



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Woodnett

**Respondent:** Cheshire Tool Company Limited

**Heard at:** Liverpool **On:** 10 November 2021

**Before:** Employment Judge Horne

## **Representatives**

For the claimant: Mr N Moore, counsel

For the respondent: Ms S-J Wood, consultant

Following a final hearing on a remote video platform; and  
The tribunal having refused the respondent's application for an extension of time to present its response to the claim; and  
The respondent having been given limited permission to participate in the hearing under rule 21 of the Employment Tribunal Rules of Procedure 2013

## **JUDGMENT**

1. The respondent breached the claimant's contract of employment by failing to give notice of termination and is ordered to pay her damages of £16,152.96.
2. The claimant was unfairly dismissed.
3. As compensation for unfair dismissal, the respondent must pay the claimant:
  - 3.1 a basic award of £11,812.50; and
  - 3.2 a compensatory award of £69,996.00.
4. The tribunal refuses to make any additional award under section 38 of the Employment Act 2002.
5. The total monetary award is **£97,961.46**.
6. The prescribed element is £69,996.00.
7. The period to which the prescribed element is attributable is 18 November 2019 until 10 November 2021.

8. The amount by which the total monetary award exceeds the prescribed element is £27,965.46.

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Employment Judge Horne

10 November 2021

SENT TO THE PARTIES ON

15 November 2021

FOR THE TRIBUNAL OFFICE

Notes

- (1) This judgment follows a hearing on a remote video platform. Neither party objected to the format of the hearing.
- (2) Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties. If written reasons are provided, they will be published on the tribunal's online register, which is visible to internet searches.
- (3) The claimant may be liable to pay tax and national insurance on the award, including the damages for breach of contract, which were awarded gross.



**NOTICE**

**THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990**

Tribunal case number: **2403190/2020**

Name of case: **Miss S Woodnett** v **Cheshire Tool Company Limited**

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 November 2021

"the calculation day" is: 16 November 2021

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office

**Claimant:** Miss S Woodnett

**Respondent:** Cheshire Tool Company Limited

**ANNEX TO THE JUDGMENT  
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

**The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.**

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.