



EMPLOYMENT TRIBUNALS

Claimant: Mrs Barbara Parsons

Respondent: (1) Alpha Schools (Holdings) Limited and
(2) Wellesley House School Limited

Heard at: London South (by CVP)

On: 22 March 2023

Before: Employment Judge Carney

Representation
Claimant: Ms Mayhew-Hills, consultant
Respondent: Mr C Canning, counsel

JUDGMENT ON REMEDY

1. The claims in respect of a failure to consult under S188 Trade Union and Labour Relations (Consolidation) Act 1992 and Regulation 13 Transfer of Undertakings (Protection of Employment) Regulations 2006 are dismissed on withdrawal.
2. The claimant was jointly employed by the respondents.
3. The respondents are jointly and severally liable to pay the claimant the following sums:
 - a. £31,211.62 gross (less appropriate deductions for tax and national insurance contributions) by way of compensation for unpaid notice pay.
 - b. £4,991.04 gross (less appropriate deductions for tax and national insurance contributions) in compensation for holiday that had accrued and not been taken on termination of employment.
 - c. The sum of £59,930.04 in respect of unfair dismissal compensation, which has been calculated as follows:
 - i. Basic award: £5,712 (7 weeks x 1.5 x weekly pay capped at £544)
 - ii. Compensatory award: £54,218.04 (calculated as set out in the attached schedule)

- d. Pursuant to section 38(3) Employment Act 2002, the sum of £1,088 for failure to provide statutory employment particulars (£544 x 2 weeks).

4. The recoupment provisions do not apply.

Employment Judge **Carney**

Date: **22 March 2023**

JUDGMENT SENT TO THE PARTIES ON

Date: **23 May 2023**

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FOR THE TRIBUNAL OFFICE

Notes

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.

Schedule – compensatory award calculation*Loss from end of notice period to date of liability hearing (15.02.2023)*

	£
Net pay	5,078.16
Pension	668.59
Lunch benefit	184.00
Life assurance	35.94

Ongoing loss from liability hearing to 31 December 2023

	£
Net pay	36,889.69
Pension	4,856.90
Lunch benefit	1,104.00
Life assurance	261.11

	£
Mitigation	-32,121.66
Sub-total	16,956.73

Ongoing loss until age 60

	£
Per week	275.53
Sub-total	42,156.09

Loss of statutory rights

	£
Statutory rights	500.00

Total loss: £59,612.82

Statutory cap applies (52 weeks' gross pay)

TOTAL COMPENSATORY AWARD: £54,218.04