



## EMPLOYMENT TRIBUNALS

**Claimant Mr. K Hitchen**  
**Respondent Bury Football Club Co. Limited**

**Heard at: Manchester**

**On: 11 February 2019**

**Before: Employment Judge Warren**

### **Appearances**

**For the Claimant: Mr T Gilbert, Counsel**

**For the Respondent: Mr M Cameron, Consultant**

## **Judgement on Remedy**

1. The respondent is ordered to pay the claimant a basic award of five thousand eight hundred and thirty-two pounds (£5832.00).
2. The respondent is ordered to pay the claimant a compensatory award of ten thousand eight hundred and forty-six pounds (£10,846.00).
3. The respondent is ordered to pay the claimant a total of sixteen thousand, six hundred and seventy-eight pounds.
4. The Employment Protection (Recoupment of Job Seeker's Allowance and Income Support) Regulations 1996 will apply in this case. The prescribed element is £8468.00. The prescribed period is 23 October 2017 to 11 February 2019. The total amount of the award is £16,678.00, and the balance is £8210.00.

## **The Calculation**

1. The claimant was born on 29 August 1957.

2. He was employed by the respondent from November 2004 to his dismissal on 23 October 2017.
3. He had 12 years continuous service and was over 41 at all relevant times.
4. He earned £324 per week gross including commission.
5. The basic award was thus calculated as  $12 \times 1.5 \times £324 = £5832.00$
6. The compensatory award covered loss of earnings to 4 July 2018 after which it was reasonable for the claimant to have completely mitigated his loss.
7. His net earnings were £260.00 per week.
8. His losses from date of dismissal to 4 July 2018 amounted to  $36(\text{weeks}) \times 260 = £9360$ .
9. The claimant is awarded £500.00 for loss of statutory protection.
10. The sum of £892.00 is deducted as earnings from other employment in the compensatory period.
11. Pension contributions are awarded for the compensatory period in the sum of £154.00
12. The compensatory award was uplifted by 20 per cent for a failure to follow any form of dismissal procedure.
13.  $((£9360 + £154) - £892) = £8622 + 20\% (£1724) + £500 = £10846.00$

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**Employment Judge Warren**

Signed on 10 April 2019

Sent to the parties on:

10 April 2019

For the Tribunal:

## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2403202/2018**

Name of case(s): **Mr K Hitchen** v **Bury Football Club Co 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: **10 April 2019**

"the calculation day" is: **11 April 2019**

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

MR S ROOKE  
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.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

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.