



EMPLOYMENT TRIBUNALS

Claimant: Miss S Collins

Respondent: The Maggie Keswick Jencks Cancer Caring Centres Trust

Heard at: Manchester Employment Tribunal (by CVP)

On: 13 and 14 January 2021

Before: Employment Judge Dunlop

Representation

Claimant: Ms C Step-Marsden (Counsel)

Respondent: Mr D Ogilvy (Solicitor)

JUDGMENT

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was a video hearing, using the tribunal's Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable in the circumstances of the covid-19 pandemic and all issues could be determined in a remote hearing.

1. The claimant's claim of unfair dismissal is well-founded.
2. The Basic Award and Compensatory Award will both be reduced by 20% on the grounds of the claimant's culpable conduct which contributed to the dismissal.
3. No reduction is made to the Compensatory Award under the principles set out in **Poley v A.E. Dayton Services Ltd [1988] ICR 142**.
4. No reduction or uplift is made to the Compensatory Award under s207(A) Trade Union and Labour relations (Consolidation) Act 1992.
5. The respondent is ordered to pay to the claimant the sum of **£22,982.40**. This figure is made up of a Basic Award of **£2,582.40** and a Compensatory Award of **£20,400.00**. These amounts reflect the 20% reduction noted at paragraph 2 above, and were agreed by the parties.
6. The Employment Protection (Recoupment of Job Seeker's Allowance and Income Support) Regulations 1996 do not apply to this award.

Case No: 2406305/2020

Code V

Employment Judge Dunlop

Date: 15 January 2021

SENT TO THE PARTIES ON

26 January 2021

FOR EMPLOYMENT TRIBUNALS

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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: Miss S Collins v
The Maggie Keswick Jencks Cancer Caring Centres Trust

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: 26+ January 2021

"the calculation day" is: 27 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.