



# Employment Fact Card

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A useful tool for HR professionals

## Family friendly leave

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### **Ordinary Maternity Leave (“OML”)**

Employees have a right to 26 weeks’ OML (can begin 11 weeks before Expected Week of Childbirth) (“EWC”)

### **Additional Maternity Leave (“AML”)**

Employees have the right to 26 weeks’ AML (following the end of OML)

### **“Compulsory” Maternity Leave**

Employees must take a minimum of 2 weeks’ leave following the birth (4 weeks for employees who work in a factory)

### **Ordinary Adoption Leave (“OAL”)**

All eligible employees have a right to 26 weeks’ OAL from the date upon which the employee has chosen their OAL to begin

### **Additional Adoption Leave (“AAL”)**

All eligible employees have the right to 26 weeks’ AAL (following the end of OAL)

### **Paternity Leave**

All eligible employees have a right to one whole week or two consecutive weeks’ OML within 56 days of the child’s birth

### **Shared Parental Leave (“SPL”)**

All eligible employees have a right to 52 weeks SPL less the weeks’ spent by the child’s mother on maternity leave

## Statutory maternity pay

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### **Statutory Maternity Pay (“SMP”)**

Paid for up to 39 weeks

90% of average gross weekly earnings for the first 6 weeks, followed by 33 weeks at lower of the “prescribed rate” (see below) or 90% of average gross weekly earnings, whichever is lower

### **Qualifying conditions for SMP**

26 weeks’ service by the end of the 15th week before EWC

Average gross weekly earnings at or above Lower Earnings Limit for National Insurance Contributions (see below)

The employee gives the employer at least 28 days’ notice (or, as much notice as is reasonably practicable) of the date she intends SMP to start

She supplies a certificate (usually a MAT B1) from a midwife or doctor, confirming the date of her expected week of child birth.

## Statutory sick pay

Rate	£92.05 per week (as of 6 April 2018)
Qualifying conditions	No qualifying service Earnings at/above Lower Earnings Limit for National Insurance Contributions Sick for 4 consecutive days or more

## Parental Leave

Qualifying Service	One years' continuous employment
The right	18 weeks' unpaid leave for each child
Who qualifies?	Employees with parental responsibility for a child under 18, including adoptive parents and those who have some parental responsibility for a child.
Timing	Leave to be taken in 1 week blocks, 21 days' notice to be given before the start date with maximum of 4 weeks per year

## Weekly payments for time off work "Prescribed rate"

Maternity Pay	£145.18 (as of 1 April 2018)
Paternity Pay	£145.18 (as of 1 April 2018)
Adoption Pay	£145.18 (as of 1 April 2018)
Shared Parental Leave Pay	£145.18 (as of 1 April 2018)
Lower Earnings Limit (for NI purposes)	£116.00 (as of 1 April 2018)

## National minimum wage from 1 April 2018

Apprentices	£3.70 (if under 19 or in first year of apprenticeship)
16-17	£4.20
18-20	£5.90
21-24	£7.38
25+	£7.83 (National living wage)

## Statutory redundancy payment from 6 April 2018

Maximum Gross Weekly Pay	£508.00
Maximum number of years counted	Last 20 worked

1.5 week's pay for each year of service for the employee who is 41 or over  
1 week's pay for each year of service for the employee between the ages of 22 and 40

0.5 week's pay for each year of service for the employee under the age of 22

## Time off for dependants

Who can apply?	All Employees
Qualifying service	No qualifying service
The right	Reasonable unpaid time off work to deal with emergencies involving a "dependant"
A "dependant"	Normally a spouse, civil partner, child or parent (but not grandparent) of the employee, or a person who lives in the same household as the employee (excluding tenants, lodgers, boarders and employees)

## Flexible working

Qualifying conditions	Be an employee Have 26 weeks' continuous service at date application is made Not have made another flexible working request in the preceding 12 months
How is a request made?	Written and dated application by employee containing specified information
How many requests can be made?	One in each 12 month period
On what grounds can a request be refused?	Employer can reject request for one/more of the specified business reasons
Is there a right to appeal?	Yes

## Working time

Rest breaks	A rest break of 20 minutes when working more than six hours per day
Daily rest	11 hours' uninterrupted rest per day
Weekly rest	24 hours' uninterrupted rest per week (or 48 hours' uninterrupted rest per fortnight)
Weekly working time limits	Worker's average working time (including overtime) does not exceed 48 hours per week (unless worker has contracted out)
Night working time limits	Night worker's normal hours of work do not exceed eight hours per day on average
Paid annual leave	5.6 weeks' paid holiday per year (can include bank holidays)

## Unfair dismissal qualifying period of service

(Unless dismissal is for an "automatically" unfair reason)

2 years' service for employees who start work on or after 6 April 2012

## Compensation limits from 6 April 2018

Limit on a week's pay	£508
Statutory Redundancy/basic award for unfair dismissal	£15,240 (max)
Compensatory award for unfair dismissal	£83,682 (max) (the max award is the lower of £83,682 or 52 weeks' gross pay)
Compensatory award for discrimination	Uncapped
Refusal of right to be accompanied	up to 2 weeks' pay £1,016 (max)
Flexible working request	up to 8 weeks' pay £4,064 (max)
Failure to provide written particulars	2 or 4 weeks' pay £1,016 - £2,032 (max)
Breach of contract action in Tribunal	£25,000
Failure to collectively consult over redundancy	Up to 90 days' gross actual pay per dismissed employee (where 20 or more redundancies proposed). Limit on a weeks' pay does not apply
Failure to inform/consult over a TUPE transfer	Up to 13 weeks' gross actual pay per affected employee. (Limit on a weeks' pay does not apply)

The information in this guide is correct as at the time of publication. Readers are advised to check information at time of use and to always seek professional advice before acting.

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