



— SOLICITORS —

Employment Fact Card

A useful tool for HR professionals

Family friendly leave

Ordinary Maternity Leave (OML)

All employees have a right to 26 weeks' OML (can begin 11 weeks before Expected Week of Childbirth) (EWC)

Additional Maternity Leave (AML)

All 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)

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

Ordinary Adoption Leave (OAL)

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

Statutory maternity pay

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	£95.85 per week (as of 6 April 2020)
Qualifying conditions	No qualifying service Earnings at/above Lower Earnings Limit for National Insurance Contributions Sick for 4 consecutive days or more*

* NB. waiting days have been suspended by the government for all illnesses during the current COVID-19 crisis

Parental Leave

Qualifying Service	1 years' service
The right	18 weeks' unpaid leave for each child (4 weeks' per year)
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	£151.20 (as of 6 April 2020)
Paternity Pay	£151.20 (as of 6 April 2020)
Adoption Pay	£151.20 (as of 6 April 2020)
Shared Parental Leave Pay	£151.20 (as of 6 April 2020)
Statutory Parental Bereavement Pay	£151.20 (as of 6 April 2020)
Lower Earnings Limit (for NI purposes)	£120.00 (as of 6 April 2020)

National minimum wage from 1 April 2020

Apprentices	£4.15 (if under 19 or in first year of apprenticeship)
16-17	£4.55
18-20	£6.45
21-24	£8.20
25+	£8.72 (National living wage)

Statutory redundancy payment from 6 April 2020

Maximum Gross Weekly Pay	£538.00
Maximum number of years counted	Last 20 worked

1.5 weeks' pay for each year of service for the employee who is 41 or over

1 weeks' pay for each year of service for the employee between the ages of 22 and 40

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

Time off for dependants

Who can apply?	Employees, male or female.
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 from 30 June 2014

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 (not statutory but recommended)

Working time from 1 Oct '13 / 1 Oct '14

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

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 2020

Limit on a week's pay	£538
Statutory Redundancy/basic award for unfair dismissal	£16,140 (max)
Compensatory award for unfair dismissal	£88,519 (max) (Note: the max award is the lower of £88,519 or 52 weeks' gross pay)
Compensatory award for discrimination	Uncapped
Refusal of right to be accompanied	up to 2 weeks' pay £1,076 (max)
Flexible working request	up to 8 weeks' pay £4,304 (max)
Failure to provide written particulars	2 or 4 weeks' pay £1,076 - £4,302 (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)
Failure to inform/consult over a TUPE transfer	Up to 13 weeks' gross actual pay per affected employee

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.

BPE is an entrepreneurial business working with like-minded businesses and individuals. We support businesses through their lifecycle, from starting up and structuring a business to development either through growth, joint ventures, buying and selling to floating on the stock market.

Independent legal directory, Legal 500, ranks BPE's Employment team in the top tier for the M4 Corridor and Gloucestershire and lists Partners Heyma Holmes and Sarah Lee as recommended lawyers.

BPE Solicitors LLP's other services include Commercial, Commercial Litigation, Commercial Property, Construction and Engineering, Corporate, Family, Lender Services, Private Client, Residential Property and Science and Technology.

BPE Solicitors LLP

✉ bpe@bpe.co.uk

🐦 [@BPE_Solicitors](https://twitter.com/BPE_Solicitors)

🌐 bpe.co.uk



Sarah Lee

Partner

📞 01242 248261

📱 07810 378770

✉ sarah.lee@bpe.co.uk



Heyma Holmes

Partner

📞 01242 248253

📱 07850 796402

✉ heyma.holmes@bpe.co.uk