

## CLAS CIRCULAR 2021/14 (9 June 2021)

### Disclaimer

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It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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## EMPLOYMENT

### Changes to the Coronavirus Job Retention Scheme from July 2021: a reminder

For information

Members are reminded that the Government has announced [Changes to the Coronavirus Job Retention Scheme from July 2021](#). In brief:

- The Government will continue to pay 80 per cent of employees' wages for unworked hours (subject to a cap of £2,500 per month) until **30 June 2021**. Employers are not obliged to contribute anything to wage costs up until that date but will need to contribute employer NICs and pension scheme contributions until the end of the scheme.
- From **1 July 2021**, employers will need to contribute 10 per cent for hours not worked (up to £312.50 per month). The Government will contribute the remaining 70 per cent.
- From 1 August 2021, employers will need to contribute 20 per cent for hours not worked (up to £625 per month). The Government will contribute the remaining 60 per cent.

The scheme is due to end on **30 September 2021**.

HM Treasury has issued a seventh [Treasury Direction](#) governing the operation of the furlough scheme from 1 May to 30 September 2021. It leaves the rules of the scheme largely unchanged.

[Source: Farrer & Co, 24 May]

## FAITH & SOCIETY

### *Clergy Newsletter Issue 12*

For information

HM Passport Office has [published](#) the *Clergy Newsletter* Issue 12. This Issue focuses on an introduction and background to the forthcoming changes regarding immigration laws resulting from the UK's exit from the EU, which come into effect from the 1 July 2020.

[Source: HM Passport Office, 7 June]

### Marriage registration in England & Wales

For information

HM Passport Office has published updated versions of:

- a [Guidebook for The Clergy](#) (ie the clergy of the Church of England and the Church in Wales), giving details of the new system of registration in relation to marriage preliminaries, authority for the marriage, the solemnization of the marriage and the completion of the marriage document/schedule. It designed to be read in conjunction with the Faculty Office booklet *Anglican Marriage in England and Wales: A guide to the law for Clergy*;
- A [Guidebook for Secretaries \(for Marriages\) of Synagogues](#); and
- [A Guide for Authorised Persons](#) appointed to solemnize marriages in England & Wales other than Anglican, Jewish or Quaker ones.

The Anglican *Guidebook for The Clergy* also includes a section on the Certificate of name(s) given at baptism and the legalities of the Births and Deaths Registration Acts 1874 & 1926 and the Burial Laws Amendment Act 1880.

[Source: GRO/ HM Passport Office, 18 May]

## Updated guidance on COVID-19 and places of worship in England

For information

The Government has published updated [COVID-19: guidance for the safe use of places of worship](#) in England. Its previous publication, [COVID-19 Response - Spring 2021](#), set out how restrictions will be eased over time, including any restrictions on places of worship and faith activities. The decision to proceed with each step in the roadmap will be guided by data and the four tests set out in the roadmap. **A week's notice will be provided before any step is taken.**

The places of worship guidance has been published alongside industry- or venue-specific guidance, as follows:

- [Guidance for arranging or attending a funeral during the coronavirus pandemic](#)
- [Guidance for wedding and civil partnership ceremonies, receptions and celebrations](#)
- [Guidance on performing arts](#)
- [Guidance for working safely in the visitor economy](#)
- [Current stay alert and social distancing guidance.](#)

Under Step 3, the key changes for places of worship are as follows:

- Most significant life events can resume, limited to no more than 30 people. This will include events such as bar/bat mitzvot, private baptisms and naming ceremonies. Limits at weddings, wedding receptions, wakes and other commemorative events will be increased to 30 people.
- Funerals will have no legal cap on the number of people who can attend. The number of attenders will be determined by how many people the venue can safely accommodate with social distancing measures in place.
- Outdoors, most legal restrictions on meeting others will be lifted, although *gatherings of over 30 people will remain illegal unless otherwise exempt.*
- Support groups and parent-and-child group gathering limits will increase to 30 people (not including under-5s).

