



EMPLOYMENT TRIBUNALS

Claimant: Miss E Leech

Respondent: Advanced Oncotherapy Plc

HELD AT: Liverpool (by CVP) **ON:** 10 May 2024

BEFORE: Employment Judge Johnson

REPRESENTATION:

Claimant: Unrepresented (supported by Andrew Leech)

Respondent: Bridget Biggar (HR Director)

JUDGMENT

The judgment of the Tribunal is that:

- (1) Following the judgment made by the Tribunal dated 29 February 2024 and which determined the claimant's complaints of unlawful deduction from wages and holiday pay, this judgment determines the remaining complaint of constructive unfair dismissal.
- (2) The claimant's complaint of constructive unfair dismissal contrary to section 95(1)(c) Employment Rights Act 1996, is well founded and is therefore successful.
- (3) The respondent shall pay the claimant the sum of **£1,813.20 (One Thousand, Eight Hundred and Thirteen Pounds Twenty Pence only)** in full and final settlement of the successful complaint of constructive unfair dismissal and as discussed in the paragraphs below.
- (4) This judgment is calculated on the following basis, applying relevant just and equitable principles under the Employment Rights Act 1996, as applied below:

UNFAIR DISMISSAL	
A. Basic Award 1. Completed years of service at date of effective termination = 2 years 2. Weeks' pay = £604.40 per week gross 3. Claimant's age at effective date of termination: 25 years, (therefore 1 week's pay for each completed year) 4. Calculation for basic award is therefore: (£604.40 x 1) x 2 = 1,208.80	Subtotal/Total
Subtotal (Basic Award)	£1,208.80
B. Compensatory Award 1. Past loss of earnings = nil 2. Future loss of earnings = nil 3. Loss of Statutory rights = £604.40	
Subtotal (Compensatory Award) = £604.40	£604.40
Grand total	£1,813.20

Note: Although in principle, recoupment principles could apply to this award, it is understood that the claimant did not receive benefits following the effective date of termination on Friday 9 June 2023 as she commenced her new employment on Monday 12 June 2023.

 Employment Judge Johnson

Date 10 May 2024

JUDGMENT SENT TO THE PARTIES ON
 15 May 2024

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.

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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.

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: **2407740/2023**

Name of case: **Miss E Leech** v **Advanced Onotherapy
Plc**

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 May 2024

the calculation day in this case is: 16 May 2024

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

For the Employment Tribunal Office