

## CV Fraud how well do you know your employees?

Research published in 2021 showed 51% of adults in the UK admitted to lying on their CV and the area lied about the most (by 41%), was about their previous job responsibilities. A significant number also admitted to lying about their qualifications, with 27% falsely increasing GCSE grades and 20% their A-Level grades.

This clearly highlights the challenges faced by management teams and the importance of thoroughly checking through a prospective candidate's CV to get an accurate picture of whether they will be a good fit, competent at the role and also if they are worth the salary you are investing in them.

Few people however lie so much that it ends up in a criminal court but the case of Jon Andrews who spent over 10 years working as the CEO of a hospice and in other senior roles should serve as a warning to employers.

In Mr Andrews's case not only did he make up a Degree, MBA and PHD, he also created a long work history that simply wasn't true. Once discovered the case ended up in the criminal courts where he pleaded guilty to obtaining pecuniary advantage by deception and he was ordered to repay to his former employer £100,000 of salary under the Proceeds of Crime Act 2022.

There are a number of issues for employers to unpack around CV fraud, especially at a time when many are struggling to recruit. It's also essential to remember how important all checks are and it could also be a criminal

offence to employ someone who doesn't have the qualifications they say they have for some roles or the right to work in the UK.

So what can employers do during the recruitment process to spot or avoid CV fraud?

Draft a clear job description and list the qualifications and experience which is necessary for the role and do not compromise on this for any candidate. If you subsequently find out that an applicant has falsified this in anyway then you would be able to demonstrate the candidate would not have been successful without it.

Make a list of the roles within your business that have a legal requirement for certain qualifications, for example a driving licence in the right category and make sure managers are aware of the legal consequences if this isn't checked. Develop a procedure to ensure certain checks are always made before any candidate is offered or starts a job.

Make sure all job offers are conditional subject to certain requirements being met and ensure you receive original copies of all qualifications and certificates relevant to the job and also follow up with references.

If you are using a recruiter make sure you have a clear arrangement with them and ask them to ensure all background checks are carried out on any candidates they suggest to you.

Ask candidates to complete an application form with a signed declaration that the statements they have made about their qualifications and work experience are all true and correct and that they understand the job offer could be withdrawn at any time if found to be untrue.

If you have any concerns about an employee you have hired and their competence and suitability for the role and you believe they have falsified aspects of their CV, make sure you take legal advice to ensure disciplinary and/or dismissal processes are followed accordingly.



# Supporting victims and survivors of domestic abuse in the workplace



**According to the Office for National Statistics, the number of Police recorded domestic abuse related crimes in England and Wales for the year ending March 21 was 845,734. It is also estimated 1 in 4 women and 1 in 6 men will in their lifetime experience at least one instance of domestic abuse.**

It is therefore very likely as an employer that you will have members of staff who are a survivor of or who will suffer domestic abuse at some point during their employment. Sometimes these situations can spill over into the workplace and need to be dealt with urgently. We have advised clients on this issue recently including a business with an employee who was the victim of stalking in the workplace by a former partner.

What can and should employers do to help and support employees who might be experiencing domestic abuse now or to help protect them in the future or for those that have suffered abuse in the past?

We know from looking at the ONS figures that during the pandemic, instances of domestic abuse rose because people were confined to home and unable to get help or support from their family, friends or colleagues. Ongoing working from home arrangements might negatively impact on some employees who might be trapped with an abusive partner.

Despite this, there are no specific legal obligations for employers, although there is some relevant legislation. Under The Health & Safety at Work Act 1974 employers have a duty to take 'reasonable care of the health & safety of employees'. For employees working from home a risk assessment could be designed to help to identify domestic abuse risks.

Other legislation such as the Management of Health and Safety at Work Regulations 1999 oblige employers to carry out a risk assessment and identify preventative measures. This applies to employees who will be working from home as well as those in the workplace.

It also isn't uncommon for victims to suffer from harassment while they are at work. As in the recent case we dealt with, excessive visits to the workplace and/or excessive calls can all be disruptive. Other employees might also put themselves at risk, for example having to take messages from or deal face to face with an unwanted visitor.

All employers can help by looking for signs of domestic abuse and ensuring that staff feel supported to ask for help and to highlight where it can be found. The signs of abuse might not always be physical. Employees could have hidden mental scars which manifest in stress or a lack of sleep, which leads to issues around poor performance, higher rates of absenteeism or just general issues with an employee who is reluctant to engage.

Employers that don't act could find an employee could make a claim against them. For example, if an employee's abuse has severely affected their ability to carry out their regular day-to-day work duties, then this might meet the definition of a disability and they could make a claim under the Equality Act 2010, where an employer hasn't made reasonable adjustments.

An employee with over two years' service could possibly bring a claim for constructive dismissal if they resigned because the employer has or was likely to breach the implied term of mutual trust and confidence – ie if the employer didn't adequately support them.

Where a victim and their abuser also work together, there could be claims under the Equality Act 2010 for harassment relating to a protected characteristic or under the Protection from Harassment Act 1997.

Having a clear domestic abuse policy, a strategy to deal with any instances of abuse that crosses over into the workplace and updated disciplinary procedures is therefore important.

Managers should be given training to help them to identify and deal with the issues around domestic abuse as per your workplace policies. You can also help to raise general employee awareness around the issues and the support that is available from specialist external organisations as well as from the business.

If you would like advice about reviewing and updating your workplace policies and procedures, get in touch today.



