

Schedule of loss

IN THE CARDIFF EMPLOYMENT TRIBUNAL

Claim No.
1234987/2017

BETWEEN :

ANDREW SMITH

Claimant

and

BIGTOWN MANUFACTURING LIMITED

Respondent

SCHEDULE OF LOSS

The Claimant has brought a claim for unfair dismissal, automatic unfair dismissal and detriment for making a protected disclosure, failure to pay holiday pay and failure to provide a statement of terms and conditions of employment.

The Claimant reserves the right to update and/or amend this Schedule of Loss.

1. DETAILS

Claimant's date of birth	8 th July 1970
Employment commenced	23 rd April 2003
Effective date of termination	29 th July 2017
Age at EDT	47
Gross Annual salary	£40,000
Net Annual salary	£30,000
Annual Employer's Pension Contribution	£2,400

UNFAIR DISMISSAL

2. BASIC AWARD

8 years' service @ 1 week's pay of £489	£3,912
6 years' service @ 1 ½ week's pay of £489	£4,401
Total Basic Award	£8,313

3. COMPENSATORY AWARD

The Claimant is still looking for work. He did two weeks' temporary work in September 2017 but has been unable to find a permanent job.

a) PAST LOSSES

i) Past Loss of Earnings

Net Pay £2,500 a month

Loss of earnings from 29.07.17 to 29.04.18 (7 months)	£17,500
Loss of pension contribution 7 months	£1,400
Less income received from temporary work	£1,000
Total	£17,900

ii) Job seeking expenses

The Claimant attends the Job Centre once a week for which his travel costs are £5.00. He has attended ten job interviews for which his travel expenses are £50. The Claimant has not received any state benefits.

Expenses	£55
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iii) Loss of Statutory rights

Loss	£500
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b) FUTURE LOSSES

i) Future Loss of Earnings

12 x £2,500	£30,000
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ii) Future Loss of Pension Contributions

12 x 200	£2,400
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iii) Future Job Seeking Expenses

12 x £55	£660
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Total Compensatory award	£51,515
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4. ACAS UPLIFT

The Respondent failed to follow to ACAS Code of Practice on Disciplinary and Grievance Procedures in that the Respondent failed to provide the Claimant with the true reason for his dismissal, the Respondent failed to inform the Claimant that he had the right to appeal. The Claimant contends that in the circumstances the full uplift of 25% on the compensatory award would be appropriate.

Uplift of 25% on compensatory award	£12,878.75
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5. INJURY TO FEELINGS

The Claimant contends that he suffered a detriment for making protected disclosures and that he was dismissed for making protected disclosures and/or because of his age. The Claimant contends that the award for injury to feelings should be in middle *Vento* band.

Injury to feelings	£15,000
ACAS uplift of 25%	£3,750
Total award	£18,750

6. FAILURE TO PAY HOLIDAY PAY

Claimant's leave year	1 st April to 31 st March
Amount of holiday accrued at EDT	5.02 weeks
Amount of holiday taken	4.2 weeks
Holiday owed	0.82 weeks
Weekly net pay	£576.92
Holiday pay owing	£473

Uplift for failure to follow ACAS Code

The Claimant lodged a grievance regarding the failure to pay his holiday pay. He received no response to his letter. The Claimant contends that in the circumstances the full uplift of 25% would be appropriate.

Uplift on holiday pay	£118.25
Total holiday pay	£591.25

7. AWARD FOR FAILURE TO PROVIDE A STATEMENT OF TERMS AND CONDITIONS

4 x £489	£1,956
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8. TAX LIABILITY

To the extent that the award, not including the award for injury to feelings exceeds £30,000 it will be subject to taxation. Of the amount over £30,000 the first £11,500 is tax free then the next £33,500 is subject to tax at a rate of 20% and the next £166,500 is taxed at 40%.

Accordingly the Claimant will seek to gross up his award to provide for such tax to be paid on sums awarded.