



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mrs J Stokes

and

Ellenbern Holdings Limited

Hearing held at Reading on 17 December 2019

Representation

Claimant: Mr B Norman, counsel
Respondent: Mr S Porritt, managing director

Employment Judge

Vowles (sitting alone)

JUDGMENT

Evidence

1. The Tribunal heard evidence on oath and read documents provided by the parties. From the evidence heard and read the Tribunal determined as follows.

Redundancy Payment - section 135 Employment Rights Act 1996

2. This complaint is dismissed upon withdrawal by the Claimant.

Holiday Pay – regulation 30 Working Time Regulations 1998

3. This complaint is dismissed upon withdrawal by the Claimant.

Unfair Dismissal – section 98 Employment Rights Act 1996

4. The Claimant was dismissed on 15 April 2019 and that was the effective date of termination. The dismissal was unfair. This complaint succeeds.

Wrongful Dismissal – article 3 Employment Tribunals Extension of Jurisdiction (E&W) Order 1994

5. The Claimant was wrongfully dismissed. This complaint succeeds.

Compensation

6. The Claimant is awarded **£8,443.95** in compensation. A table below shows how this sum was calculated. The Respondent is ordered to pay this sum to the Claimant no later than 28 days from the date this judgment is sent to the parties.

Reasons – rule 62 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

7. Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a written request is presented within 14 days of the date this judgment is sent to the parties.

Public Access to Employment Tribunal Judgments

8. The parties are informed that all judgments and reasons for judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant and Respondent.

Table of Calculation

9. The Tribunal awarded the sums set out below.

10. **Unfair dismissal**

Basic Award

16 weeks x £384.65	6,154.40
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Compensatory Award

Loss of Earnings 4 weeks x £307.91	1,231.64
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(16.04.19 to 12.05.19)

Loss of Statutory Rights	600.00
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1,831.64

Increase of 25% for unreasonable failure to comply with the ACAS Code of Practice	457.91
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Total compensatory award	2,289.55
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Total Award	<u>£8,443.95</u>
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11. **Wrongful dismissal**

The 12 weeks' notice pay (12 x £307.91 = £3,694.92) is cancelled out by the award for 4 weeks' loss of earnings award above and the pay earned during the remaining 8 weeks in new employment at a higher rate of pay.

12. **Recoupment**

The Claimant did not claim benefits and the Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

Employment Judge Vowles

Date:21/01/ 2020

Sent to the parties on

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06/02/2020

For the Tribunal office