



EMPLOYMENT TRIBUNALS

Claimant: Mrs Elizabeth Kerr

Respondent: Howard Cundey Llp (In Liquidation)

Heard at: London South **On:** Tuesday, 23 October 2018

Before: Regional Employment Judge Hildebrand

Representation

Claimant: In Person

Respondent: Did not attend

JUDGMENT ON REMEDY

The judgment is that the Claimant following the liability judgment of 23 August 2018 is entitled to be paid by the Respondent the following sums: -

- | | |
|---|-------------------|
| 1) A basic award | £1,467.00 |
| 2) A compensatory award comprising loss to hearing date | £13,537.18 |
| 3) Future loss | £7,441.20 |
| 4) The total compensatory award is therefore | £20,978.38 |
| 5) The total award is therefore | £22,445.38 |
| 6) An ACAS award in respect of the Respondent's failure to comply with the relevant ACAS Code of Practice is given at the maximum figure of 25% that is | £5,611.34 |
| 7) The total amount to be paid by the Respondent to the Claimant is | £28,056.72 |

REASONS

1. The Claimant was employed by the Respondent for little short of 4 years when the Respondent encountered financial difficulty and begun unilaterally reducing the pay of staff by 30%. The Claimant was not prepared to accept this reduction in pay and at the end of February 2018 accepted the Respondent's repudiation and treated the employment as at an end. The Claimant has obtained other employment. She was without work for a period of time until the end of March and then obtained other employment at a

slightly lower level of remuneration. I have accordingly made an award to her of the basic award, a compensatory award covering the period to the date of this hearing and future loss for 18 weeks at the net loss figure she has given of £400.71 per week. Her evidence which I accept is that although her employer went in to liquidation, a transfer would have allowed the employment to continue.

2. I have also made an award in respect of loss of pension and the total award therefore is £20,978.38. When added to the basic award this amounts to a total of £22,445.38.
3. The ACAS Code of Practice although, not generally applying to redundancy cases, can be considered to apply to a case where the Respondent has unilaterally breached the contract by reducing wages and accordingly an award of 25% is appropriate which in this case is £5,611.34.
4. The total award is therefore £28,056.72. This is not the case to which the recoupment regulations apply.

Regional Employment Judge Hildebrand

Date 6 November 2018