



**EMPLOYMENT TRIBUNALS**

**Claimants:** Ms K Mathews  
Ms L Edwards  
Ms C Lawday  
Ms J Mabey  
Ms S Clarke  
Ms C Jarvis

**Respondent:** Appletree Nursery Group Ltd  
**Party:** Secretary of State

**Heard at:** Cardiff **On:** 2 July 2018

**Before:** Employment Judge S Davies  
Ms M Humphries  
Mr A Fryer

**Representation:**

**Claimants:** Ms Clarke, in person  
Mr Gray, legal executive on behalf of all other claimants

**Respondent:** Mr A George, solicitor

**Secretary of State:** Mr J Hunter, lay representative

**RESERVED JUDGMENT**

It is the unanimous decision of the Employment Tribunal that the claims for compensation are upheld as detailed in the attached schedules.

**REASONS**

1. Liability judgment with written reasons was dated 27 April 2018. The Secretary of State was joined as a party to proceedings for the reasons set out in the liability judgment.
2. Judgment on remedy was reserved, as a result of applications made by the respondent and on behalf of claimants; Ms Edwards and Ms **Mathews**, which delayed the start of the remedy hearing until after 2:30 pm.

#### Applications

3. On 27 June 2018, the respondent applied in writing for a postponement of the remedy hearing on the basis that it had made an appeal against liability judgment. The application was refused by Employment Judge S Davies on 29 June 2018.
4. The application to postpone was renewed orally on behalf the respondent at the start of the remedy hearing; it was made on the basis that remedy witness statements had been served by the claimants at 9am on the morning of the remedy hearing. The application was refused for the reasons given orally at the hearing.
5. Mr Gray made an application on behalf of Ms Edwards and Ms **Mathews** to join Mr and Mrs Buttle, directors of the respondent company, as individually named respondents in respect of the successful discrimination complaints. The application was made in response to a suggestion, made this morning during discussions between representatives, that the respondent may soon be placed into insolvency proceedings. We heard evidence from the relevant claimants about the reasons why this application had not been made at an earlier stage in proceedings. For the reasons given at the hearing, the application was refused.

#### Hearing

6. When dealing with the question of remedy, we heard witness evidence from all 6 Claimants. We read remedy witness statements adduced on behalf of all claimants represented by Mr Gray (Mr George having had time over an early lunchtime break to prepare cross examination questions).
7. Ms Clarke did not produce a witness statement but produced a document entitled "Response of Sonia Clarke to the skeleton argument on behalf of the respondent – remedy".
8. We were presented with several bundles of documents:
  - a. a combined bundle produced by the respondent and all claimants;
  - b. a bundle produced by the Secretary of State;

- c. a bundle produced by Ms Clarke (which she was granted time to make copies of for the tribunal prior to the start of the hearing)
9. We read written submissions from all parties and additional documents were adduced into evidence during the course of the hearing; C1 from Ms **Mathews** with regard to rent arrears and C2 from Ms Edwards in respect of income from agency work.
10. As well as reading the written submissions we heard oral submissions from all parties.
11. It was noted that whilst Mr George asked some questions about holiday pay during the course of cross-examination, that there was no employer's contract claim and he was not permitted to ask further questions on this topic. We make no finding as to the correct amount of holiday pay due or paid in respect of the claimants; the claimants did not present a claim in respect of holiday payments.
12. Mr Hunter submitted that the Secretary of State intends to issue notices of overpayment to the claimants, as appropriate, in respect of payments already made to them following the closure of Cardiff Bay nursery.

#### Issues

- a. determination of whether a Polkey reduction was appropriate in respect of the unfair dismissal complaints, and if so what percentage;
  - b. whether the claimants provided sufficient evidence of mitigation of loss;
  - c. whether, where expenses were claimed they were sufficiently evidenced;
  - d. whether claimants who obtained alternative employment during what would have been their notice period, should be awarded damages for wrongful dismissal for the entirety of their notice period;
  - e. Which Vento band to award compensation for injury to feelings in respect of Ms Edwards and Ms **Mathews**.
13. All calculations, were made on the basis of agreed figures in respect of net weekly salary. The parties did not provide agreed figures for gross weekly salary; accordingly we accepted the claimants' figures for gross weekly salary which were not challenged.

