



EMPLOYMENT TRIBUNALS

Claimant: Ms Sarah Bunker

Respondent: The HT Kids Klub

Heard at: East London Hearing Centre **On: 27 November 2018**

Before: Employment Judge Jones

Representation

Claimant: Ms F Carroll, Solicitor

Respondent: No appearance

JUDGMENT

Having considered the Respondent's Response and the Claimant's evidence, it is this Tribunal's judgment that: -

1. The claim is amended to add complaints of unlawful deduction of wages and failure to pay holiday pay. The Respondent was notified of that by letter dated 2 July 2018.
2. The Claimant was unfairly dismissed on 28 March 2018.
3. The Claimant was employed for 7 years and was aged 43 at her dismissal.
4. The Respondent unlawfully deducted the Claimant's wages
5. The Claimant is entitled to the following remedy for her successful complaints: -

1 Basic Award:

- i. Weekly pay of £184.67 x 1.5 weeks' pay x 2 years over age 41 = £554.01
- ii. 1 week's pay x 5 years under age 41 x £184.67 = £923.35
- iii. £554.01 + £923.35 =
- iv. A total basic award of **£1,477.36 gross**

2 Compensatory award:

2.1 Unlawful deduction of wages as a result of a unilateral deduction in the Claimant's hours. Between 15 November 2017 and 28 March 2018. A net total of **£1,210.64 net**.

2.2 Loss of wages between date of dismissal and date of hearing on 27

November 2018 (£6310.63 - less income earned elsewhere in that time - £2841.24) = **£3,469.39 net.**

2.3 Future net loss (52 weeks x £52.95 per week) as it is likely to be a year before the Claimant has recouped the difference in wages = **£2,753.40 net.**

2.4 Notice pay: 7 weeks' notice x £181.34 per week net = **£1,269.38 net.**

2.5 Accrued but untaken holiday – 7 days = £60.45per day x 7 = **£423.15 net.**

2.6 The Respondent failed to provide the Claimant with written terms and conditions of employment. This is a breach of its statutory duty. The Tribunal awards the Claimant a remedy of 4 weeks' pay - 181.34 x 4 = **£725.36 net.**

2.7 The Claimant has lost her statutory rights due to the actions of the Respondent. The Tribunal awards the Claimant **£400** as her remedy.

6. The total award due to the Claimant as remedy for her claims is £1,477.36 + 1,210.64 + 3,469.39 + 2,753.40 + 1,269.38 + 423.15 + 725.36 + 400 = £11,728.68.

7. The Respondent is ordered to pay the Claimant the sum of **£11,728.68** as her remedy for her unfair dismissal, unlawful deductions of wages, holiday pay and breach of contract claims.

Costs

8. Under Rule 76 of the *Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013* it is this Tribunal's judgment that the Respondent has conducted its case vexatiously as there was no triable defence to the claim. It has also conducted the defence unreasonably in its failure to comply with court orders, non-attendance at today's hearing and its failure to adhere to the rules of 'without prejudice' correspondence, even after being advised by the Claimant's solicitors. It is therefore appropriate to order it to pay **£5,000** towards the Claimant's costs in bringing these proceedings.

Employment Judge **JONES**

28 November 2018