



EMPLOYMENT TRIBUNALS

Claimant: Miss Amelia Radford
Respondent: Sumo Sushi Limited
Heard at: Cambridge Employment Tribunal (by CVP)
On: 4 and 5 July 2022
Before: Employment Judge Hutchings

Representation

Claimant: Mr Michael Raffell
Respondent: Mr Olivia Fuller

JUDGMENT

1. The claim for unfair dismissal is well founded. The claimant was unfairly dismissed by the respondent. The claimant is awarded **£4,021.50**, comprising the following amounts:
 - 1.1. A basic award of **£210** gross (based on a 0.5 age multiplier as the claimant is under the age of 22 years, 2 years full employment at the date of dismissal and a weekly wage of £210 gross).
 - 1.2. A compensatory award of **£3811.50**: this comprises loss of earnings of £4,620 for a period of 22 weeks from 6 April 2021 to 11 September 2021, subject to an uplift of 10% for the unreasonable failure by the respondent to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures and a reduction of 25% based on the Tribunal's determination under Polkey v AE Dayton Services Ltd [1987] UKHL 8 that had the procedure been fair there was a 25% chance that the respondent would have dismissed the claimant.
2. The claim for notice pay is not well founded; the claimant was dismissed without notice for gross misconduct.
3. The respondent is in breach of section 1 of the Employment Rights Act 1996 in failing to provide the claimant with a written statement of particulars of employment. She is awarded **£630** (3 weeks' pay).

4. The claim for breach of section 8 of the Employment Rights Act 1996 in failing to provide the claimant with written itemised pay statements at or before the time at which any payment of wages or salary was made to her is well founded. The claimant has not suffered any loss as a result of this breach and no award is made.
5. The claim for holiday pay is dismissed; for the period for which holiday pay was claimed the claimant was under the age of 16 years.
6. The claim for breach of the Children and Young Persons Act 1933 is not within the jurisdiction of the Employment Tribunal and is dismissed.

Employment Judge Hutchings

5 July 2022

JUDGMENT SENT TO THE PARTIES ON

26 July 2022

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.