Redundancy & Insolvency payments application

Claim for payments from the National Insurance Fund

The Employment Rights (Northern Ireland) Order 1996

This application form should only be completed by Northern Ireland resident employees who wish to make claims for redundancy/insolvency payments against employers who have a presence in Northern Ireland.

It is very important that you read the following information before completing this form. Please ensure that you complete the form in full and submit it only after you have been made redundant. Failure to do so will result in the form being returned to you.

DATA PROTECTION ACT 1998

The information you provide on this form will be held by the Department for Employment and Learning and may be communicated to your former employer, their representative or any other relevant government department or agency in connection with your redundancy application.

Guidance Notes

Do I qualify for a redundancy payment from the National Insurance Fund (NIF)?

Redundancy

To qualify for a redundancy payment from the NIF your employer **must be insolvent** and/or have failed to pay you your redundancy entitlement. To quality for a redundancy payment **you must**:

1. have been made redundant;
2. have worked continuously for your employer for 2 or more years; and
3. have written to your employer asking for your redundancy pay, have submitted this application or made a complaint to an Industrial Tribunal within 6 months of your dismissal.

Note: If you do not meet all three of the above conditions your Redundancy application will be rejected.

Information on 'Redundancy' can be found at www.nidirect.gov.uk

How much redundancy am I entitled to?

The value of your redundancy payment will depend on:

1. length of service with your former employer;
2. your age; and
3. your weekly pay, up to the statutory limit which is reviewed annually.

Do I qualify for insolvency payments from the National Insurance Fund (NIF)?

Insolvency

To qualify for insolvency payments your employer **must be legally insolvent**, as defined by Article 228 of the Employment Rights (NI) Order 1996. Redundancy and Insolvency Payments Branch cannot make insolvency payments if your employer is not legally insolvent.

Information on 'Insolvency' can be found at www.nidirect.gov.uk

What insolvency payments am I entitled to?

Insolvency payments can include:

1. arrears of pay (limited to a maximum of 8 weeks' pay);
2. holiday pay (limited to a maximum of 6 weeks' pay); and
3. compensatory notice pay (limited to a maximum of 12 weeks' pay).

How will I be paid?

Claims for redundancy and insolvency payments, i.e. redundancy, compensatory notice pay, holiday pay and arrears of pay, are processed and paid separately. This could mean that you receive up to 4 separate payments. Before receiving a payment you will be advised, in writing, which claim is about to be paid, how much will be paid and when the payment will be made.

What if my employer is not legally insolvent?

If your employer is not legally insolvent we cannot pay you redundancy or insolvency payments unless you have received an Industrial Tribunal award in your favour and have taken all reasonable steps to enforce that Tribunal judgement. If your employer is not insolvent and cannot or will not pay you your redundancy you may wish to make a claim to an Industrial Tribunal.

Transfer of Undertakings (Protection of Employment) Regulations 2006

You have not been made redundant and are not entitled to a redundancy payment from the NIF if you transferred to a new employer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). If you transferred to a new employer under TUPE regulations your employment rights are protected by your new employer. We will not consider applications where we believe a TUPE has taken place.

A guide to the 2006 TUPE Regulations for employees, employers and employer representatives can be found at www.redundancyni.gov.uk

How can I help you process my application?

It is the responsibility of your employer's representative (e.g. Insolvency Practitioner, Administrator etc) to provide us with information/evidence that enables us to validate your redundancy application. If however, you can provide some or all of the following information it will help reduce the time we need to process your application. The documents required are:

- evidence of your date of birth and national insurance number;
- a copy of your contract of employment;
- confirmation of your start date; and
- payslips for the 12 week period leading up to your redundancy.

Declaration

Having completed this form you will be asked to sign and date it with a declaration that the information you have provided is true and accurate. Please be aware that legal action may be taken if you knowingly make a false statement on this form.

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1. YOUR DETAILS

1. Title ☐ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please specify)

2. Forename(s) Surname

3. Date of Birth

4. National Insurance Number

5. Full Postal Address

Postcode

6. Contact Telephone Number

7. E-mail Address

2. YOUR BANKING DETAILS

8. Name of Bank/Building Society

9. Full Postal Address

Postcode

10. Account Number

11. Sort Code

Roll Number (if applicable)

12. Account Holder's Name

3. DETAILS ABOUT THE JOB FROM WHICH YOU WERE MADE REDUNDANT

13. Name of your employer

14. Employer's Full Postal Address

Postcode

15. Full Postal Address where you worked (if different from 14 above)

Postcode

16. Why did your employer not pay you your redundancy entitlement?

☐ Insolvent ☐ Deceased ☐ Other (please specify)

3. DETAILS ABOUT THE JOB FROM WHICH YOU WERE MADE REDUNDANT (cont.)

17. Is your employer legally insolvent? Yes ☐ No ☐ Don't Know ☐

(Your employer may have stopped trading but this does not mean they are legally insolvent. It is likely they are legally insolvent if a liquidator, receiver, administrator, trustee or official receiver has been appointed to deal with the business.)

