

Breedon Bulletin

New right to Neonatal Care Leave and Pay to be implemented...

**BREAKING
NEWS**

On 20 January 2025, the government confirmed that from 6 April 2025, parents of babies needing neonatal care will be entitled to new rights that provide additional leave and pay. Around 60,000 parents each year are expected to benefit from this change, giving them the chance to focus on their family without the stress of choosing between work and being by their baby's side. Currently, many parents face the impossible challenge of returning to work while their newborn is in hospital, but these measures aim to change that, allowing families to be there for their babies during such a critical time.

This new entitlement, available from day one of employment, allows parents of babies admitted to neonatal care within the first 28 days of life to take up to 12 weeks of leave, as well as statutory pay if they meet the necessary criteria. This is on top of other leave entitlements like maternity or paternity leave.

The government recently confirmed the regulations to bring this into effect, ensuring eligible parents can take this time without worrying about their job or income. It's part of the wider Employment Rights Bill, which includes other measures like flexible working as a default, protections for pregnant employees, and action plans for employers on gender pay gaps and menopause support, and is part of the government's commitment to improving worker rights and creating flexible, inclusive policies to better align work and personal life for employees across the UK.

Also anticipated soon is the Paternity Leave (Bereavement) Act 2024, which introduces an important new right for employees dealing with loss. It allows paternity leave from day one of employment if the mother, or a person involved in the adoption of a child, sadly passes away. While the Employment Rights Bill is set to make paternity leave a day-one right in general, this Act specifically supports bereaved parents, giving them up to 52 weeks of leave during the first year of their child's life or the year following adoption.

Though the Act was passed by the previous Government, we're still waiting on the finer details through secondary legislation. It's expected to take effect sometime in 2025. This legislation marks an important step toward providing bereaved parents with the time and space they need during such a difficult period.

Employment Legislation Spotlight: Anti-Harassment Compliance

The new positive duty to prevent workplace harassment is a game-changer for employers. Introduced in October 2024, this legislation requires businesses to take proactive steps to safeguard employees from harassment, including by third parties. Compliance is no longer just about reacting to incidents—it's about preventing them altogether.

To meet this duty, employers need to implement robust policies, provide training, and establish clear reporting mechanisms. It's essential to foster a culture where employees feel safe and supported, knowing their concerns will be addressed promptly and effectively. Failure to comply could lead to serious legal and reputational consequences.

To help businesses navigate these requirements, we offer our comprehensive Anti-Harassment Pack. This all-in-one resource includes everything you need to meet the new obligations:

- A ready-to-use harassment and bullying policy.
- Training materials for employees and managers.
- A managers guide to handling complaints of harassment
- A risk assessment tool.

Don't wait until it's too late—take action now to protect your employees and your business.

Contact us today to access your Anti-Harassment Pack and ensure your organization is fully equipped to meet the positive duty.



National Apprenticeship Week 10th - 16th February

This month sees National Apprenticeship Week, so we've taken the opportunity to look at the current method of funding apprenticeships and the changes being proposed by the government.

Currently, employers with an annual pay bill exceeding £3 million are required to contribute to the apprenticeship levy, even if they do not employ apprentices. The levy is calculated at 0.5% of the employer's total gross pay bill, with each employer receiving an annual allowance of £15,000 to offset the levy. For instance, an employer with a £20 million pay bill would pay £85,000 annually. Contributions are made in monthly instalments through the PAYE system.

All employers, regardless of whether they are subject to the levy, can access funding for apprenticeship training (subject to specific limits). However, the funding must be used for approved apprenticeship standards or frameworks, delivered by registered training providers, and only up to the funding cap for the relevant standard. Levy funding cannot cover other costs associated with apprentices, such as wages, recruitment, travel, or supervision.

The Government has announced plans to replace the apprenticeship levy with a growth and skills levy, enabling funding for shorter apprenticeships and a wider range of training options. Further details about this change are expected following the announcement on 24 September 2024.

Employment Tribunal Highlights

Recent employment tribunal cases demonstrate the serious consequences employers face when workplace policies and practices fall short of legal standards. In three key cases, employees successfully claimed substantial compensation, underscoring the importance of compliance with discrimination laws, fair dismissal procedures, and recruitment practices. Here we take a look at these cases and their implications for employers.

1. Age Discrimination and Unfair Dismissal: £3.2 Million Award

In a landmark age discrimination case, a senior executive was awarded £3.2 million after being dismissed. The company's focus on recruiting younger talent, coupled with derogatory comments about the employee's age, played a central role in the tribunal's findings.

The tribunal ruled that the dismissal was not a proportionate way to achieve the company's succession planning goals and was unfair because the employee was given no opportunity to improve or challenge the decision. Employers must avoid making assumptions based on age and should ensure succession planning is inclusive and non-discriminatory.

