



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Bibi  
**Respondent:** The Trustees of Al Madaar (a charity)  
**Heard at:** East London Hearing Centre  
**On:** 12, 13 & 14 July 2023  
**Before:** Employment Judge John Crofill  
**Members:** Ms M Daniels  
Mrs J Isherwood

## Representation

**Claimant:** In person  
**Respondent:** Mr Tucker (Chair of the Trustees) in person

# JUDGMENT

1. The Tribunal reconsidered the decision to initially reject the Claimant's ET1. It determined that the Legal Officer had failed to appreciate that:
  - a. Al Madaar (the entity named in the ACAS Early Conciliation Certificate) is an unincorporated association; and
  - b. That Jamah Tucker, the person named as the Respondent in the ET1 was the chair of the trustees of that association; and
  - c. That she had not considered (or had given no reasons) as to whether the difference in names was 'an error' in relation to the named Respondent such that it would not be in the interests of justice to reject the ET1 for the purposes of Rule 12(2A) of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
2. The Tribunal determined that if there was an error made by naming Jamal Tucker as a Respondent then it was 'an error' and that it was not in the interests of justice to have rejected the ET1. Accordingly the ET1 is treated as having been presented on 9 May 2021.

3. The Claimant's claim for unfair dismissal brought pursuant to Part X of the Employment Rights Act 1996 is well founded and succeeds.
  - a. The Claimant was continuously employed by the Respondents (or deemed to be continuously employed pursuant to the Transfer of Undertakings Protection of Employment etc) Regulations 2006 and/or Section 218 of the Employment Rights Act 1996) from 15 February 2020.
  - b. The Claimant is entitled to a basic award of £456.00 calculated on the basis that:
    - i. 'one weeks' pay' was £114
    - ii. The Claimant was continuously employed for 4 full years; and
    - iii. That she was over the age of 22 and under the age of 41 for each of those 4 years; and therefore
    - iv. Her basic award is  $4 \times £114 = \mathbf{£456.00}$
4. Pursuant to section 123 of the Employment Rights Act 1996 the Tribunal determined that the Claimant's employment would have terminated by reason of resignation or dismissal taking effect on 15 April 2021.
5. The Tribunal had insufficient time to determine the level of compensatory award should be made to the Claimant and has made directions for the determination of any remaining dispute.
6. The Claimant's claim for direct discrimination because of sex contrary to Sections 13 and 39 of the Equality Act 2010 is not well founded and is dismissed.
7. The Claimant's claim for notice pay brought pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is well founded and succeeds. The Tribunal find that the earliest date that the Claimant's contract could lawfully be terminated under its terms was 15 April 2021.
8. The Tribunal had insufficient time to calculate what, if any loss and damage the Claimant has suffered as a consequence of the Respondents breach of contract and had made directions for the resolution of any dispute.
9. The Claimant's claim for arrears of wages brought pursuant to Part II of the Employment Rights Act 1996 is well founded to the extent that:
  - a. the Respondents had a unilateral right to vary the Claimant's hours of employment at the commencement of each academic year but not her rate of pay; and
  - b. That the reduction of the Claimant's rate of pay from £12:00 per hour to £8.50 was unlawful.

- c. The Respondent made unlawful deductions from the Claimant's wages in September, October and November 2020 in the amounts shown below:
- i. September the Claimant was entitled to be paid £373.09 but was paid only £264.27 an unlawful deduction of £108.82
  - ii. October the Claimant was entitled to £373.09 but was paid only £264.27 an unlawful deduction of £108.82.
  - iii. November the Claimant was entitled to £373.09 but was paid only £211.42 an unlawful deduction of £161.47.
- d. The total sum unlawfully deducted from the Claimant's wages is **£379.31**.
10. The Respondent's counterclaim brought pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 succeeds to the extent that the Claimant is indebted to the Respondent in respect of 24 hours and 2 minutes paid at the rate of £12 per hour but not worked. The sum to which the Claimant is indebted to the Respondent =  $24.0333 \times £12 =$  **£288.40**
11. The Tribunal determined that it would not be just and equitable to uplift any of the awards due to the Claimant by reason of any failure to follow an applicable ACAS code of practice.
12. The Respondents are ordered to pay the Claimant:
- a. **£379.31** in wages (which should be paid less any deductions required by law).
  - b. **£456.00** by way of a basic award
13. The Claimant is ordered to repay the Respondents the sum of **£288.40**

**Employment Judge Crosfill  
Dated: 3 August 2023**