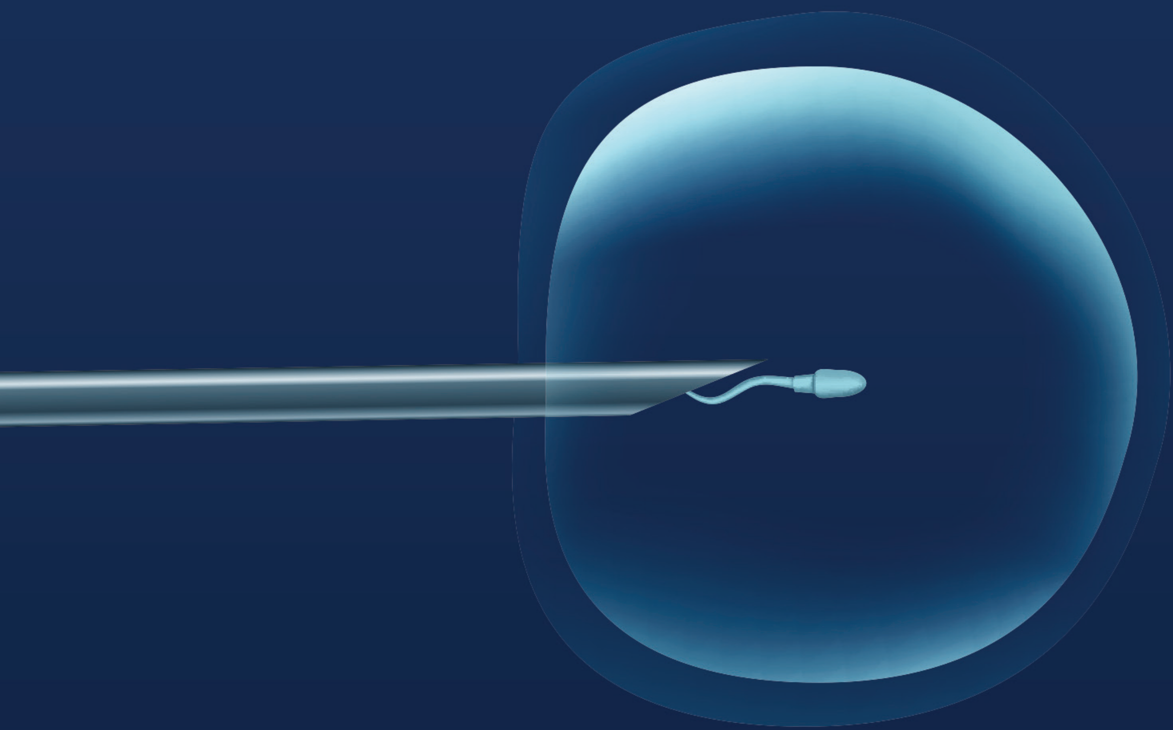
REWARD STRATEGY
INCORPORATING PAYROLL WORLD
Issue 219



FUNDING FERTILITY

Will reward managers support staff on their journey into parenthood?

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REFLECTING ON REWARD

Amber-Ainsley Pritchard

Here we are again, with the last issue of the magazine before we break up for the festive season - and I can't believe how quickly this year has gone.

I have now been full-time editor of *Reward Strategy* for more than a year. In my last leader before Christmas 2019, I wrote about being a part of this industry, but looking from the outside in. However, this year I feel fully immersed in the pay and reward profession and I am proud to represent your voices through this publication and also the associated events. I have continued to witness just how brilliant you are, both as a profession and individually - you ensure the population is cared for financially, physically, socially and mentally.

> "You ensure the population is cared for financially, physically, socially and mentally"

From interviewing professionals for the magazine, to attending roundtables and chairing conferences, it has been incredible to work with you all in 2019. I want to take this time to thank you and hope that you'll get in touch if you would like to be more involved with any of our content - online, in print or in person - next year.

For now, we have our final events of the year: the Autumn Update Conference and The Rewards. We have a few surprises in store for the conference and of course, the *Reward Strategy* team will be in full force to make sure the awards live up to its slogan: "There ain't no party like a payroll party!".

But for now, it's time for a break. Hopefully, the final payrolls of the year will soon be scheduled and you can lock up the office for a couple of weeks and enjoy a glass of mulled wine and a mince pie. Without further ado, it's a Merry Christmas from me and I look forward to seeing you in 2020.

If you would like to get involved with the publication in the new year, or would just like to say hi, feel free to drop me an email at apritchard@shardfinancialmedia.com

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HOW TO REWARD EMPLOYEES ON LEAVE

Ian Hodson explains how employers can stay present while employees are on parental leave

Ian Hodson,
University of Lincoln

"The role of the employer as a critical friend is more prevalent than ever"

There was a time, during periods of parental leave, when the role of the payroll department was very much a back office one.

Predominantly there would be little expectation of engagement with the employee and in fact, it would be more likely that the employee would contact HMRC in order to ensure that the statutory payment rules were being correctly followed, applied and reclaimed.

Lines have blurred

Throughout the period of parental leave, the employee was considered away from the business and would probably not be seen again until returning. However, times move on and things change. We now find ourselves in a workplace where supporting and engaging throughout parental absences forms a key part of the expectations of the pay and reward team. This is for a number of reasons:

First of all, from a retention point of view: the challenge and financial cost of finding replacement staff is of significance, so it's important employees feel they have a role and workplace culture they want to come back to.

There is also the matter of being there for the employee to offer support which may be in relation to their physical, mental or financial wellbeing. As average disposable income continues to reduce, the role of the employer as a critical friend is more prevalent than ever. The challenge around financial wellbeing can often be a trigger event that then creates a number of consequential impacts and change in routine. Being away from the workplace and fluctuating pay forms a perfect example of how financial stressors can impact on mental health. Reward offerings can help with this in respect of saving money, spreading cost and offering support.

The final consideration is around communication - how much and how best it can be delivered. It is very hard to not be in touch with employees in today's world and through mobile technologies, it is possible to maintain a constant dialogue, so employees still feel engaged without it becoming overwhelming.

The journey

When we think about aspects of parental leave, pay and reward can have an important role to play in the welfare of the individual, their financial position and their education and understanding of how their employer can support them before, during and after their leave. Perhaps this is best demonstrated by breaking down these periods and looking at what a planned set of actions, for the reward team, could look like for each of the stages.

Before parental leave

- There is a lot of time to plan before parental leave, so make sure all the relevant policies that discuss entitlements and obligations are accessible and are signposted to.
- Consider if a network group could be created to transfer knowledge and support and connect individuals.
- Share a contact list of government and local support networks.
- Agree with the individual how they want to be kept in touch and have a menu of options available for them to support keep in touch days. Consider emails, newsletters, telephone updates, lunch/coffee dates or visits.
- Pull together a list of benefits that may be supportive as part of the planning exercise. This may be parental loans, childcare offerings or cashback cards to support with the cost of preparation.
- Pull together pay information of how maternity pay will impact their regular income and offer drop-in sessions/tailored conversations.

