

# Employment Law Fact Sheet No. 10

## NOTICE REQUIREMENTS AND PAYMENTS



Except where an employee is dismissed for gross misconduct, all dismissals must be with notice or payment in lieu. Minimum notice is prescribed by Statute (see below) but contract can be more generous.

First check the contract of employment for the contractual notice period. If it is different to the statutory minimum (below) the correct notice period to give is the longer of the two.

### Statutory Notice Periods

Less than 2 years of employment but more than 1 month	1 week
At least 2 years but less than 3	2 weeks
At least 3 years but less than 4	3 weeks
At least 4 years but less than 5	4 weeks
At least 5 years but less than 6	5 weeks
At least 6 years but less than 7	6 weeks
At least 7 years but less than 8	7 weeks
At least 8 years but less than 9	8 weeks
At least 9 years but less than 10	9 weeks
At least 10 years but less than 11	10 weeks
At least 11 years but less than 12	11 weeks
12 or more	12 weeks

### Payments made in lieu of notice

Sometimes an employer wants the employee to cease work immediately and chooses to pay in lieu instead of giving notice. In such situations it will be necessary to make a payment in lieu of notice. All sums paid in lieu of notice are subject to tax and National Insurance in the usual way.

### Further Information

[ACAS on Notice Entitlements](#)

### Action Points

- Ensure all employees are given their correct notice entitlement, statutory or contractual, whichever is greater.
- If you want the employee to leave immediately make a payment instead (a payment in lieu). This will be subject to tax and national insurance in the usual way.

---

This information and draft documentation is provided by the TBA as a guide to members and does not constitute legal or other professional advice. It is not a substitute for individual legal advice and members are recommended to seek advice on their own circumstances from a specialist employment lawyer. The TBA does not accept liability for any loss sustained by members in reliance on the information published on this website.