



EMPLOYMENT TRIBUNALS

Claimant: Mrs B Yanquoi
Respondent: Abbeyfield Reading Society

Heard at: Reading (by CVP) **On:** 24 July 2024

Before: Employment Judge Findlay and

Members: Mr J Appleton and Mr A Kapur

Representation

Claimant: Mr S Swanson, Consultant
Respondent: Ms A Johns, Counsel

REMEDY JUDGMENT

1. By consent, the respondent shall pay the claimant the net sum of **£ 8041.47** in respect of breach of contract (notice pay).
2. The respondent has unfairly dismissed the claimant and shall pay the claimant the total sum of **£50,414.77** [i.e. £(9792 +40,622.77)] in respect of that claim, **calculated as follows:**

2.1 Basic award: the agreed amount of **£9792**;

2.2 **Compensatory award:**

Period of loss: **14.12.21 – 22.02.2025**

Loss of earnings **14.12.21 – April 2022**

£(4 x 2680.49) - £300 earnings = £10,421.96 net

Loss of earnings: **April 2022 – April 2023**

£(32,165.88 – 10965.76) = £21,200.12 net

Loss of earnings **April 2023 – 24 July 2024**

£ (15 x 2680.49) – [(35 x 9.79x 52)/12 x15]

= £(40,207.35 – 22,271.25) = £17,936.10

Future loss **24.7.24 – 22.02.25**

£(7 x 2680.49) – (7 x 1484.75) =

£(18763.43 – 10,393.25) = £8370.18

Net loss of earnings

£(10421.96 + 21,200.12 + 17936.10 + 8370.18) = **£57,928.36**

Loss of statutory rights = £544

Pension loss = £(30 x 83.17) + £(7 x 83.17) = £3077.29

Net loss = £(57928.36 + 544 + 3077.29) = £61,549.65

Plus 10% uplift under section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992: £(61549.65 + 6154.97) = £67,704.62

Minus 40% under section 123(6)

£(67,704.62 x 0.6) = £40,622.77 total compensatory award.

3. Recoupment: For the purposes of the Employment Protection (Recoupment of Benefits) Regulations 1996,

(a) The **monetary award** is £(8041.47 +50,414.77) = **£58,456.24**

(b) The **prescribed element** is £(49,558 x 0.6) = **£29734.91**

(c) The **period to which the prescribed element relates** is **14.12.2021 to 24.07.2024**

(d) The **monetary award exceeds the prescribed element** by £(58,456.24 – 29734.91) = **£28,721.33**

Employment Judge Findlay

24.07.2024

Date _____

JUDGMENT SENT TO THE PARTIES ON
12 September 2024

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

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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/>