



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondents

Miss Shannon Branson

AND

**1. Mr Sharaaz Ahmed T/A Tiny
Terrorz**

2. Tiny Terrorz Ltd

Heard at: Birmingham

On: 21 June 2019

Before:

Employment Judge Gilroy QC

Representation

Claimant:

Mrs M Branson (Claimant's mother)

Respondent:

No attendance or representation

JUDGMENT

The judgment of the Tribunal is that:

1. The Respondents are jointly and severally liable in respect of the Claimant's claims.
2. No time limit issues arise in relation to any of the Claimant's claims.
3. The Claimant's claim of automatic unfair dismissal for the assertion of a statutory right, contrary to s.104 of the Employment Rights Act 1996, namely the right to an itemised pay statement under s.8 of the 1996 Act, is well founded and is upheld.
4. The Respondents are ordered to pay the Claimant a compensatory award of £4,500 in respect of the claim of automatic unfair dismissal.
5. There shall be no basic award in this case in light of the Claimant's length of service with the Respondents.
6. The Claimant's claim of wrongful dismissal is well founded and is upheld, but no compensation is awarded in respect of that claim, given the overlapping nature of

the claims for compensation within the claims of unfair dismissal and wrongful dismissal.

7. At all material times, the Claimant was a disabled person within the meaning of s.6 of the Equality Act 2010 by reason of mental impairment, namely dyspraxia, educational dyslexia and/or learning difficulties.
8. The Claimant's claims of harassment on the grounds of disability are well founded and are upheld.
9. The Respondents are ordered to pay the Claimant the sum of £2,000 for injury to feelings in respect of the Claimant's claims of harassment on the grounds of disability.
10. The Claimant's claim in respect of unpaid holiday pay is well founded and is upheld, and the Respondents are ordered to pay the Claimant the sum of £254.08 in respect of that claim.
11. A 15 % uplift shall be applied to the compensatory award by reason of the Respondents' breach of the ACAS Code.

Compensatory award	£4,500.00
15 % uplift on the compensatory award for breach of the ACAS Code	£675.00
Injury to feelings	£2,000.00
Unpaid holiday pay	£254.08
Total	£7,429.08

12. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the prescribed element as follows:
 - (a) Total monetary award: £7,429.08.
 - (b) Prescribed element: £4,500.00.
 - (c) Period to which (b) relates: 19 January 2018 to 28 August 2018.
 - (d) Excess of (a) over (b): £2,929.08

Employment Judge Gilroy QC

21 June 2019