**COVID-secure rules, including social distancing requirements, continue to apply in the workplace and in businesses and public venues.**

At Step 4, which will take place no earlier than **21 June**, the Government aims to remove all limits on life-cycle events and other gatherings. Any relaxation will be subject to the outcome of the scientific Events Research Programme, which will include a series of pilots using enhanced testing approaches and other measures to run events of larger sizes. The pilots have been selected to examine a range of settings, venue types, and activity types (eg, seated or not, indoor/outdoor) so that the data is generalisable and findings can inform thinking on the reopening of similar settings across multiple sectors. The guidance will be updated in line with the changing situation ahead of that Step.

The Church of England has published a series of updates to its COVID-19 guidance following the move to Step 3 in England:

- [Weddings](#);
- [Baptisms](#);
- [Funerals](#);
- [Individual private prayer](#);
- [Permitted Activities under national 'step' regulations](#); and
- [Conducting public worship](#).

The Catholic Bishops' Conference of England and Wales has published [Covid-19 Route Map: Step 3 Guidance](#).

### Singing

On the highly-controversial issue of singing during acts of worship, the latest Guidance for England says this:

'Where singing takes place, it should follow the principles of safer singing.

- Indoors: a group of up to 6 amateur singers can perform, or rehearse for performance with social distancing being maintained at all times. There is no limit on the number of professional singers but they should follow guidance on performing arts. Performances should take place at the front of the place of worship to a seated audience. Indoor communal singing should not take place.
- Outdoors: When worship takes place outdoors, the congregation may join in with singing in multiple groups of up to 30. Congregation members should continue to follow social distancing rules. For guidance on singing outdoors outside of acts of communal worship, please refer to the [performing arts guidance](#).

The Church of England has updated the FAQ on *Is singing permitted?* in the Prayer and Worship section of its guidance.

[Source: MHCLG, 15 May, updated 24 May]

### No-fault divorce in England & Wales

For information

In [an answer to a Written Question](#) from Jane Stevenson (Con, Wolverhampton North East), Chris Philp, Parliamentary Under-Secretary of State for Immigration Compliance and Courts, said that the introduction of no-fault divorce will be delayed:

'The Act provides for the biggest reform of divorce law in fifty years and will reduce conflict between couples legally ending a marriage or civil partnership. At Commons Third Reading of the Bill the Lord Chancellor explained the need to allow time for careful implementation and that, at that early stage, the Government was working towards an indicative timetable of autumn 2021. This was an ambitious timetable ...

The Government recognises the need for clarity on when these important reforms will come into force. *This will now be on the common commencement date of 6 April 2022.* While this delay is unfortunate it is essential that we take the time to get this right" [emphasis added.]

[Source: Commons *Hansard*, 7 June]

## IMMIGRATION

### The Government's future immigration policy

For information

On 31 December 2020, freedom of movement between the UK and the EU ended. The UK's new global points-based immigration system is now in place. On 24 March, the Government published its policy paper, [New plan for immigration: legal migration and border control strategy statement](#), setting out details of its delivery priorities for 2021/2022 and beyond, including:

- new and reformed immigration routes;
- simplifying systems and processes to improve the operation for users, staff and the wider stakeholder community;
- implementing digital systems for border control; and
- introducing a universal "permission to travel" requirement for all coming to the UK (except for British and Irish citizens) and adopting increasing automation.

Following is a summary of the main points.

The 'new plan for immigration' has three objectives:

- to increase the fairness and efficacy of the system "so that we can better protect and support those in need of genuine asylum";
- to deter illegal entry into the UK; and
- to make it easier to remove those with no right to be in the UK.

### EU Settlement Scheme

Those EU citizens and their family members who arrived in the UK before 31 December 2020 and have not yet applied to the EU Settlement Scheme remain eligible to do so and have until **30 June 2021** to apply. Guidance on reasonable grounds for late applications to the scheme, in line with the Withdrawal Agreement, was published on 1 April 2021.

Employers and landlords will continue to be able to accept the passports and identity cards of all EU citizens as evidence of their right to work or right to rent until 30 June 2021. There will be no legal requirement on employers and landlords to carry out retrospective checks on existing employees or tenants after this date, though they are free to do so.

