



EMPLOYMENT TRIBUNALS

Claimant: TOBIAS DONALD

Respondent: COMPLETE ENGLISH KITCHENS LIMITED

Heard at: East London Hearing Centre (via CVP)

On: 9 – 10 January 2025

Before: Employment Judge Balroop

Representation

Claimant: Mr Harry Sheehan of Counsel

Respondent: No Attendance

JUDGMENT

Unfair Dismissal

1. The complaint of unfair dismissal is well-founded. The Claimant was unfairly dismissed.

Wrongful dismissal

2. The complaint of wrongful dismissal is well-founded. The Claimant was wrongfully dismissed

Unlawful Deduction of Wages

3. The Respondent is liable for the unlawful deduction of wages of the period of September 2023.

Holiday Pay

4. The complaint in respect of holiday pay is well-founded. The Respondent was in breach of contract in failing to pay the Claimant for holidays accrued but not taken on the date the Claimant's employment ended.
5. The Respondent must pay the Claimant the sum of £60,179.90 as calculated in the annex attached.

Annex

Summary of Remedy

1. Unfair Dismissal

Basic Award	£1,400
Compensatory Award	£30,672.54
Past Loss of Van	£0
Past Loss of Pension Contributions	£1,761.12
Loss of Statutory Rights	£500
Future Loss of Earnings	£3,806.40
Future Loss of Van	£0
Future Loss of Pension Contributions	£220.14
Sub Total Compensatory award	£36,960.20
Amount over £30,000	£6960.20
Grossing Up 25%	£1740.05

2. Unlawful Deductions of wages	£5,000
3. Wrongful Dismissal	£1,153.85
4. Holiday Pay	£2,321.82
Sub Total:	£48,575.92
5. ACAS Uplift 25%	£12,143.98
6. Total Award	£60,179.90

7. The Respondent must pay the Claimant the sum of £60,179.90

Approved by Employment Judge Balroop
Dated: 10 January 2025

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

All Judgments (apart for judgments under Rule 52) 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/>