

HETHERTONS' EMPLOYMENT UPDATE

Spring Edition

Repeal of the Statutory Dismissal & Grievance Procedures April 2009

From 6th April 2009 the Statutory Dismissal and Disciplinary Procedures (SDDPs), and the Statutory Grievance Procedures (SGPs) have been repealed. These procedures have been a thorn in the side of employers across the country since they were introduced in 2004. They are replaced with the ACAS Code of Practice on Disciplinary and Grievance Procedures which can be accessed on the ACAS website at www.acas.gov.uk. The Code is well worth reading to make sure your Company is following the basic principles when dealing with disciplinary and grievance issues in the workplace.

Failure to follow the code can

result in a Tribunal finding that a dismissal is unfair, it may also lead to the Tribunal awarding an uplift on compensation of up to 25%. The Code, however, is less prescriptive and rigid than the SDDPs and SGPs. There is no longer an automatic unfair dismissal or an uplift of up to 50% for failure to follow the procedures.

The Code does set out a number of guiding principles when dealing with disciplinary matters and grievances. The main principles to take from the code are that employers should act *promptly, consistently, investigate* all matters thoroughly, *inform* the employee of the basis of the allegations, allow the



employee to be *accompanied* and allow for an *appeal* to any decision. These principles form the basis of a fair process and should be incorporated into your procedures for handling disciplinary and grievance issues.

Statutory Sick Pay, Maternity and Paternity Pay annual increases

From 6th April 2009 the annual increases to statutory sick pay, maternity and paternity pay came into effect -

- Statutory Sick Pay (SSP) increased to £79.15.
- Statutory Maternity Pay increased to £123.06.
- Statutory Paternity Pay increased to £123.06

Flexible working rights extended

From 6th April 2009 the right to request flexible working was extended to child carers with caring responsibilities for children up to and including the age of 16. Previously this right had applied to carers with children up to and including the age of 5. The same procedures for applications to work flexibly will apply. Carers of disabled children continue to have the right to request flexible working in relation to children under 18.

Increase to minimum holiday entitlement

From 1st April 2009 statutory holiday entitlement increased for all full time employees to 5.6 weeks per year up from 4.8 weeks. This is an increase from 24 days to 28 days. This increase may include bank holidays. The entitlement will be pro-rated for part-time employees.

Employment Tribunal Statistics for 2007/2008



The Tribunal Service has published the Employment Tribunal statistics for the period 1st April 2007 to 31st March 2008. They make interesting reading and reveal a 43% increase in claims being brought in the Employment Tribunal. Claims are up from 132,577 claims in 2006/07 to 189,303 claims in 2007/08.

These figures show a worrying trend for employers, highlighting the fact that more and more employees are bringing claims at an Employment Tribunal. Average and median awards for claims has also increased (see table below). As job opportunities become sparse in the current recession, employees are more likely

to look for compensation if they have been dismissed unfairly. Employers should take extra caution when dealing with their employees and especially when dismissing them. The table below gives an indication of the level of compensation currently awarded in relation to the most common claims.

	Highest Award	Average Award	Median Award
Unfair Dismissal	£76,536	£8,058	£4,000
Race Discrimination	£68,991	£14,566	£8,120
Sex Discrimination	£131,466	£11,263	£5,200
Disability Discrimination	£227,208	£19,523	£8,363
Sexual Orientation Discrimination	£22,850	£7,579	£2,103
Age Discrimination	£12,124	£3,334	£1,526

Beating the Credit Crunch—Alternatives to Redundancy

Despite suffering a fall in orders and a squeeze on income many companies are reluctant to lose experienced staff to redundancy. There are a number of measures which may be put in place to save costs whilst still keeping employees on the books. These include putting a hold on overtime and spreading work evenly amongst the workforce, reducing hours per day or days per week, changes to shift patterns to ensure most economical use of employees, offering unpaid leave and finally introducing pay cuts. These measures should be introduced sensitively and normally after consultation with employees. If you would like any advice or assistance on avoiding redundancies or a redundancy situation please contact one of employment team.



If you have any queries or would like advice on any employment issues please do not hesitate to contact one of our team of expert employment solicitors:

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