



EMPLOYMENT TRIBUNALS

Claimant

Miss V Reed

Respondent

I2o Ltd

v

Heard at: Huntingdon

On: 17 July 2020

Before: Employment Judge Ord

Appearances

For the Claimant: In person.

For the Respondent: Did not attend and was not represented.

JUDGMENT

1. No response to the claimant's claim having been submitted:
 - (i) The claimant was unfairly dismissed.
 - (ii) The claimant's dismissal was in breach of her contract of employment.
 - (iii) The claimant was not paid for accrued but untaken holiday due at the time of her dismissal.
2. The company is now in administration. I have assessed remedy (subject to the claimant having consent to proceed) as follows:
 - (i) The claimant, who was born on 5 January 1968 was employed by the respondent from 3 December 2007 to 3 June 2019. Her gross annual salary was £60,000, her gross weekly pay was £1,154 and her nett weekly pay was £792.

Breach of Contract

- (ii) The claimant was contractually entitled to 12 weeks' notice. She received no notice nor any payment in lieu.
- (iii) The claimant is therefore entitled to 12 weeks' pay at the nett rate of £792 amounting to £9,404.

- (iv) The claimant has received under the Government's Redundancy Payment Scheme, a notice payment of £5,775 leaving a balance due from the respondent of £3,629.

Holiday Pay

- (v) At the time of her dismissal the claimant had accrued but not taken 12 days holiday pay. Her nett daily rate of pay is £158.40. 12 days pay at that rate amounts to £1,900.80. The claimant has received from the Redundancy Payment Scheme £901.15 leaving a balance due of £999.65.

Unfair dismissal

Basic Award

- (vi) The claimant was employed for 11 complete years. For ten of those years she was over the age of 41. Her gross weekly wage exceeded the statutory maximum of £550. Her basic award is therefore $\pounds(550 \times 10 \times 1.5) + 550 = \pounds8,800$.
- (vii) The claimant has been paid this amount under the Redundancy Payment Scheme.

Compensatory Award

- (viii) From the end of the claimant's period of notice to today is 46.5 weeks. At her weekly rate of pay of £792 the claimant has loss of earnings to date of £36,828.
- (ix) The claimant has also lost pension contributions in the weekly sum of £80.76, a total to date of £3,755.34.
- (x) I assess an award for her loss of statutory rights in the sum of £500.
- (xi) The claimant has made efforts to mitigate her loss but is still without work. I award a further 26 weeks' pay at the weekly rate of £792 (plus £80.76 for loss of pension rights) for 26 weeks giving a total sum of £22,691.76.
- (xii) Accordingly, the compensatory award is calculated as follows:
 $\pounds36,828 + \pounds3,755.34 + \pounds500 + \pounds22,691.76 = \pounds63,775.10$.
- (xiii) The maximum compensatory award in the claimant's circumstances amounts to £41,194 and that is applied to the compensatory award.

Summary

3. Accordingly, the total award to the claimant is as follows:

(i)	Damages for breach of contract	£3,629.00
(ii)	Unpaid holiday pay	£999.65
(iii)	Compensatory Award for unfair dismissal	<u>£41,194.00</u>
	Total	<u>£45,822.65</u>

4. The recoupment provisions apply.

Employment Judge Ord

Date: 29 July 2020

Sent to the parties on:

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For the Tribunal Office