



# EMPLOYMENT TRIBUNALS

and

Claimant: Ms S Lichfield

Respondent: Fairlight Manor Ltd

## Record of a Hearing heard by Cloud Video Platform (CVP)

Held at: Croydon

On: 14 September 2020

**Before:** Employment Judge P Britton (sitting alone)

### Representation

**For the Claimant:** In person assisted by her mother

**For the Respondent:** No appearance

## JUDGEMENT

1. The claim of age discrimination is dismissed upon withdrawal.
2. The claim of unfair dismissal succeeds. The Respondent will pay the Claimant compensation of £3999.95<sup>1</sup>.

## REASONS

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<sup>1</sup> In the hearing I made a slight mathematical error . The correct calculation is set out below

1. The claim (ET1) was presented to the Tribunal by the Claimant on 8 October 2019. She had prepared it herself. It was clear that it was a claim for unfair dismissal. The Claimant had been employed by the Respondent as a care assistant at its care home in Eastbourne between 6 March 2017 and her dismissal on 23 August 2019 (the EDT). She has provided further particularisation and a claim for compensation in her e-mails to the tribunal of 21 April and 21 May 2020.
2. She also ticked the box in the ET1 for age discrimination, but she gave no particulars as to why and has not done since. I established from her and her mother at the hearing today that in fact there is not a claim for age discrimination: hence its dismissal upon withdrawal.
3. As to the claim (ET1), it was served upon presentation by the tribunal in the usual way upon the Respondent at the address given in the claim. I have established that this is the address of the care home and which is still operating: something which the Claimant confirmed today.
4. The Respondent failed to enter a Response (ET3). It has not communicated at all with the tribunal.
5. On the 31 March 2020 Employment Judge Fowell heard a telephone case management discussion (TCMPH). This was in place of the hearing of the matter which was cancelled at short notice because of the impact of Coronavirus. Notice of the substitute TCMPH was only sent out the day before by the tribunal. It is clear from today that the Claimant did not see that hence her non-attendance. The Respondent did not take part and I will assume for the same reason as the Claimant. But both parties were thereafter sent notice of today's hearing. Reading the published record of the EJ Fowell TCMPH I assume today was to be a remedy hearing given the Respondent had failed to file a response. In any event that Judge listed today's hearing and the notice was sent out to both parties. As to the orders issued by that Judge, the Claimant has done her best to comply by her e-mails to which I have referred. It is clear that she has no knowledge of how to claim for compensation for unfair dismissal as per ss119-123 of the Employment Rights Act 1996 (the ERA). But I have been able to do that today based upon the e-mails and the additional evidence supplied by the Claimant today.
6. Thus the Claimant's gross wage with the Respondent was average £1100 per calendar month. This is £253.85 per week. Her date of birth is 26 June 1998 and so she was aged 21 at the date of dismissal (EDT). She had two complete years of service at dismissal. Accordingly, pursuant to s119 of the ERA she is first entitled to a basic award. Using the Government ready reckoner this is **£253.85**.
7. As to the compensatory award, pursuant to s123 of the ERA her average take home pay was £900 per month. This equates to £ 207.69 net. She was unemployed post the dismissal for 10 weeks until the 31 October 2019 when she obtained work

in a bar/ restaurant. I am satisfied that she actively job searched. Thus, she has a loss of 10 weeks net pay before securing this job. Thus, the loss is **£2076.92**.

8. She worked in the bar/ restaurant job until 4 April 2020 when she returned to working the care sector. She remains in that job. Post that date she is not suffering any loss of earnings.
9. But her earnings in the bar/restaurant job averaged £650 per calendar month. This equates to £150 per week. Thus, she suffered a weekly loss of  $(207.69 - £150) = £57.69$ . The period of loss to the carer employment is 22 weeks. Thus, the loss is  $£57.69 \times 22 = \mathbf{£1269.18}$ .
10. Finally I award **£400** for loss of statutory rights.

### **SUMMARY OF AWARD**

**Basic award = £253.85**

**Compensatory award = £3746.10 12.**

**Total = £3999.95.**

**The Claimant claimed no state benefits and thus the recoupment provisions do not apply to this award.**

**Employment Judge P Britton  
Dated: 14 September 2020**