



EMPLOYMENT TRIBUNALS

Claimant: Mrs Carol Anne Healey

Respondent: Healthcare Assistants Limited

Heard at: Cardiff **On:** 8 October 2018

Before: Regional Employment Judge B J Clarke

Representation:

Claimant: In person

Respondent: No ET3 response entered; no appearance or representation

JUDGMENT

Background

1. A judgment in respect of liability was given in favour of the claimant by Employment Judge Havard and sent to the parties on 5 September 2018, but that judgment did not identify the complaints that had been upheld. Today's hearing was listed only to consider remedy.

Judgment on remedy

2. Having heard from the claimant, I uphold the following complaints and award the sums set out below:
 - 2.1 The claimant was dismissed by reason of redundancy on 10 June 2018. She is therefore entitled to a statutory redundancy payment, calculated at 4 years x 1½ x £400, i.e. **£2,400**.
 - 2.2 In breach of Section 13(1) of the Employment Rights Act 1996, the respondent deducted from the claimant's wages, without her authorisation, the sum of £600. In accordance with Section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992, I consider it just and equitable to increase this sum by 25% to **£750**, and which the respondent is ordered to pay her, in view of its unreasonable

failure to comply with the Acas Code of Practice on Disciplinary and Grievance Procedures, following its failure to acknowledge or respond to her grievance about unpaid wages.

- 2.3 Having been in breach of the requirement under Section 1 of the Employment Rights Act 1996 to provide the claimant with a written statement of the particulars of her employment, I award the claimant a further two weeks' gross pay, i.e. **£800**, in accordance with Section 38(3) of the Employment Act 2002.
3. The total amount the respondent must pay to the claimant is therefore **£3,950**. The claimant is responsible for any income tax or employee national insurance contributions that may be due on the sum awarded at paragraph 2.2 above.

For information

4. The following paragraphs are not part of my judgment and are designed to assist the parties.
5. This Tribunal does not enforce its own judgments. If this judgment is unpaid, the claimant will need to enforce it against the respondent through the County Court. It will be a matter for the claimant to decide whether to take appropriate steps to place the respondent in a creditors' liquidation and seek instead to recover the sums of £600 in wages and £2,400 in statutory redundancy pay from the National Insurance Fund.
6. A search at Companies House reveals that, although the respondent company is presently active, there is a proposal to strike it from the Register of Companies. If the respondent company is struck off, it will be dissolved and there will be no legal entity against which any judgment can be enforced. In those circumstances, the claimant would need to apply to the Court to have the respondent company restored to the Register.
7. To avoid this happening, the claimant should write to Companies House as soon as possible to object to the respondent being struck off the register until any associated enforcement litigation has concluded. The address is:

Companies House
Crown Way
Maindy
Cardiff
CF14 3UZ

Contact Centre line: 0303 1234 500
Email: enquiries@companies-house.gov.uk

Regional Employment Judge B J Clarke
Dated: 8 October 2018

JUDGMENT SENT TO THE PARTIES ON

8 October 2018

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.