



EMPLOYMENT TRIBUNALS

Claimant: X

Respondent: Y

Heard at: Manchester (by CVP)

On: 3 July 2025

Before: Employment Judge Miller-Varey

REPRESENTATION:

Claimant: Mr B Williams (Counsel)

Respondent: Ms Y Barlay (Consultant)

JUDGMENT

The judgment of the Tribunal is as follows:

1. The complaint in respect of holiday pay is well-founded. The Respondent made an unauthorised deduction from the Claimant's pay by failing to pay holiday pay and is ordered to pay the Claimant the gross sum of £1200.
2. The Respondent has made unlawful deductions from the Claimant's wages and is ordered to pay the Claimant the gross sum of £2782 (to include £16 expenses) deducted from pay.
3. In respect of the previously upheld complaint of wrongful dismissal, the Respondent is ordered to pay the sum of £2188.85 as damages for breach of contract. This figure has been calculated using gross pay since it may fall to be taxed as post-employment notice pay.
4. In respect of the previously upheld complaint of unfair dismissal, the Respondent is ordered to pay the Claimant the following:
 - (a) a basic award in the sum of £3283.27
 - (b) a compensatory award in the sum of £43, 926.13 (reflecting 90 weeks lost net earnings and pension contributions, £500 for loss of statutory rights and ACAS uplift of 25%)

5. The recoupment regulations apply. The total monetary award for unfair dismissal is £47,209.40 (being the total of the basic and compensatory awards). The prescribed element is £33, 883.20 (being 90 weeks' loss of earnings) and the period to which that element is attributable is between 6 October 2023 (the expiry of the notice pay period) and 3 July 2025. The amount by which the monetary award for unfair dismissal exceeds the prescribed element is £13,326.20.
6. The Respondent shall pay the Claimant's costs incurred from 21 February 2024 to 6 March 2025 being £13, 432.20 inclusive of VAT.

Approved by Tribunal Judge Miller-Varey
acting as an Employment Judge

8 July 2025

JUDGMENT SENT TO THE PARTIES ON

6 August 2025

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2413027/2023**

Name of case: **X** v **Y**

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: 6 August 2025

the calculation day in this case is: 7 August 2025

the stipulated rate of interest is: 8% per annum.

For the Employment Tribunal Office

Claimant: X

Respondent: Y

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support 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 was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds 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 Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. 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 Secretary of State informs the respondent that it is not intended 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 Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.