



EMPLOYMENT TRIBUNALS

Claimant: Mr S Jones

Respondent: Cheshire West and Chester Council

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent breached regulation 5 of the Agency Workers Regulations 2010 in the following respects:
 - 1.1. Failing to pay the claimant at Grade 4;
 - 1.2. Failing to consider the claimant for a bonus;
 - 1.3. Failing to permit the claimant to work flexible hours;
 - 1.4. Failing to pay the claimant for two “away days”; and
 - 1.5. Failing to pay the claimant for the Christmas and Boxing Day Bank Holidays in 2018.
2. The respondent is ordered to pay the claimant the following compensation for loss of benefits caused by the above breaches:
 - 2.1. For failure to pay the claimant at Grade 4: £537.00
 - 2.2. For failure to consider the claimant for a bonus: £750.00
 - 2.3. No compensation for failure to permit the claimant to work flexible hours;
 - 2.4. For failure to pay the claimant for the away days: £140.00
 - 2.5. For failure to pay the claimant for the two holidays: £140.00.

Employment Judge Horne

Date: 5 February 2021

JUDGMENT SENT TO THE PARTIES ON
10 February 2021

.....
AND ENTERED IN THE REGISTER

.....
FOR THE TRIBUNAL OFFICE

All sums are awarded gross without any deduction for tax or national insurance. The claimant may be liable to pay tax and national insurance on the sums awarded. The hearing code "P" in the heading indicates that the judgment was issued without a hearing.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2402665/2020
Mr S Jones v Cheshire West and Chester Council

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: 10 February 2021

"the calculation day" is: 11 February 2021

"the stipulated rate of interest" is: **8%**

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.