During parental leave

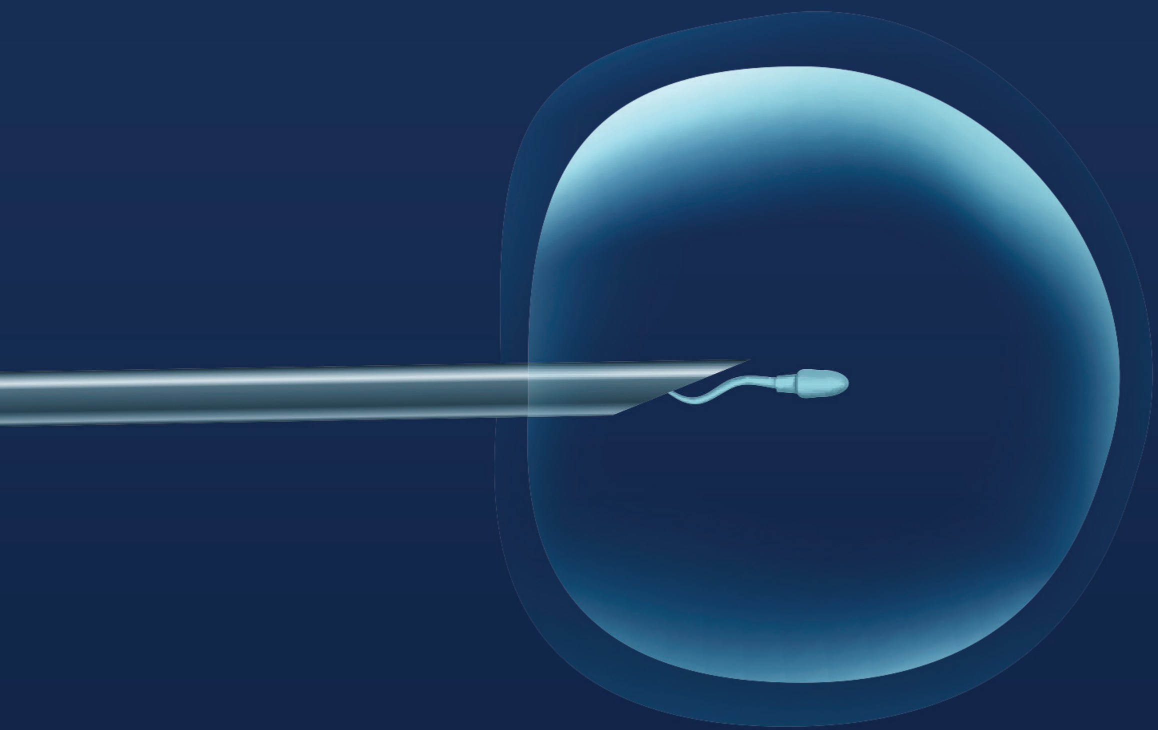
- Stick to the commitments made as part of the keep in touch schedule.
- Keep alerting to significant activities in the workplace, that may be an invite to an event, organisational changes or new employee benefits that may be getting introduced.
- Offer financial support services and childcare support where it becomes identified as supportive.
- Offer to calculate the financial implications of changing working patterns upon a return to work.
- Remind the employee of any social club activities that may be sporting, hobby or skill-related, that would offer an opportunity to reconnect with the workplace socially.

Returning from parental leave

- Ask for feedback on the parental leave journey and ask what there should be more of or less of.
- Offer a one-to-one session to talk through the benefit offerings that could help with a new family.
- Offer back-up childcare arrangements wherever possible.
- Consider offering additional leave days to support significant events such as school trips, performances and seasonal events. Time is often the most important benefit that can be offered following a return from parental leave.
- Think about using the workplace as a central point for services to operate from, such as parcel deliveries, dry cleaning pick-ups or services such as hairdressers and health clubs. This can all better utilise flexible working practices and also save valuable time in the evening to be with the family.
- Offer post-natal workshops and connect networks in the workplace.
- Be as flexible as possible around working patterns and timings.

Parental leave can be an opportunity for the reward team to add to their profile, in their organisation, as on outward-facing, value-adding area of the business that understands the needs of employees and managers. ■

Ian Hodson, head of reward, University of Lincoln



FUNDING FERTILITY

Employers are facing increasing calls from staff for fertility benefits to be offered in the workplace. Amber-Ainsley Pritchard asks reward mangers if they will support staff on their journey into parenthood

Amber-Ainsley Pritchard
Reward Strategy

Fertility benefits as part of a reward strategy are on the rise in the US. Companies in Silicon Valley, such as Facebook and Apple, started offering these benefits around five years ago and other giants have since followed suit: Goldman Sachs, Spotify, Unilever, Google, Salesforce - the list goes on.

According to HR consulting firm Mercer, more than one in four large American companies now pay for some fertility treatment and it looks like that figure is set to increase.

In October, benefits provider Carrot Fertility announced it will deliver $3bn (£2.3bn) in new employer-sponsored fertility coverage at 100 companies in 2020. But what's happening in the UK?

National Fertility Awareness Week recently took place, between October 28th and November 3rd, and there has been a wealth of research into fertility benefits in the UK this year, so *Reward Strategy* decided to find out how UK employers measure up to their US-based counterparts.

Facts and figures

Fertility treatment is used by one in six couples each year, with around 68,000 treatment cycles carried out - a number set to rise, according to patient-focused charity the Fertility Network UK.

In October, LinkedIn carried out a piece of research in partnership with the Fertility Network UK. It found that despite 3.5 million people being affected by fertility issues, 52 percent of employees' workplaces did not have a fertility-related policy in place.

There is no statutory right for employees to take time off work to undergo IVF investigations or treatment, but of the companies that did offer some support, the majority of this was flexible working with a smaller portion offering financial support or fertility treatments.

However, employees want more. Research from advisory company Willis Towers Watson found one in three workers - aged 18 to 34 - believe fertility benefits, such as egg freezing or subsidised IVF, should be offered by employers.

Do you offer fertility benefits?

Given the call for more fertility benefis to be offered by employers, *Reward Strategy* reached out to reward professionals to ask if and what they're offering.

Tim Robertson, head of reward at ITN*, said: "No we don't have any such benefits and we haven't considered them as of yet. If it started becoming a standard offering via medical insurance plans then we would choose it, or if we chose a trust over a fully-insured medical plan."

Adrian Jackson, group reward and policy director at Vodafone, said the telecoms company does not yet offer these benefits either, but it is "something that is probably growing in awareness", so the company is "monitoring both market practice and employee sentiment".

Maggie Lester, director of international employee benefits at Travelport, also said the travel tech company doesn't provide fertility benefits, but can see these being offered and becoming the "norm" in the future.

On whether fertility benefits should and would become the "norm" going forward, Robertson said he thinks it should be part of a reward package.

He added: "I think that there is merit in the argument that benefits such as these are skewed towards those with a family, and that you have to really balance this out with other benefits that support other groups (i.e. gender re-alignment). However, if a company wishes to have supportive, inclusive benefits – and not just 'one-size-fits-all' – then these benefits should be considered.

"I also think this prevalence will increase as the NHS struggles to cope with these treatments, creating more pressure on private company schemes to cover them."

Anujayesh Krishna, former vice president of reward at Barclays, said: "It is very likely that fertility benefits will become more common in future. With an increasing drive towards gender equality and legalisation of same sex relationships, it is only natural the companies will have to consider fertility benefits.

"Whilst the demand for fertility treatments has been rising steadily, most private health insurance continue to exclude fertility tests and treatments as part of the health insurance cover. Hence, it will fall upon the organisation to support their employees by including provision of fertility benefits as part of the benefit scheme."

The future of benefits

For those that don't yet offer fertility benefits, *Reward Strategy* wanted to find out how professionals would go about structuring these if, and when, they did.

Robertson said: "I think this will be tricky to structure. One round of IVF might not be successful, it often isn't, so do you leave this unlimited? It's likely there would be a cap of one or two rounds, but this will be challenging to stick to if the employee is adamant they wish to keep trying."

Lester explained: "There would probably be an option for freezing eggs supported once every five years, to help accommodate the current legal restriction of 10 years for keeping frozen eggs in the UK, plus a contribution towards fertility costs (IVF etc), again once every "X" many years - maybe three."

Reward Strategy also sought the opinion of a medical profession, regarding fertility treatment in the workplace.

Dr Shipra Krishna, founder of London IVF and Genetics Centre, said any form of financial support will be welcomed by employees, stating the following reason why: "An average cost of one cycle of IVF treatment is around £6,000 to £7,000 and the live birth rate is around 30 to 40 percent per treatment attempt. Considering this, most patients will need more than one round of treatment to be successful."

Good for business?

By having a supportive fertility in the workplace policy, the level of distressed employees is reduced and these employees are more likely to be productive and remain in work, said Aileen Feeney, chief executive of the Fertility Network UK.

Statistics from the network find that of the people that begin fertility treatment each year, one in five end up reducing their working hours or end up quitting their job during treatment.

In addition to this, research from LinkedIn in partnership with Fertility Network UK, found employees who did not discuss their fertility issues with their employer had their stress levels (59 percent), mental health (50 percent) and productivity (25 percent) negatively affected.

Therefore, offering fertility benefits in the workplace would appear to be only a positive addition to a reward strategy, but research says otherwise.

The study by Willis Towers Watson also found that almost one in four UK workers said that if their employer were to offer egg freezing as a benefit, they would view this as a selfish attempt to retain talent for longer.

> "One in five people end up reducing their hours or quitting their job during fertility treatment"

Mike Blake, wellbeing lead at Willis Towers Watson, said: "While companies may appear forward-thinking and supportive by offering fertility treatments, employers should tread carefully to avoid a backlash.

"The introduction of egg-freezing as a benefit, for example – notably among the tech giants of Silicon Valley – has sparked controversy in some quarters and can risk raising suspicions around employer motivations."

When asked if employees may see fertility benefits, such as egg freezing, as an attempt to retain talent for longer, Robertson said: "Yes, no doubt. I think there are a lot of grey areas with this, but if companies really want to provide supportive benefits to aid employees during their life cycle then I think this will happen."

