



EMPLOYMENT TRIBUNALS

Claimant: Ms K Allen

Respondent: Fertile Frog Limited

HELD AT: Manchester **ON:** 11th December 2019

BEFORE: Employment Judge Howard
Members: Mrs AL Booth
Mr W Haydock

REPRESENTATION:

Claimant: In person
Respondent: Ms S Murphy, Solicitor

JUDGMENT ON REMEDY

The judgment of the Tribunal is as follows:

The first respondent is ordered to pay to the claimant the sum of **£16,817.65**.

The claimant's application for costs; being preparation time, is refused.

The award is constituted as follows:

1. Basic award
(Subject to a 20% deduction for contributory fault): **£1,173.60**
2. Compensatory award
52 weeks at agreed net pay, including pension contribution, of £428.72
Subject to the following adjustments in the order laid out:
 - deduction of 1 week's paid notice - £428.72
 - deduction of income generated during the 52-week period - £2,400.00
 - 'Polkey' reduction of 10%

- Uplift of 5% to reflect unreasonable failure to comply with the ACAS Code of Practice on Disciplinary Procedures 2015
- 20% deduction for contributory fault

Total compensatory award:	£14,715.33
3. Loss of Statutory Rights:	£500.00
4. Wrongful Dismissal (1 further week's notice pay)	£428.72
Total award:	£16,817.65

Recoupment:

The recoupment provisions apply to this award as follows:

1. The Grand Total:	£16,817.65
4.2 Prescribed Element:	£14,715.33
4.3 Period of Prescribed Element:	6-12-17 to 25-12-18
4.4 Excess of Grand Total over Prescribed Element:	£2,102.32

Employment Judge Howard
17th December 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON
9 January 2020

FOR THE SECRETARY OF THE TRIBUNALS

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: **2404193/2018**

Name of case: **Miss K Allen** v **Fertile Frog Ltd**

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: **9 January 2020**

"the calculation day" is: **10 January 2020**

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

For the Employment Tribunal Office

Claimant **Miss K Allen**

Respondent **Fertile Frog Ltd**

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.