

## **October 2022 - Updates**

### **Employment Law Updates**

From 1<sup>st</sup> October Right to Work Checks have been updated to pre-covid manual in-person checks of original documentation included in the Home Office's List A & B. There are 2 exceptions, the first being Biometric Residence Cards and Permits and Frontier Worker Permits, which all need to be checked on the Home Office's online right to work service. The second is UK and Irish current passports can be checked via third party Identity Service Providers using Identity Document Validation Technology if the employer is unable to carry out manual checks (i.e. the employee is working remotely). The employee has to give permission to share their documents with an Identity Service Provider, if they don't give permission checks need to be carried out manually. The responsibility of checking right to work remains with the employer even if an Identity Service Provider is used. All virtual checks between April 2020 and 30 September 2022 do not need to be backdated.

From 3<sup>rd</sup> October the definition of SMEs (Small and Medium Enterprises) has been increased to any business with less than 500 employees rather than the previously stated 50. This will mainly impact on reporting exemptions i.e. gender pay gap reporting.

Introduction of The Retained EU Law (Revocation and Reform) Bill which revokes all current EU law with effect from 31<sup>st</sup> December 2023 (with the option to extend to 2026). This will likely affect Working Time Regulations, TUPE Regulations, Part time and Fixed Term Worker Regulations and Agency Worker Regulations.

ACAS has recently released new advice for suspension during an investigation which focuses on; the employee's mental wellbeing and alternatives to suspension. The guidelines reiterate suspension should be a last resort action if there are no other options and doing so if other options are available could be considered a breach of contract.

The Living Wage Foundation has increased the voluntary 'real living wage' by 10% to £11.95 in London and £10.90 for the rest of the UK. If employers are to follow this increase over the government's National Living Wage it will likely force an increase to National Living Wage in the future.

### **The Mini Budget**

National Insurance – From 6<sup>th</sup> November 2022 the 1.25% National insurance increase implemented on April 6<sup>th</sup> 2022 will be reversed.

Income Tax – Income tax that was due to be cut to 19% from April 2023 will now remain at 20%. There will also be no cut of the higher rate of income tax of 45%.

Corporation Tax – Will be increased to 25% in April 2023.

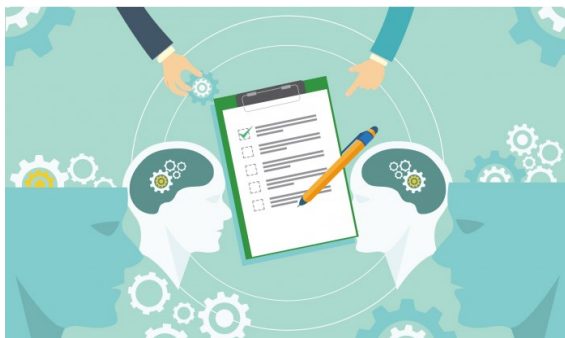
IR35 - Initially Kwasi Kwarteng was going to repeal the 2021 changes to the IR35 reverting them back so the tax onus was back on the contractor however Jeremy Hunt has announced this will not be happening so employers will continue to be administratively responsible for off payroll working rules.

Unions – New legislation to help employers by making it harder for unions to bring strike action (increased ballot threshold to 50% and all offers have to be put to a vote by members plus increase in warning time to employers from 2 weeks to 4 weeks) will now go ahead. Some industries will have a minimum staffing level requirement introduced to ensure critical infrastructure can keep running during a strike.

For further information on the above, please contact [emily@agilehrconsulting.com](mailto:emily@agilehrconsulting.com)

## **Performance Management – Tips & Techniques**

Employees' performance can have a huge impact on overall business success. Performance management helps to guide employees to ensure they are moving in the same direction as



the business however it needs to be an ongoing commitment and a collaborative process to be the most beneficial. A good performance management process will improve and maintain a workforce's performance while supporting the strategic goals of the business. There are many different performance management techniques that can all be used to address a certain issue; it is important to pick the correct technique depending on what you're trying to achieve. When managing

individual performance techniques such as Appraisals and Personal Development Plans (PDPs) are some of the better tools however when managing a team's performance, 360 Peer Reviews and Key Performance Indicators (KPIs) are more effective.

### **360 Peer Reviews**

360 Peer Reviews allow an employee to receive both positive and constructive feedback from their colleagues. It allows individuals to gain a broader perspective of how they impact the team as well as see their strengths and weaknesses, giving them a clear development path. As long as both praise and concerns are noted and action taken if necessary peer

reviews have proven to increase engagement in the performance management process in comparison to other methods.

### **Appraisals**

Appraisals are the most commonly used performance management technique. They can be a great tool for aligning goals of the business with an individual while introducing constructive conversations between employee and manager. They can however, if not managed correctly, end up a tick box exercise that is more demotivating than productive.

