



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss E L Delpinto

**Respondent:** Farmhouse Kitchen Huntleys Limited

**Heard at:** Liverpool (by video hearing)

**On:** 30 November 2023

**Before:** Employment Judge Aspinall

## REPRESENTATION:

**Claimant:** in person, supported by care coordinator Mrs Nuttall

**Respondent:** No Appearance

## JUDGMENT

1. The claimant's complaint of automatically unfair dismissal under Section 99(3)(a) is well founded and succeeds. She was dismissed whilst pregnant and immediately after requesting leave for maternity related reasons.

2. The claimant's complaint of maternity discrimination was well founded and succeeds. She was treated unfavourably during the protected period because of her pregnancy in that she was denied a second pregnancy risk assessment, required to continue lifting heavy items, denied pay for time attending ante-natal appointments and required to take annual leave instead. She was discriminated against when she indicated the intention to take maternity leave in that she was told that she would not be paid for any maternity related absence.

3. The claimant's complaint of unauthorised deduction from wages succeeds. Three days wages properly payable to her were withheld from her on termination of her employment.

**The respondent is ordered to pay £666.80 to the claimant made up as follows:**

4. In respect of unfair dismissal basic award it must pay £ 416.80 being three weeks gross pay at the rate of £ 10.42 per hour gross for a 40 hour week.

5. In respect of the unauthorised deduction from wages it must pay 4 days pay at £ 83.36 gross per day being £ 250

6. I will decide how much the respondent must pay to the claimant for her unfair dismissal compensatory award and for her injury to feelings award for discrimination and any other losses and awards at a hearing on 18 December 2023. The respondent has not defended the claim so may only be permitted to participate in that hearing to the extent that I allow on the day.

---

Employment Judge Aspinall

DATE 30 November 2023

JUDGMENT SENT TO THE PARTIES ON  
30 November 2023

FOR THE TRIBUNAL OFFICE

**Notes**

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2407832/2023**

Name of case: **Miss E L Delpinto** v **Farmhouse Kitchen  
Huntleys Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 30 November 2023

**the calculation day** in this case is: 1 December 2023

**the stipulated rate of interest** is: **8% per annum**.

Mr S Artingstall  
For the Employment Tribunal Office

## GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:  
[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](https://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.