



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss Alexandra Squire

**Respondent:** Mr Sivagnanam Gnanachandran t/a Dales Off Licence & News

**Heard at:** Manchester On: 30 September 2025

**Before:** Employment Judge Leach.

## REPRESENTATION:

**Claimant:** Mrs K Collins (counsel)

**Respondent:** did not attend

# JUDGMENT

1. At a final hearing on 27 and 28 January 2025 (Final Hearing) , the claimant succeeded in the following complaints:-

- a. automatic unfair dismissal contrary to section 104 Employment Rights Act 1996 (ERA) (principal reason for dismissal being the assertion of a statutory right) (for the avoidance of doubt the dismissal was also held to have been unfair, for the purposes of section 98 ERA).
- b. failure to provide written particulars of employment, contrary to section 1-4 ERA.
- c. unauthorised deductions from wages ( failure to apply National Minimum Wage (NMW)) contrary to section 13 ERA, failure to pay accrued untaken holidays, failure to pay statutory sick pay for the period 21-28 June 2021 ).
- d. Breach of contract (failure to provide notice and failure to allow the claimant the right to work)

2. The Judge at the Final Hearing dismissed all complaints made under the Equality Act 2010.

3. At the Final Hearing, the claimant applied for full written reasons. Those reasons have not yet been provided, due to the long-term illness of the Judge.

4. This hearing was listed to determine remedy for the successful complaints. The amounts as set out below are awarded to the claimant. The Schedule attached details the calculations of these amounts. .

5. The respondent must within 14 days of the date that this judgment is sent to the parties, pay £10,525.74 to the claimant as follows:-

5.1 An unfair dismissal Basic Award	<u>£284.24</u>
5.2 The amount of Unfair Dismissal compensatory award which is not the prescribed element for the purposes of the Recoupment Provisions ( as explained in the Schedule below)	<u>£1350.55</u>
5.3 An award for failure to provide written particulars of employment	<u>£1136.96</u>
5.4 An amount owing under Part II ERA for unauthorised deductions from wages	<u>£5394.19</u> (less tax)
5.5 An award for Wrongful Dismissal	<u>£568.40</u> (less tax)
5.6 A separately calculated Uplift under section 207A	<u>£1611.86</u>

Items 5.1, 5.2; 5.3; and 5.6 (totalling **£4386.61**) are payable without deduction of tax.

Item 4 and 5 (**£5394.19 and 568.40**) are payable less tax.

#### Application of Recoupment Provisions

DWP will apply the recoupment provisions to the prescribed element of £13,429.93. The Respondent must pay to the claimant all that remains of this amount of £13,429.93 after the application of the Recoupment Provisions.

## **SCHEDULE- CALCULATIONS OF AMOUNTS PAYABLE.**

### **A. Unfair dismissal**

#### 6. Basic Award.

The claimant had 2 full years' continuous employment. The claimant was 22 or under in respect of both years.

At the Final Hearing the Judge decided that the claimant worked an average of 34 hours per week.

The appropriate rate of pay is the National Minimum Wage applicable at the date of dismissal (28 June 2021) - £8.36.

A week's pay = £284.24

Basic Award =  $2 \times 0.5 \times 284.24$  = **£284.24**

#### 7. Compensatory Award

The claimant was not in employment between the date of dismissal and 1 May 2023 and seeks compensation for her losses during that period. The claimant has provided evidence of attempts to mitigate loss.

Losses are calculated by applying the relevant NMW rates over this period

a. 12 July 2021 (the date when notice, had it been given, would have ended) to 30 July 2021 (the date when a fit note expired) – statutory sick pay rate £96.35 per week  
= £ 289.05

b. 31 July 2021 - 5 April 2022 £242 per week net 35 weeks x 242 = £8,470  
c. 6 April 2022 – 5 April 2023 £289 per week net 53 weeks x 289 = £15,028  
d. 6 April 2023 – 3 May 2023 £318 per week net 4 weeks x 318 = £1,272

Total loss of income £25,059.05

ADD loss of statutory rights £500

Total compensatory award (before applying adjustments below) £25,559.05

ACAS UPLIFT must be applied before the cap is applied (to give effect to sections 124A, 118 and 124 ERA)

An uplift of 25% is applied (see below) = £6389.76

Total compensatory award (before statutory cap) therefore is £31,948.12

Apply statutory cap to compensatory award.  $52 \times 284.24 =$  £14780.48

**B. Application of the Employment Protection (Recoupment of Job Seeker's Allowance and Income Support) Regulations 1996 (Recoupment Provisions)**

a. The prescribed period is 19 July 2021 to 3 May 2023

b. The prescribed element. This must be calculated as a proportion – having applied the statutory cap. (Regulation 4(2) Recoupment Provisions). The proportion is calculated as follows:-

