



EMPLOYMENT TRIBUNALS

Claimant: Miss S. Owen
Respondent: Precious Thoughts Cards and Gifts Ltd
Heard at: East London Hearing Centre
On: 7 May 2021
Before: Employment Judge Massarella

Representation
Claimant: In person
Respondent: Mr E. Rafee (Managing Director)

JUDGMENT

The judgment of the Tribunal is that: -

1. the Claimant was unfairly dismissed;
2. the Claimant was wrongfully dismissed;
3. the effective date of termination was 31 January 2020;
4. the Claimant did not commit an act of gross misconduct before her dismissal;
5. the Claimant did, however, contribute to her dismissal by her own blameworthy conduct, to the extent of 40%;
6. the Respondent's argument that the Claimant would have been fairly dismissed in any event (*Polkey*) does not succeed;
7. the Respondent unreasonably failed to comply with the ACAS Code of Practice, and it is just and equitable to increase the compensatory award by 25%;

8. the Respondent failed to provide written particulars of employment, contrary to s.1 Employment Rights Act 1996;
9. the Claimant's claim for accrued, but untaken, holiday pay is not well-founded and is dismissed;
10. there will be a separate remedy hearing to decide how much compensation the Claimant will be awarded.

Employment Judge Massarella
Date: 7 May 2021