



EMPLOYMENT TRIBUNALS

Claimant: Miss G Harris

Respondent: Nicem Ltd t/a The Financial Management Centre (in voluntary liquidation)

HELD AT: Manchester (via CVP)

ON: 13th June 2022

BEFORE: Employment Judge Morgan

REPRESENTATION:

Claimant: In person

Respondent: Did not attend

JUDGMENT

1. The claimant's claim of constructive dismissal succeeds and the respondent is ordered to pay the claimant the following awards:
 - a. Basic award: **£4200.00**
 - b. Compensatory award: **£9356.47**
2. The claimant is owed for accrued but untaken holiday and therefore the respondent is ordered to pay the claimant the sum of **£2135.00**
3. The claim for breach of contract in relation to the failure to make pension contributions succeeds and the respondent is ordered to pay the claimant the sum of **£3259.00** as damages for breach of contract.
4. The claimant was not provided with any written statement of employment particulars and in accordance s.38 Employment Act 2002, it is ordered that the respondent must pay the claimant two weeks' pay in the sum of **£700.00**
5. The total sum payable by the respondent to the claimant is **£19,650.47**
6. Recoupment applies and in accordance with Regulation 4(3):
 - a. The total monetary award is £19,650.47
 - b. The amount of the prescribed element is £8,232.64
 - c. The dates to which the prescribed element relates are 31st July 2021 – 29th January 2022.
 - d. The amount by which the monetary award exceeds the prescribed element is **£11,417.83**

Employment Judge Morgan

13th June 2022

JUDGMENT SENT TO THE PARTIES ON

16 June 2022

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: **2414314/2021**

Name of case: **Miss G Harris** v **Nicem Ltd t/a The Financial Management Centre (in voluntary liquidation)**

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: 16 June 2022

"the calculation day" is: 17 June 2022

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office

Claimant: Miss G Harris

Respondent: Nicem Ltd t/a The Financial Management Centre
(in voluntary liquidation)

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.