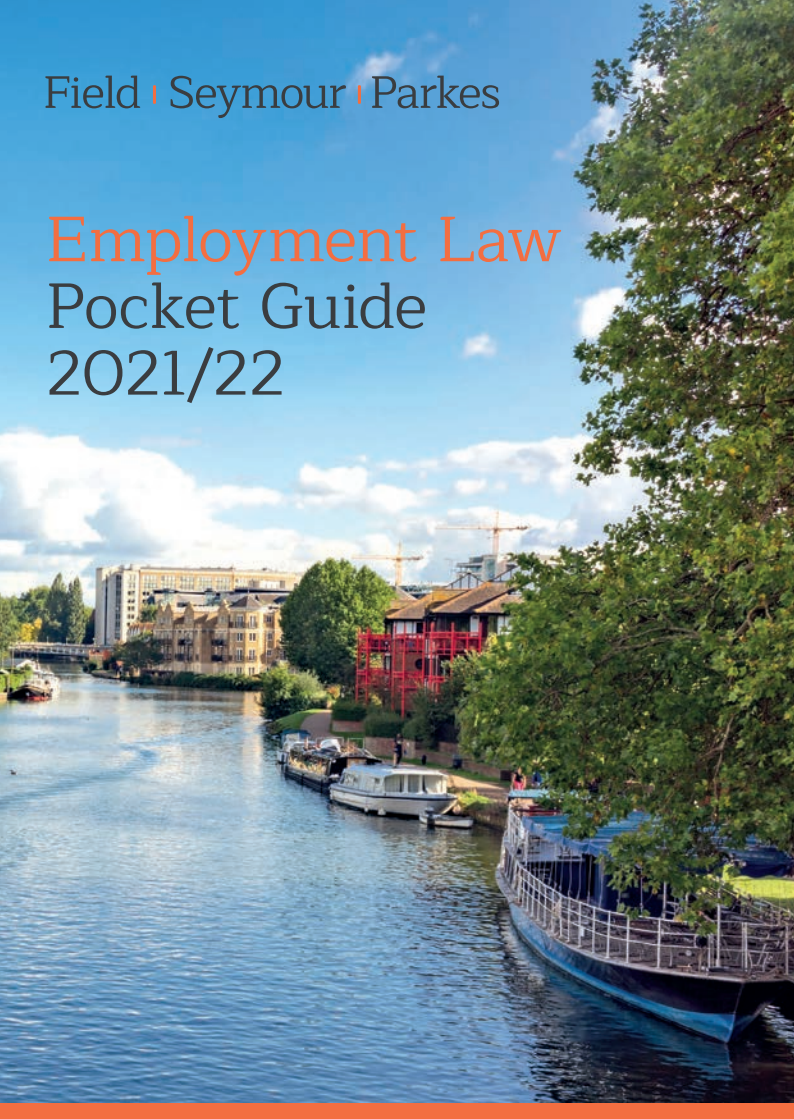


Field | Seymour | Parkes

# Employment Law Pocket Guide 2021/22



## I Rates and limits

Family friendly pay	April 2020	April 2021	Max payment period
Statutory maternity / adoption pay – earnings related rate (max)	90% of weekly earnings	90% of weekly earnings	First 6 weeks
Statutory maternity / adoption pay – prescribed rate (max)	£151.20	£151.97	Following 33 weeks
Maternity allowance (max)	£151.20	£151.97	39 weeks
Statutory paternity pay – prescribed rate (max)	£151.20	£151.97	2 weeks
Shared parental pay (max)	£151.20	£151.97	39 weeks less any weeks the mother / adopter is in receipt of SMP, MA or SAP

Minimum wage (hourly)	1 April 2020	1 April 2021
Apprentice rate	£4.15	£4.30
Young workers rate Age 16–17	£4.55	£4.62
Development rate Age 18–20	£6.45	£6.56
Standard adult rate Age 21–22 (from 1 April 2021)	£8.20	£8.36
National Living Wage Age 23+ (from 1 April 2021)	£8.72	£8.91

