



EMPLOYMENT TRIBUNALS

Claimant: Ms Rachel Clark

Respondent: Thanureka Jegajeevan

Heard at: Cambridge (via CVP)

On: 4 June 2024

Before: Employment Judge Davey

Representation

Claimant: Mr Richard O'Keefe - Counsel

Respondent: Did not attend

JUDGMENT

Unfair dismissal

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. 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.
3. The respondent shall pay the claimant the following sums:
 - (a) A basic award of **£1142**.
 - (b) A compensatory award of **£12,961.81**. This includes an uplift of 25% in the sum of **£2,592.36** for non-compliance with the ACAS code.
4. The total award for unfair dismissal is **£14,103.81**. This is the actual sum payable to the claimant after any deductions have been applied.

5. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

Breach of contract/Notice pay

6. The complaint of breach of contract in relation to notice pay is well-founded.
7. No separate financial award is made beyond the compensatory award that has already been made.

Unauthorised deduction of wages

8. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages of £7,696.84 in the period 1 August 2022 to 3 January 2023, which is the gross sum deducted.
9. There is an ACAS uplift of 10% because 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 award payable to the claimant by 10% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992. .
10. The respondent shall pay the claimant a total award for unauthorised deductions, including the ACAS uplift of **£8,466.52**. The claimant is responsible for the payment of any tax or National Insurance.

Employment Judge Davey

Date 4 June 2024

JUDGMENT SENT TO THE PARTIES ON

29/7/2024

N Gotecha
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.