



EMPLOYMENT TRIBUNALS

Claimant: Mrs J. Sutherland

Respondent: Pat Black's Caribbean Kitchen (Martineau Place) Ltd

Heard at: Birmingham

On: 27 August 2020

Before: Employment Judge V. Jones

Representation

Claimant: In person

Respondent: No attendance

CORRECTED JUDGMENT ON A REMEDY HEARING

The respondent is ordered to pay the claimant the following:

1. Unfair dismissal

A Basic award (calculated according to the formula in s119 Employment Rights Act 1996 ("ERA"))

1.5 weeks x 8 x £507.50 (gross)	£6,090.00
---------------------------------	-----------

B Compensatory Award (s123 ERA)

(i) Loss to date 21 February 2020 to 27 August 2020 (27 weeks) @ £407.73 net	£11,008.71
--	------------

(ii) Future loss	nil
------------------	-----

(iii) loss of statutory rights	£ 400.00
--------------------------------	----------

<u>(iv) sub total</u>	<u>£11,408.71</u>
-----------------------	-------------------

<u>(v) Add 25% uplift for failure to follow ACAS Code of Practice (s207A Trade Union and Labour Relations (Consolidation) Act 1992)</u>	£ 2,752.18 £ 2,852.18
---	-------------------------------------

<u>Total compensatory award</u>	£14,160.89 £14,260.89
---------------------------------	-------------------------------------

TOTAL award for unfair dismissal (A + B) ~~£25,169.60~~
£20,350.89

2. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the award for unfair dismissal. The prescribed element is £11,008.71. The prescribed period is 21 February 2020 to 27 August 2020.

3. Unreasonable failure to provide written reasons for dismissal (ss92,93 ERA)

2 weeks pay @ 507.50 p.w. £1,015.00.

4. Pay in lieu of minimum period of notice (s86 ERA)

The claimant was entitled to 8-weeks' pay in lieu of notice by virtue of section 86 ERA (8 x £407.73 net) £ 3,261.84

5. Holiday Pay (ss 14 and 30 Working Time Regulations 1998)

The Claimant is entitled to 2.2 weeks pay as compensation for annual leave accrued but untaken at termination of her employment (2.2 x £407.73 net) £ 897.00

6. Unlawful deductions from wages (ss13 and 24 ERA)

The respondent failed to pay the claimant wages for the last week of her employment
1 week @ 407.73 (net) £ 407.73

7. Failure to provide written particulars of employment (ss 1, 4 ERA and s38 Employment Act 2002)

4 weeks pay (the "higher amount") @ 507.50 p.w. £2,030.00

8. The total sum payable by the respondent to the claimant is £27,962.46.

Employment Judge V. Jones

Date 17.9.2020

JUDGMENT & REASONS SENT TO THE PARTIES ON

.....
FOR THE TRIBUNAL OFFICE