



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Humphreys

Respondent: Ms T Humphries t/a The Ugly Duckling

Heard at: Bristol

On: 5 August 2021

Before: Employment Judge Midgley

Appearances

For the Claimant: Mr E Nall, representative

For the Respondent: Mr A Williams, solicitor

JUDGMENT

The Judgment of the Tribunal is that:

Liability

1. The claim of unfair dismissal is well-founded; the dismissal was procedurally unfair.
2. The claim of breach of contract is not well founded and is dismissed. The respondent has shown that the claimant committed gross-misconduct.

Remedy

3. A Polkey reduction of 100% is just and equitable.
4. The claimant's conduct was culpable and contributed to her dismissal. A reduction of 75% is just and equitable.
5. The respondent unreasonably failed to comply with the ACAS Code of Conduct relating to disciplinaries and an increase of 10% to the award is just and equitable.
6. The basic award is £108.90. The compensatory award is Nil.
7. The respondent has already paid the claimant £1395.00 in accordance with the Judgment of Employment Judge Cadney dated 19 August 2020, which was set aside. Accordingly, there is no order for compensation.

Employment Judge Midgley
Date: 05 August 2021

Judgment sent to the parties: 03 September 2021

FOR THE TRIBUNAL OFFICE

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.