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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104835/2019

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Reconsideration held in Dundee on 14 August 2019

Employment Judge A Kemp

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Mr C McGraw

**Claimant
Represented by
Mr A Hutcheson
Solicitor**

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Capita Mortgage Software Solutions Limited

**Respondent
Represented by
Ms S Clark
Solicitor**

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RECONSIDERATION JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is

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- (i) to amend paragraph 3 of the Judgment originally made so that it reads as follows:

“There was a failure by the respondent to pay sums due for accrued annual leave under Regulation 14 of the Working Time Regulations 1998, which was an unlawful deduction from wages under section 13 of the Employment

E.T. Z4 (WR)

Rights Act 1996, and the sum of Six Thousand Three Hundred and Thirty Pounds, Fifty Pence Sterling (£6,330.50), less appropriate statutory deductions is awarded to the claimant.”

- 5 (ii) to amend paragraph 117 of the Reasons by deleting the last three sentences and substituting the following:

“The gross monthly income was £13,665.34. That converts to a daily sum of £633.05. I award the sum of £6,330.50 subject to appropriate statutory deductions.”

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REASONS

- 15 1. The claimant sought a reconsideration of the Judgment issued to parties on 25 July 2019 by email dated 8 August 2019. It referred to the fact that the respondent had paid the sum awarded in paragraph 3 under statutory deductions, and sought a recalculation of the award by converting a monthly sum to a daily one using 260 working days per year. The respondent replied on 14 August 2019 confirming that it had made statutory deductions from the award, and not objecting to there being a gross award.
- 20 2. The award made was based on net income. It ought therefore not to have been paid under statutory deduction. The claimant was entitled to the sum awarded without such deductions. The Judgment did not make provision for statutory deductions..
- 25 3. As the respondent does not object to the calculation of a gross award, I am prepared to do so, and the application for reconsideration, made under Rules 70 – 73, is granted. I consider that it is in accordance with the overriding objective to do so.

4. The claimant's gross income was:

- (a) Salary £11,666.67
 - (b) Car allowance £1,166.67
 - (c) Health care £128.00
 - (d) Pension £1700.00
- Total - £13,661.34

5. That monthly figure equates to £633.05 per day, on the basis of 260 working days per annum, as submitted by the claimant's solicitor and to which no objection has been taken.

10 6. The last three sentences of paragraph 117 of the Reasons are deleted and the following substituted:

"The gross monthly income was £13,665.34. That converts to a daily sum of £633.05. I award the sum of £6,330.50 subject to appropriate statutory deductions."

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Employment Judge:
Date of Judgment:
30 **Date sent to parties:**

Alexander Kemp
16 August 2019
19 August 2019

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