



## EMPLOYMENT TRIBUNALS

**Claimant**

Mrs S Cooper

v

**Respondent**

Accent Catering Services Limited

**Heard at:** Southampton (by Video Hearing Platform)

**On:** 10 June 2022

**Before:** Employment Judge Lowe

**Case number:** 1404220/2021

**Appearances**

**For the claimant:** Represented by Mr Cooper

**For the respondent:** Represented by Ms Neilson

## JUDGMENT

**Holiday Pay** (Claims 1 & 2) – the claim for holiday pay is dismissed, the Claimant now having received the sums outlined as owed.

**Sick Pay** (Claims 3, 4 & 5) – the claim for sick pay is upheld. Quantum has yet to be determined in accordance with the findings outlined below.

**Other Payments** – Interest and Pension Contributions (Claims 6 & 7) – both claims are dismissed.

Quantum determination findings:

1. Sick pay is attributable for each rolling year.
2. A rolling year is defined as “the year immediately preceding the start of a period of sickness. For example, if a sickness absence commenced on 1 November 2019, then the sickness entitlement is calculated on the amount of sickness absence taken since 1 November 2018” (letter dated 22 January 2020 from Harrison Catering Services Limited to the Claimant).
3. Sick pay entitlements accrued whilst the Claimant was on sickness absence in accordance with the letter dated 22 January 2020 outlined above.

4. Any award calculation is to be on a net basis.
5. The relevant dates for quantum calculation are as follows:

15 May 2018 – 14 May 2019

15 May 2019 – 14 May 2020

15 May 2020 – 14 May 2021

15 May 2021 – 26 May 2021

Case management Directions:

1. The Respondent is to send a copy of its calculations to the Claimant by 4 July 2022
2. The Claimant is to reply to the Respondent in respect of the calculations by 18 July 2022
3. If the figures agreed between the parties, the following will apply:  
The Respondent will process any payment due in the next monthly payroll (subject to timescales, this being either July or August 2022)  
The Respondent must write to the Tribunal outlining the agreement reached by 4pm on 1 August 2022
4. If the figures are not agreed, the matter will be referred back to EJ Lowe for a determination on the papers by 4pm on 1 August 2022.

Employment Judge Lowe

Date 10 June 2022

Judgment sent to the parties: 23 June 2022

FOR THE TRIBUNAL OFFICE

Notes

Reasons

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.

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