



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Jones

**Respondent:** Top to Bottom Cleaning Ltd

**Heard at:** By video

**On:** 25 September 2024

**Before:** Employment Judge Danvers

## REPRESENTATION:

**Claimant:** Mrs Cornock-Stark, Lay Representative

**Respondent:** Mr Onwufuju, Director of the Respondent

# JUDGMENT

The judgment of the Tribunal is as follows:

## Holiday pay / arrears of pay

1. The claims for holiday pay and arrears of pay are dismissed upon withdrawal, the outstanding sums having now been paid.

## Unfair Dismissal

2. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
3. 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 25% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
4. The claimant did not cause or contribute to the dismissal by blameworthy conduct, nor is it just and equitable to reduce the basic award payable to the claimant because of the claimant's conduct before the dismissal.
5. The respondent shall pay the claimant the following sums:

- (a) A basic award of **£2,070.00**.
- (b) A total compensatory award of **£2,830.86**, comprising:
  - a. Loss of earnings and pension contributions of £355.20 per week x 6.2857 weeks = £2,232.69.
  - b. Less the net sum paid to the Claimant in January 2023 of £368.00
  - c. Plus compensation for loss of statutory rights: £400.00.
  - d. Plus an ACAS uplift of £566.17
- 6. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

### **Notice Pay**

- 7. The complaint of breach of contract in relation to notice pay is well-founded.
- 8. No additional sum is payable in respect of notice pay.

### **Redundancy Payment**

- 9. It is determined that the claimant is not entitled to a redundancy payment under section 163 Employment Rights Act 1996.

**Employment Judge Danvers**  
**29 September 2024**

Judgment sent to the parties on  
11 October 2024 By Mr J McCormick

For the Tribunal

### **Note**

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

### **Public access to employment tribunal decisions**

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