



EMPLOYMENT TRIBUNALS

Claimant: Miss L Stocks

Respondent: Biad Civils Ltd (In Voluntary Creditors Liquidation)

Heard at: Manchester Employment Tribunal

On: 19 September 2024

Before: Employment Judge Mark Butler

Representation

Claimant: Self representing

Respondent: Non-attendance

JUDGMENT

1. The claims of sex discrimination and disability discrimination are dismissed on withdrawal by the claimant. Those being withdrawn by the claimant at this hearing.
2. The claim of unfair dismissal succeeds. Remedy for this claim was addressed at this hearing and is detailed below.

REMEDY

3. The claimant is awarded the sum of £724.50 as a basic award. This is calculated using the following:
 - a. The claimant's gross annual pay was £12,558, with gross weekly pay of £241.50.
 - b. The claimant completed 2 full years of employment by the effective date of termination.
 - c. The claimant was over the age of 41 for the entirety of her employment, and therefore attracted a multiplicand of 1.5.
 - d. The calculation was $£241.5 \times 2 \times 1.5$.
4. The respondent is ordered to pay the claimant the sum of £724.50 as a basic award

for unfair dismissal.

5. The claimant is awarded a net figure of £12,558 for past losses. This was calculated on the following basis:
 - a. The claimant was paid a net annual figure of £12,198.72. The claimant was paid a gross annual figure of £12,558.
 - b. The maximum compensation that can be awarded to the claimant as a compensatory award is 12 months gross pay (see s.124(1ZA) of the Employment Rights Act 1996). The claimant was dismissed on 19 June 2022, which was 823 days before this hearing.
 - c. The claimant is awarded compensation for this period, subject to the maximum figure available that can be awarded to her, that being 12 months gross pay.
6. The respondent is ordered to pay the claimant the net sum of £12,558 (subject to the Recoupment Regulations as detailed below) as a compensatory award for unfair dismissal.
7. Recoupment applies in this case, and in this regard, the parties are referred to the annex to this document.
8. For the purpose of the Recoupment Regulations therefore:
 - a. The monetary award is £12,558.
 - b. The prescribed element is £12,558.
 - c. The period to which the prescribed element relates is 19 June 2022 until 18 June 2023.
 - d. The amount by which the monetary award exceeds the prescribed element is £0.

Employment Judge **M Butler**
Date_19 September 2024_____

JUDGMENT SENT TO THE PARTIES ON

24 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

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/>

ANNEX: RECOUPMENT

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit and Income Support

The Tribunal has awarded compensation to the Claimant but not all of it should be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit or Income Support which it paid to the Claimant after dismissal. This will be done by way of a Recoupment Notice which will be sent to the Respondent usually within 21 days after the Tribunal's judgment is sent to the parties.

The Tribunal's judgment states the total monetary award made to the Claimant and an amount called the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the Respondent to the claimant immediately.

When the DWP sends the Recoupment Notice, the Respondent must pay the amount specified in the Notice by the Department. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the Respondent must pay the balance to the Claimant. If the Department informs the Respondent that it does not intend to issue a Recoupment Notice, the Respondent must immediately pay the whole of the prescribed element to the claimant.

The Claimant will receive a copy of the Recoupment Notice from the DWP. If the Claimant disputes the amount in the Recoupment Notice, the Claimant must inform the DWP in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the DWP.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2408586/2022**

Name of case: **Miss L Stocks** v **Biad Civils Ltd (In
Voluntary Creditors
Liquidation)**

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: 24 September 2024

the calculation day in this case is: 25 September 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

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.