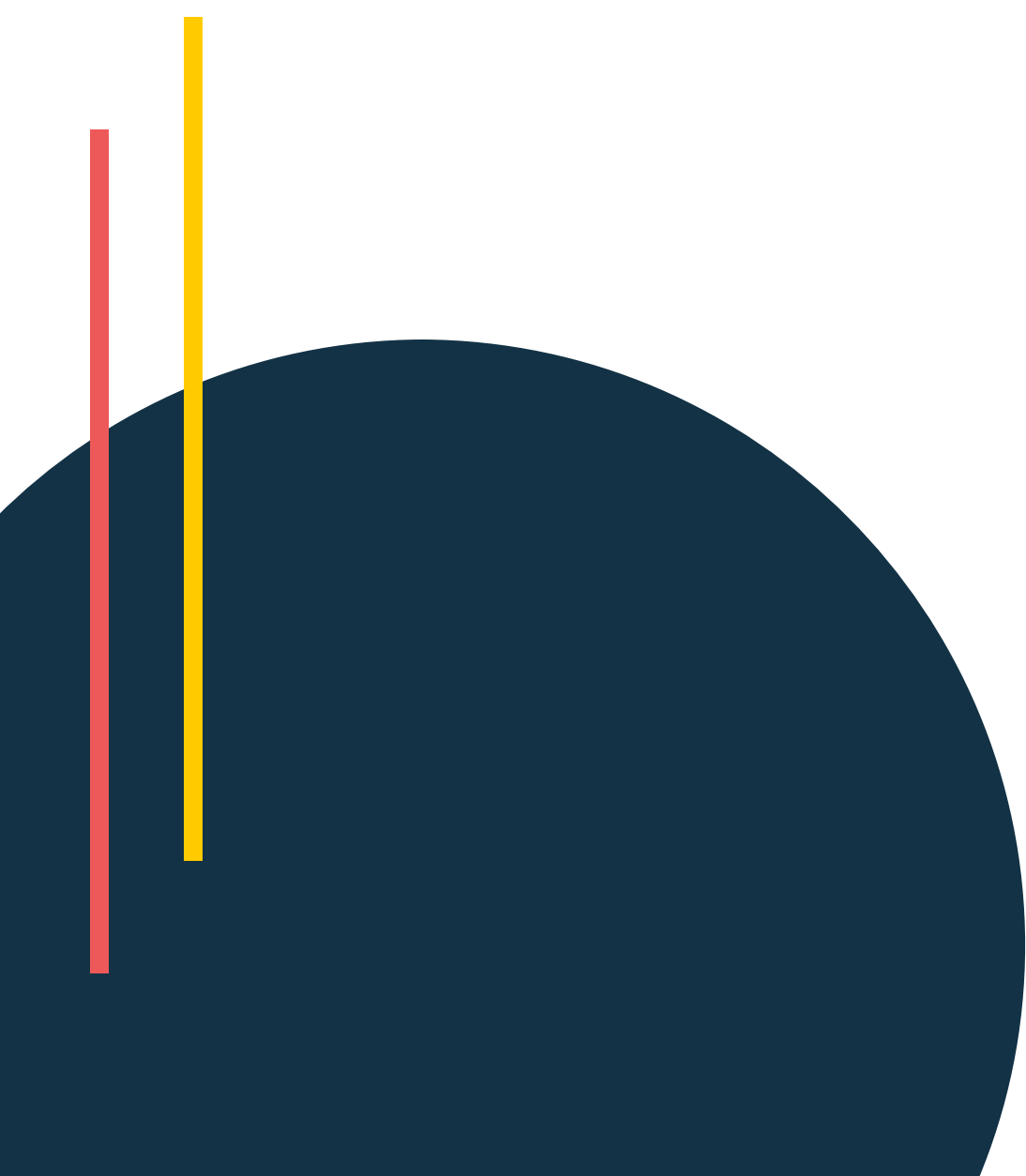


Coronavirus Emerging News and Changes 16 April 2020



Today's Webinar Panel

- **Lorna Young**, Principal Consultant
- **Monica Puri**, Principal Consultant
- **Philip Bundy**, Senior Advisor, Employment Law
- **Darren Newman**, specialist Employment Lawyer

