



EMPLOYMENT TRIBUNALS

Claimant: Miss KAREN WARD
Respondent: BUCKINGHAM CHAUFFER LIMITED
Heard at: NOTTINGHAM EMPLOYMENT TRIBUNAL
On: 22.10.2018
Before: Employment Judge Dyal

Representation:

Claimant: Miss Abigail Scott, Free Representation Unit Volunteer
Respondent: Do not appear, was not represented

JUDGMENT

1. The Claimant was unfairly dismissed contrary to ss. 94 and 104(1)(b) Employment Rights Act 1996.
 - 1.1. The basic award is nil;
 - 1.2. The compensatory award is assessed at £9,480 (the sum of 33 weeks pay at £296.25 net per week = £9,776.25, less £296.25 which is deducted in light of the notice pay awarded below so avoid double recovery).
2. The Respondent made unauthorised deductions from the Claimant's wages:
 - 2.1. in the sum of £1,904.00 (being 28 working days x 8 hours per day x £8.50 gross per hour).
 - 2.2. in the further sum of £241.40 (the Claimant had accrued 3.55 days of holiday: 3.55 x 8 x hours per day x £8.50 gross per hour = £241.40).
3. The Claimant was wrongfully dismissed. She is entitled to one week's notice pay in the sum of £296.25 (being 5 days x 8 hours p/d x £7.41 net p/h).
4. It is just an equitable to uplift each of the awards above by 10% pursuant to s.207A Trade Union and Labour Relations Act 1992:
5. The Respondent is thus ordered to pay the Claimant the sum of £13,113.82 (being £9,480 + 1,904.00 + £241.40 + £296.25 uplifted by 10%).

Recoupment

The Employment Protection (Recoupment of Benefits) Regulations 1996 ('the 1996 Regs') apply:

- a. The total monetary award is £13,113.82;
- b. The prescribed element is £7,558.46;
- c. The prescribed element relates to the period 16.05.18 to 22.10.18:
 - i. i.e. 25.5 weeks net pay at £296.41;
 - ii. N.B., no compensatory award for unfair dismissal is made in respect of the period 09.05.18 – 16.05.18 as this period is covered by compensation for wrongful dismissal to which the 1996 Regs do not apply;
- d. The monetary award exceeds the prescribed element by £5,555.36.

Employment Judge Dyal

Date 22.10.2018

JUDGMENT SENT TO THE PARTIES ON

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FOR EMPLOYMENT TRIBUNALS