



EMPLOYMENT TRIBUNALS

Claimant

Mrs M Walford

v

Respondent

Leisure Training Corporation Limited

Heard at: Bury St Edmunds (by CVP)

On: 12 January 2021

Before: Employment Judge Laidler

Appearances

For the Claimant: Ms A Johns, Counsel.

For the Respondent: Response not entered.

COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals.

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was by Cloud Video Platform (V). A face to face hearing was not held because it was not practicable and no-one requested the same and all issues could be determined in a remote hearing.

JUDGMENT

1. In default of any response from the respondent the claimant's claims of unfair dismissal, failure to pay holiday pay and breach of contract succeed.
2. The respondent is ordered to pay to the claimant the total sum of £28,684.44 calculated as follows:-

1. Details

Date of birth of claimant	06/03/59
Date started employment	07/09/98
Effective Date of Termination	24/05/19
Period of continuous service (years)	20
Age at Effective Date of Termination	60
Statutory notice period (weeks)	12
Date notice would have terminated	16/08/19
Gross Annual Income (from Claimant's P60)	£25,946.84
Gross Weekly Income	£498.97
Net Weekly Income	£404.32
Net Daily Income	£80.87
Gross New Annual wage	£22,000
Net weekly new Wage	£355.98

2. Wrongful Dismissal		
Damages period (12 weeks) x net weekly pay (404.32)		£4,851.84
	Total	£4,851.84
3. Holiday Pay		
Days worked (18) / 365 x 26 (annual holiday entitlement)		1.28 (days)
Plus days outstanding (9)		10.28 (days)
Daily rate (80.87) x 10.28 (days outstanding)		£831.34
	Total	£831.34
4. Unlawful Deduction of Wages (till termination date 24/05/19)		
Net daily income (80.87) x number of days (18)		£1,455.66
	Total	£1,455.66
5. Basic Award/Redundancy Payment		
Number of qualifying weeks years at 1 weeks (1) x £498.97		£498.97
Number of qualifying weeks at 1.5 weeks (19) x £498.97		£14,220.64
	Total	£14,719.61
6. Compensatory Award immediate losses (16/08/19 till 01/05/20)		
Loss of net earnings		
Number of weeks (37) x Net weekly pay (404.32)		£14,959.84
Plus loss of statutory rights		£500
Plus Pension loss		
Number of weeks (37) x gross weekly pensionable pay (498.98)		£923.11
x 5% contributed by employer		
Minus new earnings		
Number of weeks (37) x Net weekly pay (355.69)		£13,160.53
	Total compensatory immediate loss	£3,222.42
7. Compensatory award (future loss)		
Loss of future earnings		
Number of weeks (26) x Net Weekly pay (404.32)		£10,512.32
Plus future loss of pension		
Number of weeks (26) x gross weekly pensionable pay (498.98)		£648.67
x 5% contributed by employer		
Minus new earnings		
Number of weeks (26) x Net weekly pay (355.69)		£9,247.94
	Total compulsory future loss	£1,913.05
	Total compensatory Award:	£5,135.47

8. Breach of contract

Monthly rent	£400
Number of weeks (12) x gross weekly pensionable pay (498.98) x 5% contributed by employer	£299.39
Number of holidays accrued per week	
26 (yearly holiday entitlement) / 52 (weeks)	0.23
0.23 (weekly accrued holiday) x 12 (weeks)	2.76
2.76 (days of holiday owed) x daily net income (80.87)	£223.20
Total	£922.59

9. Summary Totals

Wrongful Dismissal	£4,851.84
Holiday Pay	£831.34
Unlawful deduction of wages	£1,455.66
Basic award/Redundancy	£14,719.61
Compensatory Award	£5,135.47
Breach of Contract	£922.59
Summary Total	£27,916.51

Note:

The basic award has been recalculated when preparing this judgment as the weekly figure used had not been adjusted to reflect the claimant's gross pay as on her P60 which it had been agreed would be used for the calculations.

Employment Judge Laidler
Date: 26 January 2021
11/02/2021
Sent to the parties on:
J Moossavi
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For the Tribunal Office

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.