

Impact Assessment

Prepared for your business

BUSINESS NAME

Prepared by **CONSULTANT**

CIPD Level 7

Employment Law Specialist

Name of change	Our assessment score	How will it impact your business?	Our action / recommendation
Unfair dismissal qualifying period reduced	Action required	Full dismissal procedures will be needed in many more circumstances meaning the risk of unfair dismissal claims at tribunal will increase. You'll have to make decisions on new starters much quicker and set out clear expectations. If there are any employees with a short amount of service that you are currently unsure of, start preparing to make a commercial decision.	Review the length of your probation periods to ensure they are in line with new legislation. Ensure clear expectations are set out Day 1 in their statement of main terms accompanied by their job description. Assess whether your probation period gives you sufficient opportunity to address any performance concerns and/or general suitability to the role in the business. Ensure a process to avoid "missed" probationary period deadlines. Review current wording of any short service clauses. Have clear and defined pathways on managing staff's conduct, capability, including medical capability.
Extension of the statutory sick pay (SSP) system	Action required	Increase in Sick Pay costs given payments will apply from Day One. There will no longer be a qualifying period or any waiting days and your lower earners will be entitled to SSP for the first time.	Review your absence management processes from notification of absence right through to formal absence management. Ensure you accurately record absences, return to work processes and occupational health provisions. Introduce clear and defined trigger points on when absence management would apply, and what support you provide as an employer, particularly for mental health related absences which are increasing across the UK. Review your payroll procedures to ensure SSP is paid to all employees who are now eligible when the legislation changes.

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Zero hours/low hours workers to get more rights	Start Preparation	Zero hours and low hours workers must be given access to a guaranteed hours contract that reflect their usual hours so you will need to track the hours worked and understand the trigger which means the worker needs to be offered a new contract. They will have a right to compensation for cancelled shifts, failure to do that will be an unlawful deduction from pay. Workers must be given information about their rights so documentation responsibilities will increase.	Ensure employees are engaged on correct contractual terms. Consider; zero-hour, low-hour or potential variable-hour contracts that suit your business needs and review use of a zero-hour default position. Keep clear and accurate records of hours/shifts worked in line with HMRC recommendations. Make sure you have the correct contractual documentation in place for if the trigger is hit for the worker to be offered the new contract, and ensure the correct information is given to the worker about their rights at the appropriate time. Review any external client or supplier contracts to examine the impact on cancelled work and the knock on effect to your business being liable for cancelled shift compensation. Check senior management fully understand the new rules around when compensation would apply.

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Information on the right to join a union	Start Preparation	You will be under a legal duty to provide information to your employees about trade union membership .	Create an annex to your employment documentation in line with government specifications. Ensure that new employees are provided with the information and meet additional requirements in relation to informing existing staff of their rights about trade union membership.
“Fire and rehire” procedures to become more heavily regulated	Action required	The risk of unfair dismissal when changing an employee’s terms and conditions eg hours of work, pension contributions, overtime rates will greatly increase. The circumstances in which changes can be made will narrow.	Moving forward, consider what new terms and conditions employees are given as these will become difficult to amend soon. When looking to change employee terms and conditions, ensure you understand whether you have a ‘restricted variation’ and if so, ensure your circumstances meet the requirements needed.

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Flexible working to require a reasonableness assessment and more procedural steps to be added	Action required	A specific process will be introduced to the existing requirement to consult with the employee before refusing the request Refusing a flexible working request will only be permissible where it is “reasonable” to do so	Ensure you are familiar with new procedural requirements on dealing with a flexible working request Make thorough investigations when assessing whether a request can be accommodated and be able to explain why a refusal was reasonable
Introduction of Fair Work Agency	Start Preparation	A new employment rights enforcement body will provide a strong recognisable single brand that offers advice and legal assistance to employees. The Agency will also be able to make a claim to employment tribunal on behalf of employees who cannot bring a claim themselves	Review your record keeping practices for payments such as statutory sick pay, holiday pay and national minimum wage in case of inspection by the Agency. Ensure compliance with the entire employment rights landscape to be able to defend an employment tribunal claim made by the Agency on behalf of an employee

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Uplift in sexual harassment prevention obligations	Action required	Employers will be required to take “all reasonable steps” to prevent sexual harassment in their business. Employers will become liable for harassment of all kinds against their employees by third parties eg customers, clients, the general public.	Review your current sexual harassment risk assessment and determine the extra steps you should take to prevent sexual harassment. Pay particular attention to prevention of third-party harassment against your staff because this will be deemed as your fault unless you take action to prevent it.
Introduction of statutory bereavement leave, including time off in the event of a miscarriage	No immediate action required	Your employees will be legally entitled to a new type of time off from day one of employment. They will be able to take a period of unpaid time off after a bereavement. This will include employees who suffer a miscarriage.	Draft a policy to cover the new employment right and ensure proactive communication with employees about it. Ensure your managers are aware of the new entitlement to avoid unwittingly denying an employee their legal rights at what can be a traumatic time.
Extension of protection against dismissal for pregnant workers and new mothers	Start Preparation	Dismissing an employee who is pregnant or within a certain amount of time after their return from maternity leave will be subject to much more regulation. The risk of pregnancy discrimination will increase significantly.	Ensure you are aware of the additional procedural rules around dismissal of a pregnant employee/new mother. Keep clear records of maternity leave in order to understand when exactly the enhanced rules will apply.



Employment Rights
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