Elly Murphy is benefits partner at insurance company LV=, but the comments in this feature are her personal views and not that of her employer.

She said: "Offering fertility benefits, such as egg freezing, would be offered by an employer with the best intentions to be supportive, however it could subconsciously encourage employees to make life changing decisions."

Whereas Krishna said that by offering fertility benefits it would be a "huge assurance" to female employees, as they would not have to worry or compromise their personal choices when delaying starting family until they have achieved their professional ambitions.

What you can do now

It may be a while until fertility benefits become part of the typical benefits package in the UK, like it's becoming to do so in the US, and employers will need to communicate carefully about why they are being introduced, but there are other steps employers can take to support employees while on their fertility journey.

Rachel Western, principal at insurance company Aon, points to four pillars of support:

- Financial support: Provide medical coverage options that support infertility or provide low-interest workplace loans.
- Flexible working: Support the time required to attend appointments, consultations and procedures.
- Working environment: Ensure the workplace is open and supportive to encourage employees to discuss fertility issues without fear of repercussion.
- Mental health: Offer support via an Employee Assistance Programme (EAP). ■

Amber-Ainsley Pritchard, editor, Reward Strategy

For more information on Dr Shipra Krishna's clinic, visit: londonivfandgenetics.co.uk

**Tim Robertson has since left ITN and started work at Microsoft as UK compensation and benefits lead.*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REWARDING LAW AND ORDER

Sue Brooks, head of reward at Trowers & Hamlins, on wellbeing, helping people flourish and why law firms are in their "own little world"

“I'm now the nice part of HR, we actually give people something - we reward them”

When you think of the legal sector, the profile of the profession that springs to mind is one of a workforce that is highly stressed, works long hours, is under immense pressure, but well-paid. Therefore, you may wonder whether a reward strategy at a law firm has to include anything other than a decent bonus scheme and a large holiday allowance.

Sue Brooks, head of reward at international law firm Trowers & Hamlins, admits that salary is key to a reward package, but surprisingly bonus schemes aren't as important. What's more interesting is that Brooks says the company is "paternal" - a word one wouldn't necessarily think of in association with the legal sector.

In an interview with Amber-Ainsley Pritchard, at the Towers & Hamlins headquarters in London, Brooks explained how law firms are in their "own little world" when it comes to reward, why flexible working has its drawbacks, and what the company is doing to improve mental wellbeing within the workforce.

ALP: Can you tell me how you got into the world of reward?

SB: "I started working in a generalist HR role where I leaned towards the reward side, as it fitted with my interest in all areas of wellbeing.

"I have always worked at law firms, working for a number of years at Theodore Goddard, in between travelling, and was part of a team setting up joint venture offices with a US law firm in Poland, the Czech Republic and Hungary, when the iron curtain fell.

"When I was back in the London office I moved into the HR department and really enjoyed the work. This gave me my grounding in all things HR, but I was always more interested in the benefits and wellbeing side of things - that's where my passion lies.

"I then moved to Dewey Ballantine and started to work on a lot more of the things I liked, but it was still a generalist HR role. In 2008, a pure reward role came up here, at Trowers & Hamlins, and I've been here nearly 12 years since. I love it because the firm really takes this role seriously.

"Reward is much more important as part of the salary strategy now - financial stability leads to good mental health, as well as both physical and social health, because if you're not financially okay, then you're not okay in those other areas.

"I'm now the nice part of HR, we actually give people something - we reward them. It's a role I really love."

ALP: What does your team look like?

SB: "There are three of us in the reward team and we look after both the UK and international offices, serving about 850 employees and partners.

"Reward sits under HR and I report into the HR director. I also work a lot with the finance director and team because finance and HR have a lot of the same internal clients - employees and partners - and support their needs."

ALP: Does the HR team have a good relationship with payroll?

SB: "Yes, it's very good and we have a great payroll team. It's really important you get the finance side right (payroll sits under finance), because that's what's important to everyone."

ALP: How is reward different at a law firm?

SB: "It's very different. I know law firms are keen to know what other laws firms are doing, from the reward and wellbeing arena, and reward professionals in most law firms have a network of peers who they can discuss current ideas and issues with. I look to be innovative and keep up-to-date with what other firms are doing, hopefully we are sometimes the first to lead the way; we were one of the first law firms to sign up for the 'Time to Change' initiative and Britain's Healthiest

Workplace annual studies.

"Law firms are in their own little world, we don't want to see how other professional businesses are rewarding, we want to see what other law firms are doing - everyone has got their own idiosyncrasy."

ALP: What part of a reward strategy would you say is important to a law firm?
SB: "I think bonuses are a big thing in banks and the other professional services, but in law they aren't major - I think salary is more important.

"We do all the general benefits, but we're also quite paternal as well. We really try to look after our staff and their wellbeing.

"As I mentioned, we had board buy-in to sign up for the 'Time to Change' movement which is working to change the way we all think and act about mental health problems. We also identify and act upon any issues that are highlighted as part of our results in Vitality's annual Britain's Healthiest Workplace study. Vitality is our health insurer and we work closely with them to support employee engagement. They have a proactive approach to wellbeing rather than reactive and, having worked with them for 12 years, we are really seeing the results of our relationship.

"Looking at this year's results of the study, it finds that our general mental wellbeing isn't improving, but my thoughts are that by having a more open culture to talk about our mental wellbeing more members of the firm are willing to report on it.

"We've also introduced mental health first aiders, expanded our stress policy to include mental health wellbeing and incorporated wellbeing into our induction programme for all new joiners and returners from family leave, to include training on mental health wellbeing.

"As well as the wellbeing piece, we

Sue Brooks: THE CV

Head of reward
Trowers & Hamlins LLP
March 2008 - present

HR manager
Dewey Ballantine LLP
March 2004 - Dec 2007

Various roles
Theodore Goddard LLP
1980 - 2004

"It's important you get the finance side right, because that's what's important to everyone"

have 'TrowersIncludes' which is run by our Diversity and Inclusion Committee comprising a mixture of partners, fee earners, business support and secretarial staff, from London, regional and international offices. It's a group of networks including: Physical & Mental wellbeing, Religion & Belief, Social mobility, Gender, work and family, LGBTQ+ and allies and Age & Ethnicity."

ALP: Recently I've heard about companies wanting to move away from flexible working, as they have spent so much money trying to build attractive offices and engage graduates that want to be surrounded by like-minded people. What are your thoughts on this?

SB: "I don't think companies will stop offering flexible working. IT systems are so much better now that anyone can work from home. Yet, I don't think it's good for everybody's mental wellbeing if everyone is working from home all of the time, but being able to offer it as a benefit is one that everybody seems to love."

ALP: What has been your finest hour in the profession?

SB: "As I've said, I'm really keen on wellbeing and we've won quite a few awards for mental health initiatives and support so that is a big thing for me.

"As well as just seeing people flourish, supporting employees and partners who have struggled mentally and physically return to work, is a lovely part of what I do. I like people and I like helping people be the best they can and I think you can do that through my role."

ALP: What is your biggest reward headache?

SB: "Compliance. Dealing with that and legislation is just getting harder, especially given the fact we have offices in the Middle East, it's more difficult to implement benefits there - such as private medical insurance.

"Risk is another big thing, having the right agreements in place for everything. From making sure everything complies with privacy policies to modern slavery policies - it can be time-consuming and you can't just give a reply straight away."

ALP: What would you say is the future of reward?

SB: "I think technology will continue to increase and make it even easier for people to work at home, which leads into the offer of flexible working and will help to attract people to your workforce.

"Another issue is the increased costs of benefits, particularly private medical and risk insurance, which means we need to continue to work on keeping our employees and partners well – physically, mentally, financial and socially.

"There's lots of good things going on and I think we all need to get with the programme, don't we? I think benefits are going to be the face of the future. People are going to be paying more into pensions because in 40 years or so there won't be much left, so I think the onus will be on employees to support themselves with a lot of pressure on employers to support them. The government is already pushing this agenda." ■

Amber-Ainsley Pritchard, editor, Reward Strategy

"OUR APPRENTICES WILL BE FUTURE LEADERS"

Michelle Sutton explains how SUEZ recycling and recovery UK is utilising the apprenticeship levy to grow talent in payroll and HR

At SUEZ recycling and recovery UK, apprenticeships form a key part of our vision to be a learning organisation and are a vital part to our growth strategy.

Over the last year, SUEZ UK has actively engaged with the opportunity the levy has provided in terms of the development of our people in a vast array of apprenticeship training programmes: from administration roles to mechanical engineers, from entry and under-graduate qualifications to MBAs.

Together with our comprehensive suite of internal training and development programmes, apprenticeships are helping to drive our talent agenda. We are also committed to developing a greater range of vocational courses and increasing the quantity and quality of apprenticeships for SUEZ UK and our wider industry.

The next generation

We currently have two apprentices working in our payroll teams. The first is our payroll apprentice Thomas Brannigan. His role has been very important in developing a new payroll approach and process for our frontline workforce, which equates to more than 3,000 employees. The previous process required significant manual processing and data input, resulting in data inaccuracy and a high volume of payroll queries.

Working as a core part of a project team, Brannigan, alongside the payroll manager, HR system manager, other managers, business administrators and some other stakeholders, conducted a diagnostic of the current payroll processes for this large cohort of staff and subsequently designed and successfully implemented it to a pilot group. It has been a success and will be rolled out to an additional group of around 350 plus staff before the end of the year.

The second apprentice is Sam Stokes-Garton, he works with our HR systems manager in the development of our HR systems and the continuous improvement of our information reporting and day-to-day operations. He acts as a first line support for all queries sent to the HR systems team and feedback from our business, managers and people. He provides outstanding customer service both within SUEZ UK and in the information provided to SUEZ Group.

Building talent from within

Both of our apprentices continue to impress me with their 'can do' attitude towards their work and studies.

We're delighted to have been able to tap into these modern apprenticeship programmes, enabling us to upskill and progress the talent within our teams.

We believe our apprentices will be future leaders and the industry seems to agree: Stokes-Garton has been shortlisted for the Rising Star Award and Brannigan has been shortlisted for the Next Generation Award, at The Rewards this year (see p22).

My feelings are shared by our HR director, Tracey Leghorn. She said: "They have made a phenomenal contribution to our success in payroll and HR over the last year or more.

"Having been involved in wider business projects, they have impressed our business managers to an extent that has them keen to also integrate apprentices into their own areas of the business.

"We are proud of our award-winning apprenticeship programme at SUEZ UK and all our learners who are helping SUEZ UK continually transform and be the best that we can be for our customers." ■

Michelle Sutton, head of compensation and reward, SUEZ Recycling and Recovery UK

Michelle Sutton, SUEZ

"Apprenticeships are helping to drive our talent agenda"

WHAT PAYROLL WANTS AND NEEDS

SD Worx and Reward Strategy share the findings of a roundtable which discussed the challenges and future of payroll

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Payroll is different from most business functions. Compared to the likes of finance or HR, payroll often goes unnoticed – that is until something goes wrong. Where other departments tend not to be measured by accuracy, payroll has to strive for perfection or risk serious consequences.

In October, payroll and HR services provider SD Worx held a roundtable in partnership with *Reward Strategy*, at the Gherkin, in London. Attended by payrollers from some of the biggest employers in the world, conversations focused on challenges faced by the profession: dealing with legacy systems, international payment issues and payroll's position within the wider organisation.

Creating truly global payroll

One of the biggest challenges for those operating payroll internationally, was the ability to create a unified global payroll system that works at scale. According to the 2019 *Global Payroll Complexity Index*, Europe leads the way when it comes to complex payroll systems, with France, Italy, Belgium and Germany taking the top spots. These complexities are down to various factors, including the review of national and local data legislation off the back of GDPR, as well as one third of governments having no schedule for tax legislation changes.

These create unique challenges for the payroll department because there are so many moving parts. People are often experts in their own country, but with each and every market having different rules and regulations, it's near impossible to manage the payroll process centrally. Yet, the feedback was that other countries often rely on UK experts as they tend to understand the payroll system better, meaning that there is very little ownership over who is ultimately responsible for global payroll. This calls for the need for payroll experts at a local level in all operating countries, or a global payroll provider that has the expertise to run payroll successfully in every market.

Leave legacy behind

Payroll is difficult to manage, especially across borders, but during the roundtable it was also very clear that existing processes can make a difficult job even more complex. Payroll is often forced to retrofit against existing legacy structures, which means organisations are left with difficult to manage systems. This is why there were many calls from those at the roundtable to strip payroll software back and focus on getting the basics rights - including compliance, and then add-ons, like talent management and time and attendance, can be properly implemented. It was also clear that while technology is a key element in improving payroll, professionals still don't have the right tools to be able to effectively digitise. Mainly because payroll struggles to get buy-in from the whole organisation when it comes to introducing new technology.

However, one national retailer mentioned that implementing new technology goes beyond just getting board-level buy-in. All stakeholders, whether that be the shop floor staff or area managers, have to be fully on board to implement new payroll technology. They often find that some stores are more than willing to get on board, whereas others find it difficult moving on from legacy systems. This then creates more chance for inaccuracies and adds further complexity to the payroll process as they attempt to manage these differences.

As expected, automation was a heavily debated solution and one that many believe can help overcome legacy systems. Some companies have even built their own automation in-house, allowing them to streamline the process. Yet, according to a recent report from Deloitte, only 32 percent of companies are prepared for Robotic Process Automation (RPA) technology.

Board buy-in

The requirements to work in payroll are increasing because of the level of expertise needed, yet payroll staff still feel undervalued and believe they aren't getting the recognition they deserve. This is partly due to the fact that it sits in a grey area – it's not HR, but it's also not finance. We've already established that payroll finds it difficult to get buy-in from the wider organisation and this is made worse by the fact that payroll isn't always valued in the way it should be.

By 2025, however, businesses will be investing more in their payroll technology, according to 88 percent of chief HR officers and chief financial officers. This is a finding from the World's Economic Forum research which shows attitudes are likely to shift and payroll will be seen as a more strategic business function.

The future of payroll

Payroll is a complex, but essential business function that rarely gets the credit it deserves. As with many sectors, professionals are hedging their bets on technology to simplify and improve processes. This gives payroll a real opportunity to spend more time on strategic tasks, such as analytics, to show just how valuable it is to the wider organisation.

Yet, it was clear from the roundtable that payroll shouldn't rely on technology alone. Both organisations and payroll providers often make the mistake of forgetting the human element in technology and that is where the mistakes happen.

Ultimately, payroll needs to stop waiting for a seat at the table and invite themselves to the conversation, or use the data it holds to prove it's worth as a strategic business function. ■

SD Worx and Reward Strategy

ESSENTIAL READING

THE CERTAINTIES AMONG POLITICAL UNCERTAINTY

Richard George takes you through the payroll changes you can prepare for amid the constant political upheaval

Richard George, *The Payroll Centre*

“Payrollers will need to review contracts, processes and systems”

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At the time of writing, it seems that every week something happens or changes in politics - with a further delay in Brexit and now a general election to take place on December 12th.

We were initially made aware that a budget would take place on November 6th, but that has also been postponed. As such, the profession is now in a position that very little 2020/21 legislation and change is known.

We are aware that changes to National Minimum Wage and, currently, general inflationary increases can be expected for National Insurance and statutory payments, if the government party remains. Yet, all this could change depending on the outcome of the election, so it will be more important than ever to stay up-to-date with anything coming out of government in the coming months. But, there are some key changes that we do know will come into effect:

The Earlier Year Update

The Earlier Year Update changes have been delayed a further year. As such, the option of either completing the Earlier Year Update (EYU) or Full Payment Submission (FPS) will be in place through 2020/21, the year before the process will be completed on the FPS only.

Student loan updates

Student and postgraduate loans are now managed in real time and as such, stop notices will now be received in a year. If these aren't actioned by employers, HMRC will now start sending Generic Notification Service (GNS) messages through the client portal reminding employers of their duties. This will be limited to two before further action will be taken.

2020 bank holidays

The UK bank holiday in early May has been moved from the first Monday, the 4th, to Friday the 8th to commemorate the 75th anniversary of Victory in Europe Day. Payrollers need to consider this for their processing that week.

Holiday pay calculations

As part of the government's *Good Work Plan*, a new section has been created in the *Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018*. This will mean that from April 2020, the rules on calculating average holiday pay will change from the current rules of reviewing 12 paid weeks to 52 weeks. As such, payrollers and employers will need to review contracts, processes and systems to ensure they can correctly calculate holiday pay going forward.

To support employers on the calculation of holiday for employees who aren't on fixed hours, the Department for Business, Energy and Industrial Strategy (BEIS) has created new, detailed guidance which is available online.

