

6 February 2023

## BUSINESS NEWS ENGLAND

Welcome to our round up of the latest business news for our clients. Please contact us if you want to talk about how these updates affect your business. We are here to support you!

### UK Government to crack down on 'fire and rehire' practices

The government is taking action against unscrupulous employers that use the controversial practice of 'fire and rehire', it has announced.



**Please contact a member of our team if you would like to discuss any of the issues raised.**

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Last year P&O Ferries sought to evade the law by sacking 786 seafarers without due consultation. Having made no efforts to inform the Business Secretary at the time, they failed to follow best practice or do the right thing for their employees. As a result, the transport Secretary introduced a 9-point plan including primary legislation to tackle these issues.

Through a planned statutory code of practice, the government is protecting employees and cracking down on employers that use controversial dismissal tactics. The code, subject to a consultation first, will make it explicitly clear to employers that they must not use threats of dismissal to pressurise employees into accepting new terms, and that they should have honest and open-minded discussions with their employees and representatives.

'Fire and rehire' refers to when an employer fires an employee and offers them a new contract on new, often less-favourable terms. The government has been clear on its opposition to this practice being used as a negotiating tactic and is now making it clear how it expects employers to behave.

This new statutory code of practice will set out employers' responsibilities when seeking to change contractual terms and conditions of employment, including that businesses must consult with employees in a fair and transparent way when proposing changes to their employment terms.

Once in force, Courts and Employment Tribunals will be able to take the code into account when considering relevant cases, including unfair dismissal. They will have the power to apply a 25% uplift to an employee's compensation in certain circumstances if an employer is found to not comply with the statutory code.

See: [Government cracks down on 'fire and rehire' practices - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/government-cracks-down-on-fire-and-rehire-practices)

## Minimum wage rates increase from 1 April 2023

Employers should be aware that all minimum wage rates increase on 1 April of each year. This includes all National Minimum Wage rates and the National Living Wage rate.

See the table below that shows the current minimum wage rates and new rates from April 2023:

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	Current rate (since April 2022)	New rate from April 2023	Increase
National Living Wage (23 years old and over)	£9.50	£10.42	9.7%
National Minimum Wage adult rate (21-22 years old)	£9.18	£10.18	10.9%
National Minimum Wage (18-20 years old)	£6.83	£7.49	9.7%
National Minimum Wage (16-17 years old)	£4.81	£5.28	9.8%
National Minimum Wage (apprentice rate)	£4.81	£5.28	9.8%
Accommodation Offset	£8.70	£9.10	4.6%

See: [National Minimum Wage and National Living Wage rates - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

## HMRC is testing an automated SMS system

A new trial system aims to identify taxpayers seeking help with specific queries which HMRC considers can be resolved online. Such callers will be sent a text message containing relevant links.

Callers to HMRC's income tax helplines from a mobile phone will be dealt with in one of the following three ways:

- Callers with queries about their UTR or registering for online services will be sent an SMS that matches the key words they used to describe their query. The call will be automatically disconnected after a message explaining that an SMS has been sent.

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- Callers with queries about whether they should register for self assessment or whether they should still complete a tax return, and those with requests for their income and employment history, will be offered the option of receiving an SMS or continuing to hold for an adviser.
- Callers who wish to know their National Insurance number or need help with filling in their tax return will be sent an SMS and given time to engage with it before deciding whether to terminate the call themselves or opt to continue to hold and be routed to an adviser.

The trial runs until the end of this financial year.

See: [New SMS service launched on HMRC helplines | The Association of Taxation Technicians \(att.org.uk\)](#)

## Selling online and paying taxes

If you regularly sell goods or services through an online marketplace, you could be classed as a 'trader'.

And if you earn more than £1,000 before deducting expenses through your trading, you will need to pay Income Tax on this.

For tax, an online marketplace is any website or mobile phone app that handles and enables the sale of goods and services from individuals and/or businesses to customers.

If you only sell items occasionally, you can [check if you need to tell HMRC](#) about this income.

If you've never declared income through a Self-Assessment tax return, you can [register for HMRC Online Services](#).

Please talk to us if you need any advice in this area.

See: [Selling online and paying taxes - information sheet - GOV.UK \(www.gov.uk\)](#)

## British Tourism and Travel Show 2023

The British Tourism & Travel Show takes place from 22 March to 23 March 2023 at the NEC, Birmingham. It brings together hotels, attractions and destinations wanting to meet and do business with key decision makers responsible for planning holidays, trips and tours and breaks.

The show will attract 3,000 visitors and attendees include:

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- coach operators,
- tour operators,
- group travel organisers,
- travel agents,
- travel services, and
- media and associations.

## Who should exhibit?

Tourism suppliers wishing to work with the travel trade including:

- hotels,
- visitor attractions,
- destinations marketing companies,
- local specialists, and
- transport providers.

See: [British Tourism & Travel Show - British Travel & Tourism Show](#)

## **JCVI advice on the 2023 COVID-19 vaccination programme**

The Joint Committee on Vaccination and Immunisation (JCVI) has published a statement with its latest advice on the 2023 programme.

