Case Number: 6010536/2025

EMPLOYMENT TRIBUNALS

Claimant: **Ms A Pesci**

Respondent: **New Inn Barwick Ltd**

Heard at: **Leeds (By Video)** **On:** **17th December 2025**

Before: **Employment Judge S Edwards**

Representation

Claimant: In Person
Respondent: Did not attend

JUDGMENT

1. The complaint of automatic unfair dismissal for asserting a statutory right under s.104 Employment Rights Act 1996 is well-founded. The claimant was unfairly dismissed.

2. The respondent shall pay the claimant a compensatory award of **£2924.81.**

3. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages.

4. The respondent shall pay the claimant **£507.16**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.

5. The complaint of breach of contract in relation to notice pay is well-founded.

6. The respondent failed to give the claimant written itemised pay statements as required by section 8 Employment Rights Act 1996.

7. The complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant in accordance with regulation 16(1) of the Working Time Regulations 1998.

8. The respondent shall pay the claimant **£800.80**. The claimant is responsible for paying any tax or National Insurance.

9. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It **is** just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£1671.32**.

10. 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 both the compensatory award for unfair dismissal and the award for unauthorised deductions from wages payable to the claimant by **10 %** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992. The total value of the increase is **£343.20.**

11. The total sum payable by the respondent to the claimant is **£6,247.29**

Approved by:

Employment Judge Edwards

17th December 2025

JUDGMENT SENT TO THE PARTIES ON

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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/