



EMPLOYMENT TRIBUNALS

Claimant: Miss E L Delpinto

Respondents: 1. Farmhouse Kitchen Huntleys Limited
(in creditors voluntary liquidation)
2. Mr Martin Yates
3. The Courtyard at Huntleys Limited

Heard at: Liverpool (by CVP) **On:** 31 January 2024

Before: Employment Judge Aspinall

REPRESENTATION:

Claimant: in person

Respondent 1 no appearance
Respondent 2 Mr Martin Yates
Respondent 3 Ms Kaley Smith

REMEDY JUDGMENT

The judgment of the Tribunal is that the respondent(s) is/are ordered to pay to the claimant **£ 18 479 made up as follows:**

1. a compensatory award for unfair dismissal of £ 13 479 comprising

Loss of earnings from date of dismissal to date of commencement of maternity leave
30 June 2023 – 2 November 2023, 17 weeks at £ 416.80 gross average weeks pay
being £ 7085 plus

Loss of maternity pay for 6 weeks at 90% of gross week's pay £375 being £ 2250
plus

Loss of earnings during maternity leave for 22 weeks at statutory maternity pay of £
172.48 being £ 3794 to the date of 1 April 2024 (ie future loss) when the claimant
expects to return to some part time paid work plus

Loss of statutory rights awarded at £ 350 plus

2. an award for injury to feelings

Made in the lower Vento band for the distress, upset, anger, humiliation and worry caused to the claimant by the acts of discrimination being £ 5000 giving at total of

£ 7085 + £ 2250 + £ 3794 + £350 + £ 5000 = £ 18479.00

3. A basic award of £ 666.80 was ordered at the remedy hearing convened on 18 December 2023.

Recoupment Provisions

If the claimant has been in receipt of benefits then DWP is entitled to seek recoupment of those benefits from the respondent in respect of the loss of earnings part of the compensatory award. It is not clear what if any benefits the claimant has received. DWP requires the following information:

The prescribed element £ 10 369

calculated to be her losses from effective date of termination to the date of the remedy hearing 17 weeks £ 7085 plus 6 weeks at £2250 plus 6 weeks (at £172.48 being the statutory maternity pay which ought to have been paid to her) £ 1034

The prescribed period is 30 June 2023 to 31 January 2024

The total award is £ 18 479

The balance is £ 8110

Employment Judge Aspinall

Date: 31 January 2024

SENT TO THE PARTIES ON

8 February 2024

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 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/>

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**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2407832/2023**

Name of case: **Miss E L Delpinto** v **1. Farmhouse Kitchen Huntleys Limited (In Creditors Voluntary Liquidation)**
2. Mr Martin Yates
3. The Courtyard at Huntleys Limited

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: 8 February 2024

the calculation day in this case is: 9 February 2024

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

For the Employment Tribunal Office