



EMPLOYMENT TRIBUNALS

Claimant: Miss L Williams

Respondent: Kirkby Blinds Direct Limited

Heard at: Manchester (remotely, by CVP)

On: 4 July 2022

Before: Employment Judge Warren
(sitting alone)

REPRESENTATION:

Claimant: Mr P White (Legal Executive)

Respondent: Not in attendance

Background

The respondent did not attend, having indicated that they are shortly going into liquidation. A check at Companies House revealed that they are still trading. I took the decision to proceed without hearing from them on their invitation. The claimant gave evidence on oath.

JUDGMENT

The judgment of the Tribunal is that:

1. The claim of sex discrimination has already been withdrawn and dismissed.
2. The claim for redundancy is dismissed.
3. The claimant was unfairly dismissed. Her claim succeeds.
4. There was a failure by the claimant to mitigate her loss post dismissal, and no compensatory award will therefore be made.
5. At the date of dismissal, the claimant had accrued 28 days of untaken unpaid annual leave for which she is entitled to be recompensed.
6. In breach of contract, the claimant was dismissed without notice. She is entitled to 12 week's notice pay.

7. The claimant had at no time received a contract or terms and conditions of employment in accordance with section of the Employment Rights Act 1996. She had been employed for 16 years. She is awarded four weeks' pay.
8. In total, therefore, the respondent is ordered to pay the claimant the sum of £12,678 calculated in accordance with the Schedule below.
9. The Recoupment Regulations do not apply.

SCHEDULE

This schedule is part of the Judgment in the above numbered case, signed by Employment Judge Warren on 4 July 2022:

1. The effective date of termination of the claimant's employment was 14 October 2020. At that date the claimant was 58 years old and had 16 years' complete service. She earned an average week's pay of £295 gross and £251 net.
2. The claimant is entitled, under the section 119 of the Employment Rights Act 1996, to a basic award of $16 \times 1.5 \times £295$, a total of £7,080.
3. No compensatory award is made because the claimant freely admitted on oath that she had spent the months after her dismissal caring for her dying mother and did not make immediate attempts to mitigate her loss.
4. The claimant had at no time received any written terms and conditions of her employment and an award of four weeks' pay is made totalling £1,180.
5. Although the claimant was paid to the date of her dismissal, she received no notice pay and she was entitled to 12 weeks' notice pay at £251 (net pay), being a total of £3,012.
6. At the date of the claimant's dismissal, she had accrued 28 days' annual leave for which she had not been paid. She had not taken any leave in that year. At a net daily rate of £50.20 the claimant is entitled to £1,406.

Employment Judge Warren
Date: 4 July 2022

JUDGMENT SENT TO THE PARTIES ON
7 July 2022

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.

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: **2402255/2021**

Name of case: **Miss L Williams** v **Kirkby Blinds Direct 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: 7 July 2022

"the calculation day" is: 8 July 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.