



EMPLOYMENT TRIBUNALS

Claimant

Mrs J Talbot

v

Respondent

Kession Capital Limited

Heard at: Watford Employment Tribunal (by video) **On:** 28 and 29 March 2022

Before: Employment Judge Dobbie (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: Ms A Fadipe (Counsel)

JUDGMENT

1. The Claimant's claim for unfair dismissal is well founded and is upheld for the reasons given orally on 29 March 2022.
2. The Claimant's claim for wrongful dismissal is upheld for the reasons given orally on 29 March 2022.
3. The Claimant's claim for unpaid annual leave is upheld for reasons given orally on 29 March 2022.
4. For the reasons given orally on 29 March 2022: The Claimant contributed to her dismissal within the meaning of s.123(6) Employment Rights Act 1996 and the Compensatory Award has been reduced by 10% to reflect this; a similar reduction (10%) was made to the Basic Award under s.122 Employment Rights Act 1996; and an ACAS uplift of 20% was applied to the compensatory award:
5. The Respondent shall pay to the Claimant total compensation for unfair dismissal in the net sum of **£6,819.24** made up as follows:

- 1.1 **£968.40** for the Basic Award (as adjusted for a 10% contribution), calculated as follows: 2 complete years x multiplier of 1 x £538.00 = £1076.00
less 10% under s.122 ERA 1996 = **£968.40**
- 1.2 **£5,850.84** for the Compensatory Award (as adjusted for a 10% contribution and 20% ACAS uplift) calculated as follows: (7 weeks x £723.92 net weekly pay = £5067.44) + (£350 loss of statutory rights) = £5417.44.
ACAS uplift of 20%: £5417.44 x 1.2 = £6,500.93
Less 10% for contribution: £6,500.93 x 0.9 = **£5,850.84**

TOTAL for unfair dismissal claim: £5,850.84 + £968.40 = **£6,819.24**

6. Although the Claimant's claim for wrongful dismissal is upheld, she cannot recover damages for the same period of loss twice. The period which would otherwise have been her notice period is already compensated under the compensatory award above.
7. The Claimant's accrued untaken annual leave entitlement at the date of termination amounted to **£221.15** gross, which the Respondent must pay to the Claimant in addition to the above sums.

Employment Judge Dobbie

Date: 21 April 2022.....

Sent to the parties on:

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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.