### Visitors, tourism and short-term business mobility

Free movement having ended, EEA nationals are now subject to the same rules in relation to visits to the UK as the rest of the world. The visitor rules allow for a wide range of activities that go beyond tourism or visiting family and friends. Visitors can also attend conferences, carry out independent research, undertake work-related training and maintain and install equipment where there is a

contract with a UK company. In certain circumstances those coming to do specific paid engagements, having been invited as an expert in their profession or to undertake a cultural performance, can also do so under the Visitor route without having to be sponsored under the points-based system. Further detail on Permitted Paid Engagements is in [Appendix V of the Immigration Rules](#).

### **Common Travel Area (CTA)**

Under the CTA, British and Irish citizens can move freely and reside in either jurisdiction and enjoy associated rights and privileges, including the right to work, study and vote in certain elections, as well as to access social welfare benefits and health services. The UK and Irish Governments have committed to maintaining the CTA in all circumstances. Under the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, Irish citizens will still be able to enter and remain in the UK without requiring permission, regardless of where they have travelled from, except in a very limited number of circumstances. There will continue to be no routine immigration controls on journeys from within the CTA to the UK, with no immigration controls on the Northern Ireland – Ireland land border.

### **Delivery priorities for 2021-22**

- further enhancements to the points-based system and greater simplification of the Immigration Rules; and
- laying the groundwork for the full transformation of the border and immigration system into a fully digital system.

### **Sponsorship**

The Government intends to deliver a digital, simplified and modern sponsorship system that enables a more efficient operation, for users and the Home Office, and encourages compliance.

The employer sponsorship system requires employers to comply with all relevant UK legislation. The Government will make relevant checks on all potential sponsors, including on past criminality or immigration offences. As with the previous system, sponsors may be subject to compliance visits from the point they apply to be a sponsor and throughout the period they hold a licence to ensure they are capable of carrying out their sponsorship duties.

The Government will publish a roadmap this summer setting out further “improvement” to the sponsorship system in 2022 and beyond.

### **A new graduate route**

The Government is launching the graduate route in summer 2021 to allow those who have completed a bachelor's degree, postgraduate degree, or a limited number of professional qualifications at degree level or above at a UK Higher Education Provider with a track record of compliance to stay in the UK for 2 years (3 years for PhD graduates) and work at any skill level. They can then apply to switch into a permanent work route if they find a suitable job. The Graduate route will have a streamlined application process.



**EU citizens and the remaining previous Tier 5 route**

The Government aims to provide a fully-digital application process for EU citizens for the remaining previous Tier 5 routes from September 2021 – renamed as “temporary worker routes”. **This includes the routes for creative workers, religious workers and a wide range of government authorised exchange schemes.**

**Family and settlement routes**

The Government intends to simplify the family, private life and settlement routes, with a more streamlined application process and more consistent evidence requirements so that applicants are clear what they need to demonstrate and how to do so.

**Delivering a fully digital system - online evidence of immigration status**

In addition to reforming the immigration routes, the Government is continuing to deliver a digital system by removing the use of physical documents to demonstrate status.

**Border and security**

During 2021, the use of EEA ID cards to cross the border will cease: only passports will be allowed. From 1 October, most EU, other EEA and Swiss nationals will require a passport to travel to the UK except where the holder has applied to the EU Settlement Scheme by 30 June 2021 or otherwise has protected rights under the Citizens' Rights Agreements.

[Source: Home Office, 24 May]

## TAXATION

### OTS to explore potential for moving the end of the tax year

For information

The Office of Tax Simplification (OTS) has [published](#) a document setting out the scope of a new high-level exploration of the benefits, costs and wider implications of changing the date of the end of the tax year for individuals. The review will focus on the implications of moving the tax year end date from 5 April to 31 March.

This is both the end of a calendar quarter and the nearest month end-date to the end of the current tax year. It is also the UK financial year end-date to which the UK Government makes up its own accounts and by reference to which corporation tax rates apply.

