

Start as you mean to go on...



At this time of year, employers and employees are planning ahead. Employment law never stands still and now is a good time to ensure that you have fully protected your organisation.

Following best HR practice ensures that your organisation achieves the optimum outcome from staff. Below are some examples of ways in which the **bto** team has worked successfully with clients over the last year:

1. In house training on employment law and practice

bto offer a full range of seminars that we can conduct in-house for you. Our practical and well received sessions have covered everything from managing absence, discipline, grievances, performances and TUPE, to social networking and general commercial and legal updates.

By focussing on the practical issues (rather than pure law) the sessions equip staff with the knowledge and skills to deal with the actual issues that arise. Our sessions have ranged from one hour to a full day (and sometimes more!). We have helped organisations as diverse as large public bodies and SMEs, through to smaller family businesses. There are few areas of employment law and practice that have not been the subject of our training programmes. Providing all staff with the skills to manage the complex issues that arise always pays dividends. Is there an area of employment law or practice where your employees or management could benefit from training?

2. Contracts and policy revision and drafting

A well drafted contract of employment and

accompanying policy documentation should be the cornerstone of the employment relationship, thereby avoiding any uncertainty. **bto** can review your existing documentation, provide you with up to date templates, or work with you to draw up tailor-made contracts and policies to ensure that your documentation is compliant with current legislation and reflect the needs of your organisation. Have you thought about the policy documents you might need? It might be a disciplinary and grievance policy document, absence and attendance management policy, or a social networking policy. Are your policies up to date?

The team has provided and revised many contract and policy documents for a diverse range of organisations over the year, ranging from large educational institutions and professional practices to small mobile transport companies. Building secure foundations and ensuring that the right paper work is in place from the outset (whilst making sure staff are aware of these documents) will ensure that the organisation can grow and flourish in the best possible way.

3. Disciplinary and grievance issues

Whether you wish to instigate a disciplinary process, have received a grievance from an employee, or are in the middle of either process, it is often helpful to have input from impartial expert advisors to guide you through or give an opinion on your ideas. The team at **bto** has vast experience in supporting employers through these processes. Given the huge financial costs of failing to follow proper procedure and of failing to comply with ever changing employment laws, taking time to comply with the up to date position is a must.

The team has worked on complex disciplinary issues involving the suspension of senior staff and on complex investigations through to the after effects of a drunken work Christmas party. Ensuring a fair procedure is followed is important given the claims that can arise in this area. Failing to prepare is preparing to fail!

In this edition

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An overview of issues to be aware of to ensure that best HR practices are followed and optimum output is achieved from your staff.

These include: contracts and policies, disciplinary and grievance issues, mergers, tenders and tribunal representation.

Update

Watch out for changes occurring on 1 February 2013

Employment Seminars

New programme details:

28/02/13: Managing Change

23/04/13: Managing "Difficult" Employees

30/05/13: Managing Strained Relations

Each seminar will take place at 08:15 (breakfast session) and 12:30 (lunchtime session) on the above dates.

To book, please email marketing@bto.co.uk with your name, job title and the name of your organisation, stating the seminar(s) that you would like to attend and your preferred attendance time(s).

Employment Law - The Future

4. Restructuring and redundancy

Are you considering restructuring your business but not sure how to go about it? Needing to make redundancies but want to minimise the risk of subsequent claims? **bto** can support you through these initiatives, provide you with expert advice and ensure that you are compliant with your legal obligations.

Given the economic challenges facing many organisations, the team has been busy assisting many different types of clients to reorganise their staff structures and to change their terms and conditions over the year. Ensuring that the best staff are retained whilst minimising the potential for claims is critical.

5. Mergers and tenders

There can be so many considerations when going through a merger or tendering process that often the legal position of employees transferring can become a side issue. Having expert input from **bto** at the outset can give you peace of mind that you are following the correct processes, ensuring that there are no nasty surprises down the line. Many organisations fail to appreciate the impact TUPE can have in such situations – until it is too late.

Expert advice ensures that each issue is fully considered and the organisation best protected. The team has dealt with a number of TUPE issues over the year, ranging from the merger of large complex public organisations, through to small service providers who lost a tender resulting in their entire staff transferring. The information and consultation requirements within TUPE can be cumbersome and expert legal advice to help guide you through the quagmire is a necessity.

6. Tribunal representation

It can be a daunting time when a current or ex-employee raises an Employment Tribunal claim. Often it is tempting to brush the issue under the carpet in the hope that the case will simply vanish, thus leaving employers with ill-prepared cases or a poorly worded defence to the claim, which can prove costly. Having expert solicitors manage the case ensures that the legal and procedural issues are fully understood. By instructing **bto** to deal with the

claim you can be assured that the case will be dealt with efficiently and robustly – leaving you to get on with running your organisation.

This year has been a busy year at the Employment Tribunal with cases involving disability discrimination, race discrimination, the thorny issue of holiday pay and unfair dismissal arising. Given the complexity and costs associated with an Employment Tribunal claim, knowing the law and procedure is important in ensuring the matter is dealt with effectively and economically. Given the forthcoming changes within the Employment Tribunal Service, ensuring that you have secured the best advice is even more vital.

bto's employment team is praised for providing *“excellent service from general advice to tribunal representation”* and for being *“sound, insightful and helpful.”* (The Legal 500).

The team has 4 highly regarded employment law professionals who specialise and practice only in this area of law. Two of the team's solicitors are accredited by the Law Society as specialists in their field, and one of them is a Visiting Professor of employment law at Strathclyde University. Between them, the team has over 40 years' experience. As the team features on most legal expense insurance company panels, you may be able to benefit from their expertise via your insurance policy.

Who uses our services?

We have expertise in many sectors and act for a diverse range of employers, including a large worldwide health benefits company, a Scottish house-builder, a private school, colleges of further education, a police authority, a law centre, numerous professional firms, a large hotel chain, various housing associations, a medical defence union, many manufacturing companies, and many more. **bto** can help your organisation manage staff effectively, ensure that proper procedures are followed and ensure that ongoing employment law and related issues are resolved. Employment law never stands still and we look forward to working with you. To find out more about how we can help you plan ahead to protect your organisation, contact a member of our team.



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Update

1 February 2013

Limit on week's pay for calculating statutory redundancy payment and basic award in unfair dismissal case up from £430 to £450.

Limit on compensatory award for unfair dismissal rising from £72,300 to £74,200.

Minimum basic award where dismissal was unfair for a reason connected with trade union membership or activities, health and safety, pension scheme trustees or employee representative duties rising from £5,300 to £5,500.

Did you know?

Advice from solicitors is confidential and generally “privileged” and you cannot be required to reveal this advice in court or at a tribunal. On the other hand, a court or tribunal might order you to produce communications with non-solicitor advisers, HR consultants or any internal advice.

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Thank you.

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