



EMPLOYMENT TRIBUNALS

Claimant: Mr. A. Kennedy

Respondent: P. H. Norwich Ltd

Heard at: Bury St Edmunds Employment Tribunal (in person)

On: 24 January 2024

Before: Employment Judge H. Mason

Appearances

For the Claimant: In person

For the Respondents: No attendance or representation

REMEDY JUDGMENT

The Respondent having failed to present a valid response and judgment having been issued against the Respondent under Rule 21, the Judgment of the Tribunal with regard to remedy is as follows:

1. Wages

1.1 The complaint of unauthorised deductions from wages is well-founded.

1.2 The Respondent made unauthorised deductions from the Claimant's wages as follows:

(i) the Respondent made deductions in respect of employee contributions to NEST but failed to then pay these sums into the scheme on the Claimant's behalf as follows:

a. £27.87 on 10 March 2023

b. £5.66 on 10 April 2023.

(ii) The Respondent failed to pay the Claimant wages in the sum of £655.96 as per his payslip dated 10 April 2023.

1.2 The Respondent shall pay the Claimant the sum of **£689.49** which is the total gross sum deducted. The Claimant is responsible for the payment of any income tax or NI.

2. Notice Pay

2.1 The complaint of breach of contract in relation to notice pay is well-founded.

2.2 The Respondent shall pay the Claimant the sum of **£1,220.40** as damages for breach of contract. This figure has been calculated based on the Claimant's contractual and statutory entitlement to notice of 12 weeks; his average weekly pay of £203.40; and the fact that the Claimant found new employment at a higher

rate of pay 6 weeks after the termination date, thereby reducing the period of loss to 6 weeks. This is based on gross pay and the Claimant may have to pay tax on it as Post Employment Notice Pay.

3. Unfair dismissal

- 3.1 The complaint of unfair dismissal is well founded.
- 3.2 The Respondent shall pay the Claimant a Basic Award of **£3,152.70**. This figure has been calculated based on the Claimant's average weekly salary of £203.40 and a multiplier of 15.5 (the Claimant's age at the date of termination of his employment was 44 years and his length of service was 14 years).
- 3.3 The Claimant is not seeking reinstatement or reengagement but is not awarded a Compensatory Award as he found new employment at a higher rate of pay after 6 weeks and the notice pay award compensates him for loss of earnings during the 6 week period.
- 3.4 The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

4. Summary

The total sum the Respondent is ordered to pay the Claimant is **£5,062.59**.

EJ H. Mason
24 January 2024

Judgment sent to the parties on:
14 February 2024

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For the Tribunal Office:

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from 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.