



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss G Glasgow

**Respondent:** Sandgrown Leisure Limited

**Heard at:** Manchester

**On:** 30 November 2018  
and 5 June 2019

**Before:** Employment Judge Morris  
(sitting alone)

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr A Long, Director

# JUDGMENT

The judgment of the Employment Tribunal is as follows:

1. The claimant's complaint that, contrary to Regulation 14 of the Working Time Regulations 1998, the respondent did not pay to her the holiday pay that she was due, in that it calculated that holiday pay on the basis of £8.50 per hour rather than the correct sum of £9.00 per hour, is well-founded (as was conceded on behalf of the respondent) and the respondent is ordered to pay to the claimant in that respect the agreed sum of £3.67.
2. The claimant's complaint that the respondent made an unauthorised deduction from her pay contrary to section 13 of the Employment Rights Act 1996 in that it calculated certain of her pay again by reference to £8.50 per hour rather than £9.00 per hour, is well-founded (as was conceded on behalf of the respondent) and, in accordance with section 23 of that Act, the respondent is ordered to pay to the claimant the agreed sum of £21.00.
3. The claimant's complaint of wrongful dismissal, in that she maintained that the respondent was in breach of her contract of employment by terminating that contract without giving to her the notice of termination to which she was entitled, is not well-founded as that termination was occasioned by her gross misconduct and is dismissed.
4. The claimant's complaint that her dismissal by the respondent was unfair (contrary to sections 94 and 98 of the Employment Rights Act 1996) is well-founded.

5. In respect of the complaint of unfair dismissal the respondent is ordered to pay to the claimant compensation of £442.65 comprising as follows:

(a) Basic award of £126.00;

(b) Compensatory award of £316.65.

6. The total of each of the above sums that the respondent is ordered to pay to the claimant is therefore £467.32.

7. The recoupment regulations do not apply to the award of compensation referred to above.

Employment Judge Morris

Date 17 June 2019

JUDGMENT SENT TO THE PARTIES ON

25 June 2019

FOR THE TRIBUNAL OFFICE

**Note 1**

As was explained to the parties at the conclusion of the hearing would be the case, the initial calculations of the above awards of compensation for unfair dismissal have been adjusted.

The basic award has been reduced pursuant to section 122(2) of the Employment Rights Act 1996 on account of the claimant's conduct before dismissal, that being considered to be just and equitable.

The compensatory award was first reduced to reflect an assessment of the percentage chance that, had the respondent followed a fair procedure, the claimant would have been dismissed in any event (known as the 'Polkey' reduction); then increased pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992, reflecting the fact that the respondent unreasonably failed to comply with the Acas Code of Practice, "Disciplinary & Grievance Procedures (2015)"; finally reduced in accordance with section 123(6) of the Employment Rights Act 1996 on the basis that the claimant's dismissal was to an extent caused or contributed to by her actions, that being considered to be just and equitable.

**Note 2**

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.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://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

Tribunal case number(s): **2415089/2018**

Name of **Miss G Glasgow** v **Sandgrown Leisure Ltd**  
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **25 June 2019**

"the calculation day" is: **26 June 2019**

"the stipulated rate of interest" is: **8%**

MR S ROOKE  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.