

EMPLOYMENT

“The Employment service at Clifton Ingram LLP Solicitors is ‘excellent, offering succinct advice and giving options with good explanations to facilitate sound decision making’. Head of Employment Alison Gair ‘is outstanding, inspiring confidence, extremely knowledgeable and works really hard’. In one important case Gair acted for a client in respect of an unfair dismissal claim made by one of its employees and associated allegations, successfully having the claims struck out at the preliminary hearing. Other highlights included advising clients on the exit of senior executives, office relocation and resulting staff redundancies, and restrictive covenants issues. Partner Robert Cherry ‘gives advice in clear language without jargon and gets straight to the point’.” – Legal 500, 2019 Edition

Employment is one of the largest and fastest changing areas of law, with legislation and case law constantly setting new precedents. Every employee has a contract, whether it is in writing or not, and as an employer, you are legally obliged to comply with minimum statutory requirements.

Compensation limits

	From 6 April 2018	From 6 April 2019	From 6 April 2020
Limit on a week's pay (max)	£508	£525	£538
SRP or basic award (max)	£15,240	£15,750	£16,140
Failure to reinstate: 26-52 wks pay (max)	£13,208-£26,416	£13,650-£27,300	£13,988-£27,976
Refusal of right to be accompanied (max)	£1,016 (2 wks)	£1,050 (2 wks)	£1,076 (2 wks)
Breach of flexible working request procedure (max)	£4,064 (8 wks)	£4,200 (8 wks)	£4,304 (8 wks)
Failure to give written particulars: 2 or 4 wks pay (max)	£1,016 or £2,032	£1,050 or £2,100	£1,076 or £2,152
Compensatory award for unfair dismissal (max)* ¹ * ²	£83,682	£86,444	£88,519
Basic award: certain unfair dismissals (min) * ³	£6,203	£6,408	£6,562
Breach of contract action in tribunal (max)	£25,000	£25,000	£25,000
Failure to inform/ consult over redundancy (max) * ⁴	90 days' gross pay	90 days' gross pay	90 days' gross pay
Failure to inform/ consult over transfers (max) * ⁴	13 wks' gross pay	13 wks' gross pay	13 wks' gross pay
Guarantee payment (max per day)	£28	£29	£30
Guarantee payment (max in any 3 months)	£140 (5 days)	£145 (5 days)	£150 (5 days)

*¹ No limit where employee is dismissed unfairly or selected for redundancy for reasons connected with health and safety matters or public interest disclosure ('whistle blowing')

*² There is an additional cap of one year's gross salary (if lower than current compensatory award)

*³ Only applies to dismissals for reasons of: trade union membership/ activities; acting as health and safety representative; pension scheme trustee duties; acting as employee representative and max figure is the same as the normal SRP or basic rate max

*⁴ Limit on a week's pay not applicable in information and consultation cases

Payments for time off work (per week)

	From 6 April 2018	From 6 April 2019	From 6 April 2020
Maternity pay prescribed rate (max)*	£145.18	£148.68	£151.20
Maternity Allowance	£145.18	£148.68	£151.20
Shared Parental Leave (max)**	£145.18	£148.68	£151.20
Adoption pay (max)*	£145.18	£148.68	£151.20
Paternity pay (max)**	£145.18	£148.68	£151.20
Statutory Sick Pay	£92.05	£94.25	£95.85
Statutory Parental Bereavement Pay (max)**	n/a	n/a	£151.20
Lower earnings limit	£116.00	£118.00	£120.00

* First 6 weeks is payable at 90% of employee's weekly earnings; remainder payable at level stated in table or 90% of employee's weekly earnings if lower

** Payable at 90% of employee's weekly earnings if lower



National Minimum Wage and National Living Wage

	1 April 2018	1 April 2019	1 April 2020
Apprentices*	£3.70	£3.90	£4.15
Age 16-17	£4.20	£4.35	£4.55
Age 18-20	£5.90	£6.15	£6.45
Age 21 +	£7.38	£7.70	£8.20
National Living Wage (Age 25 +)	£7.83	£8.21	£8.72
Accommodation Offset Allowance	£7.00	£7.55	£8.20

* If under 19 or in first year of apprenticeship (otherwise refer to age bands)

Payments on Insolvency (Maximum)

	6 April 2018	6 April 2019	6 April 2020
Arrears of pay (8 wks)	£4,064	£4,200	£4,304
Statutory notice pay (12 wks)	£6,096	£6,300	£6,456
Holiday pay (6 wks)	£3,048	£3,150	£3,228
SRP or basic award (30 wks)	£15,240	£15,750	£16,140

Acas Code of Practice – Disciplinary and Grievance Procedures

- A failure to follow the Code may result in an uplift compensation of up to 25%
- NB: the Acas Code does not apply to dismissals due to redundancy or the non-renewal of a fixed term contracts.
- Copies of the Acas Code can be found at www.acas.org.uk



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Alison has extensive experience in advising both individuals and employers on all aspects of employment law, both contentious and non-contentious, including TUPE and the employment aspects of corporate transactions including informing and consulting with staff, harmonising terms and conditions and dismissals. Alison has in-depth experience of employment tribunal claims ranging from unfair dismissal through to discrimination claims and has also assisted clients with claims before the Employment Appeal Tribunal. She also advises on day-to-day disciplinary and grievance issues, employment status issues, compromise agreements, terminations, redundancies and restructures and less contentious employment-related documentation such as contracts of employment and employee handbooks. Alison is a member of the Employment Lawyers Association (ELA). Alison also has a keen interest in advising organisations on business immigration matters.



Robert Cherry, Partner T: 0118 912 0264 E: robertcherry@cliftoningram.co.uk

Robert qualified as a solicitor in 1995 and is member of the Employment Lawyers Association (ELA) and the Association of Personal Injury Lawyers (APIL). He has acted extensively for both employers and employees in respect of claims for redundancy, unfair dismissal, wrongful dismissal, TUPE transfers, sex discrimination, race discrimination, age discrimination and employment tribunal claims. For employers he also drafts contracts of employment, in house policies and settlement agreements and advises upon the employment law issues arising from the purchase or transfer of a business. Robert also regularly lectures upon employment law.

Disclaimer: This information is provided for interest only, and is a brief and generalised summary. It may contain errors or be incorrect in the circumstances which apply to you, and it does not attempt to cover all developments in the law. It must not be treated as legal advice, and you must always take specific advice before taking or refraining from taking action.