

CJRS (furlough) further guidance

The Government has recently published further guidance on the extended CJRS scheme (Furlough).

Whilst most of the information was already known it should be noted that the Government is reviewing whether employers should be able to claim under the CJRS for employees serving contractual or statutory notice periods and may change the approach for claim periods starting on or after 1st December 2020. It says that further guidance will be published in late November. This will be of concern to employers and will leave uncertainty on the matter until late November when the further guidance is promised (and as we know it is sometimes late)! If the guidance does change in this area as indicated, then some employers might gamble that they will be better off dismissing employees and giving notice well before 1st December.

It has clarified that employers can claim for employees who were employed on 30th October 2020 as long as there has been an HMRC RTI submission between 20th March 2020 and 30th October 2020, unless they re-employed an employee who was made redundant or stopped working for the employer on or after 23rd September 2020.

As previously covered in guidance, it gives detail on the form of written agreement and the need to keep that written record for 5 years. Note that agreements need to be in place by this Friday, the 13th November if you want to retrospectively furlough someone from 1st November 2020.

There is further confirmation that employees can be furloughed any amount of time and any work pattern.

There is clarification on returning from maternity leave. The Government are now suggesting that employees need to give the normal 8 weeks' notice to return before they can be furloughed.

We recommend you read the full guidance, but of particular note in terms of clarifications or changes, which can be seen at;

<https://www.gov.uk/guidance/claim-for-wage-costs-through-the-coronavirus-job-retention-scheme>

Don't forget, this advice is general in nature and will need to be tailored to any one particular situation. As an RMI member you have access to the RMI Legal advice line, as well as a number of industry experts for your assistance. Should you find yourself in the situation above, contact us at any stage for advice and assistance as appropriate.