



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4109579/2021

Held via Cloud Video Platform (CVP) on 27 July 2022

Employment Judge: N Buzzard

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Mrs S McCready

**Claimant
In Person**

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AMK9 Ltd

**Respondent
Not present and
Not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is as follows:

1. The claimant's claim of unfair dismissal is well founded and succeeds. The respondent is ordered to pay to the claimant compensation for this claim in the amount of **£5,377**. This sum constitutes the following parts:

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a. a basic award of £4,752, calculated on the basis of 14 years' service of which five were when the claimant was over age 41 and a gross weeks' pay of £288.

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b. A compensatory award of £625, calculated on the basis of £500 compensation for loss of statutory rights subject to an uplift of 25% because of the respondent's failure to follow the ACAS code of practice applicable to the claimant's dismissal.

2. The claimant's claim that she was wrongfully dismissed, because of a failure to give her statutory minimum notice of dismissal, is well founded and succeeds. The respondent is ordered to pay to the claimant compensation of **£4,415.40**. This is calculated as 12 weeks' pay (£3,456) plus 12 weeks' loss of pension benefit (£76.32), all subject to an uplift of 25% because of the

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respondent's failure to follow the ACAS code of practice applicable to the claimant's dismissal. The compensation for this claim is taxable and must be declared to the relevant tax authorities when paid.

3. The claimant's claim that she is owed compensation for accrued and untaken holiday on termination of her employment is well founded and succeeds. The respondent is ordered to pay to the claimant compensation of **£792**. This is calculated as 11 days' holiday pay, 9.5 days untaken in 2020 (carried forward because the claimant was on long term sick for the last three months of the year and thus unable to take the leave) and 1.5 days leave accrued in 2021 prior to the date of termination of the claimant's employment. The claimant's daily rate of pay is £72.
4. The claimant's claim that unlawful deductions from her wages were made is will founded and succeeds. The respondent is ordered to pay to the claimant compensation of **£2,583.22**. This is calculated as ten weeks' contractual sick pay (£2,880) less sick pay paid (£517.59), plus unpaid pension contributions for the period from April 2020 to January 2021 (£220.81).
5. The claimant's claim that she was not provided with a statement of terms of her employment is not well founded and is dismissed.
6. The claimant's claim for a redundancy payment is not well founded and dismissed.

Employment Judge: N Buzzard
Date of Judgment: 27 July 2022
Entered in register: 29 July 2022
and copied to parties

Note

Reasons for the judgment having been provided 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.