



EMPLOYMENT TRIBUNALS

Claimant: Ms D Namaczynska

Respondent: Brighter Home Care Ltd

Heard at: Bristol **On:** 15, 16, 17, 18 and 19 July 2024

Before: Employment Judge Livesey

Representation

Claimant: In person

Respondent: Mr Wood, solicitor's agent

JUDGMENT

1. The following claims succeed and the Claimant is awarded the compensation specified;
 - 1.1 Unfair dismissal (s. 98);
 - 1.1.1 A basic award of £315.00, having been reduced by 75% under s. 122 (2);
 - 1.1.2 A compensatory award of £150.94, having been reduced by 75% under the principle in *Polkey*, increased by 25% under s. 207A of the Trade Union and Labour Relations (Consolidation) Act and reduced under s. 123 (6);A total of £465.94.
 - 1.2 Breach of contract (notice); an award of £1,890, having been increased by 25% under s. 207A of the Trade Union and Labour Relations (Consolidation) Act;
 - 1.3 Unlawful deductions from wages; an award of £3,249, having been reduced by 10% under s. 207A of the Trade Union and Labour Relations (Consolidation) Act;
 - 1.4 Unpaid holiday pay; an award of £108.54.

The total amount of compensation is therefore; **£3,823.48**

2. The Claimant's complaints of unfair dismissal for having made public interest disclosures (s. 103A) and breach of contract relating to mileage expenses fail and are dismissed.

3. The Recoupment Regulations do not apply in relation to paragraph 1.1.2 above.

Employment Judge Livesey

Date 19 July 2024

JUDGMENT SENT TO THE PARTIES ON

30 July 2024

Jade Lobb
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/>
written record of the decision.