



Claimant: Mr K R Tute

Respondent: KK & NM Enterprises Ltd t/a Blackpoolcleaners.co.uk

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The respondent having failed to present a response to this claim and on the information before the Employment Judge,

The Judgment of the Tribunal is that:

1. The claimant was unfairly dismissed, contrary to section 104 of the Employment Rights Act 1996. There is no Basic Award but the respondent is ordered to pay the claimant a compensatory award of £1093.84 representing 8 weeks' net loss of earnings. This award is uplifted by £273.46 pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 for breach of the ACAS Code of Practice, making a total award of £1367.30. The Recoupment Regulations do not apply to this award.
2. The claimant was wrongfully dismissed in breach of contract by the respondent which is ordered to pay him damages in lieu of notice pay in the net sum of £136.73. This award is uplifted by £34.18 for breach of the ACAS Code of Practice, making a total award of £170.91.
3. The respondent failed to pay the claimant's holiday entitlement on termination of his employment and is ordered to pay him the gross sum of £202.61. This award is uplifted by £50.65 for breach of the ACAS Code of Practice.
4. The respondent made unlawful deductions from wages of the claimant in the gross sum of £24.81 and is ordered to pay him this sum.
5. Pursuant to section 38 of the Employment Act 2002, the respondent is ordered to pay the claimant 2 weeks' pay in the sum of £273.44, for failure to provide a written statement of terms and conditions of employment.

6. The hearings listed on 29 July 2019 and 10 October 2019 are cancelled.

Regional Employment Judge Parkin

Date: 12 July 2019

JUDGMENT SENT TO THE PARTIES ON

18 July 2019

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

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): **2402453/2019**

Name of **Mr KR Tute** v **KK & NM Enterprises Ltd.**
case(s): **T/A**
Blackpoolcleaners.co.uk

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: **18 July 2019**

"the calculation day" is: **19 July 2019**

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

MR I STOCKTON
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

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.