



EMPLOYMENT TRIBUNALS

Claimant: Mr D Simpson

Respondent: Westcott Refrigeration & Air Conditioning Limited

Heard at: Birmingham (via CVP)

On: 30 November 2022

Before: Employment Judge Edmonds

Representation

Claimant: Mrs S Simpson (mother)

Respondent: Ms K Swanson (director)

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was V (CVP). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing.

REMEDY JUDGMENT

1. The claimant is awarded **£6,398.80** by way of damages for breach of contract, calculated as follows:
 - a. 4 January 2021 to 31 March 2021:
 - 12 weeks and 2 days at a rate of £4.15 per hour, being £33.20 per day and £166 per week
 - $(12 \times 4.15) + (2 \times £33.2) = £2058.40$
 - less notice pay received of £166 = £1,892.40.
 - b. 1 April 2021 to 3 October 2021:
 - 26 weeks and 1 day at a rate of £4.30 per hour, being £34.40 per day and £172 per week
 - $(26 \times 172) + 34.40 = £4,506.40$.
2. The claimant is also awarded **£127.82** in respect of accrued but untaken holiday, calculated as follows:
 - a. 3.85 days' at a daily rate of £33.20: $3.85 \times 33.20 = £127.82$
3. The total figure therefore payable to the claimant by the respondent in respect of breach of contract and holiday pay is **£6,526.62**.
4. The above figures represent the claimant's gross pay, however the claimant's earnings were below the rate at which tax and national insurance is payable, taking into account his personal allowance, therefore no

deduction is required to be made to these sums.

Employment Judge Edmonds

30 November 2022