



EMPLOYMENT TRIBUNALS

Claimant: Mr A Bulman

Respondent: Mr Dean Fearon (T/A Dean Fearon Builders)

Heard at: Manchester Employment Tribunal

On: 13 October 2021

Before: Employment Judge Dunlop

Representation

Claimant: Mr T Street (solicitor)

Respondent: Did not attend

JUDGMENT

1. I accept that the claimant was employed personally by Mr Dean Fearon. It is not necessary to have various trading names listed as separate respondents, as they are no separate legal identities. For that reason, I amend the title of the respondent to Mr Dean Fearon (T/A Dean Fearon Builders) and remove the other two versions of Mr Fearon's name from the claim.
2. The claimant's claim for unlawful deduction from wages for the period 17 September 2019 to 7 December 2020 is well founded. The respondent is ordered to pay the claimant the gross sum of **£3,258.00** (gross).
3. The claimant's claim of automatic unfair dismissal under s104 Employment Rights Act 1996 (assertion of statutory rights) is well-founded. The total sum payable by the respondent to the claimant in compensation for his unfair dismissal is **£6,442.71**, calculated as set out below.
 - 3.1 The respondent is ordered to pay the claimant a Basic Award of £164.00 (being 0.5 x £328) as the claimant was under 22 and had one complete year's service.
 - 3.2 The respondent is ordered to pay the claimant a compensatory award of £5,315.59, calculated as follows:
Past loss of earnings £3,228.17 (net)

Loss of earnings arising from delayed completion of apprenticeship
£1,587.42 (net)

Loss of statutory rights £500.00

3.3A 20% uplift applied to the loss of earnings element of the compensatory award reflecting the respondent's failure to follow the ACAS code of practice on disciplinaries and grievances. This amounts to £963.12.

4. The claimant's claim that his dismissal was in breach of his common law apprenticeship contract is well-founded. No separate award is made for these losses, which are fully subsumed within the compensation for unfair dismissal.
5. The claimant's claim of failure to provide a statement under s1. Employment Rights Act 1996 is well-founded. The Tribunal awards **£586.94** compensation, being two weeks' net pay.
6. The claimant's claim of failure to provide itemised pay statements is well-founded. The Tribunal awards **£586.94** compensation, being two weeks' net pay.
7. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

Employment Judge Dunlop
Date: 13 October 2021

SENT TO THE PARTIES ON
15 October 2021

FOR EMPLOYMENT TRIBUNALS

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.

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 number: **2405600/2021**

Name of case: **Mr A Bulman** v **Dean Fearon (T/A Dean Fearon Builders)**

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: 15 October 2021

"the calculation day" is: 16 October 2021

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

Mr S Artingstall
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 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.