



# EMPLOYMENT TRIBUNALS

**Claimants:** Mrs J Stansfield

**Respondent:** Mosses Community Association Limited (In Liquidation)

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The respondent having stated that it does not resist the claims,

It is the judgment of the Tribunal that:

1. The claimant was unfairly dismissed. The claimant is entitled to compensation.

Basic award :

Service : 1 November 2010 to 12 July 2019

Age at date of dismissal : 53

Gross weekly pay : £317.40

1.5 x 8 x £317.40

£3,808.80

The respondent is ordered to pay to the claimant the sum of **£3,808.80** as the basic award for unfair dismissal.

Compensatory Award:

The claimant did not find alternative employment after her dismissal on 10 July 2019.

Her net weekly wage was £271.15

The respondent went into Liquidation on 14 October 2019. Her employment would have ended then.

The period of loss is accordingly 10 July 2019 to 14 October 2019

14 weeks @ £271.15	£3,796.10
Less Notice Pay awarded	£1,737.20
Net :	<u>£2,058.90</u>
Loss of statutory rights	£350.00
Total:	<u>£2,408.90</u>

Uplift

The respondent failed to follow the ACAS Code of Practice , and the Tribunal accordingly awards an increase of 25% of the compensatory award

25% x £2,408.90	£ 602.22
Total Compensatory award as uplifted:	<u>£3,011.12</u>

Additional award:

The claimant was not provided with a written statement of particulars of employment, and the Tribunal accordingly makes an additional award of 4 weeks pay

4 x £317.40	<u>£1,269.60</u>
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The recoupment regulations do not apply.

The respondent is ordered to pay to the claimant the said sums of **£3,011.12** as the compensatory award, and **£1,269.60** as the additional award for unfair dismissal.

2. The claimant was dismissed without notice in circumstances where the respondent has failed to demonstrate that it was entitled to so dismiss her. She is accordingly entitled to damages for breach of contract, i.e her notice pay.

The claimant was entitled to 8 weeks' notice

8 x £271.15	<b><u>£2,169.20</u></b>
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This is a net sum , which the respondent is ordered to pay to the claimant and the respondent must account to HMRC for any tax and NI contributions payable upon it.

3. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£211.60**, representing 20 hours of untaken holiday at the hourly rate of £10.58 . This is a gross sum ,and the claimant must account for any tax and NI contributions due upon it.
4. The other claims that the claimant has sought in her email to the Tribunal of 1 June 2020 for:

Personal Injury

Reputational Damage/ Defamation of Character

Pension Contributions and NI Contributions since dismissal

fall outside the scope of what the Tribunal can award in respect of the claims that the claimant has made, and cannot be awarded.

Employment Judge Holmes

Dated : 1 July 2020

JUDGMENT SENT TO THE PARTIES ON

3 July 2020

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](http://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: **2410981/2019**

Name of case:       **Mrs J Stansfield**                   v           **Mosses            Community  
Association       Limited   (In  
Liquidation)**

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: 3 July 2020

"the calculation day" is: 4 July 2020

"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-guidet426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guidet426)

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.