



EMPLOYMENT TRIBUNALS

Claimant: Sarah Badham

Respondent: Freya Bentham t/a Caffi Castell Harlech

HELD AT: Mold

ON: 17 August 2017

BEFORE: Judge Brian Doyle (President)

REPRESENTATION:

Claimant: Mr I Winrow, Solicitor

Respondent: Ms N Alistari, of Counsel

JUDGMENT

1. The respondent having conceded that the claimant was a worker for the purposes of the Working Time Regulations 1998, by consent, the respondent is ordered to pay to the claimant arrears of holiday pay in the agreed sum of £588.00 gross.
2. The Tribunal finds that the claimant was an employee employed by the respondent under a contract of employment at all relevant times for the purposes of the Employment Rights Act 1996 and the Employment Tribunals Extension of Jurisdiction Order 1994.
3. The claimant was summarily and wrongfully dismissed by the respondent on 25 September 2016 (which is the effective date of termination of employment for all purposes). The respondent is further ordered to pay to the claimant compensation in breach of contract of employment in the sum of £105.00 gross (one week's pay).
4. The claimant was unfairly dismissed by the respondent in breach of sections 57A and 99 of the Employment Rights Act 1996 and regulation 20(3)(e)(iii) of the Maternity and Parental Leave etc Regulations 1999. The respondent is further ordered to pay to the claimant compensation for unfair dismissal in the total sum of £1,850.95 calculated as follows:

Basic award

1 week's gross pay (claimant aged 40 at effective date of termination): £105.00

Compensatory award

Period of loss is limited to 26 weeks @ 10 hours per week @ £7.50 per hour taking account of seasonal hours and a limited failure to mitigate loss.

Past loss of earnings

26 weeks gross wages (26 September 2016 to 26 March 2017):	£1,950.00
Less earnings in mitigation:	-£204.05

<i>Future loss of earnings</i>	Nil
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<i>Loss of statutory rights</i>	Nil
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<i>Uplift for failure to follow Acas Code</i>	Nil
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<i>Failure to provide written statement of employment particulars</i>	Nil
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£1,745.95

Total award for unfair dismissal:	<u>£1,850.95</u>
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5. The Recoupment Regulations do not apply to this award.

Judge Brian Doyle (President)
21 August 2017

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE