

Mentor

RBS

JANUARY 2015

EMPLOYMENT LAW & HR

HEALTH & SAFETY

ENVIRONMENTAL MANAGEMENT + TAX



GREEN OR BUST

Environmental credentials count

PLAY IT SAFE

Protect against legacy staff claims

SOCIAL RISKS

Safeguard your brand

CASK FORCE

Family-run Sussex brewer Harveys on how it protects both its unique culture and its business interests

PREPARE TO SHARE

Parenting roles are changing

RBS
The Royal Bank of Scotland

Ahead for Business →

Contents

EMPLOYMENT LAW & HR

Keep up to date and steer clear of costly Tribunals

6 GET IT RIGHT

Mentor's new payroll service will help you meet your responsibilities to both employees and HMRC.

8 PLAY SAFE

Play centre operator DP Leisure on how it protects its customers and its business from Tribunal costs.

10 ANSWER YOUR PRAYERS

Rosslyn Chapel turned to Mentor as some responsibilities are just too important to leave in the hands of people without relevant experience.

14 THE RIGHT BREW

For Sussex brewery Harveys, Mentor provides the perfect recipe of legislative guidance and long-term development.

18 WORK WITH GEN Y

Discover the important role of face-to-face interaction to a generation which is 'always plugged in'.

20 OBESITY AND THE LAW

Obesity is on the rise and has now been classified as a disability under EU law. Mentor explains what you can do to foster a healthy company culture.

23 SHARED RESPONSIBILITIES

With Shared Parental Leave coming in April, find out whether your business is ready.

HEALTH & SAFETY

Stay on top of the regulations and enjoy a safer, more productive environment

22 TOO RISKY TO IGNORE

If disaster strikes, how quickly could you get your business back up and running? There are important actions no organisation should overlook.

EXPERT INSIGHT

17 LET'S TALK SOCIAL

Social media is both an invaluable tool and a serious risk to your business. Head of Mentor John Muncey explains how you can safeguard your reputation.



ENVIRONMENTAL MANAGEMENT

Smarter environmental measures give your business the edge

16 GOOD FOR BUSINESS

With expert help, specialist interior fit-out company TJM Projects achieved ISO 14001 certification.



TAX

Protect your organisation with the right tax moves

21 IT'S ON YOU

It's important to take steps to protect yourself from tax penalties, even if you have an accountant.



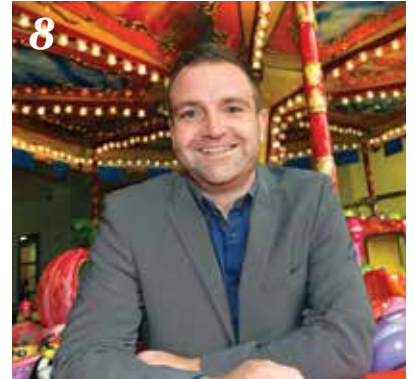
REGULARS

3 JOHN MUNCEY: OUR AGENDA

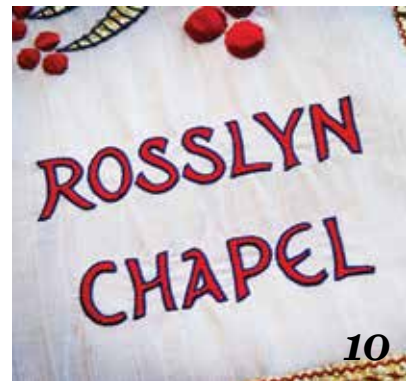
4 NEWS & VIEWS 5 MENTORLEARN
UPDATE 12 THAT 3AM MOMENT



6



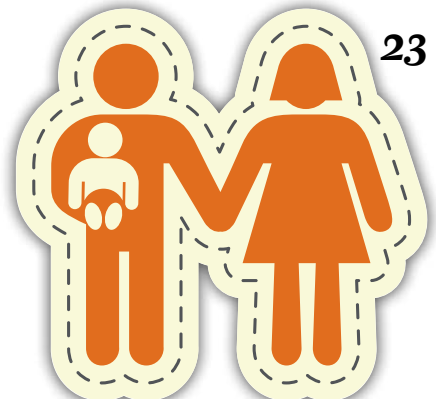
8



10



16



23



OUR AGENDA

Exciting times

Mentor

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This winter, *Mentor* magazine explores the full spectrum of issues, from how employers can preserve traditional work practices to how to adapt to modern legislative challenges.

We visit Sussex-based brewery Harveys and find out how Mentor has helped it to maintain its unique family business feel, while protecting its commercial interests. The company, for instance, recently managed to avoid losing an employee with a physical disability by creating a new, more appropriate role.

We also explore some of the latest challenges facing businesses today, such as an EU ruling which will affect the way you manage obese employees and candidates, and how to get the most of your 'Gen Y' workforce.

Employers must account for new, more flexible parental leave requirements from April, and we hear why there's no time like the present to act on fire safety. We also provide expert insight into managing the risks around the use of social media.

Ian Gardner, Director of Rosslyn Chapel Trust, turned to Mentor so his staff could focus on providing a quality service rather than worrying about health & safety or HR responsibilities, for which they lack the necessary qualifications and experience. It's been a winning strategy, as Rosslyn Chapel recently received a five-star Historic Attraction award from VisitScotland.

Aware that environmental credentials play an increasingly important role in securing tenders, TJM Projects Director Matt Burrows explains how valuable Mentor's advice and support has been in securing an ISO 14001 certification.

We also speak to Adam Skinner, of play centre operator DP Leisure, about the peace of mind that Mentor provides, as he manages complex HR and health & safety challenges over the company's four sites.

In this issue we also get a chance to introduce the new Mentor Payroll Service, which focuses on reducing the everyday stress of running a business, helping employers to pay both HMRC and employees the right amount, on time.

Wishing you all a happy and successful 2015.

JOHN MUNCEY // Head of Mentor

ARE YOU PROTECTED?

Mentor could help you with your risk and compliance needs today.

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News & Views

EMPLOYMENT LAW & HR + HEALTH & SAFETY + ENVIRONMENTAL MANAGEMENT + TAX

OCCUPATIONAL HEALTH >

No Time to Lose

One of the first official cases of occupational cancer was identified in the eighteenth century, so work-related cancers are not a new problem. Today, cancer caused by work claims 666,000 lives a year worldwide and IOSH has launched its No Time to Lose campaign to help raise awareness and help beat this problem.

While asbestos is the best known carcinogen and biggest killer, claiming over 100,000 lives worldwide annually,

there are over 50 other substances listed as known or probable causes of workplace cancer.

