

[<Back](#) [Print](#)

Getting In 2 HR - Are you ready for April 2009?

- March 2009 - Issue 16

In This Issue...

New legislation from April
In 2 HR Viewpoint - pay increases

Sign Up



Quick links

[In 2 HR website](#)

Hi

As you may know, the Government issues new legislation in April and October each year and, even with the current recession, this year is to be no exception. So, in this issue, I have summarised the new legislation that is coming in to force from 6th April as well as giving a view on legislation currently being considered for later in the year.

Regards
Nicki

New legislation from April



New disciplinary and grievance

The current statutory disciplinary and grievance procedures that we have all been diligently following since 2004, is being withdrawn and replaced by a new Code of Practice that has been issued by ACAS, the Advisory, Conciliation and Arbitration Service.

The old procedure is being withdrawn as the Government has finally realised that companies have been struggling to properly follow the procedures and failing to 'spot the grievance'. Until now, if a company did not strictly follow the 'three step process' for either a disciplinary or grievance matter, employees were able to make an automatic tribunal claim and gained increased compensation for the company's failure.

The new procedure removes the emphasis and requirement to strictly follow the 'three step process' and, from 6 April, simply failing to follow the new procedure (Code) will not, in itself, be a reason for an employee to be able to make an employment tribunal claim. Instead the focus in the new Code is about encouraging better communications between the employee and manager to try to resolve the problems and issues internally and hence, reduce the likelihood of a tribunal claim.

If, however, an employee does make an application to an

employment tribunal, the tribunal will still take the new Code into account when considering the case being made and they have the discretion to increase or reduce compensation by up to 25% if they believe either side has unreasonably failed to comply with the new Code.

Any disciplinary or grievance matter that commences prior to the 6 April should be conducted using the old statutory procedures with the new code being used for any that commence after this date. Companies, therefore, need to have new procedures in place to reflect the new Code from 6 April and should be advising staff of the new process that will be used. If you have any questions about the new Code or need some help updating your 'old' procedures then contact us [here](#)

Family friendly

The right to request flexible working currently only extends to parents with children under six (under 18 if the child is disabled) and to employees with caring responsibilities. From 6 April this right is being extended to include parents with children aged 16 and under. For some strange reason the government has excluded carers of children aged 17 who are not disabled, but who still may need care so please be careful, if one of your employees falls into this category.

We are still awaiting the outcome of the proposal to increase the compulsory maternity leave from two to six weeks as well as a review of parental leave arrangement. What is not currently happening, however, is the plan to extend statutory maternity pay up to 52 weeks and the introduction of additional paid paternity leave, which would have effectively allowed both parents to share the maternity leave period. This decision has been delayed because of the credit crunch and is unlikely to be implemented before 2010.

Statutory holiday entitlements

From 1 April the final stage of the increase in the statutory holiday entitlement will be implemented. From this date minimum holiday entitlement, for a full time employee, will increase from 4.8 weeks (24 days) to 5.6 weeks (28 days) per annum including the eight bank holidays.

The impact of this increase on companies that have previously allowed employees to carry over holiday in to the next holiday year, is that they will only now be able to allow this if the carry over is for days in excess of 28 days including bank holidays.

Companies now offering less than 20 days annual holiday entitlement per year, excluding the bank holidays, will no longer be complying with the legislation and could be leaving themselves open to employment tribunal claims.

Tribunal awards

The new statutory rates for some of the most common awards are / will be:-

- Maternity, paternity and adoption pay, £ 123.06 per week (from April 2009)

- Statutory sick pay, £ 79.15 (from April 2009)
- Statutory redundancy payment, £350 per week (from 1 February 2009)
- Statutory maximum redundancy payment, £ 10,500 (from 1 February 2009)
- Maximum compensatory award for unfair dismissal, claimed at an employment tribunal, £ 66,200 (from 1 February 2009)

The national minimum wage rates are usually reviewed from 1 October each year, but, at the moment, the Government is waiting to see how we are all fairing with the recession before making any decision about this.

In 2 HR Viewpoint - pay increases



Although not related to the new legislation, I thought you might be interested to know what is happening with regards to employee expectations around salary increases, as these are usually awarded in January or April.

According to the CIPD Barometer survey on 'Pay Attitudes' which surveyed 2604 employees, 86% of employees believe they will get a pay increase that is either less than last year, no pay rise or a pay cut. The

details were:-

- 28% believed there would be no pay increase this year
- 26% believed that the pay rise would be lower than in 2008
- 23 % believed the pay rise would be the same as in 2008
- 11% believed the pay rise would be higher than in 2008
- 2% believed there would be a cut in their salary.

I hope you have found this edition of **Getting In 2 HR** useful.

If you have a particular topic you would like to see included in a forthcoming issue then please send your topic and/or any questions to be answered to info@In2HR.co.uk

Disclaimer The information given in this newsletter is provided as a guide and overview only and not as specific legal facts. If you are unsure about any of the information provided you are advised to contact us directly.

Regards,

Nicki Kempston
In 2 HR Ltd

email: nicki@in2hr.co.uk
Telephone: 01628-622722
website: <http://www.In2HR.co.uk>

[Forward this newsletter to a friend](#)

Email Marketing by

 **SafeUnsubscribe®**

This email was sent to nicki@in2hr.co.uk by nicki@in2hr.co.uk.

[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



In 2 HR Ltd | 1 Jones House | High Street | Bray | Maidenhead | Berkshire | SL6 2AH | United Kingdom