



## EMPLOYMENT TRIBUNALS

**Claimant:** Ms K. Herbert

**Respondent:** Main Group Services Ltd

**Heard at:** Bury St Edmunds (by video)      **On:** 27 June 2024 (Remedy)

**Before:** Employment Judge Boyes (Sitting Alone)

Representation

Claimant: Mr Pitts, solicitor

Respondent: no attendance

### JUDGMENT on REMEDY

1. There is no order for reinstatement of re-engagement.
2. The Respondent shall pay compensation of £13,900.81 to the Claimant for unfair dismissal made up as follows:
  - a. A basic award of £2,569.50
  - b. A compensatory award of £11,331.31
3. The Respondent shall pay compensation of £1,142.00 to the Claimant for failure to provide full written particulars of employment.
4. The total compensation to be paid by the Respondent is therefore **£15,042.81.**
5. There is no separate compensation payable for Wrongful Dismissal as this would result in double recovery.
6. The recoupment provisions do not apply.

*\*The sum awarded for loss of employer pension contributions is awarded gross and so is subject to any income tax and national insurance due on that sum which is to be deducted by the Respondent*

**General matters**

1. **I apologise to the parties for the delay in providing this Judgment and for any inconvenience that this has caused.**
2. The Respondent's accountants wrote to the Tribunal on the 26 June 2024. They stated that the Respondent had ceased to instruct its previous representatives, had ceased trading on the 30 November 2023 (but had not been wound up) and therefore that the Respondent would not be attending the hearing. Applying rule 47 of The Employment Tribunals Rules of Procedure, I was satisfied that it was appropriate for me to proceed with the remedy hearing in the absence of the Respondent.
3. The amount of the Compensatory Award has been adjusted from the figure given at the remedy hearing to correct an arithmetical error and also because the award for failure to provide full written particulars is capped at a gross weeks' pay of £571.

**Calculation of Award**

Gross weekly pay: £769.23 (reduced to £673.08 for six months from December 2021 to June 2022)

Net weekly pay: £567.87 (reduced to £507.54 for six months from December 2021 until June 2022)

Dates of employment: 29 October 2018 to 20 May 2022

Date of birth: 4 August 1972

Age at time of dismissal: 49 years

Contractual notice period: 1 month

**UNFAIR DISMISSAL**

**A. BASIC AWARD**

1.5 weeks' pay x 3 years' service (capped at £571)= £2,569.50

**TOTAL BASIC AWARD: £2,569.50**

**B. COMPENSATORY AWARD**

**Immediate Loss** (loss of pay (salary -net, employer pension contributions calculated on gross salary) from dismissal to date of remedy judgment)

£507.54 per week from 21/5/2022 to 30/5/2022 (1 week 4 days) plus employer pension contributions = £870.07 + £31.74= £901.81

£567.87 per week from 1/6/2022 to 27/6/2024 (108 weeks and 1 day) plus employer pension contributions =£61,411.08 + £2495.60- = £63,906.68

**=£64,808.49**

Less net sums earned between 21/5/2022 and remedy hearing: £53,802.56

Less employer pension contributions paid 1/6/2022 to 27/6/2024: £1916.45

Less the sum overpaid by Respondent for 3.2 days holiday pay: £430.77

Less salary paid by Respondent for 21 May 2022 to 31 May 2022: £591.35

**=£56,741.13**

**Immediate Loss = £8067.36**

**Future Loss of earnings** (loss of wages (net) from date of remedy judgment for 52 weeks x £567.87) plus employer pension contributions: =£29,529.24 plus £1120

**=£30,649.24**

Less estimated future earnings (52 weeks x £543.78) plus employer pension contributions: £28,276.56 plus £1874.99

**=£30,151.55**

**Future Loss = £497.69**

*\*The sum awarded for loss of employer pension contributions is awarded gross and so is subject to any income tax and national insurance due on that sum which is to be deducted by the Respondent*

**Loss of statutory rights = £500**

**Adjustments**

**Breach of ACAS code -25% increase (on compensation of £9065.05):**

**= £2,266.26**

**Polkey reduction: 0%**

**Reduction for Contributory Fault- 0%**

**TOTAL COMPENSATORY AWARD = £ 11,331.31**

**Failure to provide full written particulars of employment**

**(2 weeks gross pay capped at £571 per week):**

**= £1,142**

**Wrongful Dismissal**

7 days' notice entitlement at reduced rate (7 x £101.51 (52 x £507.54 ÷ 260)):

**=£710.57**

14 days' notice entitlement at normal rate

(14 x £1113.57 (52 x £567.87 ÷ 260)): = £1,589.98

Total Wrongful Dismissal damages = £2,300.55

**As the Claimant has been awarded compensation for the same period for Unfair Dismissal, no separate award is made for Wrongful Dismissal as this would result in double recovery.**

**TOTAL COMPENSATION TO BE PAID BY THE RESPONDENT = £15,042.81**

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**Employment Judge Boyes**

**Date: 19 September 2024**

**Judgment Sent to The Parties On  
20 September 2024**

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