HM Revenue & Customs

Employer Bulletin

Your route to the latest in payroll news

June 2020 Issue 84

Welcome

Hello and welcome to the June edition of the Employer Bulletin

This edition brings you all of the latest HMRC updates to support employers and payroll agents through the Coronavirus pandemic. There's the very latest information on the Job Retention Scheme and Statutory Sick Pay Rebate Scheme.

There's guidance on how best to support your employees through this challenging period covering the impacts of COVID-19. This includes late filing and payment penalties, treatment of certain expenses and benefits provided to employees, new changes for maternity and parental pay regarding the calculation of Average Weekly Earnings for furloughed employees, and more.

The Bulletin also contains other key messages which may be of interest to you, including an update on claiming Employment Allowance, withdrawal of P45 and P60 stationery, and a reminder for reporting Expenses and Benefits in Kind, where we advise avoiding delay by using our online services to contact or send us information.

HMRC's COVID-19 YouTube playlist is where you'll find details of all our live and recorded webinars in relation to COVID-19 announcements, and make sure you are kept up to date with changes by signing up to receive our email alerts. You can also follow us on twitter @HMRC.gov.uk.

Another useful source of information is the Agent Update, the latest edition has just been released and provides updates for tax agents and advisers.

HMRC is committed to helping businesses in these challenging times. Now more than ever, our aim is to deliver clear, consistent and timely information which is appropriate for employers and helps you to meet your payroll obligations to HMRC. So, if you have any comments or suggestions about any of the content of the Employer Bulletin or would like to see a specific topic covered, please drop me a line at scott.milne@hmrc.gov.uk . Your feedback as always is most welcome.

Many thanks

Scott

Scott Milne
Editor

Content

Coronavirus Job Retention Scheme

Detailed guidance to help employers prepare for changes to the Coronavirus Job Retention Scheme (CJRS) from 1 July is now live on GOV.UK.

What employers need to do now

- Read the guidance to see how changes to the scheme impact you, using the calculator to understand how much you'll be able to claim
- Book a webinar if you'd like more support
- Consider which employees you want to keep on full-time furlough and which employees will come back to work and on what hours. You will need to agree these arrangements with your employees in advance.

We'd be grateful if you don't call us for more information. All details are on GOV.UK and our webinars. This will leave our phone lines open for those who need them most.

What employers need to do from July

- Start your flexible furloughing of employees **from 1 July** onwards. The hours and shift patterns employees work can be decided by you to suit the needs of your business. Employers will pay the wages for the time employees are in work and can apply for a job retention scheme grant to cover any of the usual hours the employee is still furloughed for. Employees can still be kept on full furlough if needed
- Claim for periods ending on or before 30 June, **by 31 July –** this is the last date employers can make those claims
- Claim for periods **starting on or after 1 July** (employers cannot claim for periods in July before this point).

We encourage all employers to stay vigilant about scams, which may mimic government messages as a way of appearing authentic and unthreatening. Go to GOV.UK for information on how to recognise genuine HMRC contact.

Coronavirus (COVID-19) - late filing and payment penalties

HMRC is supporting taxpayers during the Coronavirus (COVID-19) pandemic by providing the option to defer Value Added Tax payments between the period 30 March to 30 June 2020 and the July 2020 income tax self assessment payment on account. Further details on this scheme and the specific conditions that apply are at www.gov.uk.

It is important that the tax system continues to function so it can fund vital public services such as the NHS. Customers should continue to pay and file on time, and we are grateful for those individuals and businesses that are able to do this. However, HMRC understands that some individuals and businesses will find it difficult to meet deadlines. For example, they may not have access to their business premises or be able to provide the necessary paperwork.

We will now accept the impacts of COVID-19 as 'reasonable excuse' for people who are late filing their returns or paying their tax and the relevant penalties will be cancelled, provided the customer has managed to file or pay as soon as they were able to.

Customers normally have 30 days to appeal, or ask us for a review, but we know it may not currently be possible for businesses to do this, which is why we are giving people an additional 3 months to do this if they need to. You can read more about this on GOV.UK.

