



EMPLOYMENT TRIBUNALS

Claimant: Ms P Cousins

Respondent: Mrs Sandra Carley-Putney t/a Mojo's Barber Shop

Heard at: Southampton **On:** Monday 12 February 2018

Before: Employment Judge Matthews

Representation:

Claimant: Mr M Living of Counsel

Respondent: In Person

JUDGMENT

1. Ms Cousins was an employee of the Respondent within the meaning of section 230 of the Employment Rights Act 1996.
2. Ms Cousins was unfairly dismissed.
3. The Respondent is ordered to pay to Ms Cousins unfair dismissal compensation totalling £1,660 comprising a basic award of £1,410 and a compensatory award of £250.
4. The recoupment regulations do not apply.
5. Ms Cousins claim for breach of contract (that is, for notice pay) succeeds. The Respondent is ordered to pay to Ms Cousins £940 in this respect.
6. Ms Cousins claim under regulation 30(1) of the Working Time Regulations 1998 and under section 23 of the Employment Rights Act 1996 that the Respondent has failed to pay Ms Cousins an amount due under regulation 14(2) of the Working Time Regulations 1998 (that is, for holiday pay) is well founded. The Respondent is ordered to pay to Ms Cousins £2,448.22 in this respect.
7. Any amount which the Respondent lawfully deducts from the amount specified in paragraph 6 above by way of income tax, national insurance contributions or otherwise shall be treated as in payment of the amount specified in paragraph 6. In the absence of evidence to substantiate the lawfulness and amount of such a

deduction, the gross amount specified shall be due under this Judgment to Ms Cousins.

8. Subject to any deductions as authorised above, the total amount payable by the Respondent to Ms Cousins under this Judgment is £5,048.22.

Schedule of Calculations

Gross weekly pay: £235

Claimant aged 41 or over throughout the period of employment with the Respondent

£250 is awarded for loss of statutory rights

Basic Award

4 (weeks) x £235 x 1.5 = £1,410

Notice Pay

4 (weeks) x £235 = £940

Holiday pay

33.4 (days) x £73.30 (daily pay rate) = £2,448.22 (note: this corrects a small mathematical error)

Employment Judge Matthews

Date: 13 February 2018

JUDGMENT SENT TO THE PARTIES ON

7th March 2018

FOR THE TRIBUNAL OFFICE