



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Leeann Welburn

**Respondent:** KDCM Public House Limited

**Heard at:** Birmingham (via CVP)

**On:** 27 September 2022

**Before:** Employment Judge Bennett

**Representation**

Claimant: in person

Respondent: no-one in attendance

## JUDGMENT

The judgment of the Tribunal is that:

1. The Claimant's claim of unfair dismissal is well founded and succeeds.
2. The Respondent was in breach of contract by dismissing the Claimant without notice.
3. The Respondent failed to provide the Claimant with an up-to-date written statement of terms and conditions of employment.
4. The Claimant is awarded a total sum of **£6,983.40**. The Claimant will account to HMRC for any employee tax payable on this sum.

This consists of:

- a. Unfair dismissal basic award (1 x £114 x 4 years) of £456;
- b. Unfair dismissal compensatory award of £5,834.55, comprising
  - i. 16 weeks from 6/12/21 until 1/4/22 at £106.92 per week = £1,710.72
  - ii. 26 weeks from 1.4.22 until 27.9.22 at £114 per week (reflecting increase to national minimum wage) = £2,964

- iii. Applying a 25% uplift for unreasonable failure to follow ACAS Code to the total compensatory award = £5,843.40;
- c. Breach of contract damages in respect of 4 weeks' notice of £456.
- d. Failure to provide a written statement of employment particulars under s38 Employment Act 2002 of 2 weeks' pay = £228

Employment Judge Bennett

28 September 2022

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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