



EMPLOYMENT TRIBUNALS

Claimant: Ms K Leather

First Respondent: Confident Futures Limited

Second Respondent: On Power Business Energy Ltd (In Creditors Voluntary Liquidation)

Heard at: Manchester Employment Tribunal (by CVP)

On: 16-17 January 2025

Before: Employment Judge L Cowen

REPRESENTATION:

Claimant: In person

First Respondent: Did not attend

Second Respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is that:

1. The Claimant was not an employee of the First Respondent for the purposes of section 230 of the Employment Rights Act 1996.
2. The Claimant was an employee of the Second Respondent for the purposes of section 230 of the Employment Rights Act 1996.
3. The Claimant's claim against the First Respondent for unfair dismissal is ill-founded and is dismissed.
4. The Claimant's claim against the Second Respondent for unfair dismissal is well-founded and succeeds.

5. A deduction has been applied under the principles of *Polkey v AE Dayton Services Limited* to reflect when the Claimant would have been fairly dismissed due to the liquidation of the Second Respondent.
6. The Second Respondent has made an unlawful deduction from the claimant's wages and is ordered to pay to the claimant the gross sum of £560.00 in respect of the amount unlawfully deducted.
7. The respondent is ordered to pay the claimant the total sum of **£6900.00**. This is calculated as set out below.
8. The recoupment regulations do not apply.

Calculation of Remedy

Award for unfair dismissal

Calculation of Award

Basic Award: £2100¹

Compensatory Award:

Loss of earnings: £4240.00²

No loss of statutory rights or future losses awarded as Claimant would have been dismissed fairly in any event.

Total: £4240.00

Total (basic award + compensatory award) £6,340.00

Award for unlawful deduction from wages

Unpaid holiday pay

Leave accrued from 1 January 2024 – 26 February 2024): 4 days:
£560.

Total award: £6900.00

¹ This figure has been reduced from the figure given in the Final Hearing to reflect a working period in whole years, namely, of 2 years.

² This figure includes the sum that would have been payable as notice pay.

Employment Judge L Cowen

Date: 15 February 2025

JUDGMENT AND REASONS SENT TO THE PARTIES ON
4 March 2025

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2401547/2024**

Name of case: **Mrs K Leather** v **On Power Business
Energy Ltd (in creditors
voluntary 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: 4 March 2025

the calculation day in this case is: 5 March 2025

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.