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An employment law update

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There have been some changes to employment law that have recently been introduced.

Parental Bereavement Act

Implementation Date 6th April 2020

There is a new Parental Bereavement Act (known as Jack's Law). This provides for at least two weeks' leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. Employees with 26 weeks' continuous service will be entitled to paid leave at the statutory rate and other employees will be entitled to unpaid leave. Under this new type of leave, employees will be able to take time off immediately after the death without having to give a period of notice. Bereaved parents will also be able to take leave up to 56 weeks after the death of the child. If they need to take leave more than a few weeks after the death, they will have to provide one week's notice. This recognises that it is not just the immediate aftermath of the death that can be difficult: leave might also be needed later to attend an inquest or mark the first anniversary of the death of the child.

Statement of written particulars

This is often in the form of an Employment Contract, and employers used to have two months to issue this to a new employee, but from 6th April this has been issued on day one of employment. Whilst the changes only apply to new employees, existing staff will have the right to request a written statement complying with the new requirements. If an employer receives such a request, the statement must be provided within one month. Details that should be included are:

- how long a job is expected to last, or the end date of a fixed-term contract

- how much notice the employer and worker are required to give to terminate the agreement
- details of eligibility for sick leave and pay
- details of other types of paid leave e.g. maternity leave and paternity leave
- the duration and conditions of any probationary period
- all remuneration (not just pay) e.g. vouchers, lunch, health insurance
- the normal working hours, the days of the week the worker is required to work, and whether or not such hours or days may be variable, and if they may be how they vary or how that variation is to be determined
- any training entitlement provided by the employer, any part of that training entitlement which the employer requires the worker to complete, and any other training which the employer requires the worker to complete and which the employer will not bear the cost.

Changes to holiday pay calculations

Implementation date: 6 April 2020

The reference period for determining an average week's pay increased from 12 weeks to 52 weeks, or if the worker has been employed for less than 52 weeks, the number of complete weeks for which the worker has been engaged.

Payslip changes

Implementation date: 6 April 2020

Employers must include the total number of hours worked where the pay varies according to the hours worked, for example under variable hours or zero hour contracts.