Sick pay	6 April 2020	6 April 2021	Max payment period
Statutory sick pay	£95.85	£96.35	28 weeks

Compensation limits	6 April 2020	6 April 2021
Week's pay (statutory redundancy / basic award)	£538	£544
Statutory redundancy payment	£16,140	£16,320
Unfair dismissal – basic award	£16,140	£16,320
Unfair dismissal – compensatory award <sup>1</sup>	£88,519	£89,493
Breach of contract (tribunal)	£25,000	£25,000
Failure to inform and consult – collective redundancy	90 days actual gross pay	90 days actual gross pay
Failure to inform and consult – TUPE transfer	13 wks actual gross pay	13 wks actual gross pay
Discrimination / whistleblowing	Uncapped	Uncapped

1. Maximum compensatory award is lower of the statutory limit or 52 weeks' actual gross pay at the time of dismissal. This cap does not apply if reason for dismissal is carrying out health and safety activities or making a protected disclosure.

# Statutory redundancy payment calculator

To calculate a statutory redundancy payment multiple the relevant figure below by the employee's gross weekly salary (subject to the current cap, £544 as at 6 April 2021).

Service (years)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Age (years) 18	1	1.5																		
19	1	1.5	2																	
20	1	1.5	2	2.5																
21	1	1.5	2	2.5	3															
22	1	1.5	2	2.5	3	3.5														
23	1.5	2	2.5	3	3.5	4	4.5													
24	2	2.5	3	3.5	4	4.5	5	5.5												
25	2	3	3.5	4	4.5	5	5.5	6	6.5											
26	2	3	4	4.5	5	5.5	6	6.5	7	7.5										
27	2	3	4	5	5.5	6	6.5	7	7.5	8	8.5									
28	2	3	4	5	6	6.5	7	7.5	8	8.5	9	9.5								
29	2	3	4	5	6	7	7.5	8	8.5	9	9.5	10	10.5							
30	2	3	4	5	6	7	8	8.5	9	9.5	10	10.5	11	11.5						
31	2	3	4	5	6	7	8	9	9.5	10	10.5	11	11.5	12	12.5					
32	2	3	4	5	6	7	8	9	10	10.5	11	11.5	12	12.5	13	13.5				
33	2	3	4	5	6	7	8	9	10	11	11.5	12	12.5	13	13.5	14	14.5			
34	2	3	4	5	6	7	8	9	10	11	12	12.5	13	13.5	14	14.5	15	15.5		
35	2	3	4	5	6	7	8	9	10	11	12	13	13.5	14	14.5	15	15.5	16	16.5	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14.5	15	15.5	16	16.5	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15.5	16	16.5	17	17.5	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16.5	17	17.5	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17.5	18	18.5	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18.5	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19.5	
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	
45	3	4.5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4.5	6	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	
47	3	4.5	6	7.5	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4.5	6	7.5	9	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	
49	3	4.5	6	7.5	9	10.5	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4.5	6	7.5	9	10.5	12	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	
51	3	4.5	6	7.5	9	10.5	12	13.5	15	16	17	18	19	20	21	22	23	24	25	
52	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	
53	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19	20	21	22	23	24	25	26	
54	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	
55	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22	23	24	25	26	27	
56	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.5	24.5	25.5	26.5	27.5	
57	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25	26	27	28	
58	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.5	27.5	28.5	
59	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28	29	
60	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.5	
61 or above	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	

# I Qualifying periods

Right / claim	Service requirement
Normal unfair dismissal / statutory redundancy	2 years <sup>1</sup>
Flexible working request	26 weeks
Maternity / adoption / shared parental pay	26 weeks (end of qualifying week)
Paternity leave	26 weeks (end of qualifying week)
Parental leave	1 year

## Statutory minimum notice

Employee's notice	1 week
Employer's notice	
• At least 1 month but less than 2 years' service:	1 week
• 2 years service or more	1 week's notice for each complete year up to a maximum of 12 weeks'

## Statutory minimum paid holiday

5.6 weeks per annum for all workers including bank holidays (28 days for a full-time employee)
--

1. Statutory minimum notice may be taken into account reducing the qualifying period to 1 year and 51 weeks. Automatically unfair dismissal claims do not require any length of service.

