



EMPLOYMENT TRIBUNALS

Claimant: Mr J Sime

Respondent: AMF Precision Engineering Limited

HELD AT: Liverpool

ON: 27 February 2018

BEFORE: Employment Judge Barker

REPRESENTATION:

Claimant: Mr Millett, Solicitor

Respondent: Mr Jones, Solicitor

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claims of unfair dismissal and breach of contract succeed.
2. The claimant's claim for unpaid annual leave is dismissed on withdrawal by the claimant.
3. The respondent is to pay to the claimant the sum of £6,408.09 forthwith comprised of the following:
 - (1) A basic award for unfair dismissal of £2,881.28;
 - (2) A compensatory award for unfair dismissal of £1,990.11 which is comprised of:
 - past financial losses and loss of statutory rights of £637.09 taking into account sums already earned in mitigation of losses;
 - future loss of earnings for 36 weeks from the date of the hearing of £955, taking into account future sums earned in mitigation; and
 - an uplift in the compensatory award of 25% due to the respondent's failure to comply with the ACAS Code of Practice.

- (3) An award for breach of contract for failure to pay notice monies to the claimant for the statutory minimum notice period of five weeks of £1,536.70.

4. At the conclusion of the hearing an application for costs was made by the respondent. Case Management Orders were given for written submissions to be made to the Tribunal to deal with this issue.

Employment Judge Barker

Date 2 March 2018

JUDGMENT SENT TO THE PARTIES ON
12 March 2018

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2421407/2017

Name of case: Mr J Sime v AMF Precision Engineering Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 12 March 2018

"the calculation day" is: 13 March 2018

"the stipulated rate of interest" is: 8%

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.justice.gov.uk/tribunals/employment/claims/booklets

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.