

9<sup>th</sup> April 2020

## The Coronavirus Job Retention Scheme - Furlough Leave

We have a further update on the CJRS. Although this hasn't been officially published by the government, we are expecting an announcement at some point next week. Until then, this does come with the usual health warning.

### Reclaiming payments

- The on-line portal is in the testing stage and is expected to go live for all employers on 20<sup>th</sup> April with the first payments expected to be made on 30<sup>th</sup> April. The delay between 20<sup>th</sup> and 30<sup>th</sup> April will be for the HMRC to check the data submitted and it is expected there will be a similar delay (4-6 working days) every subsequent month during the scheme
- There will be guidance notes available on-line (probably next week) on how to make a claim
- Employers can make one claim per payroll run and the claim can be made up to 14 days ahead of the pay date
- If you run your payroll weekly, you can claim weekly

### Reporting abuse of Scheme

- A hotline will be in place for employees to report their employer if they believe you are abusing the scheme, for example, by claiming furlough pay for them whilst still requiring them to work
- If there is evidence of a breach before the first payment is made, then no future payments will be able to be claimed
- HMRC will conduct investigations to ensure employers have not breached the rules of the scheme for years to come and it is possible that such breaches will result in criminal proceedings in serious cases of abuse

### Annual Leave

- Whether an employee can take annual leave whilst on FL has been subject to much speculation. However, ACAS changed their guidance in the last few days to say that an employee can take annual leave whilst on FL and this appears to have been confirmed by HMRC Customer Support in a recent Tweet.
- The HMRC Customer Support Tweet also stated that holiday during FL **needs to be paid at 100%**. This is important bearing in mind we have a long bank holiday weekend coming up.

## TUPE

- It is now looking likely that staff who TUPE'd from one company to another after 28th February will be eligible for FL.

Hope you all manage to have a good break over the weekend. Stay safe.

**Disclaimer:** Please note that this advice has been written based on fairly limited and constantly evolving guidance from the Government as to how Furlough Leave will work in practice. Things are moving very quickly and further clarification will inevitably become available in time.