Bereavement pay

The workplace right to paid leave for bereaved parents has been officially enshrined in law and the legislation comes into effect from April 2020. This legislation is currently only for England, Wales and Scotland. It provides a day one right to two weeks' bereavement leave per child, per parent, if an employee loses a child under the age of 18 or suffers a stillbirth from 24 weeks of pregnancy.

As long as an employee has 26 weeks' service in the week before the death, and reaches the lower earnings limit on average in the eight weeks to that week, they will also be entitled to two weeks statutory pay (currently £148.68). The parent will have 56 weeks to take the leave.

Christmas pay runs

If your clients pay early over the Christmas period, remember you need to report the normal, or contractual, payday as the payment date on your FPS and ensure it's submitted on or before this date.

Changes to Post Employment Notice Pay

There have been a lot of questions around the calculation used for Post Employment Notice Pay (PENP) where an employee is paid monthly, due to the differing calendar days in each month. Where an employee is paid by 12 equal monthly instalments, but their notice period is expressed in days or weeks, the formula prescribing the calculation of PENP for termination awards gives differing results depending on when in the year the notice is given.

In these circumstances, the following alternative calculation may be used:

- Where the last pay period of the employee relevant to the PENP calculation is a month and the employee's salary is paid by 12 equal monthly instalments, but the employee's notice is expressed to be a whole number of days or weeks:
- Employers may substitute 30.42 (being 365/12) as the value of P in the PENP calculation where this is to the advantage of the employee.

National Insurance changes

Through the *Finance Act* we received confirmation that the National Insurance liability on termination payments, over £30,000, and larger sporting testimonials will commence from April 2020. This will be an Employer Class 1a liability and for the first time we will be collecting and returning this in real time through the Real Time Information (RTI) process. There's no change to Class 1a on benefits.

With all of the above and the possible changes that may come as a result of the budget, we're going to have plenty to do. ■

Richard George, director of education, The Payroll Centre

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PAYROLL AUTUMN UPDATE

Thursday 5 December 2019

DAY

CPD CERTIFIED
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Agenda

8.30	*Registration and networking with* Brella *(available all day)*		
9.15	**Opening address, followed by 10 minute meditation**		
9.35	**Keynote: From blind man to Ironman: A personal journey**		
10.05	**Keynote: The future of pension**		
10.35	*Morning break and networking*		
10.55	**State of play in the on-demand economy: Deliveroo case study**		
11.25	**Employment law update**		
11.55	**Policies on leave: Maternity vs. paternity**		
12.25	*Lunch*		
	Compliance	**Strategic**	*New for 2019:* **Global** immedis
13.25	**Payroll update 2020/2021**	**Segmentation of rewards: Changing demographics, changing expectations**	**Spotlight on service: What you should be asking your global payroll provider**
14.00	**Bereavement pay update**	**Future of AI-only payroll processing**	**Overcoming challenges to create a successful global payroll**
14.30	**The tapered annual allowance three years on**	**Pay transparency: Tackling pay gaps**	**Creating successful reward practices across cultures**
15.00	*Afternoon break and networking*		
15:25	**Roundtables (see full agenda)**		
15.55	**Addressing employee wellbeing**		
16.25	**Providing employee financial support and guidance**		
16.40	*Closing remarks and end of conference*		

Featured speakers

HEIDI WATSON
Payroll Manager
Benefit Cosmetics

ASIF SADIQ
Head of Diversity, Inclusion and Belonging
The Telegraph

STEVE WEBB
Former Pensions Minister

THE RISE OF THE PAYROLL CARD

Helen Hargreaves looks at a growing payment trend in the US, which could be mirrored in the UK

Helen Hargreaves, *CIPP*

"Payroll can no longer apply a one-size-fits-all approach to the process of paying staff"

In an ever-evolving world where the way in which people work is constantly changing, payroll departments and their processes need to adapt to keep up with the pace to ensure that they deliver the best possible service to their employees or clients.

In certain organisations even the way in which staff are paid will need to be considered, as the standard BACS bank transfer method is not the most convenient option for a growing number of individuals who would prefer to receive their pay via a different channel. Payroll departments can no longer apply a one-size-fits-all approach to the process of paying their staff.

“Around 12 million employees have been paid by payroll card in the US in 2019”

The new kid on the block

Currently, the most commonly offered methods of payment available to employees in the UK are BACS, cash and faster payments. But there’s a new kid on the block which is growing in popularity in the US - the payroll card. With pay being pre-loaded onto the card it is secure, yet easily accessible to employees. Employers simply load the employee’s net pay figure onto the payroll card electronically and it is automatically available to them.

In most organisations, there will be some employees who do not have access to a bank account, nor will they be eligible to open one. This means they must receive their wages by cash which can prove problematic as they are not secure and can easily be lost or stolen.

In the US, payroll cards can also be used to pay bills online and to withdraw cash from ATMs, negating that requirement to carry large quantities of cash.

Benefits

Payroll cards do not require a credit check, as no credit is being provided. This means the card is available to a wider demographic and especially to those on the lower end of the earnings scale. Transversely, this ‘no credit’ element may mean that payroll cards are equally as attractive to those who are not necessarily deemed as being low paid, but want firmer control over their finances. The cards could appeal to people who would prefer not to have overdrafts, loans or any short-term debt lingering over them, but want the freedom to spend only the funds available to them, without dipping into money provided via a credit arrangement. There will be some out there who just do not want to have their salaries paid into a standard bank account and would much prefer it loaded onto a prepaid card. And that’s OK, they do not need to give an explicit reason as to why. Employers, however, must offer one alternative method of payment if they provide the payroll card and cannot demand that any employee receives payment in this way.

Drawbacks

Although payroll cards sound like a viable payment method that benefit all involved, it is important to remember that they also have their drawbacks.

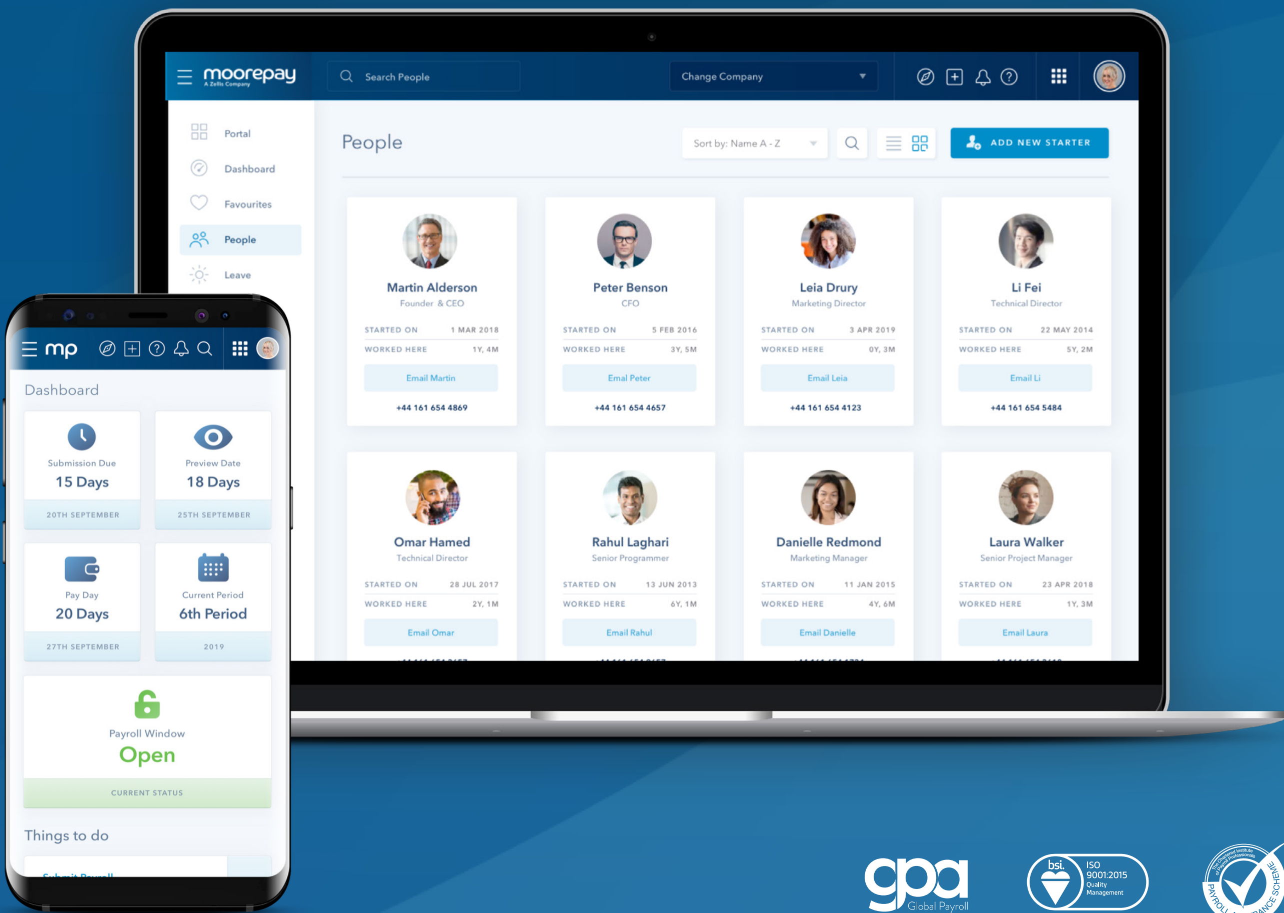
It is essential for both the employer and employee to familiarise themselves with any terms and conditions surrounding charges that are attached to using the card - there may be fees for opening and closing the account or charges for reaching a certain number of cash withdrawals in a set period. There may also be situations in which the card cannot be used, most often where the transaction is pre-authorised, such as when setting up a tab in a restaurant or pre-booking a hotel room.

