



EMPLOYMENT TRIBUNALS

Claimant:
Ms S Adkins

v

Respondent:
Ooba Beauty Rooms Limited

Heard at: Reading

On: 2 May 2017

Before: Employment Judge Gumbiti-Zimuto

Appearances

For the Claimant: Mr T Street (Solicitor)

For the Respondent: No attendance or representation

REMEDY JUDGMENT

1. The respondent is ordered to pay to the claimant compensation for unfair dismissal and wrongful dismissal the sum of £15,957.95 comprising the following sums:

Basic Award: £2,326.50

Compensatory Award:

(a) Notice pay £8,366.40

(b) Loss of earnings £2,144.50

(c) Loss of statutory rights £423.00

(d) ACAS Uplift £1,093.39

Compensation for untaken holiday £1,603.56

Total Award: £15,957.35

2. The respondent is ordered to pay the claimant's costs pursuant to Rule 76(4) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 in the sum of **£390.00**.

REASONS

1. The claimant was born on 8 May 1990. She was employed by the respondent from 23 March 2009 until 30 October 2016. From 26 January 2015 until her employment ended, she was employed as the manager.

2. In October 2016, the claimant was informed that the business was to close. On 27 October, the claimant was paid her final wages. The claimant's last day of work was on 29 October 2016. On Sunday 30 October 2016, the locks were changed.
3. On 31 October, the claimant received a phone call from Nicki Fairall, the business owner, informing her that the salon was closing. The claimant received a hand delivered letter stating that she was being dismissed on the grounds of gross misconduct. The allegations of gross misconduct were an allegation that the claimant had been touting the respondent's customers.
4. The claimant was employed on a written contract of employment which provided for the claimant to receive six months' notice of termination of her employment. This document signed on 16 January 2015 related to her employment as the beauty salon manager.
5. By dismissing the claimant without following any procedure the claimant was unfairly dismissed by the respondent.
6. On 15 November 2016, the claimant obtained new employment. In her new employment, the claimant works four hours per week less than she did when employed by the respondent and is paid £9.00 per hour in contrast to the sum of £10.00 and £7.00 per hours which she earned whilst in the employment of the respondent.
7. The claimant is entitled to a basic award calculated in accordance with the provisions of section 119 of the Employment Rights Act 1996 in the sum of £2,326.50 (5.5 x £423.08).
8. I consider that the claimant is entitled to recover the sum of £423.00 in respect of loss of statutory rights.
9. The claimant asks for 24 weeks' notice at the rate of £348.60 per week. The claimant is entitled to a notice payment of £8,366.40.
10. The claimant's continuing loss of earnings in the period since her dismissal amounts to £42.80 per week. The claimant contends that she should be able to recover this loss for a period of 52 weeks. I make an award in the sum of £2,144.50 in respect of this amount.
11. The claimant had untaken holiday of 23 days on the date of her dismissal. The claimant earned £69.72 per day. The claimant is therefore entitled to an award of £1,603.56.
12. The claimant seeks an uplift pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992. The claimant asks for a 25% uplift. Having considered the circumstances in this case, I am satisfied that an appropriate uplift in this case is one of 10%. I arrive at this

figure on the basis that it seems to me that failure to follow the Code of Practice in this case is not likely to have prevented the dismissal. I therefore award the claimant the sum of £1,093.39.

13. The claimant incurred a Tribunal Issue Fee and Tribunal Hearing Fees of £250.00 and £140.00 totalling £290.00. I am satisfied that she should be able to recover this pursuant to rule 76(4) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

Employment Judge Gumbiti-Zimuto

Date: 10 May 2017

Judgment and Reasons

Sent to the parties on:

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For the Tribunal Office