



EMPLOYMENT TRIBUNALS

Claimant

Miss L Allen

Respondents

v (1) Janine Holland
(2) Aarondale Health Care Ltd (in liquidation)
(3) Secretary of state for Business, Energy and Industrial Strategy

Heard at: Sheffield (by CVP)

On: 1 September 2022

Before: Employment Judge A James
Ms L Anderson-Coe
Mr K Smith

Representation

For the Claimant: In person

For the Respondents: The first respondent, in person
The second and third respondents did not appear and were not represented at the hearing

JUDGMENT

- (1) The claimant was entitled to payment of those statutory entitlements due to her on the termination of her employment based on weekly pay calculated by multiplying her 20 contractual hours per week x £8.91 = £178.20 per week (s.221(3) Employment Rights Act 1996).
- (2) The claimant is therefore due the balance of $((3 \times £178.20) - £446.55) = £88.05$ for statutory redundancy pay (s.162 Employment Rights Act 1996).
- (3) The claimant is also due the balance of $((3 \times £178.20) - £297.15) = £237.45$ for notice pay (notice pay being payable during maternity leave based on contractual weekly pay, not SMP – s.88(1)(c) Employment Rights Act 1996).
- (4) The Tribunal having determined that: the claimant's maternity leave started at the beginning of May 2021; by the time her employment ended by reason of redundancy on 23 November 2021, the claimant had received 29 weeks SMP; and the claimant received a further four weeks SMP in December 2021; 3 further weeks SMP is due to the claimant.

- (5) SMP being classed as wages due to the claimant in connection with her employment (s.27(1)(c) Employment Rights Act 1996), the claimant has therefore suffered an unauthorised deduction of wages in the sum of £151.97 x 3 weeks = £455.91 (s. 13 Employment Rights Act 1996).
- (6) The above claims succeed against the second and third respondents (the first respondent having no personal liability in respect of those amounts).
- (7) The claimant having failed to provide evidence to the tribunal regarding the amount of holiday taken prior to her maternity leave commencing; and therefore the tribunal being unable on the balance of probabilities to calculate any balance due for accrued holiday entitlement during the claimant's maternity leave period up to the date of termination of her employment; the claimant's claim for holiday pay fails and is dismissed against the second and third respondents (the first respondent having no personal liability in respect of those amounts).
- (8) The claims of unfavourable treatment in respect of (i) the claimant's dismissal and (ii) non-payment of further Statutory Maternity Pay (SMP) (s.18 Equality Act 2010) fail against both the first and second respondent (the third respondent having no liability in respect of that claim).
- (9) The claim of breach of contract in respect of non-payment of further Statutory Maternity Pay (SMP) fails against the first and second respondent (the third respondent having no liability in respect of that claim).
- (10) To the extent not already covered by the above, any further claims brought by the claimant do not succeed and are dismissed.

Employment Judge A James
North East Region

Dated 8 September 2022

Sent to the parties on:

10 September 2022

For the Tribunals Office

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