Whilst there is high level of strong population immunity developed over the past two and a half years, the risk of severe COVID-19 continues to be disproportionately greater in those from older age groups, residents in care homes for older adults, and persons with certain underlying health conditions. There also still remains on-going uncertainty regarding virus evolution, the durability and breadth of immunity, and the epidemiology of infection.

The JCVI has indicated that for a smaller group of persons (such as persons of older age and those who are immunosuppressed) an extra booster vaccine dose may be offered in spring 2023, whilst for autumn 2023, persons at higher risk of severe COVID-19 would be offered a booster vaccine dose. Emergency surge vaccine responses may also be required should a novel variant of concern emerge with clinically significant biological differences compared to the Omicron variant.

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See: [JCVI statement on the COVID-19 vaccination programme for 2023: 8 November 2022 - GOV.UK \(www.gov.uk\)](#)

## Data transfers listening workshops

The Information Commissioner's Office (ICO) is holding a series of workshops to listen to your feedback on the International Data Transfers Assessment, the Addendum and the Transfer Risk Assessment tool.

The ICO would like to hear about your practical experience in using these tools, perhaps as a data protection professional or small organisation. This will be an opportunity for them to understand how the tools are working in practice and to listen to your feedback.

These online workshops will take place on 14, 16 and 21 March 2023.

See: [Snap Surveys \(welcomesyourfeedback.net\)](#)

## Fishing fund gears up to help industry go green

The UK fishing industry is to benefit from an initial £2 million investment to trial new, greener engines and help create a safer, more sustainable fishing fleet as the latest round of the £100m UK Seafood Fund opens.

Older vessel engines are some of the industry's biggest polluters and, according to a [report](#) by MARFISH, over half of the boats across the UK fishing fleet are now more than 30 years old, meaning that the annual energy use of the fleet is equivalent to that of 110,000 homes.

From today, vessels in the small-scale coastal fleet can bid for up to £40,000 to trial hybrid and electric engines, and up to £20,000 to fund replacement petrol and diesel engines that are more environmentally friendly.

As well as supporting the fishing industry to deal with rising fuel costs, the trial aims to gather new data and evidence to help reduce greenhouse gas emissions, improve efficiency and reliability, and help the fishing industry to reach net zero.

See: [Fishing fund gears up to help industry go green - GOV.UK \(www.gov.uk\)](#)

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## UK sets out plans to regulate cryptoasset activities – Consultation announced

Plans to protect consumers and grow the economy by regulating cryptoasset activities have been announced by the UK government.

Cryptoassets – commonly known as ‘crypto’ – are a relatively new, diverse, and constantly evolving class of assets that have a range of potential benefits, as well as posing risks to the consumer.

As is common in emerging technology markets, the crypto sector continues to experience high levels of volatility and a number of recent failures have exposed the structural vulnerability of some business models in the sector.

Under plans set out by the government last week, it will seek to regulate a broad suite of cryptoasset activities, consistent with its approach to traditional finance.

These proposals will place responsibility on crypto trading venues for defining the detailed content requirements for admission and disclosure documents – ensuring crypto exchanges have fair and robust standards.

The proposals will also strengthen the rules around financial intermediaries and custodians – which have responsibility for facilitating transactions and safely storing customer assets.

In addition, to address industry concerns about the small number of Financial Conduct Authority (FCA) authorised cryptoasset firms who can issue their own promotions, HM Treasury is also introducing a time limited exemption. Cryptoasset businesses that are registered with the FCA for anti-money laundering purposes will be allowed to issue their own promotions, while the broader cryptoasset regulatory regime is being introduced.

This approach delivers on the original policy intention of the measure to promote innovation, enhance consumer protection and ensure that cryptoasset promotions can be held to equivalent standards as promotions of financial services products with similar risk profiles.

The government’s approach to regulation mitigates the most significant risks, while harnessing the advantages of crypto technologies. They state that this enables a new and exciting sector to safely flourish and grow, boosting jobs and investment.

See: [UK sets out plans to regulate crypto and protect consumers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/uk-sets-out-plans-to-regulate-crypto-and-protect-consumers)

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## Pensions: Value for Money Consultation

The UK Minister for Pensions Laura Trott has announced a shake-up of private pensions to create fairer, more predictable, and better-run pensions.

Measures include consultation on new Value for Money framework, defined contribution scheme charge cap reforms, further work on small pots, and extension of Collective Defined Contribution (CDC) pension schemes. These plans will help address the pension inequality gap which has risen since the decline of Defined Benefit (DB) and the emergence of Defined Contributions (DC).

This consultation seeks views on policy proposals to require trustees and managers of DC relevant occupational pension schemes and the providers and Independent Governance Committees (IGCs) of workplace personal pension schemes to disclose, assess and compare the value for money their workplace pension scheme provides.

This policy seeks to improve retirement outcomes for millions of defined contribution pension savers. By promoting a focus on transparency, competition, and innovation, these proposals aim to ensure that savers are receiving optimum value for money and that investments by trustees and providers are in the best interests of savers.

