



## OLYMPICS 2012

It is important to follow a fair and consistent approach especially as there could be multiple holiday requests from staff for time off around the same time.

### Holiday Requests

The principles will remain the same when dealing with holiday requests to enable your staff to either volunteer or to attend the games. It must be on a "first come first served" basis. Employers could also allow staff to take unpaid time off.

However, if it is a busy time of year, you still have the right to refuse the request, though this must be done by giving the appropriate notice (it must be equal to the number of days requested).

For more information for businesses or individuals living near the Olympic park site: <http://www.london2012.com/living-near-the-olympic-park>

### Lateness Issues

The games begin on 27 July until 12 August 2012 and the paralympic games run from 29 August to 9 September 2012. Some of your staff may be living close to the venue or your office may be based near the venue, in which case you will face lateness issues with your staff. You may want to consider alternatives such as home working, flexible working around peak hours or even temporarily changing your start and finish times during this period if staff agree.

### Absenteeism

Any unauthorised absence should be dealt with in line with the company's disciplinary procedure.

## BBI GROUP - SUPPORTING YOUR BUSINESS

Olympics 2012

Agency Workers Regulations

Equality Duty for Public Bodies  
(including schools)

Early Snow

National Minimum Wage

Case Law

Insurance

Solar Panels & Cover

Social Housing November Conferences

Are you ready for Compulsory  
Workplace Pensions?



## NATIONAL MINIMUM WAGE

**From 1 October 2011, the National Minimum Wage rates will change to the following:**

- Adults – £6.08 per hour
- 18-20 year olds – £4.98 per hour
- 16-17 year olds – £3.68 per hour
- Apprentices – £2.60 per hour

Following on from the consultation on the accommodation offset rate, the National Minimum Wage Regulations have been amended and will not apply where the reason for the accommodation is education and where the employee is a full-time student working part-time and where the employer is the provider of higher or further education. The accommodation offset rate will increase from £4.61 to £4.73 per day.

## EARLY SNOW

**There is forecast of a possibility of snow early this year and a clear warning of a harsh winter. So we thought now would be a good time to remind you of what advice you need to give your staff.**

Where staff are unable to come in to work either due to transport or childcare arrangements or concerns around safety due to adverse weather conditions, this is potentially considered emergency time off. Employers could either allow the time off as a holiday or as unpaid leave.



## AGENCY WORKERS REGULATIONS 2011

**A reminder that the Agency Workers Regulations is effective from 1 October 2011 and will give agency workers the right to equal treatment with permanent staff on pay, holidays and other basic conditions after 12 weeks in a job. Pay includes salary, commission, bonus that is dependent on individual performance, holiday pay, shift allowances and overtime.**

Employers will also have a duty to provide agency workers with information about vacant posts and access to collective facilities such as car park, childcare, etc. from day one.

Employers must provide agencies they work with all necessary information with regards to the workers' basic working and employment conditions. Employers must also maintain transparency of their pay structures and review their bonus and commission payments. Employers must also track the length of assignments of agency staff and carry out periodic audits of the terms and conditions of permanent staff alongside agency workers.

## EQUALITY DUTY FOR PUBLIC BODIES (INCLUDING SCHOOLS)



**The Equality Act 2010 (Specific Duties) Regulations 2011 came into force on 10 September 2011.**

Public authorities are now expected to publish information annually substantiating their compliance with the Equality Act. Public bodies are also now required to review and publish equality objectives once every four years. Where there are more than 150 employees, public sector employers should also publish information on their employees' protected characteristics.

Public authorities are required to publish compliance information by 31 January 2012 and equality objectives by 6 April 2012. The deadline for Schools to publish information and their equality objectives is 6 April 2012.

## CASES

### SALFORD NHS PRIMARY CARE TRUST V SMITH 2011

**This case helps clarify "reasonable adjustment" for a disabled employee protected under the Equality Act 2010.**

The claimant suffered from chronic fatigue syndrome and was on long-term sickness absence. The claimant resigned after a series of consultations with the employer and claimed unfair dismissal on the grounds that reasonable adjustments were not made.

