



EMPLOYMENT TRIBUNALS

Claimant: Mr M Giles

Respondent: Advanced Oncotherapy plc

HELD AT: Manchester

ON: 29 February 2024

BEFORE: Judge Johnson

REPRESENTATION:

Claimant: Dr C A Megahey (colleague and fellow claimant)

Respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is that:

- (1) The respondent admitted in section 6.1 of its form ET3 presented on 30 November 2023 that the claimant is entitled to:
 - (a) unpaid salary in the gross sum of £24,176.52 (for May to August 2023),
 - (b) unpaid salary in the gross sum of £1394.80 (in respect of the retention bonus representing one week's pay and payable in June 2023).
 - (c) A refund of salary deductions in respect of additional pension contributions by the claimant in the gross sum of £604.42.
 - (d) Unpaid holiday entitlement of 6.7 days accrued at the date of termination of employment on 9 September 2023 in the gross sum of 1,869.03.
- (2) The respondent must therefore pay the claimant the total sum of **£14,621.23** in settlement of their original complaints of unlawful deduction from wages and holiday pay.
- (3) The claimant accepts that the Tribunal does not have jurisdiction to determine:

- (a) The complaint in respect of unpaid pension contributions which should have been made by the respondent on the claimant's behalf.
- (b) The complaint in respect of interest which is contrary to the Employment Tribunals (Interest) Order 1990.
- (c) The complaint of unfair dismissal which was brought with the original claim form presented on 23 August 2023, while the claimant was still employed by the respondent.

Accordingly, the claimant agrees that these three complaints can be dismissed upon his withdrawal.

- (4) The claimant has also made an application to amend his claim on 5 January 2024 which provides detail of additional unpaid wages arising following the presentation of the original claim as well as a complaint of constructive unfair dismissal. This application is not allowed as it was presented out of time following the effective date of termination on 9 September 2023, with no further early conciliation certificate being provided in accordance with the relevant provisions of the Employment Rights Act 1996. Accordingly, the Tribunal does not have jurisdiction to hear the proposed amended complaints.

Employment Judge Johnson

Date 29 February 2024

JUDGMENT SENT TO THE PARTIES ON
12 March 2024

FOR THE TRIBUNAL OFFICE

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.

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Public access to employment tribunal decisions

Judgments 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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include

any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2408975/2023**

Name of case: **Mr M Giles** v **Advanced Oncotherapy
PLC**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 12 March 2024

the calculation day in this case is: 13 March 2024

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.