



EMPLOYMENT TRIBUNALS

Claimant: Miss S Lack
First Respondent: Aecus Recruitment Limited
Second Respondent: Mr Paul Kensington

Heard at: Birmingham West **On:** 3 November 2023 and 7 March 2025

Before: Judge L Mensah remotely

Representation

Claimant: Ms S Lack in person (Ms M Lack, mother of Claimant)
Respondent: No attendance by either Respondent.

FINAL JUDGMENT

1. I award as follows:

- i. Basic award: no basic award as the Claimant was only employed for eight months.
- ii. The claim for pregnancy discrimination is made out against both the First and Second Respondent and I award £10,000 plus interest at 8%. £10,000 plus 797 days @ £2.19 per day is **£11,745.43**.
- iii. Compensatory award is made out against the First Respondent, and I award **£4604.36** (which is after the deduction of £1329.62 for receipt of benefit)
- iv. I award **25%** uplift for the complete failure of the First Respondent to follow the ACAS code in terms of both dismissal and grievance procedures and in particular the complete lack of any proper consultation, meeting with the Claimant, no fair procedure in decision to dismiss and any right of appeal against the dismissal. That is on the £4604.36 and the £11,745.43 so a figure of **£4080.95**.

- v. I order the First Respondent to pay for loss of statutory rights of **£350.00**
- vi. The complaint of unauthorised deductions from wages is well-founded. The First respondent made an unauthorised deduction from the claimant's wages throughout her employment until termination on the 31 December 2022 in the sum of **£335.00**.
- vii. The complaint of failure to pay statutory sick pay is well-founded and I order the First Respondent to pay Statutory sick pay: **£109.40**
- viii. The complaint of breach of contract in relation to notice pay is well-founded and I order the first Respondent shall pay to the Claimant Notice pay: **£912.92**
- ix. The claim for outstanding holiday pay is well founded and I order the first Respondent to pay **£410.40**
- x. The total financial award against the first Respondent only is **£8402.60**
- xi. The total award against the first and second respondent for the discrimination alone is **£14,681.79**
- a. Total award £23,084.39**
- [Plus **£1329.62** if recoupment applies to the benefit deducted herein as mitigation for the compensatory award. This would mean the compensatory award is £5933,98.]
- Note:** The Claimant's earnings appear to have fallen below the threshold for tax and so her figures are currently gross.
- xii. If the Recoupment Regulations apply to this award. The prescribed element is net. The period prescribed is the 31 December 2022 to the 07 March 2025. The excess of the prescribed element is **£8052,60**. The annex to this judgment explains the operation of the Recoupment Regulations.

Approved by:

Employment Judge Mensah

07.03.2025

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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