### **PDPs**

PDPs set out goals and actions that encourage personal development in a specific area. They are useful for letting employees understand their role within a business and identifying clear actions in order to achieve growth.

### **KPIs**

KPIs can provide definitive numbers in relation to how well an individual, team or the overall business is performing. This allows for data driven conversations and can support better decision making. They can give individuals a clear goal to work towards and can provide a great sense of achievement to employees to meet their KPIs.

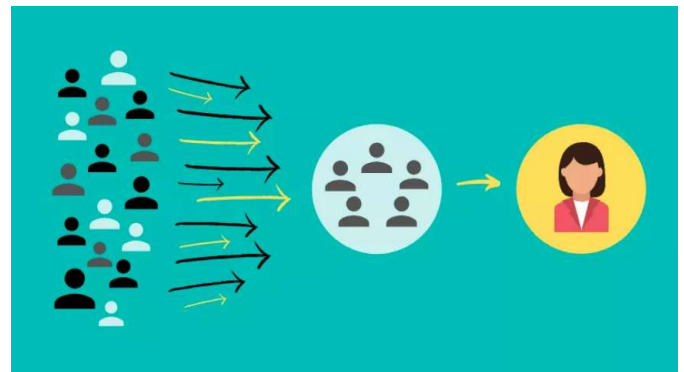
### Tips

- Ensure any goals set are attainable
- Performance management should be seen as collaborative
- Give employees praise when deserved
- Continually assess and provide feedback

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## How to Successfully Shortlist Candidates

In 2022 we have seen a large increase in high volume recruitment whereby employers are having to hire more roles than ever before in shorter periods of time. In a survey completed by LinkedIn 52% of talent acquisition leaders say that the hardest part of recruitment is identifying the right candidates from a large group of applications. Shortlisting this can make this aspect of the recruitment process a lot easier.



The first step in shortlisting is creating a criteria, by identifying “must-haves” and “nice-to-haves” it will make screening CV’s a much quicker process. Must-haves will include qualifications and experiences

where as nice-to-haves may include skills which may make training easier but don’t determine if they can do the role or not. Nice-to-haves can be seen as bonus points for the candidate. A good place to start when looking at creating these lists can be the individual already doing the role or the hiring manager, you can ask either what skills and qualifications are most valuable for the role. The next step is deciding what the maximum number of candidates you’re willing to accept on your shortlist. This can either be done by choosing a set number, or a percentage of the total number of applicants. This number isn’t something to get stuck on, if you have more good quality candidates, then interview more, likewise don’t waste time trying to fill your shortlist if you don’t receive many candidates that meet your requirements.

Now you can start selecting candidates. Ideally you should blind screen candidates by removing any demographic data from CVs so you can focus on your shortlisting criteria and avoid any unconscious bias. Start by eliminating candidates that do not meet your minimum requirements. Try screening applicants in as well as out, this means looking for transferable skills, you want someone who will commit and is reliable. If you’re expecting a high volume of applicants you can introduce candidate assessments at this early stage to see better quality candidates straight away, this can include personality testing, situational judgement or basic language proficiency tests.

Once you have started filling your shortlist you can use phone or video interviews to screen candidates further. This can be used to get to know candidates beyond what is written on their CVs it can also be used as a way to verify that experiences and qualifications match what their CVs state. At this point you can start scoring candidates in order to identify who are the strongest by using the M.E.P system (Mandatory, Essential, Preferred). You can do this by allocating each item on your criteria with M, E, or P. Every M gets a 1, E gets a 2 and a 3 for every P. You can then add up their scores, the higher the number the stronger the candidate. This type of scoring can help you identify strengths and weaknesses which can give you a good foundation for more meaningful and insightful conversations during their interviews.

## **Worth Doing a Full HR Audit?**

It certainly is!

An HR audit determines the effectiveness of the HR Systems, policies, processes and practices and identifies potential risks, areas for improvement and opportunities to add-value. Audits are conducted in a systematic and objective manner to assess compliance to latest employment legislation and best practice. They can be used to identify what you are doing right, help you improve inefficiencies, and reduce costs.

You will be asked targeted questions, spending time at your office gathering information and assessing, and then preparing a detailed report with findings and recommendations, together with a high line Executive Summary.

An HR Audit can cover the following areas, but can be conducted as a 'pick and mix' based on your priorities.

- Organisational Structure
- People Management
- Policy/ Procedure
- Recruitment & Selection
- Training & Development
- Compensation & Benefits



For more information contact Jenny on [jenny@agilehrconsulting.com](mailto:jenny@agilehrconsulting.com)