

Employment Law



FACTS & FIGURES APRIL 2023



Compensation Limits from 6 April 2023 – 5 April 2024

Complaint

Maximum award

Failure to give statement of particulars	2 weeks' pay (subject to statutory limit on 2 weeks' pay £1,286) 4 weeks' pay* (subject to statutory limit on 4 weeks' pay £2,572) <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 £1,286)
The statutory limit on a gross week's pay used to calculate unfair dismissal basis award and statutory redundancy payment	£643
Max Statutory redundancy payment	£19,290
Statutory guarantee payment	£35 per day (subject to a maximum of 5 days or £175 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: <ul style="list-style-type: none"> – Basic award – Compensatory award 	£19,290 (30 weeks' pay subject to statutory limit on a week's pay) £105,707* <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 £33,436 Minimum – lower of 26 weeks' pay or £16,718 <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 £5,144)
Dismissal for: <ul style="list-style-type: none"> – 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: £7,836 Maximum Basic Award: £19,290 <small>*The statutory cap does not apply where the principal reason for the dismissal was that the claimant:</small> <ul style="list-style-type: none"> – was carrying out health and safety activities or – had made a protected disclosure

Sick Pay (sick days between 6 April 2023 – 5 April 2024)

Payment	Rate	Maximum period
Statutory sick pay	£109.40	28 weeks

Pensions Annual Allowance

Tax year	Annual allowance
2023 – 2024	£60,000 (For individuals with income up to £150,000)

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 6 April 2023	90% of employee's normal weekly earnings	6 weeks
	SMP: prescribed rate (each week)	Maximum period
From 6 April 2023	£172.48*	33 weeks

Maternity Allowance

Date	Maternity allowance (each week)	Maximum period
From 6 April 2023	Up to £172.48*	39 weeks

Statutory Paternity Pay

Date	SPP: prescribed rate (each week)	Maximum period
From 6 April 2023	£172.48*	2 weeks

Statutory Adoption Pay

Date	SAP: prescribed rate (each week)	Maximum period
From 6 April 2023	£172.48*	39 weeks

Shared parental Pay

Date	ShPP: prescribed rate	Maximum period
From 6 April 2023	£172.48*	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 6 April 2023	£172.48*	2 weeks

National Minimum Wage and National Living Wage

Category of worker	6 Apr 23 – 5 Apr 24
Aged 23+ (national living wage)	£10.42 per hour
Aged 21-22 (inclusive)	£10.18 per hour
Aged 18-20 (inclusive)	£7.49 per hour
Aged 16-17 (young workers rate: under 18 but above compulsory school age who are not apprentices)	£5.28 per hour
Apprentice (under 19 years of age or those aged 19 and over but in the first year of their apprenticeship)	£5.28 per hour
Accommodation offset limit day (maximum daily deduction from national minimum wage)	£9.10 per day

Calculating Statutory Redundancy Payments

These rates are correct as of 6 April 2023 and subject to change from April 2024.

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	£643
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	2 years	3 months starting from EDT** for dismissal
Unfair dismissal	2 years	3 months starting from EDT**
Automatically unfair dismissal	None	3 months starting from EDT** e.g. pregnancy, health and safety and whistleblowing.
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	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 2023 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.

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