Across the EU, one in five workers is at risk of occupational cancer. Worldwide, those dying from work-related cancer are far greater in number than those dying due to work accidents.

IOSH's No Time to Lose campaign aims to get carcinogenic exposure issues more widely understood and help businesses take action.



ENVIRONMENT >

UK 4th for ISO 14001

The UK ranks fourth in the top 10 countries for the number of ISO 14001 certificates, one place ahead of last year, recent data shows. It sits only behind China, Italy and Japan.

It shows UK businesses are still committed to achieving the international Environmental Management System standard, which helps them remain commercially successful without neglecting environmental responsibilities.

For the first time, the number of certificates issued worldwide has exceeded the 300,000 mark, which the Institute of Environmental Management and Assessment reports as equivalent to an increase of about 17,000 certificates between 2012 and 2013. The UK is placed sixth in the top 10 countries for growth, with a net increase of 996 certificates in this period.



WORK TRENDS >

Un(der)employed?

In 2014, three million people (one in 10) in the UK wanted to work more hours than they are contracted to do, according to a recent report from the Office for National Statistics.

On average each of these workers, who are classified as 'underemployed', would like to work an additional 11.3 hours per week.

The incidence of underemployment is highest in part-time workers, with one in five being in this category, compared with around one in 20 full-time workers.

Fewer than one in 10 workers is classified as 'overemployed', wanting to work fewer hours for less pay. Of these employees, each would like to work 11.2 fewer hours than they do. Overemployment affected 13.9% of workers in professional occupations.

The North East had the highest percentage of underemployed workers in Britain, whereas the South West saw the highest percentage of overemployed workers.

LIVING WAGE >

NATIONAL MINIMUM WAGE goes up

The National Minimum Wage has risen and since the new rates came into force in October, adults must now be paid a minimum of £6.50 per hour. For employees aged between 18 and 20 the new rate is £5.13 per hour, for 16 to 17-year-olds it's £3.79 per hour and apprentices must get an hourly rate of £2.73 or more.

The UK 'living wage', an informal benchmark set by

the Living Wage Foundation based on the amount needed to cover the basic cost of living, has also gone up and is now 21% higher than the compulsory National Minimum Wage.

The living wage, which has been adopted by more than 1,000 employers across the UK, has been raised to £7.85, and £9.15 in London.



DID YOU KNOW?

● APRIL 2016 – EMPLOYER'S NATIONAL INSURANCE CONTRIBUTIONS ABOLISHED FOR UNDER-25s

Source: www.adviceguide.org.uk

HOLIDAY PAY >

Holiday pay revelation

A recent ruling on how holiday pay should be calculated under the EU Working Time Directive by the Employment Appeal Tribunal could end up costing employers billions of pounds.

Holiday pay should now include an element for 'non-guaranteed' overtime, and all employers should consider how they pay workers for holidays – even if they have had advice in the past that they are acting lawfully.

Mentor's Head of Employment Law Consultancy Nick Soret explains: "We urge employers to check their holiday calculations as recent court rulings indicate workers' holiday pay might have been calculated incorrectly by employers across the UK."

The rulings interpret the EU Working Time Directive and contradict UK regulations, but are legally binding. Employment Tribunals must comply with the rulings in cases that come before them, so employers must check their payments are compliant rather than risk claims in a Tribunal.

To find out more about how Mentor's Employment Law & HR Service can advise you on holiday pay, call 0800 970 9814 Minicom 0800 634 7008 or visit us at rbsmentor.co.uk



HSE FEES >

A REVIEW OF FFI

An independent report has concluded that the Fee for Intervention (FFI) scheme has been implemented consistently and fairly since it was introduced in October 2012. The independent panel that reviewed the scheme included representatives of the GMB trade union, the Federation of Small Businesses and the Department for Work and Pensions.

The report concluded that FFI was proving effective in shifting the cost of breaching health & safety regulations from the public purse to the businesses that break the law.

Mentor's Health & Safety Service works with businesses to provide practical ways to ensure legal compliance with health & safety at work. To find out more, call us on 0800 970 9814 Minicom 0800 634 7008 or visit us at rbsmentor.co.uk/healthsafety

FLEXIBLE *Learning*

Ensuring your employees have access to the ongoing training they need to help your business thrive can be a challenge: eLearning could help.

Learning about employment law, health & safety and environmental management challenges online is a flexible choice for busy people who don't have the time to attend a face-to-face training course or who simply need to refresh their knowledge. Mentor offers a range of eLearning modules, from introductory courses that are available to everyone, to a selection of in-depth training provided to existing Mentor customers.

- Introductory Employment Law & HR courses include managing:
- Bullying and harassment
 - Maternity, paternity and adoption leave
 - Retirement
 - Sickness absence.

- In-depth Employment Law & HR courses include:
- Bullying and harassment
 - Social media and the workplace

- Stress essentials
- Buying or selling a business or service
- TUPE regulations.

- SHE introductory courses include:
- New and expectant mothers
 - Risk assessments
 - Fire awareness for employees
 - Slips, trips and falls.

- SHE in-depth courses include:
- Risk assessment
 - Slips, trips and falls
 - Working at height
 - Homeworking policy.

- Environmental management courses include:
- Environmental overview (introductory)
 - Environmental awareness (in-depth).

To find out more about how training can benefit your business, or to book a course, visit rbsmentor.co.uk/booktraining. You can also contact the MentorLearn Team on 0800 559 3595



Up up & AWAY

As an employer, your top priorities are meeting regulatory requirements and paying employees on time. Let Mentor help your business take flight.

25%

of workforce part-time in 2013

In 2013
extra weekly payments
as % of total pay

6.1% vs **3.2%**
men women

Key benefits

- Peace of mind
- Accuracy
- Transparent costs
- Helpdesk 9am-5.30pm Monday to Friday

Reduce risk

Offsite payroll significantly reduces risk of payroll data loss through fire & theft at your premises. Payroll records may be archived locally after each payroll period, unless you opt for an additional cloud-based archive facility

1 MAKE PAY SIMPLER

ISSUES



£3,000

maximum fine for not meeting required book-keeping standards



Human errors cause late or incorrect payments



Lack of time for payroll administration

ISSUES

OUR SOLUTION

Where Mentor triggers BACS payments on your behalf, we ensure on-time payment to staff and HMRC

2 GET IT RIGHT

2 million+

businesses do not keep sufficient records* & changes to workforce, hours and wages are time-consuming and complicated

OUR SOLUTION

Cloud-based system: input and update data whenever you need to

ISSUES

- Difficult to keep up to date with rule changes
- HMRC clamp-down: income up 39% from compliance investigations

