

Minutes

Statutory Payment Consultation Group

Date

Thursday 9 January 2020

Venue

1, Victoria Street, London

Time

11:00am

Attendees

Geoff Keighley	HMRC	Ian Holloway	BCS
Lisa Storey	HMRC	Kate Upcraft	ICAEW
Dave Baker	HMRC	Jill Smith	CIPP
Rebecca Lawther	DWP	Simon Parsons	IREen
Wendy Corbin	DWP	Richard George	The Payroll Centre
Debbi Jackson	BEIS	Matthew Brown	CIOT

Apologies

Lucy Birt	BEIS
Sidonie Edey	DWP
Melanie Pizzey	Global Payroll Association
Emelia Quist	FSB

1 Welcome/Apologies/Minutes

GK opened the meeting and thanked everyone for attending.

Minutes from the previous meeting held were accepted as being a true record of events. GK went through the ongoing action points

SPBP regulations/guidance - DJ advised she would cover the regulations and guidance in her update

SPBP forms - DJ advised that all forms available for other parental payments were in the process of being drafted for SPBP. LS advised there was a new format for all forms being published by HMRC so there may be some variation but the content would be the same.

SPBP equivalent benefit - DJ advised she had consulted DWP and there would be no equivalent benefit for SPBP

2 Statutory Parental Bereavement Pay

DJ updated the group on timing of the Parental Bereavement Leave and Pay Regulations.

- The Department has bid for a laying date of 22nd January to lay legislation to implement the main provisions of the policy *[this date was confirmed following the*

meeting]. Subject to Parliamentary agreement, all legislation relating to Parental Bereavement Leave and Pay will come into force on 6th April 2020.

- The regulations were still undergoing internal quality assurance at the time of the meeting, which DJ explained was why draft regulations could not be shared with the group.
- Owing to the General Election and purdah, and the process of understanding the priorities of a new Government, we were not able to publish guidance as early as we had hoped. We will bring forward guidance in due course.
- Specific guidance for software developers was issued in October 2019. BEIS provided responses to questions asked by members of the SPCG at the time, although many of these points were not relevant to the software developer guidance. BEIS will address these points in the mainstream guidance. LS said she would contact the Software Developer Team within HMRC and ask if a copy of the latest SDS guidance can be shared to help prepare employers – A/P

DJ gave an overview of the entitlement and key features of the Policy, including:

Definition of a ‘bereaved parent’

- This will capture a broad range of ‘parents’, including adoptive parents, parents of a child born to a surrogate, parents who are fostering to adopt, as well as individuals who have been caring for the child in their own home, continuously for a period of 4 weeks ending with the date of death, with responsibility for the child’s care during that time.

Notice and evidence requirements:

Parental Bereavement Leave

- An employee will not need to provide written notice for Parental Bereavement Leave. The length of notice for leave required will vary depending on whether the employee intends to take leave within the first 8 weeks following the death (Period A), or later (Period B).
 - For leave taken in Period A, the employee will need to notify their employer before they would be due to start work on the first day of absence
 - For leave taken in Period B, the employee will need to provide notice at least 1 week before the start of the leave period.

Statutory Parental Bereavement Pay (SPBP)

- An employee must provide written notice for SPBP within 28 days beginning with the first day of the pay period, stating the dates of the period(s) in relation to which SPBP is being claimed.
- At the same time, an employee must also provide in writing to the employer:
 - The specified information:
 - The employee’s name
 - The date of the child’s death
 - A declaration that the person meets the conditions of eligibility
- Unlike leave, the length of notice required for SPBP does not vary depending on when the entitlement is taken.

RG asked for clarification around the notice period for pay and after further discussion DJ agreed to take an action point to seek further clarity – A/P

<p>3</p>	<p>SSP Reform</p> <p>RL advised she wished to thank the group for their support during the consultation “Health is everyone’s business: proposals to reduce ill health-related job loss”. We received a great response, with over 750 responses from the business sector, charities, health organisations and the public.</p> <p>She went on to say they are now very much in the understanding and analysing phase and look forward to continuing to work with you on this policy going forward.</p>
<p>4</p>	<p>Off Payroll reform</p> <p>LS provided some detail on how the reform would affect Statutory Payments.</p> <p>LS advised that payments received from the PSC/Intermediary would be ‘net’ as they would have been subject to the usual PAYE deductions via the end client. She went on to say that if a salary was then taken from any such payment, it would be reported via RTI as non-taxable earnings to avoid double taxation. If the worker had a SP entitlement, there would be guidance detailing how to ‘gross-up’ those earnings to determine the correct amount due.</p> <p>The group questioned this and said there was no box available to do this and nothing in the 2020/2021 data item guide. LS said she had information to suggest otherwise but would check and come back to the group asap. – A/P</p>
<p>6</p>	<p>AOB</p> <p>SP/NICs rates and thresholds</p> <p>The group asked if the rates were available yet, concerns were raised about the NICs thresholds, in particular, as they were essential in progressing the software development.</p> <p>LS advised she had been advised of the proposed LEL but nothing had been published yet and no information provided about the NICs rates and thresholds generally. WC also advised that she needed the information to confirm the Small Employer Rate. LS said she would make enquiries to ascertain any progress with regards this and get back to the group –A/P</p> <p>MB/IH asked if the SSP daily rate tables could be shared – LS said she would arrange to do this asap –A/P</p>

	<p>Alabaster and NMW</p> <p>KU asked if the Alabaster judgment meant the NMW increases would impact SP in that the new rates would have to be used to recalculate any entitlement. DB said it was an interesting question but he would have to take it away for full consideration before providing a response – A/P</p>
7	<p>Close</p> <p>GK thanked everyone for their contribution and attendance and closed the meeting.</p>