



EMPLOYMENT TRIBUNALS

Claimant: Mr D Ruddock
Respondent: Leon Gaume Limited

Heard at: London South Tribunal **On:** 25th March 2021 **by:** CVP

Before: Employment Judge Clarke (sitting alone)

Representation:
Claimant: Ms C Young (partner)
Respondent: Mr Brian Hendley (Solicitor)

JUDGMENT ON REMEDY HEARING

Following a hearing on liability on 18th January 2021 the case was listed today (25th March 2021) for a remedies hearing.

During initial discussions, the parties were agreed that there should be a basic award in the sum of £3,048.00, an award for loss of statutory rights in the sum of £500.00, an award for failure to provide written employment particulars in the sum of £1,016.00 and an award for expenses of looking for alternative employment in the sum of £43.00. The remaining area of dispute was as to the compensatory award for loss of wages and benefits. The parties were agreed that the loss of wages should be assessed at £543.00 net per week and the loss of pension at £14.62 per week. However, they were unable to agree the period of the loss, the Claimant not having found permanent employment to date and the substantive issue being in respect of mitigation of loss.

I received further evidence from the Claimant and from Mr Rothera on behalf of the Respondent (both in writing and orally) and heard submissions from both parties. I also considered a bundle of 183 pages prepared specifically for the remedies hearing and pages 45, 65 (A), 65(B) and 65(C) from the original hearing bundle.

Although the Claimant has been, and continues to be, in receipt of Universal Credit, he did not claim benefits until apx February 2019, after the period for which the compensatory award has been made. Accordingly, the recoupment provisions within

the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 (as amended) do not apply.

The judgment of the Tribunal is that:

- (1) The Respondent is ordered to pay compensation to the Claimant in the **total sum of £13,911.54** calculated as follows:

| | |
|--|-------------------|
| Basic Award: | £3,048.60 |
| | |
| Compensatory Award: | |
| Loss of earnings | |
| from 01/09/18 for a period of 17 weeks at £543/wk: | £19,231.00 |
| Loss of pension benefit | |
| from 01/09/18 for a period of 17 weeks at £14.62/wk: | £248.54 |
| Loss of statutory notice | £500.00 |
| Failure to provide written employment particulars | £1,016.00 |
| Job seeking expenses: | £43.00 |
| | |
| Less earnings during 17 week period from 01/09/18: | (£175.00) |
| | |
| Total Compensatory award: | £10,863.54 |

Employment Judge L Clarke
Date: 25th March 2021