



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Lewis

Respondent: Bury Football Club Company Limited (The)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant for work done in August 2019 and is ordered to pay the claimant the gross sum of £828.75.
2. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £2295. This is a net sum but is based on the claimant's gross pay because it is likely that upon receipt the claimant will have to pay tax on this amount as Post Employment Notice Pay.
3. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £4876.88.
4. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £1,243.08.
5. The complaint of unfair dismissal will proceed to a hearing on a date to be notified unless withdrawn.

REASONS

1. These reasons explain the calculation of the sums due, where I have not awarded the same amount calculated by the claimant.

Notice pay

2. The claimant's gross annual pay was £9,945. The gross weekly pay is, therefore, $9945/52 = £191.25$. The claimant was entitled to statutory minimum notice of termination which is

one week for each completed year of service up to a maximum of 12 weeks. The claimant had completed 17 years' service, but her notice entitlement is 12 weeks because of this limit. The sum is calculated as follows: $191.25 \times 12 = \text{£}2295$.

Redundancy payment

3. The claimant had 17 years' service. Her gross weekly pay was £191.25. Her age at the effective date of termination was 59. The statutory redundancy payment is calculated, according to the statutory formula, as follows: $1.5 \times 17 \times \text{£}191.25 = \text{£}4876.88$.

Employment Judge Slater

Date: 3 December 2020

JUDGMENT SENT TO THE PARTIES ON
22 December 2020
AND ENTERED IN THE REGISTER

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

Tribunal case number: 2416574/19
Mrs C Lewis v Bury Football Club Company Limited (The)

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 22 December 2020

"the calculation day" is: 23 December 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.