If Yes, what is the name of the firm of liquidators/receivers?

18. Have you made a claim to an Industrial Tribunal in respect of your redundancy? Yes ☐ No ☐

(If Yes, and your claim is for unfair dismissal, we cannot consider your application until a Tribunal decision has been issued.)

19. Job Title/Occupation

What type of worker were you: (tick only one box)

☐ Employed ☐ Self-employed ☐ Sub-contractor

☐ Director ☐ Agency worker ☐ Temporary contract worker

If you have ticked 'Director' you will also need to complete an Employee Status form, RP3, available from your employer's representative or by downloading the form at www.redundancyni.gov.uk

20. Were you a director of this or another company during the period to which this claim relates? Yes ☐ No ☐

21. When did you start work with this employer?

22. What date was the last day you worked for this employer?

23. When did your employment end? (if different from 22 above)

24. Did your employer give you notice? Yes ☐ No ☐

If Yes, on what date did your employer give you notice?

25. What was your gross rate of pay?
(i.e. your pay before the deduction of tax and national insurance contributions and excluding overtime.)

£ ☐ Hour ☐ Day ☐ Week ☐ Month ☐ Year

26. If you were paid weekly, on what day of the week were you paid?

27. Did your pay include any bonus or commission? Yes ☐ No ☐

If Yes, please provide details (e.g. was it a bonus or commission and for what e.g. timekeeping, sales etc?)

3. DETAILS ABOUT THE JOB FROM WHICH YOU WERE MADE REDUNDANT (cont.)

28. How many hours were you contracted to work each week? (excluding overtime)

29. Were you required to work overtime as part of your contract? ☐ Yes ☐ No

If Yes, please state the number of hours. ☐ Day ☐ Week ☐ Month

30. How many days did you work each week? (excluding overtime)

31. If you did not work Monday to Friday please indicate, with a tick, the day(s) you normally worked each week.

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday ☐ Saturday ☐ Sunday

32. If you worked shift pattern please indicate, with a tick, the day(s) you normally worked.

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday ☐ Saturday ☐ Sunday

BREAKS IN EMPLOYMENT

Certain absences e.g. temporary shortage of work can count towards continuous service even if your contract of employment was suspended. However, days lost through industrial disputes or working abroad, and not paying National Insurance contributions in the UK, do not count towards your length of service.

33. Did you have any breaks in your employment? **Yes** ☐ **No** ☐

If Yes, please provide the date(s) of those breaks.

From **Reason**

To

From **Reason**

To

4. NEW JOB DETAILS

34. Have you started a new job since you were made redundant? **Yes** ☐ **No** ☐

(If No, go to Question 39)

35. Name of your new employer

36. Full Postal Address

Postcode

37. Contact telephone number

38. Date you started with this employer

Claims that can be made from the National Insurance Fund

SECTION A – REDUNDANCY

COMPLETE THIS SECTION IF YOU WANT TO CLAIM A REDUNDANCY PAYMENT

39. Do you qualify for a redundancy payment? (see Guidance Notes) **Yes** ☐ **No** ☐

40. Did your employer pay you all or part of your redundancy? **Yes** ☐ **No** ☐

If Yes, how much were you paid and what was it for?
(please tick all applicable payments received)

£

☐ Redundancy ☐ Compensatory Notice Pay ☐ Holiday Pay ☐ Arrears of Pay

If you are completing this form more than 6 months after being made redundant, please give the date you wrote to your former employer requesting your redundancy and provide a copy of your request, or provide the date on which you submitted a claim to an Industrial Tribunal and a copy of that IT claim and/or the decision.

SECTION B – INSOLVENCY

COMPLETE THIS SECTION IF YOUR EMPLOYER OWES YOU ANY OF THE FOLLOWING:
COMPENSATORY NOTICE PAY I.E. YOU RECEIVED INSUFFICIENT NOTICE OR NO NOTICE OF DISMISSAL, HOLIDAY PAY OR ARREARS OF PAY.

