



# In the Pipeline

## Stay one step ahead

### **Government publishes its response to consultation on future of right to request time to train**

The Government has published its response to the recent consultation on the future of the statutory right to request time to train and has confirmed that the provisions will remain in force as they are for those employers employing 250 or more employees. However, the right to request time to train will not be extended to employees of businesses employing fewer than 250 staff for the foreseeable future. Instead, the Investors in People standard will be made more accessible for small and medium sized organisations to increase access and relevance to the specific needs of these businesses.

The provisions will be kept under review and a formal evaluation of the right to request time to train will now be undertaken, so that the merits of the Government's policy on this issue can be reviewed by April 2015 and a decision can be made on whether the right should then be extended to employees in small and medium organisations in April 2015, remain as now or be repealed.

### **Government sets out proposals for breaking the link between temporary and permanent migration**

The Government has recently consulted on further measures to reduce immigration to sustainable levels. Under the proposals, migrants coming to the UK to work on temporary visas will no longer be able to apply for settlement. With the current system, many workers are allowed to apply to stay in the UK permanently and the intention under the proposed reforms is to break the link between temporary and permanent migration. A small number of exceptional migrants will be able to stay permanently but for the majority, coming to work in the UK will not lead automatically to settlement in the UK.

The consultation, entitled 'employment-related settlement, Tier 5 and overseas domestic workers' and which closed on 9 September 2011, included the following key proposals:

- Re-branding Tier 2 (the skilled worker route) as temporary to end the assumption that settlement will automatically be available for Tier 2 migrants.
- Allowing certain categories of Tier 2 migrant, for example those earning over £150,000 or occupations of a specific economic or social value to the UK, to retain an automatic route to settlement.
- Creating a new category into which, after three years in the UK, the most exceptional Tier 2 migrants may switch and go on to apply for settlement.
- Allowing Tier 2 migrants who do not switch into a settlement route to stay for a maximum of five years with the expectation that they and any dependants will leave at the end of that time.
- Introducing an English language requirement for adult dependants of Tier 2 migrants applying to switch into a route to settlement.
- Restricting the maximum period of leave for Tier 5 Temporary Workers to 12 months.
- Closing or reforming routes for overseas domestic workers.

### **Legal aid to be removed for most employment claims in England and Wales**

The Government has confirmed, in the response to its recent consultation on the future of legal aid, that legal aid will be removed for most employment claims in England and Wales.

Although legal aid is not available for representation in employment tribunals in England and Wales, there is some 'legal help' currently available for advice prior to employment tribunal proceedings and legal aid is available for representation in Employment Appeal Tribunal (EAT) appeal hearings and for employment-related claims in the civil courts, for example claims for breach of contract in excess of £25,000.



The Government will remove legal aid for both advice and representation for all employment matters, except for legal help on discrimination claims prior to employment tribunal proceedings.

The proposals do not affect Scotland, where legal aid for employment tribunal claims is more widely available.

### **Proposals announced to slash red tape for apprenticeships**

The Government has announced a package of new measures to make it easier for employers to take on large numbers of apprentices. Under the proposals, businesses that contract directly with the Government to train apprentices will benefit from simplified payment, reporting and assessment requirements. They will also receive better guidance to help them manage the recruitment, training and assessment of apprentices more efficiently and cost effectively.

### **Key aspects of the action plan for cutting red tape for employers include:**

- A pilot for over 20 large employers who have volunteered to trial 'payment by outcomes' which will eliminate a number of data returns and audit requirements.
- Providing an online plain-English toolkit for an employer that clearly explains the end-to-end

processes employers need to undertake for apprenticeships.

- Streamlining contracting arrangements.
- A commitment to no 'in year' changes to contracting arrangements.
- A more proportionate approach to audit and inspection - reducing preparation time for employers.
- Greater use of electronic information, thus reducing paperwork.
- A more streamlined certification process.

Further measures to cut red tape for small and medium sized employers taking on apprentices will be unveiled this autumn as part of the Government's Plan for Growth.

The recommendations and actions arising from this announcement will be taken forward by the Skills Funding Agency and National Apprenticeship Service, working with Government Departments and other partners including employers and their representative bodies.

The Government is creating the biggest apprenticeship programme in the country's history, with funding in place for some 360,000 apprenticeships this year alone, and an increased emphasis on progression to advanced and higher level vocational qualifications as well as basic skills for employment. Apprenticeships are available for more than 200 job roles.