



EMPLOYMENT TRIBUNALS

Claimant: Mrs K Coope

Respondent: Mr A Lane

Heard at: Cardiff **On:** 5 July 2024

Before: Employment Judge R Brace

Appearances

For the Claimant: Mr Pugh (Trade Union)

For the Respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is as follows:

Notice Pay

1. The complaint of breach of contract in relation to notice pay is well-founded.
2. The Respondent shall pay the Claimant **£735.00** 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.

Unfair Dismissal

3. The complaint of unfair dismissal is conceded but in any event was well-founded. The Claimant was unfairly dismissed.
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 25% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
5. 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. In accordance with section 38 Employment Act 2002 the Respondent shall therefore pay the Claimant a sum of two weeks' pay.

Failure to provide a written statement giving particulars for reasons for dismissal

6. The Respondent was in breach of its duty to provide the Claimant with a written statement of reasons for dismissal under s.92 Employment Rights Act 1996.
7. In the circumstances an award of an amount equal to two weeks' gross pay is made.

Summary

8. In the circumstances the he Respondent shall pay the Claimant the following sums:

Wrongful dismissal (A)			£735.00
Basic award (B)	(5 x 1.5 x £147)		£1,102.50
Compensatory award			
<i>Prescribed element</i>			
Loss of earnings to 5 July 2024 £147 x 35 weeks and 5 days (35.7 weeks)	£5,247.90		
Adjustments – Uplift to the compensatory award for failure by the employer to follow the ACAS procedures @25%	£1,311.98		
<i>Total Prescribed Element</i>		£6,559.88	
<i>Non-Prescribed Element</i>			

Future loss of earnings from 5 July 2024 – 28 October 2024 £147 x 16 weeks and 2 days (16.3 weeks)	£2,396.10		
Loss of statutory rights	£1,000.00		
Adjustments – Uplift to the compensatory award for failure by the employer to follow the ACAS procedures @25%	£849.03		
s.38 EA 2022 s.1 statement (2 weeks' pay)	£294.00		
Total Non-Prescribed Element		£4,539.13	
Total		£11,099.01	
Total Compensatory Award after application of statutory cap s.124(1) Employment Rights 1996* (C)	52 x Claimant's gross weekly pay of £147.00		£7,644.00
s.93 ERA 1996 - Failure to provide written reasons for dismissal (D)	2 x Claimant's gross weekly pay of £147.00		£294.00
Total = (A)+(B)+(C)+(D)			£9775.50

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 **£8,746.50**

- b. As the compensatory award is reduced as it exceeds the statutory limit*, the prescribed element of £6,559.88 is reduced for recoupment purposes only by the same proportionate amount (Reg 4(2) Employment Protection (Recoupment of Jobseekers Allowance & Income Support) regulations 1996)) to **£4,517.80**
- c. The period of the prescribed element is from **29 October 2023 to 5 July 2024**.

**Employment Judge Brace
5 July 2024**

Judgment sent to the parties on 8 July 2024

For the Tribunal Mr N Roche

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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