**England**

Case 1: Maternity Leave and Redundancy Protections

Query:

An employee in England is currently on maternity leave under the Employment Rights Act 1996. During her leave, her employer begins a redundancy process. Given the Maternity and Parental Leave etc. Regulations 1999 and any updates from 2018 to 2023, what protections does she have during redundancy, and how should the employer proceed?

Answer:

As of the latest amendments to the Maternity and Parental Leave etc. Regulations (2018-2023), an employee on maternity leave is protected against unfair treatment during redundancy. Specifically, the law mandates that the employer must offer any suitable alternative roles to the employee before considering redundancy. The employer is required to give priority to the employee over other candidates for any available positions. If redundancy is inevitable, they must ensure that it is not connected to the employee's maternity leave, to avoid claims of discrimination.

Legislation link:

<https://www.legislation.gov.uk/uksi/1999/3312/contents/made>

Case 2: Landlord’s Responsibility for Carbon Monoxide Alarm

Query:

A tenant in England reports a malfunctioning carbon monoxide alarm installed under the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022. After three weeks, the landlord has not repaired or replaced the alarm. Considering this regulation and the landlord's obligations from 2022 onwards, what actions can the tenant take, and what are the legal consequences for the landlord?

Answer:

Under the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022, landlords in England must ensure that carbon monoxide alarms are functional at the beginning of each new tenancy and must promptly repair or replace them if reported as faulty. The landlord’s failure to address the malfunction within three weeks is a violation of these legal requirements. The tenant can report this issue to their local authority, which has the power to issue a remedial notice. If the landlord fails to comply, they can face financial penalties.

Legislation link:

<https://www.legislation.gov.uk/uksi/2022/707/contents/made>

Case 3: Apprentice Wage Dispute

Query:

An apprentice in England, who has turned 19 and completed one year of their apprenticeship, is being paid the apprenticeship rate, despite recent changes to the National Minimum Wage Act. What are the apprentice's rights regarding wages under the 2023 updates, and how can they challenge their employer?

Answer:

As of April 2023, under the National Minimum Wage Act, apprentices who turn 19 and complete one year of their apprenticeship are entitled to the full National Minimum Wage for their age group. The employer’s failure to adjust the apprentice's wage violates these provisions. The apprentice can file a formal grievance with their employer, and if unresolved, they can report it to HMRC, which is responsible for enforcing minimum wage compliance. They may also escalate the issue to an employment tribunal if necessary.

Legislation link:

<https://www.legislation.gov.uk/ukpga/1998/39/contents>

Case 4: Local Authority Waste Collection Non-Compliance

Query:

A local authority in England has delayed implementing separate food waste collections as required by the Environment Act 2021. Residents are concerned about environmental compliance. Considering the 2021 legislation, what obligations does the authority have, and what steps can residents take if the local authority fails to meet the 2025 deadline?

Answer:

Under the Environment Act 2021, local authorities in England must implement separate food waste collections by 2025. Failure to do so would constitute a breach of statutory duties. Residents may challenge the authority’s inaction by petitioning for a judicial review or filing complaints with environmental regulatory bodies. If the local authority continues to fail its obligations, the government can intervene to enforce compliance, and the authority may face administrative penalties.

Legislation link:

<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

Case 5: Flexible Working Request Denial

Query:

An employee in England requests flexible working under the Employment Relations (Flexible Working) Act 2023, but their employer denies the request without providing specific reasons. Given the recent changes in 2023, is this refusal valid, and what steps can the employee take to contest it?

Answer:

The Employment Relations (Flexible Working) Act 2023 requires employers to handle flexible working requests "reasonably" and provide clear, legitimate reasons for any refusal. The employer’s denial without explanation is not compliant with the law. The employee can file a formal grievance and, if unresolved, escalate the matter to an employment tribunal. The tribunal may require the employer to reconsider the request and could potentially award compensation for mishandling the process.

