



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Travill

**Respondent:** Leyland Park Ltd t/a Withy Arms Leyland (in Liquidation)

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

Upon consideration of the Tribunal file and information supplied by the claimant, and upon the response form having been struck out under rule 37 on 6 March 2020, the judgment of the Tribunal is as follows:

1. The complaint of unfair dismissal is well founded. The claimant was unfairly dismissed. The respondent is ordered to pay the claimant a basic award of **£2,481.00** and a compensatory award of **£19,432.14**.
2. The complaint of direct age discrimination contrary to section 13 Equality Act 2010 is dismissed upon withdrawal by the claimant.
3. The complaint in respect of a statutory redundancy payment under Part XI Employment Rights Act 1996 is dismissed upon withdrawal by the claimant.
4. The complaint of unauthorised deductions from pay under Part II Employment Rights Act is well founded. The respondent is ordered to pay the claimant the net sum of **£346.32** unlawfully deducted from his pay. This is awarded as a net sum because the respondent has already forwarded deductions for tax and national insurance to the appropriate authorities.
5. The complaint of breach of contract in relation to notice pay succeeds. The respondent is ordered to pay the claimant the sum of **£1,654.00** as damages for breach of contract. This is a net sum but is calculated by reference to gross pay to take account of the likelihood that the claimant will have to pay tax on this sum as “post employment notice pay”.

6. The complaint in respect of holiday pay is dismissed upon withdrawal by the claimant.
7. The respondent failed in its duty to provide the claimant with a written statement of the main terms of employment pursuant to section 1 Employment Rights Act 1996. The above awards are increased by the maximum award of four weeks' pay in the sum of **£1,654.00**.
8. The recoupment regulations apply to this judgment. The prescribed period is between 5 February 2019 and 19 May 2020. The prescribed amount is £17,060.51. The total monetary award is £25,567.46. The amount by which the total monetary award exceeds the prescribed element is £8,507.25.
9. The total amount payable by the respondent to the claimant under this judgment is **£25,567.46**.

---

Employment Judge Franey

19 May 2020

JUDGMENT SENT TO THE PARTIES ON

22 May 2020

AND ENTERED IN THE REGISTER

FOR THE 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](http://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.

**Claimant**                    **Mr J Travill**

**Respondent**                **Leyland Park Ltd T/A Withy Arms Leyland (In Liquidation)**

**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.