ISSUE



£50-10,000

per day: potential charges for not complying with Auto-Enrolment

OUR SOLUTION

Our payroll services include advice and application of all mandatory changes in payroll legislation

3 PLEASE HMRC

25%

of employers say End of Year returns take longer now with real-time reporting #

ISSUES

- Penalties from 6 March 2015 for those with <50 employees
- Penalties for late RTI reporting already in force for those employing >50

OUR SOLUTION

Our End of Year reports are HMRC-compliant and can be submitted on your behalf

ISSUE

Too much time and money spent on processing and distributing payslips

OUR SOLUTION

- Cloud-based system gives staff access to payslips and P60s anywhere, anytime
- Option of quality, sealed payslip printing and dispatch

ISSUE

£5,000-50,000

cost of not paying employer contributions

OUR SOLUTION

Additional Auto-Enrolment reporting to help manage your responsibilities

→ MAKE PAYROLL EASIER

To find out how Mentor can help you to manage your payroll, contact us on **0800 074 8152** Minicom **0800 634 7008** or visit us at www.payroll.rbs.co.uk

* According to HMRC

#Out of 446 employers surveyed by HMRC

Sources: Patterns of Pay, www.gov.uk; www.moorepay.co.uk



AT A GLANCE

- CREATE FRAMEWORK
- DAILY HR SUPPORT
- ADAPT TO CHANGE

360 Insurance



“We turned to Mentor for help in managing a range of issues, from poor attendance and sickness absences to improving attitudes among younger staff members.”

ADAM SKINNER, Business Development Manager, DP Leisure



Adam Skinner, DP Leisure's Business Development Manager, values Mentor's ability to understand the business's needs.



For one play centre operator, managing HR and health & safety across four separate sites is far from child's play.

DP Leisure operates children's play centres under the name 360 Play and employs 140 people across its four sites around the country. The roles that the company requires are diverse, from accounts to planning and brand.

The business joined Mentor in 2008, initially choosing its Health & Safety Service. However, as Business Development Manager Adam Skinner explains, it soon saw the value of Mentor's Employment Law & HR Service when it had to pay £10,000 in legal costs just to make a successful defence against a Tribunal claim.

"We took over another business and experienced what must be a common challenge when taking on legacy staff which is reviewing and managing performance issues," explains Adam.

"There was one staff member who was failing to achieve a suitable level of customer service; poor customer service was the reason the business had been struggling before we took it over.

"Even though we weren't in the wrong, it cost us thousands of pounds just to challenge their claim."

Since joining the Employment Law & HR Service, Adam says the business has turned to Mentor for help in managing a range of issues, from poor attendance and sickness absences to improving attitudes among younger staff members.

"Mentor has been able to back us up – as long as you do as they advise, you are covered. Having that indemnity insurance offers us great peace of mind."

Adam says that even though Mentor is a national company, the service you receive is always personal.

"We have had the same Mentor Health & Safety Consultant since we joined in 2008 and that continuity means they know our business," he adds.

"They don't put us in a box. They're very down to earth and understand our business's needs. They're always a pleasure to work with and give us immediate and accurate information."

CONSULTANT CORNER

"MENTOR HAS ENSURED THEIR POLICIES ARE UP TO DATE ON ISSUES SUCH AS DATA PROTECTION."

SAVIO ZUZARTE

Mentor Regional Development Manager

"Mentor has worked with DP Leisure for several years to reduce risks across HR and health & safety, and to upskill staff in what is a heavily regulated industry.

The team's strong relationship with their Employment Law & HR and Health & Safety Consultants means they just have to pick up the phone to receive a comprehensive service, from fire risk assessments to consultancy advice on adapting new sites to their needs.


We have guided them through a range of challenges: the nature of their business means they needed a robust health & safety system in place and they have to manage a large number of young employees across four sites.

We have also ensured their employment documentation and policies are up to date on issues such as data protection and the use of social media in the workplace.

Mentor has become an integral part of their team, which has helped the business to grow rapidly, while protecting their brand – and their customers."

"We love the peace of mind and reassurance, but also find it useful to have access to a range of employment documentation templates, as these help us achieve consistency across our employee contracts.

"And with regulations constantly changing, we love receiving the Mentor Legal Updates in our email inbox.

"We are now looking to use the MentorLearn training service to update our management team's skill set, particularly around health & safety." 

➔ GET IN TOUCH

To find out how to manage legacy staff, contact us on **0800 970 9814** Minicom **0800 634 7008** or visit us at rbsmentor.co.uk/employmentlawhr

AT A GLANCE

- EXPERT ADVICE
- BASED ON BEST PRACTICE
- PEACE OF MIND

Trust is important at Rosslyn Chapel, where treating visitors and employees well is considered vitally important. This was recently recognised by VisitScotland when it granted Rosslyn a five-star Historic Attraction award.

ADVICE *you can* TRUST

Rosslyn Chapel Trust was created in 1995 to manage public access and conservation at the popular 15th-century site, which attracted almost 145,000 people last year.

Rosslyn Chapel, just outside Edinburgh is run all year round by a small team of 20 people, primarily employed in customer-facing roles, either in the shop, ticket office, café or as guides. And as a registered charity, the Trust needs to ensure that as much income as possible is spent on its upkeep, not expenses.

COST-EFFECTIVE SUPPORT

Ian Gardner, Director of the Rosslyn Chapel Trust, says the Trust first contacted Mentor because it didn't want to lay responsibility for anything as important as employment law & HR and health & safety onto someone without the appropriate experience, training and time.

"Legislation around both of these areas changes regularly and we're not specialists, yet we still have a responsibility to be compliant. Mentor has offered us an ideal way to plug that gap."

One of the first items that the team wanted to address was ensuring that employee job descriptions and guidelines were consistent. By working with Mentor Consultant John McGlone, the Trust has now been able to update its staff handbook so it meets current standards of good practice.

"Since joining Mentor in April, we have noted clear employment and HR benefits," Ian says. "Whenever we have a query from an employee, we just pick up the phone and receive a quick, reliable answer."

"Mentor ensures that what we're saying to our employees is backed up by legislation and good

Ian Gardner, Rosslyn Chapel Trust Director, has worked with Mentor to introduce employment documentation that meets best practice



PHOTOGRAPHY | UNP



CONSULTANT CORNER

“PRODUCING FIT-FOR-PURPOSE DOCUMENTATION HAS A SIGNIFICANT IMPACT ON ORGANISATIONS.”

JOHN McGLONE
Mentor Employment Law & HR Consultant

“From the moment you arrive at Rosslyn Chapel, it’s apparent that customer service is paramount.

