



EMPLOYMENT TRIBUNALS

Claimant: Ms Rebecca Mcwatt

Respondent: Italia2U Limited

Heard: at Leicester, in public **On:** 29 August 2023

Before: Employment Judge Clark (Sitting Alone)

Representation

Claimant: Ms McWatt in person

Respondent: Did not attend and was not represented.

JUDGMENT

UPON the respondent not entering a response on time and Judgment having been entered for the claimant subject to this remedy hearing determining the amount of compensation.

AND UPON the respondent not appearing or being represented but submitting brief documentation concerning the claimant's employment which has been accepted.

AND UPON the tribunal accepting the claimant's evidence on her financial losses as a result of the dismissal.

The tribunal's remedy judgment is that: -

1. The claimant's claim of unauthorised deduction from wages having succeeded, the respondent shall pay the claimant the sum of **£759.56**.
2. The claimant of unfair dismissal having succeeded, the respondent shall pay the claimant compensation in the further sum of **£10,999.70**. Calculated as follows: -
 - a. A basic award of £1,137.90 (4 x 1.5 x £189.65)¹
 - b. A compensatory award for past loss of £5,655.03 (of which £250 represents loss of statutory rights).
 - c. A compensatory award for future loss of £2,275.80.
 - d. An uplift of 25% on the total of compensatory awards at b and c (but not the basic award at a) in accordance with section 124A of the Employment Rights Act 1996 and section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 in the sum of £1,982.71.

¹ Post hearing note – An incorrect rate of a week's pay was applied during the hearing. The rate should be the average as calculated at the date of termination, not the earlier average in respect of the claim of deduction from wages.

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- e. An additional award under section 38 of the Employment Act 2002 at the higher rate of 4 weeks in the sum of £758.60.
- f. An adjustment under section 124 of the Employment Rights Act 1996 reducing the total compensatory award to the statutory cap which in this case is £9,861.8 (52 x £189.65). The total of the compensatory awards set out above at b-e is £10,672.14, exceeding the cap by the sum of £810.34.²

EMPLOYMENT JUDGE R Clark

DATE 5 September 2023

JUDGMENT SENT TO THE PARTIES ON
23rd October 2023

AND ENTERED IN THE REGISTER

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FOR SECRETARY OF THE TRIBUNALS

Reasons having been given orally at the conclusion of the hearing, written reasons will not be provided unless they were requested at the hearing or written application is made within 14 days of this judgment being sent to the parties.

² Post hearing note – The adjustments at paragraphs 2d and 2e were left out of account at the hearing when checking against the statutory cap. They should be included meaning the award is subject to the statutory cap adjustment.