Legislation link:

<https://www.legislation.gov.uk/ukpga/2023/14/contents/enacted>

**Wales**

Case 6: Parental Leave Entitlement in Wales

Query:

An employee in Wales is applying for unpaid parental leave under the Shared Parental Leave Regulations 2014. What are the employee's rights and obligations regarding how much leave they can take, and are there any differences compared to the rest of the UK?

Answer:

Under the Shared Parental Leave Regulations 2014, employees in Wales have the same entitlement as in the rest of the UK. Parents can share up to 50 weeks of leave, with 37 weeks of statutory pay, as long as they meet the eligibility criteria (such as being continuously employed for at least 26 weeks). However, Welsh employers must ensure they follow additional devolved public health measures that may affect the workplace environment during the leave period, including flexible working arrangements introduced by the Welsh Government.

Legislation link:

<https://www.legislation.gov.uk/ukdsi/2014/9780111118856>

Case 7: Renting Homes (Wales) Act 2016: Repairs and Safety

Query:

A tenant in Wales has raised concerns about the safety of their property, citing issues with fire alarms and structural repairs. How does the Renting Homes (Wales) Act 2016 protect tenants in these situations, and what are the landlord’s obligations?

Answer:

Under the Renting Homes (Wales) Act 2016, landlords in Wales are legally required to ensure that rented homes are fit for human habitation, which includes maintaining fire alarms and ensuring structural safety. Tenants have the right to request repairs, and if the landlord fails to act, they can report the issue to Rent Smart Wales. In cases of non-compliance, landlords can face penalties or be required to carry out the repairs by local authorities. This Act also allows tenants to terminate their contracts if the property is deemed uninhabitable.

Legislation link:

<https://www.legislation.gov.uk/anaw/2016/1/contents>

Case 8: Minimum Alcohol Pricing in Wales

Query:

A shop in Wales is selling alcohol below a certain price, which seems to be lower than the minimum legal limit. What does the Public Health (Minimum Price for Alcohol) (Wales) Act 2018 dictate, and what penalties could the shop face for non-compliance?

Answer:

The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 sets a minimum unit price for alcohol in Wales to reduce excessive drinking. The minimum price is currently set at 50p per unit. If a retailer sells alcohol below this price, they are in breach of the Act and may face fines or have their alcohol license revoked. Local authorities are responsible for enforcement, and repeat offenders may be subject to higher penalties, including court proceedings.

Legislation link:

<https://www.legislation.gov.uk/anaw/2018/5/contents>

Case 9: Planning Permission for Extensions in Wales

Query:

A homeowner in Wales wants to build a large extension to their property without applying for planning permission, arguing that it's within permitted development rights. Under the Town and Country Planning (General Permitted Development) (Wales) Order 1995 and recent amendments, what are the rules regarding extensions, and when is planning permission required?

Answer:

Under the Town and Country Planning (General Permitted Development) (Wales) Order 1995, with subsequent amendments, homeowners in Wales can build certain extensions without planning permission, as long as the extension meets specific criteria. For example, a single-storey rear extension can be built without planning permission if it extends no more than 4 meters beyond the original house for detached properties, or 3 meters for other types of housing. However, larger extensions or those in protected areas (e.g., conservation areas) require full planning permission. Failure to seek permission when required can result in enforcement action by local authorities.

Legislation link:

<https://www.legislation.gov.uk/uksi/1995/418/contents/made>

Case 10: Education and Additional Learning Needs in Wales

Query:

A parent in Wales is seeking additional learning support for their child, who has been diagnosed with special educational needs (SEN). How does the Additional Learning Needs and Education Tribunal (Wales) Act 2018 protect the child’s right to education, and what steps should the parent take to ensure their child receives the necessary support?

Answer:

Under the Additional Learning Needs and Education Tribunal (Wales) Act 2018, children in Wales with special educational needs are entitled to an Individual Development Plan (IDP), which outlines the specific support required to meet their educational needs. Schools and local authorities must work together to provide this support, ensuring the child has equal access to education. If a parent feels their child's needs are not being met, they can appeal to the Education Tribunal for Wales. The Act ensures that any disputes are resolved fairly, and schools are legally obliged to implement the Tribunal’s decisions.