# Quiet quitting – any way back?

**As an employer you will have no doubt heard the phrase ‘quiet quitting’ and you might be looking around your workplace to see if it is happening.**

Whilst many are saying this is a new phenomenon coined by the Tik Tok generation, it actually isn't new at all. At a time when you might be experiencing higher than average staff turnover and /or recruitment issues, those who stay but ‘quietly quit’ are deserving of your attention and you are probably the cause of it.

Quiet quitting refers to employees who stay in their job, but they only do what is required of them – either their role or their working hours. They may refuse to take on extra tasks without extra pay or to help out at busy times or join in with events which require their presence after working hours or at a weekend.

I'm sure we have all worked with people like this and they would argue they are looking after their mental health, ensuring they have a

work/life balance and appropriate boundaries in place, and many simply don't have the same level of interest in their career development as others.

I'm sure we have all looked at our lives and decided to prioritise and re-evaluate certain aspects of it, especially since the pandemic. And there might be times when issues such as childcare or caring responsibilities have to take priority. It certainly wouldn't be surprising if many employees are more worried about the cost of living crisis and how they are going to pay their rising living costs, rather than their day to day work at the moment.

The concern for employers is what can be done to build a more positive and engaging workplace environment and is it possible to re-engage with these employees?

Studies show that quiet quitters often feel undervalued and unappreciated at work. Employees are typically more prepared to go above and beyond for those businesses and managers who they trust and also respect and who they also feel trust and respect them.

Having a strong leadership team and supportive managers who are effective in delivering what is needed of them can help to reduce quiet quitting.

Investing in management training to enable managers and team leaders to build better relationships with employees can help supported by a range of other measures including open and honest staff communication. Offering employees who you identify as a quiet quitter the opportunity for a regular one to one meeting can help and employees could be encouraged to raise their feelings and concerns and also to share their own views on what could be done to improve their satisfaction at work. Also, discussing and agreeing to clear plans for career development demonstrates willingness to invest in and upskill employees and allow them to expand their skills and knowledge base.

If quiet quitting has progressed to issues around poor employee performance then it will be necessary to refer to disciplinary processes to help you to deal with the issue which ultimately might result in the dismissal of the employee.

For advice on employee disciplinary issues, please get in touch.

# New Government Factsheet published on Limited Partnerships

The Government is planning major reform to company law over the next year. The Economic Crime and Corporate Transparency Bill sets out a range of measures aimed at reducing the abuse of UK corporate structures and to help tackle economic crime. If passed by Parliament, this will include major Companies House Reform.

More on this to come as it is very detailed, but it follows the Economic Crime (Transparency and Enforcement) Act 2022 which became law this year. As part of this Bill, the Government has recently published a fact sheet on limited partnerships. It follows reports that some limited partnerships have been abused so the government is planning to crack down on their misuse. The Bill is aimed at limited partnerships formed under the Limited Partnerships Act 1907. It affects businesses based in England, Wales and Northern Ireland. The rules in Scotland differ and separate advice should be taken.

## Changes planned include:

- Tightening registration requirements
- Requiring limited partnerships to maintain a connection to the UK
- Increasing transparency requirements, for example requiring fuller information about partners;
- Enabling the Registrar of Companies to deregister limited partnerships which are dissolved, which no longer carrying on business or where a court determines that it is in the public interest to do so.

The new legislation will apply to all limited partnerships, both new and existing and there will

be a transitional period (likely to be six months) for existing limited partnerships to meet the new requirements to update statements to include newly required information on partners, their registered office address (which must be in the original jurisdiction of registration) and an email address. Failure to comply means the limited partnership will be deregistered at the end of the transitional period.

Any new limited partnerships will have to submit a confirmation statement within one year of the date of registration.

Failure to comply with the legislation may result in fines and or prison sentences for the general partners and the managing officers of legal entity general partners, along with the threat of deregistration where a limited partnership is not compliant (as it will be assumed to be dormant).

Limited Liability Partnerships (formed under the Limited Liability Partnerships Act 2000) are not included in these reforms but other parts of the Bill will include them in the future, such as identity verification requirements.

If your business is affected by these changes and you would like to discuss them, please get in touch with our team today.

## Quick reference section

### Statutory minimum notice periods:

An employer must give at least:

- One week's notice to an employee who has been employed for one month or more, but less than two years.
- One week's notice for each complete year of service for those employed for more than two years.
- Once an employee has more than 12 year's service, the notice period does not extend beyond 12 weeks.

### National Minimum Wage

April 2022

Apprentices	£4.81
16-17	£4.81
18-20	£6.83
21-22	£9.18
National living wage	£9.50

### Statutory Sick Pay (from April 2022)

Per week £99.35

### Statutory Shared Parental/Maternity/Paternity/Adoption Pay

(basic rate) (from April 2022) £156.66

### Statutory Holiday

5.6 weeks for a full time employee. This can include bank and public holidays.

### Redundancy Calculation

- 0.5 week's pay for each full year of service when age is less than 22.
- 1 week's pay for each full year of service where age during year is 22 or above, but less than 41.
- 1.5 week's pay for each full year of service where age during year is 41 and over.

Calculation is capped at 20 years. Maximum week's pay is capped under the Statutory Scheme for dismissals after 6<sup>th</sup> April 2022 at £571.00.



## CONTACT

If you would like any additional information on any of the subjects discussed in this newsletter please do not hesitate to contact us.



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