If an individual cannot pay their tax because of COVID-19, we may be able to agree 'time to pay' arrangements with them. We agree these on a case-by-case basis and tailor them to meet people's individual circumstances. We've set up a dedicated helpline for dealing with time to pay arrangements. If you or your clients need help or want to talk about available options, please phone us on **0800 024 1222**.

Coronavirus Statutory Sick Pay Rebate Scheme

The Government's new Coronavirus Statutory Sick Pay Rebate Scheme was launched online on 26 May 2020.

The Scheme will enable small and medium-sized employers with fewer than 250 employees to apply to HMRC to recover the costs of paying Coronavirus-related Statutory Sick Pay. Tax agents will also be able to make claims on behalf of employers.

HMRC has published online guidance which includes information about who can use the scheme and the records employers must keep. To find out more please visit GOV.UK.

Coronavirus (COVID-19) – treatment of certain expenses and benefits provided to employees

If you are providing taxable expenses and benefits to your employees during the COVID-19 pandemic, please note that HMRC has published guidance on the tax treatment of certain benefits and expenses. The guidance can be found on GOV.UK.

Coronavirus (COVID-19) – are you due a repayment

The quickest and most secure way to receive your repayment is by transfer directly into your bank account. Make sure you enter your bank details on your Employer Payment Summary (EPS). If your software does not include bank details section please see our guidance pages for alternative contact information.

Please go to GOV.UK for more information.

New guidance for employers from the Pensions Regulator: what you need to know

Whether you offer your staff a defined benefit (DB) or a defined contribution (DC) pension scheme, go to The Pensions Regulator's (TPR) COVID-19 hub, where you'll find all its guidance for employers in one place.

Automatic enrolment

Your automatic enrolment and re-enrolment duties still apply as normal, whether your staff are still working or are being furloughed as part of the Coronavirus Job Retention Scheme. You also need to keep paying the correct contributions. Since last month's update, TPR has added guidance on how the changes to the CJRS affect pension contributions, how to calculate contributions for part-time furloughed workers and technical guidance for larger employers and their advisers (e.g. salary sacrifice arrangements). You can also find out what to do if you're struggling to pay your pension contributions.

Employers with DB pension schemes

If you offer your staff a DB pension scheme read TPR's latest guidance, which includes information on how to work with the scheme's trustees if you need to temporarily reduce scheme deficit repair contributions You can also find the recently-published Annual Funding Statement which sets out how you should approach your next scheme valuation.

Maternity and other parental pay: changes made to the calculation of Average Weekly Earnings for furloughed employees

If your employee was on furlough and you paid them with help from the Coronavirus Job Retention Scheme (CJRS) during any part of the relevant 8-week period, there are slightly different rules about how you calculate their Average Weekly Earnings (AWE) if they are due to start a period of family-related statutory pay on or after 25 April 2020.

This is to ensure your employee's:

- eligibility for Statutory Maternity Pay, Statutory Adoption Pay, Statutory Paternity Pay, Statutory Shared Parental Pay, or Statutory Parental Bereavement Pay; and
- earnings-related rate of Statutory Maternity Pay or Statutory Adoption Pay

are not affected if their earnings are lower than normal as a result of being furloughed.

These different rules will only apply where the employee's period of family-related statutory pay **begins on or after 25 April 2020**.

If your employee was on furlough for part or all of the relevant 8-week period, the earnings used to calculate AWE for that period will be the higher of:

a) What they actually receive from their employer; or

b) What they would have received from their employer had they not been on furlough

Where it is not clear what the employee would have received had they not been on furlough, a helpful starting point is likely to be the reference salary which is used to determine how much you claim through the CJRS. However, you should also consider any bonus payments, commission payments, or other payments which would have qualified as earnings and which the employee was due to receive in the relevant period.

If you are claiming your employee's wage costs (the lower of 80% of their reference salary or £2500 per month) through the CJRS but you are topping up their wages to full pay at your own cost, no change will be required as the employee's earnings will not be lower than they would have been had the employee not been on furlough.

Similarly, no change will be required where, as a result of the coronavirus crisis, you and your employee agreed a reduction in their pay during the relevant period outside of the Government's CJRS.

HMRC's Basic PAYE Tools

Basic PAYE Tools (BPT) has been updated to version 20.2 to include further guidance on Statutory Payments in the 'Calculators' section.

