



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Karen Morgan

v

Andrew Dean, T/As Argent

**Heard at:** Watford CVP

**On:** 15 December 2020

**Before:** Employment Judge Allen sitting alone

## Appearances

**For the Claimant:** L Barnes, LJB Legal Services

**For the Respondent:** In person

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 - Rule 21

1. S13 Employment Rights Act 1996

the claimant suffered unauthorised deductions from wages in that she received no wages between 1 August 2019 and 26 November 2019 (less £2,000 received from the respondent ad hoc).

The respondent is ordered to pay the claimant the net sum of **£4,300.54**

2. The respondent is ordered to pay the claimant the gross sums of:

Basic award **£6,075.00**

Compensatory Award **£23,400.00**

## Reasons

Details		£	£
Age at EDT	54		
Commenced Employment	01/04/2010		
Effective Date of Termination (EDT)	26/11/2019		
Years of continuous service (April 2010 – November 2019)	9		
Remedy hearing date	15/12/2020		
Cut-off date for future loss of earnings (12 months after EDT)	26/11/2020		
Statutory notice period (weeks)	9		
Net daily pay at EDT		92.55	
Gross daily pay at EDT		112.50	
Net weekly pay at EDT		370.62	
Gross weekly pay at EDT		450	
Holiday entitlement accrued but unused at EDT 22.4 days accrued minus 9 days used	Days 13.4		
Employer's Pension contribution	Monthly	43.14	
<b>Basic award</b>			
	Qualifying weeks (9 x 1.5) 13.5 x £450 gross weekly pay	6,075.00	<b>6,075.00</b>
<b>Compensatory award</b>			
<b>Immediate loss</b> (subject to max of £525 per week at EDT)	Loss of net earnings: Number of weeks (52) x Net weekly pay (£370.62)	19,272.24	
Loss of statutory rights	Amount as the tribunal thinks fit up to £500	500.00	
Accrued holiday pay 22.4 days accrued 9 days used	13.4 days accrued but not used x net daily rate £92.55	1,240.17	
Pension loss (employers' contributions)	Loss of employer of £43.14 per month x 12 months	517.68	
Less earnings:	26/11/2019 - 26/11/2020	0	
Failure to Provide S1 statement	4 weeks' pay	1,800	
Immediate loss		23,330.09	

<b>ACAS uplift</b> failure by employer to follow statutory procedures	25% uplift	5832.52	
<b>Total compensation Claimed</b>			<b>29,162.61</b>
S124 Employment Rights Act 1996 Total award capped at lower of Gross annual salary (23,400) or £88,518			<b>23,400</b>
<b>Unlawful deduction from wages claimant went unpaid for 17 weeks</b>	1/08/2019 - 26/11/2019 (17 weeks x £370.62) minus (£2000 rec'd)	4,300.54	<b>4,300.54</b>

No Order is made in respect of the overlapping claim regarding wrongful dismissal.

Employment Judge **Allen**

5<sup>th</sup> May 2021

Date: .....

5<sup>th</sup> May 2021

Sent to the parties on: .....

THY

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For the Tribunal Office