



EMPLOYMENT TRIBUNALS

Claimant: Ms W Belton

Respondent: Gold Cover Insurance Service Ltd

Heard at: London South, by video

On: 16th November 2022

Before: Employment Judge Reed

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT

1. The Claimant's complaint that she was unfairly dismissed is well founded. The Respondent unfairly dismissed the Claimant. The Respondent must pay the Claimant a basic award of £1,961.52.
2. The Claimant's complaint for breach of contract, specifically that she was constructively dismissed by the Respondent, is well founded. The Tribunal awards £326.92 gross in compensation for breach of contract. This is equivalent to the one week's pay that the Claimant lost as the result of the summary dismissal (the Claimant was entitled to four weeks notice but mitigated her loss after one week).
3. The Tribunal would have awarded the same figure of one week's pay in relation to unfair dismissal as a compensatory award, but has not done so to avoid double recovery with the award for breach of contract.
4. The Claimant's complaint that she was not paid a statutory redundancy payment is not well founded and is dismissed. The Claimant was not dismissed by reason of redundancy.
5. The Claimant's complaint that she was not paid sums due to her in relation to holiday pay is well founded. Specifically, the Claimant was not paid compensation for annual leave untaken on termination pursuant to regulation 14 of the Working Time Regulations 1998. The Tribunal awards compensation of £326.92 gross.
6. The Claimant did not receive a statement of initial employment particulars as required by s1 Employment Rights Act 1996. The Tribunal considers that it is just and equitable in all the circumstances to uplift its award by a further four weeks' pay, being £1,307.68.
7. Where the above amounts have been ordered gross the Respondent is responsible for making the necessary payments of tax to HMRC.

Employment Judge Reed
Date: 16 November 2022

Sent to the parties on
Date: 5 December 2022

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.