



EMPLOYMENT TRIBUNALS

Claimant: Miss E McDonald

Respondent: Ms P Johnson T/a Petra Health and Fitness

HEARD AT: HUNTINGDON

ON: 30th January 2017
31st January 2017
4th April 2017
5th April 2017

BEFORE: Employment Judge G. Sigsworth

REPRESENTATION

For the Claimant: Mr L Varnam (Counsel)

For the Respondent: Mr P Haworth (Counsel)

JUDGMENT

1. The Judgment of the Tribunal is that;
 - i) The Respondent made unauthorised deductions from the Claimant's wages.
 - ii) The Respondent unfairly dismissed the Claimant.
 - iii) There was a fifty percent chance that the Claimant's employment would have terminated in any event, by way of a fair dismissal or a resignation.
 - iv) The Respondent wrongfully summarily dismissed the Claimant.
 - v) The Respondent failed to give to the Claimant a written statement of changes to her particulars of employment.
 - vi) The Respondent is ordered to pay the Claimant the agreed sum £5025.92 in respect of compensation. For a breakdown of this figure, see Schedule 1.

- vii) Three further claims by the Claimant have been agreed and paid by the Respondent. See Schedule 2.
- viii) The Claimant's application for costs is refused.

Schedule 1

2. The compensation to be paid to the Claimant by the Respondent is broken down as follows:

Unpaid Wages	£2555.79
Pay in Lieu of Notice, 5 weeks.	£1072.70
Basic Award	£536.35
Compensatory Award – Loss of Earnings	£210.00
Compensatory Award – Loss of Statutory Rights	£150.00
ACAS uplift	£72.00
2 weeks pay for no written statement	<u>£429.08</u>
TOTAL	£5025.92

Schedule 2

3. The Respondent has already paid the following sums to the Claimant:

Back pay following 2012 investigation	£395.35
Wages for week in hand and final 2 days of employment	£270.00
Over-deduction for Income Tax and National Insurance	<u>£474.70</u>
TOTAL	£1140.05

Employment Judge G. Sigsworth, Huntingdon
Date: 7 April 2017

JUDGMENT SENT TO THE PARTIES ON

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FOR THE SECRETARY TO THE TRIBUNALS

Note

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.