To update or check for updates you should select "Check now" in the update section of 'Settings' in the top right-hand corner of the tool. New customers can download BPT from GOV.UK.

Coronavirus (COVID-19) - tax treatment of reimbursed expenses for home office equipment

To support businesses and their employees who are working at home due to Coronavirus (COVID-19), the government has introduced a temporary new exemption so no income tax or NICs liabilities will be due on reimbursed expenses for the purchase of home office equipment. HMRC will use its discretion to ensure the exemption applies from 16 March 2020 until 5 April 2021.

The exemption will apply to reimbursements of expenses to employees where you instruct or allow them to purchase their own home office equipment where they are working at home due to Coronavirus (COVID-19). This will make it easier for your employees to remain productive while working at home without incurring a liability to income and NICs.

More information is available on GOV.UK.

Coronavirus (COVID-19) – financial scams and cyber security

Cyber fraud and security for businesses

Criminals are taking advantage of Coronavirus and the package of measures to support people and businesses announced by the Government. They text, email or phone businesses offering spurious financial support or tax refunds. These try to get financial and personal information or attempt to infiltrate computer systems to steal data or demand ransom.

HMRC has detected more than 95 Covid-related financial scams since March, most by text message. We have asked Internet Service Providers to take down more than 100 web pages associated with these frauds.

HMRC's advice to businesses:

Stop: If you receive a request to make an urgent payment, change supplier bank details, or provide financial information, take a moment to stop and think.

Challenge: Could it be fake? Verify all payments and supplier details directly with the company on a known phone number or in person first.

Check GOV.UK for information on how to recognise genuine HMRC contact and how to avoid and report scams.

If you think you have received an HMRC-related phishing/bogus email or text message, you can check it against examples published on GOV.UK.

Protect: Contact your business' bank immediately if you think you've been defrauded and report it to Action Fraud.

Use the latest software, apps and operating systems on your phone, tablet or laptop. Update these regularly or set your devices to automatically update.

Forward suspicious emails claiming to be from HMRC to phishing@hmrc.gov.uk and texts to **60599**.

Remote working

Huge numbers of people working from home presents an opportunity for criminals to commit computer software service fraud, among other cyber crimes.

As IT systems are under increased pressure, and working more slowly, such offers of help gain credibility.

Practical steps

There are a number of practical steps businesses can take to reduce the risk to staff devices:

- Support people to use stronger passwords and set up two factor authentication
- Ensure staff know how to report problems, especially those related to security
- Create 'How do I' guides for new software and tools
- Use VPNs to allow users to securely access the organisation's IT services
- Ensure devices encrypt data while at rest.

Data theft and malware

Criminals also try to gain access to business devices or networks by:

- Sending emails with malicious attachments
- Exploiting vulnerabilities in operating systems if they are not up-to-date
- Trying to get people to click links or visit malicious websites.

Once they have access to a business' device, they might install malware or malicious software. This might lock the computer, or the data on it might be stolen, deleted or encrypted until a ransom is paid.

The National Cyber Security (NCSC) website offers information on steps businesses can take to protect device and operating systems and help educate employees.

Support and information:

- Read the NCSC's Small Business Guide: Cyber Security for more advice on how to keep your business secure on
- Some organisations allow staff to use their own devices to work remotely. The NCSC has published Bring Your Own Device (BYOD) guidance
- The NCSC's working from home guidance
- The Global Cyber Alliance has created a Work From Home Community Forum support group where experts answer questions about security issues related to working from home.

Taxable benefit charge - returning office equipment

Employer provided equipment

If you have supplied your employees with office equipment to allow them to work from home, without a transfer of ownership, there is no tax charge when they return the equipment back to you. If you transfer the ownership of the equipment to the employee at any stage of their employment, a benefit charge arises on the market value of the equipment at the time of the transfer less any amount made good by the employee.

Employer reimbursed equipment

If your employee has agreed to purchase their own home office equipment for use whilst working at home as a result of COVID-19 and you reimburse the exact expense, unless you have specified to your employee that they must transfer ownership to you, the ownership of the equipment rests with your employee. There is no benefit charge on the reimbursement. There is also no benefit charge if you allow your employee to keep the equipment as it is something that they already own.

