



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Treharne  
**Respondent:** Alpha Energy Direct Limited  
**On:** 15 June 2021  
**Before:** Employment Judge McAvoy Newns  
**At:** Manchester Employment Tribunal

## Appearances:

**For the Claimant:** In person  
**For the Respondent:** Mr B Ikin, Director

## JUDGMENT

1. The Claimant's claim for unfair dismissal is well-founded and succeeds.
2. A Polkey reduction shall apply to the compensatory award meaning that the Claimant's compensation for loss of earnings should be limited to two weeks' pay (£1,240) and loss of statutory rights (£500).
3. The Claimant's claim for a statutory redundancy payment is well-founded and succeeds. As the Claimant had 11 years' continuous service with the Respondent, he ought to have received a statutory redundancy payment of £4,070. As the Claimant received a statutory redundancy payment of £1,198.24, the Respondent is ordered to pay the Claimant the sum of £2,871.76.
4. The Claimant's claim for unpaid statutory notice pay is well-founded and succeeds. As the Claimant had 11 years' continuous service, he ought to have received a statutory notice payment of £4,070. As the Claimant received a notice payment of £599.32, the Respondent is ordered to pay the Claimant the sum of £3,470.68.

5. Following consideration of the evidence including the Respondent's concession during this hearing, the Claimant's claim for a payment in lieu of accrued but untaken holiday is well-founded and succeeds. The Respondent is to consider, within 14 days of receiving this judgment, whether it accepts the Claimant's calculation of £704 and, if it does, this payment should be paid alongside the payments referred to above. If it does not accept this calculation, the following orders apply:
  - a. The Respondent should inform the Claimant, copied to the Tribunal, within 14 days of receiving this judgment, that it does not accept this calculation;
  - b. The Claimant should inform the Respondent, copied to the Tribunal, within 14 days of receiving the Claimant's correspondence referred to at 5(a) above, how he has calculated this sum; and
  - c. If the Respondent disputes this calculation, it should inform the Claimant, copied to the Tribunal, of the reasons for this dispute, what it believes the Claimant is due to be paid for unpaid holiday pay and how it has calculated this sum. This should be sent within 14 days of receiving the Claimant's correspondence referred to at 5(b) above. I will then determine this issue on the papers or, if a further hearing is required, I will list one.
6. These are gross sums and the Claimant is responsible for the payment of any income tax and/or national insurance contributions that may be due on them.

Note: as reasons for the judgment have 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. All judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Employment Judge McAvoy Newns**

**18 June 2021**

**Sent to the parties on:**

**28 June 2021**

**For the Tribunal:**



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2417977/2020**

Name of case: **Mr S Treharne** v **Alpha Energy Direct 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: 28 June 2021

"the calculation day" is: 29 June 2021

"the stipulated rate of interest" is: **8%**

Mr S Harlow  
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](http://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 recoupment 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.