



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**AND**

**Respondent**

Miss T Jan

Laugh N Learn Day Nursery

**HELD AT** Birmingham

**ON**

24<sup>th</sup> January 2020

**EMPLOYMENT JUDGE** Choudry

**Representation:**

**For the claimant:** In person

**For the respondent:** Ms K Iklaq (Nursery Manager)

## JUDGMENT

The Respondent accepting that the Claimant was wrongfully dismissed, the Respondent is ordered to pay the Claimant the sum of £312 (less any tax and national insurance contributions) in respect of her notice pay.

## REASONS

1. The Claimant was employed by the Respondent as a Nursery Nurse from 15<sup>th</sup> September 2019 to 1<sup>st</sup> February 2020. By a claim form submitted on 9<sup>th</sup> May 2019 (which was initially rejected for not having a valid Early Conciliation Certificate) and accepted by the Tribunal on 21<sup>st</sup> August 2019 the Claimant brought a claim for wrongful dismissal

following the termination of her employment (without notice) on 1<sup>st</sup> February 2019.

2. By a letter dated 29<sup>th</sup> August 2019 the Tribunal issued case management orders (“the Orders”) to the parties. In accordance with those orders on 26<sup>th</sup> September 2019 the Claimant submitted a Schedule of Loss for two weeks’ pay in the sum of £312. The Claimant also sought compensation for stress and anxiety in relation to matters not before this Tribunal.
3. On 24<sup>th</sup> October 2019 the Claimant submitted her witness statement and documents in accordance with the Orders. This witness statement referred to other matters which had occurred to the Claimant during her employment which did not form part of the claim for wrongful dismissal.
4. The Respondent presented the Tribunal with a bundle and its documents on the morning of the hearing. The Respondent accepted that the Claimant was wrongfully dismissed and is entitled to her notice in the sum of £312. However, it resists the other allegations referred to in the Claimant’s witness statement.
5. I explained to the Claimant that although she may be aggrieved about a number of matters which had occurred during her employment these issues had not been pleaded. Furthermore, some of these issues related to procedural unfairness and the Claimant had insufficient service to bring a claim for unfair dismissal. In any event, her claim was clearly expressed as being one for wrongful dismissal only. As such, I only had jurisdiction to deal with the pleaded case and not other matters.
6. In light of the Respondent’s concession that the Claimant had been wrongfully dismissed and Ms Ikhlq confirming that the Respondent was content for Judgment to be issued confirming this I advised the Claimant that I would be issuing Judgment in her favour in the pleaded sum of £312.

Employment Judge Choudry  
24 January 2020