Today's discussion

- 1) IR35, Casual and Agency workers – (reflecting on the Cabinet Officer Guidance notes on Payments to Suppliers for Contingent Workers impacted by Covid-19)
- 2) Furlough
- 3) Refuse Services – TU challenges
- 4) Volunteers

Please type your questions and we will get through as many as possible during the webinar

If you don't get chance to ask your question, we can respond by email in a follow up

Focus on IR35

- Can the LA terminate the agreement?
- Expectation from the Cabinet Office
- LGA approach - *unless LA's are given guaranteed appropriate funding to be able to follow the guidance, continuing to pay such workers should be the aim of councils, but there aren't grounds to require it.*
- The LA would also have the option to furlough the IR35 worker - PAYE

Contingent and Casual workers et al

Permanent Employee	Casual Worker	Agency Worker	One off casual assignment	IR35	Permanent Employee in Commercial Service
<ul style="list-style-type: none"> Continue Full pay whether the employee is working or not able to due to COVID-19 	<ul style="list-style-type: none"> Contractually not guaranteed work Usually there is a regular pattern of work Cabinet Office recommend continuing pay based on estimated average pay while funding remains in place 	<ul style="list-style-type: none"> Agency can place them on Furlough as they are employed by the agency Local Government recommend continuing to pay workers in full as public funds to pay worker are available where they are continuing to work Where Agency workers are unable to work due to CONVID-19 the Cabinet Office recommend paying 80%/£2500 cap of their monthly pay in line with the Cabinet Office guidance If LAs are not given appropriate funds then there aren't grounds to require paying 80%/£2500 	<ul style="list-style-type: none"> If a one of arrangement has been made in the future and there has not been a regular pattern of engagement this can be terminated with the right amount of notice 	<ul style="list-style-type: none"> Cabinet Office advice is that IR35 workers should continue to be paid while funding remains in place The LA can place the worker on Furlough Depending on the details of the contract – cessation clause maybe used to terminate the contract 	<ul style="list-style-type: none"> Continue Full pay whether the employee is working or not able to due to COVID-19 Where there is no fund available to pay for staff salaries – Furlough can be explored

Furlough or not to furlough?



	Continue Full pay	Redundancy	Furlough	Average pay over 12/52 weeks	Terminate Arrangement	80%/£2500 cap
Permanent Employee	✓	✗	✗	✗	✗	✗
Casual Worker	✗	✗	✗	✓	✗	✗
Agency	✓	✗	✓*	✗	✓	✓**
One off casual assignment	✗	✗	✗	✗	✓	✗
IR35	✓	✗	✓	✗	✓	✗
Permanent Employees commercial service	✓	✗	✓	✗	✗	✗

*Through the agency

**Through the Local Authority

Focus on Agency Workers

- The Cabinet Office advice on Contingent workers
- Full pay? Terminate? Furlough? 80%/£2500 cap?

Advice

- Analyse the agency roles within the LA that are unable to work due to COVID-19
- Are these specialist / hard to recruit skills
- After Coronavirus is there a potential of losing these skills
- Take a consistent approach
- Recommend to take legal advice and discuss with WME
- Discuss with the agency

Any other general questions on casual workers that we haven't covered?

Furlough

- Where Furlough is taking place in the region?
- Sandwell – Leisure Centre staff
- Furlough should be used to avoid redundancy in the future
- South Staffordshire – can staff take Annual Leave during Furlough?
- Any questions?

Volunteers

- Queries on volunteering
- Process
- Scenarios
- Managing LA voluntary work – what's going on in your region
- Any questions?

Refuse Services

- Feedback on provisions in place
- WISH Guidance
- Social Distancing
- Good hygiene practices should be followed
- Feedback from the Unions challenging practice
- Feedback from LAs
- WME – advice
- Review practice, be inline with WISH and flag concerns

Next Steps

WME will:

- Continue to review FAQs in line with changing guidance (including separate school guidance and FAQs)
- Provide regional response for TUS on Refuse
- Provide principles for considering continuation of investigations/hearings, etc.
- Run weekly webinar and virtual meetings for Heads of HR
- Canvassing views on where Furlough is being exercised
- Update on the Pay Review later today

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