



EMPLOYMENT TRIBUNALS

Claimant: Mr C Bird

Respondent: Advanced Oncotherapy plc

HELD AT: Manchester

ON: 28 May 2024

BEFORE: Judge Johnson

JUDGMENT

Upon considering the claimant's applications and in the absence of any objection from the respondent company, the judgment of the Tribunal is that:

- (1) This judgment is made further to the original judgment issued by me on 29 February 2024.
- (2) The judgment of 29 February 2024 ordered that the respondent pay the claimant the total sum of £12,928.92 in respect of outstanding salary and a retention bonus for the period of May to August 2023.
- (3) The judgment of 29 February 2024 also allowed the claimant to amend his claim following an application dated 4 January 2024 to include a complaint in respect of unpaid wages from September to December 2023.
- (4) Consequently, in the absence of any objection by the respondent to the additional complaints being sought, the claimant is further entitled to the gross sum of **£12,253.32** (being 4 x £3063.33 monthly pay from September to December 2023).
- (5) The claimant has since made a further application to amend his claim on 14 March 2024 to include a complaint in respect of unpaid wages from January to February 2024. This was unopposed by the respondent and accordingly, this application is allowed.
- (6) Consequently, in the absence of any objection by the respondent to the additional complaints being sought, the claimant is further entitled to the gross sum of **£6,126.66** (being 2 x £3063.33 monthly pay for January and February 2024).

- (7) The claimant has since made a further application to amend his claim on 13 May 2024 to include a complaint in respect of unpaid wages from March to April 2024. This was unopposed by the respondent and accordingly, this application is allowed.
- (8) Consequently, in the absence of any objection by the respondent to the additional complaints being sought, the claimant is further entitled to the gross sum of **£6,126.66** (being 2 x £3063.33 monthly pay for March and April 2024).
- (9) The respondent must therefore pay the claimant the total sum of **£24,506.64 (Twenty Four Thousand, Five Hundred and Six Pounds, 64 Pence)** being the total of the sums awarded in paragraphs (4), (6) and (8) above in settlement of the further amended complaints of unlawful deduction from wages.

Employment Judge Johnson

Date 28 May 2024

JUDGMENT SENT TO THE PARTIES ON
4 June 2024

FOR THE TRIBUNAL OFFICE

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

Name of case: **Mr C Bird** v **Advanced Oncotherapy
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: 4 June 2024

the calculation day in this case is: 5 June 2024

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

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.