



EMPLOYMENT TRIBUNALS

First Claimant: Ms Sarah Price
Second Claimant: Ms Melanie Howarth
Third Claimant: Mr Kevin McManus

First Respondent: Jean Price Natural Health Foods Limited
Second Respondent: Jean Price

Heard at: Manchester Employment Tribunal

On: 12 November 2021

Before: Employment Judge Mark Butler

Representation

Claimants: Represented themselves
First and Second Respondent: Did not attend

JUDGMENT

Ms Price

1. Ms Price's claim for Pregnancy or Maternity Discrimination brought against both the first and second respondent does not succeed and is dismissed. Further, this claim was brought out of time and it was not just and equitable to extend time.
2. Ms Price succeeds in her claim for unfair dismissal against the first respondent. She is awarded a basic award of **£1,090**, and a compensatory award in the sum of **£5,886.70**. The total unfair dismissal award is: **£6,976.70** (see annex 1).
3. Ms Price succeeds in her claim for wrongful dismissal against the first respondent. She is entitled to 12 weeks net pay. And is awarded the net figure of (12 x £87.20) **£1,046.40**.
4. Ms Price succeeds in her claim for unpaid holiday pay against the first respondent. She is awarded the gross figure of (3.06 x £87.20) **£266.83**.
5. Ms Price succeeds in her claim for unauthorised deductions from wages against the first respondent. This is subject to a 25% uplift due to failure by the first respondent to comply with the ACAS Code of Practice. She is

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awarded the gross figure of $((4 \times \pounds 69.76) \times 1.25)$ **£348.80**.

6. Ms Price succeeds in her claim against the first respondent for a failure to provide her with a statement of written reasons for dismissal, pursuant to s.92 of the Employment Rights Act 1996. She is awarded 4 weeks gross pay for this failure, and is therefore awarded the gross figure of $(4 \times \pounds 89.10)$ **£356.40**.
7. Ms Price succeeds in her claim against the first respondent for a failure by the employer to provide her with a written statement of employment particulars, and is awarded 4 weeks gross pay. She is therefore awarded the gross figure of $(4 \times \pounds 89.10)$ **£356.40**.
8. The total award for Ms Price is **£9,354.53**. Gross figures will either require the respondent to make deductions for tax and national insurance, or, where this does not happen, the claimant will need to account for such payments with HMRC.

Ms Howarth

9. Ms Howarth succeeds in her claim for unfair dismissal against the first respondent. She is awarded a basic award of **£3,034.08**, and a compensatory award in the sum of **£595.78**. The total unfair dismissal award is: **£3,629.86** (see annex 2).
10. Ms Howarth succeeds in her claim for wrongful dismissal against the first respondent. She is entitled to 12 weeks net pay. And is awarded the net figure of $(12 \times \pounds 147.89)$ **£1,774.68**.
11. Ms Howarth succeeds in her claim for unpaid holiday pay against the first respondent. This is subject to a 25% uplift due to failure by the first respondent to comply with the ACAS Code of Practice. She is awarded the gross figure of $((4.06 \times \pounds 168.56) \times 1.25)$ **£855.44**.
12. Ms Howarth succeeds in her claim against the first respondent for a failure to provide her with a statement of written reasons for dismissal, pursuant to s.92 of the Employment Rights Act 1996. She is awarded 4 weeks gross pay for this failure, and is therefore awarded the gross figure of $(4 \times \pounds 168.56)$ **£674.24**.
13. Ms Howarth succeeds in her claim against the first respondent for a failure by the employer to provide her with a written statement of employment particulars, and is awarded 4 weeks gross pay. She is therefore awarded the gross figure of $(4 \times \pounds 168.56)$ **£674.24**.
14. The total award for Ms Howarth is **£7,608.46**. Gross figures will either require the respondent to make deductions for tax and national insurance, or, where this does not happen, the claimant will need to account for such payments with HMRC.

Mr McManus

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15. Mr McManus succeeds in his claim for unfair dismissal against the first respondent. He is awarded a basic award of **£3,694.89**, and a compensatory award in the sum of **£3,108.63**. The total unfair dismissal award is: **£6,803.49** (see annex 3).
16. Mr McManus succeeds in his claim for wrongful dismissal against the first respondent. He is entitled to 12 weeks net pay. And is awarded the net figure of (12 x £202.56) **£2,430.72**.
17. Mr McManus succeeds in his claim for unpaid holiday pay against the first respondent. This is subject to a 25% uplift due to failure by the first respondent to comply with the ACAS Code of Practice. He is awarded the gross figure of ((4.72 x £205.27) x 1.25) **£970.12**.
18. Mr McManus succeeds in his claim against the first respondent for a failure to provide him with a statement of written reasons for dismissal, pursuant to s.92 of the Employment Rights Act 1996. He is awarded 4 weeks gross pay for this failure, and is therefore awarded the gross figure of (4 x £205.27) **£821.08**.
19. Mr McManus succeeds in her claim against the first respondent for a failure by the employer to provide her with a written statement of employment particulars, and is awarded 4 weeks gross pay. She is therefore awarded the gross figure of (4 x £205.27) **£821.08**.
20. The total award for Mr McManus is **£11,846.49**. Gross figures will either require the respondent to make deductions for tax and national insurance, or, where this does not happen, the claimant will need to account for such payments with HMRC.

