



## THE EMPLOYMENT TRIBUNALS

**Between:**

**Claimant: Miss C Richards**

**Respondent: 4 Seasons (Eastbourne) Limited**

**Hearing at London South on 23 October 2018 before Employment Judge Baron**

**Appearances**

**For Claimant: Jonathan Cook - Counsel**

**For Respondent: The Respondent was not represented**

### JUDGMENT AT A PRELIMINARY HEARING

It is the judgment of the Tribunal as follows:

- 1 The Tribunal declares in accordance with section 24 of the Employment Rights Act 1996 that the complaint by the Claimant under section 23 of such Act that there has been an unlawful deduction from the wages properly payable is well founded and the Tribunal **orders** the Respondent to pay to the Claimant the sum of £3,306;
- 2 The Tribunal declares in accordance with regulation 30 of The Working Time Regulations 1998 that the complaint of the Claimant that the Respondent has failed to pay holiday pay due to the Claimant on the termination of the employment under regulation 14(2) of such Regulations is well founded and **orders** the Respondent to pay to the Claimant the sum of £361;
- 3 The Claimant having brought a claim to the Tribunal under article 3 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 the Tribunal finds that the Respondent was in breach of contract in not giving the Claimant notice of the termination of the employment and **orders** the Respondent to pay to the Claimant the sum of £4,332;
- 4 The Tribunal finds that the complaint by the Claimant under section 111 Employment Rights Act 1996 that the Claimant was unfairly dismissed is well founded. The Tribunal **orders** the Respondent to pay compensation to the Claimant in the sum of £10,633 of which £7,400 is the basic award under section 119 of the 1996 Act and £3,233 is the compensatory award under section 123 of that Act. The Employment Protection (Recoupment

of Benefits) Regulations 1996 apply to this award. The relevant details are set out below.

- 5 The awards made above be increased in accordance with section 207A of the Trade Union & Labour Relations (Consolidation) Act 1992 by 25% and the Tribunal further **orders** the Respondent to pay the further sum of £4,658 to the Claimant.

The details required to be provided by regulation 4 of The Employment Protection (Recoupment of Benefits) Regulations 1996 are as follows:

The monetary award	£23,290
The prescribed element	£2,733
The dates to which the prescribed element is attributable	31 May to 23 July 2018 inclusive
The excess of the monetary award over the prescribed element	£20,557

**Employment Judge Baron**

**Dated 24 October 2018**

Note

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.