



EMPLOYMENT TRIBUNAL
England and Wales
London Central Region

Claimant: Mr E Kerr
Respondent: 1. Caprice Holdings Limited
2. The Ivy West Street Ltd
Before: Mr J S Burns
Representation
Claimant: Mr K Wilson (Counsel)
Respondent: Mr M Salter (Counsel)

Heard by CVP on 14 and 14 January 2021

JUDGMENT

1. The claims against the First Respondent are dismissed on withdrawal by the Claimant.
2. The claims against the Second Respondent of wrongful and unfair dismissal succeed.
3. The Second Respondent shall pay the Claimant by 29/1/21 compensation of £31,346.93 calculated as per the Schedule.

Note

Oral reasons were given at the hearing. No written reasons will be provided unless requested in writing within 14 days of the date this judgment is sent to the parties.

Date 15/1/21
J S Burns Employment Judge
London Central
For Secretary of the Tribunals

Date sent to the Parties: 15/1/21

Schedule

£31,346.93 comprising:

- (a) Basic award of **£3,513.24** (9 x £390.36).
- (b) Compensatory award of **£20,298.72** comprising:
 - a. Loss of statutory rights - £300

b. Past losses:

i. 24.04.20 to 01.07.20 – 10 weeks at £282.43 = £2,824.30

ii. 02.07.20 to 04.11.20 – 17.8 weeks at £693.17 = £12,338.43

iii. 05.11.20 to 01.12.20 – 3.6 weeks at £282.43 = £1,016.75

iv. 02.12.20 to 15.12.20 – 1.8 weeks at £693.17 = £1,247.71

v. 16.12.20 to 14.01.21 – 4.2 weeks at £282.43 = £1,186.21

c. Loss of pension contributions up to 23.03.21 – 14 x £96.46 per month = £1,338.96.

d. Loss of contractual dining allowance for 2020 - £1,000.

e. Future losses from 15.01.21 to 23.03.21 – 9.5 weeks at £282.43 = £2,683.09

Total = £23,935.45, capped at £20,298.72 (being 52 weeks' gross pay, in accordance with s.124 Employment Rights Act 1996).

(c) Notice pay in the sum of **£7,534.97**, comprising:

a. 2 months at a rate of £693.17 per week = £6,007.47

b. 1 month at a rate of £352.50 per week = £1,527.50