Preparation Time Order

21. A Preparation Time Order has been made in respect of Ms Price and Mr McManus against the First Respondent. The First Respondent in respect of this Preparation Time Order must pay the following, in addition to the sums above:
 - a. The sum of (8 x £41) **£328** to Ms Price for Preparation Time.
 - b. The sum of (20 x £41) **£820** to Mr McManus for Preparation Time.

Employment Judge **Mark Butler**

Date: 03 December 2021

JUDGMENT SENT TO THE PARTIES ON
13 December 2021

FOR THE TRIBUNAL OFFICE

Notes

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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.

ANNEX 1

Ms Price Unfair Dismissal Award Calculation

Effective Date of Termination (EDT)	29 September 2021
Age at date of termination	30
Completed years of service	17
Years' service before the age of 22:	9
Years' service between 22- 41:	8
Net weekly pay:	£87.20 (before 01 Oct 2021)/£89.10 (after 01 Oct 2021)
Gross weekly pay:	£87.20 (before 01 Oct 2021)/£89.10 (after 01 Oct 2021)
Wrongful dismissal award made:	£1,046.40
Expected date claimant to find equivalent new job:	4 months after remedy hearing

Basic Award

(9 (years' service under age of 22) x 0.5 x £87.20) + (8 (years' service aged 22-41) x 1 x £87.20)

A: Basic Award £1,090.00

Compensatory Award

Past Net Loss of Earnings, from the EDT until date of hearing

(26 x £87.20) + (32 x £89.10)

B: Past Loss Earnings £5,118.40

Future loss of earnings: Limited to 4 months from date of hearing.

C: Future loss of earnings: (17 x £89.10) £1,514.70

D: Loss of statutory rights: £300

TOTAL AWARD (A + B + C + D) – Wrongful dismissal award £6,976.70

ANNEX 2

Ms Howarth Unfair Dismissal Award Calculation

Effective Date of Termination (EDT)	27 September 2021
Age at date of termination	67
Completed years of service	12
Years' service over the age of 41:	12
Net weekly pay:	£147.89 (before 01 Oct 2021)/£150.82 (after 01 Oct 2021)
Gross weekly pay:	£168.56 (before 01 Oct 2021)/£172.23 (after 01 Oct 2021)
Wrongful dismissal award made:	£1,774.68
Expected date claimant to find equivalent new job:	No longer looking

Basic Award

12 (years' service over age of 41) x 1.5 x £168.56)

A: Basic Award £3,034.08

Compensatory Award

This has been limited to 14 weeks from the EDT, following the evidence of Ms Howarth who gave evidence that from the end of December 2020 she was no longer seeking to enter the labour market.

14 x £147.89

B: Past Loss Earnings £2,070.46

Future loss of earnings

No award for future loss of earnings was made

C: Future loss of earnings: £0

D: Loss of statutory rights: £300

TOTAL AWARD (A + B + C + D) – Wrongful dismissal award £3,629.86

ANNEX 3

Mr McManus Unfair Dismissal Award Calculation

Effective Date of Termination (EDT)	29 September 2021
Age at date of termination	57
Completed years of service	12
Years' service over the age of 41:	12
Net weekly pay:	£202.56 (before 01 Oct 2021)/£206.65 (after 01 Oct 2021)
Gross weekly pay:	£205.27 (before 01 Oct 2021)/£209.74 (after 01 Oct 2021)
Wrongful Dismissal Award made:	£2,430.72
Pay received between EDT and hearing:	£2,502.92
Expected date claimant to find equivalent new job:	

Basic Award

12 (years' service over age of 41) x 1.5 x £205.27

A: Basic Award £3,694.86

Compensatory Award

(27 x £202.56) + (11 x £206.65) - £2,502.92

B: Past Loss Earnings £5,239.35

Future loss of earnings

No award for future loss of earnings was made

C: Future loss of earnings: £0

D: Loss of statutory rights: £300

TOTAL AWARD (A + B + C + D) – Wrongful dismissal award £6,803.49



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2415697/2020 & Others**

Name of case(s): **Miss S Price & Others** v **1. Jean Price Natural Health Foods 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: 13 December 2021

"the calculation day" is: 14 December 2021

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

Mr S Artingstall
For the Employment Tribunal Office

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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.