



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Dillingham

**Respondent:** CA Technical Software Ltd T/A Computer Assistance

**Heard at:** Watford (by CVP)

**On:** 16 March 2023

**Before:** Judge Cowx (sitting alone)

## REPRESENTATION:

**Claimant:** Mr David Parry, Solicitor

**Respondent:** Mr Raphael Moroney, Managing Director

# JUDGMENT ON REMEDY

The judgment of the Tribunal is as follows:

1. The complaint of unfair dismissal under Part X Employment Rights Act 1996 is well-founded. The claimant was unfairly dismissed. The respondent is ordered to pay the claimant the following:
  - (a) A basic award in the sum of £1993.86.
  - (b) A compensatory award in the sum of £13,764.88. This award includes an uplift of 25% pursuant to section 207A Trade Union & Labour Relations (Consolidation) Act 1992 because the respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015.
2. The total monetary award for unfair dismissal is £15,758.74, being the total of the basic and compensatory awards. The recoupment regulations do not apply to this award.
3. The claimant's claim of breach of contract in relation to 3-weeks' notice pay is well-founded. The respondent is ordered to pay the claimant the sum of £1329.24 as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will be taxed upon it as Post Employment Notice Pay.

4. The claimant's claim of unpaid wages is well-founded and the respondent is ordered to pay the claimant the sum of £1440.01. This figure has been calculated using gross monthly pay and the respondent is to deduct from that amount the required sum payable to HM Revenue and Customs for Income Tax and National Insurance.
5. The claimant's claim of unpaid holiday pay is well-founded and the respondent is ordered to pay the claimant the sum of £379.94. This figure has been calculated using gross monthly pay and the respondent is to deduct from that amount the required sum payable to HM Revenue and Customs for Income Tax and National Insurance.
6. The Tribunal also found that the respondent was in breach of its duty under Section 38 of the Employment Act 2002 to provide the claimant with full and accurate written particulars of employment and is ordered to pay the claimant the sum of £886.16, the amount equal to 2-weeks pay.

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Judge Cowx

16 March 2023

JUDGMENT SENT TO THE PARTIES ON

31/3/2023

NG - 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.

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