



EMPLOYMENT TRIBUNALS

Claimant: Ms C Crabb

Respondent: Dr Ebenezer Timeyin (formerly trading as Thanet Road Surgery)

Heard at: London South (via CVP)

On: Tuesday 1 September 2020

Before: Employment Judge John Crosfill
Mr Adkins
Mr Anderson

Representation

Claimant: In person

Respondent: In person

REMEDY JUDGMENT

1. This has been a remote hearing on the papers which was not objected to by the parties. The form of remote hearing was 'V: Video fully (all remote)'. A face to face hearing was not held because it was not practicable. The documents that I was referred to are in the Tribunal file, the contents of which I have recorded. The order made is below.
2. In respect of the Claimant's claim of wrongful dismissal brought under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994, the Claimant is entitled to damages in the sum of **£863.59** in respect of the Respondent's failure to give her contractual notice that being the sum of money that she would otherwise have received by virtue of being employed by the Respondent in the period 17 November 2017 to 17 December 2017.

3. In respect of the Claimant's claim of unfair dismissal brought under Part X of the Employment Rights Act 1996:
 - 3.1. The Claimant is entitled to a basic award of £320 but reduced by 50% to reflect the Tribunal's finding that her conduct had caused or contributed to the dismissal. The sum payable to the Claimant is therefore **£160.00**.
 - 3.2. The loss sustained by the Claimant as a consequence of the dismissal was
 - 3.2.1. £4710.63 being the wages and working families tax credits she would have received from 17 December 2017 to 17 May 2018 (the date the tribunal found that the employment would certainly have ended); and
 - 3.2.2. The sums of £5662.02 (Statutory Maternity Pay) and £2237.04 (working families Tax Credits) that the Respondent would have had to pay had he fairly dismissed the Claimant on 17 May 2018 by reason of her having been employed by the 'qualifying week' for SMP purposes; and
 - 3.2.3. The sum of £500 in compensation for the loss of statutory rights and right to long notice.
 - 3.2.4. The total sum being £13,109.69
 - 3.3. The sum of £13,109.69 is adjusted:
 - 3.3.1. by reducing the compensatory award by 75% under Section 123(1) of the Employment Rights Act 1996 on the basis that there was a 75% chance that the dismissal could have been effected fairly on 17 November 2017; and
 - 3.3.2. By further reducing the compensatory award by 50% under Section 123(6) of the Employment Rights Act 1996 to reflect the extent that the Claimant's conduct caused or contributed to her dismissal; and
 - 3.3.3. Increasing the said award by 12.5% by reason of the Respondent's unreasonable breach of the ACAS code of practice.
 - 3.4. The Respondent must pay the Claimant the adjusted sum of **£1,843.55** under Section 123 of the Employment Rights Act 1996. For the avoidance of doubt and in case the Claimant seeks to obtain a payment of maternity benefit, of this sum, £707.75 is attributable to the Claimant's right to statutory maternity pay.
4. For the avoidance of doubt the total sum that the Respondent is ordered to pay the Claimant is £863.59 + £160 + £1,843.55 = **£2,867.14**
5. The Employment Judge is satisfied that the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply to the said awards as the Claimant gave evidence, accepted by the Tribunal, that she did not receive any recoupable benefits.

Employment Judge John Crosfill

Date: 1 September 2020