



EMPLOYMENT TRIBUNALS

Claimant: Miss M Murphy

Respondent: LFH (Fowey Hall) Limited

Heard at: Exeter

On: 24 to 28 October 2022

Before: Employment Judge C H O'Rourke
Mr I Ley
Ms E Meehan

Representation:

Claimant: in person

Respondent: Mr C Adjei - counsel

JUDGMENT

1. The Respondent constructively unfairly dismissed the Claimant.
2. The Claimant's application to amend her claim to include a claim of unlawful deduction from wages being granted, the Respondent unlawfully deducted £362 from her wages for the months of November and December 2020.
3. The Claimant's claims of disability discrimination and automatic unfair dismissal and detriment on the grounds of protected disclosure fail and are dismissed.

4. The Respondent is ordered to pay the Claimant the sum of £3044.18 (subject to recoupment of benefit payments under the Recoupment Regulations 1996), as set out in the schedule attached.

Employment Judge O'Rourke

Date: 31 October 2022

JUDGMENT SENT TO THE PARTIES ON
8th November 2022 by Miss J Hopes

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.

Remedy Schedule

Unfair Dismissal

<u>Basic Award</u> – the agreed sum of	£ 630.00
<u>Less</u> 40% deduction for contributory fault (s.123(6))	(£ 252.00)
<u>Total Basic Award</u>	<u>£ 378.00</u>

Compensatory Award

Prescribed Element

Loss of Earnings from 9 January to 30 April 2021 (at the agreed sum of)	£3593.50
Agreed sum for pension contributions for the same period	£ 80.00
<u>Sub-total</u>	<u>£3673.50</u>

Less

Two weeks' earnings in April	(£ 348.20)
<u>Sub-total</u>	<u>£3325.30</u>
<u>Less</u> 40% deduction for contributory fault (s.123(6))	(£1330.12)
<u>Total Prescribed Element</u>	<u>£1995.18</u>

Non-Prescribed Element

Loss of Statutory Rights	£ 500.00
Interview attendance costs	£ 15.00
<u>Sub-total</u>	<u>£ 515.00</u>

Less

40% deduction for contributory fault (s.123(6))	(£ 206.00)
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<u>Total Non-Prescribed Element</u>	<u>£ 309.00</u>
Total Award Unfair Dismissal	<u>£2682.18</u>
 <u>Unlawful Deduction from Wages</u>	
The agreed sum of	<u>£ 362.00</u>
 <u>Grand Total Award</u>	 <u>£3044.18</u>

Information required under Regulation 4(1)

Total Award Unfair Dismissal - £2682.18

Total 'Prescribed Element' - £1995.18 (for the period 9 January to 30 April 2021)

Total Award exceeds Prescribed Element by £687.