Legislation link:

<https://www.legislation.gov.uk/anaw/2018/2/contents/enacted>

**Scotland**

Case 11: Fair Work and Parental Bereavement Leave in Scotland

Query:

An employee in Scotland has recently lost a child and is requesting bereavement leave. Under the Parental Bereavement (Leave and Pay) Act 2018, what are their rights, and what obligations does their employer have?

Answer:

Under the Parental Bereavement (Leave and Pay) Act 2018, employees in Scotland who have lost a child are entitled to two weeks of statutory bereavement leave, regardless of how long they have worked for their employer. Eligible employees may also receive statutory bereavement pay during this period. The leave can be taken at any time within 56 weeks following the death. Employers must provide this leave and cannot refuse the request.

Legislation link:

<https://www.legislation.gov.uk/ukpga/2018/24/enacted>

Case 12: Repairing Standards for Tenants in Scotland

Query:

A tenant in Scotland has concerns about mold and dampness in their rented property. Under the Housing (Scotland) Act 2006 (amended in 2019), what rights does the tenant have to request repairs, and what are the landlord's obligations?

Answer:

The Housing (Scotland) Act 2006, amended in 2019, outlines that landlords must ensure their property meets the statutory repairing standard, which includes addressing issues like damp and mold. If a tenant reports such issues, the landlord is required to make the necessary repairs within a reasonable time. If the landlord fails to do so, the tenant can raise the issue with the First-tier Tribunal for Scotland (Housing and Property Chamber), which can order the landlord to carry out the repairs.

Legislation link:

<https://www.legislation.gov.uk/asp/2006/1/contents>

Case 13: Domestic Abuse (Protection) (Scotland) Act 2021

Query:

A tenant in Scotland is seeking to terminate their tenancy early due to domestic abuse concerns. Under the Domestic Abuse (Protection) (Scotland) Act 2021, what protections are available to the tenant, and what steps should they take?

Answer:

Under the Domestic Abuse (Protection) (Scotland) Act 2021, victims of domestic abuse in Scotland are entitled to request protection from their abuser without having to leave their home. The Act allows for the use of Domestic Abuse Protection Orders, which can remove the abuser from the home. If the tenant wishes to terminate their tenancy early due to domestic abuse, they can apply to the court, which can grant permission to end the tenancy early under special circumstances to protect their safety.

Legislation link:

<https://www.legislation.gov.uk/asp/2021/2/contents/enacted>

Case 14: Minimum Alcohol Pricing in Scotland

Query:

A shop in Scotland is selling alcohol below the legal minimum price. Under the Alcohol (Minimum Pricing) (Scotland) Act 2012, which was reviewed in 2021, what penalties can the retailer face for non-compliance?

Answer:

Under the Alcohol (Minimum Pricing) (Scotland) Act 2012, which was reviewed in 2021, retailers in Scotland must adhere to a minimum unit price of 50p per unit of alcohol. If a retailer is found selling alcohol below this price, they can face fines, license revocation, or legal prosecution. Local authorities and licensing boards are responsible for enforcement, and repeated offenses may result in more severe penalties.

Legislation link:

<https://www.legislation.gov.uk/asp/2012/4/contents/enacted>

Case 15: Children’s Rights to Additional Support for Learning in Scotland

Query:

A parent in Scotland is seeking additional learning support for their child with special educational needs. Under the Education (Additional Support for Learning) (Scotland) Act 2004, amended in 2019, what are the child’s rights, and what steps should the parent take if their child’s needs are not being met?

Answer:

Under the Education (Additional Support for Learning) (Scotland) Act 2004, amended in 2019, children with additional support needs are entitled to a Coordinated Support Plan (CSP). Schools and local authorities are responsible for ensuring the necessary support is provided. If a parent believes their child’s needs are not being met, they can appeal to the Additional Support Needs Tribunal for Scotland, which has the authority to enforce the child’s rights and ensure that support is implemented.

