



EMPLOYMENT TRIBUNALS

Claimant: Miss K Jones Duggan

Respondents: 1. Nicholas Friar
2. HYPHA Restaurants Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim was issued in the North West Employment Tribunals on 31 December 2022. The respondents have failed to present valid responses on time. The Employment Judge has decided that a determination can properly be made of those parts of the claim which have not been withdrawn, in accordance with rule 21 of the Rules of Procedure.
2. Since the only complaints for which Mr Friar could have been personally liable have been withdrawn, the complaints against Mr Friar are dismissed. References to “the respondent” in the remainder of this judgment are to HYPHA Restaurants Limited.
3. The claimant was dismissed in breach of contract by being given only one week’s notice of termination rather than the one month’s notice to which the claimant was entitled and the respondent is ordered to pay damages to the claimant in the sum of £2243.59 (£1794.87 being the amount due for the balance of the notice period plus £448.72 being a 25% increase for failure to comply with the ACAS Code of Practice on Discipline and Grievance). This is a net sum but is based on the claimant’s gross pay because it is likely that upon receipt the claimant will have to pay tax on this amount as Post Employment Notice Pay.
4. The respondent was in breach of contract by failing to pay over to the claimant’s pension scheme employee contributions of £396.81 which had been deducted from the claimant’s wages and employer’s pension contributions of £297.60 and the respondent is ordered to pay to the claimant damages of £868.01 (employee’s and employer’s contributions totalling £694.41 plus £173.60 being a 25% increase for failure to comply with the ACAS Code of Practice on Discipline and Grievance).
5. The respondent has made an unauthorised deduction from wages by failing to pay the claimant in lieu of accrued but untaken holiday entitlement and is ordered to pay the claimant

the gross sum of £1233.18 (being £986.54 for 9 days' holiday plus £246.64 increase for failure to comply with the ACAS Code of Practice on Discipline and Grievance). The respondent is to pay this sum less the appropriate deductions for tax and national insurance, if any, for which it must account to HMRC.

6. The respondent was in breach of section 92 Employment Rights Act 1996 by failing to provide the claimant, following a request made by the claimant, with a written statement giving particulars of the reasons for her dismissal. The respondent is ordered to pay to the claimant the sum of 2 weeks' pay, being a total of £1076.92. This award is not one to which an ACAS uplift can apply.
7. The complaints of unfair dismissal, age discrimination, sex discrimination and about failure to pay a statutory redundancy payment are dismissed on withdrawal by the claimant.
8. In accordance with Rule 66, the sums awarded must be paid within 14 days of the date of this judgment.
9. The hearing listed on 19-21 December 2023 is cancelled.

Employment Judge Slater

Date: 30 March 2023

JUDGMENT SENT TO THE PARTIES ON

5 April 2023

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2410368/2022**

Name of case: **Miss K Jones** v **1. Nicholas Friar**
Duggan **2. HYPHA Restaurants**
Limited

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 5 April 2023

the calculation day in this case is: 6 April 2023

the stipulated rate of interest is: **8% per annum**.

For the Employment Tribunal Office