



EMPLOYMENT TRIBUNALS

Claimant: Ms. L Foley

Respondent: Post Mill Garage (Wymondham) Ltd

Heard at: Watford Employment Tribunal (by CVP) **On:** 5 September 2023

Before: Employment Judge Heathcote (sitting alone)

Representation

Claimant: In person.

Respondent: Mr. J Cooper, Director.

JUDGMENT

The decision of the Tribunal is that:

1. The complaint of unfair dismissal is well founded. This means the Respondent unfairly dismissed the Claimant.
2. The Respondent unreasonably failed to comply with the ACAS Code of Practice in relation to disciplinary and grievance and consequently the award due to be paid to the Claimant is uplifted by 25%.
3. The complaint for breach of contract in relation to a failure to pay notice pay is well founded.
4. The Respondent is ordered to pay compensation to the Claimant in accordance with the Schedule below.
5. The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations apply, and for those purposes:

- a. The monetary award is **£3,941.50**;
- b. The amount of the prescribed element is **£1,425.00** (being immediate loss of earnings payable as part of the compensatory award and which must be held until the question of recoupment has been resolved);
- c. The prescribed period runs from 23 November 2022 (the effective date of termination) until 5 September 2023 (date of remedy hearing); and
- d. The amount by which the monetary award exceeds the prescribed element is **£2,516.50** (following the reservation of the prescribed element and payable to the Claimant immediately).

Schedule

1. The Respondent must pay the Claimant the following awards:
 - a. Basic award: **£1,976.00**;
 - b. Compensatory award: **£1,737.50***.
 - c. Balance of statutory notice pay: **£228.00**
2. Consequently, the respondent must pay to the Claimant the **grand total** of **£3,941.50**.
3. **Explanation of compensatory award:*
 - a. *£1,140.00 in respect of lost earnings to 16th January 2023;*
 - b. *£250.00 in respect of lost statutory rights;*
 - c. *PLUS an uplift of 25% following the Respondents' unreasonable failure to follow ACAS Code of Practice.*

Employment Judge Heathcote

Date: 5 September 2023

JUDGMENT & REASONS

SENT TO THE PARTIES ON

18 October 2023.....

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FOR THE TRIBUNAL OFFICE

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.