



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104541/2024

Employment Judge D Hoey

Mr S Watson

Claimant

The Sleeping Owl Hospitality Limited

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material (which comprised a detailed witness statement from the claimant and productions (all of which were copied to the respondent who was given the opportunity to comment)) under rule 21:

- 1 The claimant was unfairly dismissed and is awarded (1) a basic award in the sum of £637.06 (two week's gross pay (excluding relevant pension sums), of £318.53 x 2) and (2) a compensatory award in the sum of £11,130 (calculated as follows: 8 week's past loss of £8,984.92 and future loss of 6 weeks (amounting to £1,795.08) plus £350 in respect of loss of statutory rights).
- 2 The recoupment regulations apply to the compensatory award given the claimant was in receipt of a relevant benefit. The prescribed element is £8,984.92. The

prescribed period is from 13 December 2023 until 14 August 2024. The total unfair dismissal award is £11,767.06. The balance is £2782.14.

- 3 The respondent discriminated against the claimant pursuant to section 15 of the Equality Act 2010 by dismissing him and is awarded the sum of £5,850 by way of injury to feelings (there being no other losses under this head). Interest is awarded in the sum of £314.14 (calculated as follows: The award is £5850. The relevant date is 13 December 2023. The calculation date is 14 August 2024. That is 245 days. The judicial interest rate is 8%. Interest is therefore $245 \times 0.08 \times \frac{1}{365} \times £5850$ which is £314.14).
- 4 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 £588.84 (2 weeks' gross pay at a rate of £294.42 per week which is the relevant gross rate of pay for the period in question).
- 5 The respondent shall pay to the claimant holiday pay due to the claimant in the sum of £1,421.17 (which is 3.18 weeks' worth of leave (which had accrued at the date of termination) \times £446.91, the claimant's average wage over the preceding 12 months).

D Hoey

Employment Judge

14 August 2024

Date

Date sent to parties

16 August 2024