



EMPLOYMENT TRIBUNALS

Claimant: Mr L Rogerson

Respondent: William Pye Limited

Heard at: Manchester

On: 13 May 2019
27 June 2019

Before: Employment Judge Ross
(sitting alone)

REPRESENTATION:

Claimant: Ms L Pearce, Counsel

Respondent: Mrs H Carter (non legal representative)

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim for unfair dismissal is well-founded and succeeds.
2. The claimant's claim for wrongful dismissal is well-founded and succeeds.
3. The total sum payable in compensation to the claimant from the respondent by way of remedy is £19,587.27, as set out below.
4. The Recoupment Regulations apply to this award.

REMEDY

- | | |
|-----------------------|-----------|
| 1. Basic Award | £4,572.00 |
| 2. Compensatory Award | |

Prescribed element

- (a) Loss of earnings 11.10.18 – 25.2.19

	£600 x 15 =	£9,000.00
(b)	Continuing loss of earnings from new job	
	25/2/19 – 27/6/19 (17 weeks)	
	£600 - £386.24 = £213.76 x 17 weeks	<u>£3,633.92</u>
	Total prescribed element	£12,633.92
3. Non prescribed element (other losses)		
(a)	Award for continuing future loss of earnings to 30 August 2019 9 x £213.76 =	£1,923.84
(b)	Loss of statutory rights	£300.00
(c)	Pension Loss – 19 x £8.29 =	<u>£1,571.51</u>
	Total non-prescribed element	<u>£2,381.35</u>
	Grand total of compensation	£19,587.27
4. Recoupment		
	Prescribed element	<u>£12,633.91</u>
	Period of prescribed element from 11 October 2018 until 27 June 2019	
	Excess of grand total over prescribed element	<u>£6,953.36</u>

(Compensatory award is reduced by 20% for contributory fault but uplifted by 20% for failure to follow ACAS Code of Practice, so these extinguish each other)

Employment Judge Ross

Date 1 July 2019

JUDGMENT SENT TO THE PARTIES ON

16 July 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): **2400114/2019**

Name of **Mr L Rogerson** v **William Pye Limited**
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: **16 July 2019**

"the calculation day" is: **17 July 2019**

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

MRS L WHITE
For the Employment Tribunal Office

