



EMPLOYMENT TRIBUNALS

Claimant: Mrs Wendy Luckwell

Respondent: Mr N.D Brandon-King Trading as Kings Lettings

Heard at: Watford (remotely) **On:** 26.01.2023 and 27.01.2023

Before: Judge L Mensah remotely

Representation

Claimant: In person

Respondent: Not in attendance on either date

FINAL JUDGMENT

1. The Tribunal orders are,
2. The claim for constructive dismissal is made out and succeeds. The Respondent is ordered to pay the Claimant,
 - £16,048.00 basic award. The Claimant was employed for 34 years and was aged 60 at the date her employment ended. This is the net figure. **The gross figure is £1302.69 per week and the net figure is £544.00. The period is 29.5 weeks.**
 - £38,138.16 (net) or £67,740.00 (gross) compensatory award for loss of earnings for a period of 12 months following the end of her employment.
 - £2010.00 employer pension contributions for the same period at 3%.
 - £500.00 for her loss of statutory rights.
 - I uplift the compensatory award overall by 15% to reflect the failure to follow the ACAS Code in both the grievance and disciplinary procedures.

The total sum is £62,416.88 (net) **includes the 15% uplift. The gross figure is £111,890.00 (including the £500 loss of statutory rights).**

The gross compensatory award is reduced to the statutory cap of £89,493.00 as the Claimant was dismissed on the 31 August 2021.

3. The gross figure is payable after the relevant deductions of tax and national insurance. The Claimant has informed the Tribunal she did not claim any benefit during the relevant period. If the Recoupment Regulations apply to this award. The prescribed element is £43,858.90. The period prescribed is the 01.09.2021 to 31.08.2022. The excess of the prescribed element is £5720.72. The annex to this judgment explains the operation of the Recoupment Regulations.

Employment Judge **Mensah**

Date 27.01.2023

CORRECTED ON THE 27.10.2023

JUDGMENT SENT TO THE PARTIES ON

16.11.2023

L Bakare
FOR THE TRIBUNAL OFFICE

Notes¹

¹ 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.