

£20m Extra for Scottish Business

“The extra EU £20m cash will form part of a £60m fund to be invested in businesses as part of an employment & growth initiative”

Funding will be available immediately with the aim of :-

- Funding 700 start-ups & supporting a further 5,000 existing businesses.
- Creating 3,000 jobs.
- Fund 43 projects.

The projects will involve, businesses, charities & local government to support innovation, employment creation & competitiveness. Ideas for growth have been sought from across the community including small businesses & universities. There will be an emphasis on youth employment hoping to build on the latest figures from the Office for National statistics which show the highest employment levels for 5 years contributing to sustainable Scottish growth.

No Employment Contract - £1,800 fine?

“Recent reports have claimed thousands of small employers risk a fine of £1,800 if they don't issue employment contracts. So what's the reality?”

The reality is that the reports are both inaccurate & misleading. Of course it's always good practice to issue contracts of employment but actually you're not legally required to issue a **contract**. What you are required to do is provide your employees with a “written statement of employment particulars”. This should provide the main terms & conditions of employment including start date, job title, holidays, sickness procedures, notice, hours & place of work.

Tip: If the employment is for less than a month, no statement is required. More than a month and you need to provide a statement within 2 months of start date.

Tip: An employee can apply to a tribunal to have you provide one but there is no right to compensation.

The Real Risk: The risk arises during unfair dismissal/discrimination cases where the maximum award is £1,800 for not having a statement but the maximum is rarely awarded.

Firm Fined After Motorcyclist Paralysed

“A Wolverhampton road maintenance firm has been fined after serious safety failings led to a motorcyclist being paralysed after colliding with traffic signs”

Glynn Turner 47 was riding on the A12 on 7/06/10 when he collided with traffic signs at a road closure. He is now totally paralysed & needs 24/7 residential care. Carillion AM Government Ltd was prosecuted after HSE found the first indication of roadworks was less than 200mts before the closure on a 50mph stretch of the A12. Road works signs should have been at around 800, 400 & 200mts in advance with an information sign at around 1km. HSE found the first indication was an information sign at 175m leaving little time at 50mph for road users to slow down. Carillion was fined £180,000 with £28,551 costs after breaching Sec 3(1) of the Health & Safety at Work Act 1974. For full story:-

<http://press.hse.gov.uk/2013/road-maintenance-firm-in-court-after-motorcyclist-paralysed/>

Late Payment Consultation Planned

“The prime Minister has announced that a consultation will take place towards the end of the year to tackle the issue of late payment”

The issue particularly affects small & medium sized businesses (SMEs). A recent Barclays' survey shows that over the last 2 years 85% of SMEs have been effected by late payments. BACS reports that over £30bn is overdue to SMEs this year.

The consultant will consider ways of:-

- (1) Promoting greater involvement in payment cycles at board & senior management levels.
- (2) Creating greater visibility in respect of slow/ prompt payment companies.
- (3) Strengthening the Prompt Payment Code (PPC) to improve accountability.
- (4) Improving the enforcement of existing regulations.
- (5) Encouraging the take up of existing statutory rights to charge interest. The consultation will also consider whether there is a need for further regulation.

No Part-Time Work – Discrimination?

“An employee has just lost her sex discrimination case where she claimed discrimination when denied part-time work when returning from maternity leave”

There is no automatic right for an employee returning from maternity to have her hours reduced. An employee does have the right to apply for flexible working (providing the criteria are met). The application must be given serious consideration & you must have sound business reasons for refusal, if you don't have the evidence the employee can claim discrimination.

In **Little v Richmond Pharmacology Ltd 2013** L applied for reduced hours whilst still on maternity. RPL initially refused, L resigned after submitting an appeal. On appeal the request was granted on a 3 month trial. L declined went to tribunal for discrimination but lost and went to appeal. The EAT found for the employer as the original refusal had been “subject to appeal” which was successful, she therefore suffered no discrimination. Always make decisions subject to appeal allowing you the chance to change your mind if necessary.

Care Home Fined After Resident's Death

“A healthcare firm has been fined after a dementia sufferer fell to his death from a 1st floor window of an Essex nursing home”

Mr Terrey 74 a resident of 3 months at the Paternoster House Care House in Epping Forest died o 09/10/11. The owners, Barchester Healthcare Homes Ltd were sentenced on 01/11/13 after HSE found that his death could have been prevented had a faulty window restrictor been checked & fixed. Mr Terrey was a resident in the dementia unit called “Memory Lane” & had tried to leave the unit on a couple of occasions. Guidance states that in units with vulnerable patients 10cm restrictors should be in place. HSE found staff were not properly trained & no window management system was in place. The company was fined £175,000 with 322,961 costs for breaching Sec 3(1) of the Health & Safety at Work Act 1974. Full story:-

<http://press.hse.gov.uk/2013/care-home-operator-fined-following-death-of-resident/>