



EMPLOYMENT TRIBUNALS

Claimant: Ms G Rowcliffe

Respondent: South Sea Chinese Limited

Heard at: Manchester ET

On: 9 May 2022

Before: Employment Judge Malik via CVP

Representation

Claimant: Attended via CVP

Respondent: Attended via CVP

JUDGMENT

1. The Respondent continuously employed the claimant from 19 September 2016 until 15 November 2019. Therefore, the claimant has sufficient qualifying service to bring a claim for unfair dismissal and redundancy pay.
2. The Respondent dismissed the claimant by virtue of redundancy. Therefore, the respondent must pay to the claimant a redundancy payment of **£384**;
3. The complaint of unfair dismissal is well founded. The Respondent must pay to the Claimant the following compensation:
 - a. **A basic award of zero** because the amount of the basic award (£384) is reduced to zero by virtue of the redundancy payment being set against it.
 - b. **No compensatory award** is due to the Claimant as there was a 100% chance that the claimant would have been dismissed had a fair redundancy procedure been followed. Accordingly the compensatory award is reduced by 100% pursuant to the principles in *Polkey v A E Dayton Service Limited 1988 ICR 142*.
4. The Respondent has failed to pay all of the Claimant's notice pay. The statutory entitlement to notice pay in the absence of a written contract is one week for each full year of employment. The claimant had two full years of employment. The Respondent must therefore pay to the claimant the sum of **£106.00** being the total amount of £256 minus the £150 already paid by the Respondent.

5. The Respondent made an unauthorised deduction from wages by failing to pay the Claimant in lieu of accrued but untaken holiday and is ordered to pay the Claimant the sum of **£468** being the gross sum unlawfully deducted.
6. The total amount payable by the Respondent to the Claimant is **£958**.

Employment Judge **Malik**

Date 6 June 2022

JUDGMENT SENT TO THE PARTIES ON
10 June 2022

FOR THE TRIBUNAL OFFICE

Notes

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2410961/2021**

Name of case: **Ms G Rowcliffe** v **South Sea Chinese 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: 10 June 2022

"the calculation day" is: 11 June 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.