



# THE EMPLOYMENT TRIBUNALS

**Claimant:** Ms S Andrei

**Respondent:** Inville Management Ltd

**Heard at:** Newcastle CFCTC

**On:** 17 May 2021

**Before:** Employment Judge Newburn

**Members:**

***Representation:***

**Claimant:** Mr S Hirst (Counsel)

**Respondent:** No attendance

## JUDGMENT

1. The Claimant's claim for wrongful dismissal/failure to give notice is well-founded and succeeds. The Respondent is ordered to pay the Claimant damages for breach of contract of **£1,425.00** net. That being 3 weeks at basic weekly net rate at £1,140.00 uplifted by 25% under Section 207A of the Trade Union and Labour Relations Act 1992 (ACAS uplift).
2. The Claimant's claim for unlawful deduction from wages in respect of her arrears of pay succeeds and the Respondent is ordered to pay the gross sum of **£593.75** this being 1 weeks gross pay of £475 with an ACAS uplift applied at 25%. This is a gross award, and the Claimant shall be liable to the Inland Revenue for any payments of tax and national insurance thereon.
3. The Claimant is awarded **£950**, this being 2 weeks gross pay pursuant to Section 38 of the Employment Act 2002. (Failure to provide s1 statement)
4. The Claimant's claim for unfair dismissal is well founded and succeeds. The Respondent is ordered to pay to the Claimant **£12,834.81** consisting of:
  - 4.1. The basic award of £2,137.50;

- 4.2. A compensatory award of £10,697.31 comprised as follows:
- 4.2.1. 49 weeks net pay £380 = £18,620.00
  - 4.2.2. Plus £500 for loss of her statutory rights
  - 4.2.3. Less 3 weeks net pay awarded for wrongful dismissal £1,140.00
  - 4.2.4. Less mitigation in form of pay received in total amount of: £9,422.15
  - 4.2.5. Plus 25% ACAS uplift
5. Regulation 4(2) of the Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 apply to this award:
- (a) Grand total: £12,834.81
  - (b) Prescribed element: £10,697.31
  - (c) Period of prescribed element from 15/2/2020 – 31/12/2020
  - (d) Excess of grand total over prescribed element: £2,137.50
6. The total award is therefore **£15,803.56**

**EMPLOYMENT JUDGE NEWBURN**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON**

**17 May 2021**

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**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.