



EMPLOYMENT TRIBUNALS

Claimant

Mr P. Patterson

AND

Respondent

Total Auto Glazing Services Ltd

HEARD AT:

Watford Tribunal Centre (Hybrid)

ON: 20 October 2021

BEFORE:

Employment Judge Douse (Sitting alone)

Representation:

For Claimant: Mr Donnelly, Solicitor

For Respondent: In person

JUDGMENT – REMEDY

1. The respondent is ordered to pay the claimant a basic award of **£1,335** and a compensatory award of **£19,802.77**¹
2. The respondent is ordered to pay the claimant the net sum of **£121.17** in relation to unpaid holiday pay
3. The respondent is ordered to pay the claimant the gross sum of **£1335** in relation to unpaid wages

¹ In my oral judgment I incorrectly expressed this figure - I take this opportunity to correct that mistake and further explanation is provided in relation to the relevant figures within the Schedule below

Recoupment

The recoupment Regulations apply as follows to the unfair dismissal award (compensatory award only):

The monetary award £18,902.52

The prescribed element £13,400.04²

The period of the prescribed element: 10 May 2020 to 9 May 2021³

The amount by which the monetary award exceeds the prescribed element is: £5,502.48

Schedule

Unfair dismissal

Basic award: 2 years at 1.5 (age 53) x £445 per week

(gross weekly rate on 80% furlough) £1335

Compensatory award:

The claimant remained unable to work at least until Covid restrictions eased (taking Judicial Notice, this was on 19 July 2021), and secured new employment from 26 July 2021 at a greater rate of pay than with the respondent.

£363.51 per week (net weekly rate on 80% furlough)

9 October 2020 to 25 July 2021 (63.29 weeks)⁴ - limited to 52 weeks

£18,902.52⁵

ACAS uplift – 10%

(applied after deduction of UC received 10 May 2020 – 9 May 2021⁶)

£550.25

Loss of statutory rights

£350

² In my oral judgment I incorrectly expressed this as £16,191.71 - having amended the prescribed period as detailed below, I take this opportunity to also correct this mistake

³ In my oral judgment I incorrectly used 25 July 2021 as the end of the prescribed period – having applied the correct 52 week limit on the compensatory award (detailed below) I take this opportunity to also correct this period.

⁴ In my oral judgement I incorrectly used this multiplier, rather than applying the limit of 52 weeks contained within s.124(1ZA) Employment Rights Act – I take this opportunity correct that mistake.

⁵ In my oral judgment I incorrectly expressed this figure as £23,006.55 - I take this opportunity to correct that mistake. Further explanation is provided in relation to the relevant figures within the Schedule below

⁶ In my oral judgment I incorrectly used 25 July 2021 as the end of the prescribed period – having applied the correct 52 week limit on the compensatory award, I take this opportunity to also correct this period.

Holiday pay

2 days x £60.58 (net daily rate on 80% furlough) £121.17

Unpaid wages

3 weeks x £445 (gross weekly rate on 80% furlough) £1335

Employment Judge K Douse

Dated: ...20 October 2021.....

Sent to the parties on: 8/11/2021

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For the Tribunal Office

Notes

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

Case Number: 3306069/2020

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