



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Lindsay

Respondent: Bella Gente Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claimant was unfairly dismissed by the respondent.
2. The respondent is ordered to pay compensation for unfair dismissal to the claimant in the sum of **£906.31**. This is calculated as follows:
 - 2.1 The basic award. The multiplier is $3 \times £128 = £384.00$.
 - 2.2 The compensatory award. Loss of earnings - from 16.01.18 to 08.05.18 amounting to £217.85 (after allowing for mitigation of loss and taking into account the 4 weeks awarded for damages for breach of contract below). This part of the claim gives rise to recoupment of benefits as the claimant applied for and received Universal Credit. The prescribed element is £217.85; and the prescribed period is between 18 December 2017 and the date this judgment was sent to the parties. A recoupment notice accompanies this decision.
 - 2.3 An award for loss of statutory employment rights = £200.00
 - 2.4 An uplift of 25% on £417.85 (being the total of the awards at paragraphs 2.2 and 2.3) for failing to follow the ACAS Code of Practice = £104.46.
3. The respondent failed to give notice or payment in lieu thereof to the claimant. I order the respondent to pay damages for breach of contract to the claimant in the sum of **£512.00** (being 4 weeks' pay).
4. The respondent made unlawful deductions from the claimant's wages during the period 1 December to 18 December 2017 and I order the respondent to pay the claimant compensation in the sum of **£268.05**.
5. The respondent failed to pay the claimant for holidays accrued but not taken and I order the respondent to pay compensation to the claimant in the sum of **£554.71** (13 days at £42.67 per day).

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6. I order the respondent to pay a further sum, being an uplift of 25% on the total of the awards at paragraphs 3, 4, and 5 above (£1,334.76) for failing to follow the ACAS Code of Practice = **£333.69**.

7. The total of the monetary award ordered to be paid by the respondent to the claimant is **£2,574.76**.

Employment Judge Dimbylow

2 November 2018