their application is refused unjustifiably can bring a claim before an Employment Tribunal.

It is planned to extend this right to smaller businesses, from April 2011, regardless of the size of employer.

### **4. Fit Notes are live**

The "sick note" is now replaced by a "fit note" system. If an employee is off sick, after seven days of absence GPs are now able to record if patients

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are unfit to work or may be fit for work (with some support), rather the current 'black and white' system of being off sick or not

The new system encourages greater communication between the employer and employee, and their GP. The aim is that this will lead to a more informed discussion between employer and employee.

However, it is the employer's decision as to whether to bring an employee back to work if the Fit Note recommends that they may be fit to work with support. Any recommendations by the GP are not binding on an employer. However, the employer must give due consideration to the recommendation.

## 5. Major changes to immigration rules for Points Based system

The most important changes are:

- Tier 1 will no longer only be available for applicants who hold at least a Masters degree, it will now be potentially available for applicants with a Bachelors degree and for applicants with no qualifications (but who earned £150,000 or more in the previous 12 months).
- Amendments have been made to the rules regarding Intra-Company Transfers under Tier 2, which should give international companies greater flexibility for short-term transfers. However, the changes will make it more difficult to make long-term transfers.

**Note:** Nearly 2,000 UK businesses have been fined in the last 2 years for employing illegal workers? The average fine was in excess of £5,000.

**If you would like help with or more information about any of the above please call or email me.**

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**New Clients Welcome:** This newsletter only goes out to clients or existing contacts of MGHR. However, if you know of someone or an organisation who would be interested in becoming a client or who would like a copy of the newsletter, please pass our details on or email Jim with their details and we will be delighted to contact them.

**Morlan Gil Human Resources** is a dedicated human resources consulting company which designs and delivers bespoke human resources solutions. We work with organisations to recruit, manage and retain high performing staff. This includes ensuring recruitment processes are successful and cost effective, that staff perform to the best of their ability and potential, and that any staff issues are dealt with smoothly and with minimum risk to the organisation.