Since the introduction of payroll cards to the US in the late 1990s, their popularity as a method of transferring wages to staff has gone from strength to strength with reports indicating that around 12 million employees have been paid by payroll card in 2019.

The practice of paying via payroll card is widespread in the States and whatever seems to be prominent over there is normally mirrored here in the UK. There are clearly both advantages and disadvantages to offering the card, and it will suit some individuals decidedly more than others. The advantages seem to stack up more in favour of the employee, but there is no apparent detrimental impact to be had on the employer.

With staff retention and the wellbeing of employees being so important at present, that might be incentive enough for organisations to distribute payroll cards amongst their staff. What also becomes apparent is the shift in how people work within contemporary society and how payroll departments have to tailor procedures and outputs to accommodate a wide variety of people as there is so much variation these days. This is particularly prominent now that we are entering a gig economy, and more and more measures will need to be taken to cater for the change to attitudes around working and pay, with pay methods being at the forefront of these considerations. ■

Helen Hargreaves, associate director, policy and membership, CIPP



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Things to do

WHY WE DON'T DO HR

Aaron Mudd explains why Lush does not have a HR function and why it works

Who's your HR director? Can you put me through to the HR team? Does your team sit within the HR shared service centre? These are just a few of the questions I've heard whilst working in the pay and reward profession.

My reply is usually 'we don't do HR at Lush' and this is often met with silence or a strange look. I go on to explain that we don't do HR in the traditional sense. We don't have a dedicated HR team, but if you were to put a number of our teams together - payroll, reward, people experience, talent, etc - they would probably look a bit like a HR department.

Why?

The reason for not having a dedicated HR team is because Lush tries to empower its local managers to resolve problems at their level. By giving them the space and autonomy to 'make mistakes and start again', they learn more by getting stuck in and working through the issues themselves. This is a core belief of our founder who lost everything and started again to build Lush in the mid-nighties.

Our people experience (PX) team might be the closest team you'd find to HR, but they are not going to do the job for you and it's probably the main reason we don't have HR.

By having a traditional HR team, line managers often outsource any problems to them and once it is out of sight, it is out of mind. This is not healthy for the line managers who are initially dealing with the problems, nor is it healthy for the HR team that is left to pick up problem after problem - that's not an engaging place to work.

Our PX team are there to support and guide line managers, where needed, on a wide range of topics. We act in a very self-led environment - the information is there if you look for it and if you can't find it, someone can point you in the right direction.

The beehive

In terms of business structure, HR isn't unique in that way. Our teams are often fairly small and there is no ivory tower where we all sit. Our head office isn't one large block, there are a number of offices spread across the quay front in Poole, Dorset, where people can walk between offices and cross-pollinate with ideas. Our founder has often referred to it is 'a bit like a beehive, with people buzzing around'.

As well as this, we don't have regional managers. Hierarchy is very flat at Lush and in some cases, there are no managers at all.

The people circle

Some of our teams work on sociocratic principles, where the power of a people circle can work to come to an informed decision that is best for them and the business, without a manager telling them what to do. The results are the same and people are happier for being a part of the decision.

Two board members are also part of the circle, to help focus on the solutions needed to resolve problems or tensions with the business. Tensions normally arise through a lack of fairness or failure in transparency and it is in the best interest of the whole company to work and solve this.

By having members of the board in this circle, tensions and solutions can flow back to the board for awareness.

As for board meetings, they are not always restricted to the board. Whilst there are key members, others may come into the meeting if there is value to add or a project that has been worked on that needs board approval.

It would be pretty tricky to fall in line with traditional HR in a corporate company after experiencing the benefits of no HR here at Lush. ■

Aaron Mudd, European pay and benefits manager, Lush

Aaron Mudd, *Lush*

> "Hierarchy is very flat at Lush and in some cases, there are no managers at all"

D&I: HOW TO MAKE A DIFFERENCE

Charles Cotton explains how you can address inequality in the workplace

Charles Cotton, *CIPD*

"Job descriptions should be scrutinised to avoid suggestions about who would 'fit' the role"

What are the key issues that organisations are trying to tackle with their diversity and inclusion (D&I) strategies, and what works in practice?

We sought to address these questions in our new report, *"Diversity Management that Works"*, through gathering insight from HR practitioners and reviewing what research evidence is available in this space. Our analysis identifies several essential practices that employers should incorporate into their D&I strategy to make it as effective as possible.

As a starting point, it's crucial for employers to get buy-in for D&I across their organisation by highlighting the moral, legal and business argument for it. Senior management can use key performance indicators (KPIs) to further embed D&I into their organisation and should set diversity targets with managers, so they are held accountable for reaching them.

Our research finds that HR teams, including reward and payroll practitioners, must also ensure managers are supported to sensitively tackle diversity issues head on, rather than shirking away from them. HR professionals also need to guide managers on what to do if they perceive a tension between D&I and other targets.

Data: Organisations must make sure they are collecting and analysing workforce data to better inform their D&I strategy. They should be reviewing the whole employee lifecycle to identify where their efforts need to be targeted and may have to review their ability to collect and analyse such data.

Training: Diversity training also needs to happen on an ongoing basis and should be based on good learning and development principles, such as blending online learning with face-to-face workshops. Any training should be evaluated and have clear aims from the start, with businesses recognising that training alone is enough to create a diverse and inclusive organisation.

Recruitment: Our report highlights that biased hiring and promotion decisions are one of the most common ways that efforts to improve workforce diversity can be blown off course. Job descriptions should be scrutinised to avoid suggestions about who would 'fit' the role, team or organisation. The person specification should be based on duties to fulfil, skills and knowledge required, with care taken to avoid gendered, racialised or class-related words. It should also be reviewed by a member of HR.

Mentoring: Positive action programmes like coaching and mentoring should be another cornerstone of any D&I strategy. But employers must make them available to all within their organisation, or targeted group, and ensure they are widely promoted. Resource and effort must be put into communicating the aims and outcomes of these programme, given the misconceptions that sometimes surround them.

A common approach: Finally, multinational organisations need to ensure that any global strategy takes local legislation and norms into consideration. Data should also be collected and analysed at a local level, as well as an organisational one.

Diversity is a complex area and this is by no means an exhaustive list of what can help organisations to improve it, but they are good building blocks to start from.

Alongside improved evaluation of D&I strategies, we'd like to see further research in this space to test what really works, particularly around the impact of policy statements on D&I and behavioural 'nudge' approaches, among other initiatives. ■

Charles Cotton, performance and reward adviser, CIPD

HOW GREEN ARE YOUR POLICIES?

Alastair Kendrick highlights issues that HR managers should be considering to ensure their travel policies are more environmentally friendly

Alastair Kendrick,
Employment tax specialist

"There are areas of low-hanging fruit which should not be ignored"

Over the last couple of months, there has been a lot of press on the extinction rebellion and the responses by corporates over their green policy. Some of this press has focussed on the need to move employees with company cars to electric cars, to reduce the impact on emissions in car fleets. This has been supported by the recent proposals of HM Treasury in respect of ultra low emission vehicles.

The mentioned areas of green policy need to be considered, but I believe there are other HR areas of low-hanging fruit which should not be ignored.

Business trips

The case here is that there are still little to no controls, with many employers, over whether employees actually need to make business trips. It's possible that many of these trips are being arranged when the agenda of such meetings could take place over a video call.

