



EMPLOYMENT TRIBUNALS

Claimant: Miss G M Edwards

Respondent: Jam'n'vegan

Heard at: Birmingham (via CVP) **On:** 11 December 2023

Before: Employment Judge Edmonds

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT

Notice Pay

1. The complaint of breach of contract in relation to notice pay is well-founded.
2. The respondent shall pay the claimant **£1,000.00** as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post Employment Notice Pay.

Holiday Pay

3. The complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant in accordance with regulation 14(2) of the Working Time Regulations 1998.
4. The respondent shall pay the claimant **£250.00** gross. The respondent shall be entitled to make any deductions which are due for tax and National Insurance Contributions, but if the respondent does not then the claimant will be responsible for paying any tax or National Insurance.

Redundancy Payment

5. Under section 163 Employment Rights Act 1996 it is determined that the claimant is entitled to a redundancy payment of **£1,000.00**.

Unfair Dismissal

6. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
7. The respondent shall pay the claimant the following sums, subject to the recoupment provisions:
 - a. There is no basic award because a statutory redundancy payment has been awarded as set out above.
 - b. A compensatory award of:
 - i. In respect of the period from 15 February 2023 (the two week notice period following dismissal on 1 February 2023 having been accounted for in the award for notice pay above) to 23 July 2023: **£11,705.05**
 - ii. In respect of the period from 24 July 2023 to 11 December 2023: **£1,860.29**
 - iii. In respect of the period from 11 December 2023 to 10 June 2024: **£2,144.52**
 - iv. In respect of loss of statutory rights, **£500.00**
8. No account has been taken in the above figures for any benefits received by the claimant, which are addressed through the recoupment provisions below.
9. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
 - a. The total monetary award (i.e. the compensatory award plus basic award) payable to the claimant for unfair dismissal is **£16,209.86**.
 - b. The prescribed element (which does not include pension losses or loss of statutory rights) is **£12,983.00**.
 - c. The period of the prescribed element is from 15 February 2023 to 11 December 2023.
 - d. The difference between (a) and (b) is **£3,226.86**
10. All of the figures in this Unfair Dismissal section of the Judgment have been calculated on a gross basis. The respondent shall be entitled to make any deductions which are due for tax and National Insurance Contributions, but if the respondent does not then the claimant will be responsible for paying any tax or National Insurance.

Employment Judge Edmonds

11 December 2023

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 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/>