



EMPLOYMENT TRIBUNALS

Claimant

Jemma Wright

Respondent

v Mrs D Douglas t/a Harlequin
Property Services

Heard at: Sheffield (by video link – Kinly Cloud)

On: 24 March 2026

Before: Employment Judge James

Representation

For the Claimant: Did not appear and was not represented

For the Respondent: Miss L Halsall, counsel

WRITTEN REASONS

The issues

1. The agreed issues which the tribunal had to determine are:
 - 1.1. was the claimant dismissed?
 - 1.2. if so, was there a potentially fair reason for the dismissal?
 - 1.3. If there was a potentially fair reason, was the dismissal fair in all the circumstances (bearing in mind the wording of section 98(4) Employment Rights Act 1996).

The proceedings

2. Acas Early Conciliation took place between 30 July and 5 August 2025. The claim form was issued on 13 August 2025. The claim is for unfair dismissal.
3. Standard case management orders were made and sent to the parties on 19 August 2025. Following a request from the respondent, the one-day hearing in January was vacated, and this two-day hearing listed in its place. Revised case management orders were made. Amongst other things, the claimant was ordered to provide a schedule of loss by 15 December 2025; the parties were to exchange documents on 19 December 2025; a hearing file was to be prepared by 12 January 2026; and witness statements were due to be

exchanged on 2 February 2026. The claimant has not provided a schedule of loss and nor has she provided a witness statement.

The hearing

4. The hearing took place on the morning of 24 March. The claimant did not attend the hearing. She had applied to postpone the hearing, alleging that she had been assaulted and she could not bear to be in the same room as her mother. The tribunal confirmed in response that the hearing would take place by video link. The claimant was told that she could make a further application to postpone the hearing this morning.
5. The clerk tried to telephone the claimant on two occasions. The telephone rang, but was not answered. On reconvening the hearing, the tribunal was asked to proceed in the claimant's absence under Rule 47 of The Employment Tribunal Procedure Rules 2024. The Tribunal agreed to do so.
6. There was an electronic hearing bundle of 301 pages. Sworn evidence was given by Mrs Donna-Marie Douglas. She was asked about what happened on 22 July. Jodie Douglas affirmed that her witness statement was true. She also gave her account of what happened on 22 July. Their evidence was credible. There was no reason to disbelieve their accounts, in the absence of any participation from the claimant and any contrary evidence from her.
7. The tribunal gave a brief oral judgment during the hearing. Request for written reasons has since been made. These are the written reasons.

Findings of fact

8. The claimant started work for the respondent on 1 September 1997. She worked in the role of Property Manager.
9. The respondent is a letting agent, managing properties in Selby and the surrounding area, providing services to both landlords and tenants. The business was established in 1992 by Mrs Donna-Marie Douglas, and her husband Brian Douglas. They employed their two daughters in the business; the claimant and Jodie Douglas.
10. Mr Douglas was diagnosed with Parkinson's disease and passed away in 2019. After he became ill, the claimant and Jodie Douglas ran the respondent's business. The claimant was primarily responsible for financial affairs including wages, tax and dealing with HMRC and rental deposits; insurance; liaising between landlords and tenants; and general office duties.
11. From January 2025 onwards, the claimant started to neglect her duties. She either failed to attend work, turned up late, or went missing for hours at a time. Her behaviour became more and more erratic.
12. It is the claimant's case, according to her claim form, that she was locked out of the business. The respondent says the lock to the office door was faulty and was changed on 16 June 2025. However, the claimant was provided with a new key. The tribunal accepts the respondent's account.
13. The claimant last attended work on 7 July 2025. She was then on unauthorised absence from 8 July 2025, when she went on holiday without notification or prior authorisation to/from the respondent. On her return from holiday, the claimant did not return to work.

14. Mrs Douglas met the claimant on 22 July 2025, at the respondent's office, together with her other daughter Jodie Douglas. During the meeting, the claimant asked to be provided with her P45, saying she needed it to claim benefits and that she would be going to the Jobcentre to get another job. The respondent treated that statement by the claimant as a resignation with immediate effect. The claimant's P45 was issued on 23 July 2025 and she was paid up to and including 7 July 2025, the last day she worked.
15. Following the termination of her employment, Mrs D Douglas and Ms J Douglas have discovered that a total of £21,956 has been improperly taken from the respondent's bank account by the claimant between 2 March and 15 July 2025. It was also discovered that she had instructed tenants to pay rent into her personal bank account. It is also alleged that she took cash payments of rent from tenants and kept the money. A criminal investigation is under way.

Relevant law

16. At the risk of stating the obvious, in order to bring an unfair dismissal claim, the claimant must prove that she has been dismissed. Section 95 Employment Rights Act 1996 provides that an employee is dismissed if her contract is terminated by her employer, or if she resigns in circumstances in which she is entitled to terminate the contract without notice by reason of the employer's conduct.
17. If a person has been dismissed, the tribunal must go on to consider whether there was a potentially fair reason for the dismissal, which includes conduct and capability; and if so, whether the dismissal was fair in all the circumstances.

Conclusions

18. As already noted, the first and most important question in this case is whether the claimant was dismissed. The judgment of the tribunal is that the claimant was not dismissed. Bearing in mind what happened on 22 July 2025, the claimant resigned with immediate effect. There is no evidence that she did so in circumstances entitling her to resign and bring a constructive unfair dismissal claim.
19. In light of the decision on that issue, the tribunal does not need to go on to consider the question of what the reason for dismissal was, or whether it was fair in all the circumstances.
20. For the sake of completeness, the tribunal concludes, on the evidence before it, that the claimant took money belonging to the business, including by transferring money from the respondent's bank account without proper authority; and by requesting and accepting payments of rent directly from tenants to her own bank account. She also neglected her duties and took unauthorised leave. Therefore, even if the claimant had been unfairly dismissed, the tribunal would not have awarded her any basic award or compensatory award because of her conduct. The claimant contributed to her dismissal 100%.
21. Yet further and in any event, had the claimant's employment not ended on 22 July, it would have ended shortly thereafter, for a fair reason, namely misconduct.

Employment Judge James
North East Region

Dated 17 April 2026

Sent to the parties on:

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For the Tribunals Office

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>