



EMPLOYMENT TRIBUNALS

Claimant
Mr Simon Denzel

v

Respondent
No Silly Business Ltd

Heard at: Reading
Before: Employment Judge Talbot-Ponsonby

On: 6 April 2022

Appearances

For the Claimant: Miss Kelleher
For the Respondent: No appearance

JUDGMENT

1. The Respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of £25,347.94. The calculation is set out in the table below.
2. The Respondent is in breach of contract in that:
 - a. It failed to pay pension contributions
 - b. It failed to pay any salary after 10 July 2020 amounting to a repudiatory breach of the contract entitling the Claimant to resign with immediate effect
3. For breach of contract:
 - a. An award of £4,615.38 gross is made for notice pay. Deductions in lieu of taxation at 20% and NI at 13.25% give a net award of £3,080.77. The calculation is set out in the table below
 - b. Pension: £760.44. The calculation is set out in the table below
4. The Tribunal finds that the Respondent failed to comply with the relevant ACAS codes and so the above award are uplifted by 25%.:
 - a. Total before uplift: £29,189.15
 - b. Uplift of 25%: £7,297.29
 - c. Total awarded: £36,486.45

CALCULATIONS

Head of Loss	Amount
Unlawful deductions from wages claim	
1 July 2020 to 30 September 2020 with a gross salary of £36,000 = £36,000/365 days x 92 days	£9,073.97 (gross pay)
1 October 2020 to 19 November 2020 with a gross salary of £57,000 =£57,000/365 days x 50 days	£7,808.22 (gross pay)
20 November 2020 to 2 March 2021 with a gross salary of £30,000 =£30,000/365 days x 103 days	£8,465.75 (gross pay)
Sub-total of unlawful deductions from wages claims	£25,347.94 (gross pay)
Breach of contract claim – notice pay	
Contractual notice pay of eight weeks' notice =£30,000/52 weeks x 8 weeks	£4,615.38 (gross pay)
Breach of contract claim – employer's pension contributions	
3% of gross salary from 1 July 2020 to 30 September 2020 = 36,000/365 days x 0.03 x 92 days	£272.22
3% of gross salary from 1 October 2020 to 19 November 2021 = 57,000/365 days x 0.03 x 50 days	£234.25
3% of gross salary from 20 November 2020 to 2 March 2021 = 30,000/365 days x 0.03 x 103 days	£253.97
Sub-total of claimed pensions contributions	£760.44

Employment Judge Talbot-Ponsonby

Date: ...7 April 2022.....

Sent to the parties on: 17/4/2022

N G - For the Tribunal Office

Note

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.