

Yesterday, the Prime Minister unveiled his much-anticipated Spring Response, the roadmap for lifting lockdown restrictions in England. The Devolved Administrations will set out separately how lockdown will be lifted in Scotland, Wales and Northern Ireland.

As expected, the roadmap (entitled '[Covid-19 Response – Spring 2021](#)') does not set out hard dates for re-opening businesses, etc., but instead sets out four key steps, being the earliest dates when relaxations may be possible based on meeting four tests, including the latest infection rates, vaccination levels, etc. Each step is at least five weeks apart to reflect the fact it takes around four weeks for the data to show the impact of the previous step and the government has committed to giving a week's notice to individuals and businesses before making further changes.

Due to the current relatively uniform spread of the virus across the country, restrictions are going to be eased across the whole of England at the same time so there will not be different rules for different parts of the country, or at least not for now. The right to reintroduce them is firmly reserved in the roadmap.

The introduction to the government's response makes pretty depressing reading, with confirmation that the UK economy shrank by 9.9% in 2020, the largest annual fall in UK GDP on record. The number of employees on payroll fell by 828,000 between February and December 2020, with aviation, pubs, restaurants and hotels, sports and events, arts, entertainment and conferences most heavily impacted by the economic fallout from the pandemic.

To assist employers we have produced our own timeline, incorporating the key dates from the government's roadmap, together with some other key dates for employers to have in mind.

We are also currently updating our FAQs on how businesses can return to work safely to reflect these latest developments and we will share them with you shortly. These address some of the trickier issues that employers are likely to face as they start thinking about how they will eventually bring their staff back to the workplace.

Click on each step for more information



This timeline is intended to be a general overview only and should not be regarded as a substitute for legal advice. It sets out the position as at 23 February 2021.

Please speak to your usual Squire Patton Boggs Labour & Employment contact for more information.

ASAP – Back to work planning

1. Start thinking about back to work planning (if not already commenced)

Although it is going to be a while yet before most employees are able to return to the physical workplace (not before June according to the government's roadmap), employers should start considering now what steps they might need to take to bring staff back to work and the issues they may face when this happens, including:

1.1 Starting or continuing communications with staff around:

- a. Return to work dates
- b. The health and safety precautions being taken and any risk assessments, including the approach concerning vaccinations
- c. Hours to be worked
- d. Taking accrued holiday
- e. Selection of which employees will return to work first, when and why.

If intending to make homeworking a more permanent arrangement, employers should formalise any homeworking arrangements with the aim of this being completed by the end of the CJRS (currently 30 April) if necessary. Do not forget your obligations from a health and safety perspective if you want your staff to continue to work from home on a permanent basis.

If you are not intending to allow employees to continue with homeworking, you may need to show a good reason why not and so should consider now whether there is any evidence that particular working from home arrangements were unsuccessful.

Please refer to our blogs from last year on managing the inevitable increase in flexible working requests post-lockdown [here](#), [here](#) and [here](#) for more detail on the issues to consider.



2. ESG issues: Consider overall company strategy and aims for staff during and post COVID-19

Most businesses have suffered because of COVID-19 and accordingly have had to (and will continue to have to) make tough decisions in relation to staff. Of course, the emphasis (quite rightly) may simply be on doing whatever is necessary to ensure survival, but companies are also facing scrutiny on their actions, particularly in relation to their employees, both from the public as well as from investors through their Environmental, Social and Governance (ESG) frameworks. As such, in addition to the necessary financial motivation for decisions, we recommend you consider the longer-term interests of the employees affected as well as your broader stakeholders in your planning.

To support our clients, we launched a global cross-practice ESG group last year, drawing on our expertise in key areas and also our connections to both policymakers and institutional investors. The group has been working on a number of different initiatives to share knowledge and increase awareness of ESG issues and in January we launched the first of a series of podcasts in which clients and leading experts share their insights. Entitled "*Taking the Lead – Conversations to Inspire*," [the first podcast](#) features Rajiv Sharma, CEO of Coats, who, in discussion with Matthew Kirk, shares his experiences of leading the business through the pandemic.

3. Assess likelihood of needing to make further cost-cutting measures

NB if 20 or more redundancies are proposed at any one establishment within a 90-day period, collective information and consultation will be required and minimum time limits apply (a 30-day period for 20-99 redundancies and a 45-day period for 100+).

Some employers may wish to tie this in with the end of the CJRS. See below for latest dates that the formal consultation process must commence (depending upon the proposed number of redundancies). Preparation for the process, announcements and election of representatives must obviously take place before those dates.

Get in touch with your usual SPB contact for more details about how we can help you to plan the process, including providing detailed timelines and template documents.