For more information on which expenses are taxable if your employee works from home, please see here.

Holiday Pay and Entitlement: Changes to carrying forward Annual Leave

An update from the Department for Business, Energy and Industrial Strategy:

The Government has passed emergency legislation to relax the restrictions on carrying leave between leave years during the coronavirus pandemic. Almost all workers, including zero-hour contracted workers and workers who are on irregular hours contracts, are entitled to 5.6 weeks of statutory holiday. This statutory entitlement is split into 4 weeks under regulation 13 and 1.6 weeks under regulation 13A of the Working Time Regulations 1998. Any holiday above this amount is known as “contractual” leave and is not in scope of legislation.

From 26 March 2020, where it has not been reasonably practicable for a worker to take some or all of the 4 weeks’ holiday due to the effects of Coronavirus, the untaken amount may be carried forward into the following two leave years. This applies to all sectors and workers where it is not reasonably practicable for the worker to take annual leave as a result of Coronavirus. However, it does not apply if workers are still able to take leave; in these circumstances, you still need to facilitate leave being taken in the leave year to which it relates as normal.

Examples of where it may not be reasonable to take holiday include:

- Where the business has faced a significant increase in demand due to Coronavirus that would reasonably require the worker to continue to be at work and cannot be met through alternative practical measures
- The health of the worker and how soon they need to take a period of rest and relaxation
- The length of time remaining in the worker’s leave year, to enable the worker to take holiday at a later date within the leave year
- The ability of the remainder of the available workforce to provide cover for the worker going on leave.

You should continue to do everything reasonably practicable to ensure that the worker is able to take as much of their leave as possible to prevent your workforce burning out.

Where leave is carried forward, it is best practice to give workers the opportunity to take holiday at the earliest practicable opportunity. You should engage with your workforce and ensure they are aware that they may have to carry holiday forward.

Where workers carry holiday into future leave years, they will continue to accrue holiday in the new leave year. You should manage the separate entitlements, and keep your workers informed of how much holiday they have in each leave year, and how much has been carried forward.

Carried leave is subject to further protections. If a worker asks to take carried holiday, you will need to provide a good reason to refuse their request. You must also make sure that your workers take their carried holiday before it expires at the end of the two leave years, as well as taking any holiday accrued in that time. For further information, see GOV.UK or contact ACAS.

Reminder for reporting Expenses and Benefits for the tax year ending 5 April 2020

Our last bulletin told you the deadline for reporting any Expenses and Benefits is **6 July 2020**.

You need to do this for each employee you've provided with expenses or benefits.

HMRC needs employers to report online wherever they can, due to the current situation with Coronavirus (COVID-19).

If you still need to make a report, you can avoid delay by using the following quick and easy methods:

- commercial payroll software
- HMRC's PAYE Online service (now improved, to cater for employers with up to circa 500 employees)
- HMRC's Online End of Year Expenses and Benefits service.

If you cannot use any of the above use our official forms P11D and P11D(b).

You'll also need to complete form:

- P11D(b), if you have Class 1A National Insurance contribution liability, because you've payrolled your expenses and benefits
- P11D to declare any non payrolled expenses or benefits.

If your report is late, your employees could end up paying the wrong tax and be out of pocket.

If we've asked you to submit a form P11D(b) and you didn't provide any employee expenses or benefits – complete this declaration.

You can find more information on Reporting Expenses and Benefits on GOV.UK.

Paying HMRC

Paying Class 1A National Insurance contributions (NICs)

Electronic payment for Class 1A NICs declared on your P11D(b) return for the tax year ended 5 April 2020 must clear into the HMRC account by **22 July 2020**.

Use the right payment reference when paying Class 1A NICs

Help ensure your payment is correctly allocated by providing the correct payment reference when making your payment.

Use your 13-character Accounts Office reference followed by the numbers 2013.

Adding 2013 is important because 20 tells us the payment is for the tax year ended 5 April 2020, and 13 lets us know the payment is for Class 1A NICs. The reference should have no gaps between the characters.

- Log in to your HM Revenue and Customs (HMRC) online account to make a single Direct Debit payment
- Go to Pay employers' Class 1A National Insurance – GOV.UK and click the green 'Pay Now' button to select one of 3 secure payment methods or for more information on how to pay your Class 1A National Insurance Contributions.

