



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr H Israel

**Respondent:** Connect Care and Support Ltd (t/a Encore Health and Coghlan Lodges)

**Heard at:** Watford Employment Tribunal (by CVP)

**On:** 10 December 2020

**Before:** Employment Judge Daniels (sitting alone)

**Appearances:**

For the claimant: Mr Earl (counsel)

For the respondent: Mr Kwaramba and Ms Mupandese kwa (appearing on remedy issues only);

## JUDGMENT

- 1 The claimant was an employee of the respondent at all relevant times.
- 2 The claimant was constructively dismissed by the respondent on 22 October 2019.
- 3 The claimant was unfairly dismissed by the respondent.
- 4 The respondent breached the claimant's contract of employment when failing to pay him any notice pay.
- 5 The respondent made unlawful deductions from the claimant's wages during the employment.
- 6 The respondent breached the Working Time Regulations 1998 in regard to the claimant's holiday pay.

# REMEDY

## Unlawful deductions from wages

1 The award for unlawful deductions from wages during the employment (including ACAS uplift of 10%) is **£8686.93**. This is a gross sum, payable by the respondent less appropriate deductions for tax and NI at source.

## Notice pay

2 The award for notice pay (including 10% uplift) is **£1996.34** (This is a net sum payable without deductions).

## Holiday pay

3 The award for holiday pay (including 10% uplift) is **£2218.15**. This is a gross sum payable by the respondent less appropriate deductions for tax and NI at source.

## Unfair dismissal

4.1 The basic award for unfair dismissal is **£2362.50**. This is payable without deductions.

4.2 The compensatory award for unfair dismissal is as follows;

4.2.1 Loss of statutory rights; **£500**

4.2.2 Loss of earnings from 12 November 2019 (the date his 3 week notice would have expired (which he has already been paid for above)) to 11 November 2020 (when the claimant not acting unreasonably should have mitigated his losses):  
£19,030.15

4.2.3 Polkey and/or just and equitable reduction of 50% to reflect likely drop in hours of claimant after 12 November 2019. £9,515.08

4.2.4 Compensatory award **£9,515.08**.

4.2.5 Total compensatory award after ACAS Uplift, including loss of statutory rights (plus ACAS uplift):

**£11,016.59**

## **Total unfair dismissal award (basic award and compensatory award)**

**£13,379.09**

5 The Recoupment Regulations do not apply.

**Case Numbers: 3327860/2019**

**Employment Judge Daniels**

14 December 2020

Sent to the parties on:

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For the Tribunal:

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