



EMPLOYMENT TRIBUNALS

Claimant: Mr E A Newsham

Respondent: Scaffold North West Ltd

HELD AT: Manchester

ON: 27 March 2019

BEFORE: Employment Judge Tom Ryan

Appearances:

Claimant: In person

Respondent: Response not received, no appearance

JUDGMENT

1. The complaints of age discrimination, unfair dismissal, breach of contract and unauthorised deductions from wages are well-founded.
2. The respondent is ordered to pay compensation to the claimant in respect of those complaints as follows:

Age Discrimination

Injury to feelings	£7500.00	
Interest (8% x 213/365 days)	350.00	
Uplift - failure to comply with ACAS Code ("Uplift") 25%	<u>1875.00</u>	
		9725.00

Unfair Dismissal

Basic Award		
2 weeks capped at £508 x 1.5	1524.00	
Compensatory Award		
Loss of statutory rights	500.00	
Uplift - 25%	<u>125.00</u>	
		2149.00

Breach of Contract

Notice Pay		
2 weeks at £492 per week net	984.00	
Uplift - 25%	<u>246.00</u>	
		1230.00

Unpaid wages

1 week worked in hand		
1 week worked in hand (awarded gross)	613.00	
Uplift - 25%	<u>153.25</u>	
		<u>766.25</u>

Total Sum Awarded **£13,870.25**

3. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to the award for unfair dismissal.
4. The respondent is ordered to pay the claimant the sums awarded on or before 12 April 2019.

Employment Judge Tom Ryan

Dated 27 March 2019

JUDGMENT SENT TO THE PARTIES ON
29 March 2019

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.

Public access to Employment Tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2418031/2018**

Name of **Mr E Newsham** v **Scaffold North West Ltd**
case(s):

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: **29 March 2019**

"the calculation day" is: **30 March 2019**

"the stipulated rate of interest" is: **8%**

MR J HANSON
For the Employment Tribunal Office