Do you operate under any Short-Term Business Visitors special arrangement?

This update applies only to employers who operated under the previous PAYE special arrangement (prior to the 2020-2021 tax year).

A deadline date of 13 July 2020 has now been set for employers to provide HMRC with their decision to apply/move onto the new Appendix 8 special arrangement or cease operating under any STBV special arrangement.

You can now respond to us via 2 methods:

1. By post – Follow the instructions on the invitational letters we have sent you
2. By email – Provide a digitally signed copy of the application form found within PAYE81950 or letter we issued you, to the STBV Appendix 8 Referrals (CS&TD) mailbox.

If we have not received your application by the deadline date, you will need to cease your arrangement and are not permitted to use your previous arrangement after 2019-2020. If you then wish to use Appendix 8, you will have to reapply as a new customer.

Please return your completed application form as soon as possible.

For further information on Short Term Business Visitors please visit PAYE81950.

Do you have employees who are on short-term business visits to the UK?

If you have employees on short-term business visits to the UK, the CWG2, Employer Further Guide to PAYE and NICs, advises that it may be possible to relax some PAYE requirements. This arrangement provides that PAYE can be disregarded in certain circumstances.

Further guidance can be found at PAYE82000.

Due to the recent Coronavirus (COVID-19) outbreak, we recognise most customers and agents may either be in self-isolation or working from home, meaning access to usual resources may be limited. We have therefore reassessed our position and the deadline to return the end of year report for employees on short term business visits to the UK has been extended from 31 May 2020 to 31 July 2020.

Withdrawal of P45 and P60 bulk stationery

In March, we announced that we'd withdraw the facility for employers to order blank P45s and P60s.

The vast majority of employers already produce their own P45s and P60s, using free or commercial software. Just 3% of employers ordered blank forms from us last year, and we'll write to them with details on how to produce their own.

The change will come into effect on 1 August 2020 – later than planned, to give affected employers extra time to prepare in the current circumstances.

Employers who are exempt from reporting their payroll online will not be affected by the change. They should continue ordering stationery by phoning the HMRC Order Line.

Find out more

A full list of approved payroll software can be found by searching 'find payroll software' on GOV.UK. These include free software for businesses with fewer than 10 employees.

Updates to the online disguised remuneration Loan Charge form

If any of your current or former employees have outstanding disguised remuneration loans that are subject to the Loan Charge, they must report the details of their loans by 30 September 2020. Details can be provided using the online form on GOV.UK.

The disguised remuneration loan charge form has now been updated so that an election can be made to spread outstanding disguised remuneration loan balances evenly across 3 years. The 3 tax years that loans will be spread across are 2018-2019, 2019-2020 and 2020-2021.

The deadline to make an election to spread outstanding disguised remuneration loan balances is 30 September 2020.

Anyone who needs a paper copy of the form can call **03000 599110**.

Further help and support

Anyone subject to the loan charge who thinks they may have difficulties paying what they owe, should contact HMRC. We want to help people by considering their individual circumstances and working with them to agree an affordable payment plan.

Those with concerns can call HMRC on **03000 599110** or email ca.loancharge@hmrc.gov.uk

Employment Allowance claims for 2020-2021 tax year

Before claiming Employment Allowance

- Employers should continue to assess their own eligibility for Employment Allowance (EA) **before** claiming, There are some extra considerations required from 2020-2021 – more information can be found on GOV.UK
- Only claim EA if you are eligible. By making the claim you are declaring you have checked the criteria and are eligible; HMRC will not contact you to confirm this
- Remember to include your business sector on your Employment Payment Summary (EPS) – information on this can be found here.

After you've claimed

- You can use your EA against employer Class 1 National Insurance liability straight away, this process has not changed
- If your business is undertaking economic activity, **and** you provided a business sector on your EPS, a letter will be issued to advise EA has been given as de minimis state aid; this is usually within 6 weeks of your EA claim, but may take longer. You don't need to wait for this letter to start to use your EA, but you may need it if you apply for any other de minimis state aid
- You can see details of EA in your Business Tax account – PAYE statement.