COMPENSATORY NOTICE PAY

You can claim compensation if your employer has failed to give you the minimum statutory notice. Your statutory notice entitlement is:

- 1 weeks' notice if you were continuously employed for 1 calendar month or more but less than 2 years;
- 1 week for each year of employment if you were continuously employed for 2 years or more but less than 12 years; or
- 12 weeks' if you were continuously employed for 12 years or more.

Failure by your employer to give proper notice is a breach of contract for which you are entitled to compensation. The courts have said that the compensatory notice payment we make is similar to a common-law damages payment. That means that the payment must compensate you for the actual loss you suffered, so we must reduce it by any income you have received or should have received during the statutory notice period. In other words, you can only receive what you would have earned if you had been allowed to work your notice.

41. Did your employer give you your full statutory notice of your job ending? **Yes** ☐ **No** ☐

If No, do you want to claim compensation for loss of notice? **Yes** ☐ **No** ☐

(If Yes, you are expected to pursue new employment or claim appropriate benefit entitlements. If you do not claim benefit whilst seeking new employment we will deduct the benefit you should have claimed from your compensatory notice pay.)

HOLIDAY PAY

You can be paid outstanding holiday pay up to a maximum of 6 weeks. Income tax and national insurance at the basic rate will be deducted from this amount. Holiday pay includes holidays taken and not paid, or holidays you have become entitled to but have not taken, during the 12 month period before your employer became insolvent. If when your employment ended you had not taken all of your holidays, you can be paid the balance you became entitled to when your job ended. Holidays must be taken during the relevant leave year. Please Note: All claims payable from the NIF are subject to a statutory limit on how long they can by paid for and an upper limit on the amount of a week's pay.

42. Are you owed any holiday pay? Yes ☐ No ☐

43. When did your holiday year start? (i.e. your current leave year)

44. How many days holiday were you entitled to each year? (including bank holidays)

45. If you were allowed to carry over unused holidays how many did you carry over into the leave year to which this claim relates?

(We cannot consider for payment holidays carried over from the previous leave year unless this is permitted in your contract of employment)

46. How many days holiday have you taken in the current leave year? (including bank holidays)

47. How many days holiday, up to the date your employment was terminated, were you still owed? (including bank holidays)

ARREARS OF PAY

You can claim for up to 8 weeks' wages/salary before the date of insolvency. You can choose any week that is beneficial to you - they do not have to follow each other (i.e. be consecutive). You cannot add part weeks together to make a whole week. If you choose a week in which you are owed only one day's pay, this counts as one whole week of your 8 week allocation. All claims payable from the NIF are subject to a statutory limit on how long they can be paid for and an upper limit on the amount of a week's pay.

48. Was your wage/salary subject to an attachment of earnings? Yes ☐ No ☐
(e.g. a compulsory deduction for child support)

49. Are you owed wages/salary? Yes ☐ No ☐
(If there is insufficient space to record your information please provide this on a separate sheet.)

If Yes, for what period? **From** **To**

From **To**

50. How many days pay are you owed?

51. What is the gross amount of pay owed to you? (i.e. before deductions) £ .

52. If your employer paid you by cheque but the cheque did not clear please state the period for which you were being paid, the amount you were to receive and enclose the original cheque(s) with this application.
(If there is insufficient space to record your information please provide this on a separate sheet.)

From **To** £ .

From **To** £ .

DECLARATION

I declare that:

- The information I have provided on this form is correct to the best of my knowledge and belief and I understand that this information may be communicated to my ex-employer, their representative or other government departments and agencies in connection with my application.
- This is my only application for redundancy/insolvency payments for this employment.
- I understand that you may take legal action against me if I make a false statement on this form.

Signature _____ **Date** __ __ __ __ __ __ __ __

Note: Incomplete and/or unsigned applications will be returned.

If your employer is insolvent return this form to the receiver or liquidator appointed, otherwise please send it to:

Redundancy & Insolvency Payments Branch,
Room 203, Adelaide House,
39-49 Adelaide Street,
BELFAST
BT2 8FD

If you are returning this form to Redundancy & Insolvency Payments Branch, have you enclosed:

- Evidence of your date of birth and national insurance number; **Yes** ☐ **No** ☐
- A copy of your contract of employment; **Yes** ☐ **No** ☐
- Confirmation of your start date; and **Yes** ☐ **No** ☐
- Payslips for the 12 week period leading up to your redundancy. **Yes** ☐ **No** ☐

FOR OFFICIAL USE ONLY

Evidence of Date of Birth ☐ Evidence of Weekly Rate of Pay ☐

Evidence of Start Date ☐ NI Number confirmed ☐