

GUIDE

2018

HR

EMPLOYMENT

STAYING
A STEP
AHEAD



pdt
solicitors



HAVE YOU ATTENDED
OUR **BREAKFAST
BRIEFINGS?**

HAVE YOU REGISTERED
FOR OUR **LEGAL
UPDATES?**

HAVE YOU MET OUR
**EMPLOYMENT
TEAM?**

ARE YOU
**A STEP
AHEAD?**

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Our Next Breakfast Briefings - *Save The Dates*

26 March 2019 - Horsham
28 March 2019 - London

8 October 2019 - Horsham
15 October 2019 - London

Employment Tribunal Claims

Claim	Maximum Award		Qualifying Period	Usual Time Limit
Discrimination	Unlimited		None	3 months starting from date of act complained of (6 months if concerns equal pay)
Breach of Contract	Up to £25,000		None but employment must have terminated	3 months from conduct complained of
Failure to Inform/Consult	Per employee: 90 days' gross pay or 13 weeks' gross pay if failure due to relevant business/ TUPE transfer		None	3 months starting with last day in respect of which complaint is made/3 months starting from date of completion of transfer if relevant business/TUPE transfer
Unfair Dismissal	BEFORE 6 APRIL 2018	ON/AFTER 6 APRIL 2018	1 year/2 years depending on when employed; in exceptional cases no minimum period	3 months starting from the effective date of termination but a claim can be made during the notice period
	Basic Award - up to £14,670 AND/OR Compensatory Award - maximum £80,541 or 52 weeks' gross pay if less - in some cases this award is unlimited e.g. whistleblowing	Basic Award - up to £15,240 AND/OR Compensatory Award - maximum £83,682 or 52 weeks' gross pay if less - in some cases this award is unlimited e.g. whistleblowing		
Statutory Redundancy Pay	Up to £14,670	Up to £15,240	2 years	6 months from relevant date
Breach of Right to be Accompanied	Up to £978	Up to £1,016	None	3 months from date of failure/ threat of failure
Breach of Flexible Working Regulations	Up to £3,912	Up to £4,064	26 weeks	3 months from any procedural breach complained of/date on which the employee is notified of appeal decision
Failure to Provide Written Statement of Particulars	Up to £1,956	Up to £2,032	1 month/2 months	2 months after start of employment/1 month after a change after 2 months' service /3 months starting with date on which employment ceased

Court Claims

Claim	Maximum Award	Qualifying Period	Usual Time Limit
Equal Pay	Unlimited	None	6 years from breach
Breach of Contract	Unlimited	None	6 years from breach
Personal Injury - Negligence/ Breach of any Duty	Unlimited	None	3 years from date of injury/death or date of knowledge if later

Key Statutory Entitlements For Time Off Work

Category	Maximum Leave Entitlement	6 April 2018 - April 2019 Weekly Pay Entitlement	6 April 2019 - April 2020 Weekly Pay Entitlement	Maximum Pay Entitlement
Sick Leave	Up to 28 weeks	£92.05	£94.25	28 weeks
Maternity Leave	Up to 52 weeks	(1) If no maternity allowance; first 6 weeks' pay at 90% of normal weekly earnings PLUS 33 weeks at weekly wage of £145.18 or 90% of normal weekly earnings, if lower; or (2) if maternity allowance due, 39 weeks weeks at weekly wage of £145.18 or 90% of normal weekly earning, if lower	Same as pre-6 April 2019 save for weekly wage rate being £148.68	39 weeks
Paternity Leave	Up to 2 weeks	£145.18 or 90% of normal weekly earnings, if lower	£148.68 or 90% of normal weekly earnings, if lower	2 weeks
Adoption Leave	Up to 52 weeks	First 6 weeks' pay at 90% of normal weekly earnings PLUS 33 weeks at weekly wage of £145.18 or 90% of normal weekly earnings, if lower	Same as pre-6 April 2019 save for weekly wage rate being £148.68	39 weeks
Shared Parental Leave	Up to 52 weeks LESS any statutory maternity/ adoption leave (of which 2/4 weeks must be taken) taken off by mother /adopter	£145.18 or 90% of normal weekly earnings, if lower	£148.68 or 90% of normal weekly earnings, if lower	39 weeks LESS any statutory maternity pay/ maternity allowance/ adoption pay received by mother/ adopter