Payroll software updates

From 6 April 2020, organisations may notice some additional functionality in their payroll software – the 'off-payroll worker subject to the rules' indicator in PAYE RTI.

This indicator is only to be used by public sector organisations, or agencies, for contractors working through their own limited company or other type of intermediary and providing services to public sector clients who are subject to the off-payroll working rules (IR35). From 11 May it is mandatory for this indicator to be used in these circumstances and there are no other reasons to use this marker.

For the year 2020-2021, this indicator is not to be used by private or voluntary sector organisations, by agencies for contractors working outside of the public sector or by contractors and their own limited companies. The off-payroll working rules will change for the private and voluntary sector from 6 April 2021.

If you have used this indicator incorrectly, please make sure this is corrected urgently on a corrective Full Payment Submission for the relevant period.

The UK's new immigration system

From 1 January 2021, free movement within the EU will end and the UK will introduce a points-based immigration system. The new system will treat EU and non-EU citizens equally and it will transform the way in which all migrants come to the UK to work.

The Government understands this is a very challenging time for businesses; the coronavirus pandemic is the biggest crisis we have faced in our lifetime. As the economic recovery gathers pace, the new points-based system is a vital part of the Government's wider plan to rebuild the economy and drive the whole country forward.

We know this will mean changes for businesses. That is why the Government is providing certainty on the new system now and continuing to work extensively with businesses to understand your needs. A guide for employers on the new system has already been published and further support will be provided throughout the year.

Preparing for the new system

From 1 January 2021, anyone coming to the UK to work will need to have a job offer from an approved employer sponsor. The job must be at the required skill and salary level, and the individual must speak English.

Employers who want to recruit workers from outside the UK's resident labour market from 1 January 2021 will need to become an approved sponsor. You can apply online and the standard processing time for an application is usually 8 weeks.

For further information, you can register to receive updates on the new immigration system as it becomes available.

HMRC Charter consultation - deadline extension

The deadline for responses to the consultation on HMRC's Charter has been extended by three months until 15 August.

We recognise that many of you have been affected by the Coronavirus (COVID-19) and you may need more time to respond.

More information on the proposed HMRC Charter and the consultation can be found on GOV.UK.

The HMRC Charter sets out the standards of behaviour and values that HMRC aspires to when dealing with customers. It says what you can expect from HMRC and how we will work with you to get your tax right.

We are grateful for the feedback we have received so far. If you haven't provided your views and want to respond, then please email your comments to HMRC.Charter@hmrc.gov.uk

We look forward to hearing from you.

Toolkits - helping to reduce errors

Accurate record keeping will help to ensure that the correct data can be sent to HMRC by the due dates and reduce delays in payments.

You may wish to download the recently updated National Insurance Contributions & Statutory Payments toolkit. The toolkit contains comprehensive sections that address areas such as Class 1 NICs and statutory payments.

The Expenses and benefits from employment toolkit has also been updated for 2020 and provides further support for employers. The toolkit contains sections about, vehicles, travel, subsistence and entertainment, personal bills, the use or transfer of assets and optional remuneration arrangements.

The toolkits are designed to help agents and advisers, but you'll find them useful too.

Spotlight 55

HMRC has published Spotlight 55 to warn people about comparison and broker websites that are promoting tax avoidance schemes through non-compliant umbrella companies. HMRC advises anyone thinking of using an umbrella company to do some research before signing up.

If you know anyone who has been advised to use these types of tax avoidance arrangements, you may want to direct them towards this Spotlight for more information.

Deferring Self Assessment payments on account

If you make Self Assessment payments on account and are due to make a payment in July 2020, then you have the option to defer payment until January 2021.

If you are in financial difficulty as a result of COVID-19 and you chose to defer, then you simply don't pay the amount due in July. There isn't an application process – if we don't receive your payment we will automatically treat it as a deferral.

You should remember to cancel any direct debit payments you've set up so you don't pay us accidentally.

We will not charge interest or penalties on deferred payments, provided it is paid in full by 31 January 2021.

If you are in financial difficulty due to COVID-19 then you have the option to pay the deferred amount:

- as one payment between July and 31 January 2021; or
- by instalments.

You can find out more about the deferral, as well as information on paying in instalments or making a full payment in our new guidance on Self Assessment deferral on GOV.UK.