



EMPLOYMENT TRIBUNALS

Claimant: Ms D Lovett
Respondent: Mr Cosmetics Limited
Heard at: East London Hearing Centre (by Cloud Video Platform)
On: 7 and 8 May 2024
Before: Employment Judge Gardiner

Representation

Claimant: In person
Respondent: Mr Robert Jones, counsel

JUDGMENT

The judgment of the Tribunal is that:-

1. The complaint of unfair dismissal claim is well founded. The Claimant was unfairly dismissed.
2. 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 the compensatory award payable to the Claimant by 10% in accordance with Section 207A Trade Union & Labour Relations (Consolidation) Act 1992.
3. The Claimant caused or contributed to the dismissal by blameworthy conduct and it is just and equitable to reduce the compensatory award payable to the Claimant under Section 122(2) Employment Rights Act 1996 by 20%.
4. It is just and equitable to reduce the basic award payable to the Claimant by 20% under Section 123(6) because of the Claimant's conduct before the dismissal.
5. The Respondent shall pay the Claimant the following sums:
 - (a) A basic award of **£3105** (£287.50 x 13.5 weeks x 80%)
 - (b) A compensatory award of **£2853.66**, calculated as follows:

- i. Loss of earnings of £2857.08
 - ii. Loss of pension contributions of £85.71
 - iii. Loss of statutory rights £300
 - iv. Total before adjustment £3242.79
 - v. Increase by 10% for failure to comply with ACAS Code: £3567.07
 - vi. Reduce by 20% for contributory conduct: £2853.66
6. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
- (a) The total monetary award (ie the compensatory award plus basic award) payable to the Claimant for unfair dismissal is **£5958.66**
 - (b) The prescribed element is $£2857.08 \times 110\% \times 80\% =$ **£2514.23**
 - (c) The period of the prescribed element is from 1 September 2023 to 30 April 2024
 - (d) The difference between (a) and (b) is **£3444.43**

Employment Judge Gardiner
Dated: 8 May 2024