2. Pregnancy Discrimination: £21,682 Award

An HR executive successfully claimed pregnancy discrimination after her employer made her redundant shortly after learning she was expecting. The tribunal noted that the employer's explanation for the redundancy lacked credibility and found the decision was influenced by the employee's pregnancy.

Employers should handle redundancies with transparency and ensure decisions are not influenced by protected characteristics such as pregnancy. Following proper consultation and documentation procedures is key to mitigating risks.

3. Sex Discrimination in Recruitment: £91,598 Award

In a recruitment-related case, a job offer was withdrawn after a vice president questioned the candidate about her children's ages during a meeting. The tribunal found that this question, followed by the withdrawal of the offer, constituted sex discrimination.

This case highlights the dangers of asking personal questions during recruitment. Employers must focus on candidates' qualifications and avoid questions that could be perceived as discriminatory, such as those about family status or childcare arrangements.

Key Takeaways for Employers:

1. **Discrimination is Costly:** Compensation for discrimination claims is unlimited. Employers must ensure policies and practices comply with equality laws.
2. **Investigate Thoroughly:** In disciplinary matters, a fair and thorough investigation is essential to avoid claims of unfair dismissal.
3. **Avoid Assumptions:** Decisions based on stereotypes or protected characteristics, such as age, pregnancy, or family status, can lead to significant liabilities.
4. **Train Staff:** Providing training on discrimination laws and fair treatment can help prevent costly mistakes.
5. **Documentation Matters:** Proper record-keeping and clear communication are critical when making decisions about employment or redundancies.

By addressing these issues proactively, employers can create fairer, more inclusive workplaces and reduce the risk of costly tribunal claims.

Focus on

Flexible Working as a default...what does that actually mean?



Managing the Rise of Flexible Working Requests

Flexible working has transformed from a workplace perk into an essential component of modern employment. As the UK Government moves toward making flexible working the default option, businesses are seeing an increase in requests from employees seeking to balance their professional and personal lives. This shift reflects changing expectations about how, where, and when work should happen.

Flexible working can take many forms, including remote work, part-time hours, job sharing, compressed schedules, or hybrid models. For employees, the appeal lies in greater control over their time, improved work-life balance, and reduced commuting stress. For businesses, offering flexibility can boost productivity, attract top talent, and improve employee retention.

Managing this growing demand requires a clear strategy, effective communication, and a commitment to meeting both employee needs and business goals. Here's our top tips on getting prepared:

1. Build clear and consistent guidelines

Well-defined flexible working guidelines are the foundation for managing these requests effectively. Ensure you outline:

- Eligibility: Who can apply, and under what circumstances?
- Process: How employees should submit requests, and how they'll be reviewed.
- Criteria for Decision-Making: What factors will be considered when approving or rejecting requests?

2. Communicate Openly with Employees

Transparency is key. Make sure employees understand the policy and the reasoning behind decisions. Clearly explain how flexible arrangements may affect team dynamics, workloads, and overall business needs. Open communication helps manage expectations and reduces the risk of misunderstandings or frustration.

3. Train Managers to Handle Requests

Managers play a critical role in implementing flexible working policies. Provide training to ensure they:

- Understand the legal requirements around flexible working.
- Have the skills to assess requests objectively and empathetically.
- Can communicate decisions effectively, offering clear reasons for any rejections.

Empowering managers with knowledge and tools will help ensure consistency and fairness across the organization.

4. Balance Flexibility with Business Needs

Not all flexible working requests can be accommodated, especially if they conflict with operational requirements. Employers must balance the needs of the business with the needs of the employee.



Questions & Answers

Can I dismiss an employee during their probation period without explanation?

While probation periods allow for easier termination, it's still important to provide a clear reason for dismissal to avoid claims of unfair treatment or discrimination. Document performance discussions and provide feedback to support your decision. Remember that the law on probationary periods is set to change soon.

How do I manage an employee who consistently underperforms?

Identify whether the issue is related to capability or conduct. Provide clear feedback and set measurable performance goals with regular check-ins. If improvement isn't made, follow your performance management or disciplinary procedures.

How do I address an employee's excessive sickness absence?

Hold a return-to-work meeting to understand the reasons for the absences and consider whether any reasonable adjustments are needed. Monitor their attendance and, if necessary, follow your sickness absence policy, ensuring to handle the situation sensitively and fairly.

Let us know if you have questions you'd like to have answered in our next Breedon Bulletin

Let's talk on the phone

Here are three questions for you:

- Do you currently have HR support?
- On a scale of 1 to 10, how happy are you with them?
- If the answer isn't "I'm so delighted I could print 1,000 flyers to spread the word about them", let's jump on a video call

You know just how important it is to get proactive, responsive HR support. That's what we do. And we're taking on new clients.



YOUR HR EXPERT



**Set up a 15 minute exploratory call at
www.breedonconsulting.co.uk**

