



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms H Presland**

**Town and Country Taverns Limited**

**Heard at:** Cambridge by CVP

**On:** 17 July 2024

**Before:** Employment Judge Manley

**For the Claimant:** In person

**For the Respondent:** No response or attendance

## JUDGMENT

1. The claimant's complaints of automatic unfair dismissal, unpaid wages, notice pay and holiday pay succeed.
2. The respondent unreasonably failed to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures and it is just and equitable to increase the relevant awards by 20%.
3. The respondent has behaved unreasonably in failing to respond to the claim and supply important documents to the claimant and a preparation time order is made in the sum of £880 for 20 hours reasonably spent by the claimant at the rate of £44 per hour. It is ordered that this sum is also paid to the claimant by the respondent.
4. The recoupment regulations apply to part of the compensatory award for unfair dismissal as the claimant received the total sum of £302.86 Job Seekers Allowance in September and October 2023. Details are as follows:
  - a) Monetary award £5119.20
  - b) Prescribed element £3816
  - c) Dates to which prescribed element applies 18/7/23 to 26/9/23
  - d) Amount by which monetary award exceeds prescribed element £1303.20

5. The respondent is ordered to pay the following sums to the claimant:

(1) **Basic Award** – gross weekly pay £461.54 x 3 **£1384.62**

(2) **Compensatory Award** – net weekly pay £381.60 x 10 wks £3816

Loss of statutory rights £450

Compensatory award £4266

+ACAS uplift 20% £853.20

**Total compensatory award £5119.20**

(Payable immediately £5119.20 – £3816 £1303.20)

(3) **Unpaid wages** – (1) wages due £10,684.80 – paid £9412.95

Outstanding £1271.85

(2) Overtime 401.75 hours x £11 £4419.25

Total £5691.10

- Paid £269.91

£5452.19

+ACAS uplift 20% £1090.43

**Total unpaid wages £6542.62**

(4) **Notice pay** £381.60 x 3 £1144.80

+ACAS uplift 20% £228.96

**Total notice pay £1373.76**

(5) Holiday pay 47.8 hours x 11 £525.80

+ACAS uplift 20% £105.16

**Total holiday pay £630.96**

(6) **Preparation Time Order** 20 x £44 **£880**

The sum to be paid immediately is the total of (1) 1384.62 plus (2) £1303.20 plus (3) £6452.62 plus (4) £1373.76 plus (5) £630.96 plus (6) £880. The total sum to be paid immediately is **£12,025.16**.

The remainder (£3816 less any sum due to be recouped by DWP) is payable after DWP confirm the amounts.

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Employment Judge Manley

Dated 17 July 2024

Sent to the parties on: 28 August 2024

For the Secretary to the Tribunals

Note

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.