



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant: Ms J Wall
Respondent: Alison Ross and Mark Ross
(trading as Hairbase)

Heard at: Newcastle Hearing Centre **On:** 11, 12 and 13 August 2021

Before: Employment Judge Morris (sitting alone)

Representation:

Claimant: In person (supported by Ms S Stoker)
Respondent: Mr J McHugh of counsel

JUDGMENT

The Judgment of the Employment Tribunal is as follows:

- 1) The claimant's complaint under Section 111 of the Employment Rights Act 1996 that her dismissal by the respondent was unfair contrary to Section 94 of that Act, by reference to Section 98 of that Act, is well-founded.
- 2) In respect of that unfair dismissal the Tribunal makes an award of compensation of £4,870.78, which the respondent is ordered to pay to the claimant, comprising the following elements:
 - a. a basic award of £854.70;
 - b. a compensatory award of £1,951.28.
- 3) That compensatory award has been calculated as follows:
 - a. compensation for loss of three weeks' net pay – £751.29;
 - b. loss of 'statutory rights' – £450;
 - c. the above sub-total of £1,201.29 has been increased by 15% in accordance with section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 – £180.19;

- d. there has then been added two weeks' pay in accordance with section 38(3) of the Employment Act 2002 – £569.80.
- 4) The claimant's complaint under Regulation 30 of the Working Time Regulations 1998 that the respondent failed to pay her in respect of 4.5 days' holiday that she had accrued but not taken at the termination of her employment is well-founded.
- 5) In that respect, the respondent is ordered to pay to the claimant the amount due to her being £182.65. That amount has been calculated by reference to the claimant's gross pay and any liability to income tax or employee national insurance contributions shall be the liability of the claimant alone.
- 6) The Recoupment Regulations apply to the above award of compensation for unfair dismissal set out above in respect of which the Tribunal sets out the following particulars:
 - a. the monetary award is £2,805.98;
 - b. the amount of the prescribed element is £751.29
 - c. the dates of the period to which the prescribed element is attributable are 27 July 2019 to 13 August 2021;
 - d. the amount by which the monetary award exceeds the prescribed element is £2,054.69.

EMPLOYMENT JUDGE MORRIS

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 18 August 2021**

Note

Reasons for the above Judgment having been given orally at the hearing, and no request having been made at the hearing, written reasons will not be provided unless a written request is presented within 14 days of the sending of this written record of the Judgment.

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.