

GUIDE

2023

HR

EMPLOYMENT

STAYING
A STEP
AHEAD



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Our Next Breakfast Briefings

Future dates to follow

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	ON/AFTER 6 APRIL 2022	ON/AFTER 6 APRIL 2023	Normally 2 years' service. In certain cases no minimum period required	3 months starting from the effective date of termination but a claim can be made during the notice period
	Basic Award - up to £17,130 AND/OR Compensatory Award - maximum £93,878 or 52 weeks' gross pay if less (in some cases this award is unlimited e.g. whistleblowing)	Basic Award - up to £19,290 AND/OR Compensatory Award - maximum £105,707 or 52 weeks' gross pay if less (in some cases this award is unlimited e.g. whistleblowing)		
Statutory Redundancy Pay	Up to £17,130	Up to £19,290	2 years	6 months from relevant date
Breach of Right to be Accompanied	Up to £1,142	Up to £1,286	None	3 months from date of failure/ threat of failure
Breach of Flexible Working Regulations	Up to £4,568	Up to £5,144	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 £2,284	Up to £2,572	Due on/before first day of employment	3 months starting with date when employment ceased or 1 month following a variation (NOTE: can only be brought with another substantive claim)

Civil 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 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	April 2022 - April 2023 Weekly Pay Entitlement	2 April 2023 - April 2024 Weekly Pay Entitlement	Maximum Pay Entitlement
Sick Leave	Up to 28 weeks	£99.35	£109.40 (from 6 April 2023)	28 weeks
Maternity Leave	Up to 52 weeks	(1) Statutory Maternity Pay: first 6 weeks' pay at 90% of normal weekly earnings PLUS 33 weeks at weekly wage of £156.66 or 90% of normal weekly earnings, if lower; OR (2) Maternity Allowance: 39 weeks at weekly wage of £156.66 or 90% of normal weekly earnings, if lower	Same as pre-2 April 2023 save weekly wage is £172.48	39 weeks
Paternity Leave	Up to 2 weeks	£156.66 or 90% of normal weekly earnings, if lower	£172.48 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 £156.66 or 90% of normal weekly earnings, if lower	Same as pre-2 April 2023 save weekly wage is £172.48	39 weeks
Shared Parental Leave	Up to 52 weeks LESS any statutory maternity/adoption leave (of which 2/4 weeks must be taken) taken by mother/adopter	First 6 weeks' pay at 90% of normal weekly earnings PLUS 33 weeks at weekly wage of £156.66 or 90% of normal weekly earnings, if lower	Same as pre-2 April 2023 save weekly wage is £172.48	39 weeks LESS any statutory maternity pay/maternity allowance/adoption pay received by mother/adopter
Statutory Parental Bereavement Leave	Up to 2 weeks	£156.66 or 90% of normal weekly earnings, if lower	£172.48 or 90% of normal weekly earnings, if lower	2 weeks

National Minimum / Living Wage

Category/ Age	From 1 April 2022	From 1 April 2023
Apprentices - if under 19 or in first year of apprenticeship (otherwise refer to age bands below)	£4.81 per hour	£5.28 per hour
Age 16 - 17	£4.81 per hour	£5.28 per hour
Age 18 - 20	£6.83 per hour	£7.49 per hour
Age 21 - 22	£9.18 per hour	£10.18 per hour
Age 23 & over (National Living Wage)	£9.50 per hour	£10.42 per hour
Accommodation offset limit	£8.70 per day	£9.10 per day

Statutory Redundancy Pay

Maximum award: £17,130 (if pre-6 April 2023)/£19,290 (from 6 April 2023)
Maximum statutory week's pay: £571 (if effective date pre-6 April 2023)/£643 (if effective date on/after 6 April 2023). NOTE: (1) all subject to statutory cap (2) 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

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

Recent & Forthcoming Changes At A Glance - 2023

Date	Changes
April 2023	<ul style="list-style-type: none"> Statutory rates and limits: annual increases take effect. Gender pay gap reporting closes for public sector (31 March) and private/voluntary sector (5 April).
8 May 2023	<ul style="list-style-type: none"> Additional bank holiday (to celebrate King Charles' Coronation).
31 December 2023	<ul style="list-style-type: none"> Retained EU Law (Revocation and Reform) Bill will come into effect. However, rather than automatically revoking all EU legislation unless expressly retained, the position has been reversed: EU law will remain binding unless expressly repealed. There appear to be no major changes to employment law.
Date unknown	<ul style="list-style-type: none"> Statutory flexible working regime: changes to be made to the regime including making it a Day 1 right (currently requires 26 weeks' service). This is forecast for 2023 but no date has been confirmed. Employment (Allocation of Tips) Act 2023 has received Royal Assent. Effective date is TBC but expected to be in around one year's time. It will require employers to ensure that all tips/service charges are allocated fairly between workers. Government still looking to introduce: <ul style="list-style-type: none"> Carer's Leave Bill (enabling employees to take up to five days' unpaid carer's leave each year); Neonatal Care (Leave and Pay) Bill (right to 12 weeks' paid neonatal leave for parents); Protection from Redundancy (Pregnancy and Family Leave) Bill (extending redundancy protections during and for six months after pregnancy or certain family related leaves); Workers (Predictable Terms and Conditions) Bill (providing workers with a right to request a more predictable working pattern); and Worker Protection (Amendment of Equality Act 2010) Bill (extending employers' duties to protect against sexual harassment including by third parties).



For advice or assistance with any employment matter
please don't hesitate to contact Laura McMaster



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This document was updated April 2023. It may be subject to change
and is for guidance only. It does not constitute advice.



**"... PLEASED 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