



EMPLOYMENT TRIBUNALS

Claimant: Louise McGann

Respondent: Sarah Louise Aesthetics Limited

Heard at: Manchester via CVP

On: 31 May 2024

Before: Judge Serr

Representation

Claimant: Mr J Peel, consultant

Respondent: Did not appear

JUDGMENT

1. The complaint of breach of contract in relation to notice pay is well-founded.
2. The respondent shall pay the claimant **£1360** 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.
3. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
4. The Tribunal does not reduce the award under the principle in *Polkey v AE Dayton Services Ltd*.
5. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 25 % in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.

6. The claimant did not cause or contribute to the dismissal by blameworthy conduct.
7. The respondent shall pay the claimant the following sums:
 - (a) A basic award of **£2040**
 - (b) A compensatory award of **£16 394**

(These are actual the sums payable to the claimant after any deductions or uplifts have been applied).

8. The Claimant was not in receipt of any state benefits at the material time. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

Employment Judge Serr

Date: 31 May 2024

JUDGMENT SENT TO THE PARTIES ON

12 June 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: **2407434/2023**

Name of case: **Mrs L McGann** v **Sarah Louise Aesthetics 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: 12 June 2024

the calculation day in this case is: 13 June 2024

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

For the Employment Tribunal Office