As well as considering the implications of changing the tax year-end to 31 March, the review will also consider potential alternative approaches to addressing practical issues connected with the UK's tax year running to 5 April.

In addition, the OTS will outline the main additional broader issues, costs and benefits that would need to be considered if the end of the tax year were moved to 31 December. (Ireland aligned its tax year with the calendar year in 2002, to coincide with the introduction of the euro.)

[Source: Office of Tax Simplification, 4 June]

## WALES

### Updated guidance on COVID-19 and places of worship in Wales

For information

On 14 May, [further amendments](#) were published to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, the main purpose of which was to move Wales from Level 3 restrictions to Level 2 restrictions (Schedule 2 of the Regulations) from **Monday 17 May**. The main implications are as follows:

- All [outdoor and indoor visitor attractions](#) can open, with appropriate safety measures in place.
- All [cafés](#) and similar facilities can re-open indoors as well as outdoors, with safety measures in place. The Welsh Government's full guidance for cafés and visitor attractions can be found [here](#) and useful [guidance from UK Hospitality](#) for cafés here.
- The prohibition on the use of community centres for entertainment purposes has been lifted, but the sale of alcohol remains prohibited in licensed entertainment venues where live or recorded music is played. When using a community centre as a theatre or concert hall, or when arranging such performances in a place of worship, the Welsh Government's [updated guidance for the performing arts](#) should be followed closely.
- [Organised group activities](#) can be held for up to 30 people indoors and up to 50 outdoors, not counting children under 11 nor those working or providing voluntary services (by leading, stewarding, etc) at the event. Comprehensive safety measures must be in place. The guidance for [organised activities, indoors and outdoors, for children aged up to 18](#) (age as of 31 August 2020) has been updated.

Where an activity is starting afresh or re-starting after a pause, a full risk assessment must be prepared or updated in light of the current Regulations. There is further information on [Cytûn's website](#) and [the website of the Health and Safety Executive](#).

The amended Regulations make it clear that **the maxima of 30 indoors and 50 outdoors do not apply to religious services, provided that a service held indoors is held in premises ordinarily used for that purpose**. This means that it is no longer permitted to hire a building not ordinarily used for worship in order to hold an indoor service with a congregation greater than 30. (Cytûn presumes that where a secular building is hired regularly for worship with over 30 people present, that this is still permitted, but is seeking clarification from the Welsh Government).

The Welsh Government has updated its guidance for [places of worship](#) and for [community centres](#) – but the guidance in its current form does not take full account of the move to Level 2, and there is therefore some contradiction and ambiguity in applying the guidance to the Regulations.

Cytûn understands that these guidance notes will be updated shortly. Following discussion with officials from Welsh Government, Cytûn is, for now, recommending the following:

1. Where a community centre or place of worship has formal café facilities, they can be opened following the [current guidance](#). This guidance must be followed in full *even when food and drink is served free of charge or for a donation*, for example following a service. Informal mixing is not permitted. A full risk assessment must be completed before providing food and drink.
2. Where a centre or place of worship holds a current Food Hygiene Certificate, and a full general risk assessment has therefore been carried out (perhaps pre-COVID) and the location is known to the authorities, then food and drink may be served (for payment, for a donation or free of charge) if the centre can be arranged and operated as a café - table service only; restricting to 6 the number at each table unless they are members of the same household; ensuring 2m between each household at all times; wearing face coverings when not sat at table; keeping records for Test Trace Protect; and so on, in line with the guidance for cafés. A full risk assessment must be undertaken before doing so.
3. Where no Food Hygiene Certificate is held, or where it is not possible to set out the centre in café format or follow the guidance, then food and drink should *not* be served at the present time. If those attending an activity in the centre wish to eat or drink, they should bring their own food and drink, which should not be shared between households.

There is currently no update regarding congregational singing nor playing wind instruments indoors, but Cytûn understands that the Welsh Government has commissioned further scientific advice on this.

For further information, see [Cytûn's website](#).

[Source: Cytûn, 15 May – *With thanks to the Revd Gethin Rhys*]