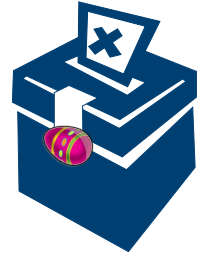




## This month A-Z focus - "E" - Election

Are any of your employees helping out at the election on 5 May 2011? You may want to know if there would be any implications for employees who are on maternity leave or have been made redundant to undertake any election work. Have a look of our FAQs if this is playing on your mind.

- Is it possible for an ex-employee who has been dismissed on the grounds of redundancy to undertake work for the Council in respect of election duties without affecting their entitlement to redundancy pay? [Read more](#)
- Would there be any implications on an employee's maternity pay if election duties are undertaken? [Read more](#)



## What's on the horizon?

**Fee increases for Enhanced CRB checks from 6 April 2011 - [Read more](#)**

### Draft guidance on the Agency Workers Regulations

The Department for Business, Innovation and Skills (BIS) published draft guidance on the Agency Workers Regulations. This is now available for comment until **Friday, 15 April**. [Read more](#)

### Two-tier Code for Local Government Abolished

The Department for Communities and Local Government (CLG) has announced that the Two-Tier Code for Local Government has been withdrawn with immediate effect on 23 March 2011. [Read more](#)

### Flexible Working

The Government intended to extend the right to request flexible working to those with children aged under 18. It was announced on 18 March 2011 that this extension will **NOT** be implemented on 6 April 2011. [Read more](#)

### Equality Act 2010

- The General Equality Duty comes into force on 5 April 2011. The Government is currently seeking views on revised public sector equality duties. Comments on the new draft regulations should be submitted to the Government Equalities Office by 21 April 2011. [Read more](#)
- Positive action in recruitment and promotion comes into force on 6 April 2011. The Government Equalities Office has published [guidance](#) which contains practical examples.

### Increase in HMRC mileage rates

The Approved Mileage Allowance Payments (AMAPs) rates will rise to 45 pence per mile for the first 10,000 miles and 25 pence per mile thereafter with effect from 6 April 2011. [Read more](#)

### Bribery Act 2010

The Ministry of Justice has published Bribery Act guidance states that the Act is set to come into force on 1<sup>st</sup> July 2011. [Read more](#)

### Royal Wedding further advice – Education

The Education (School Day and School Year) (England) (Amendment) Regulations 2011 amend the Education (School Day and School Year) (England) Regulations 1999, which stipulate the minimum number of sessions which must be held in each school year for all maintained schools in England. [Read more](#)

## FAQ

**Retirement** - What is the current position, following the second draft regulations (dated 4 March 2011)? [Read more](#)

Independent Public  
Service Pensions  
Commission: Final  
Report – [Read more](#)

Review of Fair Pay  
in the public sector  
– [Read more](#)



## Case law

### **Ashby & ors v Birmingham City Council**

#### *Equal Pay in the Civil Courts*

The High Court has reached a different conclusion in respect of whether or not claimants can bring equal pay claims in the civil courts if they are out of date (ie. beyond the six month time limit) for being heard at an Employment Tribunal, than that reached by the High Court last December in the case of *Abdulla v Birmingham City Council* which we reported in [February's edition of SEEhr](#). [Read more](#)

### **Gosden v Lifeline Project Ltd**

#### *Offensive emails sent between colleagues on their home computers can threaten an employer's reputation and justify the employee's dismissal*

In October 2008, Gosden forwarded an offensive email, which contained material of a racist and sexist nature, from his home computer and outside of working hours to a work colleague's home computer. This was a chain email and the colleague decided to forward the email to another colleague and hence the email entered the work computer system. [Read more](#)

### **Thomas Sanderson Blinds Ltd v English**

#### *Heterosexual man subjected to homophobic taunts fails in appeal*

In this case, English complained to an Employment Tribunal that, for a number of years, his work colleagues had subjected him to banter to the effect that he was homosexual. This had started, English claimed, when a manager discovered that he had both attended boarding school and had also lived in Brighton. [Read more](#)

## Consultations

### **Consultation on the Fair Deal policy**

#### *Treatment of pensions on compulsory transfer of staff from the public sector*

This consultation is aimed at public service unions, independent providers of public services (including private sector businesses and non-profit making organisations such as charitable bodies and social enterprises), representatives of public service pension scheme members, representative bodies for independent providers, academics, commentators on pensions and social policy, those individuals who consider that they may be affected by a review of the Fair Deal policy and any other interested parties. [Read more](#)

### **Building a fairer Britain**

#### *Reform of the Equality of Human Rights Commission*

The Government Equalities Office has published detailed plans for major changes to the way the Equality and Human Rights Commission (EHRC) operates. The proposals are contained in a consultation that will run for three months and close on 15 June 2011. [Read more](#)

### **A new approach to special educational needs (SEN) and disability**

Children's Minister Sarah Teather unveiled proposals which would mean the biggest programme of reform in the education and health support for children with special educational needs (SEN) and disabilities in 30 years. The Government wants to fundamentally reform the SEN system to address certain problems. [Read more](#)

### **RMT v Serco and Aslef v London Midland**

#### *Strikes will be harder to prevent following landmark Court of Appeal judgement*

The Court of Appeal has overturned injunctions which had been obtained by Serco and London Midland Railway against the two main national transport unions, the RMT and ASLEF. In both cases, the injunctions had been obtained on the basis of the unions' breaches of statutory balloting and notification procedures. [Read more](#)

### **Tapere v South London and Maudsley NHS Trust**

#### *TUPE Regulations prove more powerful in preserving transferred employee's terms and conditions than a new employer's need for flexibility*

The new employer changed Tapere's place of work and she complained that this was detrimental. Although the new location was no further away from her home than her previous office, she argued that the journey to work would take longer. She subsequently resigned and claimed constructive unfair dismissal and redundancy pay. [Read more](#)