



EMPLOYMENT TRIBUNALS

Claimant: Miss J Fishwick

Respondent: Catwalk Dogs St Helens Ltd

Heard at: Manchester (by CVP)

On: 27th June 2023

Before: Deputy Upper Tribunal Judge Farrelly

REPRESENTATION:

Claimant: In person and her with mother, Mrs Fishwick

Respondent: Mr C O'Brian, Manager

JUDGMENT

Employment Tribunal Rules of Procedure, Rule 21

The judgment of the Tribunal is as follows:

Unfair dismissal claim

1. The complaint of unfair dismissal is well-founded and succeeds. The claimant was unfairly dismissed. The following awards are made.
 - (a) A basic award of **£3635.28**. This is calculated on the basis of 11 years' service multiplied by the age factor, her date of birth being 26 July 1990, at £330.48 gross per week pay.
 - (b) A compensatory award of **£771.25**. This is calculated as follows:
 - (i) 2 days' lost pay at £58.50 net per day =£117 as per the schedule of loss provided on her behalf. The claimant was summarily dismissed on the 23rd of September 2022 and started alternative employment on the 28th of September 2022.
 - (ii) £500 is awarded as compensation for the loss of the statutory right to bring an unfair dismissal claim.
 - (iii) An uplift of 25% (£617 x 25% = £154.25) due to the respondent's unreasonable failure to follow the ACAS Code of Practice.

Wages claim

2. The complaint of unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 is well-founded. The respondent made an unauthorised deduction from the claimant's pay in respect of the period 1 April 2022 until her dismissal on the 23rd of September 2022 by underpaying her £0.32 per hour below the applicable national minimum wage. This equated to £11.52 per week based on a 36-hour week for 25 weeks. The respondent is ordered to pay to the claimant the gross sum of **£288.00**.

Payslips

3. The tribunal declares that the respondent failed throughout to give the claimant itemised pay statements as required by section 8 Employment Rights Act 1996.

Breach of Contract.

4. The claim for notice pay is dismissed. The claimant's legal representatives in the schedule of claim have not pursued a claim for breach of contract for failure to give notice, and this was not pursued at the hearing.

Total Award

5. The total monies awarded are as follows:

For unfair dismissal: £4406.53

Deductions from wages: £ 288.00

Total : **£ 4694.53**

Deputy Upper Tribunal Judge Farrelly

11 July 2023

JUDGMENT SENT TO THE PARTIES ON

20 July 2023

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.

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

Tribunal case number: **2403093/2023**

Miss J Fishwick v Catwalk Dogs St Helens Ltd

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 20 July 2023

"the calculation day" is: 21 July 2023

"the stipulated rate of interest" is: **8%**

Mr P Guilfoyle
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.