Total losses for the prescribed period = £24962.70

Applying the statutory cap reduced the claimants losses from 31,984.12 to 14780.48 – a percentage reduction therefore of 53.8%

The losses for the prescribed period must be reduced by the same proportion to calculate the prescribed element

The prescribed element therefore is 53.8% of 24962.70 = **£13429.93**

The respondent must pay to the claimant on receipt of this judgment the total compensation award less the prescribed element **£1350.55**

The respondent must pay to the claimant the difference between the prescribed element of £13,429.93 and the amounts that the Department for Work and Pensions (DWP) recoup from the respondent on applying the Recoupment Provisions. This difference is payable by the respondent to the claimant, IMMEDIATELY AFTER the application of the recoupment provisions by the DWP.

**C. Failure to provide written particulars.**

8. The respondent failed to provide the claimant with written particulars and compensation must be awarded to the claimant, pursuant to section 38 Employment Act 2002.

9. It is just and equitable to make an award of 4 weeks' pay = **£1136.96**

**D. Unauthorised deductions from wages**

10. Failure to pay NMW

The Tribunal found that the respondent consistently paid the claimant at an hourly rate that was less than the NMW. There have therefore been a series of deductions from the

claimant's wages commencing at the beginning of her employment and ending on payment of her final wages.

I accept the calculations provided by the claimant showing a total amount of unauthorised deductions to be as follows

- a. 26/9/19-31/3/20 underpayment of £22.10 GROSS per week for 40 weeks = 884
- b. 1/4/20–31/3/21 underpayment of £15.30GROSS per week for 52 weeks = 795.60
- c. 1/4/21 -31/5/21 underpayment of £80.24GROSS per week for 8 weeks = 641.92

Total of a plus b plus c. = £2321.52

11. Failure to pay claimant for period 1/6/2021 – 17/6/2021

Two Weeks' loss at £284.24 per week ( GROSS) = £568.48

12. Failure to pay claimant statutory sick pay for period

From 21-28/6/21 (one week) £96.35

13. Failure to pay claimant for annual leave accrued and untaken.

Claimant was not provided any paid annual leave at any time during her employment. Claimant is awarded an accrual of 2 years' paid annual leave at the statutory amount of leave.

29/6/19 to 28/6/20 Gross pay of £214.2 per week x 5.6 weeks = £1199.52

29/6/20-28/6/21 Gross pay of £251.60 per week x 5.6 weeks = £1408.96

Total award for failure to provide annual leave = £2608.48

TOTAL UNAUTHORISED DEDUCTIONS £5594.83 GROSS

Deduct the amount of the payment made by respondent to claimant on or about 5 July 2021 - £200.64

**TOTAL UNAUTHORISED DEDUCTIONS £5394.19**

**Respondent must pay this unauthorised deductions amount less tax and national insurance. In the event that the claimant receives these unpaid wages without deductions then she must account to HMRC in respect of tax owing.**

#### **E. WRONGFUL DISMISSAL**

Claimant was not provided with notice or pay in lieu of notice. She has a statutory right to a minimum of 2 weeks' notice. This is calculated as a gross amount as it may be regarded by HMRC as a Post Employment Notice Payment (PENP)

**284.20 x 2= £568.40**

**F. UPLIFT – FAILURE TO FOLLOW ACAS CODE (s207A TULR(C)A)**

I apply an uplift of 25% to the following

- |  |          |
|--|----------|
| a. Compensatory award – already applied – see above. |          |
| b. Unfair dismissal basic award. 25% uplift          | £71.06   |
| c. Unauthorised deductions from wages. 25% uplift is | £1348.55 |
| d. Wrongful Dismissal. 25% uplift is                 | £142.10  |

**Total uplift payable £1561.71**

Employment Judge Leach

30 September 2025

JUDGMENT SENT TO THE PARTIES ON

17 November 2025

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Claimant: Miss A Squire**

**Respondent: Mr Sivagnanam Gnanachandran t/a Dales Off Licence & News**

**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.



**NOTICE**

**THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990**

**ARTICLE 12**

Case number: **2414433/2021**

Name of case: **Miss A Squire** v **Mr Sivagnanam  
Gnanachandran t/a Dales  
Off Licence & News**

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: 17 November 2025

**the calculation day** in this case is: 18 November 2025

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

For the Employment Tribunal Office