

## Further furlough clarity provided

**The government has recently amended its furlough guidance to amend eligibility criteria and to provide more clarity on how it applies to situations that employers may encounter. We take a look at these in more detail below:**

- Employers must have a UK bank account, have a PAYE payroll scheme created and started on or before 19 March and enrolled for PAYE online.
- Employees must be on the payroll on or before 19 March and been notified to HMRC via a RTI submission on or before 19 March 2020.
- Employees who are 'shielding' in line with public health guidance, or unable to work because of caring commitments, can be furloughed even if there is work for them to do, but they are unable to do it from home.
- Employees on sick leave, or self-isolating, can be furloughed but if they are, they will no longer be entitled to receive statutory sick pay (SSP). If employees become sick whilst furloughed, it is up to their employer if they should move onto SSP.
- In situations where employees have moved over to a new employer as a result of a TUPE transfer, the new employer can claim for furloughed employees' wages where the transfer happened after 19 March 2020.
- Foreign nationals on all types of visa are eligible to be furloughed, and employees cannot work for their employer or a linked or associated organisation during furlough.

### Government measures to prevent furlough fraud

To receive the wage grant under the Job Retention Scheme, employers must already have been authenticated by the HMRC. Following application, there will be a four to six day processing period for background checks. Enquires will also be carried out after payment to ensure authenticity. Additionally, a hotline has been sent up for reporting of abuse.

#### Did you know?

The Job Retention Scheme has been set up to help businesses who are severely affected by coronavirus. HMRC has warned companies that they could be made to repay any money they receive under the scheme if they abuse it and potentially face further criminal action.

### New guidance on points-based immigration

The guidance helps employers to prepare for the end of free movement. It covers a wide range of issues including how to define 'skilled workers', how to become a Home Office approved sponsor and that employers should consider applying as soon as possible if they do intend to sponsor foreign nationals from next year.

#### Did you know?

Despite the coronavirus outbreak, the government remain committed to proceeding with Brexit as planned. This means that, from 1 January 2021, new immigration laws will be introduced and EU nationals will be treated as any other worker from overseas if they seek to work in the UK.

### Barclays not liable for contractor sexual abuse

Over 120 claims were made against Barclays Bank by employees who claim they were assaulted by a GP engaged by them to conduct medical checks. The Supreme Court held that the GP had been acting on his own business, and not that of the Bank's.

#### Did you know?

Employers can be liable for acts committed by their employees if it is found that their actions are sufficiently connected to their employment. This can extend to independent contractors if criteria are met, including that the company maintained a degree of control over the contractor. The Court found that this was not the case here.

Employees need to be furloughed for at least three weeks in order for their employers to claim a grant to cover 80% of their wages through the Job Retention Scheme. For more information on the Scheme, call our 24 hour Advisory Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.