

Shared Insights: Looking ahead – HR and workforce challenges in 2021

12 January 2021

These insights were shared at our fortnightly online forum for NHS professionals on 12 January 2021. To find out more please visit our [Shared Insights hub](#).

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[Helen](#) is a Partner at Browne Jacobson specialising in employment within health, social care and education. She advises on a wide range of HR and employment matters, including disciplinary and grievance issues in the workplace, TUPE, equal pay, workforce change, discrimination and variation of terms and conditions of employment.

Helen provided some practical tips to share with HR colleagues on issues which may cause employee relations issues and litigation in 2021.

The Shared Insights were:

1. Covid-19 related employer and legal cases/emerging issues

- **Absences** - e.g. long Covid-19/cases where it is unclear whether there is a Covid-19 link, shielding and cases where an employee says they have Covid-19 but then has a negative test.
- **Refusal to attend work** - where employees say they do not feel safe coming in to do their job.
- **Flexible working applications** – staff asking for permanent flexible working on the basis that they have managed to work flexibly for the past 9 months.
- **Whistleblowing** – there have been instances of staff saying they have spoken up but have not been listened to, leading to litigation.
- **Health and safety** - staff saying they have been subjected to detriment because they have taken steps to avoid danger from a health and safety perspective and that they are taking action as a result.

These are complex areas and it is crucial that Trusts seek legal advice at an early stage. Communication, consistency and conversations with HR are also key to ensure steps taken are appropriate and consistent across the organisation.

2. Culture

- Areas of focus are compassionate leadership at senior leadership level and equality and diversity (Black Lives Matter).

3. Integrated working

The Covid-19 response has shown that the barriers to collaboration across organisations can be overcome quickly and effectively. This paves the way for closer and longer-term collaboration between organisations:

- [Click here](#) to watch our webinar about the new ICS statutory framework
- Key workforce issues will include getting the right employment model, accountability and liability and managing a collaborative workforce.

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