



EMPLOYMENT TRIBUNALS

Claimant: Ms A Wynne

Respondent: Fundamental Coaching Limited (t/a FUNDA)

Heard at: Manchester

On: 13 and 14 October 2020

Before: Employment Judge McDonald
(sitting alone)

REPRESENTATION:

Claimant: Mr Sharples (GMB)

Respondent: Mr K Fletcher (Director)

JUDGMENT ON REMEDY

REASONS

1. By a reserved liability judgment sent to the parties on the 22 December 2020 I found that the claimant had been wrongfully dismissed by the respondent.
2. At the hearing, the parties had indicated that they might be in a position to agree the compensation to be awarded if there had been a wrongful dismissal. At the hearing I directed that the parties write to the Tribunal within seven days of the hearing setting out their final positions on the compensation to be awarded.
3. On 19 and 20 October 2020 the parties emailed the Tribunal to confirm they had agreed that the amount payable if the claim succeeded would be £2023. That represented the notice pay due to the claimant less all relevant deductions including tax and payments received.
4. Unfortunately, when I gave my liability judgment those emails were not before me and at paragraph 98 of that judgment I said that “The Tribunal does not appear to

have received any further emails from the parties. I order that the parties write to the Tribunal within 14 days of this judgment being sent to them to confirm whether the amount due has now been agreed or to set out their final positions in relation to that amount.”

5. I apologise to the parties for any confusion caused by paragraph 98. It is clear they had written to the Tribunal as directed at the hearing. In light of the emails of 19 and 20 October 2020, it is agreed that the compensation payable to the claimant for her wrongful dismissal by the respondent is £2023.

Employment Judge McDonald
Date: 22 January 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON
22 January 2021

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 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: 2405814/20
Ms A Wynne v Fundamental Coaching Limited (t/a FUNDA)

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: 22 January 2021

"the calculation day" is: 23 January 2021

"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/collections/employment-tribunal-forms

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.