The EAT held that reasonable adjustments are made so that employees can return to,

and remain in work. Only those proposed adjustments which prevent the provision, criterion or practice that places the disabled person at a substantial disadvantage constitute reasonable adjustments under the Act.

Hence, consultations, trials, exploratory investigations, etc. do not qualify as reasonable adjustments. Similarly a suggestion of a "career break" which would not have enabled the claimant's return to work would not be seen as reasonable adjustment.

### R (G) V X SCHOOL GOVERNORS 2011

**The Claimant was employed as a music assistant and was investigated on allegations of inappropriate contact with a student.**

The School reported the matter to the Independent Safeguarding Authority. The matter was also investigated by the Police and the Claimant did not attend the investigation meetings. The Claimant was not prosecuted and his lawyers sought permission to attend the disciplinary meetings. The School refused to allow legal representation and during the

disciplinary meeting, the Claimant refused to comment.

The Supreme Court held that the School was right in not allowing legal representation in an internal disciplinary hearing as a referral to the Safeguarding Authority does not debar the Claimant from practicing his profession.

However, in situations where outcome of the disciplinary hearing debarred the employee from practicing his or her profession, employers must agree to legal representation requests.

### CONNOR V SURREY COUNTY COUNCIL 2010

**This case focuses on the importance of an employer's duty of care to staff.**

The Claimant, a Head teacher, was signed off work with mental health problems as a result of long-drawn dispute with the School's governors which the Council was aware of. The Claimant did not return to School after the governors accused her of racism and Islamophobia and petitioned outside the School calling for her resignation. Eventually the Council instigated

an independent investigation and mediation and replaced the governing body.

The Council failed to investigate the governors even though there were clear warnings and hence acted in a negligent manner. While this particular case overlaps with public law, the Court of Appeal held that the Council was liable for failing in its duty of care towards the Claimant.

Over the last couple of years the number of cases reaching Tribunal has hugely increased, it is thought to be by more than 50%. Many of you may have experienced this for yourselves, the increases being driven by disputes about equal pay, unfair dismissal, age, sex, race and disability discrimination.

With this being high on the agenda, we are able to offer our clients with not only hands on consultancy but also, an insured/legal expenses cover of up to £75,000 per claim.

**For further information please contact Michelle Brinklow at BBi Alternative Solutions:**

**Tel:** 020 8559 2111  
**Email:** enquiries@bernsbrett.com

## ARE YOU READY FOR COMPULSORY WORKPLACE PENSIONS? DON'T GET YOURSELF IN A KNOT!

**On Thursday 13th October, Berns Brett along with our co-hosts Nockolds LLP, held 3 seminars on the above hot topic. New pension legislation comes into effect from October 2012 and will affect all employers. The event was well attended and well received by delegates.**

Steve Bee from Paradigm Pensions spoke about the new legislation itself and the duties to be placed upon the employer.



He explained the new compliance requirements including the auto-enrolment procedure into a qualifying workplace pension scheme, ongoing reporting duties and the fines for non-compliance!

Gary Smith, an employment lawyer from Nockolds, spoke about the impact these changes will have to employers in relation to contracts of employment. Gary suggested ways to plan ahead to reduce the impact to employers' in the future, along with advice on issues such as varying contracts.

The good news is, don't worry if you missed it, we will be running further seminars in the near future at various venues, so please keep an eye on our website for details of forthcoming events.

**If you can't wait until then and want to know more now, please contact Sarah Herd on 020 8559 2111 or sarah.herd@bernsbrettlife.com**





either to an Insurer itself or via a well-known supermarket which will put you in contact with a call centre where you will speak to someone who has usually limited experience in Insurance and whose day is spent saying 'Computer says', or you can hope that those annoying TV advertisements that use fluffy animals, pop stars or opera singers really do know what you need.

