

Keep it out of court!

No one likes the idea of a day in court - especially in the dock! But for today's employers, the risk that this could happen seems to be growing. Worse yet, there's new government legislation in the pipeline that could increase your chances of finishing up before an employment tribunal judge still further.

So what can you do? And what *should* you do to 'keep out of jail'...?

Hot off the Press!

Annual Increase in Statutory Payments

From the 1st April the standard rates of statutory maternity pay will increase from £112.75 to a weekly rate of the lesser of £117.18 or 90% of the person average weekly earnings.

From the 6th April, the rates for Statutory Sick pay (SSP) will increase from £72.55 to £75.40 per week.

You will need to ensure that you apply these new rates to all those employees taking family related leave or are absent from work through sickness, and that the relevant policies and procedures are updated accordingly.

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Do you require any advice or assistance on how these rates should be applied?

Or have you found that you don't have a policy covering these areas?

Then please contact us today by [e-mail](#) or phone on 0800 907 1015.

Miss a turn, go to an Employment Tribunal...!

Once an employment tribunal claim has been submitted, and the employer has responded to the claim, the matter will normally take anywhere between 3 and 6 months, and sometimes longer before it's heard.

This month the Government announced plans to develop and introduce a fast-track system for those employment tribunal claims which deal with relatively straight forward monetary issues.

The 'fast-track' system will cover five areas:

- Unlawful deductions from wages claims
- Breach of Contract claims
- Redundancy pay claims
- Holiday pay claims, and
- National minimum wage claims

It's likely that employment tribunal judges will sit alone to hear such cases,

Your questions answered

It seems to get easier all the time for employees and job applicants to submit tribunal claims these days. So it's hardly surprising that some people have become serial Employment Tribunal complainants. However...

'Is it possible to find out if someone is a serial Employment Tribunal Complainant? In other words can you find out if someone constantly puts in claims for failure to get jobs, discrimination by their employers etc.? And if they do, could this influence a tribunal when deciding whether or not a complaint is frivolous?'

This is an interesting question and is an action that is becoming more and more prevalent in today's litigious society and



without the assistance of wing members, who would be at a full hearing. Claims combining any of the above with another claim jurisdiction such as discrimination or unfair dismissal, will not be eligible for the fast-track process.

Worried that you are going to be taken to a tribunal or a claim has just landed on your desk? Then please [contact us today by e-mail](#) or phone on 0800 907 1015.



rapid increase in No-Win, No-Fee legal representation.

It is not that easy to find out if someone is a serial complainant in the sense of them submitting 30 claim forms etc. There used to be the register of Employment Tribunal (ET) claims at Bury St Edmunds, which recorded every single claim that was lodged. This was abolished a few years ago, and in its place we now have a Register of Judgements. The difference is that this records every single decision - not the claims that are lodged or settled, but just those that go to a full hearing and get a final decision.

The judgement register can be searched, but you actually have to go to the Regional ET office in Bury to do it.

There are plans to provide Employment Tribunal Judgements on-line via the internet, but these have been delayed until the ET's case management system is fully developed and rolled out across the country. The case flow system is set to be piloted in Autumn this year, and a National rollout will depend on the pilot results. So for the time being it's still a physical search at the Bury St Edmunds office...

Further assistance

If you would like further information on any issues raised by this bulletin, or require advice or assistance with any other human resources matters, **please call us today on 0800 907 1015 or [send us an email](#).**

The information in this newsletter is of a general nature and is not intended to replace professional advice. We recommend you to ask for specific professional advice before taking any action.

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So if someone is a serial complainant, or more accurately a serial judgement person, would that influence the tribunal's decision?

It's possible, but in itself it won't be enough to get a costs award or a claim struck out. It's only relevant if there are other good reasons for saying the complaint is frivolous in a particular claim; if it is, then the existence of a history of complaining might be a relevant factor.

If you do come across a persistent complainer against lots of different employers, you will need to apply to the Attorney General, who can make an application to the High Court to prevent that individual bringing any more claims, without the specific permission of the court. This has been done in a very small number of cases, but is extremely rare and you would need to take specific legal advice before considering such action.

If you have an issue or question you'd like us to cover in a later edition of the newsletter, please [e-mail us](#).