National Minimum / Living Wage

Category	From 1 April 2018	From 1 April 2019
Apprentices - If under 19 or in first year of apprenticeship (otherwise refer to age bands below)	£3.70 per hour	£3.90 per hour
Age 16 - 17	£4.20 per hour	£4.35 per hour
Age 18 - 20	£5.90 per hour	£6.15 per hour
Age 21 - 24	£7.38 per hour	£7.70 per hour
Age 25 & over (National Living Wage)	£7.83 per hour	£8.21 per hour
Accommodation	£7 maximum daily deduction allowed	£7.55 maximum daily deduction allowed

Statutory Minimum Notice (*Notice from Employer*)

Length of Service	Notice Entitlement
Under 1 month	None
1 month to 2 years	1 week
2 years to 11 years	1 week for each completed year of service
12 years or more	12 weeks

Statutory Minimum Notice (*Notice from Employee*)

Length of Service	Notice Entitlement
Under 1 month	None
1 month or more	1 week

Calculating Statutory Redundancy Pay

Maximum statutory week's pay: £498 (if effective date before 6 April 2018)/ £508 (if effective date on/after 6 April 2018). NOTE: (1) All subject to statutory cap (2) Up to a maximum of 20 years service can be claimed

½ week's pay for each year of employment age 21 & below

1 week's pay for each year of employment age 22 - 40

1½ week's pay for each year of employment age 41 & over

Recent & Forthcoming Changes At A Glance, 2018

Date	Changes
January 2018	<ul style="list-style-type: none"> • First reading of new Immigration Bill expected
April 2018	<ul style="list-style-type: none"> • Salary sacrifice: existing arrangements protected until April 2018 (or April 2021 for cars, accommodation and school fees) • First gender pay gap reports for large private and voluntary sector employers must be published by 4 April 2018 • Auto-enrolment minimum contributions increase: employee contribution 3%; employer contribution 2% • Tax on termination payments change: £30,000 tax free payment does not apply to all; NICs due on any balance over £30,000 by employer; PILONS (whether damages or not) and benefits (e.g. bonus, commission) that would have been received had employment continued is subject to tax and NICs
25 May 2018	<ul style="list-style-type: none"> • General Data Protection Regulation in force, directly applicable; Data Protection Act 2018 now largely in force
4 October 2018	<ul style="list-style-type: none"> • Childcare voucher scheme closed to new entrants
December 2018	<ul style="list-style-type: none"> • New legislation for gig workers: must be informed of rights from first day in a job (including eligibility for sick, maternity and paternity pay); workers will have right to request more predictable hours; agency staff to be paid the same as permanent employees; maximum fine employers may face at an Employment Tribunal from £5,000 to £20,000, if acted with malice, spite or gross oversight
Watch this space	<ul style="list-style-type: none"> • Communications: Investigatory Powers Act 2016, already partly in force, will replace Regulation of Investigatory Powers Act 2000 (dates to be determined); draft Investigatory Powers Regulations 2018 set to replace Telecommunications Regulations 2000 • UK expected to leave EU on 29 March 2019 • Eligible parents who suffer from a loss of child or expected baby will be entitled to up to 2 weeks' leave from 2020 • In early 2018 Commons Select Committees and Government published responses to Taylor review, any necessary reform (e.g. the possible employment and tax status tests) has yet to be put into place • Grandparents Leave - currently not known if/when the Government intends to take this forward • Tax reliefs associated with employee shareholder status will be abolished for ESS shares acquired in consideration of an ESS agreement made on or after 1 December 2016; Government intends to close ESS completely to new users at the earliest opportunity

“... PLEASSED WITH THE PROMPT AND PRAGMATIC ASSISTANCE RECEIVED ON A VARIETY OF MATTERS”

- Les Searle Plant Hire & Sales Limited

“PDT CONTINUE TO PROVIDE HIGH LEVEL SUPPORT TO THE BUSINESS WHICH WE FIND EXTREMELY BENEFICIAL”

- Spectra Care Group

“THE BREAKFAST BRIEFINGS ARE INCREDIBLY INSIGHTFUL - THE ABILITY TO LEARN IN A FRIENDLY, INFORMAL SETTING HAS PAID DIVIDENDS”

- Freeman Brothers



STAYING A STEP AHEAD



**For any employment or HR query you may
have please feel free to contact:**

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This document was updated December 2018. It may be subject to change
and is for guidance only. It does not constitute advice.

