



EMPLOYMENT TRIBUNALS

Claimant: Miss B Babatola-Ojo
Respondent: Corner House Residential Home Limited
Heard at: East London Hearing Centre (by Cloud Video Platform)
On: 15 March 2022
Before: Employment Judge Gardiner

Representation

Claimant: Jack Ventress (Free Representation Unit)
Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is that:-

1. The Claimant's unfair dismissal complaint is well founded and succeeds.
2. The remedy for the unfair dismissal award is:

a. Basic award (section 119 ERA 1996):	£470.88
b. Compensatory award (section 123 ERA 1996)	<u>£5158.80</u>
c. Total	£5629.68
3. The Claimant's wrongful dismissal complaint of a failure to pay two weeks' notice pay is also well founded and succeeds. There will be no separate award, given that the loss is covered by the unfair dismissal award.
4. The Claimant is entitled to an uplift of 25% to the compensatory award for the failure to comply with the requirements of the ACAS Code of Conduct on Disciplinary Procedures (Section 207A TULRCA 1992). This is a further sum of £5158.80 x 25% = **£1289.70**.

5. The Claimant is entitled to four weeks' pay as compensation for the failure to provide her with a statement of employment particulars (Section 38 EA 2002), being **£627.84**.
6. The Claimant's complaint of unauthorised deduction of wages under Section 21 Employment Rights Act 1996 is not well founded and is therefore dismissed.
7. The Claimant's complaint of failure to pay accrued but unpaid holiday pay under Section 21 Employment Rights Act 1996 is not well founded and is therefore dismissed.
8. The total sum to be paid to the Claimant is therefore £5629.68 + £1289.70 + £627.84 = **£7547.22**

Employment Judge Gardiner

15 March 2022