



EMPLOYMENT TRIBUNALS

Claimant: Gemma Haynes
Respondent: SCB (Skip Hire) Limited
Heard at: Remotely by Cloud Video Platform
On: 16 June 2022
Before: Employment Judge Heather
Appearances: Litigant in person

JUDGMENT

Unfair dismissal

1. The complaint of unfair dismissal is well founded and succeeds.
2. The respondent is ordered to pay the claimant:
 - a. A basic award of **£1,923.08**
 - b. A compensatory award of **£25,000** calculated as follows:
 - i. Financial losses = £31,732.32
 - ii. Applying the ACAS uplift ($£31,732.32 \times 20\%$ pursuant to section 207A(2) Trade Union and Labour Relations (Consolidation) Act 1992) = £38,078.75
 - iii. Applying the statutory cap of 52 weeks' pay = compensatory award of £25,000

Unlawful deductions from wages

3. The complaint of unlawful deductions from wages is well founded and succeeds.
4. The respondent is ordered to pay the claimant arrears of pay in the gross sum of **£2,083.33** (that is, before any deductions for tax and national insurance as appropriate).

Holiday pay claim

5. The complaint of failure to pay holiday pay is well founded and succeeds.
6. The respondent is ordered to pay the claimant the gross sum of **£778.83** (that is, before any deductions for tax and national insurance as appropriate).

Wrongful dismissal

7. The complaint of wrongful dismissal is well founded and succeeds.
8. No separate award is made over and above the compensatory element of the unfair dismissal award.

Failure to provide written particulars of employment

9. The respondent is ordered to pay the claimant the sum of **£1,947** being the higher award under section 38 Employment Act 2002.

Recoupment

10. For the purposes of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 Regulations the Prescribed Period is 31 December 2020 to 16 June 2022. The Total Award payable is **£31,732.32** and the Prescribed Element is **£20,600** and the sum of **£11,132.32** is due to be paid to the Claimant immediately.

Total due

11. Therefore, the total amount to be paid to the Claimant is **£31,732.32**.

Employment Judge **Heather**

Date: 16 June 2022

JUDGMENT SENT TO THE PARTIES ON

12 August 2022

AND ENTERED IN THE REGISTER

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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.