Alternatively you can contact Berns Brett which is staffed by professionals who have chosen to work in the Industry and who feel pride in the advice they give, and have the qualifications to prove it, and who represent only the largest and most secure insurance companies.

Brokers are not just for people who don't like computers and seemingly endless options on automated telephone systems. They are for people who like people, people who want to talk to the same person when they have a problem, people who don't want to go through their whole story over and over again, people who want to know that there is someone there they can talk to if there is a problem, people they can talk to who understand their specific requirements, people who want to talk to people who understand them and Insurance.

Does this sound like you? Then contact us today and speak to a real person who cares about you, cares about what you think, cares about what you want, a person who will always do their best for YOU.

## INSURANCE

Why should I use Berns Brett for my Personal Insurance?

**When you contact Berns Brett you will get a company that has existed for over 40 years, you will speak to people in the UK, people who have many years of experience, people with accredited insurance qualifications, people that care.**

Never has there been so many ways of arranging your personal policies, you can 'go direct'

## HOW THE PRICE OF GOLD HAS AFFECTED THE VALUE OF YOUR JEWELLERY

**It won't have escaped your attention that the price of gold is at an all time high, indeed all precious metal prices continue to rise at an unprecedented rate. In recent years the price of gold has quadrupled, how you may ask does this affect me?**

Well the price of gold and the increase in value of diamonds, precious gems such as rubies, sapphires and pearls, antique jewels and wristwatches have also been breaking records at auctions resulting in a rapid reappraisal of retail prices, not only for high end jewellery but also in traditional "middle range" items in the £5000 - £25000 bracket.

This surge in value means that clients with a typical collection of diamond jewellery, pearls, gems and watches who have not had a formal appraisal in the last two years are almost certainly underinsured. You must remember with items specified on your policy your insurer will only be obligated to pay out the value specified on the policy schedule, and if no valuation has been

carried out in the last three years then that figure could easily be 100% inaccurate. Any items which are covered as "unspecified" may also need reappraised as an up to date valuation may mean that the item now exceeds the policy limit at which items would need to be specified in order to be fully insured.

Inaction could therefore be very costly in today's bullish and buoyant market. We suggest that now is the time to check your policy and contact us at Berns Brett so that we can discuss this problem with you and ensure that your treasured items are properly insured.

**As an example: A gentleman's 18ct Rolex Datejust Bracelet Watch valued at £10880 in 2008 would today be worth £19020. As you can see even this three year old valuation means there is a very great danger that the specified agreed value would not be sufficient to replace the item in the event of its loss.**



## SOLAR PANELS & COVER

**Many Housing Associations are considering Solar Panels for future energy needs. Currently almost 30% of the UK's total carbon emissions are attributable to energy that is used to heat, light and power our homes.**

Registered Social Landlords (RSLs) are responsible for thousands of homes across the UK and will play a crucial role in helping reduce these emissions due to the vast number of homes they manage. By installing solar panels, RSLs will not only comply with new Building Regulations, but also reduce tenants running costs.

Most property stock policies include cover for solar panel, however if you presently have a large excess in respect of property damage this will also apply to solar panels.

At BBi we can arrange a separate stand alone policy to cover all solar panels within your stock. The policy is arranged on an all risk basis and will be subject to a manageable excess. Solarcare can be arranged even if you are not a client of BBi.

## SOCIAL HOUSING NOVEMBER CONFERENCES

**During November the Social Housing team at BBi will be exhibiting at the following venues:**

2011 Smaller Housing Associations' Conference and Exhibition at Immarsat Conference Centre, London on 3rd November 2011.

2011 Scottish Federation of Housing Associations Finance Conference at The Crieff Hydro Hotel, Crieff on 15th and 16th November 2011.

We look forward to meeting with many of the Housing Associations attending over the two conferences to discuss additional choice, service and benefits that BBi will bring to the sector.