## Key claims that do not require any length of service

An unfair dismissal claim when dismissed by reason of:

- Family reasons (e.g. pregnancy / childbirth or statutory family leave)
- Health and safety / whistleblowing
- Working time
- Performing as an employee representative
- Asserting a statutory right
- Flexible working request
- National minimum wage
- Part-time or fixed term status
- Union recognition / membership / activities and protected industrial action
- Exercising right to be accompanied

Claims for detrimental treatment on many of the above grounds

Breach of contract / unlawful deductions from wages

Discrimination claims (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation)

Family friendly rights (e.g. unpaid time off for dependants, maternity / adoption leave)

Working Time Regulations (e.g. right to paid annual leave, rest breaks)

National minimum wage

Collective consultation on redundancies / TUPE transfer

# | Settlement discussions

You may be able to have settlement discussions with an employee on a without prejudice basis or as part of pre-termination negotiations under section 111A Employment Rights Act 1996.

We would strongly recommend you take legal advice before having such a discussion. You should also remember these tips:

- Have a reason to open the discussions and a basis for the proposal
- Proceed with caution. Don't say anything that you wouldn't want disclosed before a tribunal
- Remember that how the discussions are labelled will not determine whether they are admissible before a tribunal
- Ensure the employee understands that it is intended that the communications will be inadmissible
- Ensure that all communications are stated as without prejudice and subject to contract and/or made under Section 111A of the Employment Rights Act 1996, as appropriate
- Keep a contemporaneous record of discussions
- Allow the employee reasonable time to consider any proposal (normally 10 days)
- Do not threaten the employee or place them under undue pressure
- Keep settlement negotiations and open discussions clearly separate
- Consider allowing the employee the right to be accompanied at any settlement meeting
- Ensure any agreement is recorded in a well drawn up settlement agreement, upon which the employee will need independent legal advice

# I How we can help

## – Free Services

Our aim is to proactively help our clients stay compliant and support them in running their business. We accordingly offer a range of free services as part of this commitment.

### Email updates

Keep up-to-date with the latest employment law and HR news by subscribing to our free monthly or quarterly email bulletin. We also publish updates @fsplaw on Twitter and on LinkedIn.

### Free seminars/webinars

We hold a number of free seminars and webinars throughout the year where we provide practical advice for business, HR professionals and in-house counsel on the key issues facing employers. Comprehensive notes and light refreshments are provided at the seminars and there are opportunities to ask questions and network.

### Webinars and podcasts

If you can't attend our seminars in person, you can still keep up-to-date by subscribing to our YouTube channel or by listening to our podcasts via SoundCloud, Apple Podcasts or Spotify.

### Free contract review

Well drafted and up to date contracts and policies are one of the best defences to tribunal litigation. We accordingly offer an annual no-obligation free review of your documents to highlight any essential, recommended and optional changes.

If you would like to take advantage of any of these free services, or have any questions, please email – [ian.machray@fsp-law.com](mailto:ian.machray@fsp-law.com).

### Training Services

We run a range of training events, from half day workshops to in-house training sessions, to help ensure our clients are equipped to avoid tribunal claims and establish best practice.

If you might be interested in our training services then please see [fsp-law.com](http://fsp-law.com) for the latest events scheduled or contact us about your requirements.

## Any questions?

We hope you have found this guide helpful, please let us know if you or your colleagues would like further copies.

Please don't hesitate to get in touch if you have any questions or need any assistance. We would be delighted to discuss our services in more detail and how we may be able to help you.



## Ian Machray

Partner, Head of Team

0118 951 6225

07919 328122

[ian.machray@fsp-law.com](mailto:ian.machray@fsp-law.com)

This guide is primarily designed for digital use but if we do print in small quantities we make every effort to do so sustainably.

Information is provided for guidance only and does not constitute legal advice. Rates and limits change from time to time and professional legal advice should be obtained before taking or refraining from taking any action.