

## Compensation Limits (from 06 April 2015)

Complaint	Maximum Award
Unfair dismissal:	
• Basic award	£14,250
• Compensatory award	£78,335* <small>(unlimited in certain circumstances)</small>
Discrimination	Unlimited
A week's pay used to calculate basic awards and statutory redundancy payments	£475
Statutory redundancy pay	£14,250
Dismissal for union or employee representatives or pension trustee reasons:	
• Basic award	£14,250 <small>(minimum £5,807)</small>
• Compensatory award	£78,335*
Dismissal for health and safety reasons:	
• Basic award	£14,250 <small>(minimum £5,807)</small>
• Compensatory award	No limit
Dismissal for protected disclosure reasons:	
• Basic award	£14,250
• Compensatory award	No limit
Contract claims	£25,000 in the Employment Tribunal <small>(no limit in the High or County Courts)</small>
Failure to conduct collective consultation	90 days' gross pay per employee
Failure to inform or consult over a TUPE transfer	13 weeks' gross pay per employee
Breach of right to be accompanied	2 weeks' pay <small>(up to £950)</small>
Breach of flexible working regulations	8 weeks' pay <small>(up to £3,800)</small>
Failure to give statement of employment particulars	£950 to £1,900

## Fixed fee HR & Employment Law for schools

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# Employment Law for Schools

## Facts & Figures Summary



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## Family Friendly Leave

Type of leave	Minimum amount
Statutory maternity leave	52 weeks <small>(26 weeks ordinary and 26 weeks additional). First 2 weeks is compulsory</small>
Statutory paternity leave	28 weeks <small>(2 weeks ordinary and 26 weeks additional****)</small>
Statutory adoption leave	52 weeks <small>(26 weeks ordinary and 26 weeks additional)</small>
Parental leave	18 weeks unpaid per child in respect of children aged under 18
Time off for dependants	'Reasonable' amount <small>(unpaid)</small>
Shared parental leave***	50 weeks

## Family Friendly Payments

Type	From 06 Apr 2015	Max period
Statutory maternity pay (SMP) (higher rate)	90% of normal weekly earnings	6 weeks
Statutory maternity pay (SMP) (basic rate)	£139.58 a week or 90% of normal weekly earnings if lower	33 weeks
Maternity allowance (MA)	£139.58 a week or 90% of normal weekly earnings if lower	39 weeks
	Full pay <small>(offset against SMP or MA)</small>	4 weeks
Occupational maternity pay under Burgundy Book*	90% of a weeks' salary <small>(offset against SMP or MA)</small>	2 weeks
	Half pay & SMP <small>(provided this does not exceed full pay)</small>	12 weeks
Occupational maternity pay under Green Book**	90% of a weeks' salary <small>(offset against SMP or MA)</small>	6 weeks
	Half pay & SMP or MA <small>(provided this does not exceed full pay)</small>	12 weeks
Statutory adoption pay (higher rate)	90% of normal weekly earnings	6 weeks
Statutory adoption pay (basic rate)	£139.58 a week or 90% of normal weekly earnings if lower	33 weeks
Statutory shared parental leave pay***	£139.58 a week or 90% of normal weekly earnings if lower	37 weeks

## Qualifying Periods & Time Limits

Complaint	Qualifying Period	Time limit to bring a claim
Unfair dismissal	2 years	3 months starting from EDT**
Discrimination	None	3 months from the date of the act complained of
Equal pay	None	6 months from the last day of employment in the Employment Tribunal (6 years from the breach in the High or County Court)
Written reasons for dismissal	2 years	3 months starting from EDT**
Automatically unfair dismissal e.g. pregnancy, health & safety, and whistle blowing	None	3 months starting from EDT**
Statutory redundancy payment	2 years	6 months from 'relevant date' (date of termination)
Failure to conduct collective consultation	None	3 months starting with the date the last dismissal takes effect
Failure to pay a protective award	None	3 months starting with the last day in respect of which the complaint is made
Failure to consult under TUPE	None	3 months from the date of the transfer
Written particulars of employment	1 month	3 months from the date employment ceased
Breach of contract claim by employee	None	3 months starting from EDT** in Employment Tribunal (6 years from the breach in the County or High Court)
Less favourable treatment/suffering a detriment because of part time status	None	3 months from the date of less favourable treatment or detriment to which the complaint relates
Less favourable treatment because of fixed term status	None	3 months from the date of less favourable treatment or detriment to which the complaint relates