4. Assess alternative ways of meeting the current economic challenges

Instead of making redundancies, or possibly in combination with redundancies, employers may wish to consider other options such as freezing recruitment, terminating temporary agency workers' contracts, introducing shorter hours, reducing discretionary benefits, other changes to terms and conditions, pay freezes, introducing flexible hours, sabbaticals or unpaid leave, etc.

We recognise that as the pandemic has been going on for almost 12 months, many employers will have already implemented a range of these measures, but it is worth considering again whether there are any other ways of saving costs that allow the business to retain talent and avoid incurring recruitment costs, etc. in the future when things pick up again.

3 March 2021 – Budget 2021

HM Treasury has remained very tight lipped about what the Budget will contain. It will almost certainly not be a business-as-usual budget; it is likely to focus very much on business recovery and support. The government's Spring Response confirms that the Budget will outline the next stage in its 'Plan for Jobs', including further detail on economic support to protect jobs and livelihoods across the UK. More information on the future of the CJRS is therefore likely to be forthcoming. The TUC has urged the Chancellor to extend the CJRS until the end of the year. The CBI has previously called for it to be extended until at least the end of June. Recent press reports have hinted that the Chancellor is indeed planning to extend the CJRS 'until summer'.

8 March 2021 – Step 1

Under Step 1 in the government's roadmap, schools and colleges will reopen. Most parents and carers breathe a huge sigh of relief!

Wraparound childcare (including childminders) and other children's activities will also restart from 8 March for all children, where it is needed to enable parents or carers to work, seek work, etc.

The stay at home restriction will continue, but it will be amended to allow people to leave their home for recreation as well as to exercise outdoors with their own household, support or childcare bubble or with one person from another household.

As is the case now, people can only leave home for work if they cannot work from home.

From 29 March, all being well, there will be some further limited changes to allow more mixing outdoors. The formal "stay at home" guidance will end.

16 March 2021

Latest date to start 45-day collective consultation period for redundancies to take place on 30 April 2021

This date assumes that selection criteria are agreed with appropriate representatives early on in the collective process such that it is possible to start individual consultation with affected employees during the collective period and run these processes in parallel.

This does not take account of an employee's notice period. If an employer wants an employee to work out their notice period by 30 April, it would need to start the consultation process even earlier than this date.

Important: Remember that employers can no longer recover wage costs via the CJRS if an employee is serving a contractual or statutory notice period during the claim period. Payments in lieu of notice and redundancy payments (statutory or contractual) are also not recoverable under the CJRS. Employers may not therefore feel such a pressing need to make redundancies prior to the end of the CJRS, as was the case previously when the government was contributing towards wage costs. Also be aware that the Scheme may yet be extended again.

Timeline

31 March 2021

Latest date to start 30-day collective consultation period for redundancies to take place on 30 April 2021

This date assumes that selection criteria are agreed with appropriate representatives early on in the collective process such that it is possible to start individual consultation with affected employees during the collective period and run these processes in parallel.

This does not take account of an employee's notice period. If an employer wants an employee to work out their notice period by 30 April, it would need to start the consultation process even earlier than this date.

Important: Remember that employers can no longer recover wage costs via the CJRS if an employee is serving a contractual or statutory notice period during the claim period. Payments in lieu of notice and redundancy payments (statutory or contractual) are also not recoverable under the CJRS. Employers may not therefore feel such a pressing need to make redundancies prior to the end of the CJRS as was the case previously when the government was contributing towards wage costs. Also be aware that the Scheme may yet be extended again.

12 April 2021 (at the earliest) – Step 2

No earlier than 12 April (at least five weeks after Step 1)

According to Step 2 in the government's roadmap, all retail businesses will re-open, as well as outdoor hospitality and indoor leisure facilities such as gyms.

People should continue to work from home where they can.

30 April 2021 – Closure CJRS

As things currently stand, the CJRS is due to close at the end of April 2021. As indicated above, there is already talk that it may be extended until the summer in light of the ongoing economic impact of the COVID-19 pandemic. Recent statistics certainly indicate that take-up of the scheme is still high.

17 May 2021 (at the earliest) – Step 3

No earlier than 17 May (at least five weeks after Step 2)

According to Step 3 in the government's roadmap, all but the most high-risk sectors will re-open, with Covid-secure guidance remaining in place, including indoor hospitality, hotels, etc.

The government will apparently continue to advise people to work from home where they can.

The Global Travel Taskforce will report on 12 April with recommendations aimed at facilitating a return to international travel, which will be no earlier than 17 May.

21 June 2021 (at the earliest) – Step 4

No earlier than 21 June (at least five weeks after Step 3)

According to Step 4 in the government's roadmap, by this stage the government hopes to be able to remove all legal limits on social contact and reopen the remaining closed settings.

If you have any questions about the government's proposals, please speak to your usual contact in the Labour & Employment team.

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