



EMPLOYMENT TRIBUNALS

Claimant: Mr D Watts

Respondent: Worldwide Exotics Limited

Heard at: London South (Croydon) **On:** 9 April 2019

Before: Employment Judge John Crosfill

Representation

Claimants: Mr C Burrows of Counsel

Respondent: No appearance or representation

JUDGMENT

UPON hearing evidence from the Claimant

AND UPON the Respondent not presenting a notice of appearance nor attending the hearing:

1. The Claimant's claim of unfair dismissal contrary to Section 94 of the Employment Rights Act 1996 is well founded.
2. The Claimant is entitled to a basic award of **£8,382.00** and a compensatory award (after adjustments) of **£29,034.39**
3. The Claimant's claim under Section 93(2) of the Employment Rights Act 1996 (a failure to give written reasons for the dismissal) is well founded.
4. The Claimant is entitled to an award of **£1,279.98**
5. The Respondent is ordered to pay the Claimant the total sum of **£38,696.37** calculated in accordance with the schedule to this order.

6. The recoupment regulations do apply to the award made under Section 123 of the Employment Rights Act 1996 (the compensatory award). For the purposes of those regulations:
 - a. The prescribed period is 19 June 2018 to 2 January 2019.
 - b. The prescribed element is £29,034.39
 - c. The amount by which the total monetary award exceeds the prescribed element is £9,661.98

Employment Judge John Crosfill

Date 10 April 2019

Note

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.

Schedule

Unfair Dismissal

Basic Award

The Claimant has been continuously employed for a period of 15 years at the date of his dismissal. He was 44 years of age on that date.

The Claimant's gross pay was on average £639.99 per week. The relevant statutory cap was £508 at the date of the dismissal.

The Basic Award is $(3 \times 1.5 \times £508) + (12 \times 1 \times £508) = \underline{\underline{£8,382.00}}$

Compensatory Award

The total compensatory award is made up of the following:

Loss of Wages from 19 June 2018 to 2 January 2019 (new employment)

28 weeks @ £541.94 pw = £15,174.32

Loss of employer's pension contributions £191.10 pm for 6 months = £1,146.60

Expense of gaining alternative employment = £4,641.00

Loss of Statutory Rights = £639.99

Total compensatory award before any adjustments = £21,601.91

Uplift upon the award due to a failure to follow the relevant code 25%

25% x £21,601.91 = £5,400.48

Uplift on award under Section 38 of the Employment Act 2002 by reason of a failure to provide a statement of terms and conditions of employment compliant with the requirement of Section 1 of the Employment Rights Act 1996. 4 weeks pay (capped) = $4 \times £508.00 = £2,032.00$

Total Compensatory Award = £21,601.91 + £5,400.48 + £2,032.00 = **£29,034.39**

Failure to provide written reasons for the dismissal

The award under Section 93(2)(b) of the Employment Rights Act 1996 = 2 weeks gross pay

2 x £639.99 = **£1,279.98**