



EMPLOYMENT TRIBUNALS

Claimant: Mr C Singleton
Respondent: In2tgether Limited
On: 9 February 2022
Before: Employment Judge Johnson

JUDGMENT

(Made pursuant to Rule 21 of the Employment Tribunals Rules of Procedures)

Upon the respondent failing to present a response to the claimant's claim and having considered the claimant's details of the monies claimed in respect of the complaints that he raised in his claim form, Employment Judge **Johnson** makes the following judgment:

1. The respondent shall pay to the claimant compensation for his complaints of breach of contract, unlawful deduction from wages and holiday pay of **£5,865.41 (Five Thousand Eight Hundred and Sixty-Five Pounds and Forty-One Pence)** and calculated as follows:

<p>Breach of Contract (Notice Pay) The claimant was continuously employed by the respondent for 18 weeks and his gross pay at the effective date of termination was a weekly average of £666.60. He was entitled to a statutory minimum of 1 week's notice pay = £666.60 (gross)</p>	
<p>Subtotal for breach of contract</p>	<p>£666.60</p>
<p>Unlawful deduction from wages (unpaid wages) The claimant received 4 payments from the respondent or its related businesses between 31 May 2021 and 7 September 2021 relating to salary and totalling £8,167.85. Applying the gross weekly pay of £666.60, the claimant should have received £11,998.80 during his 18 weeks employment. Deducting wages received for this period from the total gross payment, (£11,998.80 - £8,167.85) = £3,830.95 gross</p>	

Subtotal for unlawful deduction from wages	£3,830.95
Holiday Pay The claimant was entitled to 5.6 weeks annual leave each year and over 18 weeks (19 weeks taking into account his notice period), he accrued 0.54 day's annual leave for each week worked a based upon a day's gross pay of £133.32. Applying 19 weeks x 0.54 pro rate annual leave x 133.32 gross daily pay = £1367.86	
Subtotal for holiday pay	£1367.86
Grand total	£5,865.41

2. The claimant asserts that he did not receive universal credit or other benefits payments from the Department of Work and Pensions, ('DWP'). However, given that he has not sought compensation for any period following the expiry of his notice period, it is not anticipated that the provisions for recoupment of benefits will be relevant. However, the respondent should review this position once it has received this judgment.

3. This judgment is made on the basis that the claimant receives gross payments before national insurance and tax are deducted. The claimant must account to Her Majesty's Revenue and Customs ('HMRC') for any tax which is payable once his judgment is satisfied by the respondent.

 Employment Judge Johnson

Date: 9 February 2022

Sent to the parties on: 15 February 2022

For the Tribunal Office



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2411186/2021**

Name of case: **Mr C Singleton** v **In2gether 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 February 2022

"the calculation day" is: 16 February 2022

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

Mr S Artingstall
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/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.

