



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Vango

**Respondent:** The Bowness Pudding Company Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. The respondent is ordered to pay the claimant a basic award of **£3,298.05** and a compensatory award of **£2,407.23** made up of the following:
  - (a) **£500** for loss of statutory rights;
  - (b) **£136.35** for pension loss;
  - (c) No award for 15 February – 21 March 2023 as that is covered by the breach of contract award for notice pay in paragraph 3 below;
  - (d) An award of **£1,054.10** for 2.75 weeks between 22 March and 9 April 2023 at a net weekly figure of £383.31;
  - (e) An award of **£716.78** for the period between 10 April and 9 November 2023 representing 30.75 weeks at a net loss of £23.31 per week when credit is given for earnings from new employment of £360 per week.
3. The complaint of breach of contract in relation to notice pay succeeds and the respondent is ordered to pay the claimant the sum of **£2,355.75**. This sum has been calculated using gross pay to reflect the likelihood that the claimant will be taxed upon it as post employment notice pay.

4. The above sums are increased by four weeks' pay in the sum of **£1,884.60** because of the respondent's failure to provide a written statement of the main terms of employment.
5. The total of the above figures is **£9,945.63**. This is uplifted by 20% on account of the respondent's unreasonable failure to follow the ACAS Code of Practice, which adds £1,989.13, making a total amount payable of **£11,934.76**.
6. It is declared that the respondent failed in its duty to provide itemised pay statements. No additional award in respect of unauthorised deductions is made.
7. No award is made in respect of the failure to provide pension contributions to NEST. That is a matter the claimant must pursue with the Pensions Regulator.
8. No award is made for failure to forward National Insurance and Tax contributions to HMRC. That is a matter the claimant must take up with HMRC.
9. The recoupment regulations apply to the unfair dismissal award. The total monetary award for unfair dismissal is £5,705.28. The prescribed period is between 15 February 2023 and 9 November 2023. The prescribed element is £1,770.88. The amount by which the monetary award for unfair dismissal exceeds the prescribed element is £3,934.40.

Regional Employment Judge Franey

9 November 2023

JUDGMENT SENT TO THE PARTIES ON

13 November 2023

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2407225/2023**

Name of case: **Mr M Vango** v **Bowness Pudding  
Company Limited**

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: 13 November 2023

**the calculation day** in this case is: 14 November 2023

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

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](https://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.

**Claimant:** Mr M Vango

**Respondent:** Bowness Pudding Company Limited

**ANNEX TO THE JUDGMENT  
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

**The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.**

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.