



EMPLOYMENT TRIBUNALS

Claimant: Mr C Dowsett

Respondent: SLG DB3 Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013, Rule 21

The respondent not having presented a response to the claim and on the information before the Judge,

1. The claim for redundancy payment in accordance with section 162 of the Employment Rights Act 1996 is well founded. The respondent failed to pay the claimant statutory redundancy pay for 7 years service at the statutory rate of weekly pay of £643. The respondent is ordered to pay the gross sum of **£6751.50**.
2. The claim for notice pay in accordance with section 86 of the Employment Rights Act 1996 is well founded. The respondent failed to pay the claimant his statutory notice pay based on 7 years service, at the weekly rate of pay of £769.23. The respondent is ordered to pay the gross sum of **£5384.61**.
3. The claim for holiday pay in accordance with regulation 14 of the Working Time Regulations 1998 is well founded. The respondent failed to pay the claimant for accrued, but untaken annual leave on termination of employment. The claimant had accrued 23 annual leave days at the daily rate of £153.84. The respondent is ordered to pay the gross sum of **£3538.46**.

REASONS

1. The claimant worked for the respondent, a hospitality company, from 10 February 2014 to 31 January 2022.
2. The claimant complains that he was not paid a redundancy payment, notice pay or holiday pay on termination of employment.
3. The claimant was entitled to gross contractual weekly pay of £769.23.

4. The claimant was 54 years of age when he commenced employment with the respondent and therefore, in accordance with section 162 of the Employment Rights Act 1996 is entitled to 1.5 weeks redundancy pay for each year of employment.

5. The gross weekly pay limit applicable to redundancy pay claims made between 6 April 2023 to 5 April 2024 was £643.

6. The claimant worked for the respondent for 7 years and was therefore entitled to notice of termination of employment of 7 weeks at his contractual weekly rate of pay.

7. The respondent's annual leave year ran from 6 April until 5 April each year. On termination of the claimant's employment, he had accrued 23 days of annual leave ($300/365 \times 100 \times 28 = 23$). The claimant's daily rate of pay was £153.84 (£769.23/5).

Employment Judge Ainscough

Date: 24 September. 2024

JUDGMENT SENT TO THE PARTIES ON
Date: 30 September 2024

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 ARTICLE 12

Case number: **2405537/2023**

Name of case: **Mr C Dowsett** v **1. SLG DB3 Ltd**
2. Secretary of State for
Business, Energy &
Industrial Strategy

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: 30 September 2024

the calculation day in this case is: 1 October 2024

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

Paul Guilfoyle
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.

