



EMPLOYMENT TRIBUNALS

Claimant: Mr Jeffrey Rice

Respondent: Mr Charles James Haliburton trading as J9 Accommodation

Heard at: Birmingham (by CVP)

On: 6, 7, 14 October 2021

Before: Employment Judge Meichen

Appearances

For the claimant: Mr F Mortin, counsel

For the respondent: Mr C Morrison, representative

JUDGMENT

1. The claimant had been continuously employed by the respondent for 8 years by the time he was dismissed.
2. The respondent was in breach of the duty to give a written statement of employment particulars when the proceedings were begun. It is just and equitable to increase the award to 4 weeks pay.
3. The claimant was wrongfully dismissed by the respondent as the respondent failed to pay the claimant any notice pay when the claimant was entitled to 8 weeks' notice pay.
4. The claimant was unfairly dismissed by the respondent.
5. The respondent is ordered to pay to the claimant the following sums subject to the recoupment provisions:
 - 5.1 Eight weeks' notice pay of £4532 (awarded net at 8 x £566.50).
 - 5.2 A basic award of £6300.
 - 5.3 A compensatory award of £33696.
6. The statutory cap of 52 weeks gross pay was applied to the compensatory award because the claimant's loss of earnings following his period of notice until the end of the hearing (taking into account his mitigation of loss) amounted to £35877.06 and the claimant was further entitled to 4 weeks pay for the failure to provide a statement of particulars (awarded gross but the

statutory cap applies so $4 \times £538 = £2152$) and £300 for loss of statutory rights. Accordingly, before the cap was applied the compensatory award was £38329.06.

7. The grand total to be paid by the respondent to the claimant, subject to the recoupment provisions, is £44528.
8. The Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349, apply. In accordance with those Regulations: (a) the total monetary award made to the claimant is £44528; (b) the amount of the prescribed element is £31539.52; (c) the dates of the period to which the prescribed element is attributable are 11 May 2020 to 14 October 2021; (d) the amount by which the monetary award exceeds the prescribed element is £12988.48.

Employment Judge Meichen

18 October 2021