



EMPLOYMENT TRIBUNALS

Claimant: Ms N Nolan

Respondents: 1.Catherine Fairfield t/a Appletree Guest House
2.Jason Fairfield

HELD AT: Manchester **ON:** 7 May 2024

BEFORE: Employment Judge Slater
Ms A A Roscoe
Ms A Ramsden

REPRESENTATION:

Claimant: In person
Respondent: Mr J Searle, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The first respondent is ordered to pay to the claimant compensation of £5925 for unfair dismissal, including a 15% uplift to the compensatory award for failure to comply with the ACAS Code of Practice on Discipline and Grievance. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award.
2. The first and second respondents are ordered, jointly and severally, to pay to the claimant compensation for injury to feelings of £4394 for harassment related to sex, including interest.
3. The first respondent is ordered to pay to the claimant damages of £756 for breach of contract, in relation to failure to enrol the claimant in a pension scheme in the period September/October 2019 until 13 May 2021.
4. The first respondent is ordered, pursuant to s.38 Employment Act 2002, to pay to the claimant the sum of £600, being two weeks' pay, for failure to fully comply with the obligations under section 1 Employment Rights Act 1996 to provide a written statement of employment particulars.

Schedule – calculation of compensationUnfair dismissal

Basic award (agreed)		£900
Compensatory award for 26 weeks from EDT		
16 weeks loss of earnings (10 weeks while at Farmers Arms second time, no loss)		
16 x £267.25 (loss of earnings)	£4276	
16 x £9 (loss of employer's pension contributions)	<u>£144</u>	
	£4420	
Less £450.57 (earnings and SSP 1 st period with Farmers Arms)		
	<u>£450</u>	
	£3969.43	
Plus loss of statutory rights		
	<u>£400</u>	
	£4369.43	
Add 15% ACAS uplift		
	<u>£655.41</u>	
Total compensatory award		<u>£5025</u>
Grand total of unfair dismissal award		£5925

Harassment related to sex

Injury to feelings (agreed)	£3750	
Interest at 8% from 16.3.22 to 7.5.24 (784 days)		
784/365 x 8/100 x 3750	<u>£644</u>	
Total for harassment related to sex including interest		£4394

Breach of contract (pension contributions Sept/Oct 2019 to 13 May 2021)

Agreed figure		£756
<u>s.38 Employment Act 2002 award (written particulars)</u>		
Agreed figure (2 weeks' pay)		£600

Employment Judge Slater
Date: 7 May 2024

JUDGMENT SENT TO THE PARTIES ON
14 May 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/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2406740/2022**

Name of case: **Miss N Nolan** v **Catherine Fairfield and
Jason Fairfield t/a
Appletree Guest House**

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: 14 May 2024

the calculation day in this case is: 15 May 2024

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

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.