#### Law

Section 123 Employment Rights Act 1996 compensatory award

... The amount of the compensation shall be such amount as the tribunal considers just and equitable circumstances having regard to the loss sustained by the complainant in consequence of the dismissal insofar as that loss is attributable to action taken by the employer

the loss referred to in subsection (1) shall be taken to include any expenses reasonably incurred by the complainant in consequence of the dismissal

**Injury to feeling**

14. We were referred to the Presidential Guidance on Employment Tribunal awards for injury to feelings and psychiatric injury dated 5 September 2017 and the subsequent first addendum dated 23 March 2018, with regard to the Vento bands.

15. However, the claims were brought on 8 March 2017; the appropriate Vento bands remain as indicated in paragraph 3 of the Presidential Guidance of 5 September 2017 (subject to 10% increase following **Simmons v Castle** and discretionary uprating, paragraph 11):

*“In Da’Bell v NSPCC (2009) UKEAT/0227/09, [2010] IRLR 19 the Employment Appeal Tribunal revisited the bands and uprated them for inflation. The lower band was raised to between £600 and £6,000; the middle band was raised to between £6,000 and £18,000; and the upper band was raised to between £18,000 and £30,000”*

16. When making awards for injury to feelings we took into account the following:

- a. awards for injury to feelings are compensatory and should be just to both parties, fully compensating the claimant without punishing the respondent;
- b. awards that are too low diminish respect for the policy underlying anti-discrimination legislation. An excessive award could have the same effect. Awards must command public respect;
- c. awards for injury to feeling are not susceptible to scientific quantification and depend on the experience and common sense of the tribunal making the award;
- d. severity of treatment can be more important than its length. The decisive factor is the effect of unlawful discrimination on the claimant. The severity or length of discrimination are really only indicia against which it may be possible to assess the truth of the claimant’s account of their hurt or injury;

- e. where a number of allegations of discrimination are upheld, a global award covering all acts of discrimination can usually be made subject to the following;
- f. where compensation for injury to feelings is awarded for more than one form of discrimination, consideration should be given to making separate awards the each of the different forms of discrimination (whilst keeping in mind a sensible total). This might take into account deliberate acts of discrimination, such as an act of victimisation.

## Conclusions

### **Polkey**

17. All claimants, save Ms **Mathews**, were dismissed for redundancy when the Cardiff Bay nursery closed. The respondent contended for a 100% or 50% **Polkey** deduction in respect of the relevant claimants; claimants submitted that no deduction should be made at all.
18. The relevant findings in the liability judgment are at paragraph 8 (flexible workforce between different nursery locations), paragraph 15 (Ms Fitzpatrick's list of jobs to discuss with staff affected by redundancy and assistant manager role in Llanishen), paragraph 14 (failures in respect of individual consultation with the claimants on maternity leave), paragraph 16 (advertisement for a nursery manager in Cardiff), paragraph 17 (Mr Buttle's evidence that not all vacancies were placed on website), paragraph 23 (unfairness in respect of pool and consultation and suitable alternative roles). Our findings with regard to the availability of other roles at the time of redundancy were based on the respondent's witnesses own evidence.
19. With regard to the availability of management roles, the respondent's evidence was that there was an assistant manager role in Llanishen (paragraph 13) at the time of the redundancies. On 20 December 2016 a nursery manager role became available in Cardiff (or Magor on Mr Buttle's evidence - paragraph 16). If Mr Buttle's evidence had been accepted and there was a performance issue regarding the manager at Magor, the performance issue would have likely been apparent to the respondent on around 28 October 2016. However, we found the explanation lacked credibility (paragraph 16) and that the role advertised was one in Cardiff.
20. Both Ms Lawday and Ms Edwards held managerial positions. In circumstances where a nursery site closed entirely, we consider that there must be some risk of a fair dismissal for redundancy. However, based on the respondent's evidence there was at least one role available at the time and the possibility of a second role six weeks later. In the circumstances we

consider 25% reduction to reflect the chance of a fair dismissal is appropriate in respect of Ms Lawday and Ms Edwards.