Staff are welcoming and polite and that reflects how engaged they are with the organisation and its history. By taking the time to look after and support people, they make a long-lasting positive impression.

My role is to put the organisation on the front foot in terms of employment law & HR. We take the time to understand the fundamentals: the organisation’s history, its employees’

needs and its challenges, strategies and objectives. At Rosslyn, visitors’ needs are central.

By setting and agreeing future initiatives, both parties have a detailed record to refer back to. Producing fit-for-purpose documentation and regular practical updates on legislative changes has a significant impact on organisations.

This has all been achieved since April, during which time the Trust has been successful in receiving a five-star Historic Attraction award from VisitScotland – which is great news.”



“Whenever we have a query from an employee, we just pick up the phone to Mentor and receive a reliable, quick answer.”

IAN GARDNER, Director,
Rosslyn Chapel Trust

practice; it’s great that whenever a staff member asks us a question, we have an HR expert on hand.”

SMALL CHANGES, HUGE IMPROVEMENTS

People of all ages and nationalities visit the rural site, so health & safety is a priority. Knowing that a professional with a well-trained eye has performed a detailed audit of the site and highlighted any safety improvements required, however small, is invaluable.

“It allowed us to look at the site with a different perspective,” says Ian. “With lots of competing demands on staff time, having a health & safety checklist to follow prompts us to keep it near the top of the list at all times.”

Ian also recognises that the main long-term benefit to Rosslyn is that its two Mentor advisers are available whenever needed.

“They’re also proactive in keeping in touch with me,” he adds. “It takes the risk out of our day – both for staff and Trustees – because if we don’t know the answer, we know someone who does.

“The best thing about Mentor is the reassurance that what we’re doing is right in terms of best practice and current legislation. We feel reassured that we have people at the end of the phone or who can come in and keep us on the straight and narrow.” 

MAXIMISE OPPORTUNITY

To find out how Mentor can help you meet your legislative requirements, call us on **0800 970 9814** Minicom **0800 634 7008** or visit us at rbsmentor.co.uk/employmentlawhr

THAT



MOMENT

No matter what workplace issue keeps you awake at 3am, Mentor can help you find a solution to your most pressing business worries.

Q I have invited an employee to attend a disciplinary hearing. They have the right to be accompanied and have asked to postpone the hearing until their trade union representative is available. Our company doesn't recognise any trade union and we have no trade union representatives in our organisation. Do we have to meet this request?

A Legislation gives the employee the right to be accompanied by either a work colleague or a trade union official, even if you don't recognise a union or employ a trade union official. They should provide evidence that their trade union official is qualified. They can, however, ask to postpone their meeting for up to five working days so their chosen companion can attend. Call the Mentor Advice Service to get advice and support during this process.



Q My business needs some electrical work. Is it okay to use someone I met at my local pub?

A It could be, if this person meets certain criteria. Anyone brought into a business to carry out work who is not an employee is classed as a contractor. In any client or contractor relationship, you both need to consider the health & safety implications of the work.

However, this legislation will help you to get someone suitable to do the job. You should be satisfied that the contractor is able to do the job; that they have a suitable safety management system in place, including risk assessment; that they are suitably insured for any work they carry out; and that they are competent.

There are a number of ways to determine a contractor's competence so

don't assume – always get some evidence, such as testimonials, from previous clients.



Q Some of my employees regularly go to the pub on a Friday after work. One member of staff told me that another employee had told them that they did not fit in with their drinking culture and criticised their job performance. This employee was so upset that they nearly did not come in to work the next week. What should I do?

A Even though this is not an organised company social event, there is a link back to your business as your employee was in the pub with work colleagues, and their performance and apparent lack of work experience were discussed.

Your Mentor Employee Handbook puts you in a great position to manage this situation. All employees should be aware of your harassment and bullying policy and, as this behaviour has undermined the employee's self-confidence and self-esteem, this could be viewed as bullying.

As the employer, be mindful of potential discrimination around this employee's age and any beliefs they may hold concerning the consumption of alcohol.

You need to resolve this issue and stop it escalating into a potential absence for stress or even a discrimination claim. Ask your employee if they wish to raise a grievance through the company's grievance procedure, as outlined in the Employee Handbook.

Even if the employee doesn't wish to proceed, as an employer you have a duty of care towards him or her now that you're aware of the issues. Contact the Mentor Advice Service to discuss the matter in more detail and get bespoke advice for your situation.



Q Someone told me I can't use a ladder anymore because of 'health & safety'? Is that right?

A Ladders and stepladders are not banned under Health & Safety Law and can be a practical option for low-risk, short-duration tasks, although they may not automatically be your first choice.

For more information: 'Working at height: A brief guide' is available from the Health and Safety Executive (HSE) at www.hse.gov.uk

One third of all reported fall-from-height incidents involve ladders and stepladders

= 14 deaths and 1,200 major injuries to workers each year

Many injuries are caused by inappropriate or incorrect use of the equipment. Make sure you select the right type of ladder and know how to use it safely.



ILLUSTRATIONS | Edward McGowan

Q In the past, we've paid New Year bonuses to all employees, but over the last year the company didn't do as well so this is not possible. We've heard that some of our employees aren't happy. What should we do now?

A This is a common scenario, as employees' first reaction to such news is often resistance and disappointment. Firstly, look at your contracts of employment. Even if there's nothing in the contract that refers to the annual payment of a Christmas bonus, you may not be fully discharged of any obligation to pay one.

The issue will be balanced on what is known in employment law as an 'implied term' of the contract. There may not be a specific clause within your contract, but the fact that the company has, as far as anyone can remember, always paid a bonus at Christmas means employees may be able to claim an unlawful deduction of wages.

However, if you're able to show that your financial results are significantly lower than in previous years and paying a bonus to all employees will result in

further financial difficulty for the business, then you may have 'sound and fair reason' to vary the contract.

Consult with your employees and be honest about the financial situation. Give plenty of notice that the bonus cannot be paid. You may be able to offer another incentive to employees, such as flexibility on when they finish for their break.

Call Mentor's Advice Service to discuss your obligation to pay the bonus and an appropriate course of action as well as for help with any documentation required.



→ Let us know what your 3am questions are; call us on **0800 634 7000** Minicom **0800 634 7008** or visit us at rbsmentor.co.uk

AT A GLANCE

- PROMOTE OPENNESS
- SUPPORT LINE MANAGERS
- BE FLEXIBLE



PHOTOGRAPHY | UNP

Sussex-based Harveys is a seventh-generation family brewery which wanted help to protect its friendly, close-knit employee culture, as well as its business interests.

