

Employment Law



FACTS & FIGURES APRIL 2022



Compensation Limits from 6 April 2022 – 5 April 2023

| Complaint | Maximum award |
|--|--|
| Failure to give statement of particulars | 2 weeks' pay (subject to statutory limit on 2 weeks' pay £1,142) 4 weeks' pay* (subject to statutory limit on 4 weeks' pay £2,284) <small>*if the Employment Tribunal considers it just and equitable to do so</small> |
| Breach of right to be accompanied to a disciplinary or grievance hearing | 2 weeks' pay (subject to statutory limit on 2 weeks' pay £1,142) |
| The statutory limit on a gross week's pay used to calculate unfair dismissal basis award and statutory redundancy payment | £571 |
| Max Statutory redundancy payment | £17,130 |
| Statutory guarantee payment | £31 per day (subject to a maximum of 5 days or £155 in any 3 months) |
| Failure to inform or consult over a collective redundancy | 90 days' gross pay per dismissed employee Statutory limit on a weeks' pay does not apply and there is no minimum award |
| Discrimination | Uncapped |
| Unfair dismissal: – Basic award – Compensatory award | £17,130 (30 weeks' pay subject to statutory limit on a week's pay) £93,878* <small>*Maximum compensatory award is the lower of the statutory cap or 52 weeks' actual gross pay</small> |
| Additional award for failure to comply with a reinstatement order or re-engagement order | Maximum – lower of 52 weeks' pay or £29,692 Minimum – lower of 26 weeks' pay or £14,846 <small>*unless reason for dismissal is retirement when compensation is four weeks' uncapped pay</small> |
| Failure to inform or consult over a TUPE transfer | 13 weeks' gross pay Statutory limit on a week's pay does not apply and there is no minimum award |
| Claim for breach of contract | £25,000* in the Employment Tribunal (no limit in the High or County Courts) <small>*Aggregate upper limit so if several claims made relating to same contract, the total amount recoverable remains capped at £25,000</small> |
| Breach of Flexible Working Regulations – refusal of an application for flexible working or application not properly dealt with | 8 weeks' pay (subject to the statutory limit on a week's pay £4,568) |
| Dismissal for: – Trade Union membership or activities – Carrying out activities as a health and safety representative – Carrying out functions as a workforce representative – Carrying out duties as an occupational pension scheme trustee – Carrying out functions or activities as an employee representative | Minimum Basic Award: £6,959 Maximum Basic Award: £17,130 <small>*The statutory cap does not apply where the principal reason for the dismissal was that the claimant: – was carrying out health and safety activities or – had made a protected disclosure</small> |

Sick Pay (sick days between 6 April 2022 – 5 April 2023)

| Payment | Rate | Maximum period |
|--------------------|--------|----------------|
| Statutory sick pay | £99.35 | 28 weeks |

Pensions Annual Allowance

| Tax year | Annual allowance | Lifetime allowance |
|-------------|---|--------------------|
| 2022 – 2023 | £40,000 (For individuals with income up to £150,000) | £1,078,900 |

Employment Tribunals/Employment Appeal Tribunal Fees

There are no longer fees payable in the Employment Tribunal or Employment Appeal Tribunal, including for judicial mediation.

Statutory Maternity Pay

| Date | SMP: earning-related rate | Maximum period |
|-------------------|--|----------------|
| From 3 April 2022 | 90% of employee's normal weekly earnings | 6 weeks |
| | SMP: prescribed rate (each week) | Maximum period |
| From 3 April 2022 | £156.66* | 33 weeks |

Maternity Allowance

| Date | Maternity allowance (each week) | Maximum period |
|-------------------|---------------------------------|----------------|
| From 3 April 2022 | £156.66* | 39 weeks |

Statutory Paternity Pay

| Date | SPP: prescribed rate (each week) | Maximum period |
|-------------------|----------------------------------|----------------|
| From 3 April 2022 | £156.66* | 2 weeks |

Statutory Adoption Pay

| Date | SAP: prescribed rate (each week) | Maximum period |
|-------------------|----------------------------------|----------------|
| From 3 April 2022 | £156.66* | 39 weeks |

