EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8001729/2024

Held in Glasgow on 15 April 2025

Employment Judge B Campbell

Ms D Fraser	**Claimant** **In Person**
Call-in Homecare Limited	**Respondent** **No appearance and** **No representation**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The claimant was unfairly dismissed by the respondent and her claim succeeds;

2. The claimant is entitled to compensation, which the respondent is ordered to pay, as follows:

    a. A basic award of £1,272.00, and

    b. A compensatory award of £5,915.34,

    thereby totalling £7,187.34.

REASONS

1. The hearing of the claim was scheduled for 15 and 16 April 2025. The claimant attended the hearing on the first day. The respondent did not and was not represented. No contact was made by the respondent to explain its position.

2. By way of recent procedural history, the claim had originally been served on the respondent at an address in Glasgow but later returned. It therefore

originally proceeded as undefended until served at the respondent's Edinburgh office. This led to a response form being submitted which nominated a Mr Mark Sweeney as the point of contact, providing a postal address and both his email address and mobile telephone number.

3. Case management orders were issued to the parties. The claimant complied with them. The respondent did not. It did not contact the claimant at all, for example to disclose documents or seek to agree a bundle for the hearing.

4. I ordered yesterday, 14 April 2025, that the parties be asked by email to update the tribunal on their readiness for the hearing. The claimant responded. The respondent did not.

5. Shortly after 10am this morning the clerk telephoned the mobile number of Mr Sweeney. There was no answer and a voicemail was left confirming that the hearing was today. This was followed up by an email. By 10.30 there was no response.

6. In the circumstances I was content that the respondent had been given adequate opportunity to attend the hearing, or at least explain why it could not if that was the case. I therefore proceeded with the hearing as permitted by rule 47 of the Employment Tribunal Procedure Rules 2024.

7. The claimant gave evidence and relied on documents she had prepared in advance. For reasons given in an oral liability judgment I found that she had been unfairly dismissed and indicated that she would be awarded a basic award and a compensatory award as a result. She had confirmed in evidence that she had received full payment of wages and in respect of accrued holidays from the respondent, and so was not seeking any amounts in reflection of those.

8. The claimant's compensation is calculated as follows:

    a. She is entitled to a **basic award** representing her age at the date of dismissal (41), her length of service (2 complete years) and her gross weekly pay (£636). That equates to £1,272.00.

b. She is entitled to a **compensatory award** covering her financial losses as deemed appropriate. This is calculated as follows:

    i. Her net weekly loss from 17 August 2024 is calculated as £504.02 based on her payslip for 16 August 2024. She sustained this level of loss for 12 weeks and one day before beginning her current role with a new employer. This amounts to £6,120.24 from which must be deducted £1,726.42 of benefits received. That produces a figure of £4,393.82,

    ii. She then began her period of new employment but is only guaranteed 33 hours per week, whereas with the respondent her average was 53. The difference in net terms is approximately £190.19 per week. The claimant is awarded this amount for a period of eight weeks to reflect that there was an ongoing loss, but that this could at times be alleviated by her taking on additional shifts at a slightly higher rate of pay. This additional compensation amounts to £1,521.52.

    iii. The total of (i) and (ii) above is £5,915.34.

9.   The respondent is accordingly now ordered to pay these sums to the claimant.

Date sent to parties   ____**25 April 2025**____