

The Job Support Scheme (JSS) has been updated to enable different types of support for businesses, providing access to the funding they need, according to their particular situation.

The government has also increased the level of support available through the JSS in order to protect more jobs.

The two different types of Job Support Scheme are:

JSS Open: For businesses that are operating but facing decreased demand; and

JSS Closed: For those businesses that are legally required to close their premises as a direct result of coronavirus restrictions set by one or more of the four Governments of the UK.

What are key points to be aware of?

- + The Job Support Scheme opens from 1 November 2020 and runs until 30 April 2021;
- + An employer can claim the JSS Open and JSS Closed grant at the same time for different employees. An employer cannot claim for a single employee under both schemes at the same time;
- + Employers claiming the JSS may still claim the Job Retention Bonus in respect of the same employee, if they are eligible;
- + Grants claimed under the Job Support Scheme can be used by employers to pay an employee's wages and help meet the Lower Earnings Limit of the Job Retention Bonus;
- + **HMRC intend to publish names of employers who have used the scheme and employees are able to check if their employer has made a claim relating to them via their Personal Tax Account.**

What is the eligibility criteria for both JSS Open and JSS Closed?

- + All employers with a UK bank account and UK PAYE scheme can claim the grant;
- + Neither the employer nor the employee needs to have previously used the Coronavirus Job Retention Scheme (CJRS);

- + The scheme is only available to those whose turnover has stayed level or is lower now than before experiencing difficulties from Covid-19;
 - + Fully publicly funded organisations are not expected to use the scheme, as has been the case with the CJRS, but partially publicly funded organisations are eligible where their private revenues have been disrupted; and
 - + Additional eligibility criteria will apply depending on whether the employer is claiming a JSS Open grant or JSS Closed grant (please see further details below).
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What is the eligibility criteria for employees for both JSS Open and JSS Closed?

- + Employees must be on an employer's PAYE payroll between 6 April 2019 to 23:59 23 September 2020;
 - + **This means an RTI Full Payment Submission notifying payment in respect of that employee must have been made to HMRC at some point from 6 April 2019 up to 11:59pm 23 September 2020;**
 - + Employers can only claim for employees that were in their employment on 23 September 2020;
 - + Staff on any type of contract are eligible, including those on variable or zero hours and agency workers; and
 - + Employees will be able to cycle on and off the scheme and do not have to be working the same pattern each month, but each short time working arrangement must cover a minimum period of seven consecutive days.
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How will JSS Open work?

This scheme is designed to provide additional support over the winter months to those businesses that can operate safely but are facing reduced demand. It gives employees the option of keeping their workforce employed, whilst reducing their hours.

- + The employer continues to pay the employee for all hours worked;
- + The employee must continue to work a minimum of 20% of their "usual hours";
Note: "usual hours" will follow calculations as used for the Coronavirus Job Retention Scheme (CJRS) and further details will be published shortly;
- + Hours that employees spend training are paid for by the employer at their full rate of pay and will count towards 20% of their usual hours;
- + The cost of hours not worked will be split between the employer and the Government;
- + For the time not worked, the employee will be paid 66.67% of their usual wage; and
- + The scheme ensures that the employee will receive at least 73% of their normal wages, where they earn £3,125 a month or less.

How much will the Government contribute?

For every hour not worked by the employee, the Government will fund 61.67% of the employee's reference salary (see note at the bottom of this factsheet for further details on reference salary);

- + This will be up to a maximum of £1,541.75 per month.

How much will the employer contribute?

- + Employers must pay employees their contracted wages for hours worked;
- + Employers must pay 5% of reference salary for the hours not worked;
- + This will be up to a maximum of £125 per month;
- + It is at the employer's discretion to top up the employee's salary above this rate;
- + Employers must deduct and pay to HMRC income tax and employee NICs on the full amount that is paid to the employee, including any amounts subsequently met by a scheme grant; and
- + Employers and Employees must also still pay pension contributions in accordance with the applicable pension scheme terms, unless the employee has opted out or stopped saving into their pension.

Who can claim JSS Open?

- + Employers will be able to claim if they have enrolled for PAYE online;
- + Some or all of their employees must be working reduced hours; and
- + Employers with less than 250 employees on 23 September 2020 are eligible to apply.

What is the eligibility criteria for employers with more than 250 employees?