21. As for Ms Jarvis, Ms Mabey and Ms Clarke, we take into account our findings that the respondent had a flexible workforce (evidence of Mr Buttle and Ms Wooldridge) and at times there was the need for cover between nursery sites for sickness or holiday absence. The respondent failed to pool staff from across different nursery sites and apply selection criteria across the workforce at the time of redundancy; had they done so, it may be that others would have been selected for redundancy. We take into account that Ms Clarke, although employed as a cook had almost completed her training to qualify as a nursery nurse and so would have been deployable across sites in that capacity within a short period of time. Where there was a closure of a nursery site we consider there would have been some risk of fair dismissal for redundancy and that a 30% reduction is appropriate, to reflect the chance that one in three of these claimants would have lost their role through fair selection.
22. The situation with regards to Ms **Mathews** is different in that her effective date of termination was 1 July 2017 and the reason for her dismissal was because of her pregnancy/maternity leave. The dismissal took place shortly before an open day at the respondent's new nursery in Ocean Way. The doors of the new nursery opened to children in September 2017. We take into account the findings we have made about a flexible workforce and the need for cover across different sites due to sickness or holiday absence and the fact that the summer months intervened. No steps were taken to consider the suitability of Ms **Mathews** for any role in the new nursery. In all the circumstances, we do not consider that any deduction should be made under **Polkey** in respect of Ms **Mathews**' loss.

### **Loss of statutory rights**

23. The claimants were not challenged in respect of the sum of £500 that they each sought in respect of loss of statutory rights. We uphold this claim for compensation in respect of all claimants, save for Ms **Mathews**.
24. Ms **Mathews** had not accrued two years' service in order to accrue the right to a redundancy payment or to bring in unfair dismissal claim and as such we do not consider it appropriate to make any award under this head of loss for her.

### **Ms Clarke – Expenses/costs/tax credits/JSA**

25. Ms Clarke withdrew her claim for compensation for her attendance at tribunal and expenses related to the conduct of the tribunal litigation.

26. She claimed expenses of £180 in respect of a holding fee for her childminder, over a nine week period whilst she completed her qualification as a nursery nurse. Ms Clarke had only one examination to complete to obtain her qualification and was booked on a course to complete her qualification by the respondent. When Ms Clarke attended the course, she was told that she was no longer registered as an attendee and as such she had to complete the qualification herself. Due to the time of year (coming up to Christmas) she took the reasonable decision to complete her qualification before starting employment in the New Year. Ms Clarke paid the holding fee to her childminder in order to keep her children's place with the minder in the intervening period until she started new employment.
27. Mr George submitted that in the absence of evidence to support the claim of compensation for expenses we should not uphold the claim. We infer that he refers to an absence of documentary evidence, because we have the oral evidence of Ms Clarke which was unchallenged and we accept. We find Ms Clarke's oral evidence sufficient in the circumstances to uphold her claim. We consider that this is a loss which flows from Ms Clarke's unfair dismissal and it is appropriate to uphold her claim for compensation.
28. Ms Clarke included in her schedule of loss the sum of £630 for loss of working tax credits over a nine week period at £70 per week. The respondent did not challenge Ms Clarke in respect of this sum and therefore we consider it appropriate to uphold her claim for compensation in this regard.
29. We must apply the recoupment provisions to Ms Clarke's award for compensation as she was in receipt of jobseeker's allowance between November 2016 and January 2017 (Ms Clarke's bank account statements page 120 – 138 of the combined bundle).

