EMPLOYMENT TRIBUNALS

Heard at:	London South	**On:**	5 February 2024

Claimant: Mrs D Hogan

Respondent: Sandersons Property Management Limited

Before: Employment Judge Ramsden
Representation:
Claimant Mr J Ratledge, Counsel
Respondent Not in attendance

JUDGMENT
Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim was issued in the London South Employment Tribunals on 26 September 2023;

2. The Respondent has failed to present a valid response on time on the expiry of the time limit in Rule 16 of the Employment Tribunals Rules of Procedure 2013 (the **ET Rules**);

3. The Employment Judge has decided, following a brief hearing, that pursuant to Rule 21(2) of the ET Rules a determination can properly be made of the claim, or part of it, on the available material, and finds the Claimant's claims:
    a)   Of unfair dismissal under section 98 of the Employment Rights Act 1996 (the **1996 Act**); and
    b)   That the employer unreasonably failed to provide a written statement under section 92 of the 1996 Act,
    are well-founded; and

4. The Claimant is awarded damages in the sum of **£12,033.09**, comprising:
    a)   **£11,438.93** for unfair dismissal, in turn comprising:
        (i) A basic award of **£0**, because the Respondent has already paid the Claimant statutory redundancy pay (section 122(4) of the 1996 Act);
        (ii) A compensatory award of **£11,438.93**, calculated as followed:
            (I)   The statutory cap on unfair dismissal compensatory awards in the Claimant's case is 52 weeks' pay, i.e., £297.08 x 52, being £15,448.16;
            (II)   The Claimant received payment in lieu of her four-week notice period, amounting to £1,188.32 net;

      (III)   The Claimant worked:
- for a two week period, 16 to 31 October 2023, and earned £1,184.66 net for that work; and
- for the period 27 November 2023 to 11 January 2024, and earned £2,136.25 net for that work; and

      (IV)   The Claimant is awarded compensation for loss of her statutory rights of £500,

and so the aggregate total of the Claimant's compensatory award is therefore £11,438.93;

    b)   **£594.16** by way of damages for the Respondent's unreasonable failure to provide the Claimant with a written statement giving particulars of the reasons for the employee's dismissal, following the Claimant's request for such a statement. The Respondent is therefore ordered to pay the Claimant a sum equal to two weeks' pay, which amounts to 2 x £297.08, i.e., £594.16.

5.   For the purposes of the Employment Protection (Recoupment of Benefits) Regulations 1996:

    a)   the Prescribed Period is **17 June 2023 to 5 February 2024**, being the date following the Claimant's last day of employment with the Respondent to the date of the hearing; and

    b)   the Prescribed Element is **£5,517.20** (being the portion of the Claimant's compensatory award relating to loss of earnings in the period 17 June 2023 to the date of this hearing).

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Employment Judge Ramsden
Date: 5 February 2024

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.

Public access to employment tribunal decisions
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Recording and Transcription
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https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/