This consultation is aimed at:

- DC pension scheme trustees and managers
- Independent Governance Committees (IGCs) of workplace personal pension schemes
- Providers of workplace personal pension schemes
- DC pension scheme savers and beneficiaries
- pension scheme service providers, other industry bodies and professionals
- employers
- civil society organisations
- consumer organisations / representatives with an interest in pensions capability / financial capability
- pensions administrators
- any other interested stakeholders.

The consultation seeks to gather views and evidence on the metrics, standards and public disclosure of data required under the proposed Value for Money (VFM)

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framework and the proposed use of this data in comparisons and assessments of VFM.

This consultation applies to Great Britain (England, Scotland and Wales). Occupational pensions are a devolved matter for Northern Ireland, and it is envisaged that Northern Ireland will make corresponding provisions.

The consultation period began on 30 January 2023 and runs until 27 March 2023.

See: [Value for Money: A framework on metrics, standards, and disclosures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/value-for-money-a-framework-on-metrics-standards-and-disclosures)

## Sustainable Farming Incentive roll-out

The Secretary of State for Environment, Food and Rural Affairs has set out detailed plans for the nation's farming sector, "supporting farmers to be profitable and resilient as they produce food sustainably while protecting nature and enhancing the environment".

The accelerated roll out of the Sustainable Farming Incentive - a key part of the Government's Environmental Land Management schemes - will provide farmers with a diverse range of paid actions to manage hedgerows for wildlife, plant nectar-rich wildflowers and manage crop pests without the use of insecticides.

These incentives are designed to make food production more resilient and efficient over the longer term whilst contributing towards the UK's environmental goals on carbon, biodiversity, water quality and net zero.

Six additional standards will be added to the Sustainable Farming Incentive this year, meaning farmers can receive payment for actions on hedgerows, grassland, arable and horticultural land, pest management and nutrient management. They build on the three existing standards to improve soil health and moorlands introduced in 2022 – which nearly 1,900 farmers already have in agreements.

The Government has also detailed what farmers will be paid to deliver through an enhanced version of the Countryside Stewardship scheme, which will see around 30 additional actions available to farmers by the end of 2024. The expansion builds on the more than 250 actions farmers can take at present with the scheme seeing a 94% increase in uptake since 2020 and is now part of thousands of farm businesses. The next round of Countryside Stewardship Higher-Tier will open in February, with Mid-Tier following in March.

Countryside Stewardship Plus will reward farmers for taking coordinated action, working with neighbouring farms and landowners to support climate and nature aims. It will deliver the same high environmental ambition previously planned for Local

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Nature Recovery, including managing floodplain meadows to reduce flood risk and improve biodiversity, restoring and maintaining peatland for carbon capture and storage, and enhancing and managing woodland to mitigate against drought and enhance its resilience to climate change.

Following high demand last year, the Department for Environment, Food and Rural Affairs (Defra) has confirmed it will open applications for the second round of the Landscape Recovery scheme in the spring to support ambitious large-scale nature recovery projects, focusing on net zero, protected sites and habitat creation. This could include projects creating and enhancing woodlands, peatland, nature reserves and protected sites such as ancient woodlands, wetlands and salt marshes.

The Government says that the sustainable farming Incentive has been made as straightforward as possible to apply online for with farmers giving positive feedback over the simplicity and speed of the application.

See: [Thérèse Coffey: Farmers central to food production and environmental action - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/therese-coffey-farmers-central-to-food-production-and-environmental-action)

## **Six weeks for developers to sign contract to fix unsafe buildings**

Developers have received legally binding contracts that will commit them to pay to repair unsafe buildings. The government has set a six-week deadline for developers to sign the legal agreements and is warning that companies who fail to sign and comply with the terms of the contract will face significant consequences.

Legislation will be brought forward in the spring, giving the Secretary of State powers to prevent developers from operating freely in the housing market if they fail to sign and comply with the remediation contract.

The contract, which has been drawn up by the Department for Levelling Up, Housing and Communities, will protect thousands of leaseholders living in hundreds of buildings across England. These innocent households would otherwise face costly repairs for serious safety defects, including non-cladding related issues.

Under the contract, developers will commit an estimated £2 billion or more for repairs to buildings they developed or refurbished over the past 30 years. This means that together with the Building Safety Levy, industry is directly paying an estimated £5 billion to make their buildings safe.

The contract also requires developers to reimburse taxpayers where public money has been used to fix unsafe buildings.

See: <https://www.gov.uk/government/news/six-weeks-for-developers-to-sign-contract-to-fix-unsafe-buildings>

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## Business Charity Awards 2023

The Business Charity Awards provide the perfect platform to reflect on your efforts, share best practice and reward your achievements within the community.

The Awards recognise the outstanding contribution made by UK businesses to good causes. The awards not only recognise the role that individuals, teams and entire companies play in supporting charitable activity both at home and abroad, but also help to educate the wider business community about the best ways to support good causes.

Charities may enter on behalf of their corporate partners and joint entries from companies and their corporate foundations will also be accepted for their work with charity partners.

The awards are open to companies of all sizes and across all industries.

The deadline for entries 23 February 2023.

See: [Home - Business Charity Awards](#)

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