

Employment Law Factsheet No 20.

Preparing a Schedule of Loss for an unfair dismissal claim.

1. In order to put a monetary value on your claim you will need to calculate how much you have lost as a result of your dismissal. The employment tribunal will usually require, at the start of your case, that you provide details of your losses. You will often get a letter from the tribunal stating
2. “You must provide details of how much you are claiming and how this figure is calculated.”
3. The legal terminology for the document showing how much you are claiming is a Schedule of Loss. There is an example in this factsheet of a Schedule of Loss. The notes below explain how the schedule has been calculated.

Note i)

Gross pay is pay before deductions for tax and national insurance, net pay is pay after these deductions.

Note ii)

Loss of benefits could be a wide variety of things such as use of a company car, private mobile phone usage, an employer’s pension contribution, etc. You simply need to identify the benefit and estimate its weekly monetary value. With regard to pension schemes, if this is a money purchase scheme you use the value of the employer’s pension contribution (normally a percentage of gross pay). If the pension is a final salary scheme the calculation is too complicated for the scope of this factsheet. You will need to seek further advice.

Note iii)

This means the length of continuous service. Any period you stopped working for any reason for more than about two weeks will normally break your continuous service. If there is a break in service you should seek advice about whether this breaks your continuous service.

Where you are dismissed without notice or with less notice than you are entitled to, the date of dismissal for calculating your length of service is the date the dismissal would have occurred had you been dismissed with the correct statutory minimum notice. The statutory minimum notice period is one week’s notice for each complete year of service up to a maximum of 12.

Note iv)

The example shows you getting a job at the same or higher wages (including benefits). If you get a new job at a lower wage you will still have losses which will be the difference in wages between your old and new job. You will need to estimate the date at which you think you will be able to get a job at your former rate of pay.

Note v).

The calculation of your basic award uses your gross weekly wage; subject to a statutory maximum, which increases every February, and which is £330 from 1st

February 2008. The multiplier figure (9 in the example) is based on your age and length of service and can be worked out using the ready reckoner at the end of the factsheet.

Note vi).

This is an amount to reflect the fact that you will now need to work for a year with a new employer before you qualify for the right to claim unfair dismissal. A tribunal will usually award about £250 - £350.

Note vii)

You use your net weekly wage plus the weekly value of any benefit multiplied by the number of weeks you are out of work.

If a tribunal makes an award of loss of earnings and you are in receipt of income support or job seekers allowance your compensation will be reduced by the amount of benefit you receive although the employer will have to repay the benefits you have received to the job centre. This process is called recoupment.

Note viii).

Where the employer has failed to follow the statutory dismissal procedure the tribunal can make an adjustment to any award of compensation it makes to you. There are two adjustments which can be made. The first is that you will normally receive a minimum of 4 weeks pay for your basic award (not relevant in the example as here you receive 9 weeks anyway). The second is that the tribunal can increase your compensatory award by between 10 and 50% to reflect the seriousness of the employer's failure with regard to the statutory dismissal procedure.

4. If you require assistance from Sheffield Law Centre, the telephone advice line (0114 2731888) is open Monday to Friday 10am - 4pm but if you have already spoken to an employment adviser at the Law Centre you should phone them on the number they gave you.

Schedule of loss.**(Claimant)****v****(Respondent)**

ⁱ Gross weekly pay:	£400
Net weekly pay	£320
ⁱⁱ Loss of benefits	£40
Net weekly losses	£360
Age at date of dismissal:	50
ⁱⁱⁱ Length of service	6 complete years
Date of dismissal	1/7/07
^{iv} Date of getting a new job at same or higher wages	1/10/07

Unfair dismissal.

^v Basic award	9 x £310 =	£2790
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Compensatory award.

^{vi} Loss of statutory rights	£300
^{vii} Loss of earnings. 13 weeks x £360 =	£4680
Sub total compensatory award	£4980
^{viii} Uplift if statutory dismissal procedure Not followed. Uplift of 20%	
20% x £4980 =	£996

Total Compensatory award	£5976
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Total unfair dismissal award	£8766
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		Service (Years)																		
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
18	1	1½	2																	
19	1	1½	2	2½																
20	1	1½	2	2½	3															
21	1	1½	2	2½	3	3½														
22	1	1½	2	2½	3	3½	4													
23	1½	2	2½	3	3½	4	4½	5												
24	2	2½	3	3½	4	4½	5	5½	6											
25	2	3	3½	4	4½	5	5½	6	6½	7										
26	2	3	4	4½	5	5½	6	6½	7	7½	8									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	9								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	10							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	11						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	12					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	13				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	14			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	15		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	16	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	17
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	17½
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	18
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	18½
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	19
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	19½
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	20½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	21½
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	22½
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	23½
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	24½
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	25½
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	26½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	26½
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	27½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	27½
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	28½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	28½
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	29½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	29½
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	30
61* [1]	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

*[1] -The same figures should be used when calculating the redundancy payment for a person aged 61 and above.'