



EMPLOYMENT TRIBUNALS

Claimant: Daniel Seward
Respondent: Auto Enterprises Ltd
Heard at: East London Hearing Centre
On: 17th November 2021
Before: Employment Judge Peter Wilkinson

Representation

Claimant: Mr McNerney (Counsel)
Respondent: Mr Amunwa (Counsel)

JUDGMENT ON REMEDIES

1. The Claimant's claim for unfair constructive dismissal brought under Part X of the Employment Rights Act 1996 is well founded and the Tribunal finds that he was unfairly dismissed.
2. The Claimant's claim for breach of contract is well founded and the Tribunal finds that the Respondent breached the Claimant's contract as claimed.

REMEDIES

3. In accordance with the attached schedule, The Tribunal makes the following award:

3.1.	Basic award	£3,48.00
3.2.	Wrongful Dismissal	£2,028.90
3.3.	Compensatory award	£9,401.93
3.4.	Total sum awarded	£14,478.83

Employment Judge Peter Wilkinson
Date: 17th November 2021

Prepared by Wilkinson, Peter of MoJ

**IN THE EMPLOYMENT TRIBUNALS
CASE NO: 3200609/2019**

BETWEEN

**Danny Seward
AND
Autoenterprises Ltd**

CLAIMANT'S SCHEDULE OF LOSS

1. Details

Date of birth of claimant	21/07/1989
Date started employment	09/01/2012
Effective Date of Termination	29/10/2018
Period of continuous service (years)	6
Age at Effective Date of Termination	29
Date new equivalent job started or expected to start	01/11/2019
Remedy hearing date	17/11/2021
Date by which employer should no longer be liable	01/11/2019
Contractual notice period (weeks)	6
Statutory notice period (weeks)	6
Net weekly pay at EDT	582.00
Gross weekly pay at EDT	764.00
Gross annual pay at EDT	39,756.00

2. Basic award

Basic award	3,048.00
Number of qualifying weeks (6) x Gross weekly pay (508.00)	
Less redundancy pay already awarded	0.00
Total basic award	3,048.00

3. Damages for wrongful dismissal

Loss of earnings	3,492.00
Damages period (6) x Net weekly pay (582.00)	
Less sums obtained, or should have been obtained, through mitigation	-1,463.10
Earnings	1,463.10
varous (14/11/2018 to 10/12/2018)	1,463.10
Total damages	2,028.90

4. Compensatory award (immediate loss)

Loss of net earnings	27,121.20
Number of weeks (46.6) x Net weekly pay (582.00)	
Plus loss of statutory rights	350.00
Less payment in lieu	0.00
Plus loss of pension	275.69
Pension loss	275.69
Additional pension loss	275.69
Less sums obtained, or should have been obtained, through mitigation	-18,344.96
Earnings	18,344.96
various (11/12/2018 to 01/11/2019)	18,344.96
Total compensatory award (immediate loss)	9,401.93

5. Adjustments to total compensatory award

Plus failure by employer to follow statutory procedures @ 0%	0.00
Compensatory award before adjustments	9,401.93
Total adjustments to the compensatory award	0.00
Compensatory award after adjustments	9,401.93

6. Summary totals

Basic award	3,048.00
Wrongful dismissal	2,028.90
Compensation award including statutory rights	9,401.93
Total	14,478.83

AFTER COMPENSATION CAP OF £39,756.00 (GROSS ANNUAL PAY)	14,478.83
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