



# EMPLOYMENT TRIBUNALS

**Claimant:** Nadine Fallone  
**Respondent:** Peckham Levels Limited

**Heard at:** London South (Croydon)

**On:** 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> May 2024

**Before:** Employment Judge L Clarke  
**Members:** Ms J Cook  
Mr N Westwood

## Appearances

For the claimant: Mr S Patel (FRU)  
For the respondent: Mr Astair (Head of Finance)

## JUDGMENT

The unanimous judgment of the Tribunal is as follows:

### Detriment for making protected disclosures

1. The following complaints of being subjected to detriment for making a protected disclosure are well-founded and succeed:
  - a. Being ignored by Dee Stewart, Maysoon Matthyson and Yayha Amal from 17 January to 3 February 2023 and the events team failing to refer duty manager matters to her (either at all, or failing to refer to her by name in conversations or group chat when other duty managers were so named) from 17 January to 3 February 2023;
  - b. Being taken off the rota completely from 28 January 2023 (until re-instated following complaint);
  - c. Not being told the reason for her immediate dismissal on 16<sup>th</sup> February 2023;
  - d. Not being given a right of appeal against the decision to dismiss her.

2. The remaining complaints of being subjected to detriment for making a protected disclosure are not well-founded and are dismissed.
3. The respondent shall pay the claimant the following sums:
  - a. Compensation for injury to feelings: £25,000
4. 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 15% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
5. The total amount payable in respect of the claim for detriment, following the increase at paragraph 4 above is therefore **£28,750.00**

**Automatically Unfair Dismissal pursuant to s.103A of the Employment Rights Act 1996**

6. The complaint of automatic unfair dismissal is well-founded. The Claimant was unfairly dismissed because she made a protected disclosure.
7. 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 15 % in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
8. The respondent shall pay the claimant the following sums:
  - (a) No basic award was claimed or payable as the Claimant had less than 1 year of continuous service.
  - (b) A compensatory award of **£35,259.63**.

Note that these are the sums payable to the claimant after any deductions or uplifts have been applied, subject to recoupment of benefits.
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 £35,259.63.
  - b. The prescribed element is £33,080.902.

- c. The period of the prescribed element is from 16<sup>th</sup> February 2023 to 31<sup>st</sup> May 2024.
- d. The difference between (a) and (b) is £2,178.73.

**Failure to provide a written statement of employment particulars**

- 10. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is not just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£915.22**.

Employment Judge L Clarke

7<sup>th</sup> June 2024

The reasons for this decision were given orally at the hearing. Written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of this written judgment being sent to the parties.

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