### **Payments from the Redundancy Payment Office (RPO)**

30. In calculating amounts due to the claimants, we have not made deductions in respect of payments already received from the RPO. The reason for this approach is that we understand such payments were made on a mistaken basis as to the identity of the claimants' employer (paragraphs 13, 14, 45, 48 and 49 of the liability judgment).
31. We also note that the Secretary of State intends to issue notices of overpayment to relevant claimants.

### **Mitigation**

32. The respondent bears the burden of proof in respect of failure to mitigate loss by claimants.

33. Ms Edwards was questioned about available nursery roles which she did not apply for. We note that some of these roles were in Bristol (we accept that this would be too far for Ms Edwards to travel in light with her young family) and some required the successful applicant to be Welsh speaking (Ms Edwards is not).
34. Ms Edwards satisfied us with her oral evidence, and C2, that she had taken appropriate steps to mitigate her loss with new employment at a school via an agency.
35. Similarly, we are satisfied with Ms **Mathews** oral evidence with regard to the steps she took to obtain new employment whilst the mother of a young baby following her discriminatory dismissal. We accept her unchallenged evidence of obtaining roles firstly with Lidl, then on a zero hours contract with Sports Direct (averaging 15.5 hours per week) and on 4 June 2018 obtaining a permanent role at a nursery.
36. As regards Ms Clarke we are satisfied that she took a reasonable approach to mitigation of loss by completing her qualifications as a nursery nurse and obtaining employment within a 13 week period.
37. We consider that all claimants, including those who obtained alternative employment almost immediately with another nursery, have taken reasonable steps to mitigate their loss following their unfair dismissals.

#### **Notice pay and mitigation**

38. The respondent submitted that we should not award damages for the full period of notice in circumstances where claimants obtained alternative employment during that notice period.
39. In support of this submission, the respondent referred us to **Hardy v Polk (Leeds) Ltd (2004) UKEAT 0301/03**. However, we were not referred to the later Court of Appeal decision in **Langley and anor v Burlo (2007) ICR 390** which upholds, as good industrial relations practice, payment of full notice pay in circumstances where an employer terminates without notice (the **Norton Tool** exception).
40. Accordingly, we followed the Court of Appeal precedent and where claimants have obtained alternative employment during the period that would have been their notice period, we uphold their claim for damages in full. To avoid double recovery, however, where employment was obtained during notice period we do not award anything further for loss of earnings.

#### **Future loss**



41. Ms Edwards was hopeful that she would find a permanent position with the school she is now working with from next term. We therefore award her loss of earnings until the start of the next school term in September 2018.
42. From 4 June 2018, Ms **Mathews** obtained an equivalent position at a nursery albeit on part time hours. Her schedule of loss does not include a sum claimed for future loss and we therefore do not make an award for future loss, reflecting the fact that her pay is at a similar level and the reality that she may have opted for part time hours now that she has child care responsibilities.

### **Injury to feeling**

#### **Ms Mathews**

43. When considering compensation for injury to feeling in respect of Ms **Mathews** there are three acts of discrimination to consider:
- a. victimisation in that the respondent subjected her to detriment by delaying payments of statutory maternity pay (SMP) in March, April and May 2017 after she issued Employment Tribunal proceedings;
  - b. maternity discrimination in that the respondent subjected her to detriment by failing to notify her of the issues affecting Cardiff Bay nursery leading to its closure;
  - c. maternity discrimination by dismissing her with effect from 1 July 2017.
44. It was clear during the course of her evidence, both at the liability and remedy hearing, that Ms **Mathews** had been deeply affected by the discrimination that she experienced. Ms **Mathews** was tearful on both occasions when giving evidence and described the impact on her when looking after her small baby including the worry, stress and anxiety she experienced with regard to whether she would be able to buy milk and nappies for her baby or to pay the rent on her flat.
45. In oral evidence, Ms **Mathews** described just sitting with her son crying with worry over the situation. In her remedy witness statement (paragraph 3) she says, "I feel that the respondent robbed me of enjoying my time off on maternity with my child by causing so much stress and upset".
46. Ms **Mathews** described receiving numerous calls and correspondence from the council with regard to rent arrears on her flat and provided an example letter at C1 and paragraph 15 of her remedy witness statement. Ms

**Mathews** is still paying off her rent arrears accrued as a result of late payment of SMP (paragraph 25 of the remedy witness statement).

