

IN THE EMPLOYMENT TRIBUNALS
MANCHESTER

Case no: 123456/2012

BETWEEN

DONALD DRAKE

Claimant

and

SCOTTIES LTD

Respondent

SCHEDULE OF LOSS AS AT 19 NOVEMBER 2013

UNFAIR DISMISSAL

BASIC AWARD

Effective Date of Termination (EDT)	29.07.13	
Age at EDT	47	
Number of years service at EDT	14	
Statutory week's pay	£383.00	
17 weeks x £383.00 per week		£6,511.00

COMPENSATORY AWARD

I am still seeking work. I did two weeks' temporary work in September 2013 but have been unable to find a permanent job.

PAST LOSSES

Loss of earnings

Net pay: £1,150 per month

Length of time out of work out of work: 4.3 months

TOTAL £4,945.00

LESS income received

Two weeks net pay from temporary work -£480.00

Other benefits**Pension**

£75 per month

The respondent contributed 4.5% of gross salary to my pension.

TOTAL £322.50

Job seeking expenses

I attend the Job centre weekly for which my travel costs are £1.50. I have attended four job interviews which incurred travel expenses of £15.00. I have also incurred expenses for buying local newspapers and for postage costs. I wish to claim a sum of £50 as an estimate of these losses. If needed, I can provide full details of my expenses.

£50

FUTURE LOSSES

I have an ongoing loss of £1,235.00 per month. This consists of my net loss of earnings (£1,150), my pension loss (£75) and my job seeking expenses (£10.00).

I estimate that this loss will continue for a period of 9 months. Although I am a skilled worker, the local job market is difficult and I am unable to travel extensive distances to work because I have to care for my disabled son in the evenings while my wife is at work. The average period of unemployment for a skilled worker in my area is 7 months. However, given the restriction about my hours of work, and the fact I was sacked for gross misconduct, I submit it is likely to take me longer to find work than the average worker.

TOTAL FUTURE LOSS (9 months x £1,235) £11,115.00

LOSS OF STATUTORY RIGHTS

I will have to work two years to regain protection from unfair dismissal and I submit it would be appropriate to award £500 to reflect my loss of statutory rights.

£500

TOTAL COMPENSATORY AWARD £16,452.50

Uplift for failure to follow the Acas code

I argue that an increase of 10% should be made to the compensatory award for the Respondent's failure to follow the Acas Code of Practice.

The Respondent did not inform me that I had a right of appeal. After seeking advice, I tried to appeal but my letter was ignored.

TOTAL INCREASE £1,645.25

TOTAL COMPENSATORY AWARD INCLUDING UPLIFT £18,097.75

WRONGFUL DISMISSAL

NOTICE PAY

I will only seek an award under this heading if no compensatory award is made for loss of earnings for the same period.

My notice entitlement: 12 weeks

Net pay £265 per week x 12 weeks £3,180.00

Other benefits

Pension

£17.00 per week x 12 weeks

TOTAL £204.00

TOTAL NOTICE PAY/BENEFITS £3,384.00

Uplift for failure to follow Acas code

I argue that an increase of 10% should be made to any award of notice pay for the Respondent's failure to follow the Acas Code of Practice.

The Respondent did not inform me that I had a right of appeal. After seeking advice, I tried to appeal but my letter was ignored.

TOTAL INCREASE £338.40

TOTAL NOTICE PAY INCLUDING UPLIFT £3,722.40

HOLIDAY PAY

My leave year: 1 April – 31 March

Amount of holiday accrued at EDT: 5.02 weeks

Amount of holiday taken: 4.2 weeks

Number of weeks/days holiday owed: 0.82 weeks

Statutory weeks pay: £265

TOTAL £217.30

Uplift for failure to follow the Acas Code

I argue that an increase of 25% should be made to any award of holiday pay for the Respondent's failure to follow the Acas Code of Practice.

I sent a grievance letter on 1 July 2013 and a reminder on 15 July 2013. The Respondent ignored both letters and made no attempt at all to comply with the Code.

TOTAL INCREASE £54.33

TOTAL HOLIDAY PAY INCLUDING UPLIFT £271.63

AWARD FOR FAILURE TO PROVIDE A STATEMENT OF TERMS AND CONDITIONS

I was not provided with a written statement of my terms and conditions of employment as required by Section 1 of the Employment Rights Act 1996.

I argue that an additional award of 4 weeks' statutory pay should be made.

TOTAL (4 weeks x £383.00) £1,532