Shared parental Pay

| Date | ShPP: prescribed rate | Maximum period |
|-------------------|-----------------------|---|
| From 3 April 2022 | £156.66* | 39 weeks, less any weeks spent by the child's or adopter in receipt of SMP, MA or SAP |

*or the earning-related rate, whichever is lower

Parental Bereavement Pay

| Date | SPBP: prescribed rate (each week) | Maximum period |
|-------------------|-----------------------------------|----------------|
| From 3 April 2022 | £156.66* | 2 weeks |

National Minimum Wage and National Living Wage

| Category of worker | 1 Apr 22 – 1 Apr 23 |
|--|---------------------|
| Aged 23+ (national living wage) | £9.50 per hour |
| Aged 21-22 (inclusive) | £9.18 per hour |
| Aged 18-20 (inclusive) | £6.83 per hour |
| Aged 16-17 (young workers rate: under 18 but above compulsory school age who are not apprentices) | £4.81 per hour |
| Apprentice (under 19 years of age or those aged 19 and over but in the first year of their apprenticeship) | £4.81 per hour |
| Accommodation offset limit day (maximum daily deduction from national minimum wage) | £8.70 per day |

Calculating Statutory Redundancy Payments

These rates are correct as of 6 April 2022 and subject to change from April 2023.

| | |
|-------------------------|------------------------------------|
| 1 ½ week's pay | Each year in employment aged 41+ |
| 1 week's pay | Each year in employment aged 22-41 |
| ½ week's pay | Each year in employment under 22 |
| Maximum week's pay | £571 |
| Maximum number of years | Last 20 worked |

Statutory Minimum Notice to Employees

| Length of employment | Notice required |
|----------------------|---|
| Under 1 month | No statutory notice requirement |
| 1 month to 2 years | 1 week |
| 2 years to 12 years | 1 week for each completed year of service |
| 12 years or more | 12 weeks |

Statutory Minimum Notice to Employers

| Length of employment | Notice required |
|----------------------|---------------------------------|
| Under 1 month | No statutory notice requirement |
| 1 month or more | 1 week |

Family Friendly Leave Maximum Entitlement

| | |
|----------------------------|--|
| Statutory Maternity Leave | 52 weeks (26 weeks ordinary and 26 weeks additional) |
| Statutory Paternity Leave | 2 weeks |
| Statutory Adoption Leave | 52 weeks (26 weeks ordinary and 26 weeks additional) |
| Parental Leave | 18 weeks unpaid in respect of any child under the age of 18 |
| Time off for Dependants | "Reasonable" amount |
| Shared Parental Leave | 50 weeks leave can be shared between mother and partner if they're both eligible for Shared Parental Leave* (mother must take two weeks compulsory maternity leave). |
| Parental Bereavement Leave | 2 weeks** |

*Must be taken between the date of the baby's birth and first birthday (or within 1 year of adoption)

**can start on or after the date of the death or stillbirth and must finish within 56 weeks of the date of the death or stillbirth

Qualifying Periods and Time Limits

| Complaint | Qualifying period | Time limit to bring claim |
|--|-------------------|---|
| Discrimination complained of | None | 3 months from the date of the act |
| Equal pay | None | 6 months from the last day of employment in the Employment Tribunal (6 years from breach in the High Court or County Court) |
| Written reasons for dismissal | 2 years | 3 months starting from EDT** |
| Unfair dismissal | 2 years | 3 months starting from EDT** |
| Automatically unfair dismissal eg pregnancy, health and safety and whistle blowing | None | 3 months starting from EDT** |
| Statutory redundancy payment | 2 years | 6 months from relevant date (usually when employment terminates) |
| Failure to conduct collective consultation | None | 3 months starting with the date the last dismissal takes effect |
| Failure to pay protective award | None | 3 months starting with the last day in respect of which the complaint is made |
| Failure to consult under TUPE | None | 3 months from the date of the transfer |
| Written particulars of employment | 1 month | 3 months from the date employment ceased |
| Contract claim by employee | None | 3 months from EDT** in the Employment Tribunal (6 years from breach in High Court or County Court) |

**EDT means effective date of termination

These facts and figures were correct at publication in April 2022 and may be subject to change. They are for guidance only and do not constitute legal or professional advice. Readers should not act on the basis of the information included and should take appropriate professional advice upon their own particular circumstances.

For further information please contact:

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