Business travel

It's also the case that a significant number of employers do not appear to control the method of transportation used if a journey is necessary. It may be that the employee is a company car driver and therefore it is taken for granted that vehicle will be used for the business trip, when in fact it may be far more sensible - and better for the environment - if the employee was to take a train or plane.

It would be sensible for line managers to sign off that a journey is required and the method of transportation to be taken. In that sign off process, the manager can consider whether, if a car is used, there is a possibility of employees car sharing.

Company cars

Many HR policies could encourage employees to use a company car, because there is a prescribed limit of business mileage that employee needs to cover each year to warrant being eligible to have a company car.

I have seen employers with policies that prescribe employees to drive 6,000 or more business miles (I've seen others with 10,000) in a year to qualify for a company car. This may make employees do more mileage in their company car to ensure they continue to qualify to be in the scheme.

The provision of free fuel for company car drivers is no longer vogue, because it again incentivises employees to use their car - not only for business but also private mileage, given that all the fuel costs are met by the employer.

Those employers who provide a fuel card require eligible employees to make good the costs of private fuel incurred. The government have year-on-year increased the fuel scale charge to discourage employers from providing this benefit, but there are still those who ignore the taxation consequences. However, many employers have opted out of company cars and instead offer a cash alternative. It is often the case that employers adopting this policy change are paying a business mileage allowance rate in line with the HMRC approved mileage allowance payment rate. This could leave the employee making more money out of using their car on business, so it may be more appropriate for an employer to pay a rate more in line with the the HMRC advisory fuel rate.

Working from home

Thinking about what's best for the environment, employers could also think about whether it makes sense to encourage employees to work from home or if a visit into the office is required, to permit travel out of rush hour times so the consequence of that journey is less harmful on the environment.

Concentrating on the bigger policy issues which are difficult to introduce means change is difficult, but there are still lots of things employers can do to aide our environment. ■

Alastair Kendrick, employment tax specialist

PROTECT PARENTS FROM TAX TERRORS

Kay Ingram explains how you can help advise parents, on salary cliff edges, to eliminate child benefit tax

Kay Ingram, *LEBC Group*

> "Unsuspecting parents are being charged interest and penalties"

> "The tax on child benefit can be reduced or even removed"

October 5th was the deadline for those hit by the High Income Child Benefit Charge in the 2018/19 tax year to notify HMRC, so that they can pay tax due via PAYE code. Otherwise they must file a tax return and pay any extra tax due by January 31st 2020. With the income threshold frozen at £50,099 since 2013, earnings growth is dragging more parents into this tax nightmare, with unsuspecting parents being charged interest and penalties.

In response to the complexities of this tax, on what was a universal tax-free benefit until 2013, many parents have waived their right to child benefit and a typical two-child family will be losing £1,788.80 per year. For those with more children the loss is even greater, for each additional child £712.40 per year.

Yet parents earning between £50,100 and £60,000, when the benefit gets taxed at 100 percent, could reinstate their claim to all or some of the benefit simply by increasing their retirement savings.

Child benefit is paid to the parents and guardians of children up to the age of 16, and children aged 16 to 19 if they stay in approved full-time education or training. It is £20.70 per week for the eldest child and £13.70 per week for each younger child.

It is tax-free unless the parent, or other adult living with the parent, has taxable income of more than £50,099pa. Those with income over this figure are required to pay one percent income tax on the child benefit for each £100 of income above this, so that its value is eroded to nil once taxable income of one of the adults exceeds £60,000. This rule applies, regardless of whether the high earner is the parent of the child, whether they are married, civil partners or just living together.

It is especially problematic for those with fluctuating pay, such as the self-employed or an employee with irregular hours or bonuses. It also impacts single parents more severely as it only requires one person to have income over £50,100 to trigger the tax charge, so a couple could have joint income of up to £100,198 and keep child benefit, but a single parent has half the allowance. In response to this change, many parents have chosen to forego child benefit and no longer claim it, but this can mean unnecessary loss of tax- free income for those whose income falls into this band.

The tax on child benefit can be reduced or even removed for those with income in this bracket, by making either a pension contribution or charitable donation, both of which have the effect of reducing taxable income.

A useful calculator on the HMRC website explains how much tax is payable and the amount of child benefit due. Visit: gov.uk/child-benefit-tax-calculator

Case study

Anna and Josh are parents of Jack, aged seven.

- Anna earns £25,000.
- Josh earns £52,000, but also fluctuating bonuses - this year he expects to earn £60,000 in total.
- They have no other taxable income.
- Child benefit of £1,076.40pa is paid to Anna tax-free and she earns less than £50,099 so is not taxed on it.
- As Josh earns £52,000 he has been paying child benefit tax of £215pa through PAYE. This year his bigger bonus would mean his child benefit tax bill will be £1,076.40 and he will pay tax of £12,576.
- Their choices are:

- Cease claiming child benefit;
-Notify HMRC of Josh's pay each year;
- Complete a tax return and pay the extra tax through self assessment.

- As Josh's earnings fluctuate, he is unsure what to do.
- If Josh pays his £8,000 bonus into a pension plan, his taxable income falls below the threshold as the £8,000 he pays is grossed up to £10,000 in the pension scheme. There will be no tax to pay on the child benefit nor the £10,000 grossed up pension payment and his income tax bill would be £9,500. The net cost to the family of pension savings of £10,000 is £4,924. If paid into the pension via bonus sacrifice, an additional £160 of National Insurance would be saved.

Making charitable gift aid donations also has the same effect of eliminating the tax on the child benefit and relieving the gift at the taxpayer's highest income tax rate.

State pension credits

A side effect of waiving payment of the child benefit, to avoid the tax headache, can lead to loss of state pension for a parent of children born after 2013, who is a full- time carer. Not claiming child benefit loses credits for their state pension. With each year's credit worth £250 of state pension, that is a serious concern and impacts women disproportionately - widening the gender pension gap.

State pension credits can be restored by completing form CH2 available from the Department for Work and Pensions (DWP). To get the state pension credits, the claim for child benefit is made on CH2 but then payment of it is waived. It is important that the claim is made in the name of the non-earning parent or the credits will be wasted.

However, it can only be backdated three months, DWP have been criticised for refusing longer backdating. ■

Kay Ingram, director of public policy, LEBC Group

THE LIVING WAGE FOR RETIREMENT

Henry Tapper explains how new pension benchmarks will help you advise employees on a simple, yet usually difficult, question to answer

Henry Tapper, *AgeWage*

"Pensions aren't the be-all and end-all"

Anyone who has worked in reward or payroll has been asked a variant of the question: "How much should I pay into my pension?". You've probably asked the question yourself a number of times.

If you speak to an actuary, a financial adviser or an insurance company you will get an answer based on a series of assumptions:

- Assumptions on how long till you take your retirement savings;
- Assumptions on how much certainty you want about the payment of your pension and increases in that pension;
- Assumptions on how long you are going to live;
- Assumptions on how fast your savings will grow and assumptions on the impact of inflation.

Add all these assumptions up and any answer to the simple question is likely to be long, complicated and not very helpful. So anything that comes along and simplifies that answer, should be welcomed - with a caution against dumbing things down too far.

A solution

Recently the Pensions and Lifetime Savings Association (PLSA) launched the retirement living standard benchmarks, to help people picture the lifestyle they can expect in retirement from their pension and other savings. It's not quite as simple as a universal living wage, as the PLSA has come up with three income standards:

- Minimum retirement living wage: £10,200pa.
- Moderate retirement living wage: £20,200pa.
- Comfortable retirement living wage: £33,000pa.

This is really useful as it allows us to answer that difficult "how much" question with a simple question back: "Do you want the minimum, moderate or a comfortable income in retirement?".

However, the Institute of Actuaries reports that workers on average earnings will need to save more than a quarter of their monthly salary, or £799 per month, to afford a retirement from the age of 60 where they can eat out in restaurants or take a holiday abroad.

Additional retirement incomes

But of course pensions aren't the be-all and end-all. We have plenty of other ways of getting money to fund our later life needs.

Increasingly, houses are getting mortgaged by pensioners keen to release equity for a better life and most of us have squirrelled away money into ISAs and other savings accounts that we can draw on in later life.

The retirement living standards are a lot more manageable if you look at your finances holistically and many people will benefit from a session with a financial adviser to do some basic cashflow modelling.

A friend of mine, who is a financial journalist, has done just that and returned with a spring in her step, telling me that she now didn't just have a pension but a retirement plan.

A living wage in retirement is the amount you feel you and your family need, either to get by, live moderately or to be comfortable with.

