

Employment Healthcare Briefing - July 2023

26 July 2023

Welcome to our Employment Healthcare briefing, bringing you a roundup of what's happening in the world of employment law that is relevant to healthcare employers.

It's been another busy couple of months that has seen the unveiling of the long-awaited NHS Long Term Workforce Plan. Whilst the plan is undoubtedly welcome, it's no quick fix and therefore retention of existing staff will be key in the short term. A new digital platform has also been announced which will enable retired consultants to return to the NHS and EU standstill provisions enabling EEA nationals to remain working in the NHS without further regulatory checks being undertaken have been extended.

Speak Up continues to be a hot topic and ACAS have recently published new guidance on Whistleblowing in the workplace. Indeed, the new Workforce Plan emphasised the importance an inclusive and compassionate culture can play in retention. In the article below, Jacqui Atkinson, Head of Employment Healthcare shares her thoughts on how health and care employers can foster a positive Speak Up culture.

New guidance has also been published by the Information Commissioners Office on how to handle Data Subject Access Requests. It's in an easy digestible format and provides practical examples.

Finally, family friendly rights have been in the spotlight with three new laws set to be introduced and proposed changes to how paternity leave can be taken.

Please see below for details of our Mock Employment Tribunal in October - we hope to see you and your colleagues there!

Have a great summer and if you'd like to discuss any of the issues highlighted, please do get in touch.

NHS Long Term Workforce Plan unveiled

The much anticipated NHS Long Term Workforce Plan 2023 was published. It sets out the strategic direction for the long term as well as actions that can be taken locally and regionally and nationally in the short to medium terms to address the staffing crisis in the NHS and place it on a sustainable footing going forwards whilst also improving patient care.

[Read more](#) →

New digital platform to enable retired consultants to return to the NHS

The Government have announced plans for a new digital platform that will enable recently retired consultants to return to the NHS to carry out outpatient appointments. The new initiative is designed to help reduce waiting lists and is set to commence in the autumn.

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EU standstill provisions maintained allowing the NHS to retain and employ healthcare workers

Prior to the UK's exit from the EU on 31 December 2020, the European Union Directive 2005/35/EC allowed EEA and Swiss professionals to have their qualifications recognised in the UK (and vice versa) with minimal barriers. This meant healthcare professionals including doctors, nurses, midwives, pharmacists and dentists met minimum agreed standards which enabled their automatic recognition by regulatory bodies and allowed them to either continue to work or come to the UK and practise in their recognised fields.

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New ACAS guidance on 'Whistleblowing at work'

Speaking up is an important topic for all healthcare employers. Promoting ways in which staff feel empowered to raise concerns about matters of concern and ensure that they are supported when they do so is crucial to fostering a positive workplace culture, staff retention and for regulatory compliance.

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New guidance for employers on Subject Access Requests published by the ICO

On 24 May 2023, the Information Commissioner's Office (ICO) published new guidance for employers and businesses on responding to subject access requests (SARs). The guide is a helpful tool for organisations in ensuring they comply with their obligations under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA) when responding to requests for personal data. In particular, the ICO has supplemented the document with a useful 'SARs Q&A for employers page' which signposts some of the commonly arising issues for organisations, including those which have recently been the subject of sanctions.

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New rights for working parents and carers

May has seen Royal Assent be given to the Neonatal Care (Leave and Pay) Act 2023, the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 and the Carer's Leave Act 2023, all of which, when secondary legislation is in place, will increase the rights of working parents and carers.

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Carers Leave Bill set to become law

The Carer's Leave Bill received Royal Assent on 24 May 2023 becoming the Carer's Leave Act 2023.

The new law will entitle employees to take one week's unpaid leave in any 12-month period to provide or arrange care for a dependant with a long-term care need.

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Parental leave and pay - gender equality?

In July 2019, the Government published a report titled Gender equality at every stage: a roadmap for change. The report started with the stark statement that "in the UK today women are, on average, more likely to enter the workforce with higher qualifications than men, but earn less per hour. They are more likely to take on unpaid work, three times as likely to be working part time and likely to save less into their private pensions." Promoting gender equality for all was stated to be in the national interest and at the top of the agenda. One of the eight key drivers for gender inequality was that women take more time out of the labour market to care for children.

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