Harveys supplies cask-conditioned and bottled beer to 48 pubs around Sussex and is proud of its long-standing connection to the region, not only as a local producer but as a fair employer.

Miles Jenner, himself a fifth-generation brewer, joined the business in 1980 and has since risen to the role of Managing Director. "I'm one of two brewers in the business, but I'm also responsible for the wellbeing of the staff within it," he explains.

"We have 80 people here, ranging from directors to part-time cleaning staff – everyone is important and we work as one big team.

"Before we joined Mentor, we used local, individual consultants for guidance on employment law and health & safety, but our insurers liked the fact that Mentor's advice is indemnified, so we took both its Employment Law & HR and Health & Safety services.

"We're not looking for quick answers – we want to be compliant thanks to our own due diligence and be protected should an incident arise. Mentor is a preventative measure for us."

Miles adds that he likes the fact that Mentor is independent and its consultants often play Devil's advocate. "Over time this support has helped us to improve the culture of the business," he adds.

“Mentor is there as your advocate, helping you to be proactive and get your house – or brewery! – in order.”

MILES JENNER, Harveys Head Brewer and Joint Managing Director



Miles Jenner, Head Brewer and Joint Managing Director, values Mentor as a preventative measure which offers support when he needs it most.

CONSULTANT CORNER

“MENTOR HELPED RETAIN ONE EMPLOYEE WITH A PHYSICAL DISABILITY BY CREATING A ROLE WITH LIGHTER DUTIES.”

CAROLINE CRAMPTON-THOMAS
Mentor Senior Employment Law & HR Consultant

“I’ve been working with this family business since 2010 and it’s obvious that Harveys is a great place to work.

Mentor has been able to help the company with a range of HR issues, such as gross misconduct, including theft, and managing a high rate of absenteeism.

We helped them to revise their absence and sickness procedures and advised on the implementation of a new sick pay scheme, as the previous one was vulnerable to exploitation. As the new scheme would have affected more than 20 people, the business had to carry out a collective consultation and we ensured they did this correctly. As a result, attendance and sickness rates have since reduced dramatically.

Mentor also helped the business to retain one employee with a physical disability by creating an alternative role with lighter duties. That’s the kind of people they are here.

This is reflected in the business’s staff retention levels which are incredible; however, Harveys always appreciates Mentor’s backing and counsel.”

“We have our own laboratory, but we also send product samples to outside laboratories for testing, as it’s very easy to overlook something that you do every day when it’s staring you in the face. The same applies to employment law and health & safety issues – you need that outside periscope in case you fall foul of your own processes.”

Miles comments that he is reassured by the fact that Mentor is at the end of the phone whenever he needs it, but he also values the regular meetings with his assigned consultants twice a month to cover high-risk areas, as well as the accessible and tailor-made training for staff.

“These have all helped our people to take responsibility for assessing risks in the workplace, so we are all more proactive rather than reactive.”

Having an expert who can advise the business about new legislation and how it impacts on the brewery has been particularly valuable. “A great example is recent developments on holiday entitlement – we now know we are already exceeding these payments to staff, which is a relief. It’s also great to be able to keep our workforce informed, as they hear about these things in the media and want to know how they are affected,” he says.

“We’re not experts on handling difficult employment or health & safety situations



– but we know we’re getting expert advice. This helps to reassure our staff too as everyone knows that we are getting it right. It has helped us to prioritise what needs to be done over a sensible time period, while spreading the cost.

“Mentor provides us with an independent voice – it is there as your advocate, helping you to be proactive and get your house – or brewery! – in order.”

➔ START TALKING

To find out how you can protect your business’s culture, call us on **0800 970 9814**
Minicom **0800 634 7008** or visit us at
rbsmentor.co.uk/employmentlawhr



AT A GLANCE

- REGULAR AUDITS
- ADVISE ON ACCREDITATION
- INTERPRET LEGISLATION



PHOTOGRAPHY | UNP

CONSULTANT CORNER

**“ENVIRONMENTAL LEGISLATION
IS CONSTANTLY CHANGING.”**

CHRIS WILSON

Mentor Senior Environment Consultant

“TJM’s primary driver for growth recently has been to improve its credentials and reputation with existing customers and to build its client size and base.

To meet prospective clients’ requirements, TJM needed to achieve the ISO 14001. It turned to Mentor to help it bring its documentation up to the required standard. By conducting a Legal Audit of its environmental practices, we highlighted areas that required development and offered the technical support the business needed during the process.

TJM was successful in achieving the Standard in March, so the focus is now on maintaining and growing the business with these standards in mind.

Environmental legislation is constantly changing and business owners may not have the time to read it all and work out what applies to them. Having a consultant who can absorb that information and translate it into specific actions can help your business to understand its environmental requirements. That’s where Mentor helps.”

KEEP IT GREEN

Conscious that ‘being green’ is increasingly important in tendering for new business, one company sought help to prove its environmental management credentials.

TJM Projects has a client base varying from blue chip companies to councils, and works with projects ranging from £200,000 to £2 million: the one constant is the volume of waste created by the production of its wood-based products, mainly for interior refits.

Director Matt Burrows explains: “The joinery and manufacturing business is always going to create a lot of waste, but we wanted to show that we manage our environmental impact – that’s the reason we got Mentor involved. The ISO 14001 certificate allows us to demonstrate this.

“Mentor produced a range of structured documentation for us that suited both our business and the requirements of the third-party auditors.”

Mentor Senior Environment Consultant Chris Wilson explains that addressing the legal obligations is the most challenging aspect of ISO 14001 certification, particularly for businesses without dedicated environmental managers.

“Gaining the ISO 14001 has been a big factor in securing recent tenders. We achieved that certification because of Mentor.”


TJM PROJECTS Director Matt Burrows

“Legislation frequently changes and businesses need to be able to demonstrate that they have reviewed all potential obligations. During our inspections, we evaluate compliance as well as examine conditions and documentation and ensure it has been implemented at a staff level. This work prepares the business for what it will be asked during an audit by the third-party certification body.”

TJM Projects quickly noticed the benefits of attaining the accreditation. “Gaining the ISO 14001 has been a big factor in securing recent tenders such as a three-year contract with a leading UK travel agent to provide fittings like specialist desks and brochure racks. We achieved that accreditation because of

Mentor,” Matt highlights. “We’re very pleased with the whole procedure.”

Mentor also features in the business’s future plans. “We have six-monthly audits and we speak to Chris regularly to ensure we’re on track – he updates us on new legislation, for instance.

“We can access this type of information through Mentor’s online portal, MentorLive, but Chris also rings us to ask how things are going and just touch base. It’s hugely reassuring.” 