Legislation link:

<https://www.legislation.gov.uk/asp/2004/4/contents>

**Northern Ireland**

Case 16: Domestic Abuse and Protection Orders in Northern Ireland

Query:

A person in Northern Ireland is experiencing domestic abuse and seeks protection from their abuser. Under the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, what legal protections are available, and what steps should they take to secure those protections?

Answer:

Under the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, victims of domestic abuse can apply for Domestic Abuse Protection Orders (DAPOs), which prevent the abuser from contacting or approaching them. The Act also criminalizes coercive control, giving victims further legal recourse. To secure these protections, the victim can apply for a DAPO through the court, or the police can issue one in an emergency. If the abuser breaches the order, they can face criminal charges.

Legislation link:

<https://www.legislation.gov.uk/nia/2021/2/contents/enacted>

Case 17: Minimum Wage Rights in Northern Ireland

Query:

An employee in Northern Ireland believes they are being underpaid and wants to know their rights under the National Minimum Wage (Amendment) Regulations (Northern Ireland) 2023. What is the legal minimum wage, and what steps should the employee take if their employer is not complying?

Answer:

Under the National Minimum Wage (Amendment) Regulations (Northern Ireland) 2023, the legal minimum wage is £10.42 per hour for employees aged 23 and over. Employees who believe they are being underpaid should first raise the issue with their employer. If the employer does not resolve the issue, the employee can report the matter to HM Revenue and Customs (HMRC), which enforces minimum wage compliance. The employee can also bring a claim to an employment tribunal for unpaid wages.

Legislation link:

<https://www.legislation.gov.uk/nisr/2023/77/contents/made>

Case 18: Parental Bereavement Leave in Northern Ireland

Query:

An employee in Northern Ireland has recently lost a child and is unsure of their entitlement to bereavement leave. What are their rights under the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022, and how can they apply for it?

Answer:

Under the Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022, employees who have lost a child are entitled to two weeks of statutory bereavement leave, regardless of their length of service. Employees may also qualify for statutory bereavement pay if they meet the eligibility criteria, including having worked for their employer for at least 26 weeks. To apply, the employee should notify their employer as soon as possible and confirm the dates they wish to take the leave. Employers must grant this leave without delay.

Legislation link:

<https://www.legislation.gov.uk/nia/2022/5/contents/enacted>

Case 19: Renting and Evictions in Northern Ireland

Query:

A tenant in Northern Ireland is being threatened with eviction by their landlord without any formal notice. Under the Private Tenancies (Northern Ireland) Act 2022, what are the tenant's rights, and what can they do to challenge the eviction?

Answer:

Under the Private Tenancies (Northern Ireland) Act 2022, landlords are required to provide tenants with proper written notice before any eviction can take place. The notice period depends on the length of the tenancy but must be at least 12 weeks for tenancies lasting longer than 12 months. If a landlord attempts to evict a tenant without following these rules, the tenant can challenge the eviction in court and may be entitled to compensation. Tenants are advised to seek legal assistance if faced with an unlawful eviction.

Legislation link:

<https://www.legislation.gov.uk/nia/2022/18/contents/enacted>

Case 20: Domestic Energy Efficiency Standards in Northern Ireland

Query:

A landlord in Northern Ireland is renting out a property that does not meet the minimum energy efficiency standards. Under the Energy Performance of Buildings (Amendment) Regulations (Northern Ireland) 2022, what are the landlord’s obligations, and what penalties do they face for non-compliance?

Answer:

Under the Energy Performance of Buildings (Amendment) Regulations (Northern Ireland) 2022, landlords must ensure that rented properties meet a minimum energy efficiency rating of E on the Energy Performance Certificate (EPC). If a property does not meet this standard, the landlord must make improvements or face penalties. Landlords who fail to comply with these requirements can be fined up to £5,000. Local authorities are responsible for enforcing these regulations.

Legislation link:

<https://www.legislation.gov.uk/nidsr/2022/9780338018489>

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