

EMPLOYMENT TRIBUNALS

Claimant: Mr O Colton

Respondent: Kane Funeral Services Limited

HELD AT: Liverpool (by CVP) **ON:** 8 December 2021

BEFORE: Employment Judge Ganner (sitting alone)

REPRESENTATION:

Claimant: Mrs H Morrison (Aunt)

Respondent: Did not attend

JUDGMENT

1. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay him the gross sum of **£8800**.
2. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay the claimant the sum of **£700**. This is a net figure but has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on this amount as Post Employment Notice Pay.
3. The respondent has failed to pay the claimant's holiday entitlement for untaken holiday on termination of employment and is ordered to pay him the gross sum of **£1400**.
4. The respondent is ordered to pay to the claimant additional compensation of **£1400** for failure to provide him with written statement of employment particulars as required by section 1 of the Employment Rights Act 1996.
5. The Tribunal finds the complaint of a breach of Regulation 10 of the Working Time Regulations (daily rest) well founded.
6. The total sum payable by the respondent to the claimant is **£12300**.
7. All gross sums shall be payable subject to any deductions for tax and/or National Insurance required by law, save for the notice pay claim.
8. The claims for unfair dismissal and breach of the requirement to be given an itemised pay statement are dismissed upon withdrawal.

Employment Judge Ganner

8 December 2021

JUDGMENT SENT TO THE PARTIES ON

14 January 2021

FOR THE TRIBUNAL OFFICE

Notes

1. 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.

2. 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: **2408960/2021**

Tribunal case name: **Mr O Colton v Kane Funeral Services 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 decision day" is: 14 January 2021

"the calculation day" is: 15 January 2021

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

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/collections/employment-tribunal-forms

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.