



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Wilding

**Respondent:** Anchor MOT Ltd

**Heard at:** Manchester Employment Tribunal (by CVP)

**On:** 8 and 9 January 2024

**Before:** Employment Judge Dunlop

## Representation

**Claimant:** In person

**Respondent:** Mr K McKenna (Director)

# JUDGMENT

1. Anchor MOT Ltd is substituted for Mr Karl McKenna as the proper respondent to this claim.
2. The claimant's complaint that the respondent failed to permit him to exercise his right to take paid annual leave is well-founded. The claimant was entitled to carry over 12 days of annual leave from 2020 until the end of 2022. The respondent failed to permit the claimant to take this leave during the carry-over period.
3. The respondent is ordered to pay the claimant compensation in respect of failure to permit him to take annual leave in the sum of **£881.28** (gross). This is calculated as 12 (days) x 8 (hours) x £9.18 (hourly pay rate).
4. The claimant was constructively dismissed by the respondent. The claimant's complaint of unfair dismissal is well founded.
5. The respondent is ordered to pay the claimant a basic award in respect of the unfair dismissal of **£550.80**. This is calculated as 3 (years of service) x 0.5 (entitlement for service under age of 22) x £367.20 (weekly pay).
6. The Tribunal makes no compensatory award.

Employment Judge Dunlop  
Date: 9 January 2024

SENT TO THE PARTIES ON  
15 January 2024

FOR EMPLOYMENT TRIBUNALS

**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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>



## NOTICE

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

Case number: **2401849/2023**

Name of case: **Mr D Wilding** v **Anchor MOT Ltd**

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: 15 January 2024

**the calculation day** in this case is: 16 January 2024

**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.