



EMPLOYMENT TRIBUNALS

Claimant: Mrs K Wilson

Respondent: Angela Gleghorn (also known as Angela Littlemore) trading as Mosaic Hair and Beauty

Heard at: Newcastle (by video link) **On:** 29 October 2020

Before: Employment Judge S Shore

Appearances

For the claimant: In Person

For the respondent: No appearance

REMEDY JUDGMENT

1. In a Judgment dated 25 August 2020, Employment Judge Garnon found that the claimant's claims of unfair dismissal, breach of contract (failure to pay notice pay) the right to a redundancy payment, compensation for untaken annual leave and unauthorised deduction of wages were all well-founded. The Judgment was made under Rule 21 of the Employment Tribunals Rules of Procedure 2013.
2. Having heard evidence from the claimant, I find that she was paid an average of £187.00 per week gross by the respondent and £184.48 per week net by her. She worked three days per week and her holiday year ran from 1 January.
3. The respondent, Angela Gleghorn, shall pay the claimant compensation calculated as follows:

Unfair Dismissal

- 2.1. A Basic Award calculated as six weeks' pay (at £187.00 gross per week), being a total of £1,112.00, but no basic award is payable, as the reason for dismissal is redundancy and the basic award is set off against the redundancy payment.
- 2.2. A Compensatory Award for losses to the date of this hearing, which is calculated on the basis of average net weekly pay of £184.48 from the effective date of termination (3 April 2020) to the date of this hearing (29 October 2020).
- 2.3. The calculation for the period of lockdown is calculated at 80% of the claimant's average weekly net wage (£184.48) for 7 weeks from 4 April

- 2020 to 3 July 2020, when beauty salons were permitted to reopen in England – 7 weeks at £184.48 x 80% = **£1033.09**.
- 2.4. The period from 4 July 2020 to 29 October 2020 is calculated at 100% of the claimant's average weekly wage. That is 17 weeks at £184.48 per week = £2,524.16, less £233.68 earned by the claimant in September 2020 and £384.44 earned by her in October 2020 = **£1,906.04**.
 - 2.5. A Compensatory Award for future loss for a period of 26 weeks at £95.76 per week (the difference between her net weekly pay with the respondent and her net weekly pay in self-employment) = **£2,489.76**.
 - 2.6. Loss of statutory rights - **£250.00**.
3. The total award is for unfair dismissal **£5,678.89**.
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
- 4.1. The total monetary award payable to the claimant for her unfair dismissal claim is £5,678.89.
 - 4.2. The prescribed element is £2,939.13.
 - 4.3. The prescribed period is from 03/04/2020 to 29/10/2020.
 - 4.4. The difference between the total monetary award and the prescribed element is £2,739.76.
 - 4.5. The effect of Employment Protection (Recoupment of Benefits) Regulations 1996 is that the Secretary of State may recoup the benefits paid to the Claimant (or the prescribed element if less) by serving a notice on the Respondent within 21 days from when the Tribunal's decision is sent to the parties or as soon as practicable thereafter. The effect of the notice is that the Respondent must pay the recoupable amount to the Secretary of State and the balance of the prescribed element to the Claimant. Accordingly, the Respondent is not obliged to pay the prescribed element of compensation to the Claimant until either the Secretary of State has served a recoupment notice on it, or the Secretary of State has notified it in writing that it does not intend to do so. The prescribed element is any amount ordered to be paid and calculated under section 123 Employment Rights Act 1996 in respect of compensation for loss of wages before the conclusion of the Tribunal proceedings, i.e. £2,939.13.

Breach of Contract

- 4.6. The claimant's contractual entitlement to notice was six weeks' pay, calculated as 6 x £187.00 = **£1,112.00**.

Unpaid Annual Leave

- 4.7. The claimant was entitled to 3.5 days paid leave at the effective date of her termination of employment, which is calculated as **£215.23**.

Unauthorised Deduction of Wages

- 4.8. The claimant was not paid two weeks' sick pay, which is calculated as **£191.70**.

Redundancy Payment

- 4.9. The claimant' redundancy payment is calculated as six weeks' pay (at £187.00 gross per week), being a total of **£1,112.00**.

Total

- 4.10. The total payable by the respondent to the claimant is **£8,309.82**.

Employment Judge Shore
30 October 2020