



EMPLOYMENT TRIBUNALS

Claimant: Kayleigh Forkin
Respondent: White Pepper Cookery Limited

Heard at: By CVP **On:** 22 and 22 July 2025

Before: Employment Judge Elizabeth Gibson

Representation:

Claimant: In person
Respondent: In person

JUDGMENT

The judgment of the Tribunal is as follows:

1. The Claimant's complaint in respect of unfair dismissal is well founded. The Claimant was unfairly dismissed by the Respondent by reason of capability.
2. There is a 25 per cent chance that the Claimant would have been fairly dismissed in any event on 05 December 2024.
3. 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 ten per cent in accordance with s207A Trade Union & Labour Relations (Consolidation) Act 1992.

4. The Claimant caused or contributed to her dismissal by blameworthy conduct and it is just and equitable to reduce the compensatory award payable to the Claimant by 50 per cent.
5. The Respondent shall pay the Claimant **£2147.14** in respect of her unfair dismissal.
6. As a result of her unfair dismissal the Claimant lost certain statutory rights. The Respondent shall pay the Claimant the sum of **£500** as compensation for this loss.
7. The complaint of unauthorised deductions from wages is well-founded. The Respondent made an unauthorised deduction from the Claimant's wages for the periods 04 October and 07 October 2024.
8. The Respondent shall pay the Claimant **£211.56**, which is the gross sum deducted. The Claimant is responsible for the payment of any tax or National Insurance.
9. The complaint in respect of holiday pay is well-founded. The Respondent made an unauthorised deduction from the Claimant's wages by failing to pay the Claimant for a day's holiday accrued but not taken on the date the Claimant's employment ended.
10. The Respondent shall pay the Claimant **£105.78**. The Claimant is responsible for paying any tax or National Insurance.
11. The Respondent is ordered to pay the Claimant **£2964.48** in total.
12. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply to this case.
13. The award for unfair dismissal is constituted as follows:
 - a. Basic Award - 3 (weeks) x 528.90 = **£1586.70**
 - b. Compensatory Award
 - i. Immediate gross loss between 06 November 2024 and 25 November 2024 which is 13 working days - 13 x 105.78- 305.55 (sick pay) = £1069.59

- ii. Future gross loss between 25 November 2024 and 05 December 2024 which is 9 working days - 9×105.78 minus $(11.94 \times 15) + (11.94 \times 20) = £534.12$
- iii. Polkey reduction of 25 per cent - $(1069.59 + 534.12 \times 25\% = 400.92$ -sub-total 1603.71 minus 400.92 = £1202.79
- iv. ACAS Code adjustment of 10 per cent - $(1020.79 \times 10\% = 102.08$ - sub-total 1020.79 +102.08 = £1122.87
- v. Contributory fault adjustment of 50 per cent - $(1122.87 \times 50\% = 562.43$ - final total 1122.87 - 562.43 = £560.44

Total Compensatory Award - **£560. 44**

Approved by:

Employment Judge Gibson
26 July 2025

JUDGMENT SENT TO THE PARTIES ON
13 August 2025

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. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/