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# 3HR Legal Weekly



## Employment

### Employment Tribunal Fees are to be reviewed

Over the course of the last Parliament the Coalition Government pursued policies aimed at decreasing the cost of Her Majesty's Courts and Tribunals Service (HMCTS) to the public purse, through the introduction of and increases to various fees and charges. Fees were introduced in both the employment tribunals and the Employment Appeals Tribunal on 29 July 2013. Since this date claimants have had to pay a fee when they first issue a claim, and then a larger fee if the claim progresses to a hearing. The current fees are:

	Issue fee	Hearing fee
Simple claim	£160	£230
Complex claim	£250	£950

Examples of simple claims include statutory redundancy payments and unlawful deduction from wages, and those of complex claims include unfair dismissal and discrimination. The tribunals have seen an enormous reduction in the number of claims being issued since the introduction of the fees (52% according to the Ministry of Justice figures published in the Tribunal Statistics Quarterly January to March 2015), and at 3HR we have noticed that the fees have especially resulted in a reduction of poor quality claims submitted at the last minute by fairly dismissed, disgruntled employees in the hope of receiving a pay-out from their employer.

The House of Commons Justice Select Committee is now due to hold an inquiry into how the introduction of employment tribunal fees has affected access to justice and whether the volume and quality of cases brought has been affected.

The Employment team at 3HR can provide expert advice on tribunal claims and all areas of Employment Law.

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## Immigration

### Salary Thresholds for Migrant Workers

#### Q. Are there likely to be any changes to the current salary thresholds for migrant workers?

A. As you may well be aware, the Migration Advisory Committee ("MAC") are currently carrying out a review of immigration in the UK, and in particular are considering what potential changes could be made to the Tier 2 system. At present all matters are only under consideration and therefore there are no definite conclusions to inform you of. However, some of the matters being considered are:

Reviewing the cap for Tier 2 workers, since currently Tier 2 (General) migrants are (usually) subject to a cap, whereas Intra-Company Transfer migrants are not.

Whether Tier 2 (ICT) migrants should be subject to a points-scoring exercise based on particular attributes, economic need and their skill level.

Whether the Immigration Healthcare Surcharge should be extended to Tier 2 (ICT) migrants (who are currently exempt from payment).

Whether salaries should be increased for both Tier 2 (General) and (ICT) and whether salary thresholds should be subject to any regional variation.

In our view, one of the most likely changes will be to make the Immigration Healthcare Surcharge ("IHS") payable by ICT migrants. The cost of the UK's health service (NHS) is regularly an important topic in the media and extending the scope of the IHS to Tier 2 (ICT) migrants is likely to be seen by the government as a relatively straightforward process that will improve funding.

The other most likely change is the increase to salary thresholds. Not only does this tend to increase each year anyway, but the MAC have confirmed that they are in particular looking at whether the minimum salaries should be increased to a level that "better aligns with the salaries paid to highly-specialised experts or individuals filling skills shortages skilled to NQF Level 6 or higher." It could well be therefore that the next increase to salary levels we see will be higher than usual.

As already stated, no changes are yet confirmed. However, if you are intending to bring any new migrants to the UK (whether under the General or Intra-Company Transfer routes) then it may well be prudent to do so early, before any potential changes take place.

3HR regularly assist clients with all aspects of immigration, including entry clearance applications from overseas.

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