

Pool Money

Frequently Asked Questions

The trainer is required by the BHA rules of racing to have a written criteria in place showing how the pool money committee or all employees have decided to allocate pool money. This may also be required by HMRC if you have a tax inspection.

Do we have to pay pool money to an employee who has left?

This will depend upon what your pool money criteria states.

If the pool money criteria does not state what happens, then look at what has happened with other employees who have left – is there a custom and practice? If that is no help, then it would be a vote of the pool money committee or staff.

If it is not already in your criteria then ensure that it is included going forward – the pool money committee should meet and decide upon the policy. It could be that pool money is paid on a pro rata percentage to leavers or that leavers get no pool money or whatever the staff or committee decide so long as it is not discriminatory. Ensure that it is clear as to what date this applies to – is it if the person has left when the pool money is allocated or when it is paid as these are different times?

How do we pay pool money to someone who has left?

You should reinstate the person onto your payroll and pay it with tax at basic rate. Then write to the former employee giving details of the payment.

Is an employee on maternity leave entitled to pool money?

Our advice is that an employee on maternity leave should be paid pool money – if they are not, then there is a danger of a claim of indirect sex discrimination or maternity and pregnancy discrimination. It does not matter that an employee off for another reason may not be receiving pool money – the person on maternity leave does not have to show they have been less favourably treated than another employee.

Is someone off long term ill entitled to pool money?

Again there is a potential of discrimination if someone off long term ill or injured does not receive pool money – that is because the person may be disabled for employment law purposes and treating them less favourably would give them the right to bring a claim. The advice is to include those who are off long term ill or injured in the pool money

Why would an employee have a claim against the business when it is the employees decide the pool money?

An employee could bring a claim against their colleagues for discrimination but it is far more likely that the claim would be against the employer as the employer will be considered to be the one with the money to pay any settlement and the employer has allowed the employees to act in a discriminatory way against a colleague.

For more information see Chapter 21 of the NTF employment guide or contact Dawn Bacchus (d.bacchus@racehorsetrainers.org / 07796316268).