## National Minimum Wage

Category of Worker	From 01 Oct 2014	From 01 Oct 2015
Aged 21+	£6.50 per hour	£6.70 per hour
Aged 18-20	£5.13 per hour	£5.30 per hour
Aged 16-17	£3.79 per hour	£3.87 per hour
Apprentice	£2.73 per hour	£3.30 per hour
Accommodation offset	£5.08 per day	£5.35 per day

## Calculating Statutory Redundancy Pay

1½ week's pay	Each year in employment aged 41+
1 week's pay	Each year in employment aged 22-40
½ week's pay	Each year in employment aged 21 and under
Statutory maximum week's pay	£475
Statutory maximum number of years	Last 20 worked

## Working Time (subject to some exceptions & special cases)

Type of leave	Minimum amount
Paid annual leave	5.6 weeks
Rest break after 6 hours	20 minutes (30 minutes after 4.5 hours for 16-17 year olds)
Daily rest period	11 hours (12 hours for 16-17 year olds)
Weekly rest period	24 hours (48 hours for 16-17 year olds)
Maximum average working time	48 hours per week (in the last 17 weeks)

## Sick Pay (from 06 April 2015)

Category	Qualifying period of service	Rate	Maximum period	
Statutory sick pay (SSP)	None	£88.45	28 weeks	
Occupational sick pay under the Burgundy Book <sup>+</sup>	During year 1	Full pay (inclusive of SSP)	25 days	
		After 4 months service half pay (inclusive of SSP)	50 days	
	During year 2	Full pay (inclusive of SSP)	50 days	
		Half pay (inclusive of SSP)	50 days	
	During year 3	Full pay (inclusive of SSP)	75 days	
		Half pay (inclusive of SSP)	75 days	
	During year 4 & further years	Full pay (inclusive of SSP)	100 days	
		Half pay (inclusive of SSP)	100 days	
	Occupational sick pay under the Green Book <sup>++</sup>	During year 1	Full pay (inclusive of SSP)	1 month
			After 4 months service half pay (plus SSP, provided the total sum does not exceed the normal pay)	2 months
		During year 2	Full pay (inclusive of SSP)	2 months
			Half pay (plus SSP, provided the total sum does not exceed the normal pay)	2 months
During year 3		Full pay (inclusive of SSP)	4 months	
		Half pay (plus SSP, provided the total sum does not exceed the normal pay)	4 months	
During years 4 & 5		Full pay (inclusive of SSP)	5 months	
		Half pay (plus SSP, provided the total sum does not exceed the normal pay)	5 months	
After 5 years		Full pay (inclusive of SSP)	6 months	
		Half pay (plus SSP, provided the total sum does not exceed the normal pay)	6 months	

## Minimum Notice to Employers

Category	Length of employment	Notice required
Statutory	Under 1 month 1 month or more	No notice required 1 week
Green Book <sup>++</sup>	From commencement of employment	One pay period
Burgundy Book <sup>+</sup>	From commencement of employment	2 months notice, or in the summer term <sup>+++</sup> 3 months notice, terminating at the end of a school term (subject to compliance with the statutory notice provisions)

## Minimum Notice to Employees

Category	Length of employment	Notice required
Statutory & Green Book <sup>++</sup>	Under 1 month	No notice required
	1 month to 2 years	1 week
	2 years to 12 years	1 week for each completed year of employment
	Over 12 years	12 weeks
Burgundy Book <sup>+</sup>	From commencement of employment	2 months notice, or in the summer term <sup>+++</sup> 3 months notice, terminating at the end of a school term (subject to compliance with the statutory notice provisions)

<sup>+</sup> **Burgundy Book:** Conditions of service for school teachers in England & Wales

<sup>++</sup> **Green Book:** National Agreement on pay and conditions of service for Local Government services

<sup>+++</sup> Summer term means from 1st May to 31st August

<sup>\*</sup> Capped at 52 weeks' pay (if less)

<sup>\*\*</sup> EDT means Effective Date of Termination

<sup>\*\*\*</sup> Shared parental leave and pay are only available where the expected week of childbirth began on or after 05 April 2015, or a child was placed for adoption on or after that date

<sup>\*\*\*\*</sup> Additional statutory paternity leave and pay are only available where the expected week of childbirth began before 05 April 2015 or a child was placed for adoption before that date