



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100014/2023

Employment Judge: D Hoey

Ms Loveth Onyema

Claimant

Lemon Bar Ltd

First respondent

St Judes

Second respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under rule 21:

- 1 The respondent has failed to pay the claimant's notice pay due in terms of her contract and the first respondent is ordered to pay the claimant the sum of £570 (**FIVE HUNDRED AND SEVENTY POUNDS**) amounting to 6 week's notice (6 x £95). That is the net sum and any tax due (for sums for which the employer is responsible) is the respondent's responsibility.
- 2 The claimant's dismissal was unfair.
- 3 The claimant is awarded a basic award of £570 uplifted by 25% for the respondent's unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures of 25% (£142.50). The total basic award is therefore £712.50 (**SEVEN HUNDRED AND TWELVE POUNDS AND FIFTY PENCE**).

- 4 The claimant is also awarded a compensatory award comprising £855 (representing 9 weeks' losses), loss of statutory rights in the sum of £300, amounting to £1155, which is uplifted by 25% for the respondent's unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures of 25% (£288.75). The total compensatory award is therefore £1,443.75 (**ONE THOUSAND FOUR HUNDRED AND FORTY THREE POUNDS AND SEVENTY FIVE PENCE**).
- 5 The claimant is awarded 2 weeks' pay for the respondent's failure to issue a written statement pursuant to section 1 of the Employment Rights Act 1996, in the sum of £190 (**ONE HUNDRED AND NINETY POUNDS**).
- 6 The claim as against the second respondent is dismissed, the first respondent being the claimant's employer.

Employment Judge: David Hoey
Date of Judgment: 17 March 2023
Entered in register: 22 March 2023
and copied to parties