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EMPLOYMENT TRIBUNALS

Claimants: (1) **Lynne Bennett** – (claims 1802677/2024 & 1804077/2024)
(2) **Amanda Perkin** – (claims 1802678/2024 & 1804078/2024)

Respondent: Barton Blinds Limited

Heard at: Leeds Employment Tribunal (CVP) **On:** 05 November 2024

Before: Employment Judge **R S Drake**

Representation

Claimant: Lynne Bennett in person
Amanda Perkin did not attend
Respondent: Did not attend

JUDGMENT

1. The Second Claimant's claims are dismissed since they are discharged by and subsumed within the Judgment dated 20 September 2024 by EJ Elliott (case number 6000799/2024) relating to same heads of claim which are duplicated in this claim are dismissed.
2. The First Claimant's complaints having been upheld by way of the Tribunal's Judgment dated 17 September 2024, the following remedies are now awarded:

1. Breach of contract (notice pay):

- 1.1 The Respondent shall pay the Claimant £2,500.80 as damages for breach of contract. The Claimant's entitlement to damages, for

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failure by the Respondent to give her notice or pay in lieu, is calculated on the basis of gross pay to reflect the likelihood that the Claimant will have to pay tax on it as post-employment Notice Pay. It is based on a gross weekly rate of £208.20 for 12 weeks. She had been employed for 21 years.

- 1.2 There is no mitigation to take into account as she has not been able to gain re-employment since termination of her employment on 1 February 2024, and nor has she claimed any form of state benefits such as JSA.
- 1.3 She is entitled to an uplift of 25% for Respondent's failure to comply with ACAS code which totals the further sum of £625.80.

2. Unfair dismissal:

The Respondent is ordered to pay to the Claimant compensation as set out below.

2.1 Basic award of £6,252.00 calculated by reference to the statutory formula as follows:

- 1.5 weeks' pay in respect of statutory maximum of 20 years' service = 30 weeks' pay;
- Date of termination 1 February 2024; age on termination 66; years of service 20; gross weekly pay at termination £208.40

2.2 Compensatory award of £4,983.74. This is calculated as follows:

- Net pay loss 2 February 2024 to 25 April 2024 (notice period): reduced to £0 as reflected in award for notice pay at 1 above
- Net pay loss 26 April 2024 to date of hearing on 05 November 2024: 27 weeks x £184.62;

No deductions for mitigation or state benefits.

ACAS uplift: 25% on total unfair dismissal award - £2,808.93

2.3 In respect of Regulation 4 of the Employment Tribunal (Recoupment of Benefits) Regulations 1996 in this case, these do not apply and thus there is no recoupment necessary.

3. Statutory redundancy payment:

Under section 163 Employment Rights Act 1996 it is determined that the claimant would be entitled to a redundancy payment of £6,252.00. However, no payment is due as the claimant is not entitled to receive a basic award for unfair dismissal and a statutory redundancy payment.

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4. Unauthorised deductions from wages:

- 4.1 The Respondent is ordered to pay to the Claimant the gross sum of £635.62 in respect of the amount unlawfully deducted from her pay for 61 hours unpaid holiday pay in December 2023 at a rate of £10.42 per hour. This sum is subject to applicable deductions for tax and employee national insurance contributions.
- 4.2 The Respondent is ordered to pay to the Claimant the gross sum of £665.62 in respect of the amount unlawfully deducted from her pay in respect of SSP not paid for the period of 6 weeks at the statutory rate of £116.75 per week from 2 January 2024 to 15 February 2024.

Employment Judge R S Drake

Date 05 November 2024

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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.

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