



EMPLOYMENT TRIBUNALS

Claimant: Mrs H Stokes
Respondent: WH Investments Ltd t/a Victoria House Care Home

HELD AT: Liverpool **ON:** 26 November 2019
BEFORE: Employment Judge Horne

REPRESENTATION:

Claimant: In person
Respondent: Mr G Bealey, consultant

JUDGMENT

1. The claimant was unfairly dismissed.
2. The respondent is ordered to pay the claimant a basic award of £344.25 and a compensatory award of £146.30.
3. Compensation was assessed on the following basis:
 - 3.1. Had the respondent acted fairly, there is a 50% chance that the claimant would have been dismissed on 18 February 2019;
 - 3.2. Had the respondent acted fairly, and the claimant had not been dismissed, the claimant would inevitably have been absent on sick leave until the termination of her employment; and
 - 3.3. It is just and equitable to reduce the claimant's basic and compensatory awards by 50% to reflect her contributory conduct.
4. The respondent failed to provide the claimant with an itemised pay statement for the pay she received on 5 March 2019.
5. The particulars included in the statement given to the claimant on 24 October 2019 are the particulars that should have been included in her itemised pay statement on 5 March 2019.

6. The tribunal refuses permission for the claimant to amend her claim to include a complaint of unlawful deduction from wages.

27 November 2019

Employment Judge Horne

SENT TO THE PARTIES ON

16 December 2019

FOR THE TRIBUNAL OFFICE

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request within 14 days of the date on which the judgment is sent to the parties. If written reasons are provided, they will be entered into the public register of judgments which is visible to internet searches.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2405260/2019**

Name of case: **Mrs H Stokes** v **WH Investments Ltd t/a
Victoria House Care
Home**

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 December 2019

"the calculation day" is: 17 December 2019

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

MR S ARTINGSTALL
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.