



EMPLOYMENT TRIBUNALS

Claimant: Ms W Richards

Respondent: Mr K M Bowen

HELD AT/BY: Wrexham by CVP **on:** 17-18th July 2023

BEFORE: Employment Judge T. Vincent Ryan

REPRESENTATION:

Claimant: Ms D Bowd, CAB

Respondent: Litigant in Person

JUDGMENT

The judgment of the Tribunal is:

1. The claimant's claim that the respondent made unauthorised deductions from her wages is dismissed upon the claimant withdrawing it.
2. The claimant's claim that the respondent failed to pay to her five days' accrued holiday pay succeeds having been conceded by the respondent. The respondent shall pay to the claimant the sum of **£622.50**, subject to the usual statutory deductions, in respect of this judgment.
3. The claimant was dismissed in breach of contract with regard to due notice of termination. No separate award is made in the light of the award below.
4. The claimant was unfairly, constructively, dismissed by the respondent on 21st November 2023, by reason of a fundamental breach of the implied term of trust and confidence. The claim of Unfair Dismissal succeeds.
5. In respect of the judgment at paragraph 4 above (and in addition to the award at paragraph 2 above) the respondent shall pay to the claimant (subject to the Recoupment provisions as explained) the grand total of **£25,391.35** made up as follows:

5.1. Basic Award: £3,426.00

5.2. Compensatory Award:

- 5.2.1. Loss of earnings 22.11.22 – 18.07.23
34 weeks' pay at £569 net pw £19,346.00
- 5.2.2. Loss of statutory rights at 1 week's pay £622.50

5.3. Recoupment information:

- 5.3.1. Grand Total Compensatory Award: £19,968.50
- 5.3.2. Prescribed element: £19,346.00
- 5.3.3. Period of prescribed element: 21.11.22 – 18.07.23
- 5.3.4. Excess of Grand Total over Prescribed Element: £622.50

5.4. Uplift in respect of ACAS Code: £19,968.50 X 10% = £1,996.85

Employment Judge T.V. Ryan

Date: 18 July 2023

JUDGMENT SENT TO THE PARTIES ON 24 July 2023

FOR THE TRIBUNAL OFFICE Mr N Roche

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.