➔ GREEN CRED

To find out how Mentor can help your business improve its credentials, contact us on 0800 970 9814 Minicom 0800 634 7008 or visit us at rbsmentor.co.uk/environmental

NO

laughing

MATTER



A 'hilarious incident' could potentially damage your business if it is shared on social media sites but, says Head of Mentor John Muncey, a clearly communicated company policy will help to protect your reputation.

Businesses have undoubtedly faced many challenges in recent years, but the inappropriate use of social media is an issue which will continue to burden businesses in 2015 and beyond.

We have seen a new generation of employees entering the labour market who have grown up online and view social media as a right, not a luxury.

And this phenomenon is faced by HR managers in every sector, as younger employees entering the workforce are more likely to spend time on sites such as Facebook and Twitter during work hours.

While social media can be an invaluable tool for promoting your business, it can also have serious legal implications.

It's best to have proper controls in place, in the form of a company social media policy for employees to follow as they are unlikely to think about the potential damage of their social media activities – both at work and at home.


Safeguarding your brand from indelicate social media comments in your policy should help to protect your staff from the bullying and harassment that can go unnoticed

through these channels.

As an employer, you should also take care if using social media to provide

evidence about employee misconduct. Businesses must comply with the Employment Practices Code of the Data Protection Act, so seek advice before beginning surveillance.

Care must also be taken if citing social postings as Employment Tribunal evidence as workers are entitled to a certain degree of privacy, and a judge will consider whether the account in question is personal, whether the business was named and its reputation was damaged and if the employee tried to resolve the situation.

Mentor can help you to bring your employment documentation and policies up to date to protect your business and your employees. 

IN 2013,
UK USER BASE REACHED:



Facebook
31 MILLION

Source: www.rosemcgrory.co.uk



LinkedIn
10 MILLION



Twitter
15 MILLION

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AT A GLANCE

- SET BOUNDARIES
- GIVE FEEDBACK
- OFFER OPPORTUNITIES

Face-to-face interaction is a key strategy for engaging Generation Y employees – surprising for a group of people who have grown up online.

THE WHY OF GENERATION

If you don't know your iGens from your Gen Xs, you're not alone. It may feel as if Generation Y employees (also known as Millennials and born between 1980 and 2000) have very different characteristics from your own, but the key to managing them successfully is not to make assumptions about their needs.

It's a wide range of age groups to put under one label, but as an employer, you can get the most out of your Generation Y workforce.

Firstly, whether they're 15 or 35 years old, all Millennials have had constant access to technology throughout their youth.

OPEN COMMUNICATION

"Generation Y live their lives in public," says Nick Soret, Head of Employment Law & HR Consultancy Support.

"They don't necessarily see their work lives as being confidential. Employers often try to limit what employees are allowed to do online, but it might be better to accept it. By all means draw some clear boundaries, but also allow employees freedom of expression. It can actually benefit your business."

And don't assume that Millennials prefer to hide behind their screens. Bentley University in the US surveyed over 1,000 Millennials in 2014 and found that 51% of respondents prefer to speak in person.¹ The survey also suggested that they prize independence over climbing the corporate ladder, with 67% of respondents saying they'd like to start their own business.

FACE-TO-FACE COUNTS

So make sure your young employees are getting plenty of face-to-face interaction

“Generation Y values work-life balance over prestigious job titles and hefty pay packets.”

Understanding a misunderstood generation, INSEAD Emerging Markets Institute (Source: universumglobal.com)

and think about whether you could boost loyalty with a flatter management structure and by giving younger staff more decision-making power.

Beware, though, of leaving Gen Y employees completely to their own devices. A 2012 MTV survey found that 80% want regular feedback, nine out of 10 want senior people to listen to their opinions and 95% are motivated to work harder when they know where their work is going.

So why not embrace your slightly needy Gen Ys, give them lots of ways to connect with senior colleagues and encourage them to contribute their ideas and energy.²

A study by the INSEAD Emerging Markets Institute surveyed 16,000 young people from 43 countries and found that Generation Y value work-life balance over prestigious job titles and hefty pay packets. Some 42% said they strongly preferred no job to one they hate and their biggest fear is being stuck in a job with no development opportunities.

FAILURE TO SWITCH OFF


But all this flexibility, feedback and technology creates a major drawback for Generation Y. The Bentley University survey found that 89% regularly check work emails outside of their normal work hours.

“It’s easy to imagine that younger employees like to be ‘always on’ because they tweet and post on Facebook,” says Jerry Hill, Mentor Head of Consultancy Support – Safety, Health & Environment, “but never switching off from work can lead to stress. Help your Generation Y employees draw healthy boundaries

between work and their personal lives and take stress seriously.”

Rather than expecting Gen Y employees to accept out-of-hours working as the flipside of flexibility, could you improve everyone’s wellbeing by formally discouraging an always-on attitude?

Germany’s employment ministry did just that in 2013 by issuing guidelines stating that ministry staff shouldn’t be penalised for switching off their mobile phones after hours.

So now you know a bit more about what makes your Generation Y employees tick, don’t rest on your laurels. Generation Z – that’s people born since just before the Millennium – will be joining your workforce sooner than you think! 

Sources: ¹www.bentley.edu, ²www.forbes.com

➔ START TALKING

To find out more about how Mentor could help, call us on **0800 970 9814** Minicom **0800 634 7008** or visit us at rbsmentor.co.uk/employmentlawhr

CONSULTANT CORNER

“BEING AN ATTENTIVE LISTENER CAN GO A LONG WAY TO CLOSING THE GAP BETWEEN GENERATIONS.”

JOHN MCGLONE

Mentor Employment Law & HR Consultant

“Generation Y is coming out of an education system that emphasises being confident and speaking up. It is a group that is taught from a young age that it’s good to question things and also to expect frequent praise and reward.

To an older manager, that can come across as being difficult, but actually the young person just wants to engage with what they’re doing. Members of Generation Y prioritise job fulfilment, so if they feel they’re not being listened to they may decide to move on.

If there’s conflict between managers and Generation Y employees, I’d seek to understand first, then to be understood. Focus on your listening skills. Being an attentive listener can go a long way to closing the gap between generations in the workplace.

By being impartial when any conflict issues arise you can find workable solutions to connect with young employees who want to be heard.”



AT A GLANCE

- LEGISLATION
UPDATES
- ISSUES IDENTIFIED
- EXPERT SUPPORT

Get a MEASURE

Employers must now consider how they can help obese candidates and employees to overcome barriers to their employment, following a recent EU ruling.

