



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Lewicki

Respondent: Daisy Chain Day Care Nurseries Ltd

Heard at: Manchester **On:** 20 July 2021

Before: Employment Judge Ainscough (sitting alone)

Representation

Claimant: In person

Respondent: Not in attendance

JUDGMENT

1. The claimant's claim of unfair dismissal contrary to section 94 of the Employment Rights Act 1996 is successful.
2. In accordance with section 119 of the Employment Rights Act 1996, the respondent is ordered to pay a basic award to the claimant of **£6282.50**.
3. In accordance with sections 123 and 124 of the Employment Rights Act 1996, the respondent is ordered to pay a compensatory award to the claimant of **£10,761.37**. This award comprises of the claimant's immediate loss of wages from 27 July 2020 – 20 July 2021 of £7804.50; the claimant's future loss of wages from 21 July 2021 – 31 October 2021 of £1520.87 and for the respondent's failure to provide written particulars of employment, an award of £1436.
4. In accordance with section 10 of the Employment Relations Act 1999 the respondent is ordered to pay the claimant **£718** for the failure to allow the claimant to be accompanied at a disciplinary hearing.
5. The Employment Protection (Recoupment of Benefit) Regulations 1996 apply to this award. The prescribed element is £7804.50 attributable to 27 July 2020 – 20 July 2021. The total award is £17,761.87. The amount to be paid to the claimant, pending recoupment of benefit, is **£9957.37**.

Employment Judge Ainscough

Date 21 July 2021

JUDGMENT SENT TO THE PARTIES ON

22 July 2021

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2415503/2020**

Name of case: **Mrs L Lewicki** v **Daisy Chain Day Care Nurseries Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: **21 July 2021**

"the calculation day" is: **22 July 2021**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office

Claimant: Mrs L Lewicki

Respondent: Daisy Chain Day Care Nurseries Ltd

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.