To answer the question: "How much should I save?", people should ask themselves what level of income they can reasonably target and you can now show them what this means in today's terms.

Yet, there is no escaping the bare truth that unless you are in a good quality defined benefit plan the answer to the question is invariably: "More than you are saving now", for none of us prioritise the longest holiday we take in our lives. ■

Henry Tapper, chief executive, AgeWage

140,000 FIRMS NEED TO TAKE ACTION

The Pensions Regulator has increased the use of its powers by 25 percent this year. The watchdog explains how you can avoid fines

In line with our clearer, quicker, tougher approach, we will use the powers available to us to ensure employers meet their workplace pension duties and staff receive the pensions they are due.

Recently published figures show that, in line with the numbers of employers with responsibilities, we used our powers 128,807 times in 2018/19 compared to 102,497 times the previous year.

Earlier this year, we announced a new wave of short notice inspections. These compliance checks target employers we believe are flouting their automatic enrolment pension duties.

The inspections started in the summer and are ongoing across the UK. It's mandatory for employers to take part in these inspections – obstruction of an inspector and failing to provide information when required to do so are criminal offences.

The Pensions Regulator (TPR) is increasingly led by its data and intelligence streams which enables us to detect potential non-compliance and take swift action against individual employers. Using our information, we can pinpoint specific employers up and down the country who are suspected of breaking the law, including those who fail to put staff into a pension scheme or who make no, or incorrect, pension contributions.

Recently published figures show 74 percent of inspections revealed breaches in pensions legislation with 76 percent of these resulting in enforcement action.

We know the vast majority of employers are doing the right thing for their staff, however the small minority who persistently ignore their responsibilities can expect a knock at the door from us and enforcement action.

Complete your duties

Next summer, between June and September 2020, around 140,000 small and micro businesses will need to carry out their re-enrolment responsibilities.

Re-enrolment means putting staff who initially opted out back into a workplace pension. It's an important task as it gives staff who opted out another opportunity to start saving.

Employers should ensure they know what they will need to do and when, so that they avoid the risk of a fine.

Re-enrolment must be completed every three years. Employers must choose a re-enrolment date which falls in the three months either side of the first anniversary of their staging date - which is the date their workplace pensions duties started.

Being able to pick a re-enrolment date means employers can choose a time which is suitable for them and aligns with their business processes. Usually, the easiest date to choose is the third anniversary of their staging date - or duties start date for new employers.

On their chosen re-enrolment date, employers must assess staff who opted out or left the scheme since they were enrolled, to check if they are still eligible. If they are, they must be re-enrolled back into a pension scheme. Employers must inform these staff in writing that this has happened.

Employers must then complete and submit an online declaration of compliance form to confirm to TPR what they have done to meet their re-enrolment responsibilities. This must be done within five months of the third anniversary of their staging date, regardless of the date the employer chooses as their re-enrolment date. Failure to carry out this task on time means employers are at risk of a fine.

Low opt out rates mean that the majority of employers will not have staff to re-enrol, however they must still complete their re-declaration to confirm they have checked whether they need to re-enrol any of their staff, even if none were re-enrolled.

We recently launched a new online re-enrolment tool for employers which means they can quickly find out exactly what they need to do to meet this duty. ■

The Pensions Regulator

The Pensions Regulator

"74 percent of inspections revealed breaches in pensions legislations"

THE PAYDAY YOU WANT TO AVOID

Madeleine Mould explains why employers need to be aware of the circumstances where "injury to feelings" awards can be granted

Madeleine Mould, *Blake Morgan*

> "The sum awarded should not be so high it amounts to a windfall, nor so low it diminishes respect for the law"

Awards in discrimination claims are unlimited, comprising compensation for actual and future financial losses arising from the discriminatory treatment, together with damages for injury to feelings.

Recently in *Komeng v Creative Support Ltd 2019*, the Employment Appeal Tribunal (EAT) reiterated that when assessing the level of an award for injury to feelings, it is the impact of the discriminatory behaviour on the individual affected that is determinative, not the seriousness of the respondent's conduct.

The purpose of an injury to feelings award is to compensate the individual for the hurt and distress they have suffered, not to punish the respondent. Relevant factors include:

- The individual's vulnerability, for instance a medical condition they are suffering from or whether they have suffered stress or loss of confidence;
- The effect of the discriminatory conduct on the individual's career;
- The position of the person discriminating;
- The frequency/duration of the discrimination, although this will not be determinative.

That said, the sum awarded should not be so high it amounts to a windfall, nor so low it diminishes respect for the law.

In the well-known case of *Vento v Chief Constable of West Yorkshire Police No. 2 (2003)*, the Court of Appeal established guidelines on the compensation to be given for injury to feelings (the so-called Vento bands):

- The lower band, for less serious cases e.g. where the act of discrimination is isolated or a one-off occurrence (although the EAT confirmed in Komeng that a course of conduct will not preclude an award in the lower band).
- The middle band, for serious cases which do not merit an award in the highest band.
- The top band, for the most serious cases e.g. where there has been a lengthy campaign of discriminatory harassment. In exceptional circumstances, the top band can be exceeded.

The Vento bands have since been increased annually, in line with inflation. For claims brought on or after April 6 2019, the current bands are:

- Lower band: £900 - £8,800.
- Middle band: £8,800 - £26,300.
- Top band: £26,300 - £44,000.

Background

Mr Komeng, who is black, had worked as a "waking night care worker" since 2011, working with vulnerable adults with mental and physical health needs. At various times, he asked to be enrolled on a level three NVQ course. Creative Support Ltd (CSL) failed to take any steps to do this even though other individuals of a different race had been enrolled. Mr Komeng was also required to work every weekend and his request to have some weekends off and for other employees to share the burden of weekend working had been refused.

The Employment Tribunal (ET) found that the failure to enrol Mr Komeng on the level three NVQ, and the requirement for him to work every weekend, constituted direct race discrimination. As Mr Komeng was still employed by CSL, there were no financial losses.

The ET noted that Mr Komeng continued to work for CSL even though it had consistently refused his requests. It accepted that it must have caused him significant upset and distress to work with colleagues with less continuous service, who had the level three NVQ qualification and who did not need to work every weekend. As Mr Komeng persevered with his request for several years without receiving any support, the ET considered that the appropriate award for injury to feelings should be near the top of the lower band. It awarded £8,400.

Mr Komeng appealed to the EAT about the award being assessed in the lower band and the failure to award interest.

EAT decision

The EAT was satisfied that the ET had correctly identified the relevant case law and principles, in particular, that the focus should be on the actual injury suffered by the individual and not on the gravity of the acts of the respondent.

Whilst the ET accepted that Mr Komeng would have been "very disappointed" at not being given the opportunity to obtain the level three NVQ qualification, he was not as adversely affected as others might have been. Indeed, as the EAT stated, Mr Komeng had "displayed a remarkable resilience in the face of the discriminatory treatment that he had suffered over a considerable period of time".

The ET had acknowledged the seriousness of the matter by making an award at the top end of the lower Vento band. The EAT confirmed that it was not only one-off incidents that fell within the lower band and as such, the ET had not made an error of law.

However, the ET had a discretion to award interest, even if Mr Komeng had not applied for it, and the EAT awarded interest of £3,517 and £840 for the usual 10 percent uplift the ET had failed to apply. ■

Madeleine Mould, solicitor, Blake Morgan LLP

COMMENT

Mould says: "The Komeng decision is not ground-breaking, but helpfully reiterates some established principles.

"Employers should be aware that injury to feelings awards can also be made in detriment cases, for example, for detrimental treatment arising out of whistleblowing (although not where the detriment is dismissal)."

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Website: www.cintra.co.uk
Contact: Geoff Dorward
Target employee range: up to 20,000

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Contact: Clive Fautley

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Target employee range: Unlimited

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Target employee range: Unlimited

Intelligo is a leading provider of corporate Human Resource and Payroll Software and Services in the UK and Ireland with clients ranging in size from 300 to 20,000+ employees. Megapay, Intelligo's owned and developed flagship payroll system integrates seamlessly with MegaHR, a web-based enterprise level Human Resource solution. Built on a shared database this allows for accurate sharing of information such as job history, salary history, holiday leave, etc between Payroll and Personnel, ensuring key employee data is entered only once. Megapay and MegaHR are available to purchase as either an On Premises installed solution or on a Software as a Service (SaaS) basis.
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Target employee range: Unlimited

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Target employee range: Unlimited

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Target employee range: 1 to 50,000

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Target employee range: Unlimited

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