



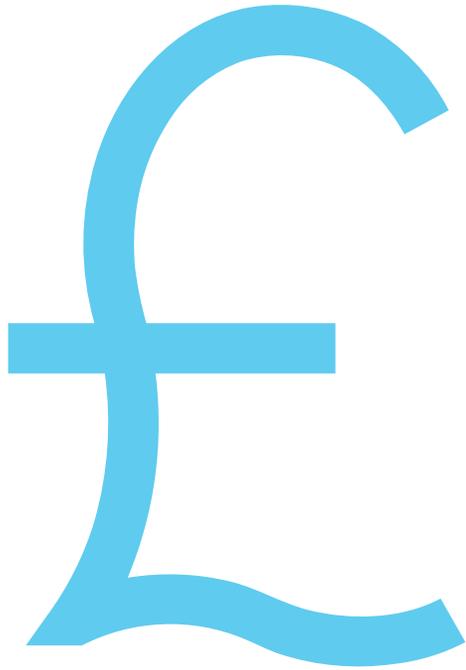
University of Strathclyde
LAW CLINIC

7C. Types of Awards Available

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What you can claim

For cases where you have lost your job, you need to know:

- Your gross weekly pay (before tax);

- Your net weekly pay (take home/ after tax);

- Your length of continuous service;

 - This is how long you have worked in your job - between the original start date and finish date.

Basic Award



If you have been dismissed, and you are claiming for unfair dismissal, you can claim what is called the “basic award”.



This is compensation for the loss of job in a way that is unfair.



You can only claim a basic award for the last 20 years of continuous employment with that employer.

Basic Award (1)

▶ In order to calculate a basic award:-

1. You look at the number of years service you have (e.g. 2 years) and you look at your age when you were dismissed (e.g. 30).
2. You take into account your age at the time of dismissal as a multiplier as applied depending on your age.
3. Here is a simple way to calculate a basic award:

Although a basic award is not for redundancy, the method of calculating a statutory redundancy payment is the same as for calculating a basic award. You can find a [redundancy calculator](#) on gov.uk and use this to work out your basic award.

Basic Award (2)

- ▶ HOWEVER, there is a cap on the gross weekly pay that will change year on year. It is updated in April each year.
- ▶ The current cap is £538
- ▶ So if your weekly pay is higher than £538 you would need to bring that figure down to £538.

Compensatory Award

- ▶ This is calculated based on the loss you have suffered since losing your job.
- ▶ Start with loss up to this point:
 - ▶ Net weekly pay multiplied by the number of weeks between date of termination of employment and the date of the Merits Hearing.
 - ▶ If you don't yet have a date for the Tribunal estimate your current loss over a period of 26 weeks.

Compensatory Award

- ▶ The Tribunal will be interested in seeing that you have looked to limit your losses by searching for another job.
- ▶ Keep all of your evidence of searching for another job.
- ▶ Should you get another job before the Tribunal, you should deduct the net pay of the new job from the compensatory award between the dates to get your net loss. The same must be done with any benefits received. This figure will always be used when negotiating from the Schedule of Loss. If you go to the Tribunal then set out all the gross figures but the Tribunal will want to know how much you have received in benefits as this would be recouped from a final award. For more information please see slideshow 11B.

Compensatory Award

1. For example 11 May to 28 October is 20 weeks.
2. 20 weeks at a net pay of £170 is £3,400.
3. If you did 2 weeks work at £250 a week, you should take £500 off of the £3,400
4. So that your compensatory award amounts to £2,900.

Compensatory Award (future loss) (1)



You can also claim for future loss.

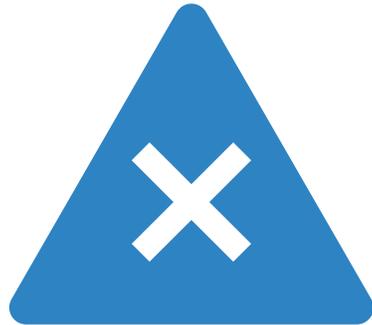


As, even if you have found a new job, you may be earning less for quite some time into the future.

Or

You may not have been able to find a new job.

Compensatory Award (future loss) (2)



You should have a reason for how much time into the future you plan to claim.



As the Tribunal will not order a payment for a period which is too long or indefinite.

Compensatory Award (future loss) (3)

- ▶ If you think that it will take some time to get back to where you were.
 - ▶ (and you can show that it is unlikely you won't ever earn as much)
- ▶ Calculate your future loss for a period of around 6 months (26 weeks). Your current loss will also be calculated over around 26 weeks.
- ▶ You will probably find that this will get brought down to what the Tribunal feels is reasonable.
- ▶ If however, you find another job quickly where you are earning the same or more then your loss will stop at that point. For example, if you will be back to earning the same or more within 10 weeks, then only put 10 weeks in the calculation.

Compensatory Award (future loss) (4)

- ▶ You multiply the number of weeks of future loss by your net weekly pay.
- ▶ It can be necessary to deduct some money.
 - ▶ If for example: you expect your future losses to reduce as you are promoted or go from a trainee in a new job to a full-time staff member etc.
- ▶ Whatever the circumstances may be. Make sure this reflected in your calculation.

Other Elements

- ▶ You can then add on loss for a breach of your statutory rights.
- ▶ Add £500 to your losses calculated so far.
- ▶ **Statutory cap-** there is a cap on how much a Tribunal can award for compensatory loss in an unfair dismissal case.
- ▶ It is the lesser of one year's gross salary or the current cap of £88,519.
- ▶ There is no statutory cap in discrimination and whistleblowing cases.

