



EMPLOYMENT TRIBUNALS

Claimant: Mr A Afzal

Respondent: Prestige BB Limited

Heard at: Liverpool (By Video)

On: 21-22 October 2024

Before: Employment Judge Barker

REPRESENTATION:

Claimant: Mr M Iqbal (lay advocate)

Respondent: Mr K Andani (consultant legal representative)

JUDGMENT

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed. The judgment of the Tribunal is that the respondent is to pay to the claimant the sum of **£6333.20** in compensation, comprised of the following:
 - i. A basic award of £481;
 - ii. A compensatory award calculated as follows:
 1. Losses from the date of termination, that is, 31 August 2023, to the date of alternative employment (9 January 2024), a period of 59 weeks and 5 days at a net weekly wage of £240.46, a total of £4235.90. No award is made for future loss of earnings as the claimant has mitigated his losses as of 9 January 2024;
 2. This sum is to be uplifted by 15% because the respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 15% in accordance with

s 207A Trade Union & Labour Relations (Consolidation) Act 1992.

3. Loss of statutory rights of £500;
 4. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is not just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant two weeks gross pay of £480.92;
2. The complaint of unauthorised deductions from wages is well-founded. The respondent is to pay to the claimant the total gross sum of **£3687.06**. The claimant is responsible for any deductions for tax and National Insurance. This sum is comprised of the following:
- i. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended. This amounts to two years' holiday entitlement that was accrued but untaken, which is 22 days pay at a gross daily rate of £120.23 which is **£2645.06**. The figure given to the parties at the end of the hearing was incorrect – a maximum of two years' deductions are recoverable under this head of loss.
 - ii. The respondent made an unauthorised deduction from the claimant's wages by failing to pay him in for the whole of August 2023. The respondent is to pay the claimant the gross sum of **£1042**.

**Employment Judge Barker
22 October 2024**

Judgment sent to the parties on:

25 October 2024

For the Tribunal:

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Notes

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 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: **2411345/2023**

Name of case: **Mr A Afzal** v **Prestige BB Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party 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: 25 October 2024

the calculation day in this case is: 26 October 2024

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

For the Employment Tribunal Office