47. Ms **Mathews** was particularly upset about the late payments of SMP despite repeated calls she made to Mr Buttle to enquire when it would be paid.
48. She described the worry and stress whilst looking after her very young baby knowing that in a few months' time she would have to face trying to find an entirely new job (paragraph 11 remedy witness statement)
49. Ms **Mathews** described having to borrow money from her mother to cover the essentials of her baby (paragraph 14 remedy witness statement) in circumstances when her mother could ill afford to lend her the money. Sadly, Ms **Mathews'** mother died whilst she was on maternity leave and the impact of this loss on her was apparent. Despite her sad and difficult personal circumstances, the respondent engaged in an act of victimisation by paying SMP late in response to Ms **Mathews** submitting an Employment Tribunal claim, Mr Buttle used words to the effect "you expect me to pay you when you're bringing a tribunal claim?" (Paragraph 35 of the liability judgment).
50. We have no hesitation in concluding that an award for injury to feeling should fall within the middle bracket of Vento, to reflect the serious impact the discrimination has had on Ms **Mathews**. Particularly in respect of the victimisation complaint; a deliberate act of discrimination, such as that visited upon Ms **Mathews**, will understandably create a high level of upset, as it has done in this case.
51. We consider it appropriate to award a global sum for injury to feeling that reflects all three acts of discrimination, including that of victimisation. We uphold the claim for compensation for injury to feelings in the sum of £16,000.

#### Ms Edwards

52. We upheld Ms Edwards complaint in respect of victimization; in that the respondent subjected her to detriment by delaying SMP in March, April and May 2017 after she brought Employment Tribunal proceedings.
53. Ms Edwards describes in her remedy witness statement (paragraph 10) feeling sick, angry and distressed when Ms **Mathews** told her that Mr Buttle said he would not continue to pay SMP as a result of the tribunal claim. Ms Edwards described feeling upset and anxious having to chase payments every month which distracted her from caring for her children whilst on maternity leave. Ms Edwards had to borrow money to ensure that essential bills paid.

54. Ms Edwards described being deprived of getting the most from the first crucial months of her new baby's life; time that she can never regain and for which she experiences feelings of guilt at not being able to devote her full-time attention to her family.
55. Again, an act of deliberate discrimination such as victimisation is likely to create high levels of upset, as it has done for Ms Edwards. We conclude that an injury to feeling award should fall within the middle band of Vento to reflect the serious impact the discrimination had on Ms Edwards during these important first months with her young family. We uphold the claim for compensation for injury to feelings in the sum of £7,000.

---

Employment Judge S Davies  
Dated: 9 July 2018

CORRECTED JUDGMENT SENT TO THE PARTIES ON  
.....20 February 2019.....

.....  
FOR THE SECRETARY OF EMPLOYMENT TRIBUNAL

**IN THE EMPLOYMENT TRIBUNALS  
CASE NO: 1600161/2017**

**BETWEEN**

**Chidi Jarvis  
AND  
Appletree Nursery Group Ltd**

**1. Details**

Date of birth of claimant	24/05/1986 <sup>1</sup>
Date started employment	12/09/2014
Effective Date of Termination	28/10/2016
Period of continuous service (years)	2
Age at Effective Date of Termination	30
Date new equivalent job started	11/11/2016
Remedy hearing date	02/07/2018
Contractual notice period (weeks)	4
Statutory notice period (weeks)	2
Net weekly pay at EDT	185.38
Gross weekly pay at EDT	189.00

**2. Statutory Redundancy Payment (SRP)**

Number of qualifying weeks (2) x Gross weekly pay (189.00)	378.00
<b>Total SRP</b>	<b>378.00</b>

**3. Damages for wrongful dismissal**

Damages period (4) x Net weekly pay (185.38)	741.52
<b>Total damages</b>	<b>741.52</b>

**4. Compensatory award (immediate loss)**

Loss of net earnings (employment obtained on 11/11/17)	0.00
--	------

<sup>1</sup> Ms Jarvis' schedule of loss gives a birth year of 1968 but we conclude that this is an error and took the date from the secretary of state's bundle (page 75). The parties should apply for reconsideration if this is an error.

