



EMPLOYMENT TRIBUNALS

Claimant: Miss K Warda

Respondent: Atticus Promotions Ltd

Heard at: Manchester (by CVP)

On: 10 May 2021

Before: Employment Judge Whittaker

REPRESENTATION:

Claimant: In person

Respondent: Not in attendance

JUDGMENT

The judgment of the Tribunal is that the respondent shall pay to the claimant the sum of £2,099.94 gross, less appropriate deductions for tax and national insurance.

REASONS

1. The claimant told the Tribunal she believed that agreement had been reached prior to the hearing today for an amount of money to settle the claims of the claimant. However, the monies which the respondent had allegedly agreed to pay to the claimant had not been paid, and no formal arrangements for the settlement of the claims of the claimant had been reached. The claims were therefore properly considered by the Tribunal today and this Judgment has been issued.

2. The claimant was an employee of the respondent company during the month of August 2020. She was on furlough. She was therefore entitled to receive 80% of her wages for that month. Her gross monthly wage was £1,266.66 per month, and the claimant had submitted copies of relevant monthly wage slips to prove this. 80% of that figure is £1,013.32. The respondent is therefore ordered to pay those unpaid wages to the claimant.

3. The claimant was still on furlough and still an employee of the respondent company during the month of September 2020. The applicable rate of furlough pay

was then 70% of gross monthly salary and not 80%. 70% of £1,266.66 is £886.66. The respondent is therefore ordered to pay these unpaid wages to the claimant.

4. The claimant was at all times entitled to a minimum of one week's notice to terminate her employment. In the months of August and September, and indeed before that, the claimant was regularly contacting the respondent to ask about missing wages. At the beginning of October 2020, she again contacted the respondent company to ask about her missing wages, particularly for August and September 2020. To her surprise on 5 October 2020 the claimant received an email from the respondent enclosing her form P45. This came completely out of the blue to the claimant. There was no discussion or advance notice about the proposed termination of her employment. The claimant was therefore entitled to one week's notice to terminate her employment, which was the first week of October 2020. On the basis of a monthly gross salary of £1,266.66, the value of one week's gross pay is £292.30 and the respondent is ordered to pay these monies to the claimant.

5. As at the date of termination of her employment the claimant was entitled to 16.8 days' outstanding holidays. The claimant worked four days a week and not five days a week. The calculation of 16.8 days was therefore appropriate. Taking the claimant's gross salary of £1,266.66 and multiplying it by 12 and dividing it by 52 produced a weekly wage of £292.30. On the basis that the claimant worked four days a week, the value of one day's gross pay is £73.70. 16.8 days at that daily rate produces a figure of £1,227.66 gross.

6. The total of the payments which are due under the paragraphs set out above is £3,419.94. The respondent has made two separate payments to the claimant, one of £470 and another of £850, a total of £1,320. The balance of the monies therefore due and payable by the respondent to the claimant is £2,099.94.

7. The calculations made by the Tribunal in favour of the claimant are gross payments. If the respondent calculates that deductions should be made for taxation and national insurance then those deductions can be made, but the calculations and amounts must be clearly notified to the claimant in writing before any such deductions are made.

Employment Judge Whittaker
Date: 10th May 2021

JUDGMENT SENT TO THE PARTIES ON
17 May 2021

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2413706/2020 & Other**

Name of case: **Miss K Warda** v **Atticus Promotions Ltd**

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 judgment day" is: 17 May 2021

"the calculation day" is: 18 May 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/publications/employment-tribunal-hearings-judgment-guide-t426

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 recoument 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.