



EMPLOYMENT TRIBUNALS

Claimant: Miss J Hawthorne

Respondent: Miss J Sutherst

HELD AT: Middlesbrough

ON: 25-26 July 2019

BEFORE: Employment Judge Aspden

REPRESENTATION:

Claimant: Ms A Hemsley-Kaine

Respondent: Mr J Cavana

JUDGMENT

The judgment of the Tribunal is:

1. The claimant was unfairly dismissed.
2. The claimant is not entitled to a redundancy payment.
3. The claimant's complaint that the respondent breached her contract of employment by failing to pay notice pay is well founded.
4. The claimant's complaint that the respondent failed to pay to her holiday pay due under regulation 14 of the Working Time Regulations 1998 is well founded.
5. The respondent must pay to the claimant the following amounts:-
 - a. £3,705 as compensation for unfair dismissal (which is made up of a basic award of £156.60 and a compensatory award of £3548.40)
 - b. £156.60, as damages for breach of contract

- c. £362.13, being the amount the parties agree is remaining due to the claimant in respect of holiday under regulation 14 of the Working Time Regulations 1998.
6. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the award of compensation for unfair dismissal as follows
- a. Grand total of the award for unfair dismissal: £3,705
 - b. Prescribed element: £2,570.20
 - c. Prescribed period: 13 December 2018 to 26 July 2019
 - d. Balance of total award less prescribed element: £1,134.80

Employment Judge Aspden

Date 29 July 2019

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.