- + Employers with more than 250 employees on 23 September 2020 are required to take a Financial Impact Test to evidence their income has remained equal or has decreased compared to the previous year;

For further details on carrying out a Financial Impact Test for large employers click here:



- + There will be no Financial Impact Test for small and medium enterprises (SMEs);
- + Any charity with 250 or more employees that is registered with a UK charity regulator or are exempt from such registration will not be required to carry out the Financial Impact Test and are eligible for this scheme; and
- + The government expects that large employers (250 or more employees) and their corporate groups using the scheme will not make capital distributions whilst claiming the Job Support Scheme grant.

For further details on making capital distributions click here:



Which employees can be claimed for through JSS Open?

To be eligible for the grant, employers must have reached written agreement with their employee that they have been offered a temporary working agreement. The agreement must be available for view by HMRC on request.

This temporary working agreement must cover at least seven consecutive days.

- + Employees must still be working for at least 20% of their usual hours; and
- + Employees can do training in working hours while being claimed for under the Job Support Scheme.

How will JSS Closed work?

JSS Closed is for those businesses that have been legally required to close as a direct result of coronavirus restrictions. It will support the wage costs of employees who are instructed to cease work in eligible (closed) premises.

- + Each employee who cannot work as a result of coronavirus restrictions will continue to receive two thirds of their usual wage.

How much will the Government contribute?

- + The Government will fund two thirds of an employee's normal wage cost; and
- + This will be up to a maximum of £2,083.33 per month.

How much will the employer contribute?

- + The employer will continue to pay two thirds of the employee's salary, that is unable to work due to coronavirus restrictions; however
- + This will be fully funded by the Government;
- + It is at the employer's discretion to top up the employee's salary above this rate;
- + Employers must deduct and pay to HMRC income tax and employee NICs on the full amount that is paid to the employee, including any amounts subsequently met by a scheme grant; and
- + Employers and Employees must also still pay pension contributions in accordance with the applicable pension scheme terms, unless the employee has opted out or stopped saving into their pension.

Who can claim JSS Closed?

Employers are eligible to claim JSS Closed if their business premises at one or more locations has been legally required to close as a direct result of coronavirus restrictions.

Business premises required to close by local public health authorities as a result of specific workplace outbreaks are not eligible for this scheme.

- + Employers are only eligible to claim for periods during which the relevant coronavirus restrictions are in place;
- + Employers will not be able to claim JSS Closed to cover periods after restrictions have lifted and the business premises is legally allowed to reopen; and
- + They may then be able to claim JSS Open if they are eligible.

Which employees can be claimed for through JSS Closed?

To be eligible for the grant, employers must have reached written agreement with their employee that they have been instructed to and agree to stop working for a minimum of seven consecutive calendar days. The agreement must be available for view by HMRC on request.

- + Employers will be able to claim for employees whose primary workplace is at the premises that have been legally required to close; and
- + That the employer has instructed to and who cease work for a minimum period of at least seven consecutive calendar days.

How will the claims be made?

- + Employers will be able to claim in arrears from 8 December 2020;
- + This will cover salary for pay periods ending and paid in November;
- + Subsequent months will follow a similar pattern, with the final claims for April being made from early May;

- + Payments will be made after the claim has been approved;
- + Employers must have paid the full amount claimed for an employee's wages to the employee before each claim is made; and
- + Employers should also pay the associated employee tax and employee and employer National Insurance contributions to HMRC, even if the company is in administration.

Fraudulent claims

- + HMRC will check claims and payments may be withheld if HMRC suspects a claim to be ineligible;
- + The amount of any overpayment by the employer must be paid back to HMRC where a claim contains incorrect information;
- + The full amount of any grant must be repaid if a claim is found to be fraudulent;
- + Penalties of up to 100% of the amount overclaimed may be applied where appropriate; and
- + HMRC will consider publishing the details of employers who are charged a penalty because of a deliberately incorrect Job Support Scheme grant claim.

Note on reference salary

This note applies to the JSS Open scheme, further guidance published at the end of October will set out how to work out the reference salary for JSS Closed.

For employees who are paid a fixed salary, the reference salary is the greater of:

- + The wages payable to the employee in the last pay period ending on or before 23 September 2020; or
- + The wages payable to the employee in the last pay period ending on or before 19 March 2020, this may be the same salary calculated under the CJRS scheme.

For employees whose pay is variable the reference salary is the greater of:

- + The wages earned in the same calendar period in the tax year 2019 to 2020; or
- + The average wages payable in the tax year 2019 to 2020; or
- + The average wages payable from 1 February 2020 (or the employee's start date if later) until 23 September 2020.

Further guidance on the Job Support Scheme, including details of how to calculate a claim, will be published by the end of October.



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