

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No S/4102102/2017

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Held at Glasgow on 31 August 2017

Employment Judge: Robert Gall

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Mr S Sparrow

**Claimant
In Person**

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Maklab Ltd (In Liquidation)

**Respondent
Not Present and
Not Represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the respondents are ordered to pay the following amounts to the claimant in respect of the following grounds of claim:-

(1) In relation to the unfair dismissal the sum of **Twenty One Thousand and Sixty Four Pounds, Seventy Three Pence (£21,064.73)**. The prescribed element is £8,753.14 and relates to the period from date of dismissal 19 April 2017 to date of Judgment. The monetary awards exceed the prescribed element by £12,311.59

(2) In respect of the claim for holidays accrued but untaken at date of termination of employment the sum of **Six Hundred and Seventy Nine Pounds, Forty One Pence (£679.41)**.

(3) In respect of breach of contract through failure to make payment of notice pay the sum of **Three Hundred and Seventy Seven Pounds, Forty Nine Pence (£377.49)**.

REASONS

1. A Judgment in respect of liability relating to unfair dismissal, breach of contract relative to absence of notice and notice pay and holiday had

already been issued. That was dated 9 August 2017 being sent out on 10 August 2017.

2. The unfair dismissal element of the claim proceeded on the basis of there having been a Public Interest Disclosure by the claimant. The claimant did not have sufficient service to enable him to bring a standard unfair dismissal claim.
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3. I heard evidence from the claimant. He confirmed his wage, holidays he had accrued but which were untaken at date of termination of his employment, that he had not received notice or payment in lieu of notice and also his length of service.
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4. He confirmed the efforts he had made to obtain employment since his dismissal. He had been successful in obtaining employment only to the extent of £100 in respect of freelance work. In relation to future employment there is a possibility of that occurring but not for some time, on the evidence I accepted. The claimant has joined an enterprise scheme with a view to gaining income through self employment ultimately. That is unlikely to be however for a period of some six months. The claimant has in the interim received Jobseeker's Allowance.
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5. At the date of dismissal no procedure was followed in relation to the dismissal. The ACAS Code was not followed. It seemed to me just and equitable that an uplift to the compensatory award of 20% be awarded.
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6. The claimant is therefore awarded on week's pay in respect of the breach of contract through failure to give him notice of termination of employment or to make payment to him in respect of the notice period. That amounts to £377.49. Having regard to his age, length of service and wage, he is entitled to a basic award of one week's pay which amounts to £480.77. His loss of wage to date of the Tribunal amounts to £7,394.28, less £100 received for freelance work, a total of £7,294.28. It is reasonable and appropriate to award an amount in respect of future loss for a period of six months from date of Tribunal. The sum due in that regard amounts to £9,859.02.
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7. The compensatory amount is therefore £17,153.30. An uplift of 20% in relation to that results in a figure of £3,430.66. The claimant had also accrued at time of termination of his employment nine days of holiday which were not take by him at that point. The sum due to him in that regard is
5 £679.41.

8. The prescribed element comprises financial loss in the period from dismissal to date of this Judgment. Net of income received but to include the provision in respect of the ACAS uplift that amounts to £8,753.14.

9. Adding the amount in respect of future loss results in the overall monetary
10 element being £21,064.73 the monetary award exceeds the prescribed element by £12,311.59.

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Employment Judge: Robert Gall
Date of Judgment: 07 September 2017
Entered in register: 11 September 2017
20 and copied to parties

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