Obesity has been re-classified as a disability under EU law, following a ruling on a Danish case by the European Court of Justice.

The ground-breaking case saw a childminder argue that his weight was one of the reasons he lost his job, and led the European Court of Justice to find that EU law does not prohibit discrimination specifically on the grounds of obesity, but that obesity could be considered a disability.

The European Court of Justice's decision means that UK employers now have to ensure they don't discriminate against candidates and employees whose ability to perform their work might be affected by their weight.

"What is really significant about this ruling," explains Nick Soret, Head of Employment Law & HR Consultancy Support, "is that it focuses on the effect of the 'long-term condition' (in this case, of being overweight) on the worker's abilities – not whether that condition itself amounts to a disability. And it doesn't matter whether the 'condition' is self-inflicted.


"We may see this re-classification cause employers to become more paternalistic about their workforce, as employers will have a vested interest in the health and lifestyle of the employees.

"This ruling will have interesting and unintended consequences for businesses employing or interviewing people who are obese or overweight. Ironically, the modifications which employers may have to make for obese employees could end up making them even more overweight."

What is certain is that obesity is on the rise. One set of figures quoted by Public Health England predicts severe obesity for 1% of men and 4% of women by 2050 while another model predicts around 3% of men will be severely obese by 2050.¹

With this in mind, Jerry Hill, Mentor Head of Consultancy Support – Safety, Health & Environment, suggests taking a holistic approach to obesity in the workplace.

"Obesity is an occupational health issue and employers can do a lot to encourage a healthy culture within a company.

"You could order in baskets of fruit for employees to snack from, encourage people to use the stairs, offer subsidised gym memberships or set up a buy-a-bike scheme." 

SCALE YOUR RISK

To find out how this ruling could affect your business, call us on **0800 970 9814**
Minicom **0800 634 7008** or visit us at
rbsmentor.co.uk/employmentlawhr

CONSULTANT CORNER

"DON'T MAKE ASSUMPTIONS ABOUT A CANDIDATE BASED ON THEIR SIZE."

NICK SORET

**Mentor Head of Employment Law & HR
Consultancy Support**

"Before disability discrimination, employers might have interviewed a candidate with a physical disability and made assumptions about what that person could or couldn't do.

This ruling from the European Court of Justice means employers need to start thinking about extreme weight in the same way as they think about other disabilities, and put measures in place to ensure they don't discriminate against obese or overweight candidates.

Employers have to consider if a person's ability to perform their job might be affected by their being overweight. If so, it's likely that the worker qualifies for protection under disability discrimination law. The onus then is on the employer to adjust the job to suit the worker.

Play safe when interviewing and don't make assumptions about what a candidate may be able to do based on their size.

Think about whether you could make reasonable adjustments to help them perform their job, such as offering priority parking spaces."

Source: ¹www.noo.org.uk



AT A GLANCE

- TAKE OWNERSHIP
- BE DILIGENT
- DOCUMENT EFFORTS

In the past tax year, HMRC reported that over 36% of tax errors had resulted from 'deliberate behaviour' so it's never been more important to take – and document – action to protect against mistakes.



Don't leave it to chance

When a tax officer uncovers a problem, individuals and businesses frequently ask 'what more could I have done to prevent the mistake? I engaged an accountant.'

According to Guy Smith, Mentor Tax Consultant, errors are usually found in an inaccurate tax return or other document filed with HMRC where, more often than not, the mistake has resulted in an understatement of tax.

"HMRC will typically seek a financial penalty, in addition to the extra tax and interest due, which will account for the behaviour of the individual or business owner and attempt to establish whether the mistake was made carelessly, deliberately or despite reasonable care being taken," he explains.

MEASURED ERRORS

Over 36% of errors committed during the last tax year were considered a result of deliberate behaviour, according to recent HMRC statistics.

"If an error has been made on purpose," Guy continues, "the penalty can be up to 70% of the additional amount due, but can rise to 100% if attempts were then made to conceal the deliberate

“Engaging an accountant certainly helps reduce the likelihood of mistakes, but it doesn't prevent HMRC charging a penalty if errors are uncovered.”

GUY SMITH, Mentor Tax Consultant

DELIBERATE ERROR PENALTIES FOR TAX YEAR 2013-14

Tax year	Total number of penalties	Total deliberate	Percentage deliberate
2010/11	7,859	465	5.92%
2011/12	14,191	1,045	7.36%
2012/13	9,504	2,332	24.54%
2013/14	15,135	5,477	36.19%

Source: HM Revenue & Customs


error. For instance, if the tax underpaid is £5,000, the penalty could be up to £5,000.”

PROTECT YOURSELF

"Engaging an accountant certainly helps reduce the likelihood of mistakes, but doesn't prevent HMRC charging a penalty if errors are uncovered," adds Guy.

"HMRC considers the person's abilities and circumstances and whether care and attention were taken to try and get it right. Did the person involved go online and look for answers on the HMRC website, for example, or watch any of HMRC's YouTube videos or webinars?"

If this is not the case, the question then is whether the mistake was made carelessly or deliberately.

"Even taking a screenshot of pages from HMRC's website, with the date shown, can help substantiate the steps taken to try and prevent mistakes. Never before has it been more important to keep detailed business records and retain a record of tax advice sought or received," Guy concludes. 

TACKLE YOUR TAX

Talk to your Mentor Tax Consultant to find out more. Call us on **0800 970 9814** Minicom **0800 634 7008** or visit us at rbsmentor.co.uk/tax



AT A GLANCE

- ASSESS RISK
- SEEK EXPERTISE
- MAKE CONTINGENCY PLAN

Don't ignore fire risk

Being responsible for fire safety in your business can be a huge burden. Expert advice and support can help you not only assess risk but also keep your people safe.



A fire at work, or even just nearby, can have a devastating impact on a business. You may not have considered a fire risk assessment, but a robust assessment and some advance planning could get you back up and running quicker than you think in the event of a fire.

The owner, landlord or occupier of a business premises is the 'responsible person' and as such it's their job to take care of fire safety. That includes conducting an organised appraisal of their premises to identify potential fire hazards – and who might be in danger – as well as assessing existing fire precautions to see if they are adequate.

EXPERTISE ON HAND

The responsible person can conduct their own fire risk assessment, but they must be competent to do so because an inadequate assessment can put people at serious risk. If they don't feel confident about doing a proper fire risk assessment themselves, they should appoint a 'competent person' to help.

Mentor has a nationwide team of fire safety experts who carry out fire risk assessments. The team looks at all areas of the business and all its processes, including maintenance of machinery, times when the property is empty and the risk of arson or malicious damage. But the process doesn't just stop there.


