

**CURRENT RATE AND LIMITS FOR HR MANAGERS AND EMPLOYEES**

A guide to employment tribunal awards, certain statutory payments and the time limits that apply to claims in the tribunal.

Tribunal awards: Compensation limits

Tribunal awards may be limited by legislation. The limits set out below are normally reviewed annually, and changes usually take effect from 1 February each year.

Type of award/payment	Minimum from 1 Feb 2012	Maximum from 1 Feb 2012
Unfair dismissal compensatory award	No minimum	£72,300 (unlimited if dismissal connected with health and safety or public interest disclosure)
Unfair dismissal basic award	No minimum	£12,900 (max 30 weeks' capped at £430 per week)
Max weekly pay	No minimum	£430
Unfair dismissal additional award: failure to reinstate	£11,180 or 26 weeks' pay, whichever is lower	52 weeks' pay (up to £22,360)
Statutory redundancy pay	No minimum	£12,900 (max 30 weeks' capped at £430 per week)
Unfair dismissal basic award where dismissal is for reason of trade union membership/activities, health and safety or activities as an employee representative.	£5,300	£12,900
Discrimination	No minimum	No maximum
Breach of right to be accompanied	No minimum	£860 (max 2 weeks' pay capped at £430 per week)
Failure to inform and consult: collective redundancies	No minimum	90 days' actual pay (not capped)

Failure to inform and consult: TUPE transfer	No minimum	13 weeks' actual pay (not capped)
Failure to provide written statement of terms and conditions of employment	2 weeks' pay (capped at £430 per week)	4 weeks' pay (capped at £430 per week)
Breach of flexible working request	No minimum	£3,440 (8 weeks' pay capped at £430 per week)
Breach of contract	No minimum	£25,000

It is important to note that a Tribunal may increase or reduce an award of compensation by up to 25% where an employer/employee fails to comply with the ACAS Code of Practice on discipline and grievance. The ACAS Code does not apply to dismissals due to redundancy or the non-renewal of a fixed term contract.

Time limits

Dismissal

Claim	No. of years' service	Time limit
Unfair dismissal	One – up to 5 April 2012 Two – from 6 April 2012 <i>Transitional provisions to be confirmed.</i>	3 months less 1 day from effective date of termination
Unfair dismissal connected with pregnancy, maternity, parental or dependant care	None	3 months less 1 day from effective date of termination
Unfair dismissal related to making a protected disclosure	None	3 months less 1 day from effective date of termination
Unfair dismissal for asserting a statutory right	None	3 months less 1 day from effective date of termination

Unfair dismissal for a health and safety reason	None	3 months less 1 day from effective date of termination
Unfair dismissal by reason of a business transfer	One – up to 5 April 2012 Two – from 6 April 2012 <i>Transitional provisions to be confirmed.</i>	3 months less 1 day from effective date of termination
Wrongful dismissal	None	3 months less 1 day from effective date of termination in Tribunal
Unfair dismissal for taking part in official industrial action	None	6 months less 1 day from date of dismissal

The Employment Tribunal may extend time if it was not reasonably practicable for the employee to issue the claim in time.

#### Discrimination

Claim	No. of years service	Time limit
Discrimination because of sex, race, disability, age, religion or belief, sexual orientation, gender reassignment, marriage or civil partnership	None	3 months less 1 day from the act complained of or where discrimination is continuous, 3 months less 1 day from the act complained of.
Equal pay	None	6 months less 1 day from the effective date of termination

The Employment Tribunal may extend time if it is just and equitable to do so.

#### Statutory payments

##### National minimum wage

Age	October 2010	October 2011
21+	£5.93	£6.08
18-20	£4.92	£4.98
16-17	£3.64	£3.68
Apprentice	£2.50	£2.60

Accommodation set off (max deduction per day where employer provides accommodation)	£4.61	£4.73
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#### Other relevant payments for time off work (per week)

Type of payment	April 2011	April 2012	Max period
Maternity allowance	£128.73 a week or 90% of normal weekly pay if earnings lower	£135.45 a week or 90% of normal weekly pay if earnings lower	39 weeks
Statutory maternity pay (SMP)	90% of employee's normal weekly earnings	90% of employee's normal weekly earnings	6 weeks
SMP (prescribed rate)	£128.73 a week or 90% of normal weekly earnings if lower	£135.45 a week or 90% of normal weekly earnings if lower	33 weeks
Statutory paternity pay (SPP)	£128.73 a week or 90% of normal weekly earnings if lower	£135.45 a week or 90% of normal weekly earnings if lower	2 weeks ordinary paternity leave; 26 weeks additional paternity leave
Statutory adoption pay (SAP)	£128.73 a week or 90% of normal weekly earnings if lower	£135.45 a week or 90% of normal weekly earnings if lower	39 weeks

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If you have any employment law related queries, please do not hesitate to get in touch with us:

Address: 23 Berkeley Square,  
Mayfair, London,  
W1J 6HE  
Phone: +44 (0)203 178 5360  
Fax: +44 (0)203 318 0995  
Email: [info@kervinandbarnes.com](mailto:info@kervinandbarnes.com)  
Website: [www.kervinandbarnes.co.uk](http://www.kervinandbarnes.co.uk)