Plus loss of statutory rights	500.00
<b>Total compensation (immediate loss)</b>	<b>500.00</b>
<b>5. Adjustments to total compensatory award</b>	
Less Polkey deduction @ 30%	-150.00
<b>Compensatory award before adjustments</b>	<b>500.00</b>
<b>Total adjustments to the compensatory award</b>	<b>-150.00</b>
<b>Compensatory award after adjustments</b>	<b>350.00</b>
<b>6. Summary totals</b>	
SRP	378.00
Wrongful dismissal	741.52
Compensation award including statutory rights	350.00
<b>Total</b>	<b>1,469.52</b>

**IN THE EMPLOYMENT TRIBUNALS  
CASE NO: 1600161/2017**

**BETWEEN**

**Joanna Mabey  
AND  
Appletree Nursery Group Ltd**

**1. Details**

Date of birth of claimant	18/04/1973
Date started employment	05/03/2012
Effective Date of Termination	28/10/2016
Period of continuous service (years)	4
Age at Effective Date of Termination	43
Date new equivalent job started	01/11/2016
Remedy hearing date	02/07/2018
Contractual notice period (weeks)	4
Statutory notice period (weeks)	4
Net weekly pay at EDT	236.85
Gross weekly pay at EDT	252.00

**2. Statutory Redundancy Payment (SRP)**

Number of qualifying weeks (5) x Gross weekly pay (252.00)	1,260.00
--	----------

---

<b>Total SRP</b>	<b>1,260.00</b>
------------------	-----------------

**3. Damages for wrongful dismissal**

Number of weeks (4) x Net weekly pay (236.85)	947.40
---	--------

---

<b>Total damages</b>	<b>947.40</b>
----------------------	---------------

**4. Compensatory award (immediate loss)**

Loss of net earnings (employment obtained from 01/11/16)	0.00
--	------

Plus loss of statutory rights	500.00
-------------------------------	--------

---

<b>Total compensation (immediate loss)</b>	<b>500.00</b>
--	---------------

**5. Adjustments to total compensatory award**

Less Polkey deduction @ 30%	-150.00
<b>Compensatory award before adjustments</b>	<b>500.00</b>
<b>Total adjustments to the compensatory award</b>	<b>-150.00</b>
<b>Compensatory award after adjustments</b>	<b>350.00</b>

**6. Summary totals**

SRP	1,260.00
Wrongful dismissal	947.40
Compensation award including statutory rights	350.00
<b>Total</b>	<b>2,557.40</b>

---

**IN THE EMPLOYMENT TRIBUNALS  
CASE NO: 1600161/2017**

**BETWEEN**

**Kelly Mathews  
AND  
Appletree Nursery Group Ltd**

**1. Details**

Date of birth of claimant	15/05/1990
Date started employment	03/11/2015
Effective Date of Termination	01/07/2017
Period of continuous service (years)	1
Age at Effective Date of Termination	27
Date new equivalent job started	04/06/2018
Remedy hearing date	02/07/2018
Date by which employer should no longer be liable	04/06/2018
Contractual notice period (weeks)	4
Statutory notice period (weeks)	1
Net weekly pay at EDT	230.00
Gross weekly pay at EDT	293.12

**2. Damages for wrongful dismissal**

Loss of earnings	920.00
Damages period (4) x Net weekly pay (230.00)	
<b>Total damages</b>	<b>920.00</b>