"A fire risk assessment isn't a one-step process," says Jerry Hill, Mentor Head of Consultancy Support – Safety, Health & Environment.

ONGOING ASSESSMENT

"The responsible person still needs to review the risk assessment at intervals. There's no set period for reviews; it depends on the business and whether you've made changes to buildings and processes or had any 'near misses'. At Mentor, we will always give advice about how frequently a client should review their fire risk assessment."

Just as important as the risk assessment itself, says Jerry, are the actions that arise from it.

"You can never completely remove the risk of fire so it's critical to have an emergency evacuation plan that all of your staff know and understand."

And finally, develop a failsafe process for backing-up vital data off-site and a plan for how you would maintain business continuity in the event that a fire kept you and your staff out of your business premises for any amount of time. 

CONSULTANT CORNER

"GOOD FIRE RISK ASSESSMENT CAN SIGNIFICANTLY REDUCE THE DAMAGE A FIRE CAN DO TO YOUR BUSINESS."

JERRY HILL

Mentor Head of Consultancy Support – Safety, Health and Environment

"Although it's an exceptional example, a fire at the Buncefield Oil Terminal in Hertfordshire in 2005 demonstrates just how devastating a fire can be.

Of 630 local businesses, 370 were evacuated and 88 of those businesses still didn't have premises to operate out of five weeks after the event.

The explosion at Buncefield was an extreme event, but it's worth considering how your business would weather the disruption and distress of even a small, localised fire. Besides the risk to people and damage to stock, IT systems and data, there are less obvious losses such as reputational damage and even the possibility of prosecution by an enforcing authority.

Without a fire risk assessment, your business insurance could be invalidated. More importantly, it saves lives and can significantly reduce the damage a fire can do."

£1bn

IN GDP AND 5,000 FULL-TIME JOBS LOST THROUGH PREVENTABLE FIRES IN COMMERCIAL WAREHOUSES IN THE PAST FIVE YEARS

Source: Centre for Economics and Business Research (www.cebr.com)



ASSESS HAZARDS

To arrange a fire risk assessment, call us on **0800 970 9814** Minicom **0800 634 7008** or visit us at rbsmentor.co.uk/healthandsafety

AT A GLANCE

- PLAN AHEAD
- GET ADVICE
- BE FLEXIBLE

Mamas & papas' rights

Now is the time to prepare for the new system of Shared Parental Leave being introduced this spring to ensure your business remains compliant on flexible parenting arrangements.

With Shared Parental Leave (SPL) coming into effect from April, employers may already have had notification from employees that they or their partner are due to give birth on or after 5 April and intend to take up their Shared Parental Leave rights.

The changes are designed to challenge the assumption that the mother will always be the parent that stays at home and to make it easier for eligible mothers, fathers, partners and adopters to choose how they want to share time off work to care for a new child.

That's good news for families, but what does it mean for employers?

Some rules remain unchanged. A mother must still take a minimum of two weeks' maternity leave following the birth (four if she works in a factory) and the child's father is still entitled to two weeks' paternity leave straight after the birth.

But there are some critical differences that employers need to understand. SPL does not have to be taken in one consecutive block, so an employee could request to take their leave in separate periods. Nick Soret,

Mentor Head of Employment Law & HR Consultancy Support, explains: "This has obvious implications for arranging cover, and while you don't have to agree to a request to take discontinuous blocks of leave, an employer will need to have clear reasons as to why it's not possible."

SPL also allows for each eligible parent to use up to 20 SPLIT (Shared Parental Leave In Touch) days, replacing the current 10 KIT (Keep In Touch) days.

And if an employer currently pays enhanced maternity pay to female

CONSULTANT CORNER

"THE NEW SYSTEM WILL RUN IN TANDEM WITH THE OLD SYSTEM."

NICK SORET

Mentor Head of Employment Law & HR Consultancy Support

"For the first year, the new system will run in tandem with the old system, because there will be people on maternity and paternity leave after this April whose children were born before the deadline.

This does make things complex for employers who could have different employees on different systems at the same time.

The key is to be prepared. Make sure your Employee Handbook is fully updated so employees understand exactly what you're offering, how both systems work and what the key dates are.

If you're in doubt about how the new Shared Parental Leave system differs, speak to your Mentor adviser now and they can talk you through the changes.

In reality, we expect it will still be the mother, in most cases, who will take the majority of the available leave, but the choice is now there for the parents to share the leave more equally."

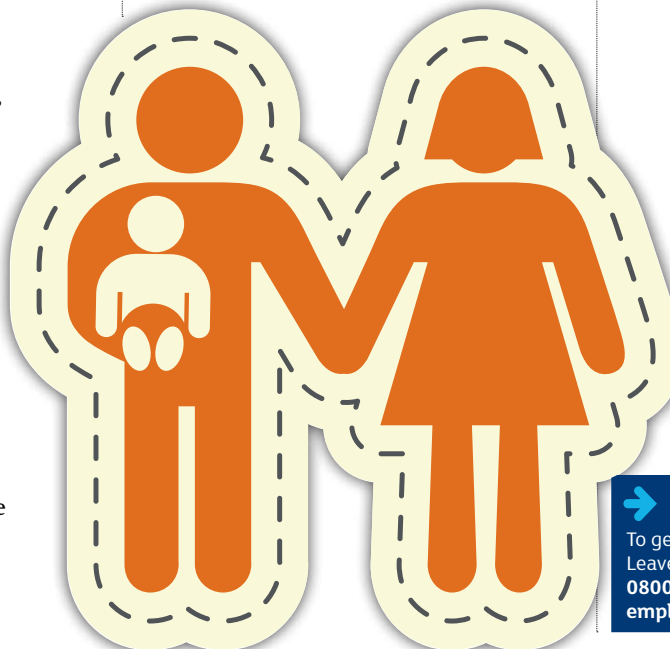
employees, they'll have to decide if they're going to pay all employees on SPL the same enhanced rate or stick to the statutory minimum.

WHAT COULD HAPPEN?

"If predictions are right, there won't be an enormous rush to take up SPL initially. The Government estimates that between 2% and 8% of fathers will take up the new rights," Nick adds.¹

"But over time, sharing leave between both parents is bound to become more common and numbers will grow. By getting clear procedures in place now, employers can be ready for the changeover in April." ^M

Source: ¹www.gov.uk



➔ SHARE THE CARE

To get detailed advice about Shared Parental Leave, call us on **0800 970 9814** Minicom **0800 634 7008** or visit us at rbsmentor.co.uk/employmentlawhr



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15

Sunday
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Dimanche
Domenica
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Ahead for Business ➔