



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs D Bond  
(alternately known as Demi-Lee Egerton)

**Respondent:** Mrs L Burgoyne

**Heard at:** Liverpool **On: 12 -15** December 2022

**Before:** Employment Judge Aspinall  
Mr D Williamson  
Mr R Alldritt

## REPRESENTATION:

**Claimant:** In Person, supported by her husband

**Respondent:** Mrs Evans-Jarvis (Litigation Executive)

## JUDGMENT

### **The claimant's complaint of associative disability discrimination fails.**

The claimant's complaint of unpaid notice pay succeeds. The claimant's complaint of unpaid holiday pay succeeds. The claimant's complaint of unauthorised deduction from wages was dismissed on withdrawal by the claimant who confirmed that the outstanding monies she sought were for notice pay and holiday pay. The claimant's complaint of discrimination arising out of disability under Section 15 Equality Act 2010 was dismissed on withdrawal by the claimant.

The respondent is ordered to pay the claimant £ 63.39 made up as follows:

#### Holiday pay

The claimant, worked an average (calculated by dividing the total hours worked 70.16 by the number of weeks worked 6.86) of 10.23 hours per week. The Tribunal calculated 10.23 hours as a percentage of 35 hours so as to pro rata the accrual rate.  $0.29 \times 0.54$  gives a pro rate accrual rate of annual leave of 0.16 for the claimant. The claimant was

continuously employed for 6.86 weeks so she accrued  $6.86 \times 0.16$  giving 1.09 days annual leave. Her daily rate of pay was calculated by dividing total pay received by number of days worked. She worked total hours 70.16 x agreed hourly rate of £ 12 being £ 841.92 divided by 13 days giving £ 64.76 as a daily rate. This gives an entitlement on termination of employment of £ 70.58. The respondent is entitled to off-set payments made. The claimant was paid for 4.74 hours at £12 per hour being £ 56.88. The claimant is due £ 13.71

The notice pay claim

The claimant was continuously employed from Friday 21 February 2020 to Wednesday 8 April 2020. She was due one week's notice pay on termination of employment. The average number of hours worked was 10.23 hours per week. The agreed rate of pay was £ 12 per hour. The claimant was due one week's notice pay being £ 122.76.

The total payment due to the claimant for her outstanding annual leave entitlement shortfall and notice pay is £122.76 plus £13.71 being £ 136.47 less an amount of overpaid wages during her employment of £ 73.08 giving £ 63.39

Employment Judge Aspinall  
DATE 15 December 2022

JUDGMENT SENT TO THE PARTIES ON  
22 December 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](http://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 ARTICLE 12

Case number: **2408113/2020**

Name of case: **Mrs D Bond** v **Mrs Lesley Burgoyne**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 22 December 2022

**the calculation day** in this case is: 23 December 2022

**the stipulated rate of interest** is: **8% per annum**.

Mr S Artingstall  
For the Employment Tribunal Office

## GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:  
[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.