**3. Compensatory award (immediate loss)**

Loss of net earnings	10,189.00
Number of weeks (44.3) x Net weekly pay (230.00)	
Less sums obtained through mitigation	-5,606.20
Earnings	5,606.20
Lidl (July 2017)	540.80
Sports Direct (04/08/2017 to 03/06/2018)	5,065.40



<b>Total compensation (immediate loss)</b>	<b>4,582.80</b>
<b>4. Adjustments to total compensatory award</b>	
<b>Compensatory award before adjustments</b>	<b>4,582.80</b>
<b>Total adjustments to the compensatory award</b>	<b>0.00</b>
<b>Compensatory award after adjustments</b>	<b>4,582.80</b>
<b>5. Non financial losses</b>	
Injury to feelings	16,000.00
Plus interest @ 8% for 458 days (from 31/03/17 the first late payment of SMP – this date falls between the other acts of discrimination in October 2016 and dismissal on 1 July 2017)	1,606.14
<b>Total non-financial award</b>	<b>17,606.14</b>
<b>6. Summary totals</b>	
Wrongful dismissal	920.00
Compensation award including statutory rights	4,582.80
Non-financial loss	17,606.14
<b>Total</b>	<b>23,108.94</b>

**IN THE EMPLOYMENT TRIBUNALS  
CASE NO: 1600161/2017**

**BETWEEN**

**Laura Edwards  
AND  
Appletree Nursery Group Ltd**

**1. Details**

Date of birth of claimant	23/04/1989
Date started employment	12/07/2010
Effective Date of Termination	28/10/2016
Period of continuous service (years)	6
Age at Effective Date of Termination	27
Date new equivalent job expected to start	01/09/2018
Remedy hearing date	02/07/2018
Date by which employer should no longer be liable	01/09/2018
Contractual notice period (weeks)	6
Statutory notice period (weeks)	6
Net weekly pay at EDT	296.30
Gross weekly pay at EDT	348.00

**2. Statutory Redundancy Payment (SRP)**

Number of qualifying weeks (5.5) x Gross weekly pay (348.00)	1,914.00
--	----------

---

<b>Total SRP</b>	<b>1,914.00</b>
------------------	-----------------

**3. Damages for wrongful dismissal**

Damages period (6) x Net weekly pay (296.30)	1,777.80
--	----------

---

<b>Total damages</b>	<b>1,777.80</b>
----------------------	-----------------

**4. Compensatory award (immediate loss)**

Loss of net earnings	24,118.82
Number of weeks (81.4) x Net weekly pay (296.30)	
Plus loss of statutory rights	500.00

Less sums obtained, or should have been obtained, through mitigation	-21,892.08
Earnings	21,892.08
New Directions (08/04/2017 to 02/07/2018)	16,453.76
SMP (31/10/2016 to 05/07/2017)	5,438.32
<b>Total compensation (immediate loss)</b>	<b>2,726.74</b>
<b>5. Compensatory award (future loss)</b>	
Loss of future earnings	2,577.81
Number of weeks (8.7) x Net Weekly pay (296.30)	
Less agency earnings to end of term (3 weeks)	-771.27
<b>Total compensation (future loss)</b>	<b>1,806.54</b>
<b>6. Adjustments to total compensatory award</b>	
Less Polkey deduction @ 25%	-1,133.32
<b>Compensatory award before adjustments</b>	<b>4,533.28</b>
<b>Total adjustments to the compensatory award</b>	<b>-1,133.32</b>
<b>Compensatory award after adjustments</b>	<b>3,399.96</b>
<b>7. Non financial losses</b>	
Injury to feelings	7,000.00
Plus interest @ 8% for 458 days (from 31/03/17)	702.68
<b>Total non-financial award</b>	<b>7,702.68</b>
<b>8. Summary totals</b>	
SRP	1,914.00
Wrongful dismissal	1,777.80
Compensation award including statutory rights	3,399.96
Non-financial loss	7,702.68
<b>Total</b>	<b>14,794.44</b>

**IN THE EMPLOYMENT TRIBUNALS  
CASE NO: 1600161/2017**

**BETWEEN**

**Chantal Lawday  
AND  
Appletree Nursery Group Ltd**

**1. Details**

Date of birth of claimant	19/06/1991
Date started employment	14/07/2009
Effective Date of Termination	28/10/2016
Period of continuous service (years)	7
Age at Effective Date of Termination	25
Date new job started	18/11/2016
Remedy hearing date	02/07/2018
Contractual notice period (weeks)	7
Statutory notice period (weeks)	7
Net weekly pay at EDT	275.11
Gross weekly pay at EDT	314.14

**2. Statutory redundancy payment (SRP)**

Number of qualifying weeks (5) x Gross weekly pay (314.14)	1,570.70
--	----------

---

<b>Total SRP</b>	<b>1,570.70</b>
------------------	-----------------

**3. Damages for wrongful dismissal**

Number of weeks (7) x Net weekly pay (275.11)	1,925.77
---	----------

---

<b>Total damages</b>	<b>1,925.77</b>
----------------------	-----------------

**4. Compensatory award (immediate loss)**

Loss of net earnings (employment obtained on 18/11/16)	0.00
--	------

Plus loss of statutory rights	500.00
-------------------------------	--------

---

<b>Total compensation (immediate loss)</b>	<b>500.00</b>
<b>5. Adjustments to total compensatory award</b>	
Less Polkey deduction @ 25%	-125.00
<b>Compensatory award before adjustments</b>	<b>500.00</b>
<b>Total adjustments to the compensatory award</b>	<b>-125.00</b>
<b>Compensatory award after adjustments</b>	<b>375.00</b>
<b>6. Summary totals</b>	
SRP	1,570.70
Wrongful dismissal	1,924.77
Compensation award including loss of statutory rights	375.00
<b>Total</b>	<b>3,871.47</b>

---

**IN THE EMPLOYMENT TRIBUNALS  
CASE NO: 1600161/2017**

**BETWEEN**

**Sonia Clarke  
AND  
Appletree Nursery Group Ltd**

**1. Details**

Date of birth of claimant	09/10/1974
Date started employment	16/06/2010
Effective Date of Termination	28/10/2016
Period of continuous service (years)	6
Age at Effective Date of Termination	42
Date new equivalent job started	28/01/2017
Remedy hearing date	02/07/2018
Contractual notice period (weeks)	6
Statutory notice period (weeks)	6
Net weekly pay at EDT	160.76
Gross weekly pay at EDT	170.00

**2. Statutory Redundancy Payment (SRP)**

Number of qualifying weeks (6.5) x Gross weekly pay (170.00)	1,105.00
--	----------

---

<b>Total SRP</b>	<b>1,105.00</b>
------------------	-----------------

**3. Damages for wrongful dismissal**

Damages period (6) x Net weekly pay (160.76)	964.56
--	--------

---

<b>Total damages</b>	<b>964.56</b>
----------------------	---------------

**4. Compensatory award (immediate loss)**

Loss of net earnings	1,141.40
Number of weeks (7.1) x Net weekly pay (160.76)	
Plus loss of statutory rights	500.00
Plus Working tax credits	630.00

Plus Holding fee for childminder	180.00
<b>Total compensation (immediate loss)</b>	<b>2,451.40</b>

**5. Adjustments to total compensatory award**

Less Polkey deduction @ 30%	-735.42
<b>Compensatory award before adjustments</b>	<b>2,451.40</b>
<b>Total adjustments to the compensatory award</b>	<b>-735.42</b>
<b>Compensatory award after adjustments</b>	<b>1,715.98</b>

**6. Summary totals**

SRP	1,105.00
Wrongful dismissal	964.56
Compensation award including loss of statutory rights	1,715.98
<b>Total</b>	<b>3,785.54</b>

---

**RECOUPMENT**

Recoupment	
Prescribed period	10/12/2016 to 02/07/2018
Total award	£3,785.54
Prescribed element	£1,951.40
Balance	£1,834.14