

CURRENT RATES AND LIMITS FOR HR MANAGERS AND EMPLOYEES

A guide to Employment Tribunal awards, Tribunal fees, 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 February, April or October each year (depending).

Type of award/payment	Minimum	Maximum
Unfair dismissal compensatory award	No minimum	£83,682 or 52 weeks' pay, whichever is the lower (unlimited if dismissal connected with health and safety or public interest disclosure)
Unfair dismissal basic award	No minimum	£15,240 (max. 30 weeks' pay; capped at £508 per week)
Max. weekly pay	No minimum	£508
Unfair dismissal additional award: failure to reinstate	£13,208 or 26 weeks' pay, whichever is lower	£26,416 or 52 weeks' pay whichever is lower
Statutory redundancy pay	No minimum	£15,240 (max 30 weeks' pay capped at £508 per week)
Unfair dismissal basic award bec. of TU membership/activities, health and safety or activities as an employee rep	£6,203	£15,240
Discrimination	No minimum (arguably)	No maximum – although note Injury to Feelings <i>Vento</i> bands (£900 to £8,600; £8,600 to £25,700; and £25,700 to £42,900)
Breach of right to be accompanied	No minimum	£1,016 (max 2 weeks' pay capped at £508 per week)
Failure to inform and consult: collective redundancies	No minimum	90 days' gross pay (not capped)

Failure to inform and consult: TUPE transfer	No minimum	13 weeks' gross pay (not capped)
Failure to provide written statement of terms and conditions of employment	2 weeks' pay (capped at £508 per week) i.e. £1,016	4 weeks' pay (capped at £508 per week) i.e. £2,032
Breach of flexible working request	No minimum	£4,064 (8 weeks' pay capped at £508 per week)
Breach of contract	No minimum	£25,000 (in the Tribunal system)

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 start date Two – from 6 April 2012 start date	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 start date Two – from 6 April 2012 start date	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

*But note the need to complete compulsory Early Conciliation via ACAS before filing any Employment Tribunal claim.

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

Time Limits: 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

*But note the need to complete compulsory Early Conciliation via ACAS before filing any Employment Tribunal claim.

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

Employment Tribunal and Employment Appeal Tribunal fees

These were in place between 29 July 2013 and 26 July 2017 but have since been abolished.

Insolvency

The National Insurance Fund covers certain payments from insolvent employers provided the relevant conditions are met.

The following can be claimed: 8 weeks' arrears of pay (at the capped weekly rate – see above); statutory notice pay (up to a maximum of 12 weeks at the capped weekly rate); accrued holiday pay (up to a maximum of 6 weeks at the capped weekly rate); and a basic award or statutory redundancy payment.

Interest awarded by Tribunals

8% interest is payable on discrimination awards from the date of the discriminatory act to the date of the award. Interest is also payable on unpaid Tribunal awards from the day after the relevant decision day, unless the full amount is paid within 14 days after the decision day; the current rate is 8%.

Statutory payments: National minimum wage

Age	1 April 2017	1 April 2018
25+	£7.50	£7.83
21+	£7.05	£7.38
18-20	£5.60	£5.90
16-17	£4.05	£4.20
Apprentice	£3.50	£3.70
Accommodation set off (max deduction per day where employer provides accommodation)	£6.40	£7.00

Other relevant payments for time off work (per week)

Type of payment	April 2017*	April 2018*	Max period
Maternity Allowance (MA)	£140.98 a week or 90% of normal weekly pay if earnings lower	£145.18 a week or 90% of normal weekly pay if earnings lower	39 weeks
Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) on Earnings Related Rate	90% of employee's normal weekly earnings	90% of employee's normal weekly earnings	6 weeks (39 weeks in total – see below)
SMP or SAP on Prescribed Rate	£140.98 a week or 90% of normal weekly earnings if lower	£145.18 a week or 90% of normal weekly earnings if lower	33 weeks (39 weeks in total – see above)
Statutory paternity pay (SPP)	£140.98 a week or 90% of normal weekly earnings if lower	£145.18 a week or 90% of normal weekly earnings if lower	2 weeks ordinary paternity leave
Shared Parental Leave (SPL)	£140.98 a week or 90% of normal weekly earnings if lower	£145.18 a week or 90% of normal weekly earnings if lower	39 weeks, less any weeks spent by the child's mother or adopter in receipt of SMP, MA or SAP
Statutory Sick Pay (SSP)	£89.35	£92.05	28 weeks

* Precise commencement dates for new figures vary within April depending on the type of pay.