

Employment Rights Act Changes – Challenges and Future Considerations for Students' Unions

The Employment Rights Act introduces some of the most significant changes to employment law in recent years, many of which will have implications for Students' Unions as employers. This discussion isn't about having all the answers; it's about sharing experiences, identifying common challenges and considering how we can support each other as a sector.

Our discussion will focus on:

- What changes concern us most.
- The practical challenges we're experiencing.
- How we might work together to prepare and respond.

Discussion Prompt 1 – Initial Reflections

Questions

- Which Employment Rights Act changes are likely to have the biggest impact on your organisation?
- What are your biggest concerns at the moment?
- Are there any areas you feel well prepared for?

Discussion Prompt 2 – Current Challenges

Questions

- What practical challenges are you already experiencing?
- Which staff groups or services are likely to be most affected?
- Are there particular issues around:
 - Casual and student staff?
 - Zero-hours arrangements?
 - Scheduling and rostering?
 - Budget pressures?
 - Policy changes?
 - Manager capability?
 - Sexual harassment?
 - Statutory sick pay?
 - Trade Unions?

Discussion Prompt 3 – Sharing Good Practice

Questions

- What are we doing now?
- What changes have you made to policies or procedures?
- Are there any resources or tools that have been particularly useful?
- What advice would you give another Students' Union in this area?

Discussion Prompt 4 – Looking Ahead

Questions

- What further guidance or clarification are you waiting for?
- What support would help your organisation most?
- How could Students' Unions work together to reduce duplication?
- Could we collaborate on:
 - Policy development?
 - Manager training?
 - Shared benchmarking?
 - Sharing legal updates?
 - Common templates and resources?

Discussion Notes

SSP

Whilst Unions have updated their policies and processes to address the changes to day one rights with SSP, there is experience of student staff manipulating the system. This tends to be in Union's who, contractually, have the qualifying day as just Wednesday, making the amount of SSP payable higher than a typical shifts earnings.

Union's who have trading outlets open more often have adopted qualifying days of Monday to Friday or Monday to Sunday making it less appealing for student staff to claim SSP.

Busier times of the year mean the 80% of average earnings is higher although these times tend to come after quieter periods so isn't beneficial for students to claim SSP during the busy periods.

Zero hours contracts

The DBT (Department for Business and Trade) consultation on zero hours contracts closes on 25th August and some SU's have responded. Those who haven't were encouraged to do so and use the Wonkhe briefing as guidance.

Considerations around predicted work patterns, annualised hours and short term contracts were discussed.

Cancellation of shifts

The discussion covered late cancellation of shifts, the likely notice period (predicted at least 48 hours) and sending staff home early when it's quiet. It was agreed managers will be forced to deliver more accurate scheduling.

HMRC/ Fair Work Agency Audits

Two Unions had received contact from HMRC notifying of an inspection by the Fair Work Agency into minimum wage payments across the past 6 years. Concerns were around where deposits have

been taken for uniforms and training may have been completed outside of working hours. Checks with finance and managers will be carried out to confirm compliance and correct policies reiterated.

Probation periods

With the reduction in the qualifying period for ordinary unfair dismissal reducing from two years to six months from January 2027, probation procedures will need to be robust and consistent. Each Union appears to be taking a slightly different approach:

- 3 months plus 3 months extension
- 5 months plus 3 weeks extension
- 4 months plus 2 months extension

The maximum 6 month probation should be enforced immediately, if not already, to mitigate risk from January 2027.

Sexual harassment

Concerns around third party (including university staff and external security) sexual harassment were discussed. Some Unions had completed a risk assessment and this would need reviewing to ensure consideration of third parties.

Training from [Icena](#) had been successful although came at considerable cost. Opportunities for shared costs on a Train the Trainer course were explored.

Uniform cleaning

Not directly covered by the ERA but it was noted that student staff can claim tax relief for uniform cleaning and at the moment every penny counts!

More info can be found here: <https://www.mytaxaccountant.co.uk/post/reclaiming-tax-for-washing-uniform>

Claims can be made here: <https://www.gov.uk/guidance/job-expenses-for-uniforms-work-clothing-and-tools>

HR CoP

The HR Community of Practice discuss these topics, and more, regularly, share best practice and solve challenges as a collective. Those in the room currently not in this valuable network were invited to join.