



# EMPLOYMENT TRIBUNALS

**BETWEEN**

**Claimant**

Mrs Sophie Higgins

AND

**Respondent**

The Magnificent Science Company Limited

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**Heard Remotely at Plymouth**

**ON**

28 August 2020

By Cloud Video Platform

**EMPLOYMENT JUDGE** N J Roper

### Representation

**For the Claimant:** In person

**For the Respondent:** No Appearance Entered, Did Not Attend

### REMEDY JUDGMENT

#### Under Rule 21

The judgment of the tribunal is that:

1. The respondent is ordered to pay the claimant the sum of £4,222.36 as compensation for unfair dismissal. The Recoupment Regulations do not apply; and
2. The Respondent is ordered to pay compensation for injury to the claimant's feelings following discrimination in the sum of £5,126.50 (being an award of £5,000.00 and interest in the sum of £126.50); and
3. The respondent is ordered to pay the claimant two weeks' net pay in the sum of £489.24 as damages for breach of contract for her lost two week notice period; and
4. The respondent is ordered to pay the claimant compensation for unlawful deduction from wages in the sum of £244.62; and
5. The respondent is ordered to pay the claimant 20 days' accrued holiday pay in the gross sum of £1,807.60.

### RESERVED REASONS

1. In this case the claimant Mrs Sophie Higgins already has Judgment in her favour under Rule 21 and has succeeded in her claims for unfair dismissal, discrimination on the grounds of sex/maternity, for breach of contract in respect of her notice pay, for unlawful deduction

- from wages, and for accrued but unpaid holiday pay. This is the Judgment which has determined the appropriate remedy.
2. This has been a remote which has been consented to by the claimant. The form of remote hearing was by cloud video platform. A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The order made is described at the end of these reasons.
  3. I have heard from the claimant. The respondent did not enter a response to these proceedings and did not attend today. I found the following facts proven on the balance of probabilities after considering the whole of the evidence, both oral and documentary, and after listening to any factual and legal submissions made by and on behalf of the respective parties.
  4. The claimant Mrs Sophie Higgins was born on 6 July 1983. She commenced employment with the respondent on 10 April 2017. During 2019 claimant commenced maternity leave. She was dismissed without her two weeks' contractual notice with effect from 10 January 2020. Her gross salary was £1,175.00 per month which is £271.15 gross per week. Her take home pay was £1,060.00 per month which is £244.62 net per week. The claimant was not paid for the week of October 2019. Following her dismissal, she was unable to obtain alternative employment until she became self-employed with effect from 6 April 2020. The claimant was upset and distressed at her dismissal whilst on maternity leave. At the time of her dismissal she had accrued 20 days' holiday which she had not taken.
  5. First, with regard to the unfair dismissal, the claimant's basic award is two weeks' gross pay at £271.15 per week, which is £542.30. For the compensatory award the claimant claims 13 weeks' net pay at the sum of £244.62, which is £3,180.06. I also award the sum of £500.00 for loss of statutory rights. The compensatory award is therefore £3,680.06. Together with the basic award total compensation for unfair dismissal is therefore £4,222.36. The claimant did not claim any benefits and the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ("the Recoupment Regulations") do not apply.
  6. Secondly, with regard to the discrimination claim, the claimant does not seek any loss of earnings but does seek an award for injury to feelings. Given how distressed she was at her dismissal on maternity leave, whilst her husband was away in the Royal Navy, I award the sum of £5,000.00 for injury to feelings. I also award interest pursuant to the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 from the midpoint between dismissal on 10 January 2020 and this hearing (115 days). The daily rate at 8% is £5,000.00 x 8% divided by 365 which is £1.10 per day for 115 days, which is interest of £126.50.
  7. With regard to the remaining monetary claims, I award the sum of one week's net pay of £244.62 in respect of the unlawful deduction from the claimant's wages for the first week in October 2019. She is also entitled to two weeks' net pay for breach of contract in respect of her missing notice period in the sum of £489.24. Finally, the claimant succeeds in her claim for accrued but unpaid holiday pay for 20 days at £90.38 per day, which is £1,807.60.
  8. Where appropriate I consider the above sums to be just and equitable.

Employment Judge N J Roper

Dated: 28 August 2020

Judgment sent to parties on: 15 September 2020