



EMPLOYMENT TRIBUNALS

Claimant: Ms Angela Evers
Respondent: Mr Hennessey Thompson t/a Thompson & Co
Heard at: Watford via CVP **On:** 27 March 2023
Before: Employment Judge Havard

Representation:
Claimant: Mr K Harris, Counsel;
Respondent: Miss Ajibade, Consultant.

JUDGMENT

Judgment dated 27 March 2023 having been sent to the parties and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following written reasons are provided.

By consent, it was the decision of the Tribunal that:

1. The Claimant's claim of unfair constructive dismissal is well-founded and succeeds;
2. The Claimant's claim in respect of holiday pay is well-founded and succeeds;
3. In respect of the claim for unfair constructive dismissal, the Respondent shall pay to the Claimant the agreed sum of £34,870.56, made up of a basic award of £9,761.43, a compensatory award in the net amount of £17,800.39, notice pay in the net amount of £5,647.20, and the sum of £1,661.54 in respect of the Respondent's failure to provide the Claimant with written particulars of employment;
4. In respect of the claim for holiday pay, the Respondent shall pay the Claimant the agreed sum of £1,129.44;
5. If the Claimant wishes to apply for an order for costs, she must do so within 28 days of the date of this judgment.

REASONS

1. This claim was listed for three days, commencing on 27 March 2023.
2. On the morning of 27 March 2023, prior to the commencement of the hearing, the Respondent's representative sent a letter to the Tribunal stating that:

"...the Respondent concedes unfair constructive dismissal and holiday pay but reserves position on remedy in regard to mitigation of loss and ask that the Tribunal issue a judgment on liability only and that the hearing be converted to a remedy hearing."
3. On commencing the hearing, it was confirmed that the Claimant's claims of unfair constructive dismissal and holiday pay were not contested and time was requested to enable the parties to attempt to resolve the amount of compensation payable to the Claimant. A significant amount of time was afforded to the parties throughout the day to enable them to seek a resolution.
4. Eventually, in the afternoon of 27 March 2023, the Tribunal was informed that settlement had been reached and a draft Consent Order was submitted. The draft Consent Order confirmed that the claims of unfair constructive dismissal and holiday pay were conceded, and included particulars of the amounts to be paid in respect of each head of claim as set out above.
5. A revision to the wording of the Consent Order was proposed and read out to the representatives. Both representatives accepted the revised wording without further submission or comment. It was on this basis that the judgment was made and subsequently promulgated.

Employment Judge Havard

Dated: 4 July 2023

REASONS SENT TO